

STATE PAPERS

AND

PUBLIC DOCUMENTS

OF

THE UNITED STATES

FROM THE

5
ACCESSION OF GEORGE WASHINGTON TO THE PRESIDENCY, EXHIBITING A COMPLETE VIEW OF OUR FOREIGN RELATIONS SINCE THAT TIME.

1797-1804.

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DOCUMENTS

ACCOMPANYING THE PRESIDENT'S MESSAGE OF JUNE 21,
1797.

(Continued from preceding volume.)

No. 4.

EXTRACTS FROM COMMUNICATIONS FROM CONSULS OF THE UNITED STATES, RELATIVE TO DEPREDACTIONS COMMITTED ON THE COMMERCE OF THE UNITED STATES, BY THE FRENCH.

Copy of a Letter from M. Roquesante, Consul of the French Republic, at Cadiz, to Joseph M. Yznardi, Consul of the United States, at the same place, dated September 12, 1796.

CITIZEN CONSUL,—I received your despatch of the 12th September, (O. S.) in which you desire to know my opinion on the subject of the American prize vessel, called the Mercury, commanded by captain Samuel Brooks, of your nation, captured by the two French privateers, La Droit de L'homme, and L'Escamoteur, and brought into Tarifa, the day before yesterday.

The arret of the Executive Directory, dated 12th Messidor, which I annex to my despatch, will inform you of the reasons which have authorized our cruisers to arrest the American vessel in question.

The bill of health, which was found on board of this American brigantine, shows, that this vessel was bound for Gibraltar, where she was going to sell her cargo, consisting of flour, pitch, tar, &c.—it is therefore evident that these provisions and munitions of war, were destined for the enemies of the Republic. In consequence of the proofs which evidence the succours which it was attempted to carry to this power, with which France is at war, and of the arret of the Directory, of the repeal of which I have no knowledge, I do not at present see how I can avoid pronouncing my judgment in favour of the captors and owners. In the mean time, to give you an unequivocal proof of the desire entertained by my government, to maintain the good understanding which prevails between it and yours, I inform you, that I shall not pronounce judgment upon this prize, until I shall have obtained new information, and for this purpose I am about giving orders to my chancellor, to go to Tarifa, to proceed accordingly.

Malaga, January 28, 1797.

SIR,—Soon after I had the honour of addressing you my former letter, No. 10, dated the 10th November, of last year, a most cruel instance of injustice happened at this port with two of our vessels, viz. The brig Rover of Baltimore, Arthur Smith, master, and the schooner Nancy of Alexandria, Virginia, commanded by Job Palmer; both of them brought from hence cargoes of sugar and coffee to this port, where, on account of the high duties paid on landing, makes the importation next to a prohibition, a sale, however, took place aboard and the vessels were to proceed, and deliver these cargoes at Tangier, a free port in Morocco, to be re-shipped there on others for a market,—at this juncture, a small French privateer called the Ferret, belonging to Marseilles, and commanded by Anthony Dumas, lay here, who made sail at the same time of the Nancy and Rover, getting under way, and captured them while they were yet within gun-shot of this territory, and brought them back with the French flag flying on their fore-topmasts, manned with Frenchmen, all their papers seized and put into the hands of the French consul here, who pretends to have a prior right for adjudging all cases of this nature in his chancery, although they belong to neutral powers. When I called on the consul to know the motive of stopping the vessels, I learned from him it was founded on a suspicion of their going to an enemies' port, (say Gibraltar) another motive was the Nancy's carrying thirty pipes of wine which the supercargo on board her, had purchased here for his account, which he intended to carry home, but I believe had not yet drawn out a bill of lading to produce; another motive was, that an English passenger on board the Rover, was seen breaking up a remnant of paper, at the time of the French crew boarding her; either of which said circumstances, he said, was a sufficient motive for condemning the property, according to the established marine laws of the French Republick. After hearing these vague insinuations from the consul, I judged it highly proper to call on the Spanish government for getting the vessels and cargoes liberated from the French chancery, and to decide the business conformable to what they were bound to do by the 6th article of the treaty concluded with the United States of America; but such was the timidity I found then about meddling with any matter that had any connection with French interest, that I could not obtain any redress until the captain general of Malaga, consulted the court.—I also carried my claim there, and after many remonstrances made to the Secretary of State, about our ships being taken when within gun shot of this territory, he was prevailed on to order the general at Malaga to withdraw the American papers out of the French chancery, and that he should let the consul know his Catholick majesty's displeasure in wanting to establish a jurisdiction in Spain, not yet allowed to any nation at no time whatever; this circumstance has in no respect yet better-

ed the case, for the consul has on two occasions given a flat denial to the king's order, and wont give up the papers until he is desired to do it by the Directory in Paris. During this interval of knowing who is to decide the business, the consul has passed sentence on the Nancy, condemning the thirty pipes of wine as lawful prize to the captors, with costs of chancery, which is ten pounds sterling, for the neglect of not carrying a bill of lading; putting the ship and remainder of the cargo at liberty. The Rover would appear to be under worse circumstances, whereas both ship and cargo are liable to forfeiture on account of the circumstance of breaking a paper at the time of capture. Whatever may be the issue of this unlucky business, I shall take care, sir, to acquaint you, by which means you will be informed of the treatment shown by the French to our flag, and the backwardness of the Spaniards by not redressing such depredations done to the colours in their ports. I send you enclosed a copy of the consul's sentence, and his answer to a letter I wrote him, making an inquiry of all the papers that neutral vessels should have on board to satisfy the French cruisers, for my government. I have the honour to be, &c.

MICHAEL MURPHY.

Consulate of Malaga, French Republick.

LIBERTY.

EQUALITY.

FRENCH REPUBLICK.

WE, Nicholas Maurice Champre, consul of the French Republick, with the kingdom of Granada, resident at Malaga, authorized by the laws of the 3d of Brumaire and 8th of Floreal, of the 4th year of the Republick, to pronounce on the validity of prizes brought into the ports within the limits of this consulate by the ships or privateers of the Republick, having seen the collection and inventory of the papers found on board of the Anglo American schooner the Nancy, captain Job Palmer, taken by the French privateer La Ferret, captain Anthony Dumas, arrived at Marseilles, as well as sundry other documents exhibited, as well by the said citizen Dumas as by the said captain Palmer, and by William Bartleman, supercargo on board of the said schooner. The said collection, and inventory executed by citizen John Baptist Pelieu, chancellor of the consulate, agreeably to the said law of the 3d Brumaire, 4th year.

Having also seen the instruction given by the said chancellor, consisting of the interrogatories and declarations by him received from the said captain Palmer, the said supercargo Bartleman, the pilot Joseph Quill of the said schooner, and from the citizen Dumas and several officers and others on board of the said privateer, among others from Anthony Joseph Dumas, prize master on board the said prize, as also the papers containing the said instruction mentioned in the said inventory.

Considering on the one hand that the only motives of detention of the Nancy, alleged by citizen Daumas and his officers, both in the process verbal written at sea, and in their declarations, consist, 1st. That the destination of this vessel was Gibraltar. 2d. That it might be presumed that the supercargo was an Englishman.

That these two motives are destitute of foundation; that without examining the unforeseen consequences of the first motive, it is sufficient to observe that the destination for Gibraltar was assigned to the Nancy in a preceding voyage; after which this vessel had come from Gibraltar to Malaga, and her charter party proves that she went from Malaga to Tangier on a voyage entirely neutral, and from which neither delivery nor sale was to take place with the enemies of the Republick; that this same act contains indeed a conditional clause in virtue of which the Nancy might make the same voyage to Gibraltar, in the case provided for in the clause; but that a conditional destination, and for a voyage which concerns only individuals of a neutral nation, as is explained sufficiently in the charter party, cannot give a motive to the lawfulness of the capture of a neutral vessel. That the objection which concerns the supercargo is not better founded, since it is proved by the declaration making part of the instruction, and by written proof that the supercargo was born at Fairfax in America, and that at 14 years of age, he was bound an apprentice to a merchant.

That the Nancy is furnished with all the papers required by the laws of France for proving the neutrality of the vessel; considering on the other hand that the papers relative to her cargo are not in the same situation; that her supercargo has declared that he had on board among other merchandise 30 pipes of Malaga wine, which are not entered on any of the vessel's papers; that the said supercargo has it is true produced a bill of lading of them, which was found on board in the drawer of his table, but two days after he was brought into this port by the said privateer, and when it was proved also by the declaration of the said Bartleman that he had returned on board the schooner, after he had been on shore; whence it results that this bill of lading has probably been fabricated on shore after it was too late, and carried on board, and consequently it should be deemed as invalid; that hence according to the 6th article (not abrogated by any posterior laws) chapter IX, book 3 of the marine ordinance of 1681, these thirty pipes of wine are within the confiscatory clause.

That the objection made by Wm. Bartleman, grounded upon the Ferret's having sailed from the port of Malaga a little after the Nancy, appears to be of no consequence, 1st, because the rule generally adopted, which establishes an interval of twenty-four hours between the sailing of a vessel and that of an enemy ship going against her, cannot be applied to the respective sailing of vessels of two neutral powers. 2d, because in the present war upon the ocean, the enemy of the Republick being

also that of Spain, the rule above-mentioned ceases to apply in the ports of the latter power.

That this last motive in the like manner justifies the citizen Daumas in the supposition of the contested fact, that the Nancy might have been taken in the waters of Spain, since the French privateers were free to visit neutral vessels in order to search them for enemies property upon the coast of Spain, in the same manner as upon those of the Republick, the two powers being engaged in a common cause.

That nevertheless the single article of thirty pipes of wine being liable to confiscation on board the Nancy, justice requires that this vessel should be put in a situation of pursuing her voyage as soon as possible, with the rest of her cargo.

We declare the thirty pipes wine found on board the schooner Nancy to be good prize to the profit of the owners and interested in the French privateer Le Ferret, captain Anthony Daumas ; hereby authorizing them to unlade the same and make sale of them provisionally, depositing the proceeds thereof in the chancery of the consulate subject to the duties due to the marine invalids, those which may become due on account of the said sale, and to conform themselves moreover to the laws and regulations relative to the marine, unless the captain or interested in the said schooner and her cargo should prefer having the said thirty pipes of wine estimated at their expense and by proper persons appointed by them and citizen Daumas in behalf of the owners, and to have the amount thereof deposited provisionally in the said chancery. We moreover declare that there is no cause for a longer detention of the Nancy and the residue of her cargo. We order the citizen Daumas to withdraw his crew from the said vessel which we authorize freely to pursue and continue her voyage ; without the captain of the Nancy or the interested in her, being able to recover any indemnity on account of a detention justified by the want of a bill of lading of the said thirty pipes of wine ; and for the same reason they shall pay the expenses of proceedings and of the present judgment, of which a copy shall be delivered and notified to the concerned, and which shall be executed the entry of any appeal notwithstanding.

Done in the consulate house, and sealed with the national [L.S.] seal of the consulate at Malaga, the 5th Frimaire, 5th year of the French Republick, one and indivisible &c.

CHAMPRE,

Consul of the French Republick.

Notified the said day 5th Frimaire, in the said year, by me John Baptist Pelieu, chancellor of the consulate of the French republick in the city of Malaga, to Don Joachin Hidalgo, consignee of the schooner Nancy and her cargo, to whom I delivered the present copy of the judgment above mentioned duly collated with the original, deposited in the archives of this chancery.

J. B. PELIEU, Chancellor.

Extract of a letter from J. Cox Barnett, Consul of the United States, at Brest, to the Secretary of State, dated Brest, January 29, 1797.

I HAVE first to premise that since my residence at this place, most of my time and attention has been taken up in relieving or endeavouring to relieve many of our distressed seamen, who have been brought into this port, taken in British vessels, where they had in most instances been impressed, and here made prisoners of war. When any of these had been so fortunate as to have been able to preserve their passports or protections (proofs of their citizenship,) I have till now immediately obtained their enlargement, when, on the contrary, they have (from accident or the violent outrage of the British commanders, who sometimes have totally disregarded them and destroyed them) been deprived of them, I have not met with the same success in my application for them. My further applications of this nature, I am too sorry to find, will no longer be of any avail, in consequence of an order from the minister of the marine and colonies, *forbidding the farther enlargement of any citizens of the United States, who may have been taken on board British ships, and stating that they shall henceforth be considered and treated as prisoners of war.* This information I had two days ago from the Ordonnateur of the Marine, in reply to my application for five of our citizens, now detained in the prisons of this place as prisoners of war.

Under this cover, sir, I have the honour of enclosing you a copy of the condemnation of the ship Diana of Savannah, taken and sent in here, in October last, by the privateer Le Vengeur, of this port, and condemned by the tribunal of commerce, of this place, on the 28th November last, for want of a sea letter, together with a copy of the protest of the master of said ship, Nehemiah J. Ingraham, of Boston, to which beg leave to refer you. We are going on with an appeal in this affair before the tribunal of the department at Quimper, where we hope to meet that justice we believe wanting in the tribunal of commerce.

Respecting this condemnation, I have to observe to you, sir, that the owners of this privateer are citizens of the United States; the husband, capt. John Cooper, of Virginia. The captors endeavouring to make it appear that the register of said ship is a counterfeit, alleged "that all American ships' registers were struck on American manufactured paper, whereas this appears to be English fabrick; that the signature 'Joseph Nourse,' is in this done with the pen, whereas in the original ones, it is done (they say) with a stamp or plate; that this register being No. 8, only, and issued at Bath, near Wiscasset, was another mark of its falsity, there having been more than eight vessels built at Bath since the year 1794, when that register was issued, &c."

These circumstances, however, sir, were not attended to by the judges of the tribunals of commerce, who appear to have grounded the condemnation of this ship on her being deficient in the sea-letter, by virtue of the 25th article of the treaty of 1778.

No citizens of the United States are resident at this place; the few who are here, are at this time owners of, and interested in French privateers: I do not think I shall expose myself to censure in hazarding the observation that the privateers of this port which have offered any molestation or vexation to American vessels, are wholly and in part owned by citizens of the United States; of these I may quote the privateer *Buonaparte*, (formerly ship *Apollo*, of Boston) wholly owned by Americans; the privateers *Vengeur*, and *Le Hardy*, owned principally by Americans, and the latter commanded by John Cowell, of Boston.

I have the honour to be, &c.

J. COX BARNET.

P. S. While concluding the above, sir, I am informed by good authority, of the arrival of capt. Cowell of the privateer *Le Hardy*, at Morlaix, and that he has taken a ship of 400 tons, of Boston, bound from thence to London, loaded with sugar, coffee, cotton, &c. and ordered her to a French port; I cannot learn her name.

J. C. B.

Extract from the register of protest of masters of foreign vessels.

On the 27th Frimaire, in the 5th year of the French Republic one and indivisible, at the national custom house at Brest, appeared Nehemiah J. Ingraham, master of the American ship *Diana*, belonging to Mr. Edward Swarbrick, of Savannah in the state of Georgia, in the United States of America, of the burden of about two hundred and eighty tons, furnished with a crew of thirteen men; who, assisted by citizen C. N. C. Langlot, as interpreter, declared, that he sailed from Liverpool with his said vessel, on the 15th of October, 1796, with a cargo of divers merchandises; that at sea, whilst he was pursuing his destination with a favourable wind, on the 23d of October, 1796, in latitude 49°, 31", and 9°, 30", longitude from the meridian of London, his mate came into the cabin very early in the morning and told him that the wind was favourable, and a vessel was sailing towards them. Having mounted the quarter deck, he was not there long before she fired a gun at the *Diana*;—he immediately hoisted his flag, and pursued his course: Another gun was fired at him, the ball of which fell near to his vessel; then he lay too, and when the vessel came along-side of him, they asked in English whence he came; he answered, that he came from Liverpool, and was bound to Savannah: they then ordered him to hoist out his boat and come on board with his papers, which he immediately did:

whilst he was aboard he perceived she was a privateer called the *Vengeur*, captain Michel, of Brest, whereupon he was astonished seeing that she carried an English flag. His papers being examined, they were found complete. He was then asked whether he had a sea-letter on board; he answered affirmatively. His crew was kept on board the privateer and he was sent on board his vessel, accompanied by two officers and several men. When he came on board his vessel, he immediately looked into his little trunk to find the sea-letter among his other papers, but not finding it, he was going to search for it in his chest where it had been put with various other papers and letters, but he was not permitted to come near it; one of the officers who accompanied him, speaking to him in English, and absolutely forbidding him to search in the chest, where the paper they demanded certainly was; and finally, they obliged him to go into the boat, without even permitting him to take his bed, and only letting him take a very few of his clothes: they took from on board his vessel, seven sailors, the cook and two passengers, who were carried on board the privateer. Several officers of the privateer spoke with the captain and threatened him, ending the conversation by demanding from him an acknowledgment of his not having a sea-letter; he refused, as was his duty, but they answered, that if he did not sign the acknowledgment, they would put him in irons and confine him in the hold. To avoid this ill treatment, and knowing that an act extorted by violence and from one who was not free, cannot prejudice him who signs it, he determined to give them the acknowledgment they demanded, because he found himself threatened and surrounded by armed men, a circumstance which must justify him relatively to the writing of the acknowledgment and its form: he adds, that he saw unloaded and taken out of the *Diana*, cordage, sail cloth, painter's oil, compasses, fowls, cheese, brushes, brooms, a speaking trumpet, &c. that he continued on board of the privateer *Vengeur*, until the 25th of October, when she was captured by the English frigate *St. Margaret*, which carried her to Cork, and he was informed at London, that his vessel the *Diana*, was carried into the port of Brest, which determined him to go there in order to claim his said vessel and her cargo, that he might proceed according to his destination, seeing his neutral and friendly quality which is proved by his register or deed of property, the deed of sale, shipping articles, bills of lading and invoice of part of the cargo, and even by a sea-letter, which might be found in his chest remaining on board the privateer.

For all which he protests as well against his arrest as against the distress of his person, and against the violence used towards him, in extorting from him the acknowledgment above men-

tioned, reserving his right to sue for damages and interest against the agents and owners of the privateer Vengeur, and to oblige them to bear all losses resulting from the arrest of his said vessel; reserving his right to extend his protest and to have the present declaration attested to by his crew, in case they should come to France, as he expects to pursue the remainder of his voyage, and has signed on the register with citizen Langlot, his interpreter.

NEHEMIAH J. INGRAHAM, captain, and
LANGLOT, his interpreter.

A copy conformable with the original.

I.e. TOURNEUR.

I, J. Cox Barnet, consular agent of the United States of America, for the port of Brest, do certify that the above protest is a true copy of the original in my hands, delivered to me by citizen Le Tourneur, collector of the customs of this port.

J. COX BARNET.

Brest, January, 28, 1797.

IN THE NAME OF THE FRENCH PEOPLE.

The Tribunal of Commerce, of Brest, Department of Finistere, has rendered the following judgment.

Extract of the Register of Audience of the Tribunal of Commerce of Brest, Department of Finistere.

THE tribunal of commerce established at Brest, exercising the functions attached to it by the decree of the 14th February 1793, (O. S.) and in execution of the law of the 3d Brumaire last, which gives to it the power of rendering judgment in cases of prize, which had been before given to it by a decree of the committee of publick safety, of the 4th Floreal, 2d year, having seen the declarations made before a justice of the peace, of the 8th of last Brumaire, by the prize-master, that citizen Michel, commandant of the privateer Vengeur, being on a cruise, in latitude 50° 30", and 11° 43" long. took the ship Diana, Capt. Ingraham, calling himself an American, of the burden of about 300 tons, laden with divers merchandise, on a voyage from Liverpool to Savannah, having six passengers, under the American flag; the request of citizen Corbet, commissary *aux classes*, of the same date, to the justice of the peace, to go on board the said vessel and make a summary inventory, and to place the seals; eleven examinations of the parsons hereafter mentioned, to wit, George, Mernezic, Cambuzier, of Charleston, three passengers of the vessel called the Sally, put on board the Diana by the privateer Vengeur, Zenard, carpenter of the Diana, James Stanley, mate of the said vessel, Mark John, passenger, Richard J. Wambrick, supercargo, John Miller, tanner, passenger, Petatin, prize-master from the privateer Vengeur, Louis Garandroux, second prize master, J. B. Laferu, officer,

of marines, the commission of the said prize-master, the declaration made on board the privateer *Vengeur*, by captain Michel, relative to the causes of stopping the ship *Diana*, the process verbal of the placing of the seals by the justice of the peace, of the 6th of the said month, the act of property or register, the shipping articles, the declaration of Nehemiah Ingraham, captain of the *Diana*, that the captain of the privateer *Vengeur* took his papers from him, and that he had no sea-letter, the contract of sale of the *Diana* by Thomas Agri, formerly of Pittston and at present at Liverpool, to Edward Swarbrick, formerly of Savannah and at present at Liverpool, two invoices of divers merchandise, divers receipts of light-house duties of the coast of England, divers declarations respecting merchandise laden on board the *Diana*, two bills of lading of the said merchandise, a passport of the United States for J. Miller, Esquire, another of the American consul at Liverpool for James Stanley, the act of naturalization in America of Richard Swarbrick, which papers abovementioned have been translated into the French language by the sworn interpreters, Lecointre and Marzin.

The whole being maturely examined, the tribunal considering,

1. That from the result of divers examinations, and particularly from those of George, Mernezie, Cambuzier, and of divers passengers, there exists a doubt on the quality of the ship *Diana*.*

2. That it appears from the said examinations, that papers were thrown overboard at the time of the capture; † that the regulation of the 26th July 1778, declares, article 3d, that vessels belonging to neutrals or allies, which, under such circumstances, throw papers overboard, shall be good prize.

3. That article 25th of the treaty of the 6th February 1778, concluded between France and the United States expressly declares, that the vessels of the contracting parties shall be furnished with sea-letters or passports, from their respective governments.

4. That the 27th article of the same treaty declares, that when the vessels of one of the contracting parties, shall be met by a vessel of war of the other, or by a privateer, the master of the vessel shall show his passport evidencing the property of the vessel, and that it shall not be free for her to continue her voyage until she has shown this passport.

5. Considering, in fine, that it results from the declaration made by captain Ingraham, commanding the ship *Diana*, that he had no sea-letter or passport: *Declares* to be good prize the said ship *Diana*, with her tackle and apparel and her cargo,—orders that sale shall be made of her in the accustomed manner,

[Notes by Mr. Barnet.]

* A Mulatto man, who denies having made a declaration of this kind.

† Declaration made by an Irishman, prisoner, sent in here on board the *Diana*, and since set at liberty and entered into the service of the Republick.

in order that the proceeds may be divided among the owners, officers and crew of the privateer *Vengeur*, and that in consequence all guardians, sequestrators and depositaries shall deliver them up, for doing which they shall be warranted.

Brest, the 8th Frimaire, 5th year of the Republick, one and indivisible—Signed on the register Joseph Duplessis, president, Guilhem, the elder; Binard, the father, Lorans, judges, and Chalands, an assistant to the judges.

Signed and delivered

HETET, Sec.

I, J. Cox Barnet, consular agent of the United States of America, for the port of Brest, do certify that the above is a true copy of the original signed by Hetet Greffier of the tribunal of commerce of this commune, now in my hands.

J. COX BARNET.

Brest 28th January, 1797.

Extract of a letter from Joseph Izard, Consul of the United States at Cadix, to the Secretary of State, dated Cadix, 15th December, 1796.

I SHALL now proceed to exhibit in one point of view, the number and actual situation of the American vessels detained in the ports under the district of this consulate, which are as follow.

Mercury of New-York, Captain Brooks.—She was taken by a French privateer, going into Gibraltar for instructions from the owner's correspondents, to proceed up the Mediterranean. She is now detained at Malaga, and the judicial proceedings sent to Madrid in order to have the affair settled by the ministers.

Eliza of Charleston, Captain William Flagg.—She was taken by the same privateer, going also to Gibraltar for instructions to proceed up the Mediterranean. The judicial proceedings of her cause were sent to Madrid with those of captain Brooks, to be conjointly arranged. The cargo of this vessel has been landed at Ceuta, and I have opposed its being sold until a determination is agreed to by the ministers at Madrid. The vessel is released and now here.

Elizabeth of Philadelphia, Captain Garner.—She was taken coming from London and brought here; and was going to Sevilla to load with fruit on account of a house at Hamburg. She has no proper sailing documents, but only a certificate that she is American property by purchase in London. I have opposed her being condemned, and wrote to London, demanding the documents wanting. Independent of the difficulties arisen on that account, this admiralty wants to condemn her for not having the passports required by the 17th article of the late treaty of commerce and amity between the United States and the king of Spain; but I have shown to the court she could not possibly be provided with it.

Mary Ann of Philadelphia, Captain Smith.—She was taken by the Grand Dorade French privateer, going from Saffi to Lisbon with wheat, and brought in here. Her papers are perfectly right, and the French seemed perfectly satisfied on that head, which made me expect her immediate release; when they have suddenly started difficulties, which are nothing but cavilling and chicane. The cargo is on account of a neutral established at Lisbon, and is to be sold, and the amount given security for. This is the vessel I mentioned in my last, which had had the mate and crew taken out on the high sea, and nothing has since then been heard respecting them.

Commerce of Boston, Captain Langlois, and another American vessel—have been taken and carried into Algeiras, going for and steering towards the Mediterranean. I have wrote to be acquainted with the particulars, and act accordingly.

Extract of a letter from B. H. Phillips, Esquire, dated Curacoa, 25th March, 1797, and addressed to the Secretary of State.

SIR,—Within a few days past, the following vessels have been sent in here by cruisers under French colours, in consequence of a proclamation done by Victor Hughes at Guadaloupe, in the last month, and of which no doubt you have had notice ere this.—The vessels sent in are—ship Fame, capt. Joseph Brown, belonging to Portsmouth, N. H. from whence she sailed the — January, bound with a cargo of lumber to Grenada, where she sold her cargo, and received a return cargo of sugar and rum, which she has on board.

Brig Lady Washington, Capt. Mayo Garrish, belonging to Newburyport, sailed from Charleston, S. C. the 29th of January last, bound with a cargo of rice, staves, pork and shingles, for a market, and sold her cargo at Barbadoes, where he received sugar and rum, which she has on board.

Schooner Two Friends, Capt. ——— Van Ransley, (the captain was kept on board the privateer, and is not yet arrived) belonging to New-York, sailed from Wilmington, N. C. 20th of January, loaded with a cargo of turpentine, pitch, tar, tobacco and lumber, cleared out for New-York, but by letters said to be in possession of the captors, was bound to Martinico.

Extract of a letter from Frederick Folger, Esquire, appointed Consul for the United States, at Aux Cayes, to the Secretary of State, dated February 10, 1797.

“HEARING with pain of the captures made on the vessels of the United States, and brought into the different ports of this island, I endeavoured to obtain a list of them; but as they are carried into ports distant from my residence, it was a long time before I could succeed; however, I have the honour to transmit you one, although imperfect. I wish it may be acceptable; it exhibits a melancholy picture of the hazardous state of our commerce, which it seems, has been always a prey under some pretext or other to the belligerent powers.”

CT

not in the Department of State.

From Whither condemned.

Case Vessel and cargo condemned
Ditto
Ditto
Ditto
Ditto
Crew driven away
Cargo condemned, vessel released

Condemned
Vessel and cargo condemned
Cargo sequestered and vessel released

vo
Fr
wo
Fr

Deserted

Vessel and cargo condemned
Ditto
Cargo condemned

Part of cargo condemned

Not decided

Undecided

Ditto

Ditto

Cargo condemned

Released

Ditto

Vessel and cargo condemned

Ransomed

No. 5.

SCHEDULE

Of the names of American vessels captured by the French, and of the circumstances attending them, extracted from the Philadelphia Gazette, and the Gazette of the United States, and commencing with July, 1796.

1. Ship Hope, Coward, of Philadelphia, from Baltimore to Port-au-Prince, sent into Leogane.

2. Brig Friendship, Ryley, of Philadelphia, sent into Port de Paix.

3. Schooner Betsy, M'Culloch, from Jamaica, plundered at sea.

4. Brig Corn Planter, Cohoon, from Demarara, bound home, was sent to Guadaloupe, and condemned.

5. Brig Glasgow, Codwise, carried into Leogane, and condemned.

6. Brig Charlotte, King, of New York, carried into Leogane and condemned.

7. Sloop Nancy, Small, of Philadelphia, carried into Leogane.

8. Sloop Sincerity, Boyd, of Philadelphia, carried into Leogane, and condemned.

9. Sloop Delia, Huggins, of Philadelphia, carried into Leogane, and condemned.

10. Sloop Dolphin, Moray, of Philadelphia, carried into Leogane.

11. Brig Triton, Flinn, of Philadelphia, carried into Leogane, and condemned.

12. Brig Experiment, Huston, of Philadelphia, carried into Leogane, and condemned.

13. Schooner Bride, Robert, of Philadelphia.

14. Brig Industry, Massey, of Baltimore, carried into Leogane and condemned.

15. Schooner Hannah, Phillips, of Baltimore, carried into Leogane.

16. Schooner Alataca, Mann, of Georgetown, (S. C.) was carried into Leogane.

17. Brig Eliza, Whitefield, of Wilmington, (N. C.) was carried into Leogane, and condemned.

18. Sloop Joanna, Hunt, of Providence, was carried into Leogane, and condemned.

19. Sloop Sally, Smith, of Providence, was carried into Leogane.

20. Schooner Ann, Gibbs, of Boston, was carried into Leogane and condemned; having been bound to Port-au-Prince, with horses.

21. Schooner *Juno*, of Boston, was carried into Leogane, and condemned.

22. Sloop *Britannia*, Young, of N. Yarmouth, was carried into Leogane.

23. The *Amie*, of Boston, was condemned at Leogane.

24. The schooner *Two Friends*, Place, was plundered at sea of every thing the privateers could take.

25. The brig *Polly*, Watson, of Philadelphia, was captured by a French privateer, but recaptured by a British frigate : and she was again captured, carried into Petit Guave, and there abandoned by the captain.

26. The brig *Brutus*, Aborn, of New York, from St. Marc, with a cargo of provisions, dry goods and cash, valued at ten thousand dollars, and the vessel at five thousand, condemned.

27. Schooner *Regulator*, Stanwood, on her passage from New York, was captured and carried into Leogane. The cargo was taken without payment, and the vessel detained 50 days, during which time the mate and all the crew died.

28. Brig *Keranhapuch*, Lillibrige, of Philadelphia, was captured, carried into Meriguane, and her cargo of provisions, valued at 12,600 dollars, and vessel at 9000 dollars, were both condemned. She was from Philadelphia.

29. Brig *Theodosia*, Vansize, of Philadelphia, was carried into Basseterre, Guadaloupe, and condemned with her cargo, without a trial.

30. Brig *Flora*, was carried into St. Domingo.

31. Brig *Nymph*, Sullivan, of Philadelphia, was captured and carried into Petit Guave. Her cargo of provisions and dry good was valued at 10,000 dollars.

32. Brig *Franklin*, Peck, of Philadelphia, from Port-au-Prince, with a cargo of sugar, valued at 5,400 dollars, was carried into Miraguane. The vessel and cargo were condemned. The vessel was valued at 4000 dollars.

33. Schooner *Catharine*, Towne, was captured and carried into St. Domingo.

34. Schooner *Mayflower*, belonging to Norfolk, and bound thither from an English port, with a cargo of coffee, was captured and carried into Leogane.

35. Brig *Mercury*, Brooke, of Norfolk, from Cadiz to Gibraltar, was captured by a French privateer, and carried into Tariffa.

36. Schooner *Ariel*, Compton, of and from Baltimore, bound to Martinique, was captured and carried into Guadaloupe, where vessel and cargo were condemned.

37. Schooner *Ranger*, Brown, was detained at St. Martins, and her crew confined, because she had no sea letter.

38. Schooner *Friendship*, Harlow, from Martinique for Boston, was carried into St. Martins under pretence of her not hav-

ing a sea letter, but on producing it she was liberated, though not before she had been plundered of various articles. Two other American vessels at that time in St. Martins, were condemned, because they could not produce such a document.

39. Brig Nancy, May, of New York, was carried into Meriguane, whilst she was on a voyage from St. Marc's with a cargo of provisions and dry goods, valued at 20,000 dollars: the vessel was valued at 5,000. They were condemned.

40. Brig Mary, Boyle, of Baltimore, was carried into Meriguane with a cargo of provisions, valued at 6,000 dollars. The vessel was valued at 6,000 dollars. She was from Baltimore. They were condemned.

41. Brig Freemason, Wire, of New York, from Jeremie, with a cargo of provisions and dry goods, valued at 26,000 dollars, which with the vessel valued at 3,000 were condemned.

42. Schooner Rainbow, Howland, of New Bedford, was carried into l'Ance-a-veau with a cargo of oil from Cape Francois to Petit Guave;—cleared.

43. Schooner Catharine, Story, of Philadelphia, carried into l'Ance-a-veau with a cargo of provisions and dry goods, and condemned.

44. Sloop Jenny, Adams, of Boston, was carried into l'Ance-a-veau.

45. Ship Mount Vernon, was condemned at Porto Rico.

46. Brig Almy, Cutter, was captured by a French privateer, but recaptured by a British sloop of war.

47. The ship Diana, of South Carolina, from Liverpool bound to Savannah, was captured and carried into Brest.

48. The ship Sally, of Boston, from Ireland, was captured by a French privateer and sent into Brest.

49. The ship Golden Age, of Philadelphia, was captured on her homeward voyage from Kingston and sent into Havanna.

50. The ship Thomas, Martin, of Charleston, was boarded by a privateer without a commission, plundered of a great number of articles and carried to St. Jago, and thence to Havanna.

51. The Ann and Maria, of Baltimore, was captured on her homeward passage from Jamaica, carried into St. Jago of Cuba, and condemned.

51. Schooner Charming Polly, Preschett, of Baltimore, from Jeremie, with a cargo of coffee and cotton, valued at 25,000 dollars, was captured and carried into Petit Trou. The vessel was valued at 3,600 dollars. They were both condemned.

52. Schooner Zephir, Hansford, of Norfolk, was condemned at Cape Francois.

53. Schooner Three Friends, Wilson, of Baltimore, from Port-au-Prince, was carried into Leogane, with a cargo of sugars and dry goods, valued at 24,000 dollars—condemned.

54. Schooner ———, Harding, of New York, was carried into Aux Cayes, and abandoned there.

55. Ship Active, from Norfolk to Jamaica, was sent into Port de Paix.

56. The brig Dispatch, Lunt, from Port-au-Prince, with a cargo of molasses, valued at 8,000 dollars, which with the vessel, valued at 4,000 were condemned.

57. Schooner Argus, of Baltimore, was condemned at Guadeloupe for trading with a British island.

58. Schooner Citizen, Gilbert, on her passage from Norfolk to Martinique, was captured and carried into Guadeloupe, and there released.

59. Schooner Phœbe, Webb, from New London to Jeremie, was carried into Petit Guave, where she was plundered and detained.

60. Brig Nancy, Webb, was carried into Petit Guave. She belonged to New London.

61. Schooner Hope, Jacocks, of Philadelphia, from Philadelphia was carried into Petit Guave with a cargo of provisions, &c. valued at 8,000 dollars.

62. Brig Clio, Ball, of and from Baltimore, was carried into Petit Guave with a cargo of provisions.

62. Sloop Leader, Warner, of Cape Ann, from thence with cargo of provisions, valued at 5,000 dollars, was carried into Petit Guave.

63. Schooner Amelia, Cockrin, of and from Boston for Europe, was carried into Petit Guave, with a cargo of wine and dry goods, valued at 16,000 dollars.

64. Schooner Jane, Atwood, went to Cape François on a trading voyage, and there the governmental administration seized the cargo without allowing any compensation.

65. Brig Clarissa, Bruton, of and from Philadelphia, for Trinidad, was carried into Guadeloupe, and her cargo condemned.

66. Ship James, Buchanan, of Baltimore, bound to the West Indies, was captured the beginning of January, and carried into Guadeloupe, where her cargo was sold and sequestered.

67. Schooner Return, Nichols, from Barbadoes to New York, was carried into Guadeloupe, where her cargo, and all the specie she had on board, were condemned.

68. The brig Mary, of New York, from Barbadoes for North Carolina, was taken on the 29th December, and carried into St. Marcs.

69. The brig Westmoreland, Troop, of New York, was captured off the Havanna by a French privateer, and sent for New Orleans.

70. Ship Hope, Sewall, of Boston, was captured by a French privateer, four hours after leaving St. Thomas's, and sent to leeward.

71. The schooner Washington, Jones, of Baltimore, was condemned at Port de Paix.

72. The schooner Hannah, Bright, of Alexandria, was condemned at the same place.

73. The sloop Hiram, Baldwin, was condemned at the same place.

74. Ship Hope, Seward, of Boston, was carried into Porto Rico.

75. Brig Susan, Lines, of New Haven, was carried into Guadaloupe, and her cargo taken.

The following vessels were captured by French privateers, and carried into Cabo Roxa, in Porto Rico :

76. Brig Resolution, Moore, of Portsmouth, New Hampshire, from Demarara—cargo condemned: 77. Schooner Neptune, Pease, of Savannah from Grenada—vessel and cargo condemned:

78. Schooner Shetucket, Bowdish, of New Haven, also from Grenada—vessel and cargo condemned.

79. The Juliana, captain Hayward, was captured on her voyage from Hamburg to Baltimore by a prize brig belonging to commodore Barney. She was carried to Porto Rico, and after some detention, dismissed.

80. The ship Sally, Bayne, of New York, from Demarara bound home, was carried into St. Martins, and the vessel and cargo condemned.

81. The brig Mary, Beattie, of New York, was carried into St. Martins; she was on a voyage from Barbadoes to Turk's Island.

82. Brig ———, of Sheepscook, Massachusetts, captain Crawford, from St. Bartholomews to Georgia, was carried into the same place.

83. Schooner ———, of Newbern, captain Tinker, had cleared out from St. Martins for St. Bartholomews, but was brought back by a privateer, and was waiting for trial.

84. The ship Reimsdyke, of Providence, Aborn, master, from the Isle of France, was captured by a French cruiser, and carried to St. Martins, but was cut out of the harbour by a British lugger, and carried to Tortola.

85. The brig Betsey, Baker, from Wells, in Massachusetts, to Cape François, was carried into St. Martins, where the vessel and cargo were condemned.

86. The schooner Rebecca, of Baltimore, Hall, master, was captured and carried into St. Martins, and there abandoned.

87. The brig Peggy, Kilby, of and bound to Philadelphia from Port-au-Prince, was captured by a French privateer, and afterwards recaptured by a British ship of war.

88. Ship Commerce, Ham, of Newburyport, was captured by a French privateer, and abandoned by them on the appearance of a British ship of war.

89. 90. Brig John, Tucker; and schooner Kitty, Harper, from Jeremie, with coffee, bound to New York, were taken by a French privateer, and sent into Cuba.

91. The brig Russel, Smith, of Newbern, sailed thence with a

cargo of lumber, bound for a market in the West Indies. She was captured, carried to Cape François, and condemned.

92. The brig Susan and Polly, of and from New York to Jamaica, was carried into Port de Paix, and condemned without a trial.

93. Ship Andromache, Kingston, of Philadelphia, from Cadiz, was captured, detained, and plundered by a French privateer.

94. Sloop Polly, Turner, of Derby, Connecticut, was taken on the 3d of December, carried into Guadaloupe, and condemned.

95. Brig Patriot, Bishop, with her cargo, were condemned at Cape François.

96. The Speedwell, of Alexandria, was forced by distress to enter Cape François, where she was seized and condemned.

97. Ship ———, Butt, of New York, was sent into Cape François for adjudication.

98. Schooner Hopewell, Skinner, was condemned at the Cape.

99. Brig Speedwell, Crawford, from Nevis to Savannah, was carried into Guadaloupe, and after a long detention, acquitted.

100. Brig Nancy, of Newbern, was carried into St. Martins.

101. Schooner Elizabeth, Trott, from Demarara to New London, was carried into St. Martins by a French privateer, and the captain and some of the crew imprisoned.

102. Brig Woolwich, M'Cutcheon, of Philadelphia, from Port-au-Prince, with 100 hhd. and 100 bbl. of sugar, was carried into Cuba, and condemned.

102. Brig Lavinia, of Salem, from Aux Cayes, was sent into Cuba.

103. Schooner Harriet, Shield, of Philadelphia, was taken and carried into Port de Paix, and condemned there.

104. Schooner Henry and Gustavus, Hempsted, from St. Bartholomews, was boarded by a French brig, and robbed of 129 joes, and some small articles.

105. Brig Polly, Clemens, of Portland, bound from London to Virginia, was carried into St. Bartholomews.

106. The Friends, of Norfolk, from London for Norfolk, was sent into Guadaloupe, and condemned.

107. The brig Swift, Luke, of and from Norfolk for Barbadoes, was carried into Guadaloupe, where the vessel was cleared, but the cargo condemned.

107. Brig Neptune, Blanchard, bound to St. Bartholomews with lumber, was carried into Guadaloupe, and condemned, because she had no sea letter.

108. Ship Charlotte, of Baltimore, carried into Guadaloupe, tried, and acquitted.

109. Brig ———, captain Drane, bound to Europe, was carried into Guadaloupe, and compelled to sell her cargo.

110. Brig ———, captain Bickford, from Russia to America, was carried into Guadaloupe.

111. Schooner Apollo, White, of Wiscasset, from Martinique to Savannah, was captured, plundered, and ordered for Porto Rico; but on the passage recaptured by a British vessel.

112. The Ruby, Smith, was captured by a French privateer; and ordered for St. Domingo, but rescued by the crew.

113. Ship St. Tammany, Dangerfield, of Virginia, from Liverpool to Savannah, with salt, was captured and carried into Guadaloupe.

114. Brig Thetis, Peterkin, of Baltimore, from Jeremie, was captured and carried into Baracoa, in the island of Cuba, plundered and detained as a prize.

115. Ship Pattern, Bool, of New York, was condemned for being bound to Jamaica.

116. Schooner Speedwell, Atkins, from Penobscot, was taken by a French privateer, and sent into Guadaloupe.

117. Schooner Jenny and Hannah, from Barbadoes for Connecticut, was boarded by a French privateer, and robbed.

118. Brig Eliza, Seymour, of and from New London, in Connecticut, to the West Indies, with horses, was carried into Guadaloupe, and condemned, together with her cargo.

119. Brig Betsey, Clark, from Wilmington, (N. C.) to Martinique, with lumber, grain, &c. carried into Guadaloupe, her cargo sequestered.

120. Brig Eliza, Francis, from New London, was carried into Guadaloupe, where her cargo was condemned.

121. Ship Washington, from the Isle of France to Boston, being blown off the coast, and in distress, was captured in sight of Desada, and carried into Guadaloupe for adjudication.

122. Schooner Harriet, Eddow, of New York, from Carolina, was carried into Guadaloupe: her cargo was sequestered, and the vessel cleared.

123. Ship Eliza, Hambin, from Cork for New York, having sprung a leak, was obliged to bear away for the West Indies. She was captured by a French privateer, and run on shore at Mariegalante. The captain was imprisoned 39 days, and then dismissed.

124. Sloop Honour, Kemble, of and from New London, was carried into Petit Trou, with a cargo of provisions and live stock, valued at 3000 dollars, which with the vessel, valued at 1500 dollars, was condemned.

125. Sloop Nelly, Adams, of Boston, was captured and carried into l'Ance a veau in ballast.

126. Schooner Somerset, Dillingham, of Charleston, was carried into l'Ance a veau, with a cargo of salt and wine.

127. Brig Pearl, Webb, of and from New London, was carried into Petit Guave, with a cargo of provisions, valued at 6,000 dollars.—She was abandoned.

128. Brig Pomona, of Baltimore, was carried into Leogane, and condemned.

129. Schooner Hannah, of Philadelphia, was carried into Leogane, and condemned.

130. Schooner Nancy, of Philadelphia, was carried into Leogane, and condemned.

131. Schooner Hibernia, of New York, was carried into Leogane, and condemned.

132. Schooner Polly, of Staten Island, was carried into Leogane, and condemned.

133. Schooner Three Friends, Parker, of Charleston, was carried into Leogane, and condemned.

134. Schooner Eliza, of Charleston, was carried into Leogane, and condemned.

135. Schooner Liberty, Williams, of Boston, was carried into Leogane, and condemned.

136. Schooner Wilmington Packet, Francis, of Charleston, was carried into St. Jago de Cuba, where she was condemned with her cargo, consisting of sugar and coffee.

137. Ship Success, Gordon, of Philadelphia, was carried into the same place, with a cargo of sugar, and condemned. She was from Jamaica.

138. Schooner Harriet, Chadwick, of New York, from North Carolina, for Barbadoes, was carried into Guadaloupe, where the cargo was condemned, and the vessel cleared.

139. Brig Hope, Sanford, of Alexandria, from Barbadoes for Virginia, was carried into Guadaloupe, where the vessel and cargo were condemned.

140. Ship Mohawk, Sutherland, of New York, from Barbadoes, was carried into Guadaloupe, where the cargo was condemned.

141. Brig Betsy, Lord, of New London, from Surinam, was captured and carried into Guadaloupe. She was cleared.

142. Schooner Active, Atkins, from Penobscot, was carried into Guadaloupe, where her cargo was condemned.

143. Brig Trial, Dean, from Norfolk for Cadiz, was carried into Guadaloupe, and her cargo sequestered.

144. Schooner Commerce, Wilds, from Boston for a market in the West Indies, was carried into Guadaloupe, and the cargo condemned.

145. Snow Two Sisters, of Portsmouth, (N. H.) was captured and carried, the captain knew not where.

146. Brig Dolphin, Merry, of Boston, from Bonavista for Norfolk, was carried into Guadaloupe.

147. Brig Two Sisters, Hubbard, of Baltimore, from Berbice, was sent to Porto Rico, and condemned, with her cargo.

148. Brig Panther, Merril, of Kennebunk, from Barbadoes, was captured and sent to St. Martins, where the cargo was condemned.

149. Ship James, Smith, of and from Baltimore, was carried into Guadaloupe; but cleared, having been taken before the promulgation of the arret authorizing it.

150. Sloop Betsey, of Boston, from Berbice, was carried into Guadaloupe—vessel and cargo condemned.

151. Brig Abigail, Fibbits, was carried into Guadaloupe, where the cargo was condemned.

152. Schooner Robinson Crusoe, Church, from Barbadoes, was captured, carried into Guadaloupe, plundered, detained, and then given up.

153. Schooner Lark, Hands, was carried into Port de Paix, and condemned.

154. Ship Active, Whitehouse, was carried into Port de Paix, and condemned.

155. Schooner Betsy, Brown, was carried into Port de Paix, and condemned.

156. Schooner Federal, Jones, was carried into Port de Paix, and condemned.

157. Schooner Thankful, Howland, was carried into Port de Paix, and condemned.

158. Brig Fanny, Brown, was carried into Port de Paix, and condemned.

159. Brig Digby, Taylor, was carried into Port de Paix, and condemned.

160. Brig Susan and Polly, Abeeton, was carried into Port de Paix, and condemned.

161. Brig Georgia Packet, McKeever, was carried into Port de Paix, and condemned.

162. Schooner Eutaw, Smith, was carried into Port de Paix, and condemned.

163. Brig Abigail of Portsmouth, New-Hampshire, was captured as she was going into Antigua, with provisions.

164. Brig Hope, Bradford, of, and to Alexandria, from Barbadoes, was carried to Guadaloupe, and condemned.

165. The Mermaid, Tilton, from Boston for London, was met by a French privateer, which put on board of her 20 prisoners, without allowing them any provisions.

166. Schooner Two Cousins, Dewall, from Jeremie to Philadelphia, was captured by a French privateer, run on shore by them, and then deserted.

167—8—9—170—1. Schooner Henry, Walter, and Snow Endeavour, Freeman, both of Philadelphia, and the Sloop Speedwell, Clark, Schooner Kitty and Maria, Logan, and Schooner Triton, Beeby, were all condemned and sold at Goaves.

172. Ship Mary, Nye, of Baltimore, was chased on shore within a few leagues from Berbice, by a French privateer.

173. Schooner Poll, Woodward, of Philadelphia, was taken on her passage from Jeremie, and sent for Cuba, by a French privateer.

174. Ship *Eliza*, Burton, from Barbadoes for Norfolk, was carried into Guadaloupe. Her cargo was condemned, and the crew plundered and insulted.

175. Ship *Nancy*, Cunningham, from Bristol bound to Wilmington, was captured by a French privateer, carried to St. Augustine, and ransomed by the master.

176. Sloop *George*, of Kennebunk, Grant, master, was captured and carried into Cabo Roxa, where being driven from his vessel by the privateers, captain Grant abandoned her.

177. Brig *Union*, Lyddleman, of Norwich, was carried into Porto Rico.

178. Schooner *Lepper*, Breard, of Portsmouth, was captured and carried into Porto Rico.

179. Brig *Fanny*, Gould, of Biddeford, cleared for Leogane, was carried into Port de Paix, and condemned.

180. Brig *America*, Town, of Philadelphia, bound from St. Thomas's to Port de Paix, or Cape Francois, arrived at the former place, where her cargo and cash to the amount of near 17,000 dollars were taken by the Administration.

181. Brig *Two Sisters*, Worth, from Norfolk for Leogane, was carried into Cuba and sold.

182. Brig *Three Sisters*, Wardwell, from London to Halifax, was carried into Havre, with a cargo supposed to belong to the British Government, but both vessel and cargo were condemned.

183—4—5. Brigs *Nalouisca*, of Newburyport; *Oxen*, of New-York, and *John*, of the same place, were carried into St. Jago.

186. The *Penelope*, on her passage from Petit Guave, was sent for Carthagena, but recaptured by a British ship and sent for Jamaica.

187. Schooner *John*, Cook, was carried into St. Martins.

188. Sloop *Minerva*, of Providence, from Africa to St. Thomas, was carried into Guadaloupe, and condemned.

189. Brig *Fly*, Russel, on her passage from Antigua to Philadelphia, was taken by a French privateer, and carried into St. Martins.

190. Schooner *Governor Clinton*, bound from Jeremie to Philadelphia, was captured by a French privateer, and sent, it is not known whither.

191. Schooner *Two Friends*, Rensselaer, of New-York, from Wilmington, (N.C.) to Martinique, was captured and ordered for Curacoa.

192. Schooner *Clara*, of Baltimore, bound to Leogane, was captured and ordered for Port de Paix, but recaptured by a British cruiser.

193. Schooner *Cynthia*, Appleton, bound from Esquibo to Boston, was sent into St. Martins. The vessel and cargo were condemned.

194. Schooner *Columbia*, Bordman, from Tobago to Boston, was captured and carried into St. Martins.

195. Brig *Hannah*, Lathrop, of Boston, bound to Trinidad was carried into Guadaloupe, but cleared.

196. Brig *Ann*, of New-York, and from thence bound to St. Thomas, was carried into Guadaloupe, and cleared.

197. Sloop *Shepherdess*, Dean, of and from Philadelphia for the West-Indies, was carried into Guadaloupe, where her cargo was sequestered.

198. Sloop *Mary*, Goodhue, of and from Newburyport for Surinam, was carried into Guadaloupe, and cleared.

199. Ship *Eliza*, Burton, of Norfolk, from Barbadoes, was carried into Guadaloupe.

200. Brig *Scipio*, Mc'Nair, of New-York, from Dublin to St. Croix, was carried into Guadaloupe.

201. Ship *Little Mary*, Banners, was captured of *Mariegante* by the French, and recaptured by the British.

202. Schooner *Hiram*, Buchanan, from St. Bartholomews, was plundered and injured by a French privateer: she was captured by another and carried to Guadaloupe.

203. Brig *Sally*, of New-York, was carried into Guadaloupe and condemned.

204. Ship *William*, Strong, of Portland, was captured and carried into Porto Rico.

205. Schooner *Active*, Canoby, from Martinique for America, was carried into St. Martins.

206. Schooner *Nabby*, Munroe, of Bristol, (R. I.) from Africa for St. Thomas, was carried into Guadaloupe.

207. Sloop *Shepherdess*, of Alexandria, Dean, master, was carried into Guadaloupe by a French privateer, and her cargo was there condemned.

208. Brig *Alexander*, Shepherd, of Boston, was carried into Gaudaloupe.

209. Schooner *Trial*, Roper, of Alexandria, was carried into Guadaloupe.

210. The *Sea Nymph*, *Hastia*, was captured by a French privateer, and sent it is not known whither.

211. Ship *Nancy*, Dill, of Philadelphia; 212. Ship *Polly*, Pienew, of Portland; 213. Ship *Brandin*, Gay, of Norfolk; 214. Ship *Louisa*, Talman, of Boston; 215. Brig *Two Sisters*, Skaler, of New-York; 216. Brig *Sally*, Yardly, of Philadelphia; 217. Schooner *Citizen*, Massey, of Baltimore; 218. Schooner *Molly*, Wise, of Baltimore; 219. Schooner *Columbia*, Thompson, of Providence; 220. Sloop *James*, Palmer, of Philadelphia; 221. Sloop *Betsy*, Pope, of Philadelphia; 222. Sloop *Martha*, Towles, of Fredericksburg; 223. and Sloop *Industry*, Hitchcock, of New-Haven, were all captured by French cruisers and carried into Jean Rabel, in St. Domingo, where they were also all condemned.

224. The Brigantine *Lady Walterstorff*, Gutterson, of Philadelphia, from Demarara, was carried into Guadaloupe and condemned.

225. The Ship *Ann & Susan*, West, of Philadelphia, was seen in possession of a French privateer.

226. Schooner *Hawk*, Parrock, from Jamaica to Philadelphia, was plundered at sea by a French privateer, and then dismissed.

227. Brig *Baron de Carondelet*, M'Call, from Leghorn, was twice boarded, plundered and detained by French privateers.

228. Brig *Lipsbury*, Farly, from Guadaloupe to Boston, was boarded by a French privateer, plundered and searched.

229. Brig *General Warren*, Stowel, was captured by the French, carried to St. Eustatia, condemned at Guadaloupe, and sold at the former place.

230. The sloop *Urania* was lying at Guadaloupe as a prize.

231. The sloop *Fox*, Brooks, of Hartford, bound thence to Leogane, was captured, carried to Port de Paix, and vessel and cargo there condemned; the owners of the privateers having given the Commissaries 100 half joes to pronounce that sentence.

232. The brig *Peace*, Allen, of Providence, bound from Dover to Surinam, having touched at Cayenne, was seized there as being bound from a British port, and condemned. Her value was 25,000 dollars.

233. Schooner *Columbus*, Mason, from St. Vincents to Kennebunk, was boarded by a French privateer, plundered, set fire to and abandoned.

234. Sloop *John*, Lee, captured by a French privateer and carried into St. Martins, but was suffered to depart after being plundered and after the captain was obliged to pay for the shot fired at him on making the capture.

235. Brig *Alexander*, Shepherd, of Boston, was carried into Point Petre.

236, & 237. Brig *Matilda* of Baltimore and schooner *Nep-tune* of Boston, bound from Teneriffe, were captured by a French privateer and carried into St. Thomas, where they were restored.

238. Ship *Atlantic*, of Baltimore, from Teneriffe, was captured by the French, but recaptured by the British.

239. Schooner *Ranger*, Riply, from Surinam for Boston, was fired at, boarded, plundered and dismissed by a French privateer.

240. Brig *Sally*, Johnson, from Surinam to Newburyport, was plundered by a French privateer, which also flogged the captain.

241. Brig *Seven Brothers*, Singleton, from Port-au-Prince to Jamaica, was carried into Gonaives and condemned.

242. Ship *Sedgley*, from Philadelphia to Jamaica with staves was carried into St. Domingo and condemned.

243. Brig *Orange*, Hunt, of Rhode Island from St. Lucia to Havanna; 244, schooner *Active*, and 245 *Eliza*, both of

Norwich and from Tobago, bound home were captured by a French privateer and sent into Curacoa.

244. Barque Susanna, Smith, of Biddeford, was taken and carried into Porto-Rico. She was bound from St. Vincents.

245. Schooner Isabella, Jones, from St. Kitts, was carried into Porto-Rico, but released.

246. Schooner Adventure, Compton, of Baltimore, from Demarara with coffee, was carried into Guadaloupe.

247. Schooner Jenny, Butts, of Alexandria, was carried into Guadaloupe with flour.

248. Brig Diana, Fairchild, of New York, was sent into Guadaloupe and condemned.

249. Schooner Lucy, Califf, was taken and carried into Cape Francois and condemned.

250. Schooner Mary, Thompson, was carried into Cape Francois and acquitted.

251. Ship Friendship, Smith, was robbed and maltreated by a French privateer.

252. Ship Louisa, Clark, of Kennebeck, was carried into Jean Rabel and condemned.

253. Brig Lavinia, Cassin, was carried into St. Eustatia.

254. Schooner Delight, Hatch, of Penobscot, from Barbadoes, was carried into Porto Rico and condemned.

255. ———, Capt. Duckendorff, of Boston, from Tobago, carried into St. Thomas, and the mate and crew turned on shore naked and moneyless.

256. Brig John, Fry, of Baltimore, bound to St. Bartholomews, was carried into Porto Rico.

257. Brig Triumphant, was carried into Porto Rico, and cleared.

258. Brig Harmony, Bunham, of Kennebeck, was carried into Porto Rico.

259. Schooner Molly Farley, Williams, was carried into ———, and condemned at St. Domingo.

260. Sloop Maria, of New York, from Martinique, was taken by a French privateer and carried into Porto Rico.

261. Ship Hope, Rogers, of Baltimore, from Rotterdam, and

262. The ship Fox, from New York to Hamburg were taken and carried into L'Orient; and the former condemned.

263. Schooner Sally, Richardson, of Philadelphia, from Port-au-Prince, was taken by a French privateer and ordered for Cape Francois.

264. Schooner Penguin, Walters, from Alexandria, was taken by a French privateer and sent to Port de Paix.

265. Brig Trio, White, was taken by a French privateer, and carried into the Havanna, and condemned.

266. Brig Virginia, Butts, of Alexandria, was taken, carried to Guadaloupe, and condemned.

267. Ship Fair American, of New York, was carried into St. Domingo, and condemned.

268. Ship Nancy, Perry, from Philadelphia to London, and
269. Brig Two Sisters, Sheret, from Philadelphia to Jamaica,
were captured by a French privateer, and sent for Cape Francois.

270. Brig Sally, Baty, of Baltimore, with flour and corn, was
condemned at Guadaloupe.

271. The Maria Wilmans, Gardner, of Baltimore, was carried
to Guadaloupe, where the cargo was condemned, and the vessel
cleared.

272. Brig Sally, Vetel, of Rhode Island, and 273, Schooner
Susannah, were both condemned at Guadaloupe.

273. Brig Juno, Walker, from Charleston to Hamburg, was
taken by a French privateer, and sent into Brest.

274. Ship Charlotte, from Charleston to Bremen, was taken
by a French privateer, and sent into Brest.

275. Ship Sally, from Guernsey to Dieppe, was taken by a
French privateer, and sent into Dieppe.

276. Brig Ceres, Moore, of Newbern, bound to Trinidad, was
taken by a French privateer, and sent into Porto Rico.

277. Brig Industry, Rider, from Demarara, bound to Boston,
was captured by a French privateer, and sent into Cape Rooke.

278. Schooner Betsey, Sturges, from Trinidad, was taken by
a French privateer, and carried into Porto Rico.

279. Brig Industry, Oran, of Portsmouth, (N. H.) was taken
by a French privateer, and carried into Cape Rooke.

280. Brig Elizabeth, Gardner, of Philadelphia, was taken by
a French privateer, and carried into Cadiz.

281. Brig Betsey & Patty, was taken by a French privateer.
She belonged to Alexandria, and was coming from Antigua.

282. Ship Sally & Betsey, Dubbel, of Newfield,

283. Brig Alexander, Backhouse, of New York,

284. Brig Experience, Fitch, of New York,

285. Brig American, Rhodes,

286. Schooner Polly, Erwin,

287. Sloop Sterea, Russell, of Middletown,

288. Schooner Two Cousins, Devol, of Philadelphia,

} were all captured by
French cruisers and
carried into Havana.

289. Schooner, Citizen, Lawrence, of Baltimore from
Martinique.

290. Schooner Art, Dennison.

291. Schooner Richmond, Rea, of Charleston, from
Trinidad.

292. Hestor & Eliza, Freeman, of Baltimore, from
Tobago.

293. Schooner Isabella, Higgins, from St. Vincents.

294. Sloop Sally, Cargill, from Demarara.

295. Ship Nancy, Gardner, of Boston, from the Isle of
France, having touched at the Cape of Good Hope.

} taken by French privateers,
and carried into Curacao.

296. Ship *Alfred*, Alguith, of Boston, from Lisbon to Saffee, with 12,000 dollars on board, was captured by a French privateer, but was recaptured by the British.

297. Schooner *Industry*, Mesroon, from Charleston to Jamaica, was carried into St. Jago by a French privateer.

298. Brig *Commerce*, Green, was carried into St. Jago by a French privateer; 299, also Brig *Neutrality*, Clark, of Kenebeck.

299. Brig *Jefferson*, Morris, was taken by a French privateer, but rescued by the captain.

300. The *D. Forester*, from London to New York, is taken and carried into Morlaix.

301. The schooner *Success*, of Norfolk, was condemned at the Cape.

302. Ship *Maria*, Ferres, of New York, was taken by a French privateer, but recaptured by a British frigate.

303. Brig *Eliza*, Simpson, of New York, was carried into Guadaloupe, where vessel and cargo were condemned.

304. Brig *William*, M'Lellan, of Portland, from Barbadoes to New York, was carried it is not known whither.

305. Schooner *Polly*, Willis, of Alexandria, was carried into Guadaloupe and cleared.

306. Brig *Nancy*, Nimmo, of Alexandria, was carried into Guadaloupe and condemned vessel and cargo.

307. Schooner *Milton*, Brooks, of New York, was condemned at Guadaloupe.

308. Brig *William*, of Wiscasset, from Demarara, bound home, was captured by a French privateer and sent into St. Martins.

A few remarkable cases of French captures, extracted from the newspapers.

1. A SHIP from Salem was taken by a French privateer to the windward of Turk's-Island passage; a British sloop of war heaving in sight, the Frenchmen quitted her, and heaving round under her stern, poured in several broadsides, which wounded four of her men.—*See Gaz. U. S. 7th Feb. 1797.*

2. The brig *Glasgow*, Codwise, of New York, being bound from Jeremie to Port-au-Prince, was captured and carried into Leogane. The captain was confined on board his vessel, his crew were excited to assassinate him: and on the 15th day of his confinement, having ventured on shore, he was taken up, placed in the fort, and there detained 36 hours, without provisions. After a detention of 68 days, seeing no prospect of a trial, he abandoned the vessel, and returned home.—*See Ph. Gaz. 18th Nov. 1796.*

3. Capt. Pierce, who had been carried to Leogane, mentions, that on his outward bound passage, in the Bite of Leogane, he

was boarded by an armed French barge, the master of which beat his supercargo in so unmerciful a manner with his sword, that he died a few days afterwards. The barge robbed captain Pierce of about 300 dollars worth; and captain Miller, from Norfolk, to the amount 900 dollars worth; also captain Boyd, of Philadelphia, to a considerable amount. They afterwards saw the pirate in Leogane, and complained of him to the commandant, who imprisoned him three days, and then liberated him without giving further satisfaction.—*Sec Ph. Gaz. 28th Nov. 1796.*

4. The Hirondeale, after having captured the schooner Zephir, captain Breard, of Portsmouth, and carried her into Cabo Roxo, plundered her of all her provisions, leaving captain B. and crew nothing to subsist on. Capt. B. went on board the Hirondeale to obtain satisfaction for the loss of his property, and to request, if it should not be made, leave to remain on board the privateer until his vessel was tried. The captain refused him any, ordered him on shore, and finally threw him overboard; the privateer being then under way on another cruise.—*Ph. Gaz. 5th April.*

5. The brig Two Sisters, captain Worth, from Norfolk for Leogane, was brought to by a French privateer to the leeward of Hispaniola. Capt. Worth was ordered on board; and when there, the captain of the privateer offering a paper written in French, ordered captain Worth to sign it. On his refusing, the pirate drew his cutlass and swore he would cleave his scull, if he did not immediately put his name to the paper; but captain Worth persisted in refusing, reasoning on the absurdity of his signing a writing in a language he did not understand. The privateersman then turned to the sailors (two Italians) and commanded them to write their names: they could not write; he then forced them with threats, and a drawn sword over their heads, to make their marks at the bottom of the paper. He then directly hailed the brig, informing that she was a good prize, as the men had signed a declaration, that she was bound to Jamaica. Capt. W. was carried to Cuba in the privateer, and four days afterwards the brig came in. On captain Worth's observing to the picarooning captain, that he could not have her tried and sold at Cuba, he was told that she was already sold; and soon afterwards a Spanish merchant was put in possession of her. Her papers were then sent to Cape Francois for trial.—*Ph. Gaz. 6th April, 1797.*

6. The schooner Columbus, Mason, from St. Vincents for Kennebunk, was boarded by a French privateer, which detained her six hours, and took out of her 60 gallons of rum, a bbl. of sugar, &c. The privateersman said they would have carried her in, if they had found property enough to engage their attention. They brought fire from the privateer, ordered the boy to kindle it in the caboose, said they were going to burn the vessel, and ordered the crew to put their things on board the vessel, and

convey them to the privateer. One of the privateersmen then carried a firebrand to the mast head, another took one into the cabin, while a third conveyed one into the steerage; but on captain M. declaring he had no money, and refusing to quit his vessel, they desisted, and permitted him to proceed.—*Ph. Gaz.* 23 May, 1797.

7. The brig *Almy*, Cutter, was captured off the east end of Jamaica by two French privateers, one of which was the *Flying Fish*, built at Baltimore by one John Love, who afterwards sold her to her present owner at the Cape, and then went captain of her. He fired upwards of thirty shot at the *Almy* without hailing her, although lying to for twenty minutes before, with American colours flying. He then hailed and ordered the boat on board, which being done, he detained the mate, two seamen, the ship's register and other papers, and sent a prize master and three others, all armed, on board. They then hoisted in the boat and stood for Gonaves. Next day however they were recaptured by a British sloop of war.—*Ph. Gaz.* 3d Jan. 1797.

8. A gentleman from Porto Rico informs, that the American ship *Mount Vernon*, captured by the French privateer *Flying Fish*, capt. Paris, had been condemned and sold there. The pretences for her condemnation were various; but on their being principally obviated, judgment was finally given on instructions to the commander of the privateer, sent by the French minister directing him to make prize of the ship. Paris, captain of the privateer, had been appointed consul at Porto Rico, and sat in judgment on his own cause.—*Ph. Gaz.* 28 Dec.

9. The schooner *Ranger*, Brown, was detained three days at St. Martins, after having been cleared out: and the captain and crew were confined on board a French frigate, under pretence that she had no sea letter. Previous to the *Ranger's* sailing, a schooner from Baltimore, and another from New-York, were condemned under a similar pretext.—*Ph. Gaz.* 1st Dec.

10. The schooner *Friendship*, Harlow, was captured and carried into St. Martins under a supposition, that she had no sea-letter, but upon producing it she was released.—*Ph. Gaz.* 24 Dec.

11. The *Speedwell* of Alexandria, bound home, was 63 days on her passage; and owing to the hands having been a long time on short allowance, and to the damage she had sustained, she was obliged to bear away for Cape François, when the Administration breaking through every tie of humanity, seized and condemned her.—*Ph. Gaz.* 23d Feb.

12. Brig *Neptune*, Blanchard, bound to St. Bartholomews with lumber, was carried into Guadaloupe, where she was tried and acquitted. Afterwards she was tried again in consequence of Victor Hugues's orders, and condemned, because, as it was said, she had no sea letter; although capt. B. had a certificate from the custom house that there were not any sea letters at the time she sailed, in that office.—*Ph. Gaz.* 25th Feb.

13. Ship *Charlotte*, of Baltimore, was carried into Guadeloupe with a cargo of flour, tried and acquitted. The supercargo, Mr. Buchanan, in consequence merely of his name, was without examination put into close prison for several days by Victor Hugues's orders, who afterwards finding himself mistaken in the person, had him released.—*ib.*

14. Capt. Barney, on his passage from France, captured 5 or 6 vessels sailing under certificates of property; these he set fire to, and has publickly declared he will do so in every instance, which is poor encouragement for Americans to purchase prizes of them. One of them was a brig belonging to P. & T. Mackie, from Malaga, Andrew Paden, master, who was murdered the second day after they sailed, by the mate and crew, and a considerable sum of money divided among them.

15. The ship *Washington*, from the Isle of France to Boston, out 153 days, blown off the coast, and in distress, was taken in sight of Descada, and sent into port for adjudication.—*Ph. Gaz. 6th March, 1797.*

16. Capt. Bright, on his passage from Alexandria to Meriguane, a French port, with a cargo of flour, was captured by a French privateer, off Port de Paix, carried in there, and condemned without a hearing. There were about 15 sail more of American vessels in that port, the whole of them condemned, though several were bound to French ports. The Administration at the Cape had issued orders to capture all Americans bound to leeward of Cape François.—*Gaz. U. S. 28th March.*

17. Schooner *Clara*, of Baltimore, with a valuable cargo of dry goods, bound to Leogane, was captured by a French privateer, and recaptured by a British vessel.—*Ph. Gaz. 29 April.*

18. The sloop *Fox*, Brooks, from Hartford for Leogane, a French port, was captured and sent into Port de Paix, where both vessel and cargo were condemned under the pretence of her being bound to a British port. The owners of the privateer gave the commissaries 100 half joes to condemn the vessel; and the captain had to pay three half joes for his register after the vessel was sold.—*Gaz. U. S. 15 May.*

19. The brig *Peace*, Allen, of Providence, was bound from Dover to Surinam, but touched at Cayenne. After she had been there several days she was seized; and the vessel and cash she had on board, valued at 25,000 dollars, were condemned under the pretence of her being from a British port.—*Gaz. U. S. 18 May.*

20. Capt. John Hall, of the schooner *Rebecca* of Baltimore, was plundered of every thing he had by the prize master and crew put on board his vessel: and part of his crew were put on board a prison ship and obliged to work in the day time: at night they were put in irons.—*Gaz. U. S. 7th Feb.*

21. The schooner *Elizabeth*, Trott, from Demarara bound to New-London, was captured by the French privateer *Flybuster*

and carried into St. Martins, where the captain and three of his crew were imprisoned.—*Ph. Gaz.* 14 March.

22. The Friends, of Norfolk, from London, was captured by a French privateer and carried into Guadaloupe. The vessel was condemned and the captain and crew imprisoned. The captain was afterwards with four others sent to Martinique to be exchanged for Frenchmen.—*Ph. Gaz.* 24 Feb. & 15 March.

23. Capt. Church informs, that the French take all American vessels bound to or from English ports, and behave in a most scandalous manner to the captains and crews, by putting them in gaol or turning them on shore without the means of procuring even a meal.—*Ph. Gaz.* 10 March.

24. Captain Calvert says the treatment of Victor Hugues to the Americans is very cruel. They are thrown into prison, loaded with irons, stripped of their apparel, and scarcely allowed a miserable subsistence.—*Ph. Gaz.* 25 March.

25. From every one of the unfortunate Americans who were exchanged at Martinique for Frenchmen, accounts were given of the conduct of Victor Hugues towards their countrymen. Americans were dying at Guadaloupe in greater numbers than ever was known on board the Jersey prison ship at New-York, during the late American war.—*Gaz. U. S.* April 1.

26. The brig Fanny, Gould, of Biddeford, was cleared out for Leogane, a French port in Hispaniola, with lumber only, with a regular sea letter, register and clearance; nevertheless she was taken by a French national cutter and carried into Port de Paix. The papers were carried to the Cape, and the vessel and cargo soon afterwards condemned, on the plea, that the vessel was deficient of certificates of her cargo in the usual style from the officers of the port whence she sailed, agreeably to treaty. The captain and crew were deprived of their adventures, clothes, &c. thrown into gaol among common thieves and murderers, put into irons, and allowed only four ounces of beef, and half a pound of bread per day for their subsistence, in which confinement they were continued for 30 days. The preceding facts were sworn to before justice Barret, of Boston.—*See Ph. Gaz.* 6th April.

27. Mr. Molay, supercargo of the Ann and Maria, of Baltimore, informs, that she was taken on her homeward bound passage from Jamaica, by a French privateer, and carried into St. Jago de Cuba, where (the captain of the privateer having bribed two of the hands to swear she was British property) she was condemned, with her cargo, without even the semblance of a trial; and that her cargo being immediately landed, ports were knocked into her, and she was sent out on a cruise as a French privateer.—*Ph. Gaz.* 19th Jan.

28. The administration take by force all American cargoes without any mode of payment whatever, and likewise take all American vessels bound to or from English ports, and condemn

them, *without a hearing*.—*Extract of a letter from Cape François in the Gaz. U. S. 20th Jan.*

29. The government of this place seems determined to lay every obstacle in the way of American commerce. It now not only refuses paying old debts, but contracts (if it can be so called) new ones, without so much as a promise of ever paying: its armed vessels have sent in all Americans bound to or from any British ports, either in this island, or real English colonies, which have been condemned *without so much as even the ceremonies of a trial*. Such as have come here of their own accord, have had their cargoes taken by force; some have abandoned their vessels, and gone home, depending, as I suppose, upon the insurers for indemnification: others, whose cargoes have been partly taken, stay, but to no purpose.—*Extract of another letter from the same place, ib.*

30. Schooner Phœbe, Webb, was taken on her passage from New London to Jeremie, and carried to Petit Guave, where she was detained ninety days, and the greatest part of her cargo taken *without a trial*: they even refused giving a receipt for what property they took, and the commissaries refused captain Webb provisions to subsist his sick people.—*Ph. Gaz. 24th Jan. 1797.*

31. There were lying at Petit Guave, on the 10th November, seven American vessels, which had been captured in pursuance of orders issued by the commissioners at the Cape, making all Americans bound to or from British ports, lawful prize: they had been lying there from two to three months, during which time their cargoes were taken from them without the form of a trial; more than three-fourths of the men (captains and sailors) fell a sacrifice to the fever, and the remaining fourth were more like walking ghosts than men; most of them destitute of money, and unable to give a decent burial to those who die. A few days before, one Gaston, a mulatto, at the head of the administration of the place, enticed a Philadelphia schooner, lying at Leogane with flour, to come to Petit Guave, by promising the captain, upon his sacred word of honour, that he would take nothing from him. But he had no sooner arrived than Gaston ordered a guard on board the vessel, and took away the flour. There were then lying in the several ports of the Bite 51 sail of Americans, which had been brought in by privateers; and at a moderate computation half of their crews had died.—*Phi. Gaz. 15th Feb. 1797.*

23. The brig Susan and Polly, of and from New York, bound to Jamaica, was taken by a French privateer, and carried to Port de Paix. She was condemned, with her cargo, without the form of a trial, by Sonthonax, who declared it was unnecessary to ask any questions, as the French Directory had given positive instructions to seize every American vessel bound to or from British ports. Thirty-five sail of American vessels were con-

demanded and sold in the same port, in the same manner, within a few days afterwards.—*Gaz. U. S. 22d Feb.*

33. The snow *Endeavour*, Freeman, was bound from St. Croix to Aux Cayes, but was forbidden to enter by two British armed vessels. Soon afterwards, she was taken by two French armed boats and sent into Gonaives, where the crew were insultingly turned on shore without the means of subsistence and would have suffered but for the assistance they received from their American brethren there. The vessel and cargo were condemned and sold with *scarcely the ceremony of a trial*. Some days after being sent on shore, captain F. returned to his vessel for the purpose of shifting his clothing, which was not only refused him, but threats were uttered against his life; and he found it necessary to leap into his boat to prevent the execution of their designs: two of his crew, having afterwards gone on board for a similar purpose, they were mangled in a most shocking manner, and one of them was mortally wounded.—*Ph. Gaz. 25 March.*

34. "From every American vessel that arrives at Cape Francois, the cargo is forcibly taken by the administration, who promise payment, apparently without any intention of performing, as cargoes thus forcibly taken remain yet unpaid, though many months have elapsed. When remonstrances are made, nothing but persecution results from it. From captain Barney, of the *Medusa* frigate, being a native American, the captains of American vessels had reason to suppose he would rather have wished to alleviate their sufferings: but to persecution he added insult, not only to the American captains there, but to their country, by ignominiously hoisting its flag reversed on board his frigate."

JAMES M'CALL, Mate of the brig
Baron de Carondelet.

THOMAS ATWOOD, late master
of the schooner *Jane*, abandoned at
the Cape.

Gaz. U. S. 10th Jan.

No. 6.

Extract of a letter from Rufus King, Esq. Minister of the United States, in London, dated April 19, 1797, enclosing the Protest of William Martin, Master of the Cincinnatus, of Baltimore, relative to the torture inflicted upon said Martin by a French cruiser.

"HITHERTO the captures in Europe have not been numerous, though several of our valuable ships have been carried into France, and in a few instances the masters and other officers of our vessels have been treated in a barbarous and cruel manner by the French cruisers, who have put them to the tor-

ture, in order to compel them to make such declarations relative to the property and destination of their ships and cargoes as were desired. Enclosed I send you the protest of William Martin, master of the *Cincinnati*, of Baltimore, who lately arrived here, after having fallen into the hands of a French cruiser, which obliged him to leave his own vessel, and to go on board the cruiser, when he was tortured for more than three hours.—Captain Martin's thumbs, which I examined, bear the marks of the screws, and the scars will go with him to the grave."

"It is impossible that these barbarous outrages should be authorised; indeed the concealment observed by the perpetrators of them, who refused to tell their names, or the port of their equipment, evince that they are not so."

By this publick instrument of protest, be it known, and made manifest to all people, whom it doth or may concern, that on the 26th day of March last, before me, James Gravener, Notary and Tabellion Publick, residing in the town and port of Dover, in the county of Kent, by lawful authority admitted and sworn, personally appeared William Martin, master of the ship or vessel called the *Cincinnati*, belonging to Baltimore, in America, of the burden of 229 tons, or thereabouts, then and now laying in Dover harbour, and entered a protest in due form, and that on this third day of April, 1797, again personally appeared the said William Martin, together with Eugene Sweeny, mate, and Robert Jackson, mariner, also belonging to the said vessel, and upon their faith and honesty, solemnly declared, and for truth affirmed and witnessed, that the said vessel on the proceed of her present intended voyage from Baltimore aforesaid, laden with a cargo of sundry merchandise, bound to London, met with hard gales of wind and high seas, therein sustained loss and damage, and was obliged to put into Galway road, as by reference to a protest made thereon, and dated the 19th day of January last, more fully appears. That they were detained in the said road repairing and reinstating their loss and damage and with hard gales of wind unfavourable to proceed their voyage until the 15th day of February following, when they got under weigh, and put to sea with light winds and variable, and prosecuted their voyage with variable, contrary and stormy winds, and weather, without any particular circumstance occurring until the 28th, when they had a hard gale at south by west, in which the said vessel laboured very heavily, and was almost constantly under water, and they were obliged to pump every half hour, and the quarter block strap of the fore yard was carried away. That they proceeded their voyage with southwardly winds, and on the 2d day of March, it blew a violent gale at south, in which the said vessel laboured excessive hard and shipped

so much water, that the main deck was almost constantly covered therewith, and the said vessel's pumps were obliged to be kept going every quarter of an hour. That on the next day, at six o'clock in the evening, the gale and sea continuing, the said vessel made so much water that they were obliged to pump constantly, and at eight o'clock a sea struck her abaft, stove in one of the dead lights, filled the cabin with water (so that they were obliged to lade it out with buckets,) and carried away part of the quarter boards, and stove the skylight. That on the fourth, the weather became moderate, with the wind to the eastward, and from that to the northward, with which they proceeded, meeting no particular occurrence until the seventh about nine o'clock in the morning, when being in north latitude about 50, 35, they were boarded by a French armed brig, under English colours, who took the said master with five of his crew from the said ship on board the said brig. And the said master for himself now saith, that the officer and crew of the latter vessel examined the papers respecting his said vessel and her lading and expressed no doubt that the ship was an American, but insisted the cargo to be English property, and assured him, if he would acknowledge it to be so, his full freight should be paid, and he have a present of one thousand pounds, which overtures the said master would not pay any other attention to than declaring the whole property to belong solely to Aquilla Brown, of Baltimore aforesaid, merchant—Whereupon the French officers thumbscrewed the said master in the cabin of their said brig, kept him in torture to extort a declaration that the said cargo was English property, for nearly four hours, but without having its desired effect; when a vessel heaving in sight he was liberated from the barbarous punishment he had undergone, and shortly afterwards the last mentioned vessel was captured by the said brig, and proved to be the Diana of Lancaster, captain Derbyshire, from St. Thomas bound to Lancaster, and on the eighth about five o'clock in the evening, the said master with the said five of his crew, together with fourteen of the crew of the said captured vessel were put on board the said appearers' vessel, which was permitted to proceed, but the said master, on being sent from the said brig, requested the captain to give him some provisions to supply the said fourteen men with, but he would allow them only about forty pounds of bread, saying they would soon have a fair wind: the said appearers' vessel was then in latitude 50, longitude 14, 27, and they accordingly proceeded with the wind southwardly. And the said Eugene Sweney, mate, for himself, now saith, that while the said master was so detained on board the said French brig, the captain and first lieutenant thereof, with some of their crew came on board the said appearers' vessel, broke open and plundered the captain's chest of a purse containing several guineas, a gold watch, sextant, great part of his wearing apparel, stole a

spying glass, speaking trumpet, eleven bags of coffee, broke open two boxes of sugar, and stole therefrom several bags, and robbed them also of their boat. And further, that the said French captain and lieutenant showed the now attestant a note, as under the hand of the master of his said ship, signifying that he the said master acknowledged the cargo to be English property, and that he the said mate was to do the same, but this he would by no means comply with; and at the same time perceived the note to be forged, and violent threats were made use of towards him the said mate to produce such acknowledgment, which he persisted in not doing, as contrary to the truth, and the said Robert Jackson for himself now saith, that while on board the said brig, twenty pieces of gold (which he supposed to be joes) were offered to one of the crew to declare the said vessel's cargo was English property. And all the said appearers again declare that they still prosecuted their voyage, and on the eleventh being in latitude 49, in consequence of the number of men on board they were reduced to a biscuit a man per day. That on the twelfth it was dark and squally weather, and at two o'clock in the afternoon in a sudden squall their said vessel was hove down on her beam ends, and the bowsprit carried away, when they were obliged, for the safety of their lives, and preservation of the said vessel, and cargo, to cut away the rigging belonging to the bowsprit jib boom, and the top sail sheets, by which she fortunately righted, and then to clear the wreck and secure the foremast, they were obliged to bear away before the wind, which being accomplished, they to avoid further damage were obliged to cut away the bowsprit (the same beating against the said vessel's bows) with all the rigging of their bowsprit and jib boom, and the jib and foretop mast stay sail and sprit sail yard, and in endeavouring to secure the foremast, they found the fore top mast and main yard were sprung in consequence of her having been laid down on her beam ends as aforesaid, when they immediately used every exertion possible to get down the fore top mast to rig up a jury one in its stead, and also in rigging out a jury bowsprit, the weather then continuing boisterous. That on the thirteenth it blew a gale of wind at east by north, when they finished a temporary bowsprit out of a spare top mast, and a fore top mast out of a spare mizzen top mast, and proceeded the voyage. That on the fourteenth they had a hard gale of wind at the last mentioned quarter, attended with a heavy sea which broke over the said vessel incessantly, and they were obliged to pump every quarter of an hour, and were then still under short allowance. That on the fifteenth they spoke a Swedish brig, which supplied them with a bag of bread, two pieces of beef, and a few stock fish, and had then the wind eastwardly, which was contrary; and on the sixteenth they were supplied from another brig with two bags of bread, some pease and wine, on payment, and proceeded their voyage with variable winds and

weather, without any particular circumstances happening, until the twenty-second, when being in latitude 48, 23, they were boarded by his Britannick majesty's ship Galatea, the officers of which pressed from the said appearers' vessel the said fourteen men, three passengers, and one of their own crew, and supplied the said appearers with provisions, when they continued the pursuit of the voyage with the wind southwardly. And on the twenty-third had sounding in seventy-five fathoms, and proceeded the channel course with the wind continuing southwardly, with hazy weather. And on the twenty-fourth in the evening, the Lizard lights, bore north north east, distant about five leagues. That on the twenty-fifth in the morning, Portland lights bore northeast by east, distant three leagues. And on the same day it began to blow hard, which increased to a gale, and in the afternoon, being off Beachy head, with the weather continuing very thick and hazy, they, upon consultation on the state and condition of the said vessel, adjudged it most expedient for the safety of their lives, and preservation of her and her cargo, to put into the first port of safety to refit, that they might be enabled safely to proceed to their place of destination, and accordingly hoisted a signal for a pilot and assistance to take charge of the said vessel, for the purpose of conducting her to such said port of safety; and about 4 o'clock they procured a pilot and assistance from a cutter which came alongside, whom the said master employed for the purpose aforesaid; but the weather being hazy, and night time coming on, they laid off and on until the said twenty-sixth at 5 o'clock in the morning, when they bore away for Dover harbour, and at ten o'clock in the forenoon, on arriving at the entrance of the same, the said vessel was, by the strong tide and swell forced against the north Pier Head, whereby the figure head, rails, cut-water and bow, were damaged; and the anchor hooking the head, and having a long range of the cable, the same run out nearly thirty fathom, which stopping the said vessel, and she then touching the ground, they were obliged, for the purpose of preventing her laying thereon, to cut the cable the length it had so run out, by doing of which, and with the utmost exertions on board, and assistance on shore, she was hove from the dangerous place she was likely to lay on, and into safety, and also the said appearers declare, that they have used their utmost endeavours for the preservation of the said vessel and cargo; that whatever damage or loss the same have already sustained, or may hereafter sustain, was not occasioned by or through any neglect or default of them, or any of the crew, or by reason of any defect or default in the said vessel or her tackling, but merely by means of the circumstances before stated. Therefore the said master hath desired a protest; wherefore I, the said Notary, at his request, have solemnly protested, and by these presents do protest against the wind, weather and sea, the

officers and crew of the said French brig (whose names, together with the name of their said vessel is unknown to these appearers or to their belief to any of their crew) and every other person and cause occasioning the said vessel's damage and loss of, and for all losses, costs, charges, damages, and expenses already and hereafter to be suffered and sustained, to be allowed and recovered in time and place convenient. Thus done and protested in Dover aforesaid, in the presence of Robert Steriker and Thomas Pain, witnesses thereto called and requested. In testimony of the truth whereof, the said appearers and witnesses subscribed their names in the registry of me, the said Notary. And I the said Notary have hereunto set my hand, and affixed my notarial seal, dated the day and year second above written.

JAMES GRAVENER, [L.S.]

And I, James Gravener, a master extraordinary in his majesty's high court of chancery, do hereby certify, that the said William Martin, Eugene Sweeney, and Robert Jackson, were duly sworn on the holy evangelists to the truth of the aforesaid protest, at Dover aforesaid, the said third day of April, 1797, before me,

JAMES GRAVENER.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
JULY 3, 1797.

THE whole of the intelligence which has for some time past been received from abroad, the correspondences between this government and the ministers of the belligerent powers residing here, and the advices from the officers of the United States, civil and military, upon the frontiers, all conspire to show in a very strong light the critical situation of our country. That Congress might be enabled to form a more perfect judgment of it, and of the measures necessary to be taken, I have directed the proper officers to prepare such collections of extracts from the publick correspondences as might afford the clearest information. The reports made to me, from the Secretary of State, and the Secretary at War, with a collection of documents from each of them, are now communicated to both houses of Congress; I have desired that the message, reports and documents may be considered as confidential, merely that the members of both houses of Congress may be apprized of their contents before they should be made publick. As soon as the houses shall have heard them, I shall submit to their discretion, the publication of the whole, or any such parts of them, as they shall judge necessary or expedient for the publick good.

JOHN ADAMS.

Additional report of Secretary of State, to the President of the United States, of the proceedings of the officers of his Catholick Majesty, in relation to the posts occupied by his troops within the limits of the United States, the boundary line, and other matters therewith connected.

On Thursday last, the twenty-ninth of June, I received farther despatches from Andrew Ellicott, Esq. the commissioner of the United States at the Natchez, dated the tenth of May last, of which an extract and copies, numbered 1, 2 and 3, are subjoined. By these it appears that a new motive has been assigned by the commander in chief, the Baron de Carondelet, and governour Gayoso, for still retaining the possession of the posts of the Natchez and the Walnut Hills, and for strengthening the fortifications; viz. *to guard against an attack by the British from Canada.* This motive being derived from information communicated to the Baron de Carondelet by the chevalier de Yrujo, the minister of his Catholick majesty to the United States, it appears necessary again to bring before the President my correspondence with the Spanish and British ministers on that subject. These papers are numbered 4, 5, 6, 7, 8, and 9.

Although the minister declared he had just reasons for suspecting an expedition from Canada, was preparing by the British against the upper posts of Louisiana, yet he never mentioned a single fact or reason on which his suspicion was founded. From all the existing circumstances I ever believed the suspicion to be groundless.—And the note of Mr. Liston, the British minister, of the nineteenth of the last month, declares that no such expedition has been or is intended, by the British government.

On the sixteenth of March last, by the President's direction, I inquired of the minister of his Catholick majesty whether the Spanish troops had been withdrawn, agreeably to the treaty, from the territory of the United States; and if not, what orders or measures for withdrawing them had been taken. To this the minister answered, on the 17th of April, that not having for some months heard from the Baron de Carondelet, he was "deprived of any information touching the steps taken for the execution of the treaty." Nevertheless he had previously informed the Baron de Carondelet of his suspicions of a projected expedition from Canada; for on the 1st of May it is offered by governour Gayoso, as a new reason for continuing to hold the posts. These two letters are numbered 10, 11.

On the 24th of June last, the minister of his Catholick Majesty wrote me the letter number 12, in which he undertakes to give the substance of two letters from the Baron de Carondelet, and which about a week before he had orally translated to me from the Spanish originals. These letters (as

appears by the detail of them now given by the minister) exhibited divers complaints against Mr. Ellicott, whose conduct is assigned as the cause of an alleged misunderstanding between him and Governour Gayoso; and of the delay in commencing the running of the boundary line.

One article, however, the minister has omitted in his recital. The Baron de Carondelet complained, among other things, that Mr. Ellicott had not given him notice of his arrival at the Natchez, as the commissioner on the part of the United States, for running the boundary line between their territories and those of Spain. I was astonished at this complaint, as I had then lying on my table a copy of Mr. Ellicott's letter to the Baron, dated the 27th of February, only three days after Mr. Ellicott's arrival at the Natchez, announcing his arrival as the commissioner of the United States for the object above expressed, and two copies of the Baron's answer, dated at New-Orleans the first of March; one of the original Spanish, and the other a translation in English, acknowledging the receipt of Mr. Ellicott's letter, and "congratulating him on his arrival in that country in the character of commissioner on the part of the United States, to run the dividing line between the territories of his most Catholick Majesty and the United States." I immediately presented these copies to the minister, in whom the repugnance of fact to assertion excited the natural sensation: but soon recollecting himself, he made this apology for the Baron, that he supposed he did not consider Mr. Ellicott's letter as official! This letter and the translation of the Baron's answer, have been already laid before Congress and published: I now subjoin the copy of the Baron's answer in Spanish. No. 13.

The facts I have here stated, relative to the complaint of the Baron de Carondelet, which the Spanish minister has omitted in his detail, appeared to me important to be laid before you, to be considered together with the other complaints which the minister has recited. As to the complaint that Mr. Ellicott "attempted to get possession of the Natchez fort by surprize, and that the Governour Gayoso has in his power documents which evidently prove the intencion of that attempt," I have examined the two gentlemen who have brought Mr. Ellicott's despatches, and they declare that they never heard of such an attempt being made or intended by Mr. Ellicott; and that far from exciting dissatisfaction to the Spanish government, in the minds of the inhabitants at the Natchez, he uniformly recommended patience and submission, until the Spanish jurisdiction should be withdrawn.

Upon a view of the whole correspondence now and before submitted to the President, it appears that the governours of his Catholick Majesty, on the Mississippi, have, on various pre-

tences, postponed the running of the boundary line, and the withdrawing of his troops from the posts they occupied within the territory of the United States: That after repeated overtures, promises and appearances of commencing the execution of the treaty between the two nations, in both those respects, their conduct demonstrates, that for an indefinite period they mean to avoid doing either: That there is but too much reason to believe Mr. Ellicott's suspicions well founded, that an undue influence has been exercised over the Indians by the officers of his Catholick Majesty, to prepare them for a rupture with the United States; those suspicions corresponding with other intelligence recently received by the Secretary of War and by me. Mine is by a private letter from Colonel Sargent, the Secretary of the territory northwest of the river Ohio, of which an extract, No. 14, is annexed.

Whether this plan of exciting the Indians to direct hostilities against the United States, has been contemplated and promoted by any of our own citizens, it may be difficult to say; but that one or more of those citizens have proposed and taken measures to detach the southern Indians from the interests of the United States, and to destroy the influence of the publick agents over those nations, and thus to defeat the great objects of their appointment, the chief of which is to preserve peace, is certain. The evidence of this important fact will be laid before you by the Secretary of War. That evidence having a reference to the British Minister, and his government, I took the liberty of addressing to him a letter, dated the 1st instant, No. 15, to which I received the answer, No. 16.

As closely connected with this business, I lay before you the copy of my letter, No. 17, dated the 27th of April last, to Charles Jackson, Esquire, the District Attorney of Georgia, reciting a passage in a letter from the Spanish Minister, dated the 21st of April, declaring his positive knowledge that the English had made propositions to General Clarke, of Georgia, to obtain his influence in that state, in conjunction with some persons who might make a diversion or serious attack against Florida. By Mr. Jackson's answer, from which an extract, No. 18, is herewith presented, it appears that after diligent inquiry, he could not find any person that knew any thing of the business, or that entertained a belief of the kind; and that from General Clarke's known violent antipathies to the English, and other circumstances, he doubted the truth of the report altogether.

On the 30th ult. I received a letter from General Pinckney, dated the 9th of May, which contains the latest intelligence from him, and seems proper to accompany the other papers now laid before you. His letter, No. 15, therein referred to, has not yet come to hand. All which is respectfully submitted.

TIMOTHY PICKERING.

Department of State, July 3, 1797.

DOCUMENTS.

No. 1.

Extract of a letter from Andrew Ellicott, Esq. Commissioner of the United States, to the Secretary of State, dated Natchez, May 10, 1797.

SIR,—Since my despatches by Mr. Knox, the whole of the Spanish commission for the purpose of running the boundary lines between the territory of his Catholick majesty, and that of the United States has arrived; but notwithstanding this circumstance, I see no appearance of getting to business in any reasonable time: various pretences are resorted to by the baron de Carondelet, and governour Gayoso, to justify the delay; but the true reason, I am well persuaded, has never yet been made known to myself, or to the inhabitants of the district of Natchez, who are generally very uneasy, and many of them consider their situations as desperate if not supported in a few months by the United States.

As the arrival of the whole Spanish commission produced no effect favourable to our business, I expected that of lieutenant Pope with a detachment of about forty troops, which happened on the 24th of last month, would make some change for the better—in this I have been disappointed. Additional labourers were set to work in the fort, and several more pieces of artillery mounted.

On the first of this month I received a letter from governour Gayoso, a copy of which, with the answer, you will find enclosed.

On Sunday last, the fort at this place was reinforced by about forty men, and a company of grenadiers are on their way, and hourly expected to join them. Yesterday Mr. Gillimard, the Spanish surveyor, an engineer, and several other military officers, with a boat load of intrenching tools, left this place for the Walnut Hills, where the works are to be immediately put into a complete state of defence. The labourers who were employed by the direction of governour Gayoso to go on the line, are now ordered to the Walnut Hills to assist in repairing the fortifications.

If the court of Madrid has any design of carrying the late treaty with the United States into effect, the conduct of the baron de Carondelet and governour Gayoso is to me altogether inexplicable: all their measures have the appearance of approaching hostility; and from some information which I have lately received from a source to which I cannot avoid giving a degree of credit, but a short period will elapse before we shall be ordered to leave this place, if not the country. I have in a former communication mentioned my suspicions, that an undue influence has been exercised over the Indians to prepare

them for a rupture with the United States, and to awe into a quiet submission the inhabitants of this district who are at their mercy. I am sorry that no circumstance has yet occurred to make me change this opinion.

Immediately upon Mr. Pope's arrival, he was joined by en-sign M'Clary, who commands my escort, which consists of about thirty-seven men, and all encamped with me. We now make a respectable appearance—the men are in good health, and well clothed, and the strictest discipline is observed by the whole camp. Lieutenant Pope has hitherto conducted himself in such a manner as to give general satisfaction to the neighbouring inhabitants, without incurring the displeasure of the present governour, or his officers, and at the same time steadily supported the honour of the United States; but he has unfortunately been indisposed almost ever since his arrival. I am, sir, with great esteem, &c.

ANDREW ELLICOTT.

Secretary of State, United States.

No. 2.

From Manuel Gayoso de Lemos, to the Honourable Andrew Ellicott. Natchez, May 1, 1797.

SIR,—I have the honour to acquaint you, that the commander general of this province desires me to inform you that his majesty's envoy in the United States, has given him the intelligence of an attack proposed against our part of the Illinois, by the British from Canada; and as such an expedition cannot take place without passing through the territory of the United States, said envoy did officially communicate what was necessary, to the Secretary of State of the United States, requiring that convenient orders should be issued to have their territory respected and provide for their own safety, which we doubt not but the United States will acquiesce to, in consequence of the treaty and the good harmony that subsists between the United States of America and his majesty.

The said commander general of this province, in consequence of the foregoing information, finds himself under the necessity of putting in a state of defence, several points of this river, and particularly Nogales,* to cover Lower Louisiana, in case the British should succeed in their project against Illinois, for which purpose a convenient force shall be sent to Nogales, to repair and defend that post, which, far from being against the interest of the United States of America, will, in case of being agreed to, leave the military posts in that state of defence which it may be found.

As this is a powerful reason in addition to those that offered before to suspend the evacuation of these posts and of running

* Walnut Hills.

the line; as our attention is entirely drawn towards the defence of the province, the said commander general orders me to pass to you this official communication, and in consequence of the unavoidable delay to repeat to you in his name, the proposal of remaining here to go down to lower Louisiana; or, as he thinks might be preferable, to remove to Villa Gayoso, where there are sufficient buildings to accommodate you; this insinuation being an effect of the desire we have to show every degree of consideration as a proof of our disposition to improve the friendship between our nations, assuring you that in any part that you should determine to remove to, or stay, the commander general will facilitate every conveniency in his power for your satisfaction. I have the honour, to be, &c.

MANUEL GAYOSO DE LEMOS.

The Hon. Andrew Ellicott.

No. 3.

From Andrew Ellicott, to his Excellency Manuel Gayoso de Lemos. Natchez, May 2, 1797.

SIR,—Your excellency's favour of yesterday is now before me, but as it principally concerns the commanding officer of the troops of the United States in this quarter, who I presume will give you a satisfactory answer, it will therefore be unnecessary for me to make any remarks upon it.

In a former communication you were apprized of my determination to remain at this place until we proceed to running of the line, or recalled by the Executive of the United States. I am, &c.

ANDREW ELLICOTT.

His Excellency Manuel Gayoso de Lemos.

No. 4.

SIR,—Three days ago I declared to you the just reasons which I had for suspecting that an expedition was preparing on the lakes, on the part of the English, the object of which is to attack Upper Louisiana, and take by surprise the posts of St. Louis and New Madrid. The proofs which I have since been able to obtain, confirm me in my suspicion that the English troops who meditate this *coup-de-main* intend to descend the Mississippi by *Fox River, Ontasconsin*, or by the Illinois or other parts of the territory of the United States. I suppose the government of this country too jealous of its rights to suffer so scandalous a violation of its territory; but having always in view the interests of the king my master, and the security of his possessions in this part of the world, in his name I request, sir, that in virtue of the information cited, this government may take the measures necessary for preventing the passage.

of foreign troops, of what description soever, over its territory. An undertaking in which are united the dignity of the United States, and the security of the possessions of a friendly nation, assures me beforehand that the administration of this country will take the measures which shall be most adapted to this end.

With these reasons, I offer myself to your disposal, and pray God to preserve you many years. Your most obedient humble servant,

CHARLES MARTINEZ DE YRUJO.

Philadelphia, March 2, 1797.

No. 5.

From Timothy Pickering, to the Chevalier de Yrujo, Minister Plenipotentiary of his Catholick Majesty. Department of State, March 11, 1797.

SIR,—I have laid before the President of the United States your letter of the 2d instant, mentioning your suspicions, that an expedition is preparing on the lakes, on the part of the English; the object of which is to attack upper Louisiana, and to take by surprise the ports of St. Louis and New Madrid; and that to accomplish this object the English troops intend to pass by the routes you mention, or by other parts of the territory of the United States: and you request their government to take the necessary measures to prevent such a violation of their territory.

First remarking, that the government of the United States possess no information, nor the knowledge of any circumstances indicative of such a design as that you suspect, I have the honour to assure you, that true to the principles of an impartial neutrality to which the United States have hitherto invariably adhered, their government will be anxious to maintain the rights of their neutral situation, and on all occasions adopt and pursue those measures which shall appear proper and expedient for that end. I am with great respect, &c.

TIMOTHY PICKERING.

The Chevalier de Yrujo, }
Minister Plenipotentiary }
of his Catholick Majesty. }

No. 6.

TRANSLATION.

SIR,—Whilst I possess new reasons for believing that it is intended to carry into effect the expedition against Upper Louisiana, on the part of the English, by violating the territory of the United States, as was manifested to you in my letter of the 2d March last, I must add that I know to a certainty that

the English have made propositions to General Clarke, of Georgia, in order to avail themselves of his influence in that state, together with some other persons, for making a diversion or serious attack against Florida; and as by your letter of the 11th of the last month, you assure me that the United States would take the necessary measures for causing their neutrality to be respected, I do not doubt that in consequence of this my information, the executive government will take the proper steps, in order that Georgia also should not infringe the laws of neutrality to the injury of the possessions of the king my master.

I embrace this opportunity to renew to you my wishes to serve you, and that God may preserve your life many years. Your most obedient servant,

CARLOS MARTINEZ DE YRUJO.

Philadelphia, April 21, 1797.

TIMOTHY PICKERING, Esq.

No. 7.

From Timothy Pickering, to the Chevalier de Yrujo, Envoy, Extraordinary and Minister Plenipotentiary of his Catholic Majesty. Department of State, Philadelphia, April 28, 1797.

SIR,—I have the honour to acknowledge the receipt of your letter of the 21st instant, repeating your suspicions that it is intended to carry into effect an expedition, on the part of the English, against Upper Louisiana, through the territory of the United States; and adding that you know to a certainty that the English have made propositions to General Clarke in Georgia, to obtain his influence in that state, with a view to a diversion or serious attack against Florida.

To the first point I have the honour to answer, that although this government is still destitute of any knowledge of facts or circumstances indicating that an expedition on the part of the English, against upper Louisiana, has been projected, yet desirous of living on terms of amity with our neighbours, on one side and the other, agreeably to subsisting treaties, I have communicated to the minister of his Britannick Majesty, for the information of his government, the suspicions you have expressed, of an intended expedition against Upper Louisiana, and the declaration of the President of the United States, that he cannot consent that either should march troops through the territory of the United States to attack the other. The sense of the American government being thus declared beforehand, we cannot presume that a measure will be undertaken which cannot be prosecuted without a violation of our neutral rights.

With regard to the project of an expedition by the British against Florida, with the aid of General Clarke, and of persons

whom he might influence, I have to inform you, that orders have been forwarded to the district attorney of Georgia, to inquire into the fact as stated by you, and if discovery should be made of designs to violate our neutral duties, and especially of forming an expedition against the territories of his Catholick Majesty from the territory of the United States, to take the most proper and effectual measures for frustrating such designs; and if the same should be manifested by any overt acts, to cause the offenders to be arrested, and brought to condign punishment. I have the honour to be, &c.

TIMOTHY PICKERING.

The Chevalier de Yrujo, envoy extraordinary and minister plenipotentiary of his Catholick Majesty. }

No. 8.

From Timothy Pickering, to Robert Liston, Esquire, Envoy Extraordinary, &c. of his Britannick Majesty. Department of State, Philadelphia, April 28, 1797.

SIR,—The minister of his Catholick majesty, early in March last, represented to this government his suspicions that an expedition was preparing on the lakes, on the part of the English, whose object was an attack on the Spanish posts in Upper Louisiana, by a route through the territory of the United States, and requested the government to take measures necessary to prevent such a violation of their territory.

In the answer to the Spanish minister, after the remark that the government of the United States had no knowledge of any circumstances indicative of the design he suspected, he was assured, that true to the principles of an impartial neutrality, to which the United States have hitherto invariably adhered, their government would be anxious to maintain the rights of their neutral situation, and on all occasions adopt and pursue the measures which should appear proper and expedient for that end.

His Catholick majesty's minister having lately renewed his representation, declaring that he had recent ground to believe that it is intended to carry into effect the expedition before mentioned against Upper Louisiana, through the territory of the United States, I am directed by the President of the United States to make to you this communication, and to declare, that desirous of living on terms of amity with their neighbours, on one side and the other, agreeably to subsisting treaties, he cannot consent that either should march troops through the territory of the United States to attack the other.

The sense and motives of the American government being thus expressed, I doubt not the same will be duly respected on the part of the British government; and without judging whe-

ther suspicions of his Catholick majesty's minister are or are not founded, I am persuaded that the declaration now made will be considered as a proof of our good will, by preventing the great expense of preparations for an enterprize which cannot be prosecuted without occasioning a violation of the neutral rights or duties of the United States.

I have the honour, &c. **TIMOTHY PICKERING.**

Robert Liston, Esq. Envoy }
Extraordinary, &c. of his }
Britannick Majesty. }

No. 9.

R. Liston, presents his respects to Colonel Pickering, Secretary of State.

WHEN you first mentioned to me the suspicions expressed by the Spanish minister, respecting an expedition supposed to be preparing on the lakes, with a view to attack the Spanish posts in Louisiana, I took the liberty of observing to you that I had no knowledge of any such preparations, and did not believe that they existed.

I have since requested information on the subject, from the governour general of Canada, and from his majesty's secretary of state; and I have authority to assure you that no expedition of the nature of that alluded to, has been, or is intended by the British government. Indeed, the impropriety of violating the neutral territory of the United States, is an objection of sufficient magnitude to induce the king's ministers to reject any such plan, were it suggested to them.

Philadelphia, 19th June, 1797.

No. 10.

Department of State, March 16, 1797.

SIR,—The second article of the treaty between the United States and his Catholick majesty stipulated, "that if there should be any troops, garrisons or settlements of either party, in the territory of the other (according to the boundaries fixed by the same article) they should be withdrawn from the said territory, within the term of six months after the ratification of that treaty, or sooner if it were possible." The United States have no troops, garrisons, or settlements within the territory of his Catholick majesty. We do not know whether those of his Catholick majesty within the United States' territory at the time the treaty above mentioned was made, have been since withdrawn. I am therefore directed by the President to inquire, and do request you to inform me, what is the fact; and if those troops, &c. have not been withdrawn, what orders or measures for their

withdrawing have been taken. It is now near eleven months since the ratification and exchange of the treaty took place.

I have the honour to be, &c. **TIMOTHY PICKERING.**

The Chevalier de Yrujo, Minister }
Plenipotentiary of his Catholick }
Majesty, &c. &c.

No. 11.

TRANSLATION.

SIR,—Although I received in due time the letter which you did me the honour to write to me on the 16th ult.—an indisposition, from which I am not yet altogether recovered, prevented me from replying to the inquiry you make relative to the evacuation of the Spanish posts within the new line of demarcation of limits. I now take up my pen to inform you that several months have elapsed since I have received a letter from the Baron de Carondelet, and of course I am deprived of any information touching the steps taken for the execution of the treaty.

I offer myself to your disposal, praying God to preserve your life many years. Your most obedient servant,

CARLOS M. DE YRUJO.

Philadelphia, April 17, 1797.

Timothy Pickering, Esq.

No. 12.

TRANSLATION.

EIGHT or ten days ago I made known to you the information, which I had received from the Baron de Carondelet, relative to the occurrences at the Natchez, between the governour Don Manuel Gayoso de Lemos and the commissioner of the United States, Mr. Ellicott; and being desirous at this time to avoid all equivocation, as to the substance of those letters, I have determined to communicate it to you in writing.

By the 2d article of the treaty with Spain it is stipulated that the *garrisons* which are found above the line of demarcation agreed on, shall be withdrawn. Setting out then with this principle, it appears that the first operation ought to be to draw this line, in order to know which were the garrisons which were to be withdrawn according to the article cited; and although the Natchez and some other Spanish posts are probably situated above the said line of demarcation, the formality and delicacy which one government owes to another, required, that Mr. Ellicott should not pretend to take possession of the territory until the said demarcation should be made, and the more so, as he had been informed officially, that the Spanish engineer, M.

Guillemard, was already on his way to fulfil this part of his commission.

Mr. Ellicott not attending to these just observations, immediately began to wound the feelings of the Spanish commander, by hoisting the American flag on a territory which would not belong to the United States till after having *jointly* made the astronomical observations for ascertaining the course of the line. Not content with this, he began to exercise an authority, which was unlawful for the same reasons, to wit, that of recruiting for the United States in a place which was then under the jurisdiction of the Spanish government.

These imprudences, which can admit of no excuse, gave rise to a personal resentment, from which there is little to hope with respect to harmony between those commissioners in future.

In these circumstances, the governour general of the province, the Baron de Carondelet, made known the just doubts which he had about the delivery of the posts, since in the 2d article, *it is not stipulated that they were to be given up*, and it seems that it could never have been the intention of his Catholick Majesty to deliver up any fortifications on which he had expended great sums of money, and which through political vicissitudes might perhaps be one day prejudicial to his subjects. In this situation, prudence required that the decision of this doubtful point should be left to the two governments; but Mr. Ellicott adding imprudence to imprudence, and with a pretext which a quarrel between some drunken Chickasaws and the people of his company afforded him, not only violated a territory then Spanish, by desiring to excite the inhabitants by all imaginable means, but also carried his zeal so far as to attempt to get possession of the fort of the Natchez by surprise. Governour Gayoso says he has in his power documents which prove evidently the intention of this attempt: such conduct was little calculated to produce the spirit of harmony so necessary in such circumstances, and obliged governour Gayoso when he discovered such hostile intentions, to take on his part, measures necessary for his defence.

This is the true state of things, by which it clearly appears that the inconsiderate conduct of Mr. Ellicott is the only cause of the disagreement at the Natchez; the more so, as the Spanish commanders declared to him that while the two governments were deciding on the doubt which occurred to the Baron de Carondelet, about the delivery of the posts, the drawing of the line of demarcation might be begun, when Mr. de Guillemard, who had already departed from New Orleans for the Natchez, should arrive.

If in this situation of the business, the commanders changed their ideas, or their measures, it could only proceed from the imprudent conduct of Mr. Ellicott. The Baron de Carondelet, desirous of observing religiously the treaty, so far as was not inconsistent with his duty, seeing the personal resentment which

exists between Mr. Ellicott and governour Clayson, desires that there may be sent to command the detachment of American troops on that frontier, a man of judgment and prudence, who in such delicate circumstances shall act with moderation, which is of so much importance to the two governments.

This is what I had the honour of communicating verbally to you, sir, in my last conference, and I repeat it now; recommending more particularly that there should be sent on the part of the United States to that frontier a person of prudence and sound judgment; leaving to Mr. Ellicott the technical part only; for while he acts as principal, it is to be feared that we shall not see the agents of the two governments, which are interested, proceed with that union and harmony which is ever important to us.

I repeat, sir, my wishes of obliging you, and that our Lord may preserve your life many years.

Your most obedient servant,

CARLOS MARTINEZ DE YRUJO.

Philadelphia, June 24, 1797.

Timothy Pickering, Esq. &c. &c.

No. 13.

Nueva Orleans, 1 Marzo, 1797.

Muy señor mio: He recibido con mucha satisfacion la apreciable de V. S. de 27 Febrero pasado en que se sirve participarme su arrivo a esa plaza con el caracter de Comisario por los Estados Unidos de America para la demarcacion de limites entre los territorios de S. M. C. y los de los dichos Estados.

Me causa igualmente la mayor complacencia el testimonio que V. S. me da de la corbanidad y atenciones que ha recibido de los Comandantes de las fuertes, quienes han correspondido a las intenciones del gobierno, a mis ordenis, y a los principios generales de la nacion; y no dudo que en qualquiera oportunidad encontraran los espanides igual y reciproca correspondencia de parte de los ciudadonis de los Estados Unidos. Dios, &c.

Beni. de V. S. Su mas a^{te}. serr.

EL BARON DE CARONDOLET.

Dr. Don Andrew Ellicott.

No. 14.

Extract of a letter from Winthrop Sargent, Esq. Secretary of the Government of the Northwestern Territory, to the Secretary of State, dated Cincinnati, June 3, 1797.

GENERAL WILKINSON sending off an express I seize the occasion to transcribe for you some paragraphs from a western letter.

"The Spaniards are reinforcing their upper posts on the Mississippi considerably—general Howard, an Irishman, in the quality of commander in chief with upwards of three hundred men arrived at St. Louis and employed in erecting very formidable works. It likewise appears through various channels that they are inviting a great number of Indians of the territory to cross the Mississippi, and for this express purpose Mr. Larromie an officer in the pay of the crown made a tour through all this country last fall, since which time several Indians have been sent on the same errand—and generally furnished with plenty of cash to defray their expenses."

"A large party of Delawares passed down White River about the 6th of May on their way to the Spanish side bearing the national flag of Spain sent them from St. Louis."

"They (the Spaniards) have above the mouth of the Ohio, on the Mississippi, several row galleys with cannon."

No. 15.

Department of State, Philadelphia, July 1, 1797.

SIR,—Your note of the 19th of the last month, alluding to the suspicions expressed by the Spanish minister, respecting an expedition suggested to be preparing at the lakes, against the Spanish posts in Louisiana, I laid before the President of the United States, who received great satisfaction from your assurance that no such expedition has been, or is intended by the British government.

Will you permit me to inquire whether you can give any information concerning any other project of an expedition against any part of the dominions of Spain adjacent to the territory of the United States, where or from whence any co-operation was contemplated? I am aware of the delicacy of this inquiry; but the frankness of your verbal answer, formerly, relating to the alleged expedition from Canada, and the assurances in your note above mentioned, lead me to hope that you will not deem the present inquiry improper and the proofs you have uniformly given of respect to the rights and interests of the United States, authorize the further hope that you will feel yourself at liberty to communicate any information you possess, which on this occasion may concern their tranquillity and welfare; and I beg you to be assured that it is on this ground only that I would make the inquiry. I will add, however, that it is not the result of *suspicion* but of *information* (in which your name is introduced) that some project of the kind has been contemplated; and that the means proposed for carrying it into execution, could not but be highly detrimental to the United States.

I have the honour to be, &c. TIMOTHY PICKERING.

Robert Liston, Esq. Envoy Extraordinary, and }
Minister Plenipotentiary from his Britannick }
Majesty to the United States.

No. 16.

R. Liston presents his respects to Colonel Pickering, Secretary of State.

I HAVE had the honour of receiving your letter of yesterday.

In the course of last winter some persons did actually propose to me a plan for an attack on the Floridas and the other possessions of his Catholick majesty adjoining to the territories of the United States.

The general outline of the project was, that the expedition should be undertaken by a British force sent by sea, and seconded by a number of men resident within the limits of the United States, who I was assured, would be willing to join the king's standard, if it were erected on the Spanish territory.

I informed the projectors that I could not give any encouragement to a plan of this nature; and I particularly stated two objections to it—the impropriety of any measure that tended to a violation of the neutrality of the United States, and the inhumanity of calling in the aid of the Indians, a circumstance hinted at in the conversation that had taken place on the subject.

I conceived it to be my duty however to mention the business in my correspondence with my superiors: and I lately received an answer, acquainting me that his Majesty's ministers did not think proper to give any countenance to the project.—The two objections above alluded to (which I had of course insisted on in my report) are stated as sufficient reasons for its rejection.

You must allow me, sir, to decline entering into any farther particulars—On the one hand because, although I have all along suspected that the persons, who proposed the plan to me, might not improbably be employed by the enemies of Great Britain to endeavour with sinister views to insinuate themselves into my confidence, yet as these my surmises may be false, I should not be justified in betraying the secrets of men who may have meant me well:—And on the other hand, because however loose the principles of these speculators may have been on the subject of the law of nations (as it regards the duties of neutrality) none of them in their intercourse with me ever expressed sentiments that were in any degree hostile to the interests of the United States.

Philadelphia, July 2, 1797.

No. 17.

Department of State, Philadelphia, April 27, 1797.

SIR,—This week I received your letter expressing your acceptance of the office of District Attorney for Georgia. I was gratified by the information; and hope your health may be re-established and enable you to continue to hold and exercise it.

Within a few days, the Spanish minister, the Chevalier d'Yrujo, has written me as follows.

“I know to a certainty that the English have made propositions to general Clarke of Georgia in order to obtain his powerful influence in that state, in conjunction with some persons, who might make a diversion or serious attack against Florida; and I doubt not that in consequence of this my advice, the executive government will take suitable steps for effectually preventing the rights of neutrality being infringed by Georgia, to the prejudice of the possessions of the king my master.”

His letter has been laid before the President of the United States, by whose direction I have now to desire you immediately to inquire into the fact asserted by the Spanish minister; and if any discovery shall be made of designs to violate our neutral duties, and especially of forming an expedition against the territories of his Catholick Majesty, from the territory of the United States, in defiance of their laws, and particularly of the act of Congress for the punishment of crimes against the United States, passed on the 5th June, 1794—that you will take the most proper and effectual measures for frustrating such designs; and if the same shall be manifested by any overt acts, to cause the offenders to be arrested and secured, that they may be brought to condign punishment. Independently of the aid, which if necessary you will require of the governour of Georgia, the commanding officer of the federal troops in that state, will be directed by the Secretary of War to afford you all the assistance in his power.

I shall be obliged by your acknowledging the receipt of this letter; and by a communication of the result of your inquiries into the subject of it. I am, sir, with great respect, &c.

TIMOTHY PICKERING.

Charles Jackson, Esq. District Attorney
for the State of Georgia.

No. 18.

Extract of a letter from Charles Jackson, Esq. District Attorney of Georgia, to the Secretary of State, dated Savannah, 22d May, 1797.

SIR,—Your letter of the 27th ultimo, I had the honour to receive some few days past. It has remained unanswered until the present moment, that I might enable myself to ascertain whether or not the suspicions entertained by the Spanish Minister, respecting Gen. Clarke, as expressed in your letter, were well founded. I have made diligent inquiry and cannot find any person here that knows any thing of the business, or that entertains a belief of the kind. Clarke was concerned in a former expedition against the Floridas in conjunction with the French, and it is possible from this circumstance that he is again suspected. He is a man of strong passions, of warm partialities for the French, and violent antipathies to the English. From these

circumstances, and from the matter being unknown to the citizens here, I am led to doubt the truth of the report altogether. It might not be improper to add, that he is far from being the man of influence suggested by the Spanish Minister. But should it happen contrary to my expectation, that Clarke should be daring enough to attempt a violation of the laws of the Union, by accepting a commission, as has been mentioned, no exertions shall be wanting on my part to bring him to punishment, and should it be necessary, I shall direct the marshal to call to his aid the Federal troops. But I have no doubt on my own part, but the civil authority has sufficient strength in this State, to carry into effect the laws of the Union.

No. 19.

Rotterdam, May 9, 1797.

DEAR SIR,—Although in the postscript to the original and quadruplicate of No. 15, forwarded to day I have mentioned the latest intelligence, yet as I find that the schooner *Mary* of Boston, capt. Hall is to sail from this port to-morrow, I beg leave to mention again, that a summary of some of the articles of the preliminaries of the treaty of peace, between France and the Emperour, arrived here this morning. “The Emperour cedes Belgium to the French Republick; he recognises the Independence of the Republick of Lombardy. He admits the extension of the French boundaries, to the limits already *prescribed by their Constitution and Laws.*” Therefore the Meuse, and not the Rhine is to be the boundary. Bonaparte’s flanks and rear, were threatened when the preliminaries were agreed upon. The Austrians had recovered the Tyrol, Friuli and Trieste.

I received accounts to day, that the *Juliana*, from Norfolk in Virginia, is taken and carried into Havre, and that the *Juno*, *Rainbow* and *Charlotte*, all three from Charleston, and the *Hebe* from Savannah, are captured and carried into Nantz, and in all probability will be condemned for want of a “*Rôle d’Equipage*” certified by a publick officer, agreeably to the regulation prescribed by France.

I enclosed you in No. 15, (the original of which I sent by captain Simpson, of the Republican, via Baltimore, the duplicate by captain Goodrich of the *Lydia*, via New York; the triplicate by captain Harrington of the *Eliza* to Philadelphia, and the quadruplicate to the care of Mr. King) copies of citizen Merlin’s letter to Mr. Skipwith, consul general at Paris, in which he says, that when we become just and grateful, and break our incredible treaty with England, France will desist from her present conduct with respect to us. I refer you to the copies transmitted as above, for the particulars of this curious letter, it is now published as official in the “*Redacteur.*”

Major Mountflorenc informs me by the letter received to day "that he had drawn a reply to it; but that it had been judged not proper to be sent; but that in lieu thereof it had been proposed to inform the minister by a short note, that persisting in the former reclamations and not authorized by the government of the United States to enter into a formal diplomatick discussion, on the subject therein mentioned, a copy of his letter of the 4th Floreal,* should be transmitted to our Secretary of State."

I remain with real respect, &c.

CHARLES COTESWORTH PINCKNEY.

Col. PICKERING, Secretary of the United States.

REPORT

OF THE SECRETARY OF WAR TO THE PRESIDENT OF THE UNITED STATES, ACCOMPANYING THE MESSAGE OF JULY 3, 1779.

War Office, June 30, 1797.

THE Secretary of War has the honour respectfully to report to the President of the United States, the annexed extracts of letters from brigadier general Wilkinson and lieutenant colonel Hamtramck, relative to certain causes which may have affected the disposition of the Indians on the western frontiers; as also extracts of despatches to brigadier general Wilkinson and captain Guion, respecting the conduct to be observed by the latter officer on his arrival at the Natchez and Walnut Hills; with copies of a correspondence between his excellency Manuel Gayoso de Lemos and lieutenant Piercy Pope, of the corps of artillerists and engineers, and commandant of the advanced guard of the troops of the United States, destined to take possession of those posts, which exhibit the reasons that had prevented his receiving them.

The secretary further reports a copy of a letter from Wm. Blount, senator from the state of Tennessee, (the original of which is believed to be in his hand writing) addressed to James Carey, interpreter to the Cherokee nation, and assistant to the Indian factory at Tellico, in Tennesseé, who had received it, and which had since come to the hands of the principal of that factory.

JAMES M·HENRY, Secretary of War.

No. I.

Extract of a letter from the Secretary of War to Brigadier General James Wilkinson, dated War-Office, June 9, 1797.

"YESTERDAY the Secretary of State received letters from Mr. Ellicott, by which it would appear that scruples on the part of governour Gayoso had retarded the evacuation of the posts.

* April, 23.

“ These scruples or objections are, first, That in his opinion the forts ought to be demolished ; second, That he thought it necessary to continue his force in that quarter till the claims of Spanish subjects to lands should be adjusted by negotiation.

“ As to the first, our officer may be instructed to agree to the demolition of the works if insisted on. As to the second, he will assure the governour that he is authorized to say, that no person shall be disturbed in his possession or property till an opportunity has been afforded to apply to Congress, and that they may rely upon their claims being adjusted upon the most equitable principles.

“ It is to be presumed, that on receiving these explanations the Spanish garrisons will be withdrawn. If, however, contrary to expectation, this should not happen, our officer is to take a secure position, but not so near them as to give any cause to the Spanish garrisons to apprehend insult or injury.”—

No. II.

Extract of a letter from the Secretary of War, to Captain Isaac Guion, commanding a detachment of the troops of the United States, destined for the Natchez, dated War-Office, June 10, 1797.

“ I ENCLOSE you duplicate of my letter to brigadier general Wilkinson of yesterday's date for your government, in case he should have left Fort Washington, or by any accident be prevented from communicating to you the contents.—

“ Having a perfect reliance on your prudence and judgment, I cannot doubt but your command will prove satisfactory to yourself, and advantageous to the United States.”

No. III.

Extract of a letter from the Secretary of War to Capt. Isaac Guion, dated War-Office, June 15, 1797.

“ SHOULD this despatch find you, where I expect it will, at the Natchez, and the Spanish garrison still in possession of the works at that place ; you will be pleased to lose no time in communicating to the commanding officer there, the enclosed copy of a message* from the President of the United States to Congress, and to the inhabitants of Natchez its contents, that both may be fully possessed of the intentions of government. You will also inform the Spanish commandant, that you are instructed, to pay the strictest attention to the engagements the United States have entered into by the treaty with his Catholick Majesty ; to permit the demolition of the works ; to use your utmost endeavours to preserve a continuance of the pacifick dispositions of the Indians within our limits, towards the subjects

[* June 12, 1797.]

of his Catholick majesty, or his Indians; and to prevent their commencing hostilities (of which there is no appearance) against either, conformably to the fifth article of the said treaty. That you flatter yourself, after these candid assurances, that you will have the immediate pleasure to announce to the President, a full compliance with the treaty on the part of the commander of his Catholick majesty's forces within the United States."—

No. IV.

Extract of a letter from Brigadier General James Wilkinson to the Secretary of War, dated Fort Washington, June 2, 1797, received 22d instant.

"LIEUTENANT colonel Howard, of the regiment of Louisiana, an accomplished Irishman, has arrived at St. Louis, with four hundred regular troops; he is strengthening the works of that place, and organizing the militia; and I have information, through a confidential channel, that it was determined as early as September last, not to give up the posts on the Mississippi."

No. V.

Extract of a letter from Brigadier General James Wilkinson to the Secretary of War, dated Fort Washington, June 4, 1797, received 22d instant.

"LETTERS from all quarters announce the discontents and menacing aspect of the savages; two white men have been recently murdered on the Ohio below the Cumberland, and the savages beyond the Mississippi, and these who pass Massac, make no hesitation to avow their purpose for war; the Shawanese, at the old Tawa towns, are our nearest neighbours; they profess friendship, but are making no preparations for a crop, which is a certain indication of their intention to change ground."

"The enclosed extract of a letter from colonel Hamtramck is corroborated by information from Kaskaskias, St. Vincennes, and Massac."

"At the same time colonel Howard is strengthening his works at St. Louis, and organizing the militia, who are taken into pay at nine dollars per month."—

No. VI.

Extract of a letter from Lieutenant Colonel Hamtramck to Brigadier General James Wilkinson, dated Detroit, May 21, 1797.

"THE departure of the 4th regiment, and now of the artillery, makes us very weak—it has reduced our guards from offi-

cer's guards to non-commissioned officer's, and our strength does not admit of three relieves.

"I have had, for a long time past, a large number of Indians—I do not know well their intentions—but I think it would be prudent not to weaken the garrison more than it is; and I am pretty sure that both the French and Spaniards have emissaries amongst the Indians. I have it from indubitable authority, that a large belt from the Spaniards is now travelling through the different nations."

No. VII.

Extract of a letter from Lieutenant Piercy Pope, to the Secretary for the Department of War, dated Camp, May 9, 1797
—Received 29th June.

"SIR,—I arrived at the Walnut Hills on the 13th of last month. Previous to my arrival at that place, orders were lodged with the commandant of that post, not to suffer my troops to come any lower down until further orders. At this place I remained for eight or ten days, when I received a letter from governour Gayoso, informing me, that he should be happy to see myself and detachment arrive. I immediately embarked all my troops and moved on to Natchez, at which place I arrived the 24th April, was received extremely well, and every thing appeared to go perfectly right for several days; the evacuation appeared to be going on with great life, when all at once the military stores were immediately ordered back, their troops busily engaged all night taking back and remounting the cannon; this kind of conduct, I assure you, appeared, and still appears strange; they are strengthening the garrison here, detachments of troops daily arriving; the whole of which are both day and night working and fortifying themselves; I can't say against what. Reinforcements are daily going up to the Walnut Hills—for no other purpose but strengthening that place. The militia is ordered to be embodied—this however is a report, though I believe a very just one, which has alarmed the inhabitants extremely, who are respectable and numerous. I am also informed, this evening, that what is called the Mexican regiment are now on their way to garrison this place and the Walnut Hills. There have been several attempts made to draw on the Indians upon my troops: I have fully ascertained this fact, and demanded of the governour to have a principal actor immediately brought to punishment, or sent out of the country. He has been sent for, and is now on board of one of the galleys, which is now about descending the river."

No. VIII.

*Don Manuel Gayoso de Lemos, to Lieutenant Pope. Natchez,
March 25, 1797.*

SIR,—By Mr. Philip Minor I am informed, that you was preparing to come down the Mississippi to take possession of the posts on the east bank of this river, to the north of 31° latitude. Not long ago, general Wayne sent a message to baron Carondelet, general in chief of this province, inquiring when it would be convenient and agreeable to him to order the said posts to be evacuated. His excellency the baron has answered, and the answer cannot yet have produced the determination you have taken to anticipate the time appointed. Depending on the friendly arrangements that the two generals had entered into, neither Nogales or this place is yet evacuated, though the necessary steps are taken to verify it within one month; therefore I request that you will encamp your troops in the first convenient place on either bank of this river, nigh the place where this may be delivered to you, by my adjutant, captain Stephen Minor. I shall with pleasure see your condensation, as this will be a proof of the good harmony that subsists between our nations, which is more particularly recommended to us by the king. The presence of the troops of the United States, while the evacuation of this place is carrying on, would have an appearance of compulsion, which would not be decent to the decorum due to his Catholick majesty, when so intimately allied to the United States of America.

As soon as the military stores are embarked, I shall do myself the honour to acquaint you with it, and then will be very happy to see you here, and to be personally acquainted with you. I am, with the highest consideration, sir, &c.

MANUEL GAYOSO DE LEMOS.

Captain Pope.

No. IX.

*Don Manuel Gayoso de Lemos, to Lieutenant Pope. Natchez,
April 1, 1797.*

SIR,—Since I addressed you by major Minor, I have received orders from his excellency baron Carondelet, general in chief of this province, to suspend the evacuation of the posts within my jurisdiction, until our court has settled with the United States of America, some difficulties which can be levelled only by our respective ministers. The perfect peace and harmony subsisting between the two nations, do not allow us to doubt but we shall shortly receive intelligence concerning the results of this suspension. It is my duty to inform you of this circum-

stance, and at the same time to offer you any assistance that you may be in need of, at the Walnut Hills, and give you every proof of our disposition to keep up a good understanding and sincere friendship with the United States.

Notwithstanding I have already given the necessary orders to the commandant of that post to prepare convenient accommodations for your troops, I reiterate them by this opportunity, being anxious that you may meet with every possible convenience at that place. I am, with consideration, sir, &c.

MANUEL GAYOSO DE LEMOS.

Alexander Pope, Esq. commanding officer }
of the troops of the United States of }
America, at the Walnut Hills. }

No. X.

*Lieutenant Pope to Captain Burguard, commanding officer,
Walnut Hills. Walnut Hills, April 13, 1797.*

SIR,—I have this morning, with attention, perused two letters from governour Gayoso mentioning a message from general Wayne to baron Carondelet, general in chief of this province, to know when it would be convenient to him to have the posts evacuated; I could not know or anticipate the answer to general Wayne's message, but on my arrival at fort Massac, was informed by the commanding officer at that place that the posts were ready to be evacuated. Agreeably to my orders, and in consequence of this information I am now coming forward with my detachment for the purpose of taking possession of the lowest post on the Mississippi, the Natchez post.

It is my wish, as well as that of the United States, to promote harmony and a friendly exchange of good offices between the United States and the subjects of his most Catholick majesty.

I am, with respect, &c.

PIERCY S. POPE, Lieut. Artil. commanding U. S. troops, Mississippi.

Capt. Burguard, commanding }
officer, Walnut Hills. }

No. XI.

*Lieutenant Piercy S. Pope, to Don Manuel Gayoso de Lemos.
Walnut Hills, April 15, 1797.*

SIR,—Your letter of the 25th of March, and the other of the at instant, were both delivered me, by the commanding officer of Nogales yesterday. I was extremely sorry that my indisposition was such as prevented an answer.—I am not unacquainted with the circumstance of general Wayne having sent a message inquiring when it would be convenient to evacuate the

posts. I am unacquainted with the answer to this inquiry, nor did I anticipate the time appointed for their delivery; for the first information received by me on this subject was at fort Massac, which, together with my orders or instruction induced me to suppose a delay for receiving the posts would be improper. I have agreeably to your request encamped my troops on the east side of the Mississippi, immediately above Nogales, I assure you it is with pleasure I have to acknowledge the polite treatment and attention my troops have received since their arrival at this place from the commandant; and rest assured that nothing shall be wanting on my part to cultivate that present interesting harmony which is between the two nations; nothing will give me more pleasure than to be personally acquainted with you when convenience will permit. I am, with the highest respect, &c.

PIERCY S. POPE, Lieut. Artill'y.
Comdg. U. S. troops, Mississippi.

No. XII.

*Don Manuel Gayoso de Lemos, to Lieutenant Piercy S. Pope.
Natchez, April 17, 1797.*

SIR,—By the commandant of that post I am informed of your arrival there, with the troops under your command; and he has also sent me the letter that you wrote to him acknowledging the reception of my two.

The particular reasons that for the present have suspended the evacuation of the posts, do not affect the treaty in any other respect; and these will soon be settled between his Catholick Majesty and the United States of America, they being of a nature that only wants an explanation, therefore it has been my most earnest wish to keep the settlements in peace and quiet until that political change takes place.

As I expected you might come down before an information of this incident could reach you, I provided the most convenient barracks that I could for your troops, at that post, wishing to show the United States the greatest attention to their troops; and in consequence of this disposition having conferred with the Honourable Andrew Ellicott, we have agreed that you should remove to this place to encamp in its vicinity, where you may be assisted with every thing more conveniently. By this opportunity I forward the correspondent orders to the commandant of that post, who will do every thing necessary to facilitate and expedite your descent, which I hope will be speedy, as I flatter myself with the prospect of much satisfaction in forming your acquaintance. I have the honour to be, &c.

MANUEL GAYOSO DE LEMOS.

P. S. POPE, Esq.

No. XIII.

From the same to the same. Natchez, May 1, 1797.

SIR,—I have the honour to acquaint you that the commander general of this province desires me to inform you that his Majesty's envoy in the United States has given him the intelligence of an attack proposed against our part of the Illinois by the British from Canada; and as such an expedition cannot take place without passing through the territory of the United States, said envoy did officially communicate what was necessary to the Secretary of State of the United States, requiring that convenient orders should be issued to have their territory respected and provided for their own safety; which we doubt not but the United States will acquiesce to, in consequence of the treaty and the good harmony that subsist between the United States of America and His Majesty.

The said commander general of this province in consequence of the foregoing information finds himself under the necessity of putting in a state of defence several points of this river, and particularly Nogalls, to cover lower Louisiana, and in case the British should succeed in their projects against Illinois; for which purpose a convenient force shall be sent to Nogalls to repair and defend that post, which far from being against the interest of the United States of America, will, in case of being agreed to, leave the military post in that state which it may be found.

As this is a powerful reason in addition to those that offered before, to suspend the evacuation of these posts, and of running the line, as our attention is entirely drawn towards the defence of the province, the said commander general orders me to pass you this official communication, and in consequence of the unavoidable delay to repeat to you in his name the proposal of remaining here, to go down to lower Louisiana, or as he thinks might be preferable to remove to Villa Gayoso, where there are sufficient buildings to accommodate both you and your troops; this insinuation being an effect of the desire we have to show every degree of consideration, as a proof of our disposition to improve the friendship between our nations, assuring you that in any part that you should determine to remove or stay, the commander general of this province will facilitate every conveniency in his power for your satisfaction. I have the honour to be, &c.

MANUEL GAYOSO DE LEMOS.

Capt. P. S. Pope.

No. XIV.

*Lieutenant Piercy S. Pope, to Don Manuel Gayoso de Lemos.
Camp, May 2, 1797.*

SIR,—Your letter of yesterday was delivered me by your Adjutant captain Stephen Minor. The Governor General has, as appears from your letter to me, requested that I should be informed of a proposed attack on your part of the Illinois county by the British force of Canada, and that such an expedition cannot take place without passing through the territory of the United States. I have not a doubt but that the United States have made such arrangements as will secure to them the respect due the nation, and that at the same time every preparation has been made to carry into effect with firmness the late treaty between his most Catholick Majesty and the United States.

The second part of your letter more particularly concerns me, as a longer delay of the evacuation of the Walnut-Hills and Natchez, I cannot possibly consider in any other light than an indirect violation of the late treaty.

The landing of any troops for the purpose of fortifying or re-inforcing Nogalls, or any other Post above a due east and west line to be drawn 33" and 46" south from Mr. Ellicott's present encampment, will be highly improper, and no doubt considered as a direct attack upon the honour of the United States, as well the liberties of the citizens, and an invasion of a part of our territory; there being no war between the United States and Great Britain, the latter power would have every reason of complaint should such a measure be suffered. I now proceed to the third and last part of your letter, and cannot suppose the reasons offered for a longer detention of the posts within the United States, and running the line, sufficient. The fortifying or remaining in force against your enemies within the territory of the United States when holding the opposite side of the Mississippi, where you may with equal ease oppose your enemies, may be productive of disagreeable consequences to both our nations.—

I have the honour to return you my sincere thanks, for your friendship and polite attention to myself and troops, and at the same time to inform you, that my present eligible situation supersedes the necessity of a removal.—I am, with due respect, &c.

PIERCY S. POPE, Lieut. Artill'y.

Comdg. U. S. Troops Mississippi.

No. XV.

From Don Manuel Gayoso de Lemos to Lieutenant Piercy Pope, dated Natchez, May 3, 1797.

SIR,—Yesterday, by lieutenant John M'Clairy, I received your answer to my communication of the day before. I am sorry to find the construction you give to such an official information, which leaves no room of doubt.

The project of an attack from the British in Canada, is positive, and in consequence thereof, it is the duty of the commander general of this province to oppose it by every means in his power, though the probability is, that they will not be able to carry their plan into execution, as we rely on the friendship of the United States, who certainly will not voluntarily permit such an armed force to pass through their territory, to attack the dominions of his majesty ; but, as when such an expedition was proposed, the British knew very well that to accomplish it they must necessarily pass through the territory of the United States, they certainly have had it in view either to pass the posts by surprise, or some other combination that secured to them the means of reaching Illinois : it is to prevent the effects of such an event that the said commander general takes every measure to obstruct their success at their first approach, or a continuation of it, if fortune should favour them in Upper Louisiana.

We are far from acting in a manner so as to alter the good understanding that happily subsists between our nations. Political reasons have caused a suspension of the evacuation of these posts ; reasons that are to be settled ministerially, and that are out of my line to controvert, my duty is to comply with the superior orders of my general in chief, which are positively to keep the best harmony with you, and attend to every other object concerning the safety of this Province.

There is no reason to apprehend that the treaty between the United States of America and his majesty will not take place in every point ; the delay experienced with regard to one part of it, is not a violation of the treaty, and is only referred to the regular ministerial procedure, which, when settled, will be exactly complied with ; in the mean while, no alteration can take place, nor can any part of his majesty's dominions be considered alienated, delivered in a solemn and regular manner, and until that period the dominion of his majesty does not cease.

The communication that the commander general of this province has ordered me to impart to you, is a striking proof of the good understanding that he is desirous to cultivate, by informing you of an important circumstance that concerns both our nations, without expecting that you would offer any objections

to the indispensable dispositions that he finds necessary for the safety of the province.

As your answer is of a nature that requires the immediate communication of it to my general in chief, I request you to inform me further, if you have positive orders to make the objections that you have signified to me, as it must necessarily influence the conduct of the king my master towards the United States of America; and as likewise this is a necessary step to justify that I have not been negligent in requiring this important intelligence. I have the honour to be, &c.

MANUEL GAOSO DE LEMOS.

Brigadier-General, and governour of Natchez.

Lieutenant Piercy Smith Pope, commander
of the troops of the United States of Ame-
rica on the Mississippi. }

No. XVI.

From Lieutenant Piercy Pope to Don Manuel Gayoso de Lemos, dated Camp, May 5, 1797.

SIR,—I received your letter by captain Minor, requesting of me to be informed whether I had positive orders for the objections I made in reply to your letter of the first instant; I have no official information from the United States of any pending negotiations that respects the late treaty, and consequently have every reason to suppose that the United States consider the treaty carried into effect as far as respects the evacuation of the posts on the east side of the Mississippi, above the 31st degree, north latitude, and therefore conclude that any reinforcements or additional works will have a tendency to disturb that harmony which at present happily prevails between the two nations, and which I am directed to cultivate.

You told me yesterday that you had received information from a gentleman, that I intended to attack the garrison at this place. I now request that you will discover the author, that he may have it in his power to acquit himself of this assertion, or be brought to that just tribunal, a crime of so heinous a nature merits, as the informer has been guilty of. I am, &c.

PIERCY S. POPE, Lieut. Artillery.

Comdg. U. S. Troops Mississippi.

No. XVII.

From Don Manuel Gayoso de Lemos to Lieutenant Piercy Pope, dated Natchez, May 6, 1797.

SIR,—I received your letter dated the 5th instant, delivered me by Lieutenant John M'Clafy, in reply to mine of the 3d,

by which, and by our conferences, I am persuaded of your disposition to cultivate that good harmony that is justly due to our nations. On my part I pledge my honour to you that I shall invariably continue considering you not only as I do every individual of your nation, but yet more particularly under the sacred view of its representatives, as likewise every person under your command, and under the direction of the honourable Andrew Ellicott.

I do assure you likewise, that my conduct shall be such, as not to merit the reflection of your nation, nor expose mine to any contest on account thereof; being answerable by my duty, and by my honour, to act with such propriety as will justify me in my publick capacity.

With regard to the person that gave the information, that in my familiar conversation I communicated to you, must be despised, and others discountenanced both by you, and by me, as our situations are sacred, and only subject to the alterations unanimously agreed upon by our nations.

I have the honour to be, &c.

MANUEL GAYOSO DE LEMOS.

No. XVIII.

Colonel King's Iron Works, April 21, 1797.

DEAR CAREY,—I wished to have seen you before I returned to Philadelphia, but I am obliged to return to the session of Congress which commences on the 15th May.

Among other things that I wished to have seen you about, was the business captain Chisholm mentioned to the British minister last winter at Philadelphia.

I believe but am not quite sure that the plan then talked of will be attempted this fall, and if it is attempted it will be in a much larger way than then talked of; and if the Indians act their part I have no doubt but it will succeed. A man of consequence has gone to England about the business, and if he makes arrangements as he expects, I shall myself have a hand in the business, and probably shall be at the head of the business on the part of the British. You are however to understand that it is yet not quite certain that the plan will be attempted; yet you will do well to keep things in a proper train for action in case it should be attempted, and to do so will require all your management; I say will require all your management, because you must take care in whatever you say to Rogers, or any body else, not to let the plan be discovered by Hawkins, Dinsmoor, Byers or any other person in the interest of the United States nor Spain.

If I attempt this plan, I shall expect to have you and all my Indian country and Indian friends with me, but you are now in good business I hope, and you are not to risk the loss of it by

saying any thing that will hurt you until you again hear from me. Where captain Chisholm is I do not know, I left him in Philadelphia in March, and he frequently visited the minister, and spoke upon the subject, but I believe he will go into the Creek nation by way of South Carolina or Georgia.—He gave out he was going to England, but I did not believe him—Among things that you may safely do will be to keep up my consequence with Watts and the Creeks and Cherokees generally, and you must by no means say any thing in favour of Hawkins; but as often as you can with safety to yourself, you may teach the Creeks to believe he is no better than he should be—Any power or consequence he gets will be against our plan. Perhaps Rogers, who has no office to lose, is the best man to give out talks against Hawkins.—Read the letter to Rogers, and if you think it best to send it to him, put a wafer in it, and forward it to him by a safe hand, or perhaps you had best send for him to come to you, and speak to him yourself respecting the state and prospect of things.

I have advised you in whatever you do to take care of yourself; I have now to tell you to take care of me too, for a discovery of the plan would prevent the success, and much injure all the parties concerned. It may be that the commissioners may not run the line, as the Indians expect or wish, and in that case it is probable the Indians may be taught to blame me for making the treaty.

To such complaints against me, if such there are, it may be said by my friends at proper times and places that Doublehead confirmed the treaty with the President at Philadelphia, and received as much as five thousand dollars a year to be paid to the nation over and above the first price; indeed it may with truth be said, that though I made the treaty, that I made it by the instructions of the President; and in fact it may with truth be said, that I was by the President instructed to purchase much more land than the Indians would agree to sell. This sort of talk will be throwing all the blame off me upon the late President, and as he is now out of office, it will be of no consequence how much the Indians blame him. And among other things that may be said for me is, that I was not at the running of the line, and that if I had been, it would have been run more to their satisfaction. In short, you understand the subject, and must take care to give out the proper talks to keep up my consequence with the Creeks and Cherokees—Can't Rogers contrive to get the Creeks to desire the President to take Hawkins out of the nation, for if he stays in the Creek nation, and gets the good will of the nation, he can and will do great injury to our plan—when you have read this letter over three times, then burn it. I shall be at Knoxville in July or August, when I will send for Watts and give him the whiskey I promised him.—

I am, &c.

WILLIAM BLOUNT.

War Office, June 30, 1797.

I HAVE compared the foregoing documents, numbered from 1 to 18 inclusive, and do certify the same to be true extracts and copies from the records and files of this office.

JOHN STAGG, JR. Chief Clerk.

SPEECH

OF THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
NOV. 23, 1797.

Gentlemen of the Senate and 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 publick inconvenience, and a considerable publick 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 measures to ascertain the state and decline of the sickness, I postponed my determination, 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 1794.

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 of gratitude to the Source of Benevolence and Influence, for interior tranquillity and personal security, for propitious seasons, prosperous agriculture, 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.

Our envoys extraordinary to the French Republick, embarked one in 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 nineteenth of September.—Whatever may be the result of this mission, I trust that nothing will have been omitted on my part, to conduct the negotiation to a successful conclusion, on such equita-

ble terms as may be compatible with the safety, honour 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 such memorable proofs, and the exertion of those resources for national defence, which a beneficent 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 by me to 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 continue, I hold it most certain, that perfect 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; publick faith and national honour have been so 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 the rights of commercial and seafaring, no 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 Catholick majesty, respecting the withdrawing of his troops from our territory, and the demarcation of the line of limits; but by the latest authentick intelligence, Spanish

garrisons were still continued within our country, and the running of the boundary line had 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 in 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.

Although measures have been taken to counteract these infractions 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 offences may be 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 the river St. Croix, mentioned in the treaty of peace, met at Passamaquoddy bay, in October, one thousand seven hundred and ninety-six, and viewed 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 had been supposed, and not being then completed, the commissioners again adjourned to meet 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 British subjects for debts contracted before the peace, and still remaining due to them from citizens or inhabitants of the United States. Various causes have hitherto prevented any determinations; but the business is now resumed, and doubtless will be prosecuted without interruption.

Several decisions on the claims of citizens of the United States, for losses and damages sustained by reason of irregular and illegal captures or condemnations of their vessels or other property, have been made 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 captured 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 their vessels and cargoes having been taken by the subjects of his Catholick Majesty, during 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 sustained by British subjects, by reason of 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, it is necessary that provision be made for fulfilling these obligations.

The numerous captures of American vessels by the cruisers of the French republick, 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.—By means of the same captures, great numbers of our seamen have been thrown ashore in foreign countries, destitute of all means of subsistence; and the sick, in particular, have been exposed to grievous sufferings.—The consuls have, in these cases also, advanced moneys for their relief. For these advances, they reasonably expect reimbursements from the United States.

The consular act, 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 ineffectual.—Another provision seems necessary to be added to the consular act. 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 placéd particularly within your sphere, the national debt and taxes.

Since the decay of the feudal system, by which the publick 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 the subject of what have been called funding systems. The consequences arising from the continual accumulation of publick debts, in other countries, ought to admonish us to be careful to prevent their growth in our own. 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 pincipal 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. Such circumstances call with peculiar importunity, not less for a disposition to unite in all those measures, on which the honour, 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.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
JAN. 23, 1798.

At the commencement of this session of Congress, I proposed in the course of it, to communicate to both Houses, further information concerning the situation of our affairs in the territories of the United States situated on the Mississippi river, and its neighbourhood,—our intercourse with the Indian nations,—our relations with the Spanish government, and the

conduct of their officers and agents : This information will be found in a report of the Secretary of State and the documents attending it, which I now present to the Senate and House of Representatives.

JOHN ADAMS.

REPORT

OF THE SECRETARY OF STATE TO THE PRESIDENT OF THE UNITED STATES.

In observance of your directions I have revised the communications from Mr. Ellicott, the Commissioner of the United States at the Natchez, since my Report of the 3d of July last, which, with the documents therein referred to, you, on the same day, laid before Congress ; and now respectfully submit to you a statement of whatever appears therein to be material.

The last letter from Mr. Ellicott, of which a communication was made to Congress, bore date the 10th of May last. His next, dated the 27th of that month, I received the 24th of August. In this he mentions that reinforcements were sent from New-Orleans to the post at Walnut Hills, and that repairs were made on the fort at the Natchez : That he had received very satisfactory accounts from both the Chickasaws and Chactaws, that for more than eight months past, they had been tampered with by the Spanish agents and traders, to prevent the late treaty between his Catholick Majesty and the United States from being carried into effect ;—though Mr. Ellicott thinks, without success. On the 11th of May, he wrote to governour Gayoso desiring a definitive answer, as to the time he would be ready to proceed to the determination of the boundaries between the two nations, as specified in the treaty ;—to which he received an unsatisfactory answer. On the 16th he addressed governour Gayoso a retrospective view of their correspondence, and of that with lieutenant Pope, exhibiting the repeated promises and demonstrations of running the boundary line and evacuating the posts—the non-performance of those promises—and the varied pretences for the delay. To this detail of unfulfilled engagements and contradictory measures, the governour answered Mr. Ellicott on the 17th, “ That he should not trouble him with justifying the motives which had caused *some disagreement* in his (the governour’s) communications ;” adding however, that “ they were far from being insincere.”

In his next letter dated the 4th of June, Mr. Ellicott mentions that “ The citizens of the United States who are trading on the Mississippi are frequently treated with great insolence, at the Spanish posts, and their property taken for the use of his Catholick Majesty, when wanted, and always at a reduced price.” He instances the case of a Mr. M’Cluny, from whom

a large quantity of flour was thus taken at the Walnut Hills—and of Francis Baily, who was compelled to receive as cash, in payment for goods sold, a species of paper, which was passing at a discount of twelve per cent.

With this letter Mr. Ellicott transmitted the copy of a Proclamation by the Baron de Carondelet, governour general of Louisiana, bearing date at New-Orleans the 24th of May; and ordered to be published. In order to dissipate reports, which had alarmed the inhabitants of the Natchez, the Baron therein declares “That the suspension of the demarcation of the limits, and the evacuation of the forts, which will be comprehended on the other side of the line, is at present only occasioned by the imperious necessity of securing Lower Louisiana from the hostilities of the English, who (he says) without regard to the inviolability of the territory of the United States, have set on foot an expedition against Upper Louisiana, which they cannot, however, attack without traversing the aforesaid territory.” But he suggests, that if they made themselves masters of the Illinois country, they would then attack Lower Louisiana. This fabulous expedition of the English from Canada is thus made the pretence for the non-execution of the treaty on the part of Spain. “We have thought proper (says the Baron) to put the post of Walnut Hills in a respectable but provisional state of defence, until the United States, informed of these motives, by the minister plenipotentiary of his Majesty, to whom we have communicated them, provide against these inconveniences; and by taking the proper steps to cause the territory to be respected, shall put in our power to fulfil, without danger, the articles of the treaty concerning limits.”

In this proclamation, the information of the English expedition is represented as having been communicated by the Baron de Carondelet to the Spanish minister in the United States; but in his next proclamation, one week afterwards (May 31st) he sets forth that he had received from that Minister information of the expedition from Canada, and, therefore, “had judged it necessary for the surety and tranquillity of Lower Louisiana, to suspend the evacuation of the post of Natchez and the Walnut Hills.” And as early as the first of May, Governour Gayoso, in a letter to Mr. Ellicott, published with the other documents laid before Congress, at the last session, assigns the information before that day received by the Baron from the Spanish minister, of the above pretended expedition, as the reason for holding the posts, and putting them in a state of defence; particularly the Walnut Hills. In the same Proclamation (of which a copy No. 1. is annexed) the Baron affects to consider the march of a detachment of American troops from the Ohio to the state of Tennessee, while it has been intimated,

as he says, to the Militia of Cumberland to hold themselves ready to march at the first notice, as an evidence of a hostile attack intended, even by the United States, on Louisiana.

The pretences for holding the posts in question, and delaying to run the boundary line, having varied from time to time, it may be proper to present them in one view.

—In the month of March—

1st. That it was uncertain whether the Forts, when evacuated were to be demolished or left standing.

2d. That it was necessary to secure the real property to the inhabitants. And both these points, it was said, must be adjusted by a negotiation between the two governments of Spain and the United States, prior to the evacuation of the posts.

3d. That they must be retained until the Spanish officers were sure the Indians would be pacifick.

—On the 24th of May—

4th. The English expedition from Canada, which could not proceed without violating the territory of the United States.

But in the proclamation of this date, the putting of the principal post, that of the Walnut Hills, in a state of defence was declared to be only provisional, and until the United States should cause their territory to be respected.

5th. On the 31st of May, the Baron's second proclamation repeats the same pretence, the English expedition, and adds a new one, That the United States were marching troops, and preparing the militia to take the Spanish dominions by surprise. Further motives are also assigned—*anterior* menaces by the commissioner Mr. Ellicott and of lieutenant Pope and the expected rupture between the United States and France. And new conditions are now mentioned to be performed by the United States; viz: That they should, as a necessary evidence that they have no hostile intentions against the Spanish provinces, either leave the post of the Natchez, or the Walnut Hills, in possession of Spain as "The only bulwarks of Lower Louisiana to stop the course of the British;" or give to the Spaniards "security against the article of the treaty with Great Britain which exposes Lower Louisiana to be pillaged and destroyed down to the capital. Then (says the Baron) we will deliver up the said posts, and lay down our arms, which they (the United States) have forced us to take up, by arming their militia in time of peace, and sending a considerable body of troops by round-about ways to surprise us."

Pretences more frivolous, or more unfounded and unwarrantable, were perhaps never urged as reasons to excuse a violation of the faith of treaties. Never, perhaps, was conceived a more absurd idea, than that of marching troops from the

Ohio to the state of Tennessee, and thence to the Natchez, in the whole a tedious, difficult, and expensive route of many hundred miles, chiefly through a wilderness;—when, if the United States had any hostile views, they had only to collect their troops to the Ohio, and suffer them to be floated down that river, and the Mississippi, almost without labour, with great expedition and at small expense, to the country to be attacked: But the suggestion is as false as it is absurd.

Neither does any article of the treaty between the United States and Great Britain (the Baron doubtless means the treaty of 1794) nor the explanatory article of 1796, give to Great Britain any new right respecting the navigation of the Mississippi, and consequently do not expose, more than it was before exposed, Lower Louisiana to be pillaged and destroyed by the British. But this question having been fully discussed in my letter of the 17th of May last to the Spanish minister, and his reasoning demonstrated (as I conceive) to be utterly unfounded, it would be a waste of time to add any further observations upon it.

If the posts of the Natchez and Walnut Hills “are the only bulwarks of Lower Louisiana, to stop the course of the British,” as the Baron asserts, and if, therefore, Spain is justifiable in holding them—she may retain them without any limitation of time—for her security in any future war, as well as in that which now exists. But this, like all the other reasons which have been before advanced, is merely ostensible. The true reason is doubtless developed by the Baron in his proclamation of the 31st of May. *The expectation of an “immediate rupture between France, the intimate ally of Spain, and the United States.”*

The Spanish minister having resumed this subject in his letter to me of the 11th of July, his own printed translation of it, and my answer of the 8th of August, are hereto annexed; together with his letter of the 19th of August, acknowledging the receipt of that answer, and his two subsequent letters of the 9th of October and 21st of November. With the last it seems proper to lay before you a paper signed VERUS, which appeared in the Aurora, printed by Benjamin Franklin Bache, on the morning of the 23d, containing in substance his letter of the 22d, which I received the preceding evening, and some additional expressions which the minister himself deemed too gross to be addressed to the government under his proper signature; but which, under the circumstances here mentioned, must necessarily be ascribed to him.

In his next letter, Mr. Ellicott gives an account of an insurrection of the inhabitants of the Natchez. A minute detail of the circumstances which gradually tended to produce this event, he says, would fill a volume. The following relation is extracted from his letter of June 27th. “The delay (says he)

on the part of the Spaniards, to carry the late treaty between his Catholick majesty and the United States into effect, gave great uneasiness, which was daily increased by the Spaniards reinforcing and repairing the fort at this place and the Walnut Hills. The people considered those preparations as a determination on the part of Spain to retain the country, notwithstanding the late treaty. A disposition was frequently manifested to resist the laws of Spain; but they were, nevertheless, submitted to without a direct opposition, until Friday the 9th instant, when a Mr. Hannan, a preacher among the Baptists, was taken on some trivial pretence, and confined by his legs in a small building within the fort. This was considered as an attack upon the privileges of the citizens of the United States (Mr. Hannan being one) and a determination, at all events, to enforce the laws, civil and religious, of Spain, with rigour. Under this impression the inhabitants flew to arms, and the governour and principal officers of government took refuge in the fort. Thus in less than ten hours, by an unnecessary exertion of power, the authority of the governour was confined to the small compass of the fort."

"Saturday the 10th, the opposition to the Spanish government had extended almost over the district. Sunday the 11th, a number of enterprising opposers of the Spanish government called upon lieutenant Pope and myself, and declared their determination of commencing hostilities, in consequence of the imprisonment of Mr. Hannan, and a proclamation of the baron de Carondelet (that of the 31st of May before mentioned) *which they considered as a declaration of war against the United States*: To oppose them directly would have put an end to our influence in the country; and to encourage them, in my opinion, would have been improper, as the United States had not extended their jurisdiction to this district. I, therefore, on my part, resolved to do neither; but, to divert their attention from immediate acts of hostility, proposed to them, to make a formal declaration of their being, by the late treaty, citizens of the United States, that they might have some claim to protection; but at the same time not to lose sight of their personal safety, and act on the defensive only. This had the effect I expected. On the evening of Monday the 12th, Mr. Pope and myself received a verbal message from governour Gayoso, by his adjutant major Minor, to the following purport, "Gentlemen, governour Gayoso requests the favour of an interview with you, all as private gentlemen: the interview to be without the fort, to see if some plan cannot be devised to quiet the present disturbance in the country." To this message I replied, that "I had no objection to the proposed interview, that I approved of peace, and would join in any measures for that purpose, consistent with the honour and safety of the people, who generally considered themselves citizens of the United States." Mr.

Pope's answer was very different, and to the following effect. "You will please to inform governour Gayoso that I will not agree to the interview, nor have any correspondence with him, but what shall be official; and I will repel by force, any attempts that are made to imprison those who claim the privileges of being citizens of the United States." As the message was jointly to Mr. Pope and myself, and Mr. Pope would not attend, I informed major Minor that I should not attend alone. All my address was now exerted to avert the storm, and bring it to a favourable issue; and I could see no mode so likely to answer the purpose, as measures apparently decided. Under this impression, about ten o'clock in the evening, after major Minor had been with us, I entered my approbation to a letter written by Mr. Pope to a large number of the inhabitants of this district, assembled at a Mr. Belt's, about nine miles from this place.* On the morning of the 13th, I received a letter (No. 2.) from governour Gayoso, to which I immediately returned an answer (No. 3.) The ensuing evening about eleven o'clock, I received a verbal message, by Mr. George Cochran, contractor for the United States at this post, from governour Gayoso, requesting a private interview with me at the house of Mr. Cochran (which is in the neighbourhood of the fort) at nine o'clock the next morning: to this I had no objection, as I supposed the object of the interview was to fall upon some plan of an accommodation. The next morning, being the 14th, I met

* This letter from lieutenant Pope has since been transmitted by colonel Anthony Hutchins of the Natchez, to the Department of State, and is as follows.

" Natchez Camp, June 12, 1797.

" Fellow citizens of the district of Natchez.

" Having received information that a number of you will be collected at my friend Belt's, in conformity to an indirect invitation sent to you for that purpose, I have now positively to make the declaration to you that I have made this evening to governour Gayoso, that I will at all hazards protect the citizens of the United States from every act of hostility—I mean all such as reside north of the 31st degree of north latitude, or within thirty-nine miles due south of the Natchez. I now therefore, call on you in the most solemn manner, to come forward, assert your rights, and you may rely on my sincere corroboration to accomplish that desirable object.

I shall expect your assistance to repel any troops or hostile parties that make an attempt to land for the purpose of reinforcing this garrison or other purposes detrimental to the inhabitants of this country.

PIERCY S. POPE,

Commanding U. S. troops, Natchez.

From the present alarming situation of this country I fully approve of captain Pope's letter of this date to his fellow citizens assembled at Mr. Belt's.

ANDREW ELLICOTT,
Commissioner U. S. June 12, 1797.

A true copy, examined per

THOMAS M. GREEN.

governour Gayoso, according to his request. He appeared much agitated at first, but soon became calm, and we entered upon the subject of the tumult in the country: he was desirous to know upon what terms the people would be willing to disperse. I proposed the outlines of an accommodation, to which he acceded. In order to prevail on Mr. Pope to consent to an interview with governour Gayoso, I spoke to Mr. Cochran and several other of his friends, whose influence prevailed, and the interview took place at the Government House, about 5 o'clock in the afternoon; when, after some discussion, the governour proposed the terms (No. 4) on which he was willing to accommodate with the people: Mr. Pope had some objections, but at length withdrew them. On Wednesday morning the governour published the proclamation (No. 5.) founded in part upon the terms which were agreed upon at our interview. But this proclamation had not the desired effect; in some places it was torn to pieces. The words "candid repentance," rendered the whole obnoxious.—The people considered themselves not only citizens of the United States, but supporting a virtuous and honourable cause; and, therefore, in no need of "repentance." As soon as I discovered that the proclamation had no effect, I gave the information to the governour's adjutant, major Minor. The business now put on a very serious aspect, and hostilities appeared inevitable. By this time the opposition to the Spanish government had assumed some form; a number of respectable militia companies had elected their officers, and were ready to take the field. Friday the 16th, it was agreed that a meeting of the principal inhabitants of the district should be held at Mr. Belt's on Tuesday the 20th. In the mean time both sides continued their preparation. Companies of militia were forming and organizing in the country; and the governour exerting himself by strengthening and reinforcing the fort. He called to his aid every person who would join him, either through attachment or fear: he was, nevertheless, too weak to attempt any offensive operations. On Saturday, the 17th, about ten o'clock at night, a Spanish patrol fell in with a patrol from our camp, and fired upon it, the fire was returned; but I believe that there was no damage done. On Sunday evening, the 18th, I received a verbal message from the governour, by his adjutant, major Minor, requesting a private interview with me the next morning, at the house of his adjutant; to which I consented without any hesitation. The next morning he left the fort and rode by a circuitous route to the adjutant's place, where I joined him. Our conversation immediately turned upon the state of the country; he assured me that he was very desirous of coming upon some terms of accommodation; and as he understood that I intended to attend the meeting the next day at Mr. Belt's, he requested that I would be so good to use my influence to bring about a compromise. I told him that was my object; and that a plan

had already been agreed upon by colonel Hutchins and myself, to check, and finally put an end to the present disturbance; but no terms could now be expected that were not honourable for the people: they had felt their strength, and would only agree to return home by being admitted to enjoy a state of neutrality, so far as it respected military operations, till the late treaty between his Catholick majesty and the United States should be carried into effect. To this privilege I thought them entitled; but to go farther would be impolitick, and probably attended with ruin to individuals, if not to the district. As the governour did not appear dissatisfied with my observations, I took it for granted he would agree to a qualified neutrality.—On Tuesday the 20th, I attended the meeting at Mr. Bek's, which was large and respectable.

Here it was concluded that a committee should be appointed to take the situation of the country into consideration, and make arrangements with the governour for restoring peace and tranquillity; which arrangements should, as a greater security to the people, be ratified by the governour general, the Baron de Carondelet. Seven gentlemen were accordingly elected as the committee, and Mr. Pope and myself were requested by the same meeting, unanimously, to attend with them. The committee immediately wrote a note to the governour, informing him of their election; to which the governour returned a polite reply; expressing his happiness that this salutary measure was adopted. "On Wednesday the 21st, the committee met and proceeded to business; and after much deliberation and several interviews with the governour, the propositions (No. 6.) on the 22d, were agreed to, and confirmed by the parties. On the same day Mr. Pope and myself presented the governour our engagement (No. 7.) to co-operate with the committee, in preserving peace and good order in the country. On the 23d, the governour's proclamation (No. 8.) embracing the four propositions was published, which gave general satisfaction, and once more restored tranquillity to the district: thus ended this tumult, without a single act of violence having been committed during the suspension of the government and laws, for the space of two weeks. From the Baron de Carondelet's proclamation of the 31st of May, it would appear that I had menaced the Spanish government of Louisiana. This is wholly a misrepresentation, and calculated to answer the worst of purposes. Ever since I came into this country I have been a cultivator of peace and harmony between the Spanish and American governments, for which I have been frequently censured by many citizens of the United States, who have come on to this place since the ratification of the late treaty between the United States and the king of Spain.—But when the late tumult began, I could not hesitate as to the part I should take; and in taking the part I did, peace was my main object. If my endeavours have had the least share in

bringing about the honourable compromise between the governor and the people, I shall think myself amply rewarded for the trouble and anxiety I have experienced on that occasion."

The agreement between the committee and governor Gayoso, was in due time ratified by the governor general, the Baron de Carondelet.

Mr. Ellicott, in his letter of September 12th (which was received the 16th of November) mentions that governor Gayoso had succeeded the Baron de Carondelet as governor and general in chief of Louisiana, and gone to New Orleans, and had committed the government of the Natchez district to major Stephen Minor.

His communications relative to the Choctaw nations, show their friendly disposition towards the United States, and determination to remain at peace.

It appears that there is an unhappy dissention among the inhabitants of the Natchez; one party blaming, and the other decidedly justifying the conduct of Mr. Ellicott, as uniformly calculated to maintain the tranquillity and happiness of the settlement. At the head of the former is colonel Anthony Hutchins.

Mr. Ellicott pointedly denies the charge of the Spanish minister—that he intended to get possession of the Natchez fort by surprise; of which the minister said governor Gayoso possessed the proofs; and far from evading an inquiry, desires governor Gayoso to furnish the minister with all the evidences he possesses to substantiate the charge.

In his next letter, dated the 24th of September, Mr. Ellicott encloses a resolution (No. 9.) of the permanent committee manifesting their confidence in him, and requesting him to represent the present situation of the district to the President of the United States, and also all the measures which from his knowledge of the circumstances of the country, acquired by his residence there, he shall deem to be conducive to its future welfare; "In the event of the late treaty between his Catholic Majesty and the United States, being carried fully into effect."

Mr. Ellicott has accordingly expressed his opinion, founded on very cogent reasons, that the form of government established for the Northwestern Territory, will be the most proper for the Natchez district; with the exception respecting *slaves*, which was admitted when the same form of government was given to the territory south of the river Ohio, now the State of Tennessee. His information in this letter respecting the titles to the lands held in that country by the inhabitants, will be useful when the introduction of a government there, under the authority of the United States, shall be contemplated.

By the communications in this despatch, it appears that the permanent committee, which are considered as an important part in the present administration of the affairs of the Natchez district, were chosen freely by the inhabitants, assembled with

The consent of the governour, and that they have his approbation for their steady zeal in promoting the peace of the country.

On the 28th of November, I received Mr. Ellicott's letter of the 7th of October, at which time no change had taken place in affairs at Natchez.

He encloses the copy of a letter from governour Gayoso, dated at New Orleans the 14th of September, in answer to one from Mr. Ellicott of the 6th, in which he referred to the representations of the Spanish minister in his letter to me of the 24th of June last (which, with other documents, was laid before Congress on the 3d of July) criminating Mr. Ellicott's conduct at the Natchez; particularly that he intended to possess himself of the Natchez fort by surprise; and desired the governour to furnish the minister with those proofs which the minister had asserted to be in his possession. In the governour's answer of September 14th, he says to Mr. Ellicott—"I am sure the proofs in my possession, that the Chevalier de Yrujo refers to, are the remainder of the copies of your letters to me, which he then had not, but long before this must have received. You may be assured I never made any other construction upon your expressions than that which may be conceived by every person in the United States."

In the same letter of September 6th, Mr. Ellicott says, "So far as I can judge at present, all the obstacles which occasioned the delay on your part, in ascertaining the boundary lines between his Catholick Majesty's provinces of East and West Florida and the territory of the United States are now removed: I, therefore, wish to be informed when you can with convenience proceed to the running of the lines above mentioned."

The governour in his answer of the 14th, says, "Those difficulties which alternately have caused a suspension in the execution of that part of the treaty between his majesty and the United States, in which we have the honour to be concerned, subsist yet: and the conduct of the Spanish officers is completely justified to the world, by the publication of Mr. Blount's letter and the correspondence between the Secretary of State and Mr. Liston. Until the King, my master, has those assurances which are necessary from the United States, to secure the safety of this province, you cannot reasonably expect that I should be authorized to act in a different manner than hitherto. As soon as I receive orders, removing the present obstacles, I shall cheerfully proceed to the running of the boundary lines."

To this Mr. Ellicott replied, and recited the obstacles to the execution of the treaty which at different times had been presented by the Spanish governours, and which he conceived to be completely removed by the declaration of the President in his message to Congress, on the 12th of June, the uniform conduct of the United States in respect to the Indian nations, and the exhibition of facts respecting the pretended expedition of the English from Canada, and the navigation of the Mississippi.

Mr. Ellicott's next letter is dated at the Natchez the 27th of October, and was received the 5th instant. He says that country "is in great confusion;" owing to the intrigues which have produced two parties among the people. He adds "Congress at their last session, by not coming to any decision relative to this territory, has weakened the interest of the United States among the inhabitants more than you can conceive. It has been artfully propagated, from that circumstance, that the treaty in all probability will not be carried into effect, and the country remain as heretofore under the jurisdiction of his Catholick majesty:" which belief is producing its natural consequences.

He represents the permanent committee as unwearied in their endeavours to promote peace and good order, and the characters of its members as among the first in that country for respectability; which is confirmed by the certificate (No. 10) of the temporary governour, Major Minor; which also shows that they are acknowledged, as an authorized body, by the Spanish government.

His next letter is dated at the Natchez the 14th of November, and was received the 4th instant. He details the different facts and circumstances which have led him to think that designs are carrying on in the district unfavourable to the interests of the United States.

Colonel Anthony Hutchins presented to the temporary governour an application dated the 9th of August, setting forth, that although the inhabitants in general in their present state of neutrality, are well disposed, and submit "To the presiding authority and the prevailing laws that are now executed with mildness;" yet conceiving and firmly believing that the treaty between the United States and Spain will be carried into effect, "and that there is *more than a probability that the United States will avail themselves of the claim of dominion to the 31st degree of north latitude* : under which consideration they conceive it expedient to appoint a man of some abilities, with the appellation of agent to address Congress on important occasions, and that there may be also a committee of safety who may correspond with such agent, and from time to time communicate to him the sense and will of the people:" He therefore, "In behalf of a very respectable number of the inhabitants of the Natchez, and at their request, solicits for permission that elections may be held in the several districts within that province and in the town of Natchez, to elect such agent and such committee of safety and correspondence on the second of September" in the manner described by colonel Hutchins in his application. This required that the Alcaldes (or Justices) should hold the elections, or in their default certain assistants, *whom he names*; and that the Alcaldes and assistants should not be elligible: it also proposed to admit as voters all the inhabitants settled and residing in the district who were "not less than *eighteen* years of age."

To this request of colonel Hutchins, the temporary governor acceded; as appears by his act (No. 11.) dated the 16th of August.

“Immediately upon this being made publick (says Mr. Ellicott) it excited considerable alarm, and was generally considered by the well disposed inhabitants as an artful measure, calculated to divide the people between the two committees, which if effected, would in all probability end in a breach of the *neutrality* by one or other of the parties, and thereby produce the re-establishment of the Spanish government.”—Under this impression, six of the ten sub-divisions, of which this district is composed, protested against the election, of course there were but four elections held agreeably to the permission”—Among the reasons assigned in the protests against this proposed election, were these; “Because (say the protesters) we dread the effect of such a precedent, which appears to us to involve the seeds of anarchy, and an open contempt of the authority invested in the committee, our only legal representatives.”—“Because by the mode of election not less than thirty of our most intelligent and respectable citizens are rendered incompetent to serve either as the said agent or in the committee.” “Because it is calculated to introduce a direct innovation in the principles of election, by admitting to the privilege of voting persons of the age of eighteen”—And “because neither the powers of the agent nor committee are properly defined.”

Mr. Ellicott states that the four persons elected in the other four sub-divisions, “with colonel Hutchins at their head,” proceeded to business. Afterwards another member was added by the nomination of ten voices in one sub-division; and a sixth was appointed by the *subscription* of fewer than thirty persons. The committee thus constituted, produced a very long “petition and memorial” addressed to the “House of Representatives of the United States in Congress assembled,” of which Mr. Ellicott has transmitted a copy; but of which it does not seem necessary to anticipate the presentation to Congress by the agent to whom it may for that purpose be committed. One object of the memorial seems to be to criminate the conduct of the American commissioner, Mr. Ellicott, and the commander of the troops, captain Pope. But proofs accompany Mr. Ellicott’s communications that this part of the long memorial was concealed from many who subscribed it, and other testimonies in vindication of those officers. The exhibition of these documents, I have thought might also be suspended, until the “petition and memorial” were presented to Congress. It may, however, be proper to remark, that the memorial, as well as the proceedings of the regularly appointed permanent committee, view the actual establishment of a government at the Natchez, under the authority of the United States, as to take place only when its present state of neutrality shall cease; that is, when

the Spanish jurisdiction shall be withdrawn. But as this may happen when Congress is not in session, and, if in session, much time must elapse in the ordinary course of doing business, before the form of government proper to be introduced at the Natchez may be agreed on; considering also the further lapse of time before it can be organized, and put in operation, in a country so remote from the seat of the general government: it appears highly expedient that the subject should now be taken up, and the necessary arrangements made, to prevent the inconveniences and mischiefs which may result from leaving a population of five thousand persons for any length of time, without the powers of government.

It remains for me to make a few remarks on the letters of the Spanish minister of the 9th of October and 21st of November.

The principal object of the former, appears to be, to introduce some evidence to show that Mr. Ellicott and lieutenant Pope had conducted towards the Spanish government in a manner irregular, provoking, insulting, and in some degree hostile. He adduces, as proofs, the documents enclosed in his letter, and numbered from 1 to 6.

The declaration that governour Gayoso had positive advice that in the camp of lieutenant Pope, *scaling ladders and arms were preparing*, having for their object an assault on the Natchez fort, is perfectly new. I have never received an intimation of it from any other quarter. Besides, this charge rests only on "positive advice," not positive proof—and is doubtless without any proof.

Governour Gayoso, in his letter of the 13th of June to lieutenant Pope, says he is informed that some of the inhabitants intended to attack the fort; and at his instigation; and asks whether he had stirred up the people to take the fort? or incited them to other hostile acts? To each of which questions lieutenant Pope positively answers, no. To similar questions put to Mr. Ellicott he also peremptorily answers in the negative. The documents which the minister himself has furnished contain these questions and answers; and should have prevented the insinuation here noticed.

The other charge in the same paragraph, that Mr. Ellicott and lieutenant Pope, discouraged by the firmness and vigilance of governour Gayoso, from attempting to take the forts at the Natchez and Nogales (Walnut Hills) by force or surprise, they availed themselves of some profligate people to excite an insurrection, is alike void of foundation. The rise, progress, and issue of the insurrection is satisfactorily exhibited in Mr. Ellicott's letter of June 27th, from which copious extracts have been herein before given. And with respect to the fort at Walnut Hills, they could never have entertained the remotest idea of taking it in one way or the other: its situation being

about one hundred miles from the Natchez, up the Mississippi, and its garrison composed of a force probably two or three times superior to that under the command of lieutenant Pope.

The minister considers as an insult towards the Spanish government, the following expression of Mr. Ellicott in his letter of the 13th of June to gouverneur Gayoso: "The people cannot with propriety be censured for recurring to that conduct which will ultimately secure their felicity." "This (says he) is clearly an indirect attack upon the Spanish government, [as unjust as improper on the part of an agent of a friendly nation."

It may be pertinent here to remark, That when Mr. Ellicott was commissioned as the agent of the United States, nothing was less expected than that he would be obliged to enter upon a tedious controversy with the Spanish officers on subjects really foreign to the business of his mission—that of running the boundary line between the territories of the two nations. If, after waiting several months to begin that operation; if, after being repeatedly promised that it should very soon be commenced; if, after repeated violations of these promises, and others relative to the evacuation of the forts, and procrastinations resting on a succession of pretences, frivolous, unreasonable, and unfounded, Mr. Ellicott should have felt some irritation, and been provoked to some indiscreet acts, it would not be surprising. Whether, however, any part of his conduct merits the character of indiscretion, may be determined by the documents now and formerly exhibited; for he has not sought concealment.

But if the inhabitants thought, what Mr. Ellicott expressed, that a change from the jurisdiction of Spain to that of the United States "would ultimately secure their felicity," it may be accounted for by a few facts, which will justify both one and the other.

It is well known that the inhabitants of the Natchez district consist chiefly of persons who were formerly British subjects and their descendants, and of emigrants from the United States. All these, born and educated under forms of government so essentially different from that of an absolute monarchy; and, especially, in all criminal and civil causes, accustomed to a mode of trial peculiarly dear to the inhabitants of England and of the United States, and which the constitutions of the latter have so formally and scrupulously guaranteed, the trial by jury:—the inhabitants also being nearly all protestants; and in the United States, persons of all persuasions enjoying the most perfect religious as well as civil liberty, they could not be indifferent to,—it is impossible that they should not prefer a jurisdiction, which would perfectly secure to them both their civil and religious rights. I need not remark, that, under the Spanish government, trial by jury is unknown; and at the

Natchez the governour was the legislator and the judge; and regulated and restrained their civil and religious rights. As an instance, might be cited governour Gayoso's proclamation of the 29th of March 1797, numbered XV in the documents which were laid before Congress on the 12th of June last. By that act he suspends the collection of debts, and restrains to *private meetings* the exercise of any other than the catholick religion. These are his words—"This being the season in which the planters are employed in preparing for an ensuing crop, none shall be disturbed from that important object on account of their depending debts." "Liberty of conscience is hereby positively explained to be, that no individual of this government shall be molested on account of religious principles; and that they shall not be hindered in their *private meetings*; but no other *publick worship* will be allowed but that generally established in all his majesty's dominions, which is the *catholick religion*."

The minister also complains that Mr. Ellicott and Mr. Pope interfered in political matters; because they engaged themselves to co-operate with the committee appointed to preserve the peace and to obtain the due execution of justice, and *approved* of the propositions presented to governour Gayoso. But a recurrence to the foregoing narrative extracted from Mr. Ellicott's letter of the 27th of June, and the documents he refers to, will show that both were requested to interfere, and that they were called on by the governour to be consulted on the means of putting an end to the insurrection—and that the result of that consultation was a plan of accommodation, a proposal of measures which (as asserted in another document not before quoted*) "through the influence of Mr. Ellicott and captain Pope were adopted."

A few words on the Spanish minister's letter of the 21st of November, will conclude this report.

Referring to his letter of the 6th of May, and to my answer of the 17th (which are among the documents laid before Congress on the 17th of May) he says—"His Catholick Majesty has not observed in the said answer from you, any reason to induce him to change his opinion concerning the injuries resulting to his subjects from the stipulations of the English treaty, compared with those of the treaty with Spain, as well on the subject of the articles of contraband, as on the principle adopted in ours, "That free ships shall make free goods, &c."

"But what has most astonished his Majesty, and confirmed him in the justice of his pretensions, is what you have said in your answer with regard to the navigation of the Mississippi."

It is much to be regretted that difficulties should be raised

* Letter from George Cochran to the permanent committee, in October.

and persevered in, on questions so plain and easy to decide. Without entering again into a particular discussion of this subject, a single fact, which on the 17th of May, I supposed probable, and which I am now authorized to assert, is sufficient to obviate all the objections and arguments which have been adduced by the Spanish minister. It is this—That when the treaty between the United States and Spain was negotiated by Mr. Pinckney with the Prince of Peace, the latter was furnished with an entire copy of the treaty of amity, commerce and navigation, between the United States and Great Britain: consequently it is to the last degree preposterous for the Spanish government now to complain that the treaty with Great Britain rejected the principle that “free ships made free goods,” or that it extended the list of contraband. With a perfect knowledge of the articles of the British treaty on these points, if the Spanish government had any objections to make, that was the time; and to have refused to enter into different stipulations with the United States; but having, notwithstanding, voluntarily entered into them, it cannot now offer and insist on such objections, without a manifest departure from the principles of candour and good faith.

The same observations will apply to the question concerning the navigation of the Mississippi.

In the first place, the Spanish government, when its treaty of peace with Great Britain was concluded at Paris on the 3d of September 1783, by which West Florida was ceded to Spain, well knew that by the provisional treaty between Great Britain and the United States, concluded at Paris the 30th of November 1782, the articles of which constituted the definitive treaty of peace between these two powers,—it was stipulated that “The navigation of the river Mississippi, from its source to the Ocean, shall for ever remain free and open to the subjects of Great Britain and the citizens of the United States.” And yet even this stipulation, which was inviolably binding on the United States, by the provisional articles before mentioned, nine months before West Florida was ceded to Spain, is now strangely objected to by the Spanish minister, and as a reproach to the United States!

In the next place, when our treaty with Spain was concluded on the twenty-seventh of October 1795, the Spanish government possessed the like perfect knowledge, that eleven months preceding, viz. on the 19th of Nov. 1794, in the treaty of amity, commerce and navigation, between the United States and Great Britain, the above stipulation of 1782 and 1783 was recognised in these words—“The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties.” And on this occasion the Spanish government did object; it wished the United States to enter into a mutual stipulation with Spain for the purpose of *excluding* Great Britain from the navigation of the Mississippi: but the minister of the United States explicitly refused to do it; and in writing assigned the reason.

—that it would violate the good faith of the United States previously pledged to Great Britain: and the Spanish government gave up this objection, or the minister of the United States would not have concluded the treaty. How truly astonishing is it, after all this, that the United States should be reproached for the stipulation with Great Britain respecting the navigation of the Mississippi! And as having thereby *offended and insulted* Spain! And how long is our patience to be abused by such unfounded charges?

But although the Chevalier de Yrujo, in his argument upon this point, refers alike to our treaty of peace with Great Britain in 1783, to our treaty of amity, commerce, and navigation in 1794, and to the explanatory article of the latter concluded on the 4th of May 1796, yet in the end, as if conscious that his observations, as applied to the two former, were impertinent, he confines his charge to the latter, and says that "his Catholick Majesty has just motives for being offended with the *explanatory article* signed on the 4th of May 1796." But neither does this explanatory article contain any new stipulation. It recognises the principle, that a subsequent treaty cannot annul any stipulation of a prior treaty, and declares, that the subjects of his Britannick Majesty and the citizens of the United States, and the Indians dwelling on either side of the boundary line between the two powers, "Shall remain at full liberty freely to pass and repass, by land or inland 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*:" Thus recurring to, and resting upon the treaty of November 19th, 1794, which, as above observed, the Chevalier himself finally abandoned, as affording no cause of complaint, and without which the explanatory article itself would be a nullity.

TIMOTHY PICKERING.

Department of State, January 22, 1798.

DOCUMENTS.

No. 1.

The Proclamation of the Baron de Carondelet of the 31st of May, 1797.

THE government being informed by his Majesty's ambassador to the United States of America, that an expedition assembled on the lakes was intended to attack the Illinois, has judged necessary, for the surety and tranquillity of lower Louisiana, to suspend the evacuation of the posts of Natchez and the Walnut Hills, being the only posts that cover it; the possession of which will put the English in a situation to disturb and ravage

the country, in case they render themselves masters of upper Louisiana, with so much more facility, as by an article of the treaty concluded posteriorly with Great Britain, the United States acknowledge that the English may freely navigate and frequent the posts belonging to the said States, situated on the rivers in general, lakes, &c. being a manifest contradiction to the treaty concluded with Spain, which it appears to annul, because by this the United States acknowledge that no other nation can navigate upon the Mississippi without the consent of Spain.

Notwithstanding the legitimacy of these motives, the suspension has been represented to the Congress of the United States with all the necessary veracity, and intimated by our orders to the commissary of limits, as well as to the commandant of the detachment of American troops now at Natchez. We are now informed that a detachment of the army of the United States cantoned on the Ohio, are on their way by Holstein towards Natchez, while the militia of Cumberland are intimated to hold themselves ready to march at the first notice.

These hostile dispositions can naturally only concern these provinces, because the United States are in peace with all the savages. The anterior menaces of the commissary of limits and the commandant of the detachment of Americans now at Natchez; the immediate rupture (and if the American gazettes are to be believed) already effected between France, our intimate ally, and the United States; engage us to be on our guard to defend our property with that valour and energy which the inhabitants of these provinces have manifested on all occasions; with the advantage and superiority which a knowledge of our local situation will procure, and with that confidence which right and justice inspires. If the Congress of the United States had no hostile intention against these provinces, they will either leave the post of Natchez, or the Walnut Hills, the only bulwarks of lower Louisiana to stop the course of the British, or if that they give us security against the article of the treaty with Great Britain which exposes lower Louisiana to be pillaged and destroyed down to the capital, we will then deliver up the said posts, and lay down our arms which they have forced us to take up, by arming their militia in time of peace, and sending a considerable body of troops by round-about ways to surprise us.

New Orleans, 31st May, 1797.

No. 2.

*Gouverneur Gayoso de Lemos, to Andrew Ellicott, Esquire.
Natchez, June 13, 1797.*

SIR,—By repeated informations and by every appearance it seems past a doubt that a number of the inhabitants of this government, subjects of his Majesty, are at present in a state of rebellion with the hostile design of attacking this fort.

I am informed that yesterday several of the said insurgents were riding through the country soliciting subscribers to a list that already contained the names of several persons who declared themselves citizens of the United States of America, though they are actually under oath of allegiance to His Majesty, and under whose dominion and protection they have lived and enjoyed the benefits thereof, and the bearers of this list declare themselves commissioned by you for that purpose.

I cannot prevail upon myself to believe that you have either authorized or encouraged such proceedings, as a conduct of that nature would unavoidably produce the most disagreeable and fatal misunderstanding between our nations, and the total destruction of this district.

Therefore I request you to give me such a positive answer as will enable me to inform the commander general of this province for the intelligence of His Majesty, of the part you take in these transactions; and should you take such an active part as it is represented you do, from this moment I protest in the name of the said commander general against such conduct, and make you answerable for the fatal consequences that may ensue. I repeat the request of a positive answer on this subject. I have the honour to be, &c.

MANUEL GAYOSO DE LEMOS.

Hon. Andrew Ellicott.

No. 3.

*Andrew Ellicott, Esquire, to Governour Gayoso de Lemos.
Natchez, June 13, 1797.*

SIR,—In order to answer your letter of this day that (from the spirit of it) denies the existence of that principle which has been the object of a long train of discussion between us, I must refer to your letter dated the 12th of March last. In that letter you admit not only that Daniel Clarke's will be about the point of demarcation, but that the commissioner of his Catholick Majesty would in all probability meet me at that place. As the treaty itself was a fact notorious, so likewise ought to be all the transactions attending it either in direct performance or open violation. The people therefore became acquainted with those circumstances that were the result either of my observations, or the acquiescence of the Spanish government.—They were matters that involved their felicity, and could not from duty or decency be withheld. If on the present occasion, the people have thought proper to act in conformity to the intelligence received, which intelligence had the combined sanctions of the agents of both governments for its support—is my agency to be ascribed, or my conduct to be called to account with regard to the effects? A little inquiry into the human heart, would have enabled you, sir, to have discovered a more powerful cause than any operation of mine on the present occasion. The people considered themselves citizens of the United States—they had

a right to consider themselves so—and they have lately come forward individually to express their wishes and intentions.

After this short detail of what is the real cause of the present disturbance, I might flatter myself with a complete acquittal on your part, did not the first paragraph of your last letter compel me to form a different conclusion. On what principle do you still retain the idea, that the citizens of this country are subjects of his Catholick majesty? Is there not a compact deliberately entered into by the two nations to the contrary of your opinion? Have not you acknowledged me to be the agent of the United States to carry that compact into effect? And have you not repeatedly pledged your word to co-operate with me in that desirable object? Here I might with propriety ask what human assurances could have gone further than those that have been made on your part? Do all solemn obligations between nations depend upon chance, or caprice, or is there such a principle universally acknowledged among different nations as the law of nature and nations? If your Excellency admits that there is such a principle as national law, I assert that the inhabitants of this country cannot be considered as any wise subjects of the Spanish monarchy. If you deny the existence of the principle, I have only to observe that the people cannot with propriety be censured for recurring to that conduct, which will ultimately secure their felicity.

I have thus far proceeded by way of argument in answer to your communication, from the whole of which you will readily infer a very natural conclusion, that the delay on your part, in carrying the late treaty into effect, added to the invariable nature of the human heart, have produced the evils of which you complain.

But since you demand a positive reply to the general question, whether I am concerned in measures destructive of his Catholick majesty's interest, or in an attempt to attack the fort—I give you my honour that I am not: you have assisted me in confirming the sentiment that this territory belongs to the United States—and I do now therefore on the part of the said United States, as their agent, most solemnly and pointedly, protest against the landing of any troops, or the reparation of any fortifications in this territory above the 31st degree of north latitude, as I shall consider all such conduct as a violation of the treaty, and an immediate attack, upon the honour and dignity of my country.

I shall now finally observe, that from your verbal message by your adjutant, major Minor, I expected that your excellency would have proposed some scheme of accommodation that would have been consistent with the justice, and sentiment, of the countries we have the honour to serve.

Should you have any proposals to make for an accommodation, I assure you that I feel every wish to enter into a discussion for that purpose. I am, &c.

A. ELICOTT.

No. 4.

STATEMENT of the principles on which I find myself disposed, according to my duty, to put in practice for the tranquillity of the country.

1st. That all the people in general now collected or are collecting in bodies, shall disperse and return to their farms and continue peaceably their domestick business.

2d. That by so doing it is warranted to them that they shall not be prosecuted for the present disturbance.

3d. That as an explanation, to banish some doubtful apprehensions that perhaps has given rise to the present disturbance, I assure the publick there are no preparations against them; that the detachment of troops coming up the river is not intended for this place, and are to proceed to their destination; nor have I ordered any troops from Nogales to reinforce me.

4th. That no Indians have been called, that no roads have been or shall be stopped.

5th. That there is no war declared between his Catholick majesty and the United States; on the contrary it is the intention of his majesty to continue the best harmony between the two nations, in consequence thereof I have not the least idea of acting in a hostile manner against any force or persons belonging to the United States, and whilst this good intelligence subsists between the two nations, no alteration shall be made on these principles; on the contrary, I shall employ my greatest exertions to make every resident of this government as happy as possible, further I declare that they shall not be embodied as militia, but against an invasion of this country; and if military bodies shall be wanted out of this district, they shall only be formed by volunteers.

MANUEL GAYOSO DE LEMOS.

Natchez June 14, 1797.

No. 5.

Don Manuel Gayoso de Lemos, Brigadier in the Royal Armies, Governour Military and Political of Natchez and its dependencies, &c. &c. &c.

WHEREAS the confusion in which the country is at present involved threatens the entire destruction of its inhabitants; it is our duty to employ every means to save them from certain ruin, which will be inevitable if they do not listen to the salutary advice which the voice of humanity dictates to our constant attention to the welfare of every individual of this government; lenity in its greatest extent accompanies the obedience that is required, and general forgiveness will be the fruit of a candid repentance, and the exact compliance with the following conditions.

From the day after the publication of the present proclamation, all persons collected in bodies, or are collecting for any

purpose not sanctioned by us, will immediately disperse, and every individual retire to the place of his residence, attend to his farm, or other occupation, in a peaceable manner, and consider himself in the same light as before the present disturbance, never to assemble again upon the same principles as the present, nor consider themselves as bound to do it, when called upon similar purposes, whilst under the government and laws of his majesty.

Any person who from attachment to the government and laws of his majesty, and with a view to prevent the impending calamity, should have assembled in bodies, are likewise to disperse.

No person shall ever be upbraided on account of his differing in opinion with any other, which, when not carried to excess, is allowed to every man; when it is not injurious to the government, and consequently to the community in general.

By so complying a general forgiveness is warranted to every person who has been concerned in the present disturbance, and no inquiry shall be made for their names.

It has been represented to us that the present commotion has partly arisen from the following apprehensions.

That a war might be actually declared between his majesty and the United States of America.

That forces were accumulating here to treat with rigour those inhabitants who have manifested a partiality for the government of the United States, and that Indians had been called upon for their assistance.

That the roads and water communications were stopped; and that the inhabitants were to be compelled to embody into military corps.

To banish these unfounded apprehensions and finally tranquillize the minds of the people, we do hereby assure them that no war exists between his majesty and the United States; but on the contrary the most friendly intercourse is recommended to both nations. No forces are accumulating here, and those for Nogales* are for the sole purpose of opposing an actual enemy. No Indians have been called. No interruptions have or shall be put to land or water communications; and under the present situation of this country, no corps of militia shall be formed; but if any should be wanted, out of the district, volunteers only shall be called for, except in case of an invasion, either by water or by land within the extent of this government; in which case natural defence and general safety admits of no exceptions.

The Alcaldes in each district, or persons commissioned for the purpose of promulgating this proclamation are hereby ordered to make it publick with all possible expedition, that it may produce the desirable good effect.

* The Walnut Hills.

Given under my hand and the seal of my arms, and countersigned by the secretary of this government.

MANUEL GAYOSO DE LEMOS.

Natchez, June 14, 1797.

J. VIDAL.

No. 6.

Don Manuel Gayoso de Lemos, Brigadier General in the Royal Armies, Governour Military and Political of Natchez and its dependencies, &c. Natchez, June 22, 1797.

SIR,—The following propositions being unanimously agreed to by us the underwritten (being a committee appointed by a very numerous and respectable meeting of the inhabitants of this district) and A. Ellicott, citizen and commissioner of the United States, and P. S. Pope, commanding the United States troops on the Mississippi, are submitted to your excellency with a request that you may accede to and transmit a copy of the same to the baron de Carondelet, and obtain his concurrence in order to restore tranquillity to this district.

1st. The inhabitants of the district of Natches, who under the belief and persuasion that they were citizens of the United States, agreeable to the late treaty, have assembled and embodied themselves, are not to be prosecuted or injured for their conduct on that account, but to stand exonerated and acquitted.

2d. The inhabitants of the government aforesaid above the 31st degree of north latitude, are not to be embodied as militia, or called upon to aid in any military operation except in case of an Indian invasion, or for the suppression of riots during the present state of uncertainty, owing to the late treaty between the United States and his Catholick majesty not being fully carried into effect.

3d. The laws of Spain in the above district shall be continued, and on all occasions be executed with mildness and moderation, nor shall any of the inhabitants be transported as prisoners out of this government on any pretext whatever, and notwithstanding the operation of the law aforesaid is hereby admitted, yet the inhabitants shall be considered to be in an actual state of neutrality during the continuance of their uncertainty, as mentioned in the second proposition.

4th. The committee aforesaid do engage to recommend it to our constituents, and to the utmost of our power endeavour to preserve the peace and promote the due execution of justice.

We are your most obedient and humble servants,

A. HUTCHINS,
BERNARD LINTOT,
ISAAC GUILLARD,
CATO WEST,
WILLIAM RATLIFF,
GABRIEL BONOIST,
JOSEPH BERNARD.

Don Manuel Gayoso de Lemos, Brigadier General in the Royal Armies of Spain, Governour Military and Political of Natchez and its dependencies, &c.

I do hereby accede to the four foregoing propositions established and agreed upon for the purpose of re-establishing the peace and tranquillity of this country; and that it may be constant and notorious I sign the present under the seal of my arms, and countersigned by the secretary of this government.

At Government House, Natchez,
June 22, 1797.

MANUEL GAYOSO DE LEMOS.

By his Excellency's command, JH. VIDAL.

A true copy from the original. D. GILLESPIE, Sec'y.

No. 7.

WE the underwritten do engage to co-operate with the committee appointed by a numerous and respectable meeting of the inhabitants of the district of Natchez, to preserve the peace and to obtain the due execution of justice, and do hereby approve of the propositions presented governour Gayoso by the said committee and acceded to by him.

A. ELLICOTT, Citizen and Commissioner of the United States.

P. S. POPE, Commanding the United States troops on the Mississippi.

June 22, 1797.

No. 8.

Don Manuel Gayoso de Lemos, General in the Royal Armies, Governour Military and Political of Natchez and its dependencies, &c. &c. &c. Natchez, June 22, 1797.

WHEREAS the threatening calamities to which the inhabitants of this district have been lately exposed, did awake the zeal of every individual and rouse them to seek the most efficacious means of re-establishing good order, and that tranquillity which for many days was lost; the good sense of a number of the inhabitants dictated to them the necessity of a convention, in which they chose persons of the most notorious probity and intelligence as a committee to co-operate with us towards the re-establishing of the publick peace and tranquillity; and the members of the said committee having met at Natchez, after due deliberations and consultations, stated and presented us the following propositions, in the terms and form here expressed, to wit. [Then follow the propositions No. 6.]

Being always desirous of promoting the publick good, we do

join in the same sentiment with the committee, by acceding to their propositions in a manner following [see the propositions No. 6.]

MANUEL GAYOSO DE LEMOS.

JOSEPH VIDAL, Secretary.

No. 9.

SIR,—The many proofs that the committee has of your desire to contribute to the welfare of this country, encourage it to request of you the service mentioned in our first resolve of yesterday, of which it encloses you a copy. I have the honour to be, sir, &c.

JOSEPH BERNARD, Chairman.

Committee Room, Sept. 14, 1797.

The Hon. Andrew Ellicott, Esq. Commissioner }
of the U.S. for running the boundary line, &c. }

RESOLVED, 1. That the 5th resolve of the 29th ultimo be rescinded, and that Mr. Ellicott whose inclination for the interest and happiness of this country we have a convincing proof of in his former communications to the general government, published since and now in our hands, and who, from his residence for several months amongst us is well acquainted with the circumstances of this country, be requested to represent our present situation to his excellency the President of the United States, and likewise all the measures which he shall deem to be conducive to the future welfare of this country in the event of the late treaty between his Catholick majesty and the United States being carried fully into effect.

True copy.

G. BENOIST, Secretary.

No. 10.

Don Stephen Minor, Captain in the Royal Armies, Aid, Major and Governour, pro tem. of the Natchez and its dependencies, &c.

I do certify that colonel Peter Bryan Bruin, Daniel Clark, Joseph Barnard, Frederick Kimball, Gabriel Benoist, Isaac Gaillard, Philander Smith, Roger Dixon and William Ratliff, Esquires, members of the permanent committee, duly elected by the people at large, under the sanction of government, are the true and sole representatives of the inhabitants of this government, and that faith is due to their proceedings as such, as also to the representations they may make in behalf of the publick in all cases.

In testimony whereof I have hereunto set my hand and affixed my seal, at Government House, Natchez, this 16th day of September, one thousand seven hundred and ninety-seven.

STEPHEN MINOR.

I do certify that the above is a true copy of a certificate obtained from governour Minor, by the committee, and lodged among their files. D. GILLESPIE, Secretary to the American Commissioner and permanent Committee.

No. 11.

Stephen Minor, Esq. Captain in the Royal Armtes, and Governour of the Natchez for the time being. August 16, 1797.

It being the undeniable and unalienable right of freemen, to assemble in an orderly and peaceable manner for the purpose of consulting and deliberating on their mutual interest, no opposition shall be made by the officers of his Catholick majesty to any assembly, whether partial or general, of the inhabitants residing in this district, if conducted upon the principles of good order and decorum.

I do therefore hereby grant permission for the assemblies or meetings required in this address, to take place on the day appointed and in manner recommended. STEPHEN MINOR.

No. 12.

The Chevalier de Yrujo, Minister Plenipotentiary of his Catholick Majesty, &c. &c. to Timothy Pickering, Esq. Secretary of State.

SIR,—Your additional report to the President of the United States of the proceedings of the officers of the king of Spain, in relation to the post and the running of the boundary line, which I find published in all the newspapers, obliges me to trouble you with this letter. If your discussion of facts had been as correct and impartial as there was reason to expect, I should not have been under the necessity of undertaking this task; but the construction which you are pleased to put upon every act of the Spanish officers in general, and especially upon those in which I am personally concerned, compels me to observe upon several expressions, which I have noticed in your said report.

You begin, sir, with saying, "that although I had declared I had just reasons for suspecting an expedition from Canada was preparing by the British against the upper parts of Louisiana, yet I never had mentioned a single fact or reason on which my suspicion was founded."—In my letter of the 2d of March, I pointed out to you the probable route which the expedition would take, and in our conference of the 27th of February, I gave you information that a corps of three hundred and fifty men had been raised at Montreal, and marched towards the lakes, where, after the evacuation of the American forts, there was no ostensible object for them. I also told you that I knew that the British agents had treated with some of the Indian nations in that country, concerning the intended expedition, and I added, that I had received those advices from a person who might be depended on, who had seen those new levies passing through Johnstown, on their way to the westward. But, even supposing that I had not entered into any particulars, even supposing that my information at that period was not complete, yet did not the interest and dignity of this government—did not its friendly

connection with Spain, require that it should have taken every proper means to prevent the attempt we were threatened with, by giving suitable orders to general Wilkinson, or to the commanding officers of the military force on those frontiers? The absolute silence in this particular of the documents which accompany the report of the Secretary of War, your never having communicated to me any *determinate* disposition on this point, as you do in your answer to my letter, which in the publication is marked No. 7. afford me sufficient grounds to fear that these precautions were omitted. You add, sir, with a degree of candour difficult to be conceived, that from my not having given to you detailed information respecting the expedition, and from the answer which you received on the 19th ultimo, from the *British minister*, you believed my suspicions to be groundless. Is it possible, that any one will candidly imagine, that if the English intended to violate the territory of the United States, in order to effect a *coup de main*, they would be as ingenuous in answering, as you were in asking their minister the question?

I shall not enter into all the observations which suggest themselves to my mind from your having communicated to Mr. Liston the contents of my letters. I expected that the American government would have watched his motions, and taken the means which I have already mentioned to prevent the success of a similar enterprise; but I never could have imagined that you would have given to the British Minister a piece of advice, which might enable him to alter his plan, by letting him know that the former one was discovered. By the line of conduct which you have pursued in this business, I am convinced, that had I communicated to you more particular details respecting this transaction, you would, with the same good-natured frankness, have given information of them to Mr. Liston.

But, if you did believe that asking this question of the British Envoy was the most efficacious means to prevent the violation of the neutrality of the United States, and the invasion of the Spanish territory, let me ask why you was so remiss in this measure, that although I had communicated this project to you verbally, on the 27th of February, and on the 2d of March, in writing, yet, in a matter obviously so urgent, you only wrote to the British Envoy on the 28th of April, that is, *two months* afterwards?

I shall not quit this subject, without taking the liberty of making to you one observation which is intimately connected with it. By the date of the letter I have just mentioned, it evidently appears that I gave you advice of this intended expedition on the *second of March*, and that *three days before*, I had given you the same information verbally. I imagined from your known attention to business, and the importance of the subject, that you would have submitted it immediately to the consideration of the President of the United States. On the 9th of March, I had the honour of speaking to Mr. Adams, at his

lodgings at Francis's Hotel, and mentioned this subject as a matter that I supposed him already fully informed of; and, it was with no small surprise I heard him say, that *he knew nothing about it*. I produced the map, which I had in my pocket-book, and he listened with great attention to all that I had to say to him. It was no doubt to this conference with Mr. Adams, that I was indebted to your answer of the 11th of the same month. I shall entirely abstain from putting any construction upon the reasons which induced you to omit making this communication to the President; but they must have been very *powerful* motives which could oblige you to remain so long silent on a matter of such importance.

You say, in the third paragraph of your Report, that on your asking me what measures Spain had taken in order to carry into execution that part of the treaty which relates to the withdrawing the *garrisons*, I answered you on the 17th of April, that I had been for some months without receiving letters from the Baron, and consequently "was entirely ignorant of the steps which had been taken for the execution of the treaty."—From this expression, which, in order to draw attention, you place between inverted commas, you insinuate an inference which in my opinion is very far from being true, when you add, immediately afterwards: "*Nevertheless, he had previously informed the Baron of his suspicions of a projected expedition.*"—What is this to prove, sir? That the Baron indeed had received my letters, but not that I had received his. The irregularity and uncertainty of navigation easily shows that your logick on this point is extremely false.

In the fifth paragraph, after giving an account of my letter of the 24th ultimo, and of its object, you observe that I have omitted to mention, among the other complaints of the Baron that of Mr. Ellicott's not having given him notice of his arrival at Natchez.—Permit me, sir, to represent to you, that you have entirely mistaken what I had the honour of telling you on that occasion,—for I simply mentioned, not as a *complaint*, but as a mere *observation*, that the Baron, *in the rigour*, might not have considered Mr. Ellicott as an American Commissioner, for not having given him on his arrival *official notice* of his appointment, having merely informed him of it in the way of a confidential communication. You cannot be ignorant, sir, that there are certain requisite formalities when nations treat with one another of their mutual concerns, which are not required between individuals. The Baron, when he speaks in this manner, clearly points out his meaning, that, besides the confidential letter, the communication of which *you consider as so important*, no doubt he expected another *official* one, including his commission, authority, or some document, to ascertain the identity of the person, and the object of his mission. When, on my arrival in this country, I had not yet presented my credentials to the President, although I had de-

livered to you a copy of them, you might, in the rigour, not have recognised me as the Envoy Extraordinary of the King my Master, for want of having complied with that necessary requisite of the established etiquette. I do not mean to say that in the present case it was absolutely necessary to go through a similar formality ; nor did the Baron mention this but as a mere *matter of observation*, which was not to affect the object in question, although you, thinking that it affords you a victorious argument, are pleased to give to this circumstance an importance which it does not deserve. Besides, sir, I might observe to you, that when, after a mixed and desultory conversation upon various subjects, I had collected and methodized my ideas, and committed them to writing, your answer and observations ought to have been confined to the written communication, clothed with all the necessary formalities ; but neither do I wish to make of this an object of discussion.

The proof which you give in the sixth paragraph of your report, to show that it is not certain that Mr. Ellicott intended to get possession of Natchez by surprise, and that for that purpose he had endeavoured to gain over the inhabitants, is merely negative. From your examination of the two persons you mention, you had very little to expect : the circumstance alone of their being the bearers of Mr. Ellicott's despatches, points out that they were both in his confidence ; and it may be presumed without temerity, that being his friends, or employed under his orders, they would hardly make a denunciation that might be prejudicial to him. Governour Gayoso declares that he has proofs of the fact in his power. I shall not fail to apply to him for them, and perhaps I may one day speak to you more positively on this business.

After having discussed the history of these transactions with all the force and accuracy which result from these observations, you assure with a very ill-grounded confidence, that upon a view of the whole it appears that His Majesty's Governours on the Mississippi, have, on various pretences, postponed the running of the boundary line and the evacuation of the posts. But I appeal to that candour which you have so generously shown to the British minister, that you may tell me, whether it can be called a *pretence*, that the Baron de Carondelet, who was entrusted with the safety of Louisiana, refused to carry into execution a pretension *that was not stipulated for by the treaty* ? By the second article it is only agreed that the *garrisons* shall be withdrawn ; and as I had the honour of representing to you in my letter of the 24th ultimo, it is not to be presumed that it could ever have been the intention of his Catholic Majesty to deliver up fortifications, which, besides that they have cost him considerable sums of money, may by the effect of political vicissitudes, be one day prejudicial to his subjects. If not to do *what was not stipulated for*, and the execution of which would be contrary to the interests of Spain, is a *pretence*, we must confess that it is a very plausible one.

With respect to the line of demarcation, it appears by the correspondence and letters of the Baron de Carondelet, which are in my possession, that although he entertained the same doubts which were suggested by gouverneur Gayoso respecting the posts, yet he was consenting, that the astronomical observations should be begun upon, for which purpose the engineer Mr. de Guillemand had already arrived at the Natchez, with all the instruments and apparatus. Such was the situation of things when my communications respecting the intended expedition got to hand; from that moment imperious necessity, and the great principle of self-defence, made his Catholick Majesty's officers turn their thoughts to objects of a more urgent nature. Mr. Blount's letter, and the late detected conspiracy, evince how far their conduct in this respect was necessary; and you, sir, possessed as you were, of all the facts, when you laid the facts before the President, ought to have been one of the last to have stigmatized the motives with the epithet of *pretex*ts. So palpable an attempt to make groundless and unfair impressions on the publick mind, is well calculated to defeat its own ends, and appear still more extraordinary when we consider that the American government is in every way anxious, by its own confession, to maintain peace and harmony with Spain.

Nor do your ill-founded insinuations stop here: sentiments and expressions still more violent, flow from that same hasty pen. You say in another part, *that there is but too much reason to believe Mr. Ellicott's suspicions well-founded, that an undue influence has been exercised over the Indians by the officers of his Catholick Majesty, to prepare them for a rupture with the United States.* Fortunately, sir, you have told us the source whence you derived all those dreadful conjectures of yours; otherwise, perhaps, the weight and authority which your high official character stamps upon whatever you write or say, might make an undue impression on the publick. You acknowledge, sir, it was a private letter of Mr. Sargent's (Secretary of the North-western Territory) that gave rise to your surmises: we shall now see what the letter says.

No. 14.

Extract of a letter from Winthrop Sargent, Esquire, Secretary of the North-western Territory, to the Secretary of State, dated Cincinnati, June 3, 1797.

General Wilkinson sending off an express, I seize the occasion to transcribe for you some paragraphs from a western letter.

"The Spaniards are reinforcing their upper posts on the Mississippi considerably. General Howard, an Irishman, in quality of Commander in Chief, with upwards of three hundred men, is arrived at St. Louis, and employed in erecting

very formidable works. It likewise appears through various channels, that they are inviting a great number of Indians of the territory to cross the Mississippi; and for this express purpose, Mr. Lorrromie, an officer in the pay of the crown, made a tour through all this country last fall, since which time several Indians have been sent on the same errand, and generally furnished with plenty of cash to defray their expenses.

"A large party of Delawares passed down on White River about the 6th of May, on their way to the Spanish side, bearing the national flag of Spain, some of them from Saint Louis.

"They (the Spaniards) have above the mouth of the Ohio, on the Mississippi, several row-galleys with cannon."

Now, sir, what inference can be drawn from that letter? Why, that the Spaniards have fortified San Luis, and availed themselves of every means of defence that the country afforded! But let me ask you, sir, against whom it is that they were thus preparing to defend themselves? Surely the documents which you have laid before the President, and the momentous business which now engages the attention of Congress, and agitates the publick at large, afford a complete and satisfactory answer.

I mentioned to you, in my letter of 2d March, that the object of the British was to attack Upper Louisiana, and take San Luis and New Madrid by surprise. It will not be questioned but that prudence required of us, at that juncture, to fortify the threatened points. This, sir, was all we did; and this, sir, you knew many months past; yet Mr. Sargent's letter, which in substance says no more, fills you all at once with fears and self-created apprehensions, and makes you declare in the face of the American people, "that the Spanish officers are exciting the Indians to a rupture with us." No one will say, that preparations for our self-defence were not necessary on our part. The assurance given you by the British minister, with all the appearance of a confidential communication, *but without any signature*, did not inspire the servants of his Catholick majesty with the same blind confidence which it produced in you. We know from daily experience how religiously the British nation observes the rights of neutrality. Witness the American sailors! Witness the republick of Genoa, in whose port they attacked and made prize of the French frigate *La Modeste*, as she lay at anchor there. Witness the inhabitants of Trinidad, when the British, though then in amity with them, entered their capital, with drums beating and colours flying, in pursuit of a few French, who had taken refuge there. These and other instances of the sort, too numerous to be recapitulated, make us less credulous on the score of Great Britain's respect for the rights of neutrality than you appear to have been.

As to those tender considerations which actuated the British minister to reject the plan on account of the inhumanity of calling in the aid of the Indians, I did expect that such vague, unauthenticated declarations, would have been appreciated as they

deserved by you, sir, who fought in the glorious cause of American Independence, who witnessed the humanity of their conduct in the course of that war, and who cannot be ignorant of what has happened since.

Your ascribing hostile views to the preparations for our self-defence, cannot, sir, have been matter of much surprise to me, after having heard a certain member of Congress, who is known to be the organ of the will of administration, declare in that house that he ascribed to the same motives the preparations we were making for the defence of Florida, though probably he was not ignorant, at the very time, of their real object. Thus then, sir, according to your mode of reasoning, and that of the gentleman I have just alluded to, though we were certain of being attacked, and though we were not certain that the American government had taken the proper measures for protecting its neutrality, yet we were to adopt no measures for our defence, but tamely suffer his majesty's forts and possessions to be taken, and all this for fear of creating ill-founded suspicions in your minds!

If you have not been very successful, sir, in the solidity of your reasonings, you appear not to be more so in the method of following them. After having denounced us to the whole American nation as stirring up the Indians against the United States, and *preparing them for a rupture*, you fall into the most glaring inconsistency in the following paragraph:—*Whether this plan of exciting the Indians to direct hostilities against the United States, has been contemplated and promoted by any of our own citizens, it may be difficult to say; but that one or more of those citizens have proposed and taken measures to detach the Southern Indians from the interests of the United States, and to destroy the influence of the publick agents over those nations, and thus to defeat the great objects of their appointment, the chief of which is to preserve peace, is certain.*

I again appeal here, sir, to your generous candour. How is it possible to reconcile such evident contradictions? On the one hand the Spanish officers are those who excite the southern Indians against the United States, and on the other you quickly follow, presuming, with sufficient foundation in my opinion, that it may be some citizens of the United States. But although you might entertain any doubts yourself on the subject, which I am sure no person in America will after reading Mr. Blount's letter, did not this very same doubtful case and uncertainty, require in your situation more circumspect language? And if even in this case you appear to have gone beyond what sound policy, the tranquillity and interest of the United States required, how much more unjust are your insinuations against Spain, when the publick possess, in Mr. Blount's letter, a document by which they can see, that if the manœuvres with the Indians were not favourable to the United States, they were precisely combined to attack the Spaniards? From this method of reasoning of yours, it appears as if the Spaniards were,

jointly with Mr. Blount, stirring up the Indians to attack themselves.

Respecting the last article of your report, I have only to observe, that although you have constantly assured me that government had not the least information respecting the subject of my representations, and although the letter of Mr. Jackson, of Georgia, appears to coincide with your ideas, nevertheless time has shown that I have complied with my duty by not reposing on such assurances. The plot is discovered, and nobody any longer doubts that the expedition was to have taken place.

After having followed you step by step through the various points of your report to the President, I shall make a short compendium of such as arise from this letter; from which it results,

1. That on the 27th of February, I gave you sufficient particulars respecting the intended expedition, to have attracted the attention of this government.

2. That although to this verbal communication, I added another in writing on the 2d of March, the President had not the least knowledge of it on the 9th of the same month, and that without doubt you must have had very powerful motives to prevent you from communicating it to him.

3. That it does not appear by the documents presented by the Secretary of War, that government had given orders to the military commanders to cause the territory and neutrality of the United States to be respected.

4. That you made to the English minister, a communication, which in my opinion you ought not, and that even if you thought it necessary you delayed doing it for two months, that is, from the 27th of February to the 28th of April, although it respected a most urgent and important object.

5. That the Baron de Carondelet could very well have received my letter, without its necessarily following that his had come to hand.

6. That the Baron did not represent Mr. Ellicott's not writing to him officially as a *complaint*, but as an *observation*, and that in fact he never has done it in those terms.

7. That the proofs you allege to exculpate Mr. Ellicott, respecting his intentions of taking the fort of Natchez by surprise, are purely negative.

8. That it is not merely *fretences*, but very powerful reasons, which have impeded the evacuation of the posts, and the running of the boundary line.

9. That the insinuations with which you are willing to persuade the American people that our arming is directed against them, are unjust as well as unfounded, as by Mr. Blount's letter it is clearly demonstrated to be a precaution for the mere purpose of defence.

10. That you evidently contradict yourself, when on one hand you are pleased to attribute to us the movements of the

Indians, and in the very next paragraph you show it might proceed from American citizens, as it actually does according to Mr. Blount's letter; and that he acted with the knowledge and intelligence of the very same British minister, in whose private notes, *without signature, and perhaps not of his own hand writing*, you place such implicit confidence.

11. That although in all your official communications, you have always manifested to me that the American government knew of nothing which indicated any foundation for my suspicions, Mr. Blount's letter clearly proves that I was perfectly in the right.

I have thus fulfilled a very disagreeable duty. Always desirous to contribute to strengthen the bands of friendship which unite Spain and America, and to which their situation, their wants and resources, invite them, I have seen with the most profound grief, that the language and tenor of your communication to the President, is not, in my opinion, calculated to promote so desirable an object to us all. For my part, although I shall leave nothing undone, to cement the union and harmony with a nation which I respect; neither shall I ever suffer the interests of the king, my Master, in any case whatever, to be sacrificed to an unjust partiality.

I pray God to preserve you many years.

Your most obedient humble servant,
CARLOS MARTINEZ DE YRUJO.

Philadelphia, July 11, 1797.

No. 13.

Mr. Pickering, Secretary of State, to the Chevalier de Yrujo, Envoy Extraordinary and Minister Plenipotentiary of his Catholic Majesty, to the United States of America. Department of State, Philadelphia, August 8, 1797.

SIR,—I duly received your letter of the 11th of the last month, to which my other engagements have till this time prevented an answer.

My additional report to the President of the United States, on the 3d of July, in relation to Spanish affairs has offended you, and is mentioned as the cause of your writing to me on the 11th. If, sir, I were now to make the just remarks and recriminations which your letter obviously suggests, I am afraid you would be still more offended. I am not sure, indeed, that I can possibly frame an answer that will escape your displeasure: but I shall endeavour that it be expressed not in a style indecorous, unusual, and unbecoming a diplomatick correspondence, while it contains a fair exposition of facts and arguments, in opposition to errors and actual misrepresentations.

In respect to your suspicions of an expedition preparing on the lakes by the British, for an attack upon Upper Louisiana,

I have said that you never mentioned a single fact or reason on which your suspicions were founded. In contradiction to this assertion, you say that "In our conference, on the 27th of February, you gave me information that a corps of 350 men had been raised at Montreal and marched towards the lakes, where, after the evacuation of the American posts, there was no ostensible object for them:"—"That you *knew* that the British agents had treated with some of the Indian nations in that country, concerning the intended expedition; and that you added, that you had received those advices from a person who might be depended on, who had seen these new levies passing through Johnstown, on their way to the westward." To this, sir, I answer, That I have not the slightest recollection that you mentioned either of these circumstances;—that the Secretary of War happened to come into my office while we were conversing,—at which you expressed your satisfaction, and repeated your suspicions,—and he says you then mentioned no fact or reason as the ground thereof; and that when I mentioned the subject to the President, certainly within ten or twelve days after this conference, I perfectly remember making to him this remark—That in your letter of March 2d, you said you had three days before declared to me the *just reasons* you had for suspecting that the English were preparing the expedition in question; whereas you had offered me no reason at all. Hence I am obliged to conclude that you might have held such a conversation with some other person, and by mistake have applied it to me. The English raising 350 men—marching them through Johnstown—and tampering with the Indians to promote the expedition—were circumstances which appeared perfectly new to me when I received your letter of the 11th instant. I remember also, that the conference ended by your saying *you would write to me on the subject*; which evidently implied that your written representation was to be the basis of any act of mine, or of the government. In that letter, sir, if you possessed any grounds for your suspicions, you ought to have stated them. For, contrary to the opinion you have now expressed, I have no hesitation in saying that the government of the United States was not bound to take notice of the vague and unsupported suspicions of any minister; at least not to incur expense, by its military arrangements, to prevent an imaginary expedition, such as was the object of yours. When you made a formal statement of your suspicions, but without any fact to show that they were founded; when the government of the United States possessed no other information nor the knowledge of any circumstances indicative of the expedition; and when in itself it appeared destitute of even the shadow of probability; it was an act of complaisance to assure you that it "would be anxious to maintain the rights of their neutral situation, and on all occasions adopt and pursue those measures which should appear proper and expedient for that

and." What these measures should be, and when to be taken, the government itself would judge.

It was an act of still greater complaisance, when on the 21st of April you renewed the declaration of your suspicions, *but still without assigning any reasons*, for the government to resolve on, and to communicate to you, what you are pleased to allow to be a "determinate disposition on this point."

In the next sentence (as in many others) you misrepresent my expressions and misunderstand my meaning. I do not say, that "from your not having given me detailed information respecting the expedition, and from the answer which I received from the British minister on the 19th of June, I believed the expedition to be groundless:" But after remarking that you never mentioned a single fact or reason to support your suspicions—I say, "From *all the existing circumstances* I ever believed the suspicion to be groundless." If proofs had existed, you would have produced them: for although *intrigues* and *conspiracies* for the purpose of a military expedition may long be concealed; yet the *preparations* for an expedition (and such you suggested were making) must be visible to many; especially "on the lakes," where every movement for such a design would be unusual, and therefore attract the more attention; and satisfactory proofs of such preparations would have been attainable: but you produced none.

Another material circumstance I must notice—That troops of the United States were stationed at Niagara, on the Miami, at Detroit, and Michilimackinack; and consequently in situations well calculated to protect our territory, as well as to discover or get information of, any warlike preparations so considerable as such an expedition would require; and the officers commanding on those stations could not have failed to communicate such discoveries or information to the department of war: yet no such communications were made.

But it was also well known that they had not on the lakes a force adequate to the enterprise in question. I considered also the great difficulties that would attend the transportation of troops, equipage, provisions, cannon, and stores, by either of the routes suggested—if either could have been taken without violating the territory of the United States.

These were circumstances abundantly sufficient to discredit *naked suspicions*; and the declaration of Mr. Liston, in his note of the 19th of June, was mentioned only as confirming the justness of the opinion which I had at first formed in March, and which I continued to entertain of your suspicions. I might add, that at that early period, Mr. Liston assured me that he had no knowledge of such an expedition; and his inquiries of the governor-general of Canada and the British Secretary of State, have enabled him positively to assert, in the above note, that no such expedition was ever intended. And this fact repels your suggestions that I had been "remiss" in not doing for two months, what, on my own principles, was proper to have been done.

But you think I ought not to have communicated your suspicions of this expedition to the British minister, although "his motions were to be watched." You think, on the contrary, that the President should "have given suitable orders to General Wilkinson, or to the commanding officer of the military force on those frontiers;" but have kept a perfect silence towards the British—have let them complete their preparations (if any had been making) and collect their army on the lakes—have let them move forward, until they should enter upon the territory of the United States: and seeing the President could not know beforehand, whether they would prosecute their march by "*Fox River* and *Ouisconsin*, or the *Illinois*," we may suppose your ideas of the "suitable orders" to the military to be—that at a great expense the troops of the United States should be drawn into that country and divided into corps, to be posted on those rivers, to have fought the British army, and thus have defeated the enterprise. Sir, this is not the only instance in which, after having desired the American government to do some act interesting to your own, you have then presumed to dictate how it should be done.

"But (you say) you never could have imagined, that I would have given to the British minister a piece of advice, which might enable him to alter his plan, by letting him know that the former one was discovered." And what, sir, was the plan of the British to defeat which you desired the American government to interfere? Why, according to your suspicions, it was *to march an army through the territory of the United States against Upper Louisiana*. If then the communication of your suspicions to Mr. Liston would induce him to "alter his plan"—it would by a *word* or a *letter*, instead of an *army*, defeat the expedition; for it was not possible it should go forward *except through the territory of the United States*; and consequently the communication, instead of disappointing, would have perfectly accomplished what you requested.

In your 5th paragraph, you are pleased to mention what you consider as another omission of duty, that although on the 2d of March you *wrote* your suspicions, and *three days before* you mentioned them verbally, yet on the 9th, I had not laid the matter before the President. I will take the trouble to show with how little reason you have made this remark. The second of March was the day next preceding the dissolution of Congress; and at the close of a session the President is overwhelmed with business that cannot be postponed. On the third the then President's term of office expired. On the 4th the inauguration of the succeeding President was celebrated. The 5th of March was Sunday. The five following days were not unoccupied; and on the eleventh of March the answer to your letter of the 2d was given. And although you attach much importance to your suspicions, the details I have given prove that they were then destitute of probability,—that they were in fact unfounded; and consequently of no importance; that as such I then justly

considered them; and therefore needed no "very powerful" motives to remain silent *five days*.

I cannot but regret that my reasoning is so often not understood. When reciting my inquiry whether the posts occupied by the troops of Spain within the territory of the United States, had been evacuated, and your answer, that not having for some months heard from the Baron de Carondelet, you "were deprived of any information touching the steps taken for the execution of the treaty," I put these last words between inverted commas, not as you say, "in order to draw attention"—but because they were an exact quotation from the translation of your letter. And when I added, in my report, "nevertheless he (the minister of his Catholick Majesty) had previously informed the Baron de Carondelet of his suspicions of a projected expedition from Canada;" it was not to prove either that the Baron had received your letters, or that you had received his: but as that very information was assigned by the Baron as a reason for still retaining and reinforcing the posts, the obvious conclusion was that you wrote and transmitted to him the information with that view: and hence, that instead of disclaiming all knowledge on the subject, candour should have induced you to answer me, That although you had not received any late letters from the Baron, and therefore you could not say what steps had actually been taken for the evacuation of the posts, yet that on account of the suspected expedition from the Lakes, of which you had informed the Baron, you presumed (or you advised, and probably you did advise) that he would still hold possession of them "to cover Louisiana." This "logick," sir, I hope is intelligible; and at any rate, not "extremely false."

I cannot omit noticing your observations on the 5th paragraph of my report. If, as you were obliging enough to promise, you had favoured me with *copies* of the Baron de Carondelet's two letters (of which you undertook to give me an oral but literal translation) instead of their "substance," I might have been more correct in reciting his assertion—That Mr. Ellicott had not given him notice of his arrival at the Natchez as the Commissioner of the United States for running the boundary line. Whether this was a *complaint*, or an "*observation*," as you choose to call it, every reader of your letter will see to be of no consequence. But whether the assertion was *founded* or *unfounded*, was material; seeing, in the same letter, Mr. Ellicott is charged with having "carried his zeal so far as to attempt to get possession of the fort of the Natchez by surprise;" and an assertion follows, that "gouverneur Gayoso says he has in his power documents which prove evidently the intention of this attempt." This accusation against Mr. Ellicott I considered as injurious, not to him only but to the government; for which in the character of commissioner he was appointed to act. If other circumstances induced me to doubt its correctness, the other complaint or "*observation*," which I knew to be unfounded, could not but increase my doubts. It was important, therefore;

and my duty, to present them together to the President's notice; I have not "entirely mistaken" this matter. In my report to the President, I did not undertake to recite what you "mentioned," but what you *translated* from the Baron de Corondelet's letters: you *repeated* the charge in question; and it was not till then that I handed you the copies of the Baron's and Mr. Ellicott's correspondence showing the repugnance of fact to assertion; and it was then that you blushed; as I had before been astonished. And your remark, afterwards, was what I have stated in my report, "That you supposed the Baron did not consider Mr. Ellicott's letter as official." You then made no distinction between a *complaint* and an "*observation*," nor used the phrase "in the rigour," nor any other qualifying words; except those which are stated in my report.

Besides, the Baron had no right to expect any other evidence of Mr. Ellicott's appointment than his letter, until they should meet for the purpose of commencing the business of their appointments; when of course they would mutually exhibit their commissions. And from the Baron's answer of the 1st of March, it is plain that he expected no other notice: for he therein recognises Mr. Ellicott as the commissioner of the United States.

In the last sentence of your paragraph on this subject you say, "That when after a mixed and desultory conversation upon various subjects, you had collected and methodised your ideas, and committed them to writing, my answer and observations ought to have been confined to the written communication." This observation, sir, is inaccurate.

It may, however, be applied to a former part of your letter. You say that in our conference on the 27th of February, you mentioned to me the raising of 350 men at Montreal—that your informer saw them pass through Johnstown—and that you knew the British agents had treated with some of the Indian nations concerning an expedition preparing on the lakes. But in your letter of the 2d of March, in which you were "to collect and methodise your ideas" on the subject of your suspicions, you do not introduce one of those suspicions: of course, on your own principles, I ought, if they ever had been mentioned, to have considered them as nullities.

In the 8th paragraph of your letter, you observe that my proof obtained from Mr. Ellicott's messengers, that he did not attempt to get possession of the Natchez fort by surprise, is merely negative. I offered it only as such. But the negative testimony of two men of good characters against a fact which they were likely to be acquainted with, if it existed, and whose existence other circumstances rendered improbable, and the assertion of which is mingled with assertions, by the same person, of other facts, of which some, or even one, is known to be unfounded, merits consideration. There is, however, further evidence applicable to this case. In the letter dated at the Natchez the 5th of May, from lieutenant Pope to gouverneur

Gayoso, you will see that the governour had made the like accusation against the lieutenant. "A gentleman had informed him (the governour) that the lieutenant intended to attack the garrison at that place." Lieutenant Pope, justly hurt by the groundless assertion, desires the informer may be named, and required to acquit himself of his assertion, or be punished as a false accuser. The governour answers the next day,—speaks of the information as communicated to lieutenant Pope in *familiar conversation*; and adds, that the informer was to be *despised*. Yet from the pointed manner in which lieutenant Pope made the demand, it is evident that the information was presented to him as a serious accusation. After this detail, will it not be conjectured, that the governour's "documents" respecting Mr. Ellicott's "attempt" are of a piece with his "familiar conversation" with lieutenant Pope concerning his "intended attack?"

In the 9th paragraph of your letter, you say that "after having discussed the history of these transactions, with all the force and accuracy which result from these observations, I assure, with a very ill-grounded confidence, that upon a view of the whole it appears, that his majesty's governours on the Mississippi have on various *pretences*, postponed the running of the boundary line and the evacuation of the posts." I must here also complain of misrepresentation. I did not in my report draw my conclusions from the history of *these* transactions—that is, of the transactions which you have *previously* mentioned in your letter, and which I have already noticed in this answer: but "Upon a view of the whole correspondence then and before submitted to the President." This correspondence I will now examine, to see whether the causes assigned by the Spanish governours, for postponing the running of the boundary line and evacuating the posts, merit the name of *reasons*, or of *pretences*.

Governour Gayoso being informed of Mr. Ellicott's descending the Mississippi, wrote to him on the 17th of February, desiring him to leave his escort at *Bayon Pierre*, 60 miles above the Natchez. Yet the treaty prescribed a military escort on each side to attend the commissioners in running the boundary line; and the *Natchez* as the place of their first meeting. The chief reason offered for this request was, that if the troops of the two nations were *brought together* "misunderstandings" might arise between them. Yet the treaty required their *coming together* to attend the commissioners when they were jointly running the boundary line.—And the only reason the governour assigned for not evacuating the posts, was "The want of vessels," but which he expected would soon arrive.

On the 25th of February, governour Gayoso and Mr. Ellicott fixed on the 19th of March to proceed down the river to *Charkesville*, near which it was supposed the boundary line would commence.

On the 9th of March, governour Gayoso informed Mr. Ellicott that the Baron de Carondelet could not attend the running

of the line, in person, and that the whole business had devolved on him, the governour; but he feared he should not be ready by the 19th. And then he endeavoured to draw Mr. Ellicott from his proper station at the Natchez, by proposing a visit to the Baron at New-Orleans.

March 18th, the governour again endeavoured to draw Mr. Ellicott from the Natchez, and recommended Loftus' Cliffs near Clarkesville, as the point of re-uniting: and by way of inducement, said the geometer and other officers to be employed on the boundary line would stop at Clarkesville.

On the 15th of March, the principal part of the artillery was taken out of the fort, and every appearance made of a speedy evacuation: but on the 22d they were carried back to the fort, and immediately remounted. A similar movement took place at the latter end of April, after the arrival of lieutenant Pope and his troops at the Natchez. "The evacuation (says he) appeared to be going on with great life; when all at once the military stores were ordered back, their troops busily engaged all night taking back and remounting the cannon." Here he very naturally expresses his surprise—"This kind of conduct (says he) appeared and still appears strange."

March 23d, the governour mentions that orders had been given by the general in chief of the province to demolish the post at the Walnut Hills—*because their treaty with the Indians required it*: but as he (Gayoso) had since been informed of their unsettled dispositions, he had sent counter-orders, to prevent the fortifications being injured; suggesting at the same time that the moving of the stores, &c. was suspended only until the arrival of the American troops to take possession of the post.

In this letter the governour informs Mr. Ellicott that lieutenant colonel Guillemand was far on his way up; and, on his arrival, the running of the boundary line should begin. The governour adds this assurance "That there is nothing that can prevent the religious compliance with the treaty."

On the 28th and 29th of March, governour Gayoso issued two proclamations, both bearing date the 29th, taking new ground for retaining the post, viz. until the right of the inhabitants to the real property is ascertained. The governour is pleased to say that a negotiation was then carrying on between the king of Spain and the United States, to secure to the inhabitants of the Natchez the right to their real property: that that right could not be secured but by an additional article to the late treaty; and that he should keep possession of the country until that article should be officially communicated to him; *and until they were sure that the Indians would be pacifick*. This last reason particularly warrants my assertion—That the governours meant for an indefinite period to avoid an evacuation of the posts—for while a tribe of Indians existed in that quarter, the governours could not be *sure* that they would be pacifick. And as to their real property, seeing the great body of the in-

habitants appear not to desire the patronage of the Spanish government to secure it: As the government of the United States must be at least as anxious as that of Spain to protect the inhabitants in their rights, when become citizens of the United States: I believe there can be no difficulty in deciding whether this is a reason or a pretence. Besides, the negotiation mentioned by the governour *about the real property of the inhabitants*, has never existed; nor even been proposed or hinted, either to or by the government of the United States. I hope, therefore, it will not be deemed harsh, or unbecoming in a letter of this kind, to say, that this motive for suspending the evacuation of the posts—that a negotiation was then on foot to secure the real property of the inhabitants—does not merit the title even of a *pretence*.

So soon as the governour discovered that his proclamations, instead of quieting the minds of the inhabitants, produced a contrary effect, he sent two gentlemen of the settlement to inform Mr. Ellicott that he, the governour, had received directions from the Baron de Carondelet to have the artillery and military stores expeditiously removed from the forts, which were to be given up to the troops of the United States immediately on their arrival. As this information did not remove suspicions, Mr. Ellicott wrote the governour on the 31st of March, stating divers circumstances which still kept those suspicions alive. The governour answered on the same day in direct contradiction to the information given by the gentlemen, his agents, to Mr. Ellicott, and confirming the declarations made in his proclamations. He added also a new motive for retaining the posts, viz. That the treaty left it doubtful whether, when the posts should be evacuated, the works were to be left standing, or to be demolished; concerning which the governour general found himself obliged to consult his Catholick majesty; and had given the governour positive orders to suspend the evacuations of the posts until the matter should be amicably settled between the two governments.

On the 1st of May, another motive is assigned for retaining the posts—The envoy of his Catholick majesty in the United States, had informed the governour general of an attack proposed against the Spanish part of Illinois (the upper part of Louisiana) by the British from Canada, and, therefore, the posts at the Walnut Hills and the Natchez must be kept for the defence of Lower Louisiana.

This last motive is also offered as a reason why the running of the boundary line is postponed; as all their attention was drawn towards the defence of the province, against an invasion which, as I have already shown, was never contemplated.

To all these facts, I have to add the declaration of General Wilkinson, in his letter of June 2d, to the Secretary of War—“I have (says he) information through a confidential channel, that it was determined as early as *September last*, not to give up the posts on the Mississippi.” If this information be cor-

rect, no other proof is necessary to show that all the reasons from time to time suggested for not evacuating the posts were mere *pretences*.

I have here brought into one view the most material facts relating to the question between us, which are scattered throughout the reports made by me to the President of the United States on the 10th of June and 3d of July, and by the Secretary of War on the 30th of June, and the documents accompanying them, as they have been published. And from this brief recital it evidently appears, as I have said in my report "That the governours of his Catholick majesty, on the Mississippi, have, on various *pretences*, postponed the running of the boundary line, and the withdrawing of his troops from the posts they occupied within the territory of the United States: and that after repeated overtures, promises, and appearances of commencing the execution of the treaty between the two nations, in both these respects, their conduct demonstrates, that for an indefinite period they meant to avoid doing either."

You controvert this conclusion only on one ground. You say that the treaty stipulated merely that the Spanish *garrisons* should be *withdrawn*, not that *fortifications* which might one day be prejudicial to the king's subjects, should be *delivered up*: and hence you infer that the necessity urged by the two governours of delaying to withdraw the garrisons until this question is decided between the two governments, is not a *pretence*, but a substantial reason. Here I must observe that the governours had already demolished the post at the Chickasaw bluff: and it appears in the foregoing recital that they were going to demolish the post at the Walnut Hills: and the reason assigned is that the treaties with the Indians required the demolition: and governour Gayoso assigns but one motive for suspending that operation—that he had been informed of the unsettled disposition of the Indians; yet afterwards this reason (that their treaties with the Indians required the demolition of the posts) is forgotten, and their destruction, or their delivery with all the fortifications and other works standing, is by the governours made to depend entirely on the issue of a negotiation between the governments of Spain and the United States! Can any farther proof be wanting to justify me in calling this a *pretence*? But you seem to rely on this your construction of the treaty relative to the posts: You have urged it in your letter to me of the 24th of June; and therefore I will consider it.

The 2d article of the treaty having described the boundaries between the territories of the United States and Spain, thus proceeds—"And it is agreed that if there should be any troops, garrisons or settlements of either party, in the territory of the other, according to the above mentioned boundaries, they shall be *withdrawn* from the said territories 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." But to justify your retention of the posts, you say that the demarcation of the boundary line should precede the withdrawing of the garrisons: yet you suppose it *probable*, and his Catholick majesty's governours *well know*, that the Chickasaw bluff—the Walnut Hills—and the Natchez are within the territory of the United States.

Governour Gayoso speaks of the boundary line as being near Clarkesville, a place many miles below the Natchez; and he also knew the result of Mr. Ellicott's astronomical observations on the spot, which ascertained the Natchez to be about thirty-nine miles north of the south boundary of the United States.

There being then not a shadow of doubt with respect to the position of these posts—that they are all within the territory of the United States, there was no necessity previously to run and mark the boundary line: which besides, if set about in good earnest, it would take at least a year to accomplish, through a wilderness of many hundred miles in extent; and therefore it never could have been contemplated as necessary to precede the evacuation of the posts, which was to be effected in *six months, or sooner if possible*. Yet fifteen months have elapsed, and you still keep possession.

But you suggest that it is at least doubtful whether by the treaty it was intended to leave the fortifications standing, when the garrison should be withdrawn. You say, "It is not to be presumed that it could ever have been the intention of his Catholick majesty to deliver up fortifications, which, besides that they had cost him considerable sums of money, may, by the effect of political vicissitudes, be one day prejudicial to his subjects." I feel much reluctance to attempt the refutation of a construction so obviously erroneous. It is probably the first time that to "withdraw" or *retire* from a place has been imagined to intend its *destruction*. If at the formation of the treaty the *demolition* of the posts had been intended; it would assuredly have been expressed. But doubtless the idea never occurred, until it was found convenient to make it a pretence for holding the posts. The phrases "to withdraw a garrison," *to evacuate a post or country*, have as determinate a meaning as any in the English language; and their meaning is ascertained by frequent use in treaties; and to *destroy* a country or a fortified place, from which it was stipulated to "withdraw" an army or a garrison, would be such an act of barbarism as ought never to take place among civilized nations. One of the latest treaties made by the United States (that with Great Britain) has the same phrase "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, 1796." And these expressions are used in the same treaty as

equivalent to "the delivery of the said posts." The British treaty was in this manner accordingly carried into effect—the British troops were *withdrawn*, and the works *left standing*. The British officers were even careful not to expose the works to accidental destruction: for as the American troops did not reach the posts by the first of June, small British guards were left to preserve the works from injury until the American troops arrived.

By the treaty concluded at Versailles the 3d of September, 1783, between Great Britain and Spain, it was agreed, "That the king of Great Britain should cause East Florida to be *evacuated* three months after the ratification of that treaty, or sooner, if it could be done." The evacuation took place, but no demolition of fortifications.

In the preliminary articles of peace between England, France and Spain, signed the 3d of November, 1762, it was stipulated "That as soon as possible after the ratification of these preliminaries, France should *evacuate* Cleves, Wesel and Guelders, and generally all the countries belonging to the king of Prussia:" were *those places demolished*, or the *country laid waste*, when the troops withdrew? Or were there any subsequent negotiations to remove any doubts on the subject?

But I have dwelt too long on a point that really required no elucidation.

On this, as well as on another occasion, you have thought fit to upbraid me with showing to the British minister a degree of candour and confidence which you insinuate he does not deserve, and which, you seem to think, I have withheld from you. Yet, sir, all the declarations made to me by that minister, verbally and in writing, touching the points in controversy between you and me, have been verified. As I have already said, you declared to me that you had just reasons for suspecting that an expedition was preparing on the lakes by the English, in order to attack Upper Louisiana. The British minister, in the first instance, assured me that he had no knowledge of it—and his subsequent inquiries enabled him further to assure me that no such expedition had been or was intended by the British government. And I have in another place offered other reasons which confirm the truth of these assurances. Yet you tell me, that the assurance given me by the British minister, *but without any signature* did not inspire the servants of his Catholic majesty with the same *blind confidence*, which it produced in me. I shall take no other notice of this remark, than to put you right in point of fact. The note of the British minister containing the assurance to which you refer, is *not* "without a signature:" This (like other official notes from that minister) has his signature—*his name written with his own hand*—at the head of it.

You declared to me "that you knew to a certainty that the English had made propositions to general Clarke, of Georgia, in order to avail themselves of his influence in that state, to-

gether with some other persons, for making a diversion, or serious attack against Florida." The British minister informed me that although he knew nothing of general Clarke or his expedition from Georgia, a proposition had been made to him (the British minister) for an expedition against the Floridas: but that he told the projector, that he had no power to authorize it: and besides, that there were among other objections to the plan, two of great weight—one that the Indians were to be employed—the other, that it would violate the neutral rights of the United States. The British minister has since shown me an original letter from lord Grenville, dated the 8th of last April, in which he informs the minister, that if there were no other objections to the plan, the two mentioned by him, viz. that it could not be executed without employing the Indians—and without violating the rights of the United States, would be sufficient to induce the British government to reject it.—This proves, sir, that Mr. Liston's declarations on this point were not "vague and unauthentick" as you pronounce them, but in strict conformity with truth.

As to general Clarke of Georgia, the British minister declared he had never even heard of him; and the extract of the letter from Mr. Jackson, the district attorney of Georgia, respecting general Clarke and any expedition forming there, in behalf of the *English* against the Floridas, will incline every candid inquirer at least to doubt whether such a project has ever been proposed to him. We shall afterwards see that Mr. Blount's plot does not appear to have any connection with an expedition under general Clarke.

Thus you see, sir, that I have not *blindly* placed a confidence in the British minister: for aught that has yet appeared, he was entitled to the credit he has received.

I return to your letter. You mention your communications to the baron de Carondelet respecting the intended expedition from Canada: from that moment, you say, imperious necessity, and the great principle of self defence, made his Catholick majesty's officers turn their thoughts to objects of a more urgent nature than running the boundary line. And here you introduce "Mr. Blount's letter, and the late detected conspiracy, as evincing how far their conduct in this respect was necessary." It is wonderful, sir, that you should attempt to make it be believed that Mr. Blount's letter and the late detected conspiracy had any connection with the expedition which you suggested was preparing on the lakes of Canada against Upper Louisiana. All that is yet discovered of Mr. Blount's project or conspiracy, proves that it was to have been formed in one of the states *south of the river Ohio*; and that it was destined against the Floridas, and perhaps Lower Louisiana. I, therefore, feel myself, for this and the other reasons before exhibited, still warranted in considering the suspected Canada expedition among the *pretexts* for delaying to evacuate the posts, and to run the boundary line: and consequently that your charge, that I have

in this instance "palpably attempted to make groundless and unfair impressions on the publick mind," is alike unfounded and unbecoming your publick character to suggest.

In your next paragraph you, thus address me. "Nor do your ill founded insinuations stop here: sentiments and expressions still more violent, flow from that same hasty pen." This passage is in perfect correspondence with the general strain of your letter. Whether your charge is correctly made is now to be examined.

I am ready to confess that my report thus stigmatized was, from the pressure of business, written in haste: but a revision of it satisfies me, nevertheless, that it is not inaccurate in its statements.

You quote the passage in my report which has called forth this reproach; it is in these words—"That there is but too much reason to believe Mr. Ellicott's suspicions well founded, that an undue influence has been exercised over the Indians by the officers of his catholic majesty, to prepare them for a rupture with the United States." And then you say that I mention the source of these "dreadful conjectures" to be, a private letter from Mr. Sargent, secretary of the North-western Territory. Here you are extremely incorrect; as usual when you undertake to recite my conclusions and the facts and circumstances upon which they are formed. It is from "a view of the whole correspondence" referred to in my reports of the 10th of June and 3d of July.—On the intelligence received by the Secretary of War—and the private letter from colonel Sargent, that I drew the conclusion you have quoted.

Mr. Ellicott formed his suspicions on the spot, from what was passing before him; and he is not a careless or undiscerning observer.

General Wilkinson says—"Letters from all quarters announce the discontents and menacing aspect of the savages; two white men have been recently murdered on the Ohio below the Cumberland; and the savages beyond the Mississippi, and those who pass Massac, make no hesitation to avow their purpose for war." And then he refers to a letter from colonel Hamtramck, who commands the United States troops at Detroit, in which the colonel says—"I am pretty sure that both the French and Spaniards have emissaries among the Indians. I have it from *indubitable authority*, that a large *belt* [by which he meant a Speech] from the *Spaniards* is now travelling through the different nations;" meaning the nations within the territories of the United States.

Colonel Sargent writes, it is true, a *private letter*; but it is to a publick officer; and his situation as secretary, and governour for the time, of the North-western territory, would render it his duty to be vigilant for its safety; and his character vouches for the accuracy of his information; and you do not question the truth of any part of his statement.

After mentioning that the Spaniards were reinforcing their upper posts on the Mississippi, that upwards of three hundred

men had arrived at St. Louis and were erecting formidable works; he adds—"It likewise appears, through various channels, that they are inviting a great number of Indians of the territory (meaning of the United States north-west of the Ohio) to cross the Mississippi: And for this express purpose Mr. Loramie, an officer in the pay of the crown, made a tour through all this country last fall; since which time several Indians have been sent on the same errand, and generally furnished with plenty of cash to defray their expenses."—"A large party of the Delawares passed down White River about the 6th of May, on their way to the Spanish side, bearing the national flag of Spain sent them from St. Louis"

Lieutenant Pope, in his letter of May 9th to the Secretary of War, says—"There have been several attempts made to draw on the Indians upon my troops: I have fully ascertained this fact, and demanded of the governour to have a principal actor immediately brought to punishment, or sent out of the country. He has been sent for, and is now on board of one of the galleys which is now about descending the river."—And, sir, if you inquire, you will find that this "principal actor" (Rapelje by name) was one of governour Gayoso's agents.

These, sir, are the grounds on which I expressed the opinion, that there was but too much reason to believe Mr. Ellicott's suspicions well founded, that the officers of Spain had exercised an undue influence over the Indians to prepare them for a rupture with the United States.

This detail, sir, strikingly shows how little you have understood, and how entirely you have misrepresented my reasoning on this subject. I leave you to reconcile your reflections on the British minister and his nation for their inhumanity in employing the Indians in the American war, with your justification of the Spanish officers at this time, in securing the aid of the Indians in your war with the British. "The Spaniards (you say) have fortified St. Louis and availed themselves of EVERY MEANS OF DEFENCE which the country afforded;" meaning by the ingenious expression *every means of defence which the country afforded*, the employing of the Indians.

You are pleased next to charge me, in your customary style, with "falling into the most glaring inconsistency," because I remark that although, "it may be difficult to say whether this plan of exciting the Indians to direct hostilities against the United States, has been contemplated and promoted by any of our own citizens; yet it is certain that one or more of those citizens have proposed and taken measures to detach the southern Indians from the interests of the United States, and to destroy the influence of the publick agents over those nations, and thus to defeat the great objects of their appointment; the chief of which is to preserve peace."

Having quoted this passage from my report, you ask "how is it possible to reconcile such evident contradictions? On the

one hand the Spanish officers are those who excite the southern Indians against the United States, and on the other you quickly follow presuming, with sufficient foundation in my opinion, that it may be some citizens of the United States." Allow me, sir, to ask in my turn, how it was possible for you not to see that here there is no contradiction? Is it not very possible that the Spanish officers might be courting the Chickasaws, who live above the Natchez, with large presents, and be preparing the Choctaws, who dwell along the Natchez district, and the Delawares, Shawanese, Miamis, and other tribes dwelling in the territory north-west of the Ohio, for war against the United States, while Mr. Blount and his agents were detaching the southern tribes of Cherokees and Creeks from the interests of the United States, and eventually to aid the British in an enterprise against the Floridas? The Cherokees and Creeks, you might have seen, were the only Indian nations mentioned in governour Blount's letter. And is it not very possible, if these two nations should thus be led to war against the Spanish possessions, that they might *not* be excited to *direct* hostilities against the United States? And, therefore, that although Mr. Blount might contemplate the former, he might abstain from the latter? And is not then my cautious manner of speaking of this latter, perfectly correct?

I am happy to arrive at your last observation. And I wish it was not, like the rest, exceptionable and incorrect. These are your words—"Respecting the last article of your report, I have only to observe, that although you have constantly assured me that government had not the least information respecting the subject of my representations, and although the letter of Mr. Jackson, of Georgia, appears to coincide with your ideas, nevertheless time has shown that I have complied with my duty by not reposing on such assurances. The plot is discovered, and nobody any longer doubts the expedition was to have taken place."

The expression that "you complied with your duty in not reposing on such assurances" may mean that you thought the assurances *deceitful*, and, therefore, not meriting belief. Perhaps you did not intend this. Perhaps you meant no more than that the government had been "remiss" in its duty, in not pursuing with eagerness the trains of your various suspicions. But I must show you that here, as in all other instances, your criminations are void of foundation, in either point of view.

The last article of the report respects general Clarke of Georgia, to whom you said "you knew of a certainty that the English had made propositions, in order to avail themselves of his influence in that state, with some other persons, for making a diversion or serious attack against Florida:" and you add that "you do not doubt that in consequence of your information, the executive government will take the proper steps that

Georgia also should not infringe the laws of neutrality." Here you confine your requests to *Georgia*, that she might not infringe the laws of neutrality: and my letter to Charles Jackson, esquire, the district attorney of that state, shows that the government took prompt measures to defeat the project of general Clarke and his associates, if such a project existed. I suppose none did exist: You acknowledge that the letter from Mr. Jackson coincides with my ideas. Your "certain knowledge" of an intended expedition in favour of the English from *Georgia* against *Florida*, under general Clarke, you have never supported by a shadow of evidence. If you possessed any evidence of the fact, it would be easy to produce it. What you call your "certain knowledge" could rest only on information, or the testimony of others, which might be as false or as vague and inconclusive, as the information about the *Canada* expedition; which I hope I have proved, to your conviction, never to have existed, even in idea. Yet you declared to me that you had "*just reasons* for suspecting that expedition was preparing on the lakes:" and hence how can I avoid concluding, that your "certain knowledge" in one case, like your "*just reasons*" in the other, were without a sufficient foundation.

But you say "the plot is discovered, and nobody any longer doubts that the expedition was to have taken place." Strange remark! Just the reverse of it should have been made. For although there is a discovery of Mr. Blount's plot, its extent is by no means ascertained; and far from nobody doubting, probably every body doubts whether the projected expedition was to have taken place. It was not to be undertaken but in conjunction with a British force—and on the proposal of the expedition to the British government it was totally rejected. Even Mr. Blount, who, if the project was adopted, *expected to be at the head of it*, ventures no farther than to say *he believed* that the plan would be *attempted*, but *if* attempted, that it would not be till the "fall:" and consequently your zeal in March and April, for which at the expense of decency towards the American government, you take to yourself so much credit, had then no just object. This zeal of yours is displayed in the information you gave to the Baron de Carondelet, in March or April, of the expedition supposed to be preparing in *Canada* against Upper *Louisiana*: yet you would now attempt to justify this zeal by the plot of Mr. Blount; although this plot and the *Canada* expedition were wholly distinct and unconnected.

I shall conclude this long letter with your eleven positions, which you state with as much serious formality as if they were all of them important, and all of them supported by facts or just reasoning: But the details I have given demonstrate that these positions are either unfounded, or simple propositions of not the smallest consequence.

These are your positions addressed to me in your own words.

"1st. That on the 27th of February I gave you sufficient particulars respecting the intended expedition, to have attracted the attention of this government."

Answer. I have offered reasons to prove that you gave me *no particulars*, but only mentioned your *suspensions*, and that you promised to give me your representations in writing; for which, of course, it was proper for me to wait.

"2. That although to this verbal communication, I added another in writing on the second of March, the President had not the least knowledge of it on the ninth of the same month; and that without doubt you must have had very powerful motives to prevent you from communicating it to him."

Answer. I have accounted for the delay in a satisfactory manner. I have shown that I had abundant reason to conclude your suspicions to be wholly unfounded, and for attaching no sort of consequence to them. The event demonstrates that I was right; and that instead of *very powerful* motives, none were needed for a delay of only four or five days, or for a much longer period; and that to notice your naked suspicions at all, was not an act of necessity, but of complaisance. I might with justice complain of *your* delay to answer my letter of the sixteenth of March, on a subject of very high importance to the United States, I mean the evacuation of the posts. I will not say that you were negligent—or "remiss"—but I will say that for a whole month you omitted to give me your short and unsatisfactory answer. The indisposition which you assign as the cause of the delay, did not prevent you from writing on other subjects—nor long from going abroad.

"3. That it does not appear by the documents presented by the Secretary of War, that government had given orders to the military commanders to cause the territory and neutrality of the United States to be respected."

Answer. I have shown that none were necessary to be given.

"4. That you made to the English minister a communication which in my opinion you ought not, and that even if you thought it necessary, you delayed doing it for two months, that is from the 27th of February to the 28th of April, although it respected a most urgent and important object."

Answer. On the 28th of April, I informed you by letter that I had communicated to the British minister your suspicions of an expedition preparing by the English against Upper Louisiana; and as for upwards of two months you expressed no dissatisfaction on account of this communication, I might well conclude you did not think it improper. Nay in your letter of July 11th, which I am now answering, you refer with apparent approbation to this very communication, connected with the declaration which accompanied it to the British minister, that the President could not consent to the march of any troops, either British or Spanish, through the territory of the United States; and you consider it as a "determinate disposition" of the

American government on this point. I have also shown, that admitting this communication to Mr. Liston to be proper, I did not delay doing it for two months nor two weeks; although it respected at best but an *imaginary* project.

"5. That the Baron de Carondelet could very well have received my letters, without its necessarily following that his had come to hand."

Answer. I have shown that you did not understand my reasoning on this point; which went to prove that your answer of the 17th of April to my letter of the 16th of March, about the evacuation of the posts, was wanting in candour.

"6. That the Baron did not represent Mr. Ellicott's not writing to him officially as a *complaint*, but as an *observation*, and that in fact he never has done it in those terms."

Answer. I have shown that whether the Baron's assertion should have been called a *complaint* or an *observation* was perfectly immaterial; I meant to show it was *unfounded*, and this you yourself admit.

"7. That the proofs you allege to exculpate Mr. Ellicott respecting his intentions of taking the fort of Natchez by surprise are purely negative."

Answer. I offered them only as negative proofs. Yet when one complaint or assertion against Mr. Ellicott was known and acknowledged not to be true, the *negative* testimony of gentlemen likely to be well informed, would be deemed sufficient to bring another, and in its nature very improbable, complaint or assertion of the same person, into discredit.

"8. That it is not merely *pretences*, but very powerful reasons which have impeded the evacuation of the posts, and the running of the boundary line."

Answer. The point of view in which I have now exhibited the conduct of the Spanish governours relative to the evacuation of the posts, and the running of the boundary line, I should suppose might convince you that the causes which they have offered for the delay, are mere *pretences*: the American citizens, to whom you have appealed, have been convinced only by reading the printed documents, without any comments.

"9. That the insinuations with which you are willing to persuade the American people that our arming is directed against them, are unjust as well as unfounded, as by Mr. Blount's letter it is clearly demonstrated to be a precaution for the mere purpose of defence."

Answer. The grounds of my suggestions, which you call "insinuations" are detailed in this letter, and embrace too many facts and circumstances to be abridged: permit me to desire you to review them. I shall only repeat, that nothing is more certain than that Mr. Blount's letter has not the remotest reference to the suspected Canada expedition; which is your only pretence for reinforcing the posts in Upper Louisiana—for calling the Indians to your aid—for holding the posts at the Natchez, and Walnut Hills—and for delaying to run the boundary line.

"10. That you evidently contradict yourself, when on one hand you are pleased to attribute to us the movements of the Indians, and in the very next paragraph you show it might proceed from American citizens, as it actually does, according to Mr. Blount's letter; and that he acted with the knowledge and intelligence of the very same British minister, in whose private notes, *without signature, and perhaps not of his own hand writing,* you place such implicit confidence."

Answer. I have shown that there is not a shadow of contradiction in my observations on this subject; and your assertions to the contrary must proceed only from your not understanding them. You say that Mr. Blount acted in this matter with the knowledge and intelligence of the British minister. This is not likely to be true. It is in proof, by other evidence than the British minister's notes, that he did not and could not authorize the projected expedition against the Floridas—and particularly that one of his strong objections against it was, that it contemplated the employing of the Indians; although he thought it proper to submit the project to the consideration and decision of his government. Nobody therefore will believe that he authorized Mr. Blount, or was even privy to his measures, for preparing the Indians for war. Besides, doctor Romayne, who may be presumed to be well acquainted with Mr. Blount's plot, suggests that it is not the project offered to Mr. Liston by Chisholm. These are his words: "Mr. Blount is totally unknown to Mr. Liston, *and so are all his views.*" And there is a passage in Mr. Blount's letter which countenances the doctor's assertion, and indicates, that although Chisholm and Blount had some communications with each other, yet that their views were not precisely the same. Mr. Blount, in his letter to Carey, says, "Where captain Chisholm is, I do not know. I left him in Philadelphia, in March, and he frequently visited the minister and spoke upon the subject; but I believe he will go into the Creek nation by way of South Carolina or Georgia. He gave out he was going to England; *but I did not believe him.*" These last words afford a pretty strong proof that they were not acting wholly in concert. Probably Mr. Blount endeavoured to persuade Chisholm that he would co-operate in the prosecution of *his* scheme; while at the same time he might have another of his own or in concert with doctor Romayne, and stand ready in the event of things, to make his advantage of either; whichever should offer the best prospect of success: Doctor Romayne, you see, says that Mr. Blount is totally unknown to Mr. Liston: But it is well known that Mr. Blount was your frequent guest, and intimate companion; and that he was on this intimate footing with you during the whole time that you were representing to the government, your suspicions of British expeditions. Yet after the discovery of the conspiracy was made publick, you formally requested the American government to punish him for so scandalous a crime. But seeing that Mr. Blount was a citizen of the United States, and not a

subject of Spain, it would have been decent in you to have left him with his own government without interposing your advice. But especially when you knew that the President had laid his letter before Congress; and the two houses were deliberating on the modes of punishing him; when the investigation had proceeded so far that a committee of the Senate had reported a resolution to expel Mr. Blount from the Senate; and a committee of the House had reported a resolution that he should be impeached for high crimes and misdemeanors: For you then to interfere was singularly improper; and it was such an ostentatious display of zeal, as under all the known circumstances, suggests more than one interpretation.

"11. That although in all your official communications, you have always manifested to me that the American government knew of nothing which indicated any foundation for my suspicions, Mr. Blount's letter clearly proves that I was perfectly in the right."

Answer. This remark is perfectly inconsequential; for your communications exhibited your suspicions of projected expeditions only from Canada and Georgia: and I have shown that Mr. Blount's letter has no relation to either.

I thought I had reached the end of your criminations: but in your concluding paragraph you accuse me of an "unjust partiality," meaning, no doubt, towards the British minister and his nation. The details I have given in this letter, I trust will abundantly prove that this charge is as unfounded as it is indecent. Those details verify the representations of the conduct of certain Spanish officers which are given in my report of the 3d of July to the President. If the truth has excited any unpleasant sensations, those only are to blame whose injurious acts obliged me plainly to declare it. Instead of this task, I should have been happy to execute the grateful office of stating to the President the good faith and amicable manner in which the officers of his Catholick majesty had executed the treaty of friendship, limits and navigation between our two nations.

You think also that my report to the President *is not calculated to strengthen the bonds of friendship which unite Spain and America*. Friendship, sir, cannot subsist without *mutual confidence*; and *confidence* springs from *sincerity*. But the proceedings of the Spanish officers, which are the subject of this correspondence, have shaken the confidence of the government and of the citizens of the United States; and my report to the President only exhibits a summary of those proceedings; or rather the plain and obvious conclusions from the authentick facts and circumstances detailed in the documents, then and before presented to his view. And I dare venture to say, that every independent American has from the same premises drawn the same conclusions.

Nothing, sir, will give truer satisfaction to the government and citizens of the United States than to see such a change in the proceedings of the Spanish officers as will restore confi-

dence. The change would be easy, and the effect certain. *Let them withdraw their troops and garrisons from the territories of the United States. Let them commence and prosecute the running of the boundary line. Let them cease to stop, control or regulate the passage of our citizens on the Mississippi, seeing these have a right to navigate it with perfect freedom—And let them cease to send agents or emissaries among the Indians residing within the territories of the United States.* When they shall do these things (and the good faith of his Catholick majesty pledged in the treaty renders their doing them an indispensable duty) then we shall forget what is past; our confidence will return; and with it that beneficial intercourse and those friendly acts by which neighbours may promote each others interests, welfare and happiness. And for such a state of things, whatever you may have imagined to the contrary, no one more ardently wishes, and on its arrival, no one will more sincerely rejoice, than

Your obedient servant,

TIMOTHY PICKERING.

No. 14.

TRANSLATION.

SIR,—The day before yesterday, the 17th, your letter of the 8th instant was received at my house at Philadelphia, and yesterday, the 18th, it came to my hands at this city. I avail myself of the first opportunity to acknowledge the receipt of this your answer to my letter of the 11th of July last, and as the examination of its contents would lead us to an endless discussion, I confine myself to mention to you that when I had the honour of giving you the first notice relative to the projected expedition against Louisiana, with all the particulars referred to in my said letter, you were *alone* in your cabinet: that two days after I went to speak to you on another subject, and having there met the Secretary of War, Mr. M. Henry, I embraced the opportunity of speaking anew concerning it; and if then I spoke in general terms, it was doubtless to avoid the repetition of what I had communicated so shortly before. As it appears that you have forgotten this circumstance, it is not extraordinary that it should have escaped your memory in like manner with all the particulars of my first conference, mentioned in my above cited letter.

I offer myself to your disposition, and hope that God will preserve you many years.

Your most obedient servant,

CARLOS MARTINEZ DE YRUJO.

New-York, 19th August, 1797.

Timothy Pickering, Esq. Secretary of State.

No. 15.

TRANSLATION.

SIR,—When the king my master appointed me his envoy extraordinary to the United States of America, immediately after having made with them a treaty the most liberal and generous,* I flattered myself, that the principal exercise of my functions would be to give and receive repeated proofs of the union and friendship so intimate by the bands of that treaty. Instead of those flattering expectations judge of my feelings on seeing them entirely vanished, and finding in that convention, which I trusted would for ever have united us, the origin of disagreement and contention unfortunately too well founded on our part.

I have before made known to you the just motives which had determined the Spanish commandants of Louisiana, to suspend in part the entire execution of the treaty, as no injury to the United States would flow from a short delay; and it might occasion great injury to the security of the possessions of the king to abandon certain posts, which under present circumstances would leave Louisiana open to the attacks of the English, and exposed to the effects of the evil intention of some citizens of the United States. I have also heretofore shown to you, that the American agents at the Natchez, far from contributing to preserve that union and harmony which is so suitable to the two nations, conducted themselves in a manner highly imprudent; and even that I had reason to believe that they intended to obtain possession of the fort by surprise. The last advices which I have received from those parts, and the documents I herewith transmit to you, appear to me to prove it in such manner, that I cannot but consider those suspicions as being very well founded.

For some time past the conduct in this respect of the commandant of the American troops, Mr. Piercy Smith Pope, and at first of Mr. Andrew Ellicott, has been irregular, provoking, and in some degree hostile. The commandant Don Manuel Gayoso had positive advice that in the camp of said Pope a great number of ladders were making, and that arms (*armas blancas*) were preparing, evincing by these preparations their determination to assault the fort. The firmness and vigilance of the governour Don Manuel Gayoso appears to have induced them to alter their intentions, and being well persuaded, that the forts of *Nogales* and the Natchez could not be taken either by force

* Although you only characterize as *just*, the stipulations of the treaty with Spain, I will take the liberty of observing, that, abstractedly from all the points which I touched in my letter of the 6th May, the Spanish sovereignty over the Natchez being in right of conquest at the period of the peace of 1783, if the United States obtained this possession by a voluntary convention, they owe it only to the *generosity* of Spain.

or surprise, they availed themselves of some profligate people to foment an insurrection, which it appears was to have taken effect on the 13th June, and which the prudence and preponderance of the wealthy inhabitants were alone capable effectually to stop.

The official letters of Mr. Piercy Smith Pope and Mr. Andrew Ellicott, numbered 3 and 4, and the documents 5 and 6, evidently show the part which both of them took in that popular commotion, however they may pretend to deny it: since assuredly nothing of this kind would have happened, if they had not assumed without any authority whatever to treat of and determine some points and discussions of a political nature foreign to their commission, with a publicity and arrogance calculated to compromise the two powers, explaining themselves without candour and with intent to lead astray the populace on the principal point of the difficulty which had occasioned a wish on both sides for an explanation of the doubts which arose respecting the treaty.

If their conduct has been provoking and insulting, their language towards the Spanish government has not been less so. Mr. Andrew Ellicott in his letter of the 13th of June, to Don Manuel Gayoso, says, to embrace the means which will finally assure to them their happiness cannot be censured, (alluding to the change of the people of the Natchez from the dominion of the king my master to that of the United States) this is clearly an indirect attack upon the Spanish government, as unjust as improper on the part of an agent of a friendly nation.

The document number 5, signed by Mr. Ellicott and Piercy Smith Pope, dated the 13th June, evidences, by the manner in which it is written, their intentions to deceive the publick. At that time and even since they neither had nor could have just ground for officially speaking of an approaching rupture between the United States and Spain; yet you will see, that they speak of it as a thing at hand and almost inevitable, relying only on the preparations for self-defence made in some forts on the banks of the Mississippi, and which they knew to be in consequence of the intended expedition of the English.

The whole tenor of their correspondence and particularly the document number 6 leaves no doubt that these agents have interfered in political matters utterly foreign to their commission, engaging themselves to co-operate with the committee appointed to obtain the due execution of justice, and APPROVING of the propositions presented to governour Gayoso.

The repeated declarations you have made to me, that the intention and desire of the United States are to preserve peace and a good understanding with Spain, leave me no room to doubt, that the scandalous and insulting conduct of Mr. Ellicott, at first, and finally of Captain Piercy Smith Pope, is purely arbitrary, without any other guide than their passions and individual interests; and at the same time I can do no less than apply to you in the name of the king my master.

in order that for such repeated insults there may be given to us due satisfaction as necessary to Spain as becoming for the United States.

God preserve you many years.

Your most obedient and humble servant,

CARLOS MARTINEZ DE YRUJO.

Philadelphia, 9th October, 1797.

Timothy Pickering, Esq. Secretary of State.

The Documents referred to in the preceding letter, are

- (No. 1.) Governour Gayoso's letter of June 13, to Mr. Ellicott. This is the same with the document No. 2. before inserted. [See page 99.]
- (No. 2. A.) Governour Gayoso's letter to Lieut. P. Pope, of June 13.
- (No. 3. A.) Lieutenant Pope's answer of the same date.
- (No. 4.) Mr. Ellicott's answer to governour Gayoso, of June 13.—This is the same as the document No. 3. before inserted. [See page 100.]
- (No. 5. A.) Advice from Mr. Ellicott and Lieutenant Pope, to the people, to remain quiet.
- (No. 6.) Their approbation of the articles of pacification between governour Gayoso and the inhabitants.—This is the same as the preceding document No. 8. [See page 105.]

No. 2. A.

Governour Gayoso, to Captain Pope.

SIR,—From repeated information of which I am possessed, it appears certain (and the conduct of some of the inhabitants of this government equally manifest it) that a number of the subjects of his majesty meditate and intend to rise and hostilely attack the fort, unmindful of the oath of fidelity, which they have taken, and of the benign protection which the government has dispensed to them for many years, and declaring themselves, as it is said, citizens of the United States of America. It is also further asserted, that they do it by your instigation, and that they have in their possession a paper in which you give authority to them in their rebellious designs, and by which you promise them your protection and to furnish them the means of putting them into execution.

I cannot persuade myself that you would act in so unlawful a manner as to be the promoter and an active party in an insurrection which will inevitably terminate in a rupture between the two nations and the total ruin of this district and its inhabitants: wherefore I pray you to inform me positively whether such is, or is not, your intention, in order that I may notify it to the commandant general of this province, that it may be communicated to his majesty. And if you persist in the same

opinion, from this moment I protest solemnly in the name of my said commandant general, against a conduct so irregular, making you responsible for the fatal consequences, which may flow from it.

I repeat the request to you to give me a categorical answer on this subject, and I have the honour to be with consideration, sir, your most obedient servant,

MANUEL GAYOSO DE LEMOS.

Natchez, June 13, 1797.

No. 3. A.

Lieutenant Pope, to Governour Gayoso. Camp at the Natchez, June 13, 1797.

SIR,—I have received your letter of this date, in answer to which I must avail myself of anterior occurrences. Shortly after my arrival here, did you not positively give it to be understood, that you intended to evacuate this post, as being within the territory of the United States? In attending to your first correspondence, I presume you cannot impute to me the charge of inconsistency and impropriety. If your government feels the necessity of breaking its engagements, and if on this very account the people become irritated against it, as I have not been the first promoter of the deceit, so I am as little responsible for the event. I consider myself as the person appointed by my government to take possession of the post of the Natchez: you admitted it in the beginning, and I consequently have a right to sustain it. It is not surprising that the citizens of the United States have chosen me to defend their right. After reflecting maturely upon every part of the question, it is surprising, that you should yet consider the people of the Natchez as subjects of his Catholick majesty. But you appear to me to request that I should give you positive answers to general questions.

Have you endeavoured to instigate the people of this country to act hostilely against the interests of his catholick majesty?

Have you stirred up the people to take the fort? Or have you moved or incited them to other hostile objects?

To each of these questions I answer positively, no: but as commandant of the troops of the United States at the lower posts, I must assure you, that the landing of any troops or the repairing of the fortifications of the territory in question, will be considered as an attack upon the dignity and the honour of my country, and I shall conceive myself bound by duty to act conformably to my present sentiments. I cannot nevertheless, as far as respects myself, omit informing you, that any agreement upon just principles will meet my approbation.

PIERCY SMITH POPE,

Commandant of the troops of the U. S. on the Mississippi.
Senor Don Manuel Gayoso de Lemos.

No. 5. A.

Copy of a paper which was circulated.

WE the subscribers have no knowledge of our country being now at war; but from the hostile preparations, which the officers of H. C. M. are making in these parts we are induced to believe, that war is not very distant, and until the commencement of hostilities against the United States, those who consider themselves citizens thereof will respect all descriptions of persons and things.

ANDREW ELLICOTT, Commissioner of the U. S.
PIERCY SMITH POPE, Commandant of the troops
of the United States on the Mississippi.

Natchez, 13th June, 1797.

No. 16.

TRANSLATION.

From the Chevalier de Yrujo, to the Secretary of State. Philadelphia, Nov. 21, 1797.

SIR,—Although the answer which you gave to the letter I had the honour of writing to you on the 6th of May last, excited in me all the observations which I shall now present to you in this, wishing upon the whole, that the interests of America would induce its administration to adopt the conciliatory mode which I proposed to you, that of giving to the American plenipotentiaries going to Paris, the necessary instructions for adjusting the differences with Spain, I at that time abstained from entering into a reply; which although well founded, might not perhaps contribute so much to the good intelligence between Spain and the United States, as the idea which I then suggested to you, and have just now mentioned. The lively desire which I have had and still have, not to see interrupted the harmony between these two nations, has caused me to view with regret after several weeks silence your disappointment in supposing that the reasons upon which your answer is founded were sufficient to convince his Catholick majesty of the impartiality and good faith of the United States on this point. My suspicions have been verified, and your expectations are entirely frustrated by the late orders which I have just received from the king my master.

His Catholick majesty has not observed in the said answer from you, any reason to induce him to change his opinion concerning the injuries resulting to his subjects from the stipulations of the English treaty, compared with those of the treaty with Spain, as well on the subject of the articles of contraband, as on the principle adopted in ours "that free ships should make free goods, &c."

But what has most astonished his majesty, and confirmed him in the justice of his pretensions, is what you have said in

your answer with regard to the navigation of the Mississippi. I am ordered, therefore, on a review of the whole, to make to this government, through you, the following observations.

When the Secretary of State, Mr. Jefferson, on the 15th of May 1793, wrote to Mr. Ternant, then the minister plenipotentiary of France, reclaiming the English ship Grange, captured at the mouth of the river Delaware, by the frigate L'Ambuscade, belonging to the Republick, he accompanied his letter with the opinion of Mr. Randolph, attorney general of the United States, in which the right of reclamation was among other reasons founded on the following.

"That the whole of its descent to the Atlantick ocean is covered on each side by the territory of the United States : that from tide-water to the distance of about sixty miles from the Atlantick ocean, it is called the river Delaware.

"That its mouth is formed by the capes Henlopen and May ; the former belonging to the state of Delaware in property and jurisdiction ; the latter to the state of New-Jersey.

"That the Delaware does not lead from the sea to the dominions of any foreign nation.

"The corner-stone 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.

"A river considered merely as such, is the property of the people through whose lands it flows, or of him under whose jurisdiction that people is." Grot. b. 2. c. 2. §. 12.

"Rivers might be held in property, though neither where they rise, nor where they discharge themselves be within our territory, but they join both, or the sea. It is sufficient for us that the larger part of water, that is, the sides, is shut up in our banks, and that the river in respect of our land, is itself small and insignificant." Grot. b. 2. c. 3. §. 7. And Barbegroe* in his note subjoins that neither of those is necessary.

"Rivers may be the property of whole states. Puff. b. 2. c. 3. §. 4. To render a thing capable of being appropriated, it is not strictly necessary that we should enclose, 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 neither end, but united to the other rivers or the sea, yet it is enough, that the greater part of them, that is, their sides, are enclosed. Puff. b. 4. c. 5. §. 3.

"When a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers." Vattel, b. 1. c. 22. §. 266.

"Congress too have acted on these ideas, when, in their collection of laws, they ascribe to a state the rivers wholly within that state.

[* Meaning Barbeyrac.]

"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. 5. §. 8.

"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."

What a multitude of consequences may be drawn from the application of these principles, established by the American administration four years ago, with regard to the navigation of the Mississippi! The powerful arms held therein by Spain for obstructing this navigation, her not having made use of them, and her having insisted in a manner so explicit and positive that the *citizens of the United States alone* should have a right to the advantages of this river, are a convincing and incontestable proof of the good faith and upright intentions of Spain. But the privilege of the citizens of the United States to navigate the said river to the ocean, not being now doubted—let us quit this point in order to treat alone of that which regards the right acknowledged to England by the American administration, for the enjoyment of its advantages.

What does Spain wish or desire? That the *American citizens alone*, of all the foreign nations, should enjoy the privilege of this navigation. What does the American administration wish or desire? *That it should not be the American citizens alone*, who should reap the advantages of it. From this difference of pretensions, it would appear that Spain defends the interests of America more than the administration itself.

You say in your answer to me of the 17th of May, "But I might deny that the United States ever granted the right of navigating the Mississippi, to Great Britain. A recurrence to the treaties to which you refer, will prove that she possessed that right by the peace of 1763; and that she has never *formally* relinquished it." In another paragraph of the same letter you add, "By the definitive treaty of peace concluded the 3d of September 1783, the latter ceded to Spain East-Florida; as also West-Florida: but the river Mississippi, as you observe; is not even mentioned in the treaty. What is the just inference from this circumstance the United States need not decide. Doubtless Great Britain conceived it important to hold a right to the navigation of it, and all parties at that time certainly supposed that parts of her territories joined its eastern side, and probably no one can now say they do not."

If it be certain that the United States never have granted to England the right of navigating the Mississippi, to the ocean, it is notwithstanding very evident that *they have acknowledged it with every solemnity*, as appears by the treaty of 1783, by that of commerce, and lastly by the explanatory article signed on the 4th of May, 1796. How then could you say to me "What is the just inference from this circumstance, the United States

need not decide?" Have they not decided as positively as favourably for England by acknowledging the claim to an unjust right? Which of the principles established by the officers of the administration, in relation to the Delaware, in the case of the ship Grange, will apply to England in relation to the Mississippi? For instance, is its source in the British dominions? Does it run through their provinces or discharge itself in their possessions? But you say that when by the treaty of 1783, England ceded to Spain East and West Florida, she did not make mention of the Mississippi, but the Attorney General of the United States established in the case of the Grange the principle of Vattel. That "*when a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers,*" of course when Great Britain ceded East and West Florida, she likewise ceded the *lands, lakes and rivers*, the right of which she might have held in the said possessions. By the principle established by you that *she had not expressly renounced it*, having made no mention of the rivers Apalachicola, Mobile or Alabama, and others, the United States might believe themselves in like manner authorized to recognise the navigation in favour of England, because they are not mentioned in the treaty. France also might claim the navigation of the Mississippi, since in the act of cession to Spain of New Orleans, she did not *expressly* renounce the navigation of this river. By this same principle the United States might suppose themselves authorized to recognise to France the right of navigating the river St. Laurence. The case is absolutely similar. France does not hold an inch of land on its borders, England does not possess a thumb's breadth on those of the Mississippi. The river St. Laurence neither has its source, runs through, nor empties in the possessions of France. The Mississippi neither has its origin, runs through, nor empties in the dominions of England. France once had the right of navigating the river St. Laurence, because she had possessions on its borders. England also once enjoyed the right to the navigation of the Mississippi, because she had possessions on its margins. In the cession of Canada no mention is made of the river St. Laurence, although it speaks of islands. Nor is the Mississippi named in the cession of the Floridas: the case then is absolutely similar. If the United States, although they did not grant, should *acknowledge* to France the right of navigating the river of St. Laurence, would not England with infinite reason consider herself as justly offended? Why therefore, when the United States acknowledge to England a right as unjust, with regard to Spain, as prejudicial to the American citizens, should not Spain look upon herself as offended and insulted? I repeat the text of Vattel "*When a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers.*"

Afterwards touching the subject whether the possessions border on the Mississippi or not, you add, "*and probably no one*

can now say they do not." I can assure you *they do not*. The late discoveries of M'Kenzie, and the best map that has hitherto been published of North America, in London, about eighteen months ago, by A. Arrowsmith, evidence that the true origin of the Mississippi is in *White Bear Lake*, and that from that point its waters do not touch any English territory. If other testimony were necessary I should not seek it abroad: at Milford in Connecticut, there now lives Mr. Peter Pond, who has been employed 17 years in the service of the Hudson Company, has passed over and examined all those regions; has been at the same origin of the Mississippi, that is at *White Bear Lake*, and has formed a valuable map, which he now preserves in manuscript, and which *confirms* that the English have not a foot of land on the borders of the Mississippi.

Having therefore, in my opinion, completely confuted the most essential part of the answer which you gave to my said letter of the 6th May, and having proved to demonstration the just motives which his Catholick majesty has for being offended with the *explanatory article* signed by you and Mr. Bond, on the 4th of May, 1796, it only remains for me to ask you in the name of the king my master, whether the United States contemplate, or not, the performance of the above mentioned treaty, in this particular.

I tender you my services, and hope that the Lord may preserve you many years. Your most obedient servant,

CARLOS MARTINEZ DE YRUJO.

Timothy Pickering, Esq. Secretary of State.

No. 17.

For the Aurora.

TO THE NATIVE AMERICAN.

THE punctuality with which I have answered the letters you addressed to the Chevalier de Yrujo, and the defence you have taken on yourself as well of Mr. Pickering as of the interests of Great Britain, authorize me in directing this letter to you, and imposes on you the obligation of answering it. Previous to my entering on the principal object of it, permit me, sir, to make a few observations.

Since our correspondence has ceased, the king of Great Britain and his council have declared, *that they should not consider in England, as American citizens, those, who have been naturalized since the acknowledgment of our independence*. This tyrannical declaration, contrary to all the principles of natural right, acknowledged by the first publicists, which, as it injures a great number of individuals in this country and wounds at the same time the sacred right of its sovereignty, I expected would have excited in you, sir, that fervent zeal with which you have appeared to defend the interest of the United States in the dispute respecting the delivery of the posts and the line of demar-

entien with the Spaniards. From whence then arises this silence? Are you ignorant of the effects of this determination which extends the oppression of Great Britain to the very wilds of America? Can you be ignorant that the three-fifths of that active and valuable class of citizens which export the products of the country, equip the ships which carry the American flag to the extremities of the earth, and which supports our fisheries, in the perfect confidence and security of being protected by that government to whom they have sworn allegiance, are thereby entirely thrown on the mercy of England? And do you not foresee that its immediate consequence is authorizing the British ships of war hereafter to seize the crews of our vessels under the appearance of a right? Where then is this zeal of yours which resounded in every gazette, when the subject in question was merely a momentary suspension of a *part* of the treaty with Spain, although this nation had the most powerful motives for so doing? What is become of the phalanx of scribblers, at whose head you appeared, with FENNO and the mighty PORCUPINE to defend vigorously the rights of America? Surely neither you nor any other person whatever will pretend to deny or even express a doubt, that the above mentioned declaration of the British monarch does not violate them in a most unjust and hostile manner? From whence then so much noise and clamour when treating of the affairs in dispute with Spain? And from whence arises that servile silence, in a *Native American*, when the question is to defend his country against the tyranny of England? This difference of conduct confirms my suspicions of your being a mere British hireling, who has assumed a respectable title in order the more easily to deceive the good faith and candour of your readers; but fortunately you have completely unmasked yourself, and the publick may now judge the degree of faith and confidence to be placed in your productions. But to return to the affairs of Spain.

In my former letters I think I evidently proved the injustice of your attacks against Spain and its ministers: I think I have sufficiently shown that the projects of Blount, and the intended expedition of the English against the possessions of his Catholick majesty, have justified the retention of the posts, as the most imminent danger might have arisen by their delivery. I shall now endeavour to give fresh proofs of our administration's not acting towards Spain with that equity, justice and honour which a sound policy requires, and which certainly appertains to a nation that calls itself neutral, and affects to be strictly so.

Ever since exterior commerce and navigation, which is its consequence, have influenced in politics, mercantile connections have been considered the links which unite most one nation with another. These mercantile relations consist in mutual wants and reciprocal means of satisfying them. From such evident principles it results that there exists few nations which would and ought to establish a more intimate connection than

the United States and Spain. Our flour, plakk, timber, pitch and the articles of salt provisions, can always find a sure and advantageous market in his Catholick majesty's dominions both in Europe and America; on the other hand, the wines, brandies, oil, and fruits of Spain, the coffee and sugar of her colonies are articles we are in want of. Behold here the basis of a perfect union and friendship which would open an extensive field for speculation with mutual advantage. His Catholick majesty made the first step towards this union, by concluding with the United States a very liberal treaty established on the principles of sound policy, and when we ought to have expected that our administration would endeavour to tighten the bands of friendship with a nation from whom so many advantages would have accrued, it signed on the 4th of May, 1796, *only a few months* after concluding a treaty with Spain, an *explanatory article* to that part of the English treaty which regards the navigation of the Mississippi, acknowledging to the English a right to the said navigation. In order to convince every impartial American of the injustice of this proceeding, I shall not seek in any foreign text for arguments on which to ground mine. The principles established by the officers of the United States, three or four years ago, will be the basis of my observations.

When the Secretary of State, Mr. Jefferson, wrote on the 15th of May, 1793, to M. de Ternant, then minister plenipotentiary of France, claiming the British ship Grange, taken at the entrance of the Delaware, by the French frigate l'Amuscade, he communicated to him the opinion of the Attorney-General of the United States, in which, among others, he founded his claim on the following reasons:

"That the whole of its descent (the river Delaware) to the Atlantick Ocean, is covered on each side by territory of the United States:

"That from tide-water to the distance of about sixty miles from the Atlantick Ocean, it is called the *river Delaware*:

"That its mouth is formed by the Capes Henlopen and May; the former belonging to the State of Delaware in property and jurisdiction, the latter to the State of New-Jersey.

"That the Delaware does not lead from the sea to the dominions of any foreign nation.

"The corner stone of our claim is, that the United States are proprietors of the land on both sides of the Delaware, from its head to its entrance into the sea.

"*A river considered merely as such, is the property of the people through whose lands it flows, or of him under whose jurisdiction that people is.* Grot. b. 2. c. 2. §. 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, is shut up in our banks, and that the river, in respect of our land, is itself small and insignificant.*

cant. Grot. b. 2. c. 3. § 7. and Barobegro in his note subjoins that neither of those is necessary.

“Rivers may be the property of whole States. Puff. b. 3. c. 3. § 4.

“To render a thing capable of being appropriated, it is not strictly necessary that we should enclose it, or be able to enclose 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 has 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 neither end, but united to the other rivers or the sea, yet it is enough, that the greater part of them, that is their sides, are enclosed. Puff. b. 4. c. 5. § 3.

“When a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers. Vattel, b. 1. c. 22. § 266.

“Congress too have acted on these ideas, when, in their collection of laws, they ascribe to a state the rivers wholly within that State.

“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. 5. § 8.

“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.”

Now, Mr. *Native American*, what a multitude of consequences could we not draw by an application of these principles (established by our administration four years ago,) to the subject respecting the navigation of the Mississippi! What powerful arms was it not in the hands of Spain to have refused us this navigation! Not to have made use of them and her insisting, in an explicit and positive manner, that the citizens alone of the United States should have a right to the advantages of this river, evidently proves her good faith and sound intentions. But as the right which the Americans have to navigate this river, to the very ocean, is no longer doubtful, let us quit this topick and treat only of that with respect to the right acknowledged, by our administration, in favour of England to these advantages.

What does Spain wish for, or desire? that, of all foreign nations, the Americans alone should enjoy the privilege of this navigation. And what is the wish and desire of our administration? That the citizens of America should not be the only people to enjoy its advantages. From this it evidently results, that the king of Spain is the defender of the interests of America, and that our administration instead of promoting it, has meanly sacrificed it to England. Impartial Americans, who

love your country, with more sincerity than the *Native American* to whom I address this letter, let your attention rest a while on the present subject, and you will evidently see I do not exaggerate, when I tell you, that in this respect our administration has basely sacrificed our advantages by their unjust partiality to Great-Britain. In order to make this more evident, examine the answer given by Mr. Pickering on the 17th of May to the Chevalier de Yrujo's letter of the 6th of the same month; in it you will see, that the Secretary of State of a neutral nation, precisely in a moment when his administration is taxed of being unjustly partial to England, instead of effacing this impression by a line of conduct strictly neutral, takes upon himself to defend the cause and interests of Great-Britain. Mr. Pickering, attacked by the strength of the Chevalier de Yrujo's arguments, says, "But I might deny that the United States ever granted the right of navigating the Mississippi to Great-Britain, a recurrence to the treaties to which you refer, will prove that she possessed that right by the peace of 1763; and that she has never formally relinquished it." In another paragraph of the same letter he says "By the definitive treaty of peace between Spain and Great-Britain in 1783, the latter ceded to Spain East Florida, as also West Florida; but the river Mississippi, as you observe, is not even mentioned in the treaty. What is the just inference from this circumstance the United States need not decide. Doubtless Great Britain conceives it important to hold a right to the navigation of it, and all parties at that time certainly supposed that parts of her territories joined its eastern side; and probably no one can now say they do not." Mr. *Native American*, if it be true that the United States never granted the right of navigating the Mississippi as far as the ocean, to Great Britain, can you or any other person who knows how to read, pretend to deny that if they did not grant it, they solemnly acknowledged it, as appears by the treaty of 1783, the unfortunate treaty of commerce, and lastly by the explanatory article, signed the 4th of May, 1796? How then can Mr. Pickering presume to say, "what is the just inference from this circumstance the United States need not decide," has it not been positively decided in favour of Great Britain by acknowledging and confirming an unjust right thereto? Which of the principles established by the officers of government respecting the Delaware in the affair of the Grange, can be applied to England, with respect to the Mississippi? Does it take its rise in her dominions; does it run through the territories, or does it empty itself in her possessions? However, Mr. Pickering says that, when by the definitive treaty of peace of 1783, England ceded East and West Florida, no mention was made of the Mississippi; Mr. *Native American*, the Attorney General of the United States has established the principle of Vattel, that, when a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, and rivers; of course when Great-Britain ceded East,

and West Florida, it equally ceded the *lands, lakes, and rivers* to which it had a right in the said provinces. By this same principle of Mr. Pickering, as no mention was made of the rivers Apalachicola, Mobile or Alabama, and others, the United States might with as much propriety suppose themselves authorized to recognise a right to their navigation in favour of Great Britain. France might equally claim a right to the navigation of the Mississippi, as in the act of ceding New-Orleans to Spain, she does not expressly renounce the navigation of said river. On the very same principle the United States might suppose themselves authorized to recognise a right to France to the navigation of the river St. Laurence : the case is identically the same, France has not an inch of land on its banks, England has not a spot on those of Mississippi. The river St. Laurence neither takes its rise, nor runs, or empties itself in the possessions of France ; the Mississippi neither rises, nor runs, or empties itself in the dominions of Great Britain. France *had once* a right to the navigation of the river St. Laurence, because she had possessions on its banks : England likewise *had once* a right to the navigation of the Mississippi, because she had possessions on its borders. - In the cession of Canada no mention is made of the river St. Laurence, although mention is made of its islands : in the cession of the Floridas no mention is likewise made of the Mississippi ; thus then, I repeat, the case is identically the same. Now, Mr. *Native American*, if the United States were to *require or acknowledge*, although they did not *grant*, to France a right to navigate the river St. Laurence, would not England, with great reason be highly offended ? Would she not look upon this act of the United States as an outrage ? If so, why should not Spain look upon herself as grossly injured by the acknowledgment of a right as injurious to the subjects of Spain as it is to the citizens of America ? I again repeat the quotation of Vattel, " when a nation takes possession of a country, in order to settle there, it possesses every thing included in it, as lands, lakes, rivers." Mr. Pickering continuing in the language and style of an advocate for Great-Britain, instead of using that which becomes the Secretary of State of a nation which calls itself neutral, speaking whether the English possessions touch on the Mississippi or not, adds, " and probably no one can now say they do not." I, Mr. *Native American*, can assure you *they do not*, and if Mr. P—— had been attentive to the progress of Geography, and was even acquainted, as it is his duty, at least with that of his own country, he would know, as well as me, *that they do not*. The last discoveries of M'Kenzie, and the map published in London 18 months ago, by Mr. A. Arrowsmith, fully prove the origin of the Mississippi to be in the *White Bear Lake*, and that from this point its course does not run through any British possession. If it were necessary to produce any new testimony in addition to the foregoing, I would not seek it among foreigners : At Milford, in Connecticut, there actually lives a Ma-

Peter Pond, who was employed 17 years in the service of the Hudson Bay company; he has gone over and examined particularly all those regions; he has been at the very source of the Mississippi, namely, the *White Bear Lake*, and has made out a valuable map, which he yet preserves in manuscript, and which confirms that the English have not a foot of land on the Mississippi. With these proofs, Mr. *Native American*, (notwithstanding Mr. Pickering's doubts, which are perhaps voluntary) I think I can safely assure you, *they do not*.

Mr. *Native American*, the prosperity of the United States depends on peace, and peace on a strict neutrality; let us be just and we shall be respected. *Honesty is the best policy*, and surely the contents of my former letter, as well as those of the present one, evidently prove that our administration has neither acted with justice or honesty towards Spain. The clamours respecting the momentary suspension of the least essential part of the treaty, have been incessant, when in reality, at the very moment Spain held out a friendly and liberal hand to us, we have repaid this act of generosity with ingratitude, *recognising to her enemy a claim to a pretended and unjust right*. The friendship of Spain ought to be dear to us, as from a good understanding with her may result a commercial treaty, which would at the same time vivify and supply her colonies and open an extensive field for the prosperity of our navigation and commerce. The unjust proceeding of the administration is not surely the method of obtaining an object we ought all anxiously to wish for. If the administration acts with justice and equity it is the duty of every good American to support it; but I observe with much regret that many of my fellow-citizens, daily confound the *ministers*, or the *administration with government*, and think they support the latter, when in fact they support the administration. If ministers, animated either by the spirit of party or by other views, proceed in their measures with injustice, it is necessary to attack the *administration* in order to support the *government*; for the administration can in many instances be as much the enemy of the government as merchants are often the greatest enemies of commerce.

I hope, Mr. *Native American*, you will be pleased to favour me with an answer on the different points contained in this letter, as I shall look on your silence to be an implicit confession of the impossibility you find therein. Although the various subjects contained herein are susceptible of greater elucidation, I have adhered solely to the most prominent points in order to facilitate your answer, and that the publick may thoroughly investigate the subject.

VERUS.

No. 18.

The Secretary of State, to the Chevalier de Yrujo. Department of State, Philadelphia, January 20, 1798.

SIR,—As your letters of the 9th of October and 21st of November last, contained no new matter of any consequence, and a

fresh discussion of the points in dispute would require, on my part, only a recurrence to arguments formerly and conclusively urged, the general impression on my mind was, that it would not be necessary to give them a formal reply; whatever notice it might be proper to take of them in a report to the President of the United States. Nevertheless, I will now trouble you with a few observations.

A consideration of the papers heretofore laid before Congress, relative to the affairs on the Mississippi, of others since received from thence, in conjunction with your letter of the 9th of October and its enclosures, convinces me that the conduct of Mr. Ellicott and lieutenant Pope has been neither "scandalous" nor "insulting" towards the Spanish officers in that country; and that if any undue zeal or intemperance has been manifested by either in maintaining the just rights of the United States,—the measures adopted by those officers to evade the execution of the treaty between the United States and Spain, have been the cause. It is by this course of conduct in the Spanish officers that the king, their master, has been dishonoured, and not by the actions of the officers of the United States. I may, doubtless, be justified in saying, that their detention of the posts and delays to run the boundary line, have been unauthorized by the king. It is certain that neither of those Spanish officers has ever intimated an order from their government as a warrant or an apology for their proceedings.

In your letter of the 21st of November, you recur to the several topicks of your letter of the 6th of May, 1797; but exhibit no new argument on the points really in dispute. You barely mention the subject of the articles contraband of war, and the principle that free ships make free goods. The stipulations of the United States on these points, in their treaty of 1794, with Great Britain, were fully justified in my answer of the 17th of May to your letter of the 6th. If any thing further were necessary, I would say (what I then mentioned as not to be doubted) that the Spanish government voluntarily entered into the different stipulations with the United States, when it possessed full knowledge of our stipulations in the commercial treaty with Great Britain; having in its hands the treaty itself; and having also ratified its treaty with the United States six months afterwards; which the Spanish government would have been justified in refusing, had there been any deception, any want of good faith on these points, on the part of the United States; but of which not a shadow of proof can be adduced.

The same observations apply to the other subject of your letter,—the navigation of the river Mississippi; but with greater force; for, as I showed in my letter of the 17th of May, when the Prince of Peace proposed a mutual stipulation to exclude the British from the navigation of the Mississippi, Mr. Pinckney rejected it, and explicitly, because it would violate the faith of the United States previously pledged to Great Britain; and the projected article of the Prince of Peace was altered ac-

ordingly. Yet you now introduce those previous stipulations as subjects of complaint against the United States! It is true, you also mention the subsequent explanatory article of the 4th of May, 1796, which is added to the treaty of amity, commerce and navigation of 1794, with Great Britain: but it is equally true that this contains no new stipulation, that it recognises the principle that no subsequent treaty can make void prior engagements (and, therefore, that this explanatory article of 1796, cannot in the smallest degree affect the prior treaty of 1795 with Spain) and that British subjects, the citizens of the United States, and the native Indians, shall enjoy full liberty of passage, intercourse and commerce with each other, "*according to the stipulations of the third article of the treaty of amity, commerce and navigation.*" So that this explanatory article goes not beyond, but is positively confined within the limits of the third article of the treaty of 1794; which, preceding, in order of time, the treaty with Spain, by more than eleven months, and being also at the conclusion of the Spanish treaty perfectly well known to its government; it cannot, consequently, afford to Spain the slightest ground of complaint.

I pass unnoticed your lengthy quotation from the opinion of Mr. Randolph, attorney general of the United States in 1793, and your observations upon it; because neither one nor the other touch the essential point in dispute between us.

As to the question in the last paragraph of your letter, I am authorized to say, That the United States are not concerned to vindicate the claim of Great Britain to the navigation of the river Mississippi. What was said on this subject in my letter of the 17th of May, was in consequence of your having entered into an examination of the British title to this navigation; and I said expressly, that I did not conceive it essential to the subject we were then discussing: I merely followed you. Our stipulation amounts only to this, that the United States shall not obstruct the navigation of the river by British subjects. If Great Britain demands and obtains it; or if Spain admits her claim, as she has reserved the right to do, in the 4th article of her treaty with the United States, the latter cannot oppose it; and if the British vessels and boats do navigate the Mississippi, we are bound to admit them into our ports on the eastern bank of that river. Whether this admission would be advantageous or injurious to the United States, it belonged to them only to judge: they have not asked, nor will they have occasion to ask Spain to be the guardian of their rights and interests on the Mississippi: they only desire, in this respect, that she would faithfully perform her own engagements sanctioned by a solemn treaty. I am, sir, &c.

TIMOTHY PICKERING.

No. 19.

Extract of a Letter from Mr. Pickering, Secretary of State, to Mr. Ellicott, dated Department of State, July 14, 1797.

"ON the 8th of June I received by Mr. Knox your despatches dated the 14th of April, which were laid before Congress on the 12th of June, and on the 29th of June, I received by captain Hunter, your despatches dated the 10th of May, which on the 3d of July, were also laid before Congress, together with the despatches from captain Pope to the Secretary of War. These communications to Congress appear in the enclosed pamphlets.

With respect to the important business with which you are charged, the repeated promises, followed by as often repeated failures to enter upon it, by the Spanish governours, with other circumstances, afford too much reason to believe that there is an intention to postpone it. Nevertheless, the President is of opinion, and directs that you should remain at the Natchez, and always hold yourself in readiness to commence the running of the boundary line between the territories of the United States and of his Catholick majesty. You will endeavour, in concert with governour Gayoso, or other proper officer of his Catholick majesty, to fix a time when this work of ascertaining the boundary line shall commence. This endeavour may be renewed as often as you shall think fit. Great care should be used to give no just cause of offence to the Spanish government. What will be the final result of its measures is uncertain; but if war should follow, it will be of the last importance that the United States should not be the aggressors. The President, therefore, desires that your conduct should be perfectly guarded, moderate, and prudent."

No. 20.

Extract of a letter from Mr. Pickering, Secretary of State, to Mr. Ellicott, dated Department of State, Philadelphia, August 30, 1797.

"YOUR expresses, Mr. Bean and Mr. Robins, arrived here on the 24th instant, and delivered me your two letters of June 27th. The same day I received your letters of May 27th and June 4th and 5th.

The Baron de Carondelet's proclamation of the 24th of May, inclosed in your letter of June 4th, abandons almost all the former pretences for retaining the posts, which he says "is occasioned only by the imperious necessity of securing Lower Louisiana from the hostilities of the English, who have set on foot (without regard to the inviolability of the territory of the United States) an expedition against Upper Louisiana." By my former despatches covering the printed reports and documents, you will have seen that this expedition had never any existence. This is more fully shown in my letter of the 8th instant, to the

chevalier de Yrujo, now enclosed. And my answer to him about the navigation of the Mississippi, and the articles of our treaties with Great-Britain concerning it, also among the printed documents, demonstrates that in those stipulations we have not departed from the strictest line of good faith towards Spain; that we have granted nothing in respect to the navigation of the Mississippi, to Great Britain; and that the ideas the United States entertained on that subject, were perfectly known and understood by the government of Spain, when our treaty with Spain was concluded; and that there is nothing contradictory between the two treaties, the British and Spanish.

As therefore the Baron de Carondelet has not a shadow of foundation to suspect an expedition by the British against Upper Louisiana, as the American government has formally declared to the British minister, for the information of his government, that we will suffer the march of neither British, nor Spanish troops through our territory, for the purpose of hostility of one against the other; as, finally, the British themselves (as you will see in Mr. Liston's letter among the printed documents) declare they never had formed such a plan of an expedition, and acknowledged that its execution would violate our territorial rights—for these reasons, on the principles of his proclamation the Baron ought immediately to evacuate the posts and territory of the United States.

These observations will also apply to the Baron's proclamation of the 31st of May, in which, however, he takes somewhat new ground. What "security" can the United States give, or rather what will the Baron deem a "security" against a descent of the English by the Mississippi?

If the facts and assurances already stated and given on the part of the United States do not satisfy, nothing can.

With respect to any hostile intentions of the United States towards Spain, as intimated by the Baron in this last proclamation, nothing is more unfounded. The march of the troops to Tennessee from the Ohio, is for the sole purpose of establishing a force in that country to restrain the inhabitants or other citizens from aggressions against the Cherokees, and especially to prevent a forced settlement, which was threatened, on the Indian lands, and any orders to the Cumberland militia to hold themselves in readiness, can be only for the object of preventing encroachments on the Indian lands, and to preserve peace. If we meditated an attack against the Spaniards on the Mississippi we should certainly contemplate an easier route than by a wilderness of many hundred miles in extent, through which the transportation of stores and provisions would be impracticable; or of such extreme difficulty and boundless expense, as folly alone would attempt.

I have now only to notice the general commotion at the Natchez, among the inhabitants, against the Spanish government, which seems to have been quieted very much by your prudent management. This line of conduct, caution, prudence.

moderation—so as by all means to avoid the possibility of a charge of aggression against the United States—you will see in my letter of the 14th of July, was specially enjoined by the President. And a perseverance in the same course I trust will eventually issue in a peaceable adjustment of the disputes now subsisting, respecting the posts, the country where they are situated, and the navigation of the Mississippi. The pacifick views of the United States and their good faith are not to be doubted, and it is clear as demonstration can make it, that the Baron has nothing to apprehend from the British from Canada: and consequently that he has now no cause or pretence for retaining the posts, or for delaying to run the boundary line."

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
FEB. 5, 1798.

I HAVE received a letter from his excellency Charles Pinckney, Esq. governour of the state of South Carolina, dated on the 22d of October, 1797, enclosing a number of depositions of witnesses to several captures and outrages committed within and near the limits of the United States by a French privateer, belonging to Cape Francois or Monte Christo, called the Vertitude or Fortitude, and commanded by a person of the name of Jordon or Jourdain, and particularly upon an English merchant ship, named the Oracabissa, which he first plundered and then burned, with the rest of her cargo of great value, within the territory of the United States, in the harbour of Charleston, on the 17th day of October last; copies of which letter and depositions, and also of several other depositions relative to the same subject, received from the collector of Charleston, are herewith communicated.

Whenever the channels of diplomatical communication between the United States and France shall be opened, I shall demand satisfaction for the insult, and reparation for the injury.

I have transmitted these papers to Congress, not so much for the purpose of communicating an account of so daring a violation of the territory of the United States, as to show the propriety and necessity of enabling the executive authority of government to take measures for protecting the citizens of the United States, and such foreigners as have a right to enjoy their peace and the protection of their laws within their limits, in that as well as some other harbours, which are equally exposed.

JOHN ADAMS.

Letter from Governour Pinckney to the President of the United States. Charleston, Oct. 22, 1797.

SIR,—I have the honour to submit to your consideration the enclosed affidavits respecting the English ship *Oracabissa*, burnt on Tuesday last within the bar of this harbour by a privateer said to be called the *Vertitude*, commanded by a captain Jourdain, and belonging to Cape Francois; also of the capture of the ship *Pallas* belonging to this port, and the *Mary of Savannah*. By an examination of these affidavits, you will find this was a very glaring and wanton violation of the neutrality of the United States, and such as will require their serious attention. The distance from this city to the place where the act was committed, prevented our interfering in time. As soon as I received intelligence of it from the British consul, I ordered an armed force from Fort Johnson to proceed to the *Oracabissa*, to protect her while within our harbour and the jurisdictional line of the United States, from seizure, depredation, or insult; but the cutter was not able to get down before the ship was destroyed, and the privateer had put to sea, and proceeded beyond the limits of the United States, where she captured the *Pallas* and the *Mary* the next day. As I am convinced these violations of our neutrality within our harbours and limits cannot be countenanced by the French government, but are generally committed by vessels not commissioned, or which proceed contrary to their instructions, I have considered it my duty to transmit them to you for your determination, and have requested the collector to forward copies to the proper department. The trade of this city being extremely important to the revenue of the United States, and much exposed from its southern situation to cruisers from the Floridas, Bahamas, and West Indies, British as well as French, for they have both lately captured a number of our vessels, I conceive it would be proper that a revenue cutter of at least twenty guns should be equipped for the use of this port, and for the protection of the neutrality of the United States within our jurisdictional line, until the establishment of a general peace, which I trust will soon take place, and that all our differences with the French Republick will be honourably and amicably adjusted. I have the honour, &c.

CHARLES PINCKNEY.

State of South Carolina, city of Charleston.

By John Mitchell, Esquire, Justice of the Quorum in and for the said state, and Notary Publick, by lawful authority duly sworn, admitted and commissioned, residing and practising in the city and state aforesaid.

Do hereby certify, that on the day of the date hereof, personally came and appeared before me the said Notary, Jonathan Story, master of the ship *Oracabissa*, of London, who being duly sworn on the holy evangelists of Almighty God, did depose, tes-

tify and declare, that on his voyage from Jamaica, loaded with sugar and rum, bound for London, he met with severe gales of wind, by which he lost his main and mizzen masts and sprung a leak, that being in great distress off the harbour of Charleston, the British consul having had information of his situation, sent six or seven men to assist him, and enable him to get over the bar and up to Charleston to repair the said vessel; that after several days laying at anchor off the bar, on Friday evening the thirteenth of this instant, October, he got over the bar with the said ship, and came to anchor in Five Fathom Hole, in the harbour of Charleston aforesaid, the wind being contrary he could not proceed up to the city; that on Monday evening the sixteenth of said month about sun down, he saw a small armed schooner come over the bar and come to anchor to the N. W. of said ship, but showed no colours; that immediately the said armed schooner weighed anchor, and came close up under their starboard quarter, and came to anchor, ordered him to hoist out his boat, but on his answering his boat was stove, they sent their boat with an officer and four or five armed men with pistols and cutlasses, took forcible possession of said ship Oracabissa, ordered the deponent with his papers on board the said schooner, and carried him and one man on board, and sent the boat with four or five armed men on board the said ship; that when he got on board he perceived two carriage guns, but the small arms were concealed from him; that he asked the name of the said schooner and the captain's name, but they refused to inform him, one of the men said she came from Cape Francois, and was a French privateer; that as soon as the boat went the second time with men on board, he saw them begin to plunder the vessel and cargo, and continued to do so till eight o'clock on Tuesday morning; that they brought as much rum and sugar of the cargo, and the rigging and sails of the vessel, as they could stow in the said privateer; that at nine o'clock they cut the said ship Oracabissa's cables, and set her on fire in four several places, to wit—fore, main and after hatchway, and in the gun room; the ship then drifted on the breakers near the shore; after which the captain of the said privateer told him he had fifty men on board, but would not tell him his name or the vessel's name; also said that the captain of a British frigate had burned a privateer he commanded in Hampton Roads, and for that reason he burned the ship, but could he have carried her off he should have done it; that the deponent received part of his clothes in a bag, and received no personal bad treatment, himself or crew; immediately after the privateer weighed anchor, got over the bar, and went into Stono Inlet, and landed him with fifteen men on the beach, being the whole number on board the ship when taken at anchor in the harbour of Charleston, contrary to the laws of neutrality and of nations; that they got to Mr. Taylor's, who treated them very kind, and in a friendly manner.

JONATHAN STORY.

In testimony whereof, I the said Notary have hereunto set my hand and affixed my seal of office, at Charleston, [L. s.] this eighteenth day of October, in the year of our Lord 1797, and in the 22d year of the independence of the United States of America.

JNO. MITCHELL, Q. U. Not. Pub.

State of South Carolina, city of Charleston.

By John Mitchel, Esquire, Justice of the Quorum in and for the said state, and Notary Publick, by lawful authority duly sworn, admitted and commissioned, residing and practising in the city and state aforesaid.

Do hereby certify, that on the day of the date hereof, personally came and appeared before me the said Notary, Michael Delany, who being duly sworn on the holy Evangelists of Almighty God, did depose, testify and declare, that he is a branch pilot belonging to Charleston; that on this morning A. M. as he was conducting the brig Hannah of Charleston, Capt. Daniel Bythewood, into harbour, this seventeenth instant, at a quarter past nine o'clock he discovered the British ship Oracabissa on fire from her stern to the main hatch; but being then about four miles distant from her he cannot be more particular; that at the time he first discovered the fire, there were no colours flying that he could perceive, but in a few minutes after he saw colours flying at the fore-topmast head, but could not distinguish of what nation.

his
MICHAEL ✕ DELANY.
mark.

Capt. Daniel Bythewood being also duly sworn agreeably to law, deposeth, that on this morning, about a quarter past nine o'clock, being in the brig Hannah of Charleston, under his command, as he was crossing the bar of Charleston, having Michael Delany, a branch pilot, on board, he saw a large ship dismantled, and at anchor in Five Fathom Hole, within the bar and harbour of Charleston: he saw the smoke and flames issuing from the said ship from her stern to the main hatchway; that when he first discovered the smoke, he perceived no colours, but afterwards saw colours flying at the fore-topmast head, but could not distinguish to what nation they belonged.

DANIEL BYTHEWOOD.

Mr. John Colhoun being also duly sworn agreeable to law, deposeth, that on yesterday the sixteenth of this instant, October, about half past one o'clock P. M. he went on board the British ship Oracabissa in Five Fathom Hole, commanded by Capt. Story, with provisions sent by his Britannic majesty's consul for the captain and men on board, the said ship having lost her main and mizzen masts, being in distress from severe

gales, and a great leak which kept one pump going; about half past two, being at dinner with the captain, one of the seamen came and informed him there was a picaroon coming in, he had better be on his guard for fear of an attack, when the captain asked the deponent to go out and look at the said picaroon, which he did, and was of opinion with the seamen and pilot that the said picaroon or privateer was an enemy's vessel; that the seamen wanted to fire at her, but by the advice of the deponent, the captain forbade it, but got the six-pounder in order to defend the vessel if she was attacked; the said picaroon came over the bar, passed the ship, and came to an anchor between her and the light house; soon after the said picaroon weighed anchor and came to N. W. at between two and three miles distance, about five o'clock; the deponent left the said ship and proceeded to Charleston in a whale boat, with two negroes; that he rowed close under the stern of the said picaroon or schooner privateer to endeavour to find out what she was; that he hailed her and asked from whence she came, to which answer was made in bad or broken English, from Savannah, and also desired the deponent to come on board, to which he refused; he then asked him if he was a pilot, he answered No, but would send him one if he wanted one; to this the same voice asked what ship that was, to which he replied, ay! ay! he then rowed towards the ship to put them on their guard, on which the said picaroon weighed anchor and endeavoured to cut him off from the ship, but he hailed the ship and told them to take care, at which time the said schooner fired a shot at him; he then ordered the sail set and stood for the light house, at which time he received a second shot, and was chased until he got into shoal water; they then fired a third shot, but were obliged to desist chasing, and proceeding to the ship, came to an anchor about a mile from her stern; he then proceeded to Charleston, and about nine o'clock informed the British consul of the above particulars.

JOHN COLHOUN.

In testimony whereof, I the said Notary have hereunto set my hand and affixed my seal of office, at Charleston, this [L. s.] 17th day of October, in the year of our Lord 1797, and in the 22d year of the independence of the United States of America. JNO. MITCHELL, Q. U. Not. Pub.

State of South Carolina, City of Charleston.

By John Mitchell, Esq. Justice of the Quorum in and for the said state, and Notary Publick by lawful authority duly sworn, admitted and commissioned, residing and practising in the city and state aforesaid.

Do hereby certify, that on the day of the date hereof personally came and appeared before me the said Notary, Mr. Shadrach Turner, of Charleston, a pilot, who being duly sworn on

the Holy Evangelists of Almighty God, did depose, testify and declare, that on Monday the 16th instant, he was sent on board the British ship *Oracabissa*, captain Story, who lay at anchor in Five Fathom Hole, within the bar and harbour of Charleston, in distress, to relieve the pilot who had been on board several days and was sick, that about 3 o'clock a small French schooner privateer came over the bar and came to anchor to the northward of the said ship, that seeing a boat go from the ship, in which Mr. Colhoun was, the privateer got under way and chased her till she got into Light-house creek, then run up under the stern of the said ship, and came to an anchor on her starboard quarter, hailed her, and asked from whence she came, and was answered from Jamaica, and came there in distress; they then ordered the captain to lower his boat down, and come on board; he answered the boat was stove; on which the privateer hoisted his boat out, and sent a lieutenant and another officer with two men on board, who took forcible possession of the ship as a prize to said privateer, and sent the captain with his papers on board her, and afterwards sent several more men on board to assist in pumping, who began to plunder the vessel and continued to do so all night, sent sugar, rum, cordage and sails on board the said schooner as much as could be stowed, till eight o'clock in the morning of the 17th, when they sent captain Story on board the ship to get his clothes, and see they had taken none; that between eight and nine all the people were sent on board the privateer, and at nine o'clock they set her on fire in several places, and cut her cables; she then drifted on the Folly breakers, with her colours flying; they then got under way, and stood over the bar and into Stono Inlet, where all the people were landed, but the deponent, whom they kept on board, having first proposed to land them on Light-house Island, but the deponent informed them it could not be done with safety; that they lay in Stono all the night; that yesterday morning they got out and bore down on the ship *Pallas* and ship *Betsy*, who were bound for Charleston—they took the *Pallas* and let the *Betsy* go, and sent the deponent on board her, in which vessel he got up to Charleston this morning; that when he was on board the privateer, the captain showed him his commission, in which the said schooner is called the *Vertitude*, and the captain Jordon, of Monto Christian; that he was well treated on board.

SHADRACH TURNER.

In testimony whereof, I the said Notary, have hereunto set my hand and affixed my seal of office, at Charleston, [L. s.] this 19th day of October, in the year of our Lord 1797, and in the 22d year of the independence of the United States of America.

JNO. MITCHELL, Q. U. Not. Pub.

State of South Carolina, City of Charleston.

By John Mitchell, Esq. Justice of the Quorum in and for the said state, and Notary Publick, by lawful authority duly sworn, admitted and commissioned, residing and practising in the city and state aforesaid.

Do hereby certify, that on the day of the date hereof, personally came and appeared before me the said Notary, of Charleston, who being duly sworn on the Holy Evangelists of Almighty God, did depose, testify and declare, that he was employed by Benjamin Moodle, Esq. his Britannick majesty's consul in this city, to go on board the British ship Oracabissa, capt. Story, who was in great distress, having lost her main and mizzen mast, and sprung a leak; that on the 9th day of this instant, October, he with six more men went from this city and got on board said vessel, then about *three** leagues over the bar; that they came to anchor that evening, and on Friday the 13th the ship got over the bar of Charleston, and came to anchor in Five Fathom Hole, the wind being contrary could not proceed for the city; that the ship continued at anchor till Monday afternoon about 3 o'clock, when a small armed schooner privateer came over the bar, and came to anchor about north of the ship; that a little before sun down the said schooner weighed anchor, and came close along side said ship and dropped anchor; that she had no colours up. They ordered the captain of the ship to hoist out his boat and come on board with his papers, who answered the boat was stove; they then sent him their boat with an officer and four or five armed men, who took forcible possession of the vessel, and carried the captain with his papers, and the boatswain, on board the privateer, and detained them, and sent the boat again with more men on board the ship; that they immediately began to plunder the cargo and vessel, and continued to carry sugar, rum, coffee, cordage and sails, all night, with all the other articles they could carry; that on the morning of Tuesday the 17th about nine or ten o'clock, they set the said ship Oracabissa on fire in three places that he saw, cut both cables, by which she drifted on the Folly breakers, close by the lighthouse shore; that the deponent was informed the said privateer was called the Adventure, from Cape François, captain Jordon; they then took the deponent, captain Story, and all the men on board of the ship on board the privateer, got under way and over the bar, then run into Stono Inlet, where they landed all the people except Mr. Turner the pilot, whom they carried away.

WILLIAM MINOTT.

In testimony whereof, I the said Notary have hereunto set my hand and affixed my seal of office, at Charleston, [L. s.] the 19th day of October, in the year of our Lord 1797, and in the 22d year of the independence of the United States of America.

JNO. MITCHELL, Q.U. Not. Pub.

* In another copy than that from which this was taken, the word "two" stands here.

I. WAGNER, Chief Clerk Dep. State.

State of South Carolina. City of Charleston.

By John Mitchell, Esquire, Justice of the Quorum in and for the said state, and Notary Publick, by lawful authority duly sworn, admitted and commissioned, residing and practising in the city and state aforesaid.

Do hereby certify, that on the day of the date hereof, personally came and appeared before me the said Notary, Daniel Allen, master of the ship *Flora*, of Providence, in the state of Rhode Island, who being duly sworn on the Holy Evangelists of Almighty God, did depose, testify and declare, that he sailed from Turk's Island on the tenth day of this instant, October, bound for Charleston, in the state of South Carolina; that he arrived at the bar on yesterday the eighteenth instant, and on this morning got over the bar, when a small French privateer schooner came along side and obliged him to haul his wind and return over the bar at a very considerable risk, having no pilot on board: after he got over the bar, the said privateer obliged him to take six men belonging to the brig *Mary* on board his vessel, when they permitted him to proceed over the bar and up to the city, where he arrived about 11 o'clock this day the 19th inst.

DANIEL ALLEN.

In testimony whereof, I the said Notary have hereunto set my hand and affixed my seal of office, at Charleston, this [L.S.] 19th day of October, in the year of our Lord 1797, and in the 22d year of the independence of the United States of America. JNO. MITCHELL, Q. U. Not. Pub.

State of South Carolina, City of Charleston.

By John Mitchell, Esq. Justice of the Quorum in and for the said state, and Notary Publick, by lawful authority duly sworn, admitted and commissioned, residing and practising in the city and state aforesaid.

Do hereby certify, that on the day of the date hereof, personally came and appeared before me the said Notary, Thomas Pierson, first mate; Robert Glaister, second mate; Alexander Jordon and Benjamin Jefferies, seamen on board the ship *Pallas* of Charleston; who being severally duly sworn on the Holy Evangelists of Almighty God, did depose, testify and declare, that they sailed on board the said ship *Pallas* from Port Glasgow, commanded by captain John Hunter, loaded with coals and dry goods, American property, and bound for Charleston, in the state of South Carolina aforesaid, on Monday the 12th day of August last, being all natives of the United States; that they arrived in said ship off the bar of Charleston on Monday the sixteenth of this instant, October; that on Wednesday the eighteenth, about twelve o'clock they were in ten fathom water, n. n. w. of the Charleston light house, about six leagues from the land, when a small schooner, a French privateer, which they

were informed was called the Fortitude, commanded by captain Jordon, carrying two six-pounders, came up, having then an English jack flying, and ordered them to hoist out the boat and the captain to come on board and bring his papers with him; that being some time getting, the privateer sent her boat along side, and an officer with armed men came on board, and forcibly took captain Hunter, two men and a boy on board the privateer, and sent more men on board the ship, took possession of her as a prize to the said privateer, put the deponents, with four more of the crew and two passengers on board the ship Mary of Hamburg, leaving captain Hunter, two men and a boy on board the Pallas; that the officer who was put on board the said ship Pallas, said he would carry her to Cape Francois in St. Domingo; that the ship Mary got over the bar of Charleston this morning the nineteenth, and landed them in the city about eleven o'clock this day.

THOMAS PIERSON.
ROBERT GLAISTER.
ALEXANDER JORDON.

BENJAMIN ^{his} JEFFRIES.
mark.

In testimony whereof, I the said Notary, have hereunto set
[L.S.] my hand and affixed my seal of office, at Charleston, this
nineteenth day of October, in the year of our Lord 1797,
and in the 22d year of the independence of the United
States of America.

JNO. MITCHELL, Q.U. Not. Pub.

State of South Carolina, City of Charleston.

By John Mitchell, Esquire, Justice of the Quorum in and for the said state, and Notary Publick, by lawful authority duly sworn, admitted and commissioned, residing and practising in the city and state aforesaid.

Do hereby certify, that on the day of the date hereof, personally came and appeared before me the said Notary, Ithamar Haskin, second mate; Thomas Davis, Isaac Sanford, John Clark and Thomas Smith, seamen on board the brig Mary of Savannah, in the State of Georgia; who being duly sworn on the Holy Evangelists of Almighty God, did depose, testify and declare, that they sailed on board the said brig Mary of Savannah, in Georgia, commanded by Francis Lightborne, from Savannah aforesaid, bound for London; that they and each of them are native Americans; that they arrived at London, and on the seventh day of July last, being loaded with porter and dry goods, they sailed in said vessel under the command of the said captain Lighthorne—John Stafford, first mate, and a boy; having a long passage, they did not arrive on the coast of America till Wednesday morning the eighteenth of this instant, October; they made the land near Charleston harbour in sixteen fathom water; that about eight o'clock in the night of the

same day, being in eight fathoms water, about three leagues from the land and light-house of Charleston, a small French privateer schooner, carrying two guns and several swivels, came along side the said brig, hailed her and ordered the captain with his papers to come on board, which he did. They detained the captain and two men, and sent an officer with eight men on board the said brig, who took forcible possession of her as a prize to said privateer; that this morning the deponents were put on board the ship Flora, of Providence, State of Rhode-Island, who brought them to Charleston, South-Carolina, and landed them about eleven o'clock, the said captain Lightborne, John Stafford the mate, and the boy, being put on board the said brig Mary, whom the prize-master declared he would carry to Cape Francois, in St. Domingo, where he said she came from and belonged to, but never hoisted any colours during the whole time.

ITHAMAR HASKIN.

his
THOMAS ✕ DAVIS.

mark.
ISAAC SANDFORD.

JOHN CLARK.

his
THOMAS ✕ SMITH.
mark.

In testimony whereof, I the said Notary, have hereunto set
[L.S.] my hand and affixed my seal of office, at Charleston,
this 19th day of October, in the year of our Lord 1797,
and in the 22d year of the independence of the United
States of America.

JNO. MITCHELL, Q.U. Not. Pub.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
MARCH 5, 1798.

THE first despatches from our Envoys Extraordinary, since their arrival at Paris, were received at the Secretary of State's office at a late hour the last evening. They are all in a character, which will require some days to be deciphered, except the last, which is dated the 8th of January, 1798. The contents of this letter are of so much importance to be immediately made known to Congress, and the publick, especially to the mercantile part of our fellow citizens, that I have thought it my duty to communicate them to both houses, without loss of time.

JOHN ADAMS.

No. 5.

Paris, January 8, 1798.

DEAR SIR,—We embrace an unexpected opportunity to send you the 'Redacteur' of the fifth instant, containing the message of the Directory to the Council of Five Hundred, urging the necessity of a law to declare as good prize, all neutral ships having on board merchandises and commodities, the production of England, or of the English possessions, that the flag, as they term it, may no longer cover the property :— And declaring further, that the ports of France, except in case of distress, shall be shut against all neutral ships, which, in the course of their voyage shall have touched at an English port. A commission has been appointed to report on the message, and it is expected that a decree will be passed in conformity to it.

Nothing new has occurred since our last, in date of the 24th, ultimo. We can only repeat that there exists no hope of our being officially received by this government, or that the objects of our mission will be in any way accomplished. We have the honour to be, &c.

CHARLES C. PINCKNEY,
J. MARSHALL,
E. GERRY,

Timothy Pickering, Esq.

Postscript to a triplicate of the Envoys' letter, No. 5, received March 30, 1798.

The law abovementioned has been passed unanimously by the Council of Five Hundred, and we enclose a journal containing the account. There is no doubt, but that it will be adopted, without opposition, by the Council of Ancients.

TRANSLATION.

Message to the Council of Five Hundred, of the 15th Nivose, 6th year, Jan. 4, 1798.

Citizens Representatives.—On this day, the fifteenth of Nivose, and at the very hour at which the Executive Directory addresses this message to you, the municipal administrators, the justices of the peace, the commissaries of the Directory, and the superintendents of the customs, are proceeding, in all the chief places of the departments, in all the ports, and in all the principal communes of the republick, to seize the English merchandise now in France, or introduced into its territory in contravention of the law of the tenth Brumaire, fifth year, (Oct. 31st, 1796.)

Such is the first act by which, now that peace is given to the continent, the war declared long since against England, is about to assume the real character which becomes it. The

French will not suffer a power, which seeks to found its prosperity upon the misfortune of other nations, to raise its commerce upon the ruin of that of other states, and which, aspiring to the dominion of the seas, wishes to introduce, every where, the articles of its own manufacture, and to receive nothing from foreign industry—any longer to enjoy the fruit of the guilty speculations.

The English government has kept in pay, during the war, the coalesced forces with the produce of its manufactures. It has violated all the principles of the law of nations, in order to shackle the relations of neutral powers; it has caused to be seized the provisions, corn, and commodities, which it supposed to be destined for France: it has declared contraband every thing which it thought could be useful to the Republick—It desired to starve it. All the citizens call for vengeance.

When it had to fear the capture of vessels sailing under its flag, it corrupted foreign captains to induce them to take on board their vessels English merchandise, and thus to introduce it, by stratagem, by fraud, or otherwise, into other states, and especially into the French Republick.

The neutral powers should have perceived, that, by this conduct, their merchants took part in the war, and that they lent assistance to one of the belligerent powers.

We serve a party, as well when we procure for it the means of augmenting its forces, as when we unite ourselves to those which it has. The neutral powers should have perceived, that England, by stopping the vessels of other powers, laden in their respective ports, and destined for France, by permitting articles coming from her own manufactories alone to circulate, aimed at an exclusive commerce, and that it would be necessary to seek reparation for such an attempt.

The ordinance of the marine, and the regulation of 1704, have declared lawful prize, the vessels and their cargoes in which is found English merchandise belonging to enemies. These provisions should be extended. The interest of Europe requires it.

The Directory thinks it urgent and necessary to pass a law, declaring, that the character of vessels, relative to their quality of neutral or enemy, shall be determined by their cargo, and the cargo shall be no longer covered by the flag: in consequence, that every vessel found at sea, having on board English provisions and merchandise as her cargo, in whole or in part, shall be declared lawful prize, whosoever may be the proprietor of these provisions or merchandise; which shall be reputed contraband, for this cause alone, that they come from England or her possessions.

It would be useful to declare, at the same time, that except in the case of distress, the ports of the Republick shall be shut to all foreign vessels, which, in the course of their voyage, shall have entered those of England.

The Executive Directory requests you, citizens representa-

tives, to adopt these measures. No neutral or allied power can mistake their object, nor complain of them, unless it be already abandoned to England. The infallible effect of the measure is to enhance the value of the produce of their own soil and industry, to increase the prosperity of their commerce, to repel every thing that comes from England, and essentially to influence the conclusion of the war.

Such are the motives which induce the Executive Directory to invite you, citizens representatives, to take the object of this message into the most prompt consideration.

P. BARRAS, President.

LAGARDE, Secretary General.

Plan of a Decree reported by M. Villers to the Council of Five Hundred, in its sitting of the 11th of January, 1798, translated from a Paris paper, entitled Journal du Soir, of the same day, enclosed in the triplicate of the Envoys' letter, No. 5, dated January 8, 1798.

“ 1st. THE character of a vessel, relative to the quality of neuter or enemy, is determined by her cargo.

“ In consequence, every vessel loaded in whole or in part with English merchandise, is declared lawful prize, whoever the owner of the said merchandise may be.

“ 2d, Every foreign vessel which, in the course of her voyage, shall have entered an English port, shall not enter France, except in case of distress : she shall depart thence as soon as the causes of her entry shall have ceased.”

This decree was immediately and unanimously adopted.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
MARCH 19, 1798.

THE despatches from the Envoys Extraordinary of the United States to the French Republick, which were mentioned in my message to both houses of Congress of the fifth instant, have been examined and maturely considered.

While I feel a satisfaction in informing you, that their exertions for the adjustment of the differences between the two nations, have been sincere and unremitting, it is incumbent on me to declare, that I perceive no ground of expectation, that the objects of their mission can be accomplished on terms compatible with the safety, honour, or the essential interests of the nation.

This result cannot, with justice, be attributed to any want of

moderation on the part of this government, or to any indisposition to forego secondary interests, for the preservation of peace. Knowing it to be my duty, and believing it to be your wish, as well as that of the great body of the people, to avoid, by all reasonable concessions, any participation in the contentions of Europe, the powers vested in our Envoys were commensurate with a liberal and pacifick policy, and that high confidence which might justly be reposed in the abilities, patriotism, and integrity of the characters to whom the negotiation was committed. After a careful review of the whole subject, with the aid of all the information I have received, I can discern nothing which could have ensured, or contributed to success, that has been omitted on my part, and nothing further which can be attempted, consistently with maxims for which our country has contended, at every hazard, and which constitute the basis of our national sovereignty.

Under these circumstances, I cannot forbear to reiterate the recommendations which have been formerly made, and to exhort you to adopt, with promptitude, decision and unanimity, such measures as the ample resources of the country afford, for the protection of our seafaring and commercial citizens; for the defence of any exposed portions of our territory; for replenishing our arsenals, establishing foundries and military manufactories; and to provide such efficient revenue, as will be necessary to defray extraordinary expenses, and supply the deficiencies which may be occasioned by depredations on our commerce.

The present state of things is so essentially different from that in which instructions were given to collectors to restrain vessels of the United States from sailing in an armed condition, that the principle on which those orders were issued, has ceased to exist: I therefore deem it proper to inform Congress, that I no longer conceive myself justifiable in continuing them, unless in particular cases, where there may be reasonable ground of suspicion that such vessels are intended to be employed contrary to law.

In all your proceedings, it will be important to manifest a zeal, vigour and concert, in defence of the national rights, proportioned to the danger with which they are threatened.

JOHN ADAMS.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
APRIL 3, 1798.

IN compliance with the request of the House of Representatives, expressed in their resolution of the 2d of this month, I transmit to both Houses, *those instructions to, and despatches*

from, the *Envoys Extraordinary* of the *United States* to the *French Republick*, which were mentioned in my message of the 19th of March last, omitting only some names, and a few expressions descriptive of the persons.

I request that they may be considered in confidence, until the members of Congress are fully possessed of their contents, and shall have had opportunity to deliberate on the consequences of their publication; after which time I submit them to your wisdom.

JOHN ADAMS.

Instructions to Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, Esquires, Envoys Extraordinary and Ministers Plenipotentiary, from the United States of America to the French Republick.

GENTLEMEN,—It is known to you, that the people of the United States of America entertained a warm and sincere affection for the people of France, ever since their arms were united in the war with Great Britain, which ended in the full and formal acknowledgment of the independence of these States. It is known to you, that this affection was ardent, when the French determined to reform their government and establish it on the basis of liberty; that liberty in which the people of the United States were born, and which in the conclusion of the war above mentioned was finally and firmly secured. It is known to you, that this affection rose to enthusiasm, when the war was kindled between France and the powers of Europe, which were combined against her for the avowed purpose of restoring the monarchy; and every where vows were heard for the success of the French arms. Yet during this period France expressed no wish that the United States should depart from their neutrality. And while no duty required us to enter into the war, and our best interests urged us to remain at peace, the government determined to take a neutral station: which being taken, the duties of an impartial neutrality became indispensably binding. Hence the government early proclaimed to our citizens the nature of those duties and the consequences of their violation.

The minister of France, Mr. Genet, who arrived about this time, by his publick declarations, confirmed the idea, that France did not desire us to quit the ground we had taken. His measures, however, were calculated to destroy our neutrality and to draw us into the war.

The principles of the proclamation of neutrality, founded on the law of nations, which is the law of the land, were afterwards recognised by the National Legislature, and the observance of them enforced by specifick penalties, in the act of Congress passed the 5th of June, 1794. By these principles

and laws the acts of the Executive and the decisions of the courts of the United States were regulated.

A government thus fair and upright in its principles and just and impartial in its conduct, might have confidently hoped to be secure against formal official censure: but the United States have not been so fortunate. The acts of their government, in its various branches, though pure in principle and impartial in operation, and conformable to their indispensable rights of sovereignty, have been assigned as the cause of the offensive and injurious measures of the French Republick. For proofs of the former, all the acts of the government may be vouched; while the aspersions so freely uttered by the French ministers, the refusal to hear the minister of the United States specially charged to enter on amicable discussions on all the topicks of complaint, the decrees of the Executive Directory and of their agents, the depredations on our commerce and the violences against the persons of our citizens, are evidences of the latter. These injuries and depredations will constitute an important subject of your discussions with the government of the French Republick; and for all these wrongs you will seek redress.

In respect to the depredations on our commerce, the principal objects will be, to agree on an equitable mode of examining and deciding the claims of our citizens, and the manner and periods of making them compensation. As to the first, the 7th article of the British and the 21st of the Spanish treaty present approved precedents to be adopted with France. The proposed mode of adjusting those claims, by commissioners appointed on each side, is so perfectly fair, we cannot imagine that it will be refused. But when the claims are adjusted, if payment in specie cannot be obtained, it may be found necessary to agree, in behalf of our citizens, that they shall accept public securities, payable with interest at such periods as the state of the French finances shall render practicable. These periods you will endeavour as far as possible to shorten.

Not only the recent depredations, under colour of the decrees of the Directory of the second of July, 1796, and the second of March, 1797, or under the decrees of their agents, or the illegal sentences of their tribunals, but all prior ones, not already satisfactorily adjusted, should be put in this equitable train of settlement. To cancel many or all of the last mentioned claims, might be the effect of the decree of the Executive Directory of the 2d of March last, reviving the decree of the 9th of May, 1793: but this being an *ex post facto* regulation, as well as a violation of the treaty between the United States and France, cannot be obligatory on the former. Indeed the greater part, probably nearly all the captures and confiscations in question, have been committed in direct violation of that treaty or of the law of nations. But the injuries arising from the capture of enemies property in vessels of the United States, may not be

very extensive; and if for such captured property the French government will, agreeably to the law of nations, pay the freight and reasonable demurrage, we shall not, on this account any farther contend. But of ship timber and naval stores taken and confiscated by the French, they ought to pay the full value; because our citizens continued their traffick in those articles under the faith of the treaty with France. On these two points we ought to expect that the French government will not refuse to do us justice: and the more, because it has not, at any period of the war, expressed its desire that the commercial treaty should in these respects be altered.

Besides the claims of our citizens for depredations on their property, there are many arising from express contracts made with the French government or its agents, or founded on the seizure of their property in French ports. Other claims have arisen from the long detention of a multitude of our vessels in the ports of France. The wrong hereby done to our citizens was acknowledged by the French government, and in some, perhaps in most of the cases, small payments towards indemnifications have been made: the residue still remains to be claimed.

All these just demands of our citizens will merit your attention. The best possible means of compensation must be attempted. These will depend on what you shall discover to be practicable in relation to the French finances. But an exception must be made in respect to debts due to our citizens by the contracts of the French government and its agents, if they are comprehended in any stipulation; and an option reserved to them, jointly or individually, either to accept the means of payment which you shall stipulate, or to resort to the French government, directly, for the fulfilment of its contracts.

Although the reparation for losses sustained by the citizens of the United States, in consequence of irregular or illegal captures or condemnations, or forcible seizures or detentions, is of very high importance, and is to be pressed with the greatest earnestness, yet it is not to be insisted on as an indispensable condition of the proposed treaty. You are not, however, to renounce these claims of our citizens, nor to stipulate that they be assumed by the United States as a loan to the French government.

In respect to the alterations of the commercial treaty with France, in the two cases which have been principal subjects of complaint on her part, viz. enemies property in neutral ships, and the articles contraband of war; although France can have no right to claim the annulling of stipulations at the moment when by both parties they were originally intended to operate; yet if the French government press for alterations, the President has no difficulty in substituting the principles of the law of nations, as stated in the 17th and 18th articles of our commercial treaty with Great Britain, to those of the 23d and 24th articles of our commercial treaty with France: and in respect to

provisions, and other articles not usually deemed contraband, you are to agree only on a temporary compromise, like that in the 18th article of the British treaty, and of the same duration. If, however, in order to satisfy France *now she is at war*, we change the two important articles before mentioned, then the 14th article of the French treaty, which subjects the property of the neutral nation found on board enemies ships to capture and condemnation, must of course be abolished.

We have witnessed so many erroneous constructions of the treaty with France, even in its plainest parts, it will be necessary to examine every article critically, for the purpose of preventing, as far as human wisdom can prevent, all future misinterpretations. The kind of documents necessary for the protection of the neutral vessels should be enumerated and minutely described; the cases in which a sea-letter should be required may be specified; the want of a sea-letter should not of itself be a cause of confiscation, where other reasonable proof of property is produced; and where such proof is furnished, the want of a sea-letter should go no further than to save the captor from damages for detaining and bringing in the neutral vessel. The proportion of the vessel's crew which may be foreigners should be agreed on. Perhaps it will be expedient to introduce divers other regulations conformably to the marine laws of France. Whenever these are to operate on the commerce of the United States, our safety requires that, as far as possible, they be fixed by treaty. And it will be desirable to stipulate against any *ex post facto law* or regulation, under any pretence whatever.

Great Britain has often claimed a right, and practised upon it, to prohibit neutral nations carrying on a commerce with her enemies which had not been allowed in time of peace. On this head, it will be desirable to come to an explicit understanding with France; and, if possible, to obviate the claim by an express stipulation.

Such extensive depredations have been committed on the commerce of neutrals, and especially of the United States, by the citizens of France, under pretence that her enemies (particularly Great Britain) have done the same things, it will be desirable to have it explicitly stipulated, that the conduct of an enemy towards the neutral power shall not authorize or excuse the other belligerent power in any departure from the law of nations or the stipulations of the treaty: especially that the vessels of the neutral nation shall never be captured or detained, or their property confiscated or injured, because bound to or from an enemy's port, except the case of a blockaded port, the entering into which may be prevented according to the known rule of the law of nations. And it may be expedient to define a blockaded place or port to be one actually invested by land or naval forces, or both, and that no *declaration* of a blockade shall have any effect without such actual investment. And no commercial right whatever should be abandoned which

is secured to neutral powers by the European law of nations.

The foregoing articles being those which the French government has made the ostensible grounds of its principal complaints, they have naturally been first brought into view. But the proposed alterations and arrangements suggest the propriety of revising all our treaties with France. In such revision, the first object that will attract your attention, is the reciprocal guaranty, in the eleventh article of the treaty of alliance. This guaranty we are perfectly willing to renounce. The guaranty, by France, of the liberty, sovereignty, and independence of the United States, will add nothing to our security; while, on the contrary, our guaranty of the possessions of France in America, will perpetually expose us to the risk and expense of war, or to disputes and questions concerning our national faith.

When Mr. Genet was sent as the minister of the French Republic to the United States, its situation was embarrassed, and the success of its measures problematical. In such circumstances it was natural that France should turn her eye to the mutual guaranty: and accordingly it was required, in Mr. Genet's instructions, to be "an essential clause in the new treaty," which he was to propose: and on the ground "that it nearly concerned the peace and prosperity of the French nation, that a people whose resources increase beyond all calculation, and whom nature had placed so near their rich colonies, should become interested, by their own engagements, in the preservation of those islands." But at this time, France, powerful by her victories, and secure in her triumphs, may less regard the reciprocal guaranty with the United States, and be willing to relinquish it. As a substitute for the reciprocal guaranty, may be proposed a mutual renunciation of the same territories and possessions, that were subjects of the guaranty and renunciation in the sixth and eleventh articles of the treaty of alliance. Such a renunciation on our part, would obviate the reason assigned in the instruction to Mr. Genet before cited, of *future danger from the rapidly growing power of the United States*. But if France insists on the mutual guaranty, it will be necessary to aim at some modification of it.

The existing engagement is of that kind which, by writers on the law of nations, is called a general guaranty; of course the *casus fœderis* can never occur except in a *defensive* war. The nature of this obligation is understood to be, that when a war *really* and *truly defensive* exists, the engaging nation is bound to furnish an *effectual and adequate defence*, in co-operation with the power attacked: whence it follows, that the nation *may* be required, in some circumstances, to bring forward its whole force. The nature and extent of the succours demandable not being ascertained, engagements of this kind are dangerous on account of their uncertainty: there is always hazard of doing too much or too little, and of course of being involved in involuntary rupture.

Specifick succours have the advantage of certainty, and are less liable to occasion war. On the other hand, a general guaranty allows a latitude for the exercise of judgment and discretion.

On the part of the United States, instead of troops or ships of war, it will be convenient to stipulate for a moderate sum of money or quantity of provisions, at the option of France: the provisions to be delivered at our own ports, in any future *defensive* wars. The sum of money, or its value in provisions, ought not to exceed two hundred thousand dollars a year, during any such wars. The reciprocal stipulation, on the part of France, may be to furnish annually the like sum of money, or an equivalent in military stores and clothing for troops, at the option of the United States, to be delivered in the ports of France.

Particular caution, however, must be used, in discussing this subject, not to admit any claims, on the ground of the guaranty, in relation to the existing war; as we do not allow that the *casus fœderis* applies to it. And if the war should continue after your arrival in France, and the question of the guaranty should not be mentioned on her part, you may yourselves be silent on the subject, if you deem it most prudent.

It will be proper here to notice such articles of the treaty of amity and commerce, between the United States and France, as have been differently construed by the two governments, or which it may be expedient to amend or explain.

Art. II. The assent of the United States, in their treaty with Great Britain, to the doctrine of the law of nations respecting enemies' property in neutral ships, and ship timber and naval stores, and in some cases provisions, as contraband of war, the French government has chosen to consider as a voluntary *grant of favours*, in respect to commerce and navigation, to Great Britain, and that consequently the same favours have become common to France. This construction is so foreign from our ideas of the meaning and design of this article, it shows the necessity of reviewing all the articles, and however clear they may appear, of attempting to obviate future misconstructions, by declaratory explanations or a change of terms.

Art. v. France has repeatedly contended, that the imposition of fifty per cent. per ton, on French vessels arriving in the United States, is contrary to the fifth article of the treaty. The arguments in support of this pretension are unknown; but it is presumed to be unfounded. The reciprocal right of laying "duties or imposts of what nature soeyer," equal to those imposed on the most favoured nations, and without any other restrictions, seems to be clearly settled by the third and fourth articles. The fifth article appears to have been intended merely to define or qualify the rights of American vessels in France. It is however desirable that the question be understood, and all doubt concerning it removed. But the introduction of a principle of discrimination between the vessels of different foreign

nations, and in derogation of the powers of Congress to raise revenue by uniform duties on any objects whatever, cannot be hazarded. The naturalization of French vessels will of course be considered as inadmissible.

Art. VIII. The stipulation of doing us good offices, to secure peace to the United States with the Barbary powers, has never yet procured us any advantage. If therefore the French government lays any stress on this stipulation, as authorizing a claim for some other engagement from us in favour of France, it may be abandoned; and especially if its abrogation can be applied as a set-off against some existing French claim.

Art. XIV. If the alterations already proposed are made in the 23d and 24th articles, then the 14th article, as before observed, must be abolished.

Art. XVII. The construction put on this article by the government of the United States is conceived to be reasonable and just, and is therefore to be insisted on. The tribunals of the respective countries will consequently be justified in taking cognizance of all captures made within their respective jurisdictions; or by illegal privateers; and those of one country will be deemed illegal which are fitted out in the country of the other remaining neutral: seeing to permit such arming would violate the neutral duties of the latter.

It will be expedient to fix explicitly the reception to be given to *publick ships of war* of all nations. The French ministers have demanded, that the publick ships of the enemies of France, which at any time, and in any part of the world, had made prize of a French vessel, should be excluded from the ports of the United States; although they brought in no prize with them. In opposition to this demand, we have contended that they were to be excluded only when they came in with French prizes. And the kind of asylum to be afforded in all other circumstances, is described in Mr. Jefferson's letter to Mr. Hammond, dated the 9th of September, 1773, in the following words: "Thus then, *the publick ships of war* of both nations [English and French] enjoy a perfect equality in our ports; 1st, in cases of urgent necessity; 2d, in cases of comfort or convenience; and 3d, in the time they choose to continue." And such shelter and accommodation are due to the publick ships of all nations, on the principle of hospitality among friendly nations.

It will also be expedient explicitly to declare that the right of asylum stipulated for the armed vessels of France and their prizes, gives no right to make sale of those prizes.

But when prize ships are so disabled as to be incapable of putting to sea again, until refitted, and when they are utterly disabled, some provision is necessary relative to their cargoes. Both cases occurred last year. The government permitted, though with hesitation and caution, the cargoes to be unloaded, one of the vessels to be repaired, and part of the prize goods sold, to pay for the repairs, and the cargo of the vessel that was found unfit ever to go to sea again, was allowed to be exported

as prize goods, even in neutral bottoms. The doubts on these occasions arose from the 24th article of the British treaty, forbidding the sale of the prizes of privateers, or the exchanging of the same in any manner whatever. But as French prizes were entitled to an asylum in our ports, it was conceived to be a reasonable construction of it, to allow of such proceedings as those above mentioned, to prevent the total loss of vessels and cargoes. The 25th article of the British treaty demands attention; as it is therein stipulated, that no future treaty shall be made that shall be inconsistent with that or the 24th article. Another doubt arose, whether the British treaty did not, in good faith, require the prohibition of the sale of prizes made by the *national ships* of France, as well as of those made by her privateers; especially seeing our treaty with France gave her no right to sell any prizes whatever: but upon the whole, it was conceived that the United States having before allowed the sale of such prizes, and the prohibition in the 24th article of the treaty being distinctly pointed against the sale of the prizes of *privateers*, it was thought proper to permit the former practice to continue, until the executive should make and publish a prohibition of the sale of all prizes, or that Congress should pass a prohibitory law.

Art. xxii. If in new modelling the treaty with France, the total prohibition of the sale of prizes in the ports of the party remaining neutral should not be agreed on, at least the right of each power to make at its pleasure such prohibition, whether they are prizes of national ships or privateers, should be acknowledged, for the reason more than once suggested—to prevent a repetition of claims upon unfounded constructions; such as under the present article, that a *prohibition* to an *enemy* of either party, is a *grant* to the *other* of the thing forbidden.

Art. xxiii and xxiv. These have been already considered, and the alterations proposed have been mentioned.

There have been so many unjust causes and pretences assigned for capturing and confiscating American vessels, it may perhaps be impossible to guard against a repetition of them in any treaty which can be devised. To state the causes and pretences that have been already advanced by the government of France, its agents and tribunals, as the grounds of the capture and condemnation of American vessels and cargoes, would doubtless give pain to any man of an ingenuous mind, who should be employed on the part of France to negotiate another treaty, or a modification of the treaties which exist. It is not desired therefore, to go farther into detail on these matters, than shall be necessary to guard, by explicit stipulations, against future misconstructions and the mischiefs they will naturally produce.

Under pretence that certain ports were surrendered to the English by the treachery of the French and Dutch inhabitants, Victor Hugues and Lebas, the special agents of the Executive Directory, at Guadaloupe, have declared that all neutral vessels bound to or from such ports shall be good prize.

Under the pretence that the British were taking all neutral vessels bound to or from French ports, the French agents at St. Domingo (Santhonax and others) decreed that all *American* vessels bound to or from English ports, should be captured; and they have since declared such captured vessels to be good prize. The French consuls in Spain have, on the same ground, condemned a number of American vessels, merely because they were destined to, or coming from, an English port.

Under the pretence, that the sea-letters or passports prescribed by the commercial treaty for the mutual advantage of the merchants and navigators of the two nations, to save their vessels from detention and other vexations, when met with at sea, by presenting so clear a proof of the property, are an indispensable document to be found on board, the French confiscate American vessels destitute of them, even when they acknowledge the property to be American.

Because horses and their military furniture, when destined to any enemy's port, are by the 24th article of the commercial treaty declared contraband, and as such by themselves only liable to confiscation, Hugues and Lebas decreed all *neutral vessels*, having horses or any other contraband goods on board, should be good prize; and they accordingly condemned vessels and cargoes.

The ancient ordinances of the French monarchs required a variety of papers to be on board neutral vessels, the want of any one of which is made a cause of condemnation; although the 25th article of the commercial treaty mentions what certificates shall accompany the merchant vessels and cargoes of each party, and which, by every reasonable construction, ought to give them protection.

It will therefore be advisable to guard against abuses by descending to particulars: to describe the ships papers which shall be required, and to declare that the want of any other shall not be a cause for confiscation: to fix the mode of manning vessels as to the officers, and the proportion of the crews who shall be citizens; endeavouring to provide, in respect to American vessels, that more than one third may be foreigners. This provision will be important to the southern states, which have but few native seamen.

The marine ordinances of France will show what regulations have been required to be observed by allied as well as neutral powers in general to ascertain and secure the property of neutrals. Some of these regulations may be highly proper to be adopted; while others may be inconvenient and burdensome. Your aim will be to render the documents and formalities as few and as simple as will consist with a fair and regular commerce.

Art. xxv and xxvii. These two articles should be rendered conformable to each other. The 27th says, that after the exhibition of the *passport*, the vessel shall be allowed to pass without molestation or search, without giving her chase, or forcing her to quit her intended course. The 25th requires that besides

the *passport*, vessels shall be furnished with certain *certificates*, which of course must also be exhibited. It will be expedient to add, that if in the face of such evidence, the armed vessel will carry the other into port, and the papers are found conformable to treaty, the captors shall be condemned in all the charges, damages and interests thereof, which they shall have caused. A provision of this nature is made in the eleventh article of our treaty with the United Netherlands.

Art. XXVIII. The prohibited goods here mentioned have no relation to contraband, but merely to such as *by the laws of the country are forbidden to be exported*. Yet in the case of exporting horses from Virginia, which no law prohibited, in the winter of 1796, this article was applied by the French minister to *horses*, which by the French treaty are contraband of war. And a letter from the minister to Victor Hugues and Lebas, informing them that the American government refused to prevent such export of horses by the British, is made one ground for their decree above mentioned.

Art. XXX. The vessels of the United States ought to be admitted into the ports of France in the same manner as the vessels of France are admitted into the ports of the United States. But such a stipulation ought not to authorize the admission of vessels of either party into the ports of the other, into which the admission of all foreign vessels shall be forbidden by the laws of France and of the United States, respectively. With this restriction, the principles of the 14th article of the treaty with Great Britain afford a liberal and unexceptionable precedent. A restriction like that here referred to will be found in the first paragraph of the third article of the British treaty.

The commerce to the French colonies in the East and West Indies, will doubtless be more or less restricted, according to the usage of other European nations. Yet on account of the disarranged condition of the French navigation, probably a larger latitude of trade with their colonies will be readily permitted for a term of years: and perhaps the mutual advantages thence resulting will be found so great as to induce afterwards a prolongation of that term, to which the course or habit of business may contribute.

While between the United States and France there shall subsist a perfect reciprocity in respect to commerce, we must endeavour to extend our trade to her colonies to as many articles as possible. Of these the most important are provisions of all kinds, as beef, pork, flour, butter, cheese, fish, grain, pulse, live stock, and every other article serving for food, which is the produce of the country, horses, mules, timber, planks, and wood of all kinds, cabinet ware and other manufactures of the United States; and to obtain in return all the articles of the produce of those colonies, without exception, at least to the value of the cargoes carried to those colonies.

There have been different constructions of the Consular Con-

vention. The French have contended for the execution of their consular decisions, by the marshal or other officer of the United States; and their minister of justice has formally stated, in a report to the minister of foreign affairs, that the judicial sentences of the American consuls in France, will be executed by certain officers of justice in that country. The legal opinion of the law officers of the United States, which the government has adopted, opposes such a construction. The French have also contended, that deserters from French vessels ought to be apprehended by the judicial officers of the United States, upon other evidence than the original shipping paper, or *rôle d'équipage*; whereas the district judges have insisted that the Consular Convention requires the original rôle to be produced. This claim was lately revived by the consul-general of the French Republic. The correspondence on this occasion will be joined to the other documents which accompany these instructions.

The United States cannot consent to the erecting of foreign tribunals within their jurisdiction. We consider the judicial authority of consuls, as described in the Consular Convention, to be voluntary, not compulsory, in the country where they reside; and that their decisions, if not obeyed by the parties respectively, must be enforced by the laws of their proper country; and such a provision you will see has been made in France, where a penalty of 1400 livres is imposed on the citizen who refuses obedience to a consular decision in a foreign state.

The Consular Convention will expire in about four years; and if any great difficulties arise in settling the terms of a new one, that which exists must take its course; but if the French government should be silent on the subject of the Consular Convention, silence may be observed on your part.

The ports of the United States being frequented by the vessels of different belligerent powers, it became necessary to regulate the times of their sailing. The President, therefore, adopted what was understood to be the received rule in Europe; and ordered, that after the sailing of a vessel of one of the belligerent powers, twenty-four hours should elapse before an armed vessel of the enemy of the former should set sail. This rule has not been duly respected by the armed vessels of France and Great Britain.

As the tranquillity of the United States requires, that no hostile movements be commenced within their jurisdiction; and the interests of commerce demand an entire freedom to the departure of vessels from their ports, it may be expedient expressly to recognise the above mentioned rule.

It will also be expedient to agree on the extent of territorial jurisdiction on the sea-coast; and in what situations bays and sounds may be said to be land locked, and within the jurisdiction of the sovereign of the adjacent country.

On the supposition that a treaty will be negotiated to alter and amend the treaties which now exist between France and the United States, the following leading principles, to govern the negotiation, are subjoined.

1. Conscious integrity authorizes the government to insist, that no blame or censure be directly or indirectly imputed to the United States. But on the other hand, however exceptionable, in the view of our own government, and in the eyes of an impartial world, may have been the conduct of France, yet she may be unwilling to acknowledge any aggressions; and we do not wish to wound her feelings, or to excite resentment. It will therefore be best to adopt, on this point, the principle of the British treaty, and "terminate our differences, in such manner, as, without referring to the merits of our respective complaints and pretensions, may be the best calculated to produce mutual satisfaction, and good understanding."

2. That no aid be stipulated in favour of France during the present war.

3. That no engagement be made inconsistent with the obligations of any prior treaty.

4. That no restraint on our lawful commerce with any other nation be admitted.

5. That no stipulation be made, under colour of which, tribunals can be established within our jurisdiction, or personal privileges claimed by French citizens, incompatible with the complete sovereignty and independence of the United States, in matters of policy, commerce and government.

It will be expedient to limit the duration of the treaty to a term of from ten to twenty years. Such changes in the circumstances of the two parties are likely to happen within either of those periods, as to give one or both good reason to desire a change in the conditions of the treaty. From this limitation may be excepted such articles as are declaratory of a state of peace, or as are intended to regulate the conduct of the two nations at the commencement of, or during a state of war, or which are founded in morality and justice, and are in their nature of perpetual obligation. Of this kind may be considered the tenth article of the treaty with Great Britain; which therefore may very properly be introduced into the treaty with France.

Finally, the great object of the government being to do justice to France and her citizens, if in any thing we have injured them; to obtain justice for the multiplied injuries they have committed against us; and to preserve peace; your style and manner of proceeding will be such as shall most directly tend to secure these objects. There may be such a change of men and measures in France as will authorize, perhaps render politic, the use of strong language, in describing the treatment we have received. On the other hand, the French government may be determined to frustrate the negotiation, and throw the odium on this country; in which case, any thing like warmth and harshness would be made the pretext. If things remain in their present situation, the style of representation will unite, as much as possible, calm dignity with simplicity, force of sentiment with mildness of language, and be calculated to impress an idea of inflexible perseverance rather than of distrust or confidence.

With these instructions you will receive the following documents.

1. The printed state papers containing the correspondence between the Secretary of State and the French minister, Mr. Genet.

2. The letter dated January 16th, 1797, from the Secretary of State to General Pinckney, and the documents therein referred to; in which all the known complaints of the French government, since the recall of Mr. Genet, are exhibited and discussed.

3. A report from the Secretary of State to the House of Representatives, dated the 27th of February, 1797, exhibiting the state of American claims which had been presented to the French government (but few of which had been satisfied) together with some further information relative to the depredations, by the officers and people of that nation on the commerce of the United States.

4. A report made by the Secretary of State to the President of the United States, on the 21st of June, 1797, and by him laid before Congress on the 22d.

5. Certain original depositions, protests, and other papers relative to the French spoliations on the commerce, and personal insults and injuries to the citizens of the United States.

6. The documents laid before the House of Representatives the 17th of May, 1797, relative to general Pinckney's mission to Paris, and comprehending some papers relative to the capture and condemnation of American vessels by the French.

7. The correspondence with the French consul-general Létombe, relative to the consular convention.

TIMOTHY PICKERING, Secretary of State.
Department of State, Philadelphia, July 15, 1797.

LETTERS OF CREDENCE AND FULL POWERS TO THE ENVOYS
FROM THE UNITED STATES TO THE FRENCH REPUBLICK.

Letters of Credence. John Adams, President of the United States of America, to the Executive Directory of the French Republick.

CITIZENS DIRECTORS,—Desirous of terminating all differences between the United States of America and the French Republick, and of restoring that harmony and good understanding, and that commercial and friendly intercourse, which from the commencement of their political connection, until lately, have so happily subsisted, I have nominated, and by and with the advice and consent of the Senate of the United States, appointed Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, distinguished citizens of these states, jointly and severally, envoys extraordinary and ministers plenipotentiary to the French Republick, for the purpose of accomplishing the great objects above mentioned: Wherefore I pray you, Citizens Directors, to give full credence to what they and each of them shall say to you in these respects, in behalf of the United States,

and also when they shall assure you of the sincerity of our wishes for the welfare of the French Republick.

Given under my hand, and the great seal of the United States of America, at Philadelphia, the thirteenth day of July, in the year 1797, and of the Independence of these states the twenty-second.

JOHN ADAMS.

By the President of the United States,
TIMOTHY PICKERING, Secretary of State.

FULL POWERS.

John Adams, President of the United States of America, to all whom these presents shall concern—Greeting :

KNOW YE, That for the purpose of terminating all differences between the United States of America and the French Republick, and of restoring and confirming perfect harmony and good understanding, and re-establishing a commercial and friendly intercourse between them, and reposing a special trust and confidence in the integrity, prudence and abilities of Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, citizens of the said United States, I have nominated, and, by and with the advice and consent of the Senate, appointed the said Charles Cotesworth Pinckney, John Marshall, and Elbridge Gerry, jointly and severally, Envoys Extraordinary and Ministers Plenipotentiary of the United States to the French Republick; hereby giving and granting to them and any and each of them, full power and authority, and also a general and special command, for and in the name of the United States to meet and confer with the Ministers, Commissioners or Deputies of the French Republick, being furnished with the like full powers, whether separately or jointly, and with them to treat, consult and negotiate, of and concerning all claims, and all matters and causes of difference, subsisting between the United States and the French Republick, for the purpose of satisfying and terminating the same in a just and equitable manner; and also of and concerning the general commerce between the United States and France, and all other the dominions of the French Republick; 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, if such advice and consent shall be given.

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-second day of June, in the year of our Lord one thousand seven hundred and ninety-seven, and of the Independence of the United States of America, the twenty-first.

JOHN ADAMS.

By the President of the United States,
TIMOTHY PICKERING, Secretary of State.

Department of State, April 3, 1798.

The names designated by the letters W. X. Y. Z. in the following copies of letters from the Envoys of the United States to the French Republick, are, in the originals, written at full length, in ciphers. For the same reason that single letters are thus taken to designate certain persons named in the letters, other words descriptive of them are omitted.

TIMOTHY PICKERING.

DESPATCHES

FROM THE ENVOYS TO THE SECRETARY OF STATE.

No. 1.

Paris, October 22, 1797.

DEAR SIR,—All of us having arrived at Paris on the evening of the fourth instant, on the next day we verbally and unofficially informed the minister of foreign affairs therewith, and desired to know when he would be at leisure to receive one of our secretaries with the official notification: he appointed the next day at two o'clock; when major Rutledge waited on him with the following letter:

Citizen Minister,—The United States of America being desirous of terminating all differences between them and the French Republick, and of restoring that harmony and good understanding, and that commercial and friendly intercourse, which from the commencement of their political connection until lately have so happily subsisted, the President has nominated, and by and with the advice and consent of the Senate has appointed us, the undersigned, jointly and severally, Envoys Extraordinary and Ministers Plenipotentiary to the French Republick, for the purpose of accomplishing these great objects. In pursuance of such nomination and appointment, and with such view having come to Paris, we wish, Citizen Minister, to wait on you at any hour you will be pleased to appoint, to present the copy of our letters of credence; and whilst we evince our sincere and ardent desire for the speedy restoration of friendship and harmony between the two republicks, we flatter ourselves with your concurrence in the accomplishment of this desirable event. We request you will accept the assurances of our perfect esteem and consideration.

CHARLES COTESWORTH PINCKNEY,
JOHN MARSHALL,
ELBRIDGE GERRY.

Paris, Oct. 6, in the 22d year of American Independence.

To this letter the minister gave a verbal answer, that he would see us the day after the morrow (the 8th) at one o'clock. Accordingly at that hour and day we waited on the minister

at his house, where his office is held, when, being informed he was not at home, the secretary-general of the department told major Rutledge, that the minister was obliged to wait on the Directory, and requested we would suspend our visit till three o'clock. At which hour we called. The minister we found was then engaged with the Portuguese minister, who retired in about ten minutes, when we were introduced and produced the copy of our letters of credence, which the minister perused and kept. He informed us, "that the Directory had required him to make a report relative to the situation of the United States with regard to France, which he was then about, and which would be finished in a few days, when he would let us know what steps were to follow." We asked if cards of hospitality were in the mean time necessary? He said they were, and that they should be delivered to us; and he immediately rung for his secretary and directed him to make them out. The conversation was carried on by him in French, and by us in our own language.

The next day cards of hospitality were sent to us and our secretaries, in a style suitable to our official character.

On Saturday the 14th, major Mountfloreance informed general Pinckney, that he had a conversation with Mr. Osmond, the private and confidential secretary of the minister of foreign affairs, who told him, that the Directory were greatly exasperated at some parts of the President's speech, at the opening of the last session of Congress, and would require an explanation of them from us. The particular parts were not mentioned. In another conversation on the same day the secretary informed the Major, that the minister had told him it was probable we should not have a publick audience of the Directory till such time as our negotiation was finished, that probably persons might be appointed to treat with us, but they would report to him, and he would have the direction of the negotiation. The Major did not conceal from Mr. Osmond his intention to communicate these conversations to us.

In the morning of October the eighteenth, Mr. W. . . . of the house of called on General Pinckney and informed him, that a Mr. X. who was in Paris and whom the General had seen was a gentleman of considerable credit and reputation and that we might place great reliance on him.

In the evening of the same day, Mr. X. called on General Pinckney, and after having sat some time whispered him, that he had a message from M. Talleyrand to communicate, when he was at leisure. General Pinckney immediately withdrew with him into another room; and when they were alone Mr. X. said, that he was charged with a business in which he was a novice; that he had been acquainted with M. Talleyrand and that he was sure he had a great regard for [America] and its citizens; and was very

desirous, that a reconciliation should be brought about with France; that to effectuate that end, he was ready, if it was thought proper, to suggest a plan, confidentially, that M. Talleyrand expected would answer the purpose. General Pinckney said he should be glad to hear it. M. X. replied, that the Directory, and particularly two of the members of it, were exceedingly irritated at some passages of the President's speech, and desired that they should be softened; and that this step would be necessary previous to our reception: that besides this, a sum of money was required for the pocket of the Directory and ministers, which would be at the disposal of M. Talleyrand: and that a loan would also be insisted on. M. X. said, if we acceded to these measures, M. Talleyrand had no doubt that all our differences with France might be accommodated. On inquiry, M. X. could not point out the particular passages of the speech that had given offence, nor the quantum of the loan, but mentioned that the *douceur* for the pocket was twelve hundred thousand livres, about fifty thousand pounds sterling. General Pinckney told him, his colleagues and himself, from the time of their arrival here, had been treated with great slight and disrespect; that they earnestly wished for peace and reconciliation with France; and had been entrusted by their country with very great powers to obtain these ends, on honourable terms: that with regard to the propositions made, he could not even consider of them before he had communicated them to his colleagues: that after he had done so, he should hear from him. After a communication and consultation had, it was agreed, that General Pinckney should call on M. X. and request him to make his propositions to us all; and for fear of mistakes or misapprehension, that he should be requested to reduce the heads into writing. Accordingly, on the morning of October the nineteenth, General Pinckney called on M. X. who consented to see his colleagues in the evening, and to reduce his propositions to writing. He said his communication was not immediately with M. Talleyrand, but through another gentleman, in whom M. Talleyrand had great confidence: this proved afterwards to be M. Y.

At six in the evening M. X. came and left with us the first set of propositions; which, translated from the French, are as follows; "A person who possesses the confidence of the Directory, on what relates to the affairs of America, convinced of the mutual advantages which would result from the re-establishment of the good understanding between the two nations, proposes to employ all of his influence to obtain this object. He will assist the commissioners of the United States in all the demands which they may have to make from the government of France, inasmuch as they may not be contradictory to those which he proposes himself to make, and of which the principal will be communicated confidentially. It is desired that in the official communications there should be given a softening turn

to a part of the President's speech to Congress, which has caused much irritation. It is feared that in not satisfying certain individuals in this respect, they may give way to all their resentment. The nomination of commissioners will be consented to on the same footing as they have been named in the treaty with England, to decide on the reclamations which individuals of America may make on the government of France, or on French individuals. The payment which, agreeably to the decisions of the commissioners, shall fall to the share of the French government, are to be advanced by the American government itself. It is desired that the funds which by this means shall enter again into the American trade, should be employed in new supplies for the French colonies. Engagements of this nature on the part of individuals reclaiming will always hasten, in all probability, the decisions of the French commissioners: and perhaps it may be desired that this clause should make a part of the instructions which the government of the United States should give to the commissioners they may choose. The French government desires, besides, to obtain a loan from the United States; but so that that should not give any jealousy to the English government, nor hurt the neutrality of the United States. This loan shall be masked by stipulating, that the government of the United States consents to make the advances for the payment of the debts contracted by the agents of the French government with the citizens of the United States; and which are already acknowledged, and the payment ordered by the Directory, but without having been yet effectuated. There should be delivered a note to the amount of these debts. Probably this note may be accompanied by ostensible pieces, which will guarantee to the agents the responsibility of the United States in case any umbrage should cause an inquiry. There shall also be first taken from this loan certain sums for the purpose of making the customary distributions in diplomatick affairs." The person of note mentioned in the minutes, who had the confidence of the Directory, he said, before us all, was M. Talleyrand. The amount of the loan he could not ascertain precisely, but understood it would be according to our ability to pay. The sum which would be considered as proper, according to diplomatick usage, was about twelve hundred thousand livres. He could not state to us what parts of the President's speech were excepted to, but said he would inquire and inform us. He agreed to breakfast with Mr. Gerry the morning of the 21st, in order to make such explanations as we had then requested, or should think proper to request: but on the morning of the 20th M. X. called and said, that M. Y. the confidential friend of M. Talleyrand, instead of communicating with us through M. X. would see us himself and make the necessary explanations. We appointed to meet him the evening of the twentieth at seven o'clock, in General Marshall's room. At seven M. Y. and M. X. entered; and

the first mentioned gentleman, being introduced to us as the confidential friend of M. Talleyrand, immediately stated to us the favourable impressions of that gentleman towards our country, impressions which were made by the kindness and civilities he had personally received in America: that impressed by his solicitude to repay these kindnesses, he was willing to aid us in the present negotiation by his good offices with the Directory, who were, he said, extremely irritated against the government of the United States, on account of some parts of the President's speech, and who had neither acknowledged nor received us, and consequently have not authorized M. Talleyrand to have any communications with us. The minister therefore could not see us himself, but had authorized his friend M. Y. to communicate to us certain propositions, and to receive our answers to them; and to promise on his part, that if we would engage to consider them as the basis of the proposed negotiation, he would intercede with the Directory to acknowledge us, and to give us a public audience. M. Y. stated to us explicitly and repeatedly, that he was clothed with no authority; that he was not a diplomatick character; that he was not . . . he was only the friend of M. Talleyrand and trusted by him; that with regard to himself he had . . . and that he earnestly wished well to the United States. He then took out of his pocket a French translation of the President's speech, the parts of which objected to by the Directory were marked, agreeably to our request to M. X. and are contained in the exhibit A. Then he made us the second set of propositions, which were dictated by him and written by M. X. in our presence, and delivered to us, and which, translated from the French, are as follows. "There is demanded a formal disavowal in writing, declaring that the speech of the citizen President Barras did not contain any thing offensive to the government of the United States, nor any thing which deserved the epithets contained in the whole paragraph: Secondly, reparation is demanded for the article by which it shall be declared, that the decree of the directory there mentioned did not contain any thing contrary to the treaty of 1778, and had none of those fatal consequences, that the paragraph reproaches to it: Thirdly, it is demanded, that there should be an acknowledgment in writing of the depredations exercised on our trade by the English and French privateers: Fourthly, the government of France, faithful to the profession of publick faith which it has made not to intermeddle in the internal affairs of foreign governments with which it is at peace, would look upon this paragraph as an attack upon its loyalty, if this was intended by the President. It demands, in consequence, a formal declaration, that it is not the government of France, nor its agents, that this paragraph meant to designate: In consideration of these reparations, the French Republick is disposed to renew with the United States of America, a treaty which shall place them reciprocally in the

same state that they were in 1778 : By this new treaty France shall be placed with respect to the United States, exactly on the same footing as they stand with England, in virtue of the last treaty which has been concluded between them. A secret article of this new treaty would be a loan to be made by the United States to the French Republick : and once agreed upon the amount of the loan, it would be endeavoured to consult the convenience of the United States with respect to the best method of preventing its publicity." On reading the speech M. Y. dilated very much upon the keenness of the resentment it had produced, and expatiated largely on the satisfaction he said was indispensably necessary as a preliminary to negotiation. " But, said he, gentlemen, I will not disguise from you, that this satisfaction being made, the essential part of the treaty remains to be adjusted : il faut de l'argent—il faut beaucoup d'argent : " *you must pay money, you must pay a great deal of money.* He spoke much of the force, the honour and the jealous republican pride of France ; and represented to us strongly the advantages which we should derive from the neutrality thus to be purchased. He said, that the receipt of the money might be so disguised as to prevent its being considered as a breach of neutrality by England ; and thus save us from being embroiled with that power. Concerning the twelve hundred thousand livres little was said ; that being completely understood, on all sides, to be required for the officers of government, and therefore needing no further explanation. These propositions, he said, being considered as the admitted basis of the proposed treaty, M. Talleyrand trusted that, by his influence with the Directory, he could prevail on the government to receive us. We asked whether we were to consider it as certain, that without a previous stipulation to the effect required, we were not to be received. He answered, that M. Talleyrand himself was not authorized to speak to us the will of the Directory, and consequently could not authorize him. The conversation continued until half after nine, when they left us ; having engaged to breakfast with Mr. Gerry the next morning.

October the 21st, M. X. came before nine o'clock : M. Y. did not come until ten—he had passed the morning with M. Talleyrand. After breakfast the subject was immediately resumed. He represented to us, that we were not yet acknowledged or received ; that the Directory were so exasperated against the United States, as to have come to a determination to demand from us, previous to our reception, those disavowals, reparations and explanations, which were stated at large last evening. He said that M. Talleyrand and himself were extremely sensible of the pain we must feel in complying with this demand ; but that the Directory would not dispense with it : that therefore we must consider it as the indispensable preliminary to obtain our reception ; unless we could find the

means to change their determination in this particular: that if we satisfied the Directory in these particulars, a letter would be written to us to demand the extent of our powers, and to know whether we were authorized to place them precisely on the same footing with England; whether, he said, our full powers were really and substantially full powers; or, like those of Lord Malmesbury, only illusory powers: that, if to this demand our answer should be affirmative, then France would consent that commissioners should be appointed to ascertain the claims of the United States, in like manner as under our treaty with England: but from their jurisdiction must be withdrawn those which were condemned for want of a *role d'équipage*; that being a point on which Merlin while minister of justice, had written a treatise, and on which the Directory were decided. There would however be no objection to our complaining of these captures, in the course of the negotiation; and if we could convince Merlin by our reasoning, the minister would himself be satisfied with our so doing. We required an explanation of that part of the conversation, in which M. Y. had hinted at our finding means to avert the demand concerning the President's speech. He answered, that he was not authorized to state those means, but that we must search for them and propose them ourselves. If however we asked his opinion as a private individual, and would receive it as coming from him, he would suggest to us the means which in his opinion would succeed. On being asked to suggest the means, he answered, money; that the Directory were jealous of its own honour and of the honour of the nation; that it insisted on receiving from us the same respect with which we had treated the King; that this honour must be maintained in the manner before required, unless we substituted in the place of those reparations something perhaps more valuable, that was money. He said further, that if we desired him to point out the sum which he believed would be satisfactory, he would do so. We requested him to proceed; and he said, that there were thirty-two millions of florins of Dutch inscriptions, worth ten shillings in the pound, which might be assigned to us at twenty shillings in the pound: and he proceeded to state to us the certainty, that after a peace, the Dutch government would repay us the money; so that we should ultimately lose nothing; and the only operation of the measure would be, an advance from us to France of thirty-two millions; on the credit of the government of Holland. We asked him whether the fifty thousand pounds sterling, as a *douceur* to the Directory, must be in addition to this sum. He answered in the affirmative. We told him, that on the subject of the treaty, we had no hesitation in saying that our powers were ample: that on the other points proposed to us we would retire into another room, and return in a few minutes with our answer.

We committed immediately to writing the answer we proposed, in the following words: "Our powers respecting a

treaty are ample : but the proposition of a loan in the form of Dutch inscriptions, or in any other form, is not within the limits of our instructions ; upon this point therefore the government must be consulted : one of the American ministers will, for the purpose, forthwith embark for America : provided the Directory will suspend all further captures on American vessels, and will suspend proceedings on those already captured, as well where they have been already condemned, as where the decisions have not yet been rendered ; and that where sales have been made, but the money not yet received by the captors, it shall not be paid until the preliminary questions, proposed to the ministers of the United States, be discussed and decided ;" which was read as a verbal answer ; and we told them they might copy it, if they pleased. M. Y. refused to do so : his disappointment was apparent : he said we treated the money part of the proposition as if it had proceeded from the Directory ; whereas in fact it did not proceed even from the minister, but was only a suggestion from himself, as a substitute to be proposed by us, in order to avoid the painful acknowledgment that the Directory had determined to demand of us. It was told him, that we understood that matter perfectly : that we knew the proposition was in form to be ours ; but that it came substantially from the minister. We asked what had led to our present conversation ? And general Pinckney then repeated the first communication from M. X. (to the whole of which that gentleman assented) and we observed that those gentlemen had brought no testimonials of their speaking any thing from authority : but that relying on the fair characters they bore, we had believed them when they said they were from the minister, and had conversed with them in like manner, as if we were conversing with M. Talleyrand himself ; and that we could not consider any suggestion M. Y. had made, as not having been previously approved of : but yet, if he did not choose to take a memorandum in writing of our answer, we had no wish that he should do so ; and further, if he chose to give the answer to his proposition the form of a proposition from ourselves we could only tell him, that we had no other proposition to make, relative to any advance of money on our part : that America had sustained deep and heavy losses by French depredations on our commerce, and that France had alleged so [many] complaints against the United States, that on those subjects we came fully prepared, and were not a little surprised to find France unwilling to hear us ; and making demands upon us which could never have been suspected by our government, and which had the appearance of our being the aggressing party. M. Y. expressed himself vehemently on the resentment of France ; and complained, that instead of our proposing some substitute for the reparations demanded of us, we were stipulating certain conditions to be performed by the Directory itself ; that he could not take

charge of such propositions; and that the Directory would persist in its demand of those reparations which he at first stated. We answered, that we could not help it; it was for the Directory to determine what course its own honour and the interests of France required it to pursue: it was for us to guard the interests and honour of our country. M. Y. observed, that we had taken no notice of the first proposition, which was, to know whether we were ready to make the disavowal, reparations and explanations concerning the President's speech. We told him that we supposed it to be impossible, that either he or the minister could imagine, that such a proposition could require an answer: that we did not understand it as being seriously expected; but merely as introductory to the subjects of real consideration.

He spoke of the respect which the Directory required, and repeated, that it would exact as much as was paid to the ancient kings. We answered that America had demonstrated to the world, and especially to France, a much greater respect for her present government than for her former monarchy; and that there was no evidence of this disposition which ought to be required, that we were not ready to give. He said that we should certainly not be received; and seemed to shudder at the consequences. We told him, that America had made every possible effort to remain on friendly terms with France; that she was still making them: that if France would not hear us; but would make war on the United States; nothing remained for us, but to regret the unavoidable necessity of defending ourselves.

The subject of our powers was again mentioned; and we told him, that America was solicitous to have no more misunderstandings with any Republick, but especially with France; that she wished a permanent treaty, and was sensible, that no treaty could be permanent, which did not comport with the interests of the parties; and therefore that he might be assured, that our powers were such as authorized us to place France on equal ground with England, in any respects in which an inequality might be supposed to exist at present between them, to the disadvantage of France. The subject of the rôle d'équipage was also mentioned; and we asked what assurance we could have, if France insisted on the right of adding to the stipulations of our treaty, or of altering them by municipal regulations, that any future treaty we could make should be observed. M. Y. said that he did not assert the principle of changing treaties by municipal regulations; but that the Directory considered its regulation concerning the rôle d'équipage as comporting with the treaty. We observed to him, that none of our vessels had what the French termed a rôle d'équipage, and that if we were to surrender all the property which had been taken from our citizens in cases where their vessels were not furnished with such a rôle, the government would be responsible to its citizens for the property so surrendered; since it would be impossible to undertake to assert, that there was any plausibility in the allegation, that our treaty required a rôle d'équipage.

The subject of disavowals, &c. concerning the President's speech was again mentioned; and it was observed, that the Constitution of the United States authorized and required our President to communicate his ideas on the affairs of the nation; that, in obedience to the constitution, he had done so; that we had not power to confirm or invalidate any part of the President's speech; that such an attempt could produce no other effect than to make us ridiculous to the government and to the citizens at large of the United States; and to produce, on the part of the President, an immediate disavowal and recall of us as his agents: that independent of this, all America was acquainted with the facts stated by the President; and our disavowing them would not change the publick sentiment concerning them.

We parted with mutual professions of personal respect, and with full indications on the part of M. Y. of his expectation, that we should immediately receive the threatened letter.

The nature of the above communication will evince the necessity of secrecy; and we have promised Messrs. X. and Y. that their names shall in no event be made publick.

We have the honour to be, &c.

CHARLES COTESWORTH PINCKNEY,
J. MARSHALL,
E. GERRY.

P. S. October 27th, 1797. The definitive articles of peace are signed between the French Republick and the emperor: the particulars you will find in the publick prints. The Portuguese minister is ordered to quit France, as the treaty with Portugal has not been yet ratified by the queen. The treaty itself is declared by the Directory to be void. Since our arrival at Paris the tribunal of cassation has rejected captain Scott's petition complaining of the condemnation of his vessel by the civil tribunal for the want of a rôle d'équipage. Mr. _____ in behalf of the owners of the American vessels, who have appealed in the last resort to the tribunal of cassation, informs, that notwithstanding all the arguments _____ made use of _____ to put off the hearing of the Rosanna, as a diplomatick case, till the issue of our negotiations is known, that case is set down for hearing and will come on the 29th or 30th instant. The same _____ also says, that it is obvious, that the tribunal have received instructions from the officers of the government to hasten their decisions, and that it was hardly worth while to _____ for all our petitions in cassation would be rejected. Our advocates _____ decline giving their sentiments on this subject _____ under an apprehension of committing themselves.

Col. Pickering, Sec'y of the United States.

Paragraphs of the President's Speech, referred to in Letter No. 1, under title of exhibit A.

i. With this conduct of the French government it will be proper to take into view the publick audience, given to the late minister of the United States, on his 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 disposition to separate the people of the United States from the government; to persuade 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 honour, character and interest.

ii. The diplomattick intercourse between the United States and France being at present suspended; the government has no means of obtaining official information from that country: nevertheless there it reason to believe that the Executive Directory passed a decree, on the 2d of March last, contravening in part the treaty of amity and commerce of 1778, injurious to our lawful commerce and endangering the lives of our citizens. A copy of this decree will be laid before you.

iii. While we are endeavouring 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 complexion of affairs render it my indispensable duty to recommend to your consideration effectual measures of defence.

iv. It is impossible to conceal from ourselves, or the world, what has been before observed, that endeavours have been employed to foster and establish a division between the government and people of the United States. To investigate the causes which have encouraged this attempt is not necessary. But to repel, by decided and united councils, insinuations so derogatory to the honour, and aggressions so dangerous to the constitution, union and even independence of the nation, is an indispensable duty.

Answer of M. Barras, President of the Executive Directory, to the Speech of Mr. Monroe on taking leave, to which the Speech of the President of the United States refers.

M. Le Ministre Plénipotentiaire des Etats Unis d'Amérique.

En présentant aujourd'hui

Mr. Minister Plenipotentiary of the United States of America.

By presenting to-day your

au Directoire Exécutif vos lettres de rappel, vous donnez à l'Europe un spectacle bien étrange.

La France, riche de sa liberté, entourée du cortège de ses victoires, fort de l'estime de ses alliés, ne s'abaissera pas à calculer les suites de la condescendance du gouvernement Américain pour les suggestions de ses anciens tyrans.... La République Française espère, au surplus, que les successeurs de Colombus, Ramhiph* et Penn, toujours fiers de leur liberté, n'oublieront jamais qu'ils la doivent à la France.... Ils pèseront dans leur sagesse la magnanime bienveillance du peuple Française avec les astucieuses caresses de quelques perfides qui méditent de le ramener à son antique esclavage. Assurez, M. le Ministre, le bon peuple Américain que, comme lui, nous adorons la liberté; que toujours il aura notre estime, et qu'il trouvera, dans le peuple Français, la générosité républicaine qui sait accorder la paix comme elle sait faire respecter sa souveraineté.

Quant à vous, M. le Ministre plénipotentiaire, vous avez combattu pour les vrais intérêts de votre patrie.... partez avec nos regrets. Nous rendons en vous un représentant à l'Amérique, et nous retenons le souvenir du citoyen dont les qualités personnelles honoraient ce titre.

letters of recall to the Executive Directory, you give to Europe a very strange spectacle.

France, rich in her liberty, surrounded by a train of victories, strong in the esteem of her allies, will not abase herself by calculating the consequences of the condescension of the American government to the suggestions of her former tyrants. Moreover, the French Republic hopes, that the successors of Columbus, Ramhiph* and Penn, always proud of their liberty, will never forget that they owe it to France. They will weigh in their wisdom, the magnanimous benevolence of the French people with the crafty caresses of certain perfidious persons who meditate bringing them back to their former slavery. Assure the good American people, sir, that like them we adore liberty. that they will always have our esteem, and that they will find in the French people, republican generosity, which knows how to grant peace, as it does to cause its sovereignty to be respected.

As to you, Mr. Minister Plenipotentiary, you have combated for principles, you have known the true interests of your country. Depart with our regret. In you we give up a representative to America and retain the remembrance of the citizen whose personal qualities did honour to that title.

No. 2.

Paris, November 8, 1797.

DEAR SIR,—We now enclose you, in thirty-six quarto pages of cipher, and in eight pages of ciphered exhibits, the sequel

* Probably intended for Raleigh.

to the details commenced in No. 1, dated the 22d of last month; and have the honour to be, &c.

C. C. PINCKNEY,
J. MARSHALL,
E. GERRY.

Colonel Pickering.

October 27 1797.

About twelve we received another visit from M. X. He immediately mentioned the great event announced in the papers, and then said, that some proposals from us had been expected on the subject on which we had before conversed; that the Directory were becoming impatient, and would take a decided course with regard to America, if we could not soften them. We answered, that on that subject we had already spoken explicitly, and had nothing farther to add. He mentioned the change in the state of things which had been produced by the peace with the Emperour, as warranting an expectation of a change in our system; to which we only replied, that this event had been expected by us, and would not in any degree affect our conduct. M. X. urged, that the Directory had, since this peace, taken a higher and more decided tone with respect to us, and all other neutral nations, than had been before taken; that it had been determined, that all nations should aid them, or be considered and treated as their enemies. We answered, that such an effect had already been contemplated by us as probable, and had not been overlooked when we gave to this proposition our decided answer; and further, that we had no powers to negotiate for a loan of money; that our government had not contemplated such a circumstance in any degree whatever; that if we should stipulate a loan, it would be a perfectly void thing, and would only deceive France, and expose ourselves. M. X. again expatiated on the power and violence of France: he urged the danger of our situation, and pressed the policy of softening them, and of thereby obtaining time. The present men, he said, would very probably not continue long in power; and it would be very unfortunate if those who might succeed, with better dispositions towards us, should find the two nations in actual war. We answered, that if war should be made on us by France, it would be so obviously forced on us, that on a change of men, peace might be made with as much facility as the present differences could be accommodated: we added, that all America deprecated a war with France; but that our present situation was more ruinous to us than a declared war could be; that at present our commerce was plundered unprotected; but that if war was declared, we should seek the means of protection. M. X. said, he hoped we should not form a connexion with Britain; and we answered, that we hoped so too; that we had all been engaged in our revolution war, and felt its injuries; that it had made the deepest impression on us; but that if France should attack us, we must seek the best means of self-defence. M. X. again returned to the subject

of money : Said he, gentleman, you do not speak to the point; it is money : it is expected that you will offer money. We said that we had spoken to that point very explicitly : we had given an answer. No, said he, you have not : what is your answer ? We replied ; it is no ; no ; not a sixpence. He again called our attention to the dangers which threatened our country, and asked, if it would not be prudent, though we might not make a loan to the nation, to interest an influential friend in our favour. He said we ought to consider what men we had to treat with ; that they disregarded the justice of our claims, and the reasoning with which we might support them ; that they disregarded their own colonies ; and considered themselves as perfectly invulnerable with respect to us ; that we could only acquire an interest among them by a judicious application of money ; and it was for us to consider, whether the situation of our country did not require that these means should be resorted to. We observed, that the conduct of the French government was such as to leave us much reason to fear, that should we give the money, it would effect no good purpose, and would not produce a just mode of thinking with respect to us. Proof of this must first be given us. He said, that when we employed a lawyer, we gave him a fee, without knowing whether the cause could be gained or not ; but it was necessary to have one, and we paid for his services, whether those services were successful or not : so in the present state of things, the money must be advanced for the good offices the individuals were to render, whatever might be the effect of those good offices. We told him there was no parallel in the cases ; that a lawyer, not being to render the judgment, could not command success ; he could only endeavour to obtain it ; and consequently, we could only pay him for his endeavours : but the Directory could decide on the issue of our negotiation. It had only to order, that no more American vessels should be seized, and to direct those now in custody to be restored, and there could be no opposition to the order. He said, that all the members of the Directory were not disposed to receive our money : that Merlin, for instance, was paid from another quarter, and would touch no part of the douceur which was to come from us. We replied, that we had understood, that Merlin was paid by the owners of the privateers ; and he nodded an assent to the fact. He proceeded to press this subject with vast perseverance. He told us that we paid money to obtain peace with the Algerines, and with the Indians ; and that it was doing no more to pay France for peace. To this it was answered, that when our government commenced a treaty with either Algiers or the Indian tribes, it was understood that money was to form the basis of the treaty, and was its essential article ; that the whole nation knew it, and was prepared to expect it as a thing of course ; but that

in treating with France, our government had supposed, that a proposition, such as he spoke of, would, if made by us, give mortal offence. He asked if our government did not know, that nothing was to be obtained here without money? We replied, that our government had not even suspected such a state of things. He appeared surprised at it, and said, there was not an American in Paris who could not have given that information. We told him, that the letters of our minister had indicated a very contrary temper in the government of France; and had represented it as acting entirely upon principle, and as feeling a very pure and disinterested affection for America. He looked somewhat surprised; and said briskly to general Pinckney: well, sir, you have been a long time in France and in Holland; what do you think of it? General Pinckney answered, that he considered M. X. and M. Y. as men of truth, and of consequence he could have but one opinion on the subject. He stated, that Hamburgh, and other states of Europe, were obliged to buy a peace; and that it would be equally for our interest to do so. Once more he spoke of the danger of a breach with France, and of her power, which nothing could resist. We told him that it would be in vain for us to deny her power, or the solicitude we felt to avoid a contest with it; that no nation estimated her power more highly than America, or wished more to be on amicable terms with her; but that one object was still dearer to us than the friendship of France, which was our national independence: that America had taken a neutral station: she had a right to take it: no nation had a right to force us out of it: that to lend a sum of money to a belligerent power, abounding in every thing requisite for war but money, was to relinquish our neutrality, and take part in the war; to lend this money, under the lash and coercion of France, was to relinquish the government of ourselves, and to submit to a foreign government imposed upon us by force: that we would make at least one manly struggle before we thus surrendered our national independence: that our case was different from that of one of the minor nations of Europe; they were unable to maintain their independence, and did not expect to do so: America was a great, and, so far as concerned her self-defence, a powerful nation: she was able to maintain her independence; and must deserve to lose it, if she permitted it to be wrested from her: that France and Britain had been at war for near fifty years of the last hundred, and might probably be at war for fifty years of the century to come; that America had no motives which could induce her to involve herself in these wars; and that if she now preserved her neutrality and her independence, it was most probable that she would not in future be afraid, as she had been for four years past: but if she now surrendered her rights of self-government to France, or permitted them to be torn from her, she could not expect to recover them, or to remain neutral in any future war. He

said that France had lent us money during our revolution war, and only required that we should now exhibit the same friendship for her. We answered, that the cases were very different; that America solicited a loan from France, and left her at liberty to grant or refuse it: but that France demanded it from America, and left us no choice on the subject. We also told him there was another difference in the cases; that the money was lent by France for great national and French objects; it was lent to maim a rival and an enemy whom she hated; that the money, if lent by America, would not be for any American objects, but to enable France to extend still further her conquests. The conversation continued for nearly two hours; and the publick and private advance of money was pressed and repressed in a variety of forms. At length M. X. said that he did not blame us; that our determination was certainly proper, if we could keep it: but he showed decidedly his opinion to be that we could not keep it. He said that he would communicate, as nearly as he could, our conversation to the minister, or to M. Y. to be given by him to the minister; we are not certain which. We then separated. On the 22d of October, M. Z. a French gentleman of respectable character, informed Mr. Gerry, that M. Talleyrand, minister of foreign relations, who professed to be well disposed towards the United States, had expected to have seen the American ministers frequently in their private capacities; and to have conferred with them individually on the objects of their mission; and had authorized M. Z. to make this communication to Mr. Gerry. The latter sent for his colleagues; and a conference was held with M. Z. on the subject; in which general Pinckney and general Marshall expressed their opinions, that not being acquainted with M. Talleyrand, they could not, with propriety, call on him; but, that according to the custom of France, he might expect this of Mr. Gerry from a previous acquaintance in America. This Mr. Gerry reluctantly complied with on the 23d, and with M. Z. called on M. Talleyrand, who, not being then at his office, appointed the 28th for the interview. After the first introduction, M. Talleyrand began the conference. He said, that the Directory had passed an *arrête*, which he offered for perusal, in which they had demanded of the envoys an explanation of some parts, and a reparation for others, of the President's speech to Congress, of the 16th of May last: he was sensible, he said, that difficulties would exist on the part of the envoys relative to this demand; but that by their offering money, he thought he could prevent the effect of the *arrête*. M. Z. at the request of Mr. Gerry, having stated that the envoys have no such powers; M. Talleyrand replied, they can in such case take a power on themselves; and proposed that they should make a loan. Mr. Gerry then addressed M. Talleyrand distinctly in English, which he said he understood, and stated, that the uneasiness of the Directory resulting from the President's speech, was a subject unconnected with the objects of the mis-

sion: that M. Barras, in his speech to Mr. Monroe, on his recall, had expressed himself in a manner displeasing to the government and citizens of the United States; that the President, as the envoys conceived, had made such observations on M. Barras's speech as were necessary to vindicate the honour of the United States; that this was not considered by our government as a subject of dispute between the two nations; that having no instructions respecting it, we could not make any explanations or reparations relating to it; and that M. Talleyrand himself was sufficiently acquainted with the constitution of the United States to be convinced of the truth of these observations. Mr. Gerry further stated, that the powers of the envoys, as they conceived, were adequate to the discussion and adjustment of all points of real difference between the two nations; that they could alter and amend the treaty; or, if necessary, form a new one; that the United States were anxiously desirous of removing all causes of complaint between themselves and France, and of renewing their former friendship and intercourse, on terms which should be mutually honourable and beneficial to the two nations; but not on any other terms; that as to a loan, we had no powers whatever to make one; that if we were to attempt it, we should deceive himself and the Directory likewise, which, as men of honour, we could not do; but that we could send one of our number for instructions on this proposition, if deemed expedient, provided that the other objects of the negotiation could be discussed and adjusted; that as he had expressed a desire to confer with the envoys individually, it was the wish of Mr. Gerry that such a conference should take place, and their opinions thus be ascertained, which he conceived corresponded with his own in the particulars mentioned. M. Talleyrand, in answer, said, he should be glad to confer with the other envoys individually, but that this matter about the money must be settled directly, without sending to America; that he would not communicate the *arrête* for a week; and that if we could adjust the difficulty respecting the speech, an application would nevertheless go to the United States for a loan. A courier arriving at this moment from Italy, and M. Talleyrand appearing impatient to read the letters, Mr. Gerry took leave of him immediately. He followed to the door, and desired M. Z. to repeat to Mr. Gerry, what he, M. Talleyrand, had said to him. Mr. Gerry then returned to his quarters with M. Z. took down the particulars of this interview, as before stated, sent for generals Pinckney and Marshall, and read it to them in the presence of M. Z. who confirmed it. Generals Pinckney and Marshall then desired M. Z. to inform M. Talleyrand that they had nothing to add to this conference, and did not wish that the *arrête* might be delayed on their account.

October 29.

M. X. again called on us. He said, M. Talleyrand was extremely anxious to be of service to us, and had requested that one more effort should be made to induce us to enable him to

be so. A great deal of the same conversation which had passed at our former interviews was repeated. The power and the haughtiness of France was again displayed to us. We were told that the destruction of England was inevitable; and that the wealth and arts of that nation would naturally pass over to America, if that event should find us in peace. To this observation we replied, that France would probably forbid America to receive them, in like manner as she had forbid Switzerland to permit the residence in its country of a British minister. We told him also, that we were sensible of the value of peace, and therefore sought it, unremittingly, but that it was real peace we sought for, and real peace only which could be desirable.

The sum of his proposition was, that if we would pay, by way of fees, (that was his expression) the sum of money demanded for private use, the Directory would not receive us; but would permit us to remain in Paris as we now were; and we should be received by M. Talleyrand, until one of us could go to America and consult our government on the subject of the loan. These were the circumstances, he said, under which the minister of Portugal had treated. We asked him if, in the mean time, the Directory would order the American property not yet passed into the hands of the privateersmen, to be restored? He said explicitly, that they would not. We asked him, whether they would suspend further depredations on our commerce? He said they would not: but M. Talleyrand observed, that on this subject we could not sustain much additional injury, because the winter season was approaching, when few additional captures could be made. We told him that France had taken violently from America more than fifteen millions of dollars, and treated us in every respect as enemies, in return for the friendship we had manifested for her; that we had come to endeavour to restore harmony to the two nations, and to obtain compensation for the injuries our countrymen had sustained; and that in lieu of this compensation, we were told, that if we would pay twelve hundred thousand livres, we might be permitted to remain in Paris; which would only give us the benefit of seeing the plays and operas of Paris for the winter, that we might have time to ask from our country to exhaust her resources for France, whose depredations would be continued. He again stated, that by this procedure we should suspend a war; and that perhaps in five or six months power might change hands.

We told him that what we wished to see in France was a temper sincerely friendly to the United States, and really disposed to do us justice; that if we could perceive this, we might not so much regard a little money, such as he stated to be usual, although we should hazard ourselves by giving it; but that we saw only evidences of the most extreme hostility toward us: war was made upon us so far as France could make it in the present state of things; and it was not even proposed, that on receiving our money this war should cease; we had no reason

to believe that a possible benefit could result from it; and we desired him to say that we would not give a shilling, unless American property unjustly captured was previously restored, and further hostilities suspended; and that unless this was done, we did not conceive that we could even consult our government concerning a loan; that if the Directory would receive us and commence negotiations, and any thing occurred which rendered a consultation of the government necessary, one of us would return to America for that purpose. He said that without this money we should be obliged to quit Paris; and that we ought to consider the consequences: the property of the Americans would be confiscated, and their vessels in port embargoed. We told him that unless there was a hope of a real reconciliation, these evils could not be prevented by us; and the little delay we might obtain would only increase them; that our mission had induced many of our countrymen to trust their vessels into the ports of France, and that if we remained in Paris, that very circumstance would increase the number; and consequently the injury which our countrymen would sustain, if France could permit herself so to violate her own engagements and the laws of nations. He expressed a wish, that M. Y. should see us once more. We told him that a visit from M. Y. as a private gentleman, would always be agreeable to us; but if he came only with the expectation that we should stipulate advances of money, without previously establishing a solid and permanent reconciliation, he might save himself the trouble of the application, because it was a subject we had considered maturely, and on which we were immoveable. He parted with us, saying, if that was the case, it would not be worth while for M. Y. to come. In the evening, while General Pinckney and General Marshall were absent, M. Y. and M. X. called, and were invited by Mr. Gerry to breakfast with us the next morning.

October 30.

Immediately after breakfast the subject was resumed. M. Y. spoke without interruption for near an hour. He said that he was desirous of making a last effort to serve us, by proposing something which might accommodate the differences between the two nations; that what he was now about to mention, had not by any means, the approbation of the Directory; nor could M. Talleyrand undertake, further than to make from us the proposition to the Directory, and use his influence for its success: that last week M. Talleyrand could not have ventured to have offered such propositions; but that his situation had been very materially changed by the peace with the emperor: by that peace he had acquired in an high degree, the confidence of the Directory, and now possessed great influence with that body; that he was also closely connected with Buonaparte and the generals of the army in Italy; and was to be considered as firmly fixed in his post, at least for five or six months: that

under these circumstances he could undertake to offer, in our behalf, propositions which before this increase of influence, he could not have hazarded. M. Y. then called our attention to our own situation, and to the force France was capable of bringing to bear upon us. He said that we were the best judges of our capacity to resist, so far as depended on our own resources, and ought not to deceive ourselves on so interesting a subject. The fate of Venice was one which might befall the United States. But he proceeded to observe, it was probable we might rely on forming a league with England. If we had such a reliance it would fail us. The situation of England was such, as to compel Pitt to make peace on the terms of France. A variety of causes were in operation which made such an effect absolutely certain. To say nothing of the opposition in England to the minister and to the war, an opposition which the fears of the nation would increase; to say nothing of a war against England which was preparing in the north; an army of one hundred and fifty thousand men, under the command of Buonaparte, spread upon the coast of France, and aided by all the vast resources of his genius, would most probably be enabled to invade England; in which event their government would be overturned: but should this invasion not be absolutely effected, yet the alarm it would spread through the nation, the enormous expense it must produce, would infallibly ruin them, if it was to be continued; and would drive them to save themselves by a peace: that independent of this, France possessed means which would infallibly destroy their bank and their whole paper system. He said he knew very well it was generally conjectured that Buonaparte would not leave Italy, and the army which had conquered under him, and which adored him: he assured [us that] nothing could be more unfounded than the conjecture; that Buonaparte had for more than ten days left Italy for Rastadt, to preside over the Congress which was formed for adjusting the affairs of the empire. He said that Pitt himself was so confident of the absolute necessity of peace, that after the naval victory over the Dutch, he had signified his readiness to treat on the same terms which he had offered before that action: we could not then rely on the assistance of England. What, he asked, would be our situation if peace should be made with England before our differences with France would be accommodated? But, he continued, if even England should be able to continue the war, and America should unite with her, it would not be in our power to injure France. We might indeed wound her ally; but if we did, it would be so much the worse for us. After having stated the dangers attending us, if we should engage in the war, he proceeded to the advantages we might derive from a neutral situation: and insisted at large on the wealth which would naturally flow into our country, from the destruction of England. He next proceeded to detail the propositions

which are in substance in the paper annexed, marked (A.) except that he insisted that we should engage to use our influence with our government for the loan. He stated expressly, that the propositions were to be considered as made by us; that M. Talleyrand would not be responsible for the success of any one of them; he would only undertake to use his influence with the Directory in support of them. The proposition, he said, concerning a suspension of hostilities on the part of France, was one which proceeded entirely from himself; M. Talleyrand had not been consulted upon it; and he could not undertake to say that that gentleman would consent even to lay it before the Directory. The proposition for an advance to the government of France of as much money as was due from it to our citizens on contract, and as might be determined to be due for vessels improperly captured and condemned, was, he said, indispensable: unless we made that it was unnecessary to make any other; for the others would not be received. He expatiated on the vast advantages we should derive from delay; it was, he said, absolutely to gain our cause. He returned to the danger of our situation and the policy of making with France any accommodation which France would assent to. Perhaps, said he, you believe that in returning and exposing to your countrymen the unreasonableness of the demands of this government, you will unite them in their resistance to those demands: you are mistaken: you ought to know that the diplomatic skill of France and the means she possesses in your country, are sufficient to enable her, with the French party in America, to throw the blame which will attend the rupture of the negotiations on the federalists, as you term yourselves, but on the British party, as France terms you; and you may assure yourselves this will be done. He concluded with declarations of being perfectly disinterested; and declared that his only motives for speaking thus freely were his friendship for M. Talleyrand, and his wish to promote the interests and peace of the United States. We told him that the freedom with which he had spoken, and which was agreeable to us, would induce us to speak freely also; and for once to accompany our view of the present state of things with a retrospect of the past: that America was the only nation upon earth which felt and had exhibited a real friendship for the Republic of France: that among the empires round her, which were compelled to bend beneath her power and to obey her commands, there was not one which had voluntarily acknowledged her government, or manifested for it, spontaneously, any mark of regard: America alone had stepped forward and given the most unequivocal proofs of a pure and sincere friendship, at a time when almost the whole European world, when Austria, Germany, Prussia, Russia, Spain, Sardinia, Holland, and Britain, were leagued against France: when her situation was in truth hazardous, and it was dangerous to hold even friendly intercourse with her, America alone stood forward, and openly and boldly avowed her enthusiasm in favour

of the Republick, and her deep and sincere interest in its fate. From that time to the present, the government and people of the United States have uniformly manifested a sincere and ardent friendship for France, and have, as they conceive, in no single instance given to this Republick just cause of umbrage: if they have done so, they wish it to be pointed out to them. After the determination of France to break off all regular intercourse with them, they have sent three envoys extraordinary to endeavour to make such explanations as might produce reconciliation: these envoys are prepared to investigate, and wish to investigate any measures which may have given offence; and are persuaded that they can entirely justify the conduct of their government. To this distant, unoffending, friendly Republick, what is the conduct and the language of France? Wherever our property can be found she seizes and takes it from us; unprovoked, she determines to treat us as enemies, and our making no resistance produces no diminution of hostility against us; she abuses and insults our government, endeavours to weaken it in the estimation of the people, recalls her own minister, refuses to receive ours, and when extraordinary means are taken to make such explanations as may do away misunderstandings, and such alterations in the existing relations of the two countries as may be mutually satisfactory and may tend to produce harmony, the envoys who bear these powers are not received; they are not permitted to utter the amicable wishes of their country; but, in the haughty style of a master, they are told that unless they will pay a sum to which their resources scarcely extend, that they may expect the vengeance of France, and like Venice be erased from the list of nations; that France will annihilate the only free Republick upon earth, and the only nation in the universe which has voluntarily manifested for her cordial and real friendship! What impression must this make on the mind of America, if without provocation France was determined to make war upon us, unless we purchased peace? We could not easily believe that even our money would save us: our independence would never cease to give offence, and would always furnish a pretext for fresh demands. On the advantages of neutrality it was unnecessary to say any thing: all the efforts of our government were exerted to maintain it; and we would never willingly part with it. With respect to a political connection with Britain, we told him that America had never contemplated it. Whether the danger he represented that government to be in was or was not real we should not undertake to decide: Britain we believed had much reason to wish for peace; and France had much reason to wish for peace also: if peace already existed it would not change the course America would pursue. M. Y. manifested the most excessive impatience: he interrupted us and said, This eloquent dissertation might be true: America might have manifested and he believed had manifested great friendship for France, and had just complaints against her; but he did not come to listen to those com-

plaints. The minister would, on our request, make for us certain propositions to the Directory ; he had stated them to us ; and all the answer he wished was, yes or no ; did we or did we not solicit the minister to make the propositions for us ? We told him that without going further into the discussion, we chose to remark one or two things : they were, that the existing treaty gave to France certain advantages which were very essential ; that especially the American coast afforded a protection near two thousand miles in extent to the prizes made by France on her enemies, and refused that protection to the prizes taken from her ; that she might be assured, that in case of war these advantages would be lost for ever. We also told him we were convinced that France miscalculated on the parties in America : that the extreme injustice offered to our country would unite every man against her. M. X. informed us that M. Talleyrand would not consent even to lay this proposition before the Directory without previously receiving the fifty thousand pounds, or the greater part of it. M. Y. left in writing his propositions, and we returned the answer annexed and marked (B).

November 1.

It was at length agreed that we would hold no more indirect intercourse with the government.

November 3.

M. X. called on us, and told general Pinckney and general Marshall (Mr. Gerry not being within) that M. Y. wished once more to see us. We answered, that we should at any time be glad to see M. Y. as a private gentleman : but that if his object was only to repeat his propositions for money, it was perfectly unnecessary to do so ; because on that subject it was impossible for us to change the answer we had already given. We told him further, that we considered it as degrading our country to carry on further such an indirect intercourse as we had for some time submitted to, and had determined to receive no propositions, unless the persons who bore them had acknowledged authority to treat with us. He said that perhaps M. Y. might have written powers from the minister ; and we replied, that if he had we should receive his communications with pleasure. He spoke of a probable peace with England, and having requested us to be at home in the afternoon, left us.

About three o'clock he came, and after some conversation, in which we repeated in substance what is stated above, he showed us a paper, which he said was a copy of a letter prepared for us, by M. Talleyrand, requesting an explanation of part of the President's speech, and which he said would be sent, unless we came into the propositions which had been made us. We wished to take a copy of it, which he declined permitting, saying, he was forbidden to allow it. We spoke of the letter coming to us as a measure we had no expectation of prevent-

ing; and he said he could not understand that we wished it delayed. To which we answered, that the delay of a few days could not be desired, unless a hope existed that the Directory might become more friendly to our country. He said that intelligence had been received from the United States, that if colonel Burr and Mr. Madison had constituted the mission, the differences between the two nations would have been accommodated before this time. He added, as a fact he was not instructed to communicate, that M. Talleyrand was preparing a memorial to be sent out to the United States, complaining of us as being unfriendly to an accommodation with France. We replied to his intelligence from the United States, that the minister's correspondents in America took a good deal on themselves, when they undertook to say how the Directory would have received colonel Burr and Mr. Madison; and that with respect to the memorial of M. Talleyrand, it would not be easy for him to convince our countrymen, that the statements we should make were untrue: if, however, we were confident that our conduct would be condemned, M. Talleyrand might be assured that the fear of censure would not induce us to deserve it: but that we should act in a manner which our own judgments and consciences would approve of; and we trusted we should be supported by the great body of candid and honest men. In this conversation we again stated, that America had taken a neutral position; that she had faithfully sought to preserve it; that a loan of money to one of the belligerent powers was directly to take part in the war; and that to take part in the war against her own judgment and will, under the coercion of France, was to surrender our independence.

EXHIBIT (A.)

[*Enclosed in the Envoys' Letter No. 2, dated Nov. 8, 1797.*]

I. The American envoys shall remain here for six months, in the same manner and upon the same footing, with regard to etiquette, as did M. D'Aranjo, the envoy of Portugal.

II. There shall be named a commission of five members, agreeably to a form to be established, for the purpose of deciding upon the reclamations of the Americans, relative to the prizes made on them by the French privateers.

III. The American envoys will engage, that their government shall pay the indemnifications, or the amount of the sums already decreed to the American creditors of the French Republick, and those which shall be adjudged to the claimants by the commissioners. This payment shall be made under the name of an advance to the French Republick, who will repay it in a time and manner to be agreed upon.

IV. One of the American envoys shall return to America, to demand of his government the necessary powers to purchase, for cash, the thirty-two millions of Dutch rescriptions, belong;

ing to the French Republick, in case the envoys should conclude a treaty which shall be approved by the two nations.

v. In the interval, the definitive treaty shall proceed for the termination of all differences existing between the French Republick and the United States, so as that the treaty may be concluded immediately on the return of the deputy.

vi. The question of the rôle d'équipage shall remain suspended until the return of the deputy, and the commission shall not pronounce upon any reclamation where this point shall be in question.

vii. During the six months granted for the going and returning of the deputy, hostilities against the Americans shall be suspended as well as the process for condemnation before the tribunals; and the money of the prizes already condemned, in the hands of the civil officers of the nation, shall remain there, without being delivered to the privateers-men, until the return of the deputy.

EXHIBIT (B.)

[*Received with the Envoys' Letter No. 2, dated Nov. 8, 1797.*]

THE envoys extraordinary and ministers plenipotentiary of the United States, cannot avoid observing the very unusual situation in which they are placed, by the manner in which they are alone permitted to make communications on the objects of their mission: They are called upon to pledge their country to a very great amount, to answer demands which appear to them as extraordinary as they were unexpected, without being permitted to discuss the reason, the justice, or the policy on which those demands are founded, and not only without assurances that the rights of the United States will in future be respected; but without a document to prove that those to whom they are required to open themselves without reserve, and at whose instance they are called on to sacrifice so much, are empowered, even by the minister, to hold any communication with them: yet such is the anxious and real solicitude of the envoys to seize any occasion which may afford a hope, however distant, of coming to those explanations which they so much wish to make with this Republick, that they pass over the uncommon and informal modes which have been adopted, and will only consider the propositions themselves.

i. The ministers of the United States will permit no personal considerations to influence their negotiations with the French Republick. Although they expected that the extraordinary means adopted by their government to reconcile itself to that of France would have been received with some degree of attention, yet they are too solicitous to enter upon the important and interesting duty of their mission to permit themselves to be restrained by forms or etiquette.

ii. On this article it is believed there can be no disagreement.

III. This article, as explained, would oblige the United States to advance, not to their own citizens, but to the government of France, sums equivalent to the depredations made by the corsairs of the Republick on the American commerce, and to the contracts made with their citizens by France; and this advance, instead of benefitting the citizens of the United States, would leave them precisely what they now are, the creditors of the French Republick: the more extensive the depredations and the more considerable the contracts uncomplished with, the more would the government of France receive from the United States. Independent of these objections, the ministers of the United States cannot engage to assume, in any form, the debts due from France to their fellow-citizens: they have no such power.

IV. If the negotiations be opened, and the propositions for a loan, or any other propositions, exceeding the powers of the ministers, be made, the government of the United States will be consulted thereon with expedition.

V. This, or any proposition having for its object the claims of the two nations on each other, or an accommodation of differences, will be embraced with ardour by the ministers of the United States.

VI. It cannot escape notice, that the question of the rôle d'équipage may involve in it every vessel taken from the United States: the ministers however consider it, and wish to take it up, as a subject of negotiation.

VII. On this article it is only to be observed, that the season of the year is such, as probably to render a return, within six months, of the envoy, who might sail to the United States, impracticable: provision should be made for such an event.

If the difficulties attending the propositions for a loan and a compensation for past injuries be such as to require time for their removal, the ministers of the United States propose that the discussions on the relative situation of the two countries, may commence in the usual forms; that the relation to each other may be so regulated, as to obviate future misunderstandings; and that the adjustment of the claims of the citizens of the United States, whose vessels have been captured, may be made after a decision on the point first mentioned.

No diplomatick gratification can precede the ratification of the treaty.

No. 3.

Paris, November 27, 1797.

DEAR SIR,—On the 11th instant we transmitted the following official letter to the minister of foreign affairs.

“CITIZEN MINISTER,—The undersigned envoys extraordinary and ministers plenipotentiary of the United States of America to the French Republick, had the honour of an-

nouncing to you officially on the sixth of October, their arrival at Paris, and of presenting to you on the eighth, a copy of their letters of credence. Your declaration at that time, that a report on American affairs was then preparing, and would in a few days be laid before the Directory, whose decision thereon should, without delay, be made known, has hitherto imposed silence on them. For this communication they have waited with that anxious solicitude which so interesting an event could not fail to excite, and with that respect which is due to the government of France. They have not yet received it; and so much time has been permitted to elapse, so critical is the situation of many of their countrymen, and so embarrassing is that of the undersigned, both as it respects themselves and the government they represent, that they can no longer dispense with the duty of soliciting your attention to their mission.

“The United States, citizen minister, at an epoch which evinced their sincerity, have given incontestable proofs of their ardent friendship, of their affection for the French Republic: these were the result, not of her unparalleled prowess and power, but of her confidence in her justice and magnanimity; and in such high estimation was the *reciprocity* of her friendship held by them, as to have been a primary object of national concern. The preservation of it was dear to them, the loss of it a subject of unfeigned regret, and the recovery of it, by every measure which shall consist with the rights of an independent nation, engages their constant attention. The government of the United States, we are authorized to declare, has examined, with the most scrupulous justice, its conduct towards its former friend. It has been led to this by a sincere desire to remove, of itself, every just cause of complaint; conceiving that, with the most upright intentions, such cause may possibly exist; and although the strictest search has produced no self-reproach, although the government is conscious that it has uniformly sought to preserve, with fidelity, its engagements to France, yet far from wishing to exercise the privilege of judging for itself, on its own course of reasoning and the lights in its own possession, it invites fair and candid discussion; it solicits a re-consideration of the past; it is persuaded its intentions, its views, and its actions must have been misrepresented and misunderstood; it is convinced that the essential interests of both nations will be promoted by reconciliation and peace; and it cherishes the hope of meeting with similar dispositions on the part of the Directory.

“Guided by these sentiments, the President of the United States has given it in charge to the undersigned to state to the Executive Directory the deep regret which he feels at the loss or suspension of the harmony and friendly intercourse which subsisted between the two Republics, and his sincere wish to restore them; to discuss candidly the complaints of France, and to offer frankly those of the United

States : and he has authorized a review of existing treaties, and such alterations thereof as shall consist with the mutual interest and satisfaction of the contracting parties.

“ This task the undersigned are anxious to commence ; and truly happy will they be, if their exertions can in any degree contribute to restore that friendship, that mutual interchange of good offices which it is alike their wish and their duty to effect between the citizens of the two republics.

“ The undersigned pray you, citizen minister, to present this communication to the Executive Directory, and to receive the assurances of their most perfect consideration.

CHARLES COTESWORTH PINCKNEY,
J. MARSHALL,
ELBRIDGE GERRY.

Paris, Nov. 11, in the 22d year of American Independence.
To the Minister of Foreign Affairs of the French Republick.”

No answer having been given to it on the 21st instant, we requested Major Rutledge to wait on the minister, and inquire of him whether he had communicated the letter to the Directory, and whether we might expect an answer : he replied that he had submitted our letter to them, and that they would direct him what steps to pursue, of which we should be informed. We have not, however, hitherto received any official intimation relative to this business : we are not yet received ; and the condemnation of our vessels for want of a rôle d'équipage is unremittingly continued. Frequent and urgent attempts have been made to inveigle us again into negotiation with persons not officially authorized, of which the obtaining of money is the basis : but we have persisted in declining to have any further communication relative to diplomattick business with persons of that description ; and we mean to adhere to this determination. We are sorry to inform you, that the present disposition of the government of this country appears to be as unfriendly towards us as ever, and that we have very little prospect of succeeding in our mission. We have the honour to be, &c.

CHARLES COTESWORTH PINCKNEY,
J. MARSHALL,
E. GERRY.

Col. Pickering.

No. 4.

Paris, December 24, 1797.

DEAR SIR,—We have not yet received any answer to our official letter to the minister of foreign affairs, dated the 11th of last month, and mentioned in number three : but reiterated attempts have been made to engage us in negotiation with persons not officially authorized ; and you will find by the ex-

hibits marked A, B, and C, here with sent, some important information relative to the views and intentions of the French government with respect to ours. We are all of opinion, that if we were to remain here for six months longer, without we were to stipulate the payment of money, and a great deal of it, in some shape or other, we should not be able to effectuate the objects of our mission, should we be even officially received : unless the projected attempt on England was to fail, or a total change take place in the persons who at present direct the affairs of this government. In this situation of matters, we are determined, by the tenth of next month, should they remain as they are, to transmit another letter to the minister, representing, as far as may be expedient, the views of our government. We have the honour to be, &c.

CHARLES COTESWORTH PINCKNEY,
J. MARSHALL,
E. GERRY.

Col. Pickering, Secretary of State.

EXHIBIT (A)

[*Enclosed in the Envoys' letter, No. 4.*]

On the 14th of December, M. X. called on me, in order, as he said, to gain some information relative to some lands in purchased by for whom Soon afterwards General Marshall came in, and then Mr. Gerry's carriage drove into the yard. Here is Mr. Gerry, said General Marshall. I am glad of it, said M. X. for I wished to meet all of you gentlemen, to inform you that M. Y. had another message to you from M. Talleyrand. I immediately expressed my surprise at it, as M. Talleyrand, M. Y. and he, all knew our determination to have no further communication on the subject of our mission, with persons not officially authorized. He replied, that determination was made six weeks ago ; and it was presumed that we had changed our opinion. I said that I had not ; and I did not believe my colleagues had. At that moment Mr. Gerry entered the room, and I privately acquainted him with the object of M. X.'s visit. General Marshall, Mr. Gerry, and myself then withdrew into another room ; and immediately agreed to adhere to our former resolution. M. X. was then called in ; when I acquainted him, in a few words, with our determination : and Mr. Gerry expatiated more at large on the propriety of our acting in this manner, and on the very unprecedented way in which we had been treated, since our arrival.

On the twentieth of December, a lady, who is well acquainted with M. Talleyrand, expressed to me her concern, that we were still in so unsettled a situation : but, adds she, why will not you lend us money ? If you would but make us a loan, all matters would be adjusted : and she added, when you were con-

tending for your revolution, we lent you money. I mentioned the very great difference there was between the situation of the two countries at that period and the present; and the very different circumstances under which the loan was made us, and the loan was now demanded from us. She replied, we do not make a demand; we think it more delicate that the offer should come from you: but M. Talleyrand has mentioned to me (who am surely not in his confidence) the necessity of your making us a loan: and I know that he has mentioned it to two or three others; and that you have been informed of it: and I will assure you, that if you remain here six months longer, you would not advance a single step further in your negotiations, without a loan. If that is the case, I replied, we may as well go away now. Why that possibly, said she, might lead to a rupture; which you had better avoid: for we know we have a very considerable party in America, who are strongly in our interest.—There is no occasion to enter into a further detail of the conversation. I have only noted this part of it as expressive of what I believe (as far as relates to the loan and a party in America in their favour) to be the sentiments of the French government with regard to us.

CHARLES COTESWORTH PINCKNEY.

December 21, 1797.

EXHIBIT (B.)

[*Enclosed in the Envoys' Letter, No. 4.*]

Extract from General Marshall's Journal.

December 17, 1797. I stepped into Mr. Gerry's apartment, where I saw M. Y. He expressed his regret at having been disabled to dine with us at M. de Beaumarchais, by an inveterate tooth-ache. He then asked me whether I had seen M. de Beaumarchais lately? I told him, not since he dined with us; and that he had left us much indisposed. He then observed, that he had not known until lately, that I was the advocate for that gentleman in his cause against the state of Virginia; and that M. de Beaumarchais, in consequence of that circumstance, had expressed sentiments of high regard for me. I replied, that M. de Beaumarchais's cause was of great magnitude, very uncertain issue,—and consequently, that a portion of the interest he felt in it, would very naturally be transferred to his advocate. He immediately said, (low and apart) that M. de Beaumarchais had consented, provided his claim could be established, to sacrifice fifty thousand pounds sterling of it, as the private gratification which had been required of us; so that the gratification might be made without any actual loss to the American government. I answered, that a gratification on any terms, or in any form, was a subject which we approached with much fear and difficulty, as we were not authorized by our government to make one; nor had it been expected that one would

be necessary: that I could not undertake to say whether my colleagues would consent to it, in any state of things; but I could undertake to say, no one of us would consent to it, unless it was preceded or accompanied by a full and entire recognition of the claims of our citizens, and a satisfactory arrangement on the objects of our mission. He said, it was in the expectation of that event only that he mentioned it. We parted; and I stated the conversation to general Pinckney, who was disinclined to any stipulation of the sort, and considered it as a renewal of the old reprobated system of indirect, unauthorized negotiation.

Having been originally the counsel of M. de Beaumarchais, I had determined, and so I had informed general Pinckney, that I would not, by my voice, establish any agreement in his favour; but that I would positively oppose any admission of the claim of any French citizen, if not accompanied with the admission of the claims of the American citizens for property captured and condemned for want of a rôle d'équipage. My reason for conceiving that this ought to be stipulated expressly, was a conviction, that if it was referred to commissioners, it would be committing absolutely to chance, as complete a right as any individuals ever possessed. General Pinckney was against admitting the claim at any rate.

After my return, Mr. Gerry came into my room, and told me that M. Y. had called on him, to accompany him on a visit to M. Talleyrand; that he proposed seeing M. Talleyrand, and returning the civility of the dinner; and endeavouring to bring about some intercourse between him and us.

December 18. General Pinckney and Mr. Gerry met in my room; and Mr. Gerry detailed to us the conversations mentioned in our publick letter. The proposition relative to the claim of M. de Beaumarchais is entirely different from my understanding of it, in the very brief statement made to me by M. Y. We resolved that we would rigidly adhere to the rule we had adopted, to enter into no negotiation with persons not formally authorized to treat with us. We came also to the determination to prepare a letter to the Minister of Foreign Relations, stating the object of our mission, and discussing the subjects of difference between the two nations, in like manner as if we had been actually received; and to close the letter with requesting the government to open the negotiation with us, or to grant us our passports.

EXHIBIT (C.)

[*Enclosed in the Envoy's Letter, No. 4.*]

December 13. Mr. Gerry accidentally calling on general Pinckney, found M. X. and was soon informed, that his object was to obtain another interview between the ministers and M. Y. on the affairs of their mission. General Marshall happen-

ing also to be there, we retired into another room, and immediately agreed to adhere to our former determination, not to have any more informal communications. M. X. having been called in, general Pinckney briefly communicated our determination: and Mr. Gerry observed, that he was much hurt by this proposition; that the ministers had already proceeded farther in this mode of communication than perhaps they could justify; that they had refused, six weeks ago, to renew it; and that some regard ought to be paid to their feelings, which had been sufficiently mortified; that the proposition was disrespectful to the Envoys, as it betrayed a belief, that they had lost the sense of their dignity, and were indeed incompetent to their office; that had there been but one Envoy Extraordinary, he ought to have had an audience in a few days; and that for three to remain between two and three months in this situation, was too humiliating, too debasing, for any nation to submit to it; that for his own part, had he been sent to any other nation in Europe, with two other Envoys, he would not have consented to have remained in such a state ten days; that knowing the great desire of the government and nation of the United States to be at peace with France, he had, with his colleagues, submitted to this indignity, at the risk of the severe censure of the former.—Having also inquired of M. X. at what time M. Talleyrand could be seen, the former said he would inquire of M. Y. who on the 16th, in the evening, sent, in Mr. Gerry's absence from his lodgings, a billet as follows: "M. Y. has the honour to present his respects to Mr. Gerry, and to inform him, that he will have the honour to wait on him to-morrow morning, at ten o'clock, to go together to the Minister of Foreign Relations. He is with respect," &c. On the morning of the 17th, M. Y. came in while Mr. Gerry was at breakfast, not having received an answer to his note: and Mr. Marshall coming in, M. Y. took him aside, and conferred with him a considerable time; after which, the former, and the rest of the family, left the room: and M. Y. and Mr. Gerry being together, Mr. Gerry told him, that his object in seeing M. Talleyrand was to return a civility, by requesting him to fix a day for dining with Mr. G. who intended to invite his colleagues; by this interview to promote, if possible, a better understanding between the minister and the American envoys; and Mr. G. also proposed to confer with the minister on the disagreeable situation the envoys were in, and to state to him some reports which appeared to be founded, respecting a proposition before the Directory for sending off all Americans in a short period: but Mr. Gerry added, that he could not hear a word on the subject of the mission, or the preliminaries to a negotiation, as the envoys had determined unanimously against any informal communications on the subject. M. Y. in answer said, that Mr. Marshall had just heard him on a subject of this kind; and that we might consider it, as he did, merely as a conversation

between ourselves. He then stated that two measures, which M. Talleyrand proposed, being adopted, a restoration of friendship between the Republicks would follow immediately; the one was a gratuity of fifty thousand pounds sterling; the other a purchase of thirty-two millions of the Dutch rescriptions: that as to the first, M. de Beaumarchais had recovered, in a cause depending in Virginia, between that state and himself, one hundred and forty-five thousand pounds sterling; that there was an appeal from the judgment; that he would sign an act to relinquish forty-five thousand pounds, if the whole should be finally recovered, leaving only one hundred thousand pounds for himself; that the forty-five thousand pounds might accrue to the United States, who would, in that case, lose but a small part of the fifty thousand pounds; that the purchase of sixteen millions of rescriptions would amount to but one million, three hundred and thirty-three thousand [pounds,] six shillings, and eight pence sterling, which, with an interest of five per cent. would be certainly paid by the government of Holland to the United States, and leave them without any loss; that more than half the sum may now be hired in Holland, on the credit of the rescriptions, and an easy arrangement be made for payment, by short instalments, which might be obtained also by a loan; that it was worthy the attention of the envoys to consider, whether by so small a sacrifice they would establish a peace with France, or whether they would risk the consequences; that if nothing could be done by the envoys, arrangement would be made forthwith to ravage the coasts of the United States by frigates from St. Domingo; that small states which had offended France were suffering by it; that Hamburgh, and other cities in that quarter, would, within a month or two, have their government changed; that Switzerland would undergo the same operation; and that Portugal would probably be in a worse predicament; that the expedition against England would be certainly pursued; and that the present period was the most favourable, if we wished to adopt any measure for a pacification.—Mr. Gerry, in answer, said, that if the French were disposed to pursue with vengeance the United States, they might perhaps ravage their coasts, and injure them in this way, but they never could subdue them: the measure he thought utterly impracticable, even if attempted by France and her allies. To which M. Y. assented. Mr. Gerry observed further, that the ravages alluded to would undoubtedly closely connect the United States and Great Britain, and prevent the former from returning to the friendship which they have ever had for France: that as to the propositions, he should express no opinion on them; that his situation, and that of his colleagues, was extremely difficult; that the Directory were exclusively prejudiced against the government of the United States, and considered them as the friends of Great Britain; that if the envoys could have an opportunity of being heard, they could remove such impressions, and show that the government were the friends of France as much as of Great Britain; but that the envoys were now in the most painful situa-

tion ; that they were treated, in the eyes of all Europe, and of the American government and nation, with the utmost contempt ; and were submitting to indignities which they could not reconcile to their feelings, or justify to their constituents. M. Y. said that the observations were just : but that the American envoys had not experienced worse treatment than other ministers, nor indeed as bad ; that the envoy of Portugal was again ordered to depart ; and that but little ceremony was observed to the envoys in general. M. Y. and Mr. Gerry then took a ride to M. Talleyrand's Bureau, who received them politely : and after being seated, Mr. Gerry observed to M. Talleyrand, in English, slowly, that M. Y. had stated to him, that morning, some propositions as coming from M. Talleyrand, respecting which Mr. Gerry could give no opinion : that his object at this interview was, to request of him information whether he would fix a time for taking a dinner with Mr. Gerry, at which he proposed to invite his colleagues ; that he wished for more frequent interviews of some kind or other between himself and the envoys ; conceiving that many imaginary difficulties which obstructed the negotiation, would vanish by this means ; and that those which were real, would be surmounted : that conceiving the delicate part which the minister of France had to act at this time, he did not wish M. Talleyrand to accept the invitation, if it would subject him to inconveniences : that he wished to speak on another subject ; and it was painful to him to acknowledge, that the precarious situation of the envoys was such, as to render it impossible for them to take measures for decent arrangements ; that a short time since, he had supposed measures were taking a favourable turn ; but that lately he had received, from various quarters, information of a report made by the minister of the interior, and under the consideration of the Directory, for sending all Americans from Paris in twenty-four hours ; that he could not be responsible for the truth of the information, but it appeared to him, as well from the various quarters from which it came, as from the intelligence of the person who gave it, to be highly probable ; that if this was the case, it was unnecessary for the Directory, as he conceived, to pass any arrête, as it respected the envoys, for that they would depart from Paris whenever it was hinted as the wish of the Directory ; that for his own part, he should feel more at ease, until we were received, to reside in a city of some other nation than that of France ; and to return to Paris on notice that the Directory were disposed to open the negotiation. M. Talleyrand appeared to be very uneasy at this declaration ; but avoided saying a word on it. He said that the information M. Y. had given me was just, and might always be relied on : but that he would reduce to writing his propositions ; which he accordingly did ; and after he had shown them to Mr. Gerry, he burnt the paper. The substance was as follows. [See No. 1. next page.]

He then said, that he accepted of the invitation ; that he

would dine with him the decade after the present, in which he was engaged.

Mr. Gerry did not repeat all that he had said to M. Y. having no doubt he would communicate the whole to M. Talleyrand. And, after expressing a friendship for the French Republick, and a warm desire to renew the former attachments of the two republicks, which M. Talleyrand warmly reciprocated, Mr. Gerry bid M. Talleyrand adieu ; leaving with him M. Y.

No. 1.

That the Envoys should come forward generally, and say :

“ France has been serviceable to the United States, and now they wish to be serviceable to France : understanding that the French Republick has sixteen millions of Dutch rescriptions to sell, the United States will purchase them at par, and will give her further assistance when in their power.

“ The first arrangement being made, the French government will take measures for reimbursing the equitable demands of America arising from prizes, and to give free navigation to their ships in future.”

No. 5.

[See Envoys' letter, Jun. 8, 1798, page 166 of this vol.]

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS,
MAY 4, 1798.

I NOW transmit to Congress copies of all the communications, from our Envoys extraordinary, received since their arrival in Paris, excepting those before presented by me to both houses.

JOHN ADAMS.

No. 6.

Paris, February 7, 1798.

DEAR SIR,—We transmit to you, in this enclosure, our last letter to the minister of Foreign Relations. Though dated the 17th ult. it was not, on account of the time taken to translate so long a letter, delivered till the 31st. In our communications here, although we have, agreeably to your instructions, written in our own language, we have at the same time taken the precaution, lest our meaning should be misrepresented or misunderstood, to accompany them with an accurate translation. We have not yet received any answer to this communication, and should no notice be taken of it in a few days, we shall apply in a more explicit manner for our passports.

The Councils have passed the decree mentioned in No. 5, as having been recommended by the Directory, to capture and

condemn all neutral vessels laden in part or in whole with the manufactures or productions of England or its possessions. We enclose you the official copy of the report on that subject, and shall represent to this government the injustice and injury which it must inevitably occasion us. We have the honour to be, &c.

CHARLES C. PINCKNEY,
J. MARSHALL,
E. GERRY.

Colonel Pickering, Secretary of the United States.

To the Minister of Foreign Affairs of the French Republick.

CITIZEN MINISTER,—The undersigned Ministers Plenipotentiary and Envoys Extraordinary from the United States of America to the French Republick, have been hitherto restrained by the expectation of entering on the objects of their mission in the forms usual among nations, from addressing to the Executive Directory, through you, those explanations and reclamations with which they are charged by the government they represent. If this expectation is to be relinquished, yet the unfeigned wish of the United States to restore that harmony between the two republicks, which they have so unremittingly sought to preserve, renders it the duty of the undersigned to lay before the government of France, however informal the communication may be deemed, some considerations, in addition to those heretofore submitted, relative to the subsisting differences between the two nations.

Openly and repeatedly have France and America interchanged unequivocal testimonials of reciprocal regard. These testimonials were given by the United States, with all the ardour and sincerity of youth. It is still believed that on the part of France they were likewise the offspring of real esteem. They were considered on the other side of the Atlantick as evidencing a mutual Friendship to be as durable as the republicks themselves. Unhappily the scene is changed; and America looks around in vain for the ally or the friend. The contrast both of language and of conduct, which the present so avowedly exhibits to a portion of the past, has been repeatedly attributed by France, to a disposition alleged to exist in the government of the United States, unfriendly to this Republick, and partial towards its enemies.

That government, astonished at a reproach, so unfounded in fact, so contradicted by its declarations and its conduct, could scarcely consider the charge as serious, and has ever cherished the hope, that a candid review of its conduct founded on the documents, and aided by the arguments with which the Executive Directory has been furnished would have rescued it from the injurious suspicion. This hope seems not to have been realized. The undersigned, therefore, deem it proper to precede their application for that justice which they claim from France, by an effort to remove the cause, which is alleged to

have produced the injuries of which they complain. With this view, they pray the attention of the Executive Directory to a serious and candid reconsideration of the leading measures adopted by the government of the United States, and they persuade themselves, that however various and multiplied the channels may be through which misinformation, concerning the dispositions of that government, may have been received; yet this reconsideration must remove unfounded prejudices and entirely exculpate the American nation from an accusation it knows to be unfounded, and believes to be supported by no single fact.

When that war which has been waged with such unparalleled fury, which, in its vast vicissitudes of fortune, has alternately threatened the very existence of the conflicting parties, but which, in its progress, has surrounded France with splendour, and added still more to her glory than to her territory, when that war first involved those nations with whom the United States were in habits of friendly intercourse, it became incumbent on their government to examine their situation, their connections and their duties. America found herself at peace with all the belligerent powers. She was connected with some of them by treaties of amity and commerce, and with France by a treaty of alliance also. These several treaties were considered with the most serious attention, and with a sincere wish to determine by fair construction the obligations which they really imposed.—The result of this inquiry was a full conviction, that her engagements by no means bound her to take part in the war, but left her so far the mistress of her own conduct as to be at perfect liberty to observe a system of real neutrality. It is deemed unnecessary to analyze those treaties in order to support the propriety of this decision, because it is not recollected ever to have been questioned, and is believed not to admit of doubt.

Being bound by no duty to enter into the war, the government of the United States conceived itself bound by duties the most sacred to abstain from it. Contemplating man, even in a different society, as the natural friend of man, a state of peace, though unstipulated by treaty, was considered as imposing obligations not to be wantonly violated.

These obligations, created by the laws of nature, were in some instances strengthened by solemn existing engagements, of which good faith required a religious observance.

To a sense of moral right, other considerations of the greatest magnitude were added, which forbade the government of the United States to plunge them unnecessarily into the miseries of the bloody conflict then commencing. The great nations of Europe either impelled by ambition, or by existing or supposed political interests, peculiar to themselves, have consumed more than a third of the present century in wars. Whatever causes may have produced so afflicting an evil, they cannot be supposed to have been entirely extinguished, and humanity can scarcely in-

dulge the hope, that the temper or condition of man is so altered as to exempt the next century from the ills of the past. Strong fortifications, powerful navies, immense armies, the accumulated wealth of ages and a full population, enable the nations of Europe to support those wars in which they are induced to engage, by motives which they deem adequate, and by interests exclusively their own. In all respects different is the situation of the United States: possessed of an extensive unsettled territory, on which bountiful nature has bestowed, with a lavish hand, all the capacities for future legitimate greatness, they indulge no thirst for conquest, no ambition for the extension of their limits. Encircled by no dangerous powers, they neither fear, nor are jealous of their neighbours, and are not on that account obliged to arm for their own safety. Separated from Europe by a vast and friendly ocean, they are but remotely, if at all, affected by those interests, which agitate and influence this portion of the globe. Thus circumstanced, they have no motive for voluntary war. On the contrary, the most powerful considerations urge them to avoid it.—An extensive and undefended commerce, peculiarly necessary to a nation which does not manufacture for itself, which is, and for a long time to come, will be almost exclusively agricultural, would have been its immediate and certain victim. The surplus produce of their labour must have perished on their hands, and that increase of population, so essential to a young country, must, with their prosperity, have sustained a serious check. Their exertions too would not have been considerable, unless the war had been transferred to their own bosom.

Great as are the means and resources of the United States for self-defence, it is only in self-defence that those resources can be completely displayed. Neither the genius of the nation, nor the state of its finances, admit of calling its citizens from the plough, but to defend their own liberty and their own fire-sides. How criminal must have been that government which could have plunged its constituents into a war, to which they were neither impelled by duty or solicited by interest; in which they committed so much to hazard; in which they must suffer, in order to act efficiently, and could only display their energy in repelling invasion? But motives still more powerful than the calamities of the moment, have influenced the government of the United States.

It was perhaps impossible to have engaged voluntarily in the existing conflict, without launching into the almost boundless ocean of European politics, without contracting habits of national conduct, and forming close political connections which must have compromised the future peace of the nation, and have involved it in all the future quarrels of Europe. A long train of armies, debts and taxes, checking the growth, diminishing the happiness, and perhaps endangering the liberty of the United States, must have followed the adoption of such a system. And for what purpose should it have been adopted? For what purpose should America thus burden herself with the

conflicts of Europe?—Not to comply with any engagements she has formed; not to promote her own views, her own objects, her own happiness, or her own safety; but to move as a satellite around some greater planet, whose laws she must of necessity obey. In addition to these weighty considerations, it was believed that France would derive more benefit from the neutrality of America, than from her becoming a party in the war.

The determination then of the government of the United States to preserve that neutral station, in which the war found them, far from manifesting a partiality for the enemies of France, was only a measure of justice to itself and to others, and did not even derogate from that predilection for this republick, which it has so repeatedly expressed and displayed. Having avowed this determination, increased motives of honour and of duty commanded its faithful observance. It is not a principle which remains now to be settled, that a fraudulent neutrality is no neutrality at all; and that the nation, which would be admitted to its privileges, must also perform the duties it enjoins. Had the government of the United States, declared itself neutral, indulged its partialities by granting favours unstipulated by treaty, to one of the belligerent powers, which it refused to another, it could no longer have claimed the immunities of a situation of which the obligations were forgotten, it would have become a party to the war, as certainly as if war had been openly and formally declared, and it would have added to the madness of wantonly engaging in such a hazardous conflict, the dishonour of insincere and fraudulent conduct: it would have attained circuitously an object which it could not plainly avow, or directly pursue, and would have tricked the people of the United States into a war, which it could not venture openly to declare.

It was matter of real delight to the government and people of America, to be informed that France did not wish to interrupt the peace they enjoyed.

The undersigned have been induced to rest upon this first, necessary and decisive step, taken by their government, although its propriety may not be controverted, from a conviction, that if the right of the United States, to observe a fair and honest neutrality be established, the general charges of an unfriendly disposition, made against them by France, must be relinquished, because the facts, by which those charges are supported, will be found to have grown inevitably out of that situation.

This measure was accompanied by another, which, in repelling so astonishing a charge as partiality for the enemies of France, deserves to be noticed. Soon after the government of the United States had notified to its citizens the duties which its neutrality enjoined, Mr. Genet, the first minister from this Republick, arrived at Philadelphia: although his conduct had been such as to give cause for serious alarm, although before he was even acknowledged as a minister, or had reached the authority which could inspect his credentials, he had assumed

the functions of the government to which he was deputed. Yet that government resolved to see in him, only the representative of a Republick, to which it was sincerely attached, gave him the same warm and cordial reception which he had experienced from its citizens, without a single exception, from Charleston to Philadelphia. The then situation of France deserves to be remembered.

While the recollection adds, citizen minister, to the glory with which your nation is encircled, it establishes the sincerity of the United States.

The most formidable combination the world had ever seen, threatened the extermination of this Republick. Austria, Germany, Prussia, Britain, Spain, Holland and Sardinia; were in arms against France, and Russia was leagued in the coalition. Nor was this all. The Republick, distracted by internal divisions, contained numerous enemies within its own bosom, and a considerable portion of its proper force was arrayed against itself. In such a state of things, the most sanguine might fear, and the most ardent hesitate. Confident in their strength, and relying on success, the coalesced powers sought to arm in their cause, the residue of the world, and deemed it criminal to acknowledge the sovereignty of the Republick. The nations of Europe, even those who had not entered into the contest, were either themselves unwilling to acknowledge this sovereignty, or were deterred by fear from doing so. Had the partialities of America been against France, this example would have been followed. According to the rules of ordinary calculation, the measure would have been safe, and consequently a government, feeling the attachments now so unjustly attributed to that of the United States, would have indicated those attachments by its adoption. Far from pursuing such a system the United States, unawed by the strength of the coalition, received with open arms the minister of this Republick, acknowledged with enthusiasm the government which had deputed him, overlooked his extraordinary attacks on their sovereignty, and manifested a cordial friendship for his nation and a sincere wish for its success.

Scarcely were the first ceremonies of his reception over, when Mr. Genet displayed a disposition to usurp and exercise within the United States, the choicest and most important duties and powers of sovereignty. He claimed the privileges of arming and embodying the citizens of America within their own territory, to carry on from thence expeditions against nations with whom they were at peace, of fitting out and equipping, within their limits, privateers, to cruise on a commerce destined for their ports; of erecting within their jurisdiction, an independent judiciary, and of arraigning their government at the bar of the people. The undersigned will not ask in what manner France would have treated any foreign minister, who should have dared so to conduct himself towards this Republick? But in what manner would the American government have treated such a minister, if the representative of a nation it viewed with cold-

ness, or even indifference? In what manner would it have treated him, had he been the representative of any other nation than France? No man acquainted with that government can doubt how these inquiries ought to be answered. From the minister of France alone could this extraordinary conduct be borne with temper. To have continued to bear it, without perceiving and feeling its extreme impropriety, would have been to have merited the contempt as well of France as of the other powers of the earth. The government of the United States did feel it; but far from transferring to his nation that resentment, which such conduct could not fail to excite, it distinguished strongly between the government and its minister, and the representations it made were in the language of a friend afflicted, but not irritated, by the injuries it complained of. The recall of that minister was received with universal joy, as a confirmation that his whole system of conduct was attributable only to himself; and not even the publication of his private instructions could persuade the American government to ascribe any part of it to this Republick.

At the same time the exertions of the United States to pay up the arrearages of their debt to France, which had been unavoidably permitted to accumulate, their disinterested and liberal advances to the sufferers of St. Domingo, thrown suddenly upon them, without provisions or money, whose recommendation was, that they were Frenchmen and unfortunate; the perseverance with which they apologized for and ascribed any occasional injuries they sustained to the force of circumstances; the interest which they continued openly to take in all the fortunes of this Republick, manifested partialities of a very different sort from those which have been so unjustly attributed to them.

At this period too, a great principle was brought into discussion, the dispassionate consideration of which is essential to the fair estimate of the charges made by France against the government of the United States. The property of French citizens was taken by British cruisers and ships of war, out of American bottoms, and the American government submitted to the practice. The propriety of submitting to it, depends entirely on the naked right of the captors, under the existing circumstances of the case, to exercise such a power. The circumstances were these: In the treaty of commerce made between France and the United States in February 1778, it was stipulated in substance, that neither party should take out of the vessels of the other, the goods of its enemy, but the character of the bottom should be imparted to its cargo. With England the United States had made no stipulation on the subject.

It follows then that the rights of England, being neither diminished or increased by compact, remained precisely in their natural state, and were to be ascertained, by some pre-existing acknowledged principle.

This principle is to be searched for in the law of nations. That law forms, independent of compact, a rule of action by

which the sovereignties of the civilized world consent to be governed. It prescribes what one nation may do without giving just cause of war, and what, of consequence, another may and ought to permit, without being considered as having sacrificed its honour, its dignity or its independence.

What then is the doctrine of the law of nations on this subject? Do neutral bottoms, of right and independent of particular compact, protect hostile goods? The question is to be considered on its mere right, uninfluenced by the wishes or the interests of a neutral or belligerent power.

It is a general rule, that war gives to a belligerent power a right to seize and confiscate the goods of his enemy. However humanity may deplore the application of this principle, there is perhaps no one to which man has more universally assented, or to which jurists have more uniformly agreed. Its theory and its practice have unhappily been maintained in all ages. This right then may be exercised on the goods of an enemy wherever found, unless opposed by some superior right. It yields by common consent to the superior right of a neutral nation to protect, by virtue of its sovereignty, the goods of either of the belligerent powers, found within its jurisdiction. But can this right of protection, admitted to be possessed by every government within its own limits, in virtue of its absolute sovereignty, be communicated to a vessel navigating the high seas?

It is supposed that it cannot be so communicated; because the ocean being common to all nations, no absolute sovereignty can be acquired in it: the rights of all are equal, and must necessarily check, limit and restrain each other. The superior right therefore of absolute sovereignty, to protect all property within its own territory, ceases to be superior, when the property is no longer within its own territory, and may be encountered by the opposing acknowledged right of a belligerent power, to seize and confiscate the goods of his enemy. If the belligerent permits the neutral to attempt without hazard to himself, thus to serve and aid his enemy, yet he does not relinquish the right of defeating that attempt whenever it shall be in his power to defeat it. Thus it is admitted that an armed vessel may stop and search at sea a neutral bottom, and may take out goods, which are contraband of war, without giving cause of offence, or being supposed in any degree to infringe neutral rights. But this practice could not be permitted within the rivers, harbours or other places of a neutral, where its sovereignty was complete. It follows then that the full right of affording protection to all property whatever, within its own territory, which is inherent in every government, is not transferred to a vessel navigating the high seas. The right of a belligerent over the goods of his enemy within his reach, is as complete, as his right over contraband of war; and it seems a position not easily to be refuted, that a situation that will not protect the one, will not protect the other.† A neutral bottom

then does not of right, in cases where no compact exists, protect from his enemy the goods of a belligerent power.

To this reasoning, the practice of nations has conformed, and the common understanding of mankind seems to have assented. Vattel, B. 3. Sect. 115, says positively, "that effects belonging to an enemy, found on board a neutral ship are seizable by the rights of war."

Vattel is believed to be supported by the most approved writers on the same subject. It is deemed unnecessary to multiply citations to this point; because France herself is supposed to have decided it. In her maritime ordonnance of the year 1744, which is considered as having been in force in 1778, enemy goods in neutral bottoms, generally, are declared liable to seizure and confiscation. From the operation of this rule are excepted the vessels of Denmark, and the United Provinces, to whom special treaties secured the exception. In the ordonnance too of the 26th July, 1778, the first article of which is considered as forbidding the cruisers of France to stop and bring into port neutral vessels, having on board the goods of an enemy, a power is reserved to revoke the privilege granted to neutrals by that article, if the enemy should not grant the same privilege within six months from the publication of that regulation. This clearly indicates a conviction, that the exemption from the capture of the goods of an enemy, which should be found on board the vessel of a neutral power, not having stipulated such exemption by treaty, was a privilege granted by the ordonnance, and that the mere revocation of the ordonnance would abolish the privilege, and restore the ancient rule. It will not be contended that France has continued in a long course of practice and of legislation opposed to her own opinion of the law of nations. It must then be considered as the opinion of France, that under that law neutral bottoms afford no protection to the goods of an enemy. This principle, thus admitted to have been established, is supposed by some to have been changed by the armed neutrality. A new law of nations, it is contended, was introduced, by that confederation. But who were the parties to that federation, and what was its object? The northern maritime powers of Europe united to protect by force, in their own bottoms, during the then existing war, the goods of either and of all the belligerent powers. The compact in its own nature was confined with respect to its objects and its duration. It did not purport to change nor could it change permanently and universally the rights of nations not becoming parties to it. It did indeed hold forth the promise of future more permanent and more general engagements for the same object, but such engagements were never formed. How then can this temporary and partial convention be considered as altering, radically and generally, principles which have been universally adopted, and in the modification of which all have an interest? Would France herself admit that a com-

bination, such as that which constituted the armed neutrality, may rightfully change the law of nations, and establish a new code of universal obligation? It is believed that no nation on earth would more perseveringly oppose such an invasion of its sovereignty.

There seems then to be no solid ground for maintaining, that the general law of nations has been at all varied by the armed neutrality.

It remains to inquire whether the treaties, between France and the United States, pledge either nation to assert and establish the principle, that free bottoms make free goods.

The treaty of amity and commerce, concluded the 6th February 1778, stipulates reciprocally for the right of trading with and protecting the goods of the enemy of either party in the vessels of the other, and in turn surrenders its own goods found in the vessels of an enemy, but it contains no clause imposing on either party the duty of extending the principle, or of supporting its application to other nations. The stipulations of that treaty are negative as well as affirmative. They specify as well the disabilities intended to be created and the duties to be imposed, as the privileges designed to be granted. Had it been intended that either nation should have been bound to maintain this principle in its intercourse with others, or should have been in any degree incapacitated from prosecuting freely that intercourse, without the previous admission of the principle, a stipulation to that effect would have been made. No such stipulation having been made, the parties cannot be presumed to have intended it. Indeed it would have been madness in the United States, under their actual circumstances, to have formed such an agreement. There being no express stipulation to this effect, it cannot be supposed to have been implied. Nations forming a solemn compact which ought to regulate their conduct towards each other which is to be resorted to as the standard for adjusting their differences, do not leave to implication such delicate and important points. Indeed if a great principle not mentioned is permitted to be implied, the object of a written agreement, which is itself to evidence all the obligation it creates, is totally defeated. But who is to make the implication, and to what extent is implication to be allowed? It is very easy to perceive, that the doctrine of implying in contracts stipulations never formed, would destroy all certainty of construction, and open a boundless field of controversy to the contracting parties.

It results from the very nature of a contract which affects the rights of the parties, but not of others, and from the admission of a general rule of action, binding independent of compact, which may be changed by consent, but is only changed so far as that consent is actually given, that a treaty between any two nations must leave to all others those rights which the law of nations acknowledges; and must leave each of the contracting parties subject to the operation of such rights. For the truth of this

position, believed to be so clear in itself, and which it is supposed the history of all Europe will illustrate, the ordonnance of 1744, already quoted, is considered as furnishing an unequivocal authority. By that ordonnance the law of nations is applied to all those neutrals with whom France had not stipulated, that the quality of their bottoms should be imparted to their cargoes, while those with whom such stipulations had been made are exempted from the application of the law.

The desire of establishing universally the principle that neutral bottoms shall make neutral goods, is perhaps felt by no nation on earth, more strongly than by the United States. Perhaps no nation is more deeply interested in its establishment. It is an object they keep in view, and which, if not forced by violence to abandon it, they will pursue in such manner as their own judgment may dictate as being best calculated to attain it; but the wish to establish a principle is essentially different from a determination that it is already established. The interests of the United States could not fail to produce the wish: their duty forbid them to indulge it, when deciding on a mere right. However solicitous America might be to pursue all proper means, tending to obtain for this principle the assent of all or any of the maritime powers of Europe, she never conceived the idea of obtaining that consent by force.

The United States will only arm to defend their own rights: neither their policy nor their interests permit them to arm, in order to compel a surrender of the rights of others. These and other considerations, which have been submitted to the government of France, produced on the part of the United States a decision, that their bottoms could not of right protect the goods of a belligerent power from an enemy not bound to respect the principle. This decision was founded on the most perfect conviction, that it was enjoined by the law of nations; and that good faith, respect for truth, and for the duties of an upright and honest judgment, rendered it indispensable. This conviction remains unshaken. If those articles, which still appear conclusive to the American government, have not the same operation on the judgment of France, they must at least be sufficient to evince the sincerity with which that government has acted, and to prove that its conduct, in this respect, was produced by a sense of duty, and not by any partiality for a nation against which it was, at that time, considerably irritated by other causes.

The undersigned, citizen minister, rely too implicitly on your candour and discernment, to apprehend, that you will estimate improperly, the motives which on this essential point have influenced and guided the United States.

The early decision of the American government on this subject was immediately avowed, openly and amply supported by Mr. Jefferson, the then Secretary of State, in his letter to Mr. Genet, dated the 24th July, 1793; and in his letter to Mr. Morris, dated 16th August in the same year. The arguments, which those letters contain, were supposed to have satisfied the

government of France, since its ministers in the United States no longer controverted the principle they supported. Indeed those arguments appeared too conclusive to permit a doubt concerning the success which would attend them.

In August 1794, when Mr. Monroe, the then minister of the United States to this Republick, was received into the bosom of the convention, France obviously did not consider the acknowledgment of this established principle of the law of nations, as indicating a partiality towards her enemy. The language used on the occasion could only have been used to the minister of a nation, whose friendship was valued, and whose conduct had evinced the sincerity of its professions. It was then declared "that the sweetest, the frankest fraternity united in effect the two Republicks," and that "their union would be for ever indissoluble." These declarations, made long after America had avowed its neutrality, and had avowed its acquiescence under the principle, that a belligerent power, unrestrained by particular treaty, may of right take out of the bottoms of a neutral, the goods of its enemy, demonstrate that neither that neutrality nor that acquiescence induced the want of a proper regard for France. The government of the United States still cherishes the hope, that this true and fair estimate, then made of its conduct, may be soon resumed by a nation whose friendship it has assiduously and unremittingly cultivated, by all those means which good faith and justice could permit it to use.

After the discussion of this interesting question was supposed to have been closed, and France was believed to have been entirely content with that system in which the United States found themselves bound to persevere, some complaints were made, not against the principles adopted by the government, but against the application of those principles to particular cases supposed not to come within them. The neutrality of the United States could not permit prize to be made of vessels belonging to nations with whom they were at peace, within their jurisdiction; or by Privateers fitted out in their own ports. Regulations to this effect were necessarily made; and to enforce the observance of those regulations, was a duty not to be dispensed with. The right of one of the belligerent powers, to obtain the release of a vessel captured under such circumstances, was as sacred as the right of the captor to a vessel taken on the high seas and which according to the usages of war was lawful prize. The United States were bound to respect the rights of both. To do so, it was necessary to examine the facts; for which purpose, a tribunal, in which both parties might be fairly heard, was unavoidable. Some complaints were made of particular vexations, and each complaint has heretofore been particularly attended to. It is believed to be unnecessary to review these several cases, because the undersigned are entirely persuaded that explanations, already given, must have been completely satisfactory. Should any one of them be still considered as furnishing subject for complaint, the undersigned will proceed to its investigation,

with the most sincere desire to attain truth, and to redress the wrong, if any has been committed.

During this period, the causes of complaint against France, on the part of the United States, were by no means inconsiderable. Their commerce was not exempt from depredations, believed to be entirely unwarrantable, made upon it by the cruisers of this Republick.

On the 9th of May, 1793, the National Convention passed a decree relative to the commerce of neutrals, the first article of which is in these words: "The French ships of war and privateers may stop and bring into the ports of the Republick, such neutral vessels as are loaded, in whole or in part, either with provisions belonging to neutrals, and destined for enemy ports, or with merchandise belonging to enemies." In consequence of the remonstrances of the American minister, the convention, on the 23d May, declared, "that the vessels of the United States are not comprized in the regulations of the decree of the 9th May." On the 28th of the same month, the Convention repealed the decree of the 23d—On the 1st July, they re-established it. On the 27th July, it was again repealed. Under the decree of the 9th May, the vessels of the United States were captured, brought into the ports of France, and their cargoes disposed of. Could this decree, citizen minister, be regarded otherwise than as infringing the laws of nations, the rights of neutrals, and the particular engagements, subsisting between France and the United States?

When on the 8th of June, in the same year, the British government issued a similar order, its injustice produced a ferment throughout America, indicating strong dispositions immediately to oppose its execution by force. The letter of Mr. Jefferson, the then Secretary of State, to the minister plenipotentiary of the United States at London, dated the 7th Sept. 1793, and remonstrating against the order of the 5th June, contains so much justness of sentiment, and strength of argument, as to have been quoted by your predecessor, in his letter to Mr. Monroe of the 9th March, 1796.

It cannot escape you, citizen minister, that the arguments of Mr. Jefferson, concerning the order of the 8th June, apply conclusively to the decree of the 9th May; and that to them are to be added, those arguments which are to be drawn from the hardship of being absolutely compelled, without any alternative, to part with the cargoes in France, and those also which are drawn from the duties imposed by an express and solemn treaty.

Nothing can demonstrate more conclusively the real temper of the United States, than the difference between the reception given to the decree of the convention of the 9th May, and that which was given to the order of the British cabinet of the 8th June.

A large number of American vessels too were for a long

time detained at Bordeaux, very much to the injury of the owners, without assigning a motive for such detention, or putting it in the power of the government to conjecture the cause of a measure, which so deeply affected the interest of their fellow citizens—These and other embarrassments were experienced, but they could not diminish the attachment of the United States to France. In the midst of them, prayers were offered up, through the whole extent of the American continent, for the success of this Republick. The government, feeling the same sentiment, displayed it, at least as far as was compatible with the decent deportment required from a nation not a party in the war, and professing neutrality. Such would not have been the conduct of a government and people, in secret unfriendly to France.

Very strong and just resentments were at that time inspired by the hostile conduct of Britain. The instructions of June, 1793, whereby American vessels, laden with provisions for France, were brought into the ports of Britain, there to sell such cargoes, or to give security to sell them in other ports in amity with England, and the still more offensive order of November the 6th, in the same year, whereby vessels laden with the produce of a French colony, or carrying provisions to such colony, were ordered to be brought in for adjudication; added to the pre-existing causes of mutual irritation, had produced such a state of things, as to render it obvious, that the injuries complained of by America must be entirely done away, or that war was the inevitable consequence.

This state of things was not so altered by the order of the 8th of January, 1794, revoking that of the sixth of November, 1793, as to promise a different result. But as a nation preferring peace to war will ever make a peaceful demand of reparation for injuries sustained, before that reparation is sought by the sword, and as the policy of America has ever been, "to pursue peace with unremitting zeal, before the last resource, which has so often been the scourge of nations, and could not fail to check the advanced prosperity of the United States, was contemplated;" an Envoy Extraordinary was deputed to his Britannick Majesty. "Carrying with him a full knowledge of the existing temper and sensibility of his country, it was expected that he would vindicate its rights with firmness, and cultivate peace with sincerity."

Truly desirous, as the American government was, of preserving peace with Britain, its determination was unalterable, not to preserve it, nor to receive compensation for injuries sustained, nor security against their future commission, at the expense of the smallest of its engagements to France. Explicit and positive instructions to this effect were given to Mr. Jay, and those instructions were freely communicated to the minister of this Republick, then at Philadelphia. The negotiation of the American envoy terminated in a treaty in many respects desirable to the United States.

But however desirable its objects might be, the government of the United States would not have hesitated to reject them, had they been accompanied with any stipulation violating or weakening its engagements to France. But it has been able to discern no such stipulation.—The twenty-fifth article of that treaty guards the rights of this Republick by the following clause : “ Nothing in this treaty contained shall, however, be construed or operate, contrary to former and existing publick treaties with other sovereigns or states.” The treaty with France being a “ former and existing publick treaty,” and it being thus provided that nothing contained in the treaty with Britain, “ should be construed or operate contrary to it,” the government of the United States did not apprehend that the treaty with Britain could be considered as affecting its relations to France. But such was its attention to its ally, that the instrument was, previous to its ratification, submitted to the consideration of the minister of this Republick, who was invited to communicate freely to the government of the United States, such observations upon it as he might judge proper. Mr. Adet, in a letter addressed to Mr. Randolph, dated 12th Messidor, 3d year of the French Republick, (30th June, 1795) expresses his sense of this procedure in the following words : “ This frank measure is to me a sure guaranty of the friendship of the American government towards France, and of the fidelity with which it always marks its conduct towards a faithful ally.” He then stated those reflections to which the reading of the treaty had given birth. The articles which relate to enemy goods in neutral bottoms, are mentioned without a comment. He contended, that the list of contraband was swelled, and that the 23d, 24th and 25th articles of the treaty with Britain, ceded to that power advantages inconsistent with the previous cessions to France. This letter was answered by Mr. Randolph, on the 6th of July following, who proves, that no article was enumerated in the list of contraband, in the treaty between the United States and Britain, which was not of that description, previous to its formation, and independent of it ; noticed briefly the subject of enemy goods in neutral bottoms ; and demonstrated, that the objections of Mr. Adet to the 23d, 24th, and 25th articles were entirely founded on a misconstruction of them. This misconstruction was so apparent, that Britain has never claimed it, nor would the American government ever have admitted it. The letter of Mr. Randolph closes the subject of enemy contraband and of enemy property taken out of neutral bottoms, with a paragraph, to which, citizen minister, your attention is solicited : “ Hitherto, however, (says he) 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 topick 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, so as not to be delayed by it."

It was then apparent, that the government of the United States, actuated by that friendship which transcends the line of strict obligation, was willing, gratuitously, to release her ally from those stipulations of a former treaty, which, in the course of events, were deemed to operate unfavourably to her. This readiness to concede, marked that friendship the more strongly, as the situations in which the two nations found themselves could not have been unforeseen, but was the very situation for which the article provides. The answer of Mr. Randolph concludes, with requesting an opportunity to remove any remaining doubts, should there be such, by further explanations: no remaining doubts were stated, and therefore, as well as for its contents, the letter was believed to be entirely satisfactory to Mr. Adet, and it was hoped, that this government, as well as that of America, would consider the treaty with Britain as an accommodation desirable by the United States, and not disadvantageous to France.

It is not easy to express the chagrin felt by the American government on learning, that in this treaty the United States were supposed to have "knowingly and evidently sacrificed their connections with this Republick, and the most essential and least contested prerogatives of neutrality." With the firmness of conscious integrity, the United States aver, that they have never knowingly sacrificed or impaired their connections with this Republick, nor the prerogatives of neutrality; but that they have, according to their best judgment, invariably sought to preserve both.

The undersigned will endeavour faithfully to state the impressions of the government they represent on this interesting subject. The objections made to this treaty by your predecessor in office, in his note to Mr. Monroe, dated 19th of Ventose, 4th year of the French Republick, one and indivisible (9th March, 1796) are,

1st. That the United States, besides having departed from the principles established by the armed neutrality, have given to England, to the detriment of their first allies, the most striking mark of an unbounded condescension, by abandoning the limits given to contraband by the law of nations, by their treaties with all other nations, and even by those of England with the greater part of the maritime powers.

2d. That they have consented to extend the denomination of contraband even to provisions. Instead of pointing out particularly, as all treaties do, the cases of the effective blockade of a place, as alone forming an exception to the freedom of this article, they have tacitly acknowledged the pretensions raised by England, to create blockades in the colonies, and even in France, by the force of a bare proclamation.

Mr. Adet, in his letter to Mr. Pickering, dated 25th Brumaire, 5th year of the French Republick, one and indivisible,

(15th November, 1796,) has repeated the same objections, and has been pleased also to superadd some observations relative to the formation of such a treaty generally, and the circumstances attending its negotiation, in terms not to have been expected by the first, and almost only voluntary friend of this Republick.

These having been the only specifick objections officially made to the treaty with Britain, by the government of France, either in Paris or in Philadelphia, are necessarily supposed to be the only objections which have occurred.

They have often been discussed on the part of the United States, but that discussion will be renewed, because, although the undersigned may be unable to suggest any argument not heretofore urged, they cannot resist the hope, that an attentive reconsideration of those arguments may give them a success which has not yet attended them.

The first objection may be supposed to consist of two parts. 1st. The abandonment of the principle, that neutral bottoms make neutral goods; an objection rather insinuated than expressed; and 2dly, the addition to the catalogue of contraband.

1st. On the first part of the objection, it is observable, that the statements of the late minister of exterior relations, and of Mr. Adet, seem to admit, but certainly do not controvert the position, that previous to the formation of the armed neutrality, a belligerent power could rightfully take out of the bottoms of a neutral the goods of its enemy. This position is believed to be uncontroversible; some of the arguments in support of it have been already detailed, and it is deemed unnecessary to repeat or to add to them. To this principle of the armed neutrality, with a departure from which, the United States seem to be impliedly charged, the note of Mr. de la Croix does not assign any obligation whatever; nor does he appear to consider it as having been engrafted by that confederation on the law of nations. On this point Mr. Adet has not been more explicit. He seems to have been content with vague insinuations, and not to have been willing to commit himself by a direct averment, that in consequence of the armed neutrality, the law of nations on this subject is changed. The undersigned are unwilling to combat at length, a proposition not positively advanced, which they deem so clearly indefensible, and will therefore refer to the brief observation already made respecting it.

It may not, however, be improper here to notice, that in February, 1778, when the treaty between France and the United States was entered into, the armed neutrality had not been formed; of consequence, the state of things on which that treaty operated, was regulated by the law of nations, as it clearly existed previous to the formation of the armed neutrality. It is supposed to be admitted, that according to that state of things, neutral bottoms could afford no protection to the goods of an enemy. The stipulation then of the article of that treaty, was understood at the time, by the contracting parties, to form an exception to a general rule, which would retain its obligation in all cases where it was not changed. If then the contracting parties had

designed to impose on each other the necessity of extending this exception to other nations, so as to convert it into a general rule, they would have expressed this intention in their contract: not having expressed it, they must be considered as intending that this exception should form a rule as between themselves, while the general rule should govern as with other nations who had not consented to change it.

It is also worthy of observation, that when this treaty was made, the United States were at war, and France at peace with Britain. In this state of things, which might have continued, had not war been declared, or hostilities commenced by England, the bottoms of France would have protected, from American cruisers, English property, while they would not have protected from British cruisers American property. This was the necessary result of that state of things under which the treaty was formed; America had consented to it; and neither could or would have complained.

It is also to be noticed, that before the negotiation with England had commenced, the government of the United States had openly avowed that opinion on this subject, which its best judgment dictated. This opinion, perfectly unconnected with that negotiation, was known by all to form and regulate the basis of its conduct. The letters from Mr. Jefferson, already quoted, had stated to the world the perfect conviction of the United States, that by the law of nations, a belligerent power, not restrained by particular treaty, might rightfully take out of the bottoms of a neutral the goods of its enemy; as well as their determination, that they could not and ought not to oppose the exercise of this right. The right having been clearly and unavoidably admitted, and the determination to acquiesce under its exercise having been avowed openly, Mr. Jay could only solicit its surrender. Had no treaty been formed, or had that treaty omitted to mention the principle, the right would still have existed, would still have been acknowledged, and would still have been exercised. The treaty does not, in fact or in expression, cede a new privilege; it regulates the exercise of one before existing, and before acknowledged to exist. The harsh means of exercising this right, which are given by the law of nations, are modified and softened by the treaty, and this is the only effect which the article on this subject has produced; it was the only motive, and it was a sufficient motive for introducing it.

The second branch of this objection seems more to be relied on, and comes forward in a more decisive shape; it is—That the United States have abandoned the limit given to contraband by the law of nations, by their treaties with all other nations, and even by those of England with a greater part of the maritime powers.

The limit of contraband is supposed to have been extended, by inserting in the catalogue, naval stores, and timber for ship-building.

To estimate rightly a charge so warmly made, it becomes indispensable to ascertain whether these articles are, independent of treaty, by the law of nations contraband of war: on this single point seems to rest the verity of the accusation.

It is regretted that those, who have averred the negative, have not been pleased to furnish authorities in support of the opinion they advanced. Such authorities would have been considered with candour, and any conviction they might have produced would have been freely acknowledged. But no such authorities are furnished, and it is believed that none exist.

America solicitous to confine as much as possible, by common consent, the list of contraband; but determined, however she might oppose its enlargement, not to attempt its diminution by force, was under the necessity of examining the subject, and of ascertaining the line of partition between the rights of neutrals and of belligerent powers.

As guides in such a search, she could only take the most approved writers on the law of nations. These are believed to class timber for ship-building, and naval stores for the equipment of vessels, among articles admitted to be contraband of war. Vattel (B. III. c. 7. sect. 112.) defines contraband goods to be "commodities particularly used in war: such are arms, military and *naval stores, timber,** horses, and even provisions in certain junctures, where there are hopes of reducing the enemy by famine." The treaty between France and Denmark, concluded in 1742, places tar, rosin, sails, hemp, cordage, masts, and timber for ship-building, on the catalogue of contraband: and Valin, in his commentary on the marine ordinances of France, (Vol. 2. page 264.) says that "of right these articles are now contraband, and have been so from the commencement of the present century." In conformity with these opinions has been that of America; and if the law of nations was understood by the most approved jurists, she has not erred.

But the modern publick law of nations, and modern treaties, are said to have established a different rule. If the modern publick law of nations has changed the principle, such change is yet unknown to the United States. It is much to be wished, that more full and satisfactory information had been given in support of an opinion, a difference on which is alleged to have produced consequences so extremely calamitous.

It is not averred, that the armed neutrality has constituted this modern publick law. It is supposed that this cannot be averred, because France will never admit the right of a confederacy, whatever may be its power, to impose the law on those who are not parties to it. It is supposed also, that this cannot be averred for another reason. The members of the armed neutrality had not themselves agreed upon the articles which should be deemed contraband. Russia, the power originating that celebrated, though short lived compact, published in 1780 the principles on which she would maintain the com-

[* For ship-building.]

merce of her subjects: one of these was, that the articles of contraband should be regulated by the 10th and 11th articles of her treaty of commerce with Great Britain.

Afterwards, Denmark entered into a convention with Russia for maintaining generally the principles agreed upon; but on the subject of contraband in particular, Denmark adopted as the rule by which to be governed, her treaty of commerce with Great Britain, concluded the 10th of July, 1670, in the third article of which, contraband goods are described to be "*any provisions of war, as soldiers, arms, machines, cannon, ships, or other things of necessary use in war.*" But by a convention concluded at London, on the 4th of July, 1780, between Great Britain and Denmark, to explain the treaty of commerce of 1670, between the two powers, "*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 fir planks excepted,*" are declared to be contraband.

Denmark having, in her convention with Russia adopted her treaty with England, made in 1670, as declaratory of those articles which she would consider as contraband, and having by her explanatory agreement with England substituted a particular enumeration of articles for a general description of them, not as an amendment, but as an explanation of the treaty of 1670, has taken a different rule, in the very compact referred to as establishing a modern publick law of nations, from that taken by Russia. The rule of Denmark classes among contraband precisely the same articles which are enumerated as such in the treaty between the United States and Britain, and which are only found in that enumeration, because it is believed that the law of nations has unquestionably so placed them. Sweden and Holland too, in acceding to the armed neutrality, adopt their own treaties as the rule by which they will respectively be guided. There was then even among the parties to this agreement no fixed law of contraband. Had the potentates of Europe designed to establish permanently and generally the principles of the armed neutrality, the war which originated that convention, would not have terminated without some general agreement concerning it: the efforts of Sweden to obtain a congress for examining and terminating the different concerns both of the powers at war and of the neutral states, could not have proved entirely abortive.

No argument then can be drawn from the armed neutrality in support of the position, that the modern publick law of nations, relating to contraband, has been abandoned by the United States. No modern publick law having been formed, the rule remains unchanged; and, at the present moment, as well as when the treaty with France was formed, is believed to ordain as contraband the articles enumerated as such in the treaty with Britain.

But it is alleged that, in this treaty, the United States have abandoned the limits given to contraband, by their treaties with

all other nations, and even, by those of England with a greater part of the maritime powers.

It is true, that the United States, desirous of liberating commerce, have invariably seized every opportunity which presented itself to diminish or remove the shackles imposed on that of neutrals. In pursuance of this policy, they have on no occasion hesitated to reduce the list of contraband, as between themselves and any nation consenting to such reduction. Their pre-existing treaties have been with nations as willing as themselves to change the old rule: and consequently, a stipulation to that effect, being desired by both parties, has been made without difficulty. Each contracting party is deemed to have an equivalent for the cession made, in the similar cession it receives from the party with whom it contracts. Neither requires of the other, as an additional consideration, that it shall propagate by the sword the principles which form the basis of their private agreements, and force unwilling nations to adopt them; nor that it should decline to regulate by treaty its interests with any other nation which should refuse to accede to them: as little could either suppose that its particular contract contained any thing obligatory on others, or was capable of enlarging or diminishing their rights. The treaties of the United States then with other nations can only establish the limits of contraband, as between the contracting parties, and must leave that subject, with nations not parties to the contract, to the law which would have governed had such particular stipulation never been made. According to the existing state of things when the negotiations between the United States and Great Britain were opened, naval stores and timber for ship building were, as between America and Britain, contraband of war: they would have retained this character had the treaty never been made: they would have retained it had the treaty contained no provision on the subject. The United States were truly desirous of excluding them from the list, but Britain was unwilling to do so. Had the United States possessed the means of coercion, their established policy, founded on the basis of justice, and their own peculiar situation, forbid a resort to these means for any other purpose than the defence of their own rights, or a compliance with their own engagements. It was not a case in which force would have been deemed justifiable; and the object, being unattainable by mutual consent, was unavoidably relinquished for the moment. Yet it was proper to enumerate the articles which were before contraband, and which continued to be so, because that enumeration notified to the merchants of the United States the hazard which their commodities would encounter on the seas, and because also it prevents those vexatious altercations, which might otherwise have been produced by the efforts of one party to swell, and of the other to reduce the list.

If on the refusal of Britain to substitute any other rule concerning contraband, in the place of that established by the law of nations, France finds herself in a situation to be injured by an

observance of her engagements with the United States, it is not the treaty with Britain, but that with France which has produced this situation. This was foreseen when that treaty was entered into; and did not prevent it. The stipulation concerning contraband was formed when France was at peace, and America at war; although that state of things did not long continue, yet its continuance was by no means deemed impossible. Notwithstanding this, the government of the United States has manifested a willingness to change this stipulation, as well as that which respects enemies property in neutral bottoms, so soon as France complained of them: of this the letter from Mr. Randolph to Mr. Adet, already quoted, affords conclusive testimony.

It appears then on examining this objection to the treaty between the United States and Britain, that it has not added to the catalogue of contraband a single article; that it has ceded no privilege, has granted no right; and that it has not changed in the most minute circumstance the pre-existing situation of the United States in relation either to France or to Britain. Notwithstanding those truths, the government of the United States has hastened to assure its former friend that, if the stipulations between them be found oppressive in practice, it is ready to offer up those stipulations a willing sacrifice at the shrine of friendship.

In vain will you search in this procedure for "a known and evident sacrifice on the part of the United States of their connections with this Republic, and of the most essential and least contested prerogatives of neutrality." In vain will you search for evidence of their "having given to England, to the detriment of their first allies, the most striking mark of an unbounded condescension, by abandoning the limits given to contraband by the law of nations, by their treaties with all other nations, and even by those of England with the greater part of the maritime powers."

The United States feel these reproaches, as conscious innocence feels the imputation of guilt.

2dly. It is also alleged, that "the United States have consented to extend the denomination of contraband even to provisions. Instead of pointing out particularly, as all treaties do, the cases of the effective blockade of a place, as alone forming an exception to the freedom of this article, they have tacitly acknowledged the pretensions raised by England to create blockades in our colonies, and even in France, by the force of a bare proclamation."

The objections to this article shall be considered according to its letter, and according to its operation.

The objectionable words are: "and 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 expedient to provide against the inconveniences and misunderstandings which might thence arise: It is further agreed that whenever any such article so becoming contraband

according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated; but the owners thereof shall be speedily and completely indemnified; and the captors, or, in their default, the government under whose authority they act, 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."

The admissions contained in this clause are,

- 1st, That provisions are not generally contraband, and
- 2dly, That they are sometimes contraband.

An effort was made to establish the precise cases in which alone they should be subject to seizure; but America would only consent to consider them as contraband in the case of an effective blockade, seige, or investment of a place; while on the part of England this strict interpretation of the rule was not admitted: but it was contended that provisions became contraband, when there were reasonable hopes of reducing the enemy by famine. In this opposition of sentiment, to what have the United States consented? "To extend the denomination of contraband even to provisions?" "To acknowledge tacitly the pretensions raised by England to create blockades in your colonies, and even in France, by the force of a bare proclamation?" "To secure to the English alone the carriage of meals?" "In a word, to have commerce only with England?" Reconsider the words themselves, and it will require no comment to prove how inapplicable to them are these assertions. The clause complained of, having stated the admission and the difficulty already mentioned, proceeds to say: "It is further agreed that whenever any such articles, so becoming contraband according to the laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified."

It is too clear to admit of contestation, that this clause does not declare provisions to be contraband, or admit of their seizure in any other case than where, "according to the existing law of nations, they should become contraband:" in such case the right to seize them is not given by this article, but is admitted by France and by all the world to exist independent of treaty. In such case they would have been seized had this stipulation never been entered into; and would have been confiscated also. The only alteration, which is by the letter of the clause produced in the law of nations, is to exempt from confiscation goods which under that law would have been subject to it.

But it has been suspected to have an object and an operation in practice different from its letter. It has been suspected to cover a design to admit substantially certain principles, with respect to blockades, which in theory are denied.

Incapable of duplicity, America with the pride of conscious integrity, repels this insinuation, and courts an investigation of the facts on which it is founded.

The government of the United States and that of Britain, having construed the law of nations differently in this respect, each would have acted upon its own opinion of that law: the privateers of England would have seized as contraband any goods, deemed such in their courts of admiralty; and the government of the United States would have reclaimed such goods, and would have supported the demand in such a manner as its own judgment dictated. This procedure is not changed. The right to make such reclamation has not been relinquished, nor has the legality of the seizure, in any other case than that of an attempt to enter a place actually invested, been in any degree admitted.

It is true, that the British government renewed the order concerning provisions about the time of the ratification of this treaty: but it is not less true, that the government of the United States manifested a firm resolution to submit to no such construction, and remonstrated so seriously against it as to produce a revocation of the order. Nor is this all: claims for provisions seized in cases of a mere proclamation-blockade have been actually made, and have been actually decided in favour of the claimants. The British government has acquiesced under such decisions by paying the sums awarded. These sums were not limited to a reasonable profit on the price of the commodity seized, but were regulated by its price at the port of destination, and consequently the actual as well as avowed principle of such decisions was, that the goods seized had not become contraband "according to the existing law of nations."

The intention of the government then, and the practice under the article, are in direct opposition to these injurious suspicions, the indulgence of which has produced such pernicious effects. It is even believed that the decision on this subject, will be one step towards the establishment of that principle for which America has never ceased to contend. It is also believed, and has ever been believed, that the article objected to would have a necessary tendency to increase, and did in fact increase the quantity of provisions imported from America into France and her colonies. The American commerce, being entirely in the hands of individuals, is consequently conducted by them according to their own views of particular advantage: they will unquestionably endeavour to supply the highest market, unless restrained from doing so by other considerations which render it unadvisable to attempt such a supply. In their calculations, the risk of reaching the market is too important an item to be passed over or forgotten. Every diminution of this risk adds to the number of those who will attempt the supply: and consequently a knowledge that the voyage, should it even fail by the seizure of the vessel, would yet be profitable, must increase the number of those who would make it.

It is plain then, that this article admits the seizure of provisions in no situation where they were not before seizable; and

encourages their transportation to France and her colonies, by diminishing the risk of such transportation.

It is also complained of, that this treaty has not, "as all treaties do, pointed out particularly the cases of the effective blockade of a place," as alone forming an exception to the freedom of provisions.

Articles in a treaty can only be inserted by consent. The United States therefore can never be responsible for not having inserted an article to which the other contracting party would not assent. They may refuse to make any change in the existing state of things prejudicial to themselves or to other powers; and they have refused to make any such change. But it is not in their power to insert, as by common consent, an article, though merely declaratory of a principle which they considered as certainly existing, and which they mean to support, if such common consent be unattainable. All that can be done, in such a case, is to leave the principle unimpaired, reserving entirely the right to assert it. This has been done; the principle was left unimpaired, and has been since successfully asserted.

The United States are at all times truly solicitous to diminish as much as possible the list of contraband. It is their interest, in common with all other nations whose policy is peace, to enlarge, so far as they can be enlarged, the rights of neutrals. This interest is a sure guarantee for their using those means which they think calculated to effect the object, and which a just regard to their situation will permit. But they must be allowed to pursue the object in such a manner as may comport with that situation. While they surrender no actual right, in preserving which there is a common interest; while they violate no pre-existing engagement (and these they have not surrendered or violated) they must judge exclusively for themselves how far they will or ought to go in their efforts to acquire new rights, or establish new principles. When they surrender this privilege, they cease to be independent, and they will no longer deserve to be free. They will have surrendered into other hands the most sacred of deposits—the right of self-government; and instead of the approbation, they will merit the contempt of the world.

Those parts of the treaty between the United States and Britain, which have been selected by France as injurious to her, have now been examined. The undersigned are too well convinced that they in no degree justify the enmity they are alleged to have produced, not to rely on a candid reconsideration of them as a sure mean of removing the impressions they are supposed to have made.

Before this subject is entirely closed, one other objection will be noticed. The very formation of a commercial treaty with England seems to be reprobated as furnishing just cause of offence to France; and Mr. Adet has permitted himself to say: "It was a little matter only to allow the English to avail themselves of the advantages of our treaty: it was necessary to

assure these to them by the aid of a contract, which might serve at once as a reply to the claims of France, and as peremptory motives for refusals; the true cause of which it was requisite incessantly to disguise to her under specious pretexts. Such was the object of Mr. Jay's mission to London; such was the object of a negotiation enveloped from its origin in the shadow of mystery, and covered with the veil of dissimulation."

Passing over this extraordinary language, the undersigned, being only desirous of producing accommodation by the exhibition of truth, will consider the opinion which is obliquely hinted, and the fact which is directly averred.

The practice of forming commercial treaties is so universal among other nations, having any commercial intercourse with each other, that it seems unnecessary to discuss their utility. The right to form these treaties has been so universally asserted and admitted, that it seems to be the inseparable attribute of sovereignty, to be questioned only by those who question the right of a nation to govern itself, and to be ceded only by those who are prepared to cede their independence.

But the prosperity of the United States is, in a peculiar degree, promoted by external commerce. A people almost exclusively agricultural have not within themselves a market for the surplus produce of their labour, or a sufficient number and variety of articles of exchange to supply the wants of the cultivator: they cannot have an internal, which will compensate for the loss of an external commerce: they must search abroad for manufactures, and for many other articles which contribute to the comfort and convenience of life, and they must search abroad also for a market for that large portion of the productions of their soil, which cannot be consumed at home. The policy of a nation thus circumstanced, must ever be to encourage external commerce, and to open to itself every possible market for the disposition of its superfluities, and the supply of its wants. The commercial and manufacturing character and capacities of England must turn into that channel a considerable portion of the commerce of any nation under the circumstances of the United States. It is a market too important and too valuable to be voluntarily closed; in consequence, a considerable portion of their commerce has taken that direction, and a continual solicitude has been manifested to regulate and secure it by contract. To abolish this commerce, or to refuse to give it permanence and security by fair and equal stipulations would be a sacrifice which no nation ought to require, and which no nation ought to make. In forming her treaty of amity and commerce with the United States, France claimed no such prerogative. That treaty declares the intention of the parties to be, "to fix in an equitable and permanent manner the rules which ought to be followed relative to the correspondence and commerce, which the two parties desire to establish between their respective coun-

tries, states, and subjects ;” and that “ they have judged that the said end could not be better obtained than by taking for the basis of their agreement the most perfect equality and reciprocity ; and by carefully avoiding all those burdensome preferences, which are usually sources of debate, embarrassment and discontent ; by leaving also each party at liberty to make respecting commerce and navigation, those interior regulations which it shall find most convenient to itself ; and by founding the advantage of commerce solely upon reciprocal utility, and the just rules of free intercourse ; reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages.” The treaty itself contains no stipulation in any degree contradictory to these declarations of the preamble, or which could suggest a suspicion that under those declarations was concealed a wish to abridge the sovereignty of the United States with respect to treaties, or to control their interests in regard to commerce. In forming a commercial treaty with Britain, therefore, in which no peculiar privilege is granted, the government of the United States believed itself to be transacting a business exclusively its own, which could give umbrage to none, and with which no other nation on earth would consider itself as having a right to interfere. There existed consequently no motive for concealing from or declaring to France, or any other power, that the negotiations of Mr. Jay might or might not terminate in a commercial treaty. The declaration therefore was not made ; nor is it usual for nations about to enter into negotiations, to proclaim to others the various objects to which those negotiations may possibly be directed. Such is not, nor has it ever been the practice of France. To suppose a necessity or a duty on the part of one government thus to proclaim all its views, or to consult another with respect to its arrangements of its own affairs, is to imply a dependence, to which no government ought willingly to submit. So far as the interests of France might be involved in the negotiation, the instructions given to the negotiator were promptly communicated. The minister of this republic was informed officially that Mr. Jay was instructed not to weaken the engagements of the United States to France. Further information was neither to have been required or expected ; indeed, that which was given furnished reason to suppose, that one of the objects of the negotiation with Great Britain was a commercial treaty. Why then such unnecessary and unmerited sarcasms against a cautious and unoffending ally ? Those objects which she pursued were such as an independent nation might legitimately pursue, and such as America never had dissembled, and never deemed it necessary to dissemble her wish to obtain. Why should an effort be made to impress France with an opinion, that Mr. Jay was not authorized to negotiate a commercial treaty with Britain, when the fixed opinion of America had ever been, that France

could not be and ought not to be dissatisfied with the formation of such a treaty? Why should the minister of France have been informed officially, that Mr. Jay was especially instructed not to weaken the engagements of the United States to France, if it was intended to convince that minister, that his power did not extend to subjects in any degree connected with those engagements? To what purpose should the government of the United States have practised a deception deemed by itself totally unnecessary, and which its utmost efforts could not long continue? It requires an equal degree of folly and vice to practise an useless fraud which must inevitably and immediately be detected, and the detection of which must expose its author to general infamy, as well as to the enmity of those on whom the fraud had been practised. These considerations ought to have produced some hesitation concerning the fact: The testimony in support of it ought to have been very positive and very unexceptionable before it received implicit faith. It should have been very clear that there was no mistake, no misunderstanding concerning the information communicated, before the charge was made in such terms as the minister of France has been pleased to employ: but the testimony is believed to be satisfactory, that the government of the United States has not endeavoured to impress on France any opinion on this subject, which the fact of the case did not warrant.—The declaration of Mr. Randolph, made July 8th, 1795, is full to this point. It is in these words: “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 no reason for saying so, since the French Republick 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 sometime 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.”

If then, Mr. Randolph did give Mr. Fauchet the information contended for, it is plain that he never was authorized to do so; but the considerations already detailed render it infinitely

more propable, that Mr. Fauchet has misunderstood Mr. Randolph, than that Mr. Randolph has misinformed Mr. Fauchet.

The undersigned have taken, they trust, a correct view of the leading and influential measures adopted by the government of the United States: they have endeavoured to state with plainness and with candour the motives which have occasioned the adoption of those measures, and the operation they are believed to have. They have shown, that if America is to be reproached with partialities, irreconcilable with her neutral situation, it is not by France that those reproaches ought to be made. They have been induced to take this review by a hope, which they cannot relinquish without regret, that it may contribute to efface impressions which misrepresentation may have made, and to take from the intentions and conduct of the government they represent, that false colouring which unfriendly pencils have so profusely bestowed upon them. They are anxious still to cherish the hope, that by exposing frankly and sincerely the sentiments which have hitherto guided their nation, they may restore dispositions on the part of France, compatible with the continuance of those sentiments.

Complaints have been made that in the application in particular cases of those general principles, which the neutral station of the United States rendered indispensable, inconveniences and vexations which were unavoidable have been sometimes sustained. These complaints have been separately and fully discussed.

The undersigned persuade themselves, that the explanations which have been given respecting them, if not entirely satisfactory, have yet been such as to prove the good faith and upright intention which have never ceased to direct the conduct of the United States.

If notwithstanding this good faith and the purity of these intentions, the difficulty of their situation has in any case produced even an involuntary departure from those principles by which they professed to be guided, they are ready to consider that case and to repair any fault which may inadvertently have been committed. With these dispositions on their part, with this consciousness of having never ceased to merit the friendship and esteem of the French nation, with a conviction that a temperate and thorough view of the past cannot fail to remove prejudices not warranted facts, the United States have relied confidently on the justice of France for a discontinuance and reparation of those serious and heavy injuries, which have been accumulated on them.

Desirous of establishing, not the dependence of a weak on a powerful nation, but that real and cordial friendship, the willing and spontaneous offering of generous minds, which can only be lasting when evidenced to be mutual, and can only be preserved when bottomed on reciprocal justice, the undersigned will now represent with candour and frankness the well founded complaints with which they are charged.

These complaints consist :—

Of claims uncontroverted by the government of France, but which remain unsatisfied, and

Of claims founded on captures and confiscations, the illegality of which has not yet been admitted.

In the first class of cases are arranged ;

1stly, Those whose property has been seized under the decree of the national convention of the 9th May 1793.

2dly, Those who are entitled to compensation in consequence of the long detention of their vessels at Bordeaux in the years 1793 and 1794.

3dly, The holders of bills and other evidences of debts due drawn by the colonial administrations in the West-Indies.

4thly, Those whose cargoes have been appropriated to public use without receiving therefor adequate payment ; and

5thly, Those who have supplied the government under contracts with its agents, which have not yet been complied with on the part of France.

These well founded claims of American citizens, thus originating in voluntary and important supplies, in the forcible seizure of valuable property, accompanied with promises of payment, and in injurious detentions, constitute a mass of debt which the justice and good faith of the French government cannot refuse to provide for, and which is too considerable to be unnoticed by that of the United States. The undersigned are instructed to solicit your attention to this subject, and they would persuade themselves that they do not solicit in vain. So many circumstances concur to give force to the application, that they leave it to your government, in the confidence that no additional representations can be necessary.

They pass to complaints still more important for their amount, more interesting in their nature, and more serious in their consequences.

On the 14th Messidor, 4th year of the French Republick, one and indivisible (July 2d, 1796,) the Executive Directory decreed, " That all neutral or allied powers shall without delay be notified that the flag of the French Republick 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." This decree, in any point of view in which it can be considered, could not fail to excite in the United States the most serious attention. It dispenses at once as they conceive with the most solemn obligations which compact can create, and consequently asserts a right on the part of France, to recede at her discretion from any stipulations she may have entered into. It has been demonstrated that governments may by contract change, as between themselves, the rules established by the law of nations, and that such contract becomes completely obligatory on the parties, though it can in no manner affect the rights of others ; yet by this decree, allies with

whom such stipulations exist, are to be treated without regard to such stipulations, in the same manner as they are treated by others, who are bound by a different rule. This as it respects the United States is the more unfriendly, because a readiness has been manifested on their part so to modify by consent their treaty with France, as to reinstate the rules established by the law of nations.

The general terms too, in which this decree is conceived, threatened but too certainly the mischiefs it has generated, and the abuses which have been practised under it. Neutrals are to be treated as they shall permit the English to treat them. No rule extracted from the practice of England is laid down, which might govern the cruisers of France, or instruct the vessels of neutrals. No principles are stated, manifesting the opinion entertained of the treatment received from England, which might enable a neutral to controvert that opinion, and to show that the English were not permitted to treat its flag as was supposed by the government of France. To judge from the decree itself, from any information given concerning it, or from the practice under it, those who were to be benefited by its abuse, were to decide in what manner it should be executed; and the cruiser who should fall in with a valuable vessel had only to consult his own rapacity, in order to determine whether an English privateer, meeting a vessel, under similar circumstances, would capture and bring her into port. Multiplied excesses, and accumulated vexations could not but have been apprehended from such a decree, and the fact has realized every fear that was entertained concerning it. It has been construed even in Europe to authorize the capture and condemnation of American vessels, for the single circumstance of their being destined for a British port. At no period of the war has Britain undertaken to exercise such a power. At no period of the war has she asserted such a right. It is a power which prostrates every principle of national sovereignty and to which no nation can submit without relinquishing at the same time its best interests and sacrificing its dearest rights. This power has been exercised by France on the rich and unprotected commerce of an ally, on the presumption that that ally was sustaining the same injuries from Britain, at a time when it is believed that the depredations of that nation had ceased, and the principle of compensating for them had been recognised.

In the West-Indies similar depredations have been experienced. On the 1st of August 1796, the special agents of the Executive Directory to the Windward Islands, decreed, that all vessels loaded with contraband, should be seized and confiscated for the benefit of the captors.

On the 7th Frimare, 5th year of the French Republick, one and indivisible (27th November, 1796) the commission, delegated by the French Republick to the Leeward Islands, resolved,

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.

On the 19th Pluviose, 5th year of the French Republick, one and indivisible, (February 1st, 1797) Victor Hugues and Lebas, the special agents of the Executive Directory to the Windward Islands, passed a decree, subjecting to capture and confiscation neutral vessels destined for the Windward and Leeward Islands of America, delivered up to the English, and occupied and defended by the emigrants. These ports are said to be, Martinico, St. Lucie, Tobago, Demerara, Berbice, Essequibo, Port-au-Prince, St. Marks, L'Archaye, and Jeremie. The decree also subjects to capture all vessels which have cleared out for the West-Indies generally.

The undersigned will not detain you, Citizen Minister, for the purpose of proving how directly and openly these decrees violate both the law of nations, and the treaty between France and the United States.

They have been executed on the officers and crews of the captured vessels, in a manner by no means calculated to mitigate their rigour.

The decree of the 14th of Messidor, was soon followed by another which has spared but little of the American commerce, except what has fortunately escaped the pursuit of the cruisers of France. On the twelfth Ventose, 5th year, (2d March, 1797) the Executive Directory, considering the treaty of amity, commerce and navigation, concluded at London, the 19th of November, 1794, between the said United States and England, as containing concessions of privileges to Britain which, under the treaty of February, 1778, might be enjoyed by this Republick also, proceeds to modify the treaty between France and the United States, by declaring enemies goods, in American bottoms, liable to capture and confiscation; by enlarging the list of contraband; and by subjecting to punishment, as a pirate, any American citizen holding a commission given by the enemies of France, as well as every seaman of that nation, making a part of the crew of enemies ships. The decree next proceeds to exact from Americans, papers which had been made necessary to establish the neutrality of foreign vessels, generally, by the ordinance of the 26th of July, 1778, but which had never been considered as applying to the United States, which required papers their vessels could not be supposed to possess, and which the treaty between the two nations was supposed to have rendered unnecessary.

The basis taken by the Executive Directory, on which to rest their modification of the treaty of the 6th of February, 1778, is, that by the treaty of the nineteenth of November, 1794, *particular favours in respect of commerce and navigation have been granted to England.*

It has been demonstrated, that no particular favours, in re-

spect of commerce or navigation, have been granted to England. That treaty has been shown only to recognise, regulate and moderate the exercise of rights before possessed, and before openly acknowledged to be possessed—rights which France and America had reciprocally ceded to each other, without requiring, as a condition of the cession, that either should compel England to form a similar stipulation.

But to admit for a moment that the treaty with England might be considered as stipulating favours not before possessed; yet the American government did not so understand that treaty, and had manifested a disposition to modify, by common consent, its relations with this republick, in such manner as to reinstate a rule, which has been voluntarily changed. It cannot but be sincerely regretted, because it seemed to indicate an unfriendly temper, that France has deemed it more eligible to establish by force, in opposition to her treaty, a principle which she deemed convenient, than to fix that principle on the fair basis of mutual and amicable agreement.

But the clause, under which these modifications are justified, is in these words: "The most Christian King and the United States engage mutually not to grant any particular favour to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favour freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional." If these stipulations unequivocally amounted to the grant of favours, still the grant is not gratuitous. The concessions on the part of the United States are made on condition of similar concessions on the part of Britain. If, therefore, France chooses to consider them as modifications of the treaty of 1778, she can only do it by granting the reciprocal condition: on this supposition, she has either of the rules at her election, but she cannot vary from the first without a compact on her part to grant the reciprocal stipulation. Such a compact is in the nature of a national treaty.

But the rules laid down in the decree of the 12th Ventose, 5th year (March 2, 1797) as founded on the 17th, 18th, and 21st articles of the treaty of the 19th November, 1794, are materially variant from those articles. To demonstrate this, it is only necessary to contrast the rules of the decree, with the articles of the treaty on which those rules are said to be founded.

Articles of the Treaty of the nineteenth of November, 1794, as quoted by the Directory.

Art. xvii. It is agreed, that in all cases where 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

Rules established by the arrêté of the Directory.

Rule I. According to the seventeenth article of the treaty of London, of the nineteenth of November, 1794, all merchandise of the enemy, or *merchandise not sufficiently*

which are contraband of war, the said vessels shall be brought to port; and *if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize*, and the vessel shall 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 ships or cargoes so brought for adjudication; and in the payment or recovery of any indemnification adjudged or agreed to be paid to the owners or masters of such ships.

According to the article, when *on just suspicion* of having on board enemy's property, or of carrying to the enemy contraband of war, a vessel shall be brought into port, that part *only which belongs to the enemy* shall be made prize, according to the article, then the fact whether the property does or does not belong to an enemy is to be fairly tried. The party who would establish the fact, must prove it. The captor must show the *justice* of the suspicion on which the capture or detention was founded. The burden of the proof rests on him. If in truth and in fact the property does not belong to an enemy, or is not proved to belong to an enemy, it must be discharged. But the rule pursues a different course. The rule declares, that merchandise of the enemy, or *not sufficiently proved to be neutral*, laden under the American flag, shall be confiscated. The burden of the proof is shifted from the captor to the captured. The question to be tried is not solely whether the merchandise be in fact the property of an enemy, but also whether it be *sufficiently proved to be neutral*. The sufficiency of this proof is to be ascertained, not by general and satisfactory testimony, not by the great principles of truth, and the common understanding of mankind, but by the exhibition of certain papers demandable at the will of one of the parties, and not in the possession of the other. This may be a regulation which France chooses to establish; but certainly it is a regulation, essentially variant from the article it professes to resemble.

Art. XVIII. 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 by sea;

Rule II. According to the 18th article of the treaty of London, of the nineteenth of November, 1794, to the articles declared contraband by the 24th article of the treaty of the 6th of February, 1778,

as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket rests, bandoliers, gun-powder, match, salt-petre, ball, pikes, swords, head pieces, cuirasses, halberds, lances, javelins, horse furniture, holsters, belts, and generally all other implements of war; as also timber for ship-building, tar, or rosin, copper in sheets, sails, hemp and cordage, and generally whatever may serve *directly to the equipment of vessels*, unwrought iron, and fir plank only excepted.

The immense number of articles, which may serve indirectly for the armament and equipment of vessels, are made contraband by the rule of the Directory, though they are not so by the article it professes to cite.

Art. XXI. 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, enemies to the party; nor shall the enemies of one of the parties be permitted to invite, or endeavour 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 punctually executed. And if any subject or citizen of the said parties respectively, shall accept any foreign commission or letters of marque, for arming any vessel to act as a privateer against 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.

The government of the United States has never formed a treaty comprehending an article in any degree similar to this rule. It has never assented to such stipulations as they relate to its own citizens, or required them as they relate to those of other powers. The difference between the article and the rule

are added the following articles:

Timber for ship-building, pitch, tar and rosin, copper in sheets, sails, hemp and cordage, and every thing which serves *directly or indirectly* for the armament and equipment of vessels, unwrought iron and fir planks excepted. These several articles shall be confiscated whenever they shall be destined or attempted to be carried to the enemy.

Rule III. According to the 21st article of the treaty of London, of the 19th of November, 1794, every individual known to be an American, who shall hold a commission given by the enemies of France, as well as every seaman of that nation making a part of the crew of enemies ships, shall, by that act, be declared a pirate, and treated as such, without being allowed, in any case, to allege that he was forced to do it by violence, menaces or otherwise.

requires no comment. Nor will the rule be commented on. The undersigned will only observe, that the article is by no means uncommon, but is to be found in most treaties of amity and commerce. The 21st article of the treaty with France, the 19th of the treaty with the United Provinces, the 23d of the treaty with Sweden, and the 20th article of the treaty with Prussia, contain similar stipulations. It is not easy to conceive a reason why it should not also be inserted in a treaty with England, or why its insertion should give offence to France.

But the fourth rule of the decree is, in its operation, the most extensive and the most seriously destructive. That rule declares, that "conformably to the law of the 14th of February, 1793, the regulations of the 21st of October, 1744, and of the 26th of July, 1778, concerning the manner of proving the property of neutral ships and merchandise, shall be executed according to their form and tenour.

"Every American ship shall, therefore, be a good prize, which shall not have on board a list of the crew in proper form, such as is prescribed by the model annexed to the treaty of the 6th of February, 1778, the observance of which is required by the 25th and 27th articles of the same treaty."

This rule requires, that American ships and merchandise, in order to prove the property to be American, shall exhibit certain papers, and especially a rôle d'équipage, which are required of neutrals generally by the particular marine ordinances of France, recited in the decree of the Directory. But France and America have entered into a solemn treaty, one object of which was to secure the vessels of either party, which might be at peace, from the cruisers of the other which might be engaged in war. To effect this object, the contracting parties have not referred each other to the particular statutes or ordinances of either government, but have enumerated the papers which should be deemed sufficient. They have done more: They have prescribed the very form of the passport which should establish the neutrality of the vessel, and prevent her being diverted from her course. The 25th and 27th articles of the treaty between the two nations, which are quoted by the Directory, and are considered by the undersigned as conclusive on this subject, are in these words:—

Art. xxv.—"To the end that all manner of dissensions and quarrels may be avoided and prevented on the one side and on the other, it is agreed, that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby, that the said ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; and they shall likewise be recalled every year, that is, if the

ship happens to return home in the space of a year. It is likewise agreed, that such ships, being laden, are to be provided not only with passports, as above mentioned, but also with certificates containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, that so it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place, whence the ship set sail, 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 goods on board belong, he may freely do so."

Art. xxvii.—"If the ships of the said subjects, people or inhabitants of either of the parties, shall be met with either sailing along the coasts, or on the high seas, by any ship of war of the other, or by any privateers, the said ships of war or privateers, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats aboard the merchant ship, which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport, concerning the property of the ship, made 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 search her in any manner, or to give her chase, or force her to quit her intended course."

It will be admitted, that the two nations possess the power of agreeing, that any paper, in any form, shall be the sole document, demandable by either from the other, to prove the property of a vessel and cargo. It will also be admitted, that an agreement so made becomes the law of the parties, which must retain its obligation.

Examine then the words of the compact, and determine by fair construction what will satisfy them.

The 25th article states substantially the contents of a paper, which is termed a sea-letter or passport, and which "it is agreed that in case either of the parties should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally must be furnished with." To what purpose are they to be furnished with this sea-letter or passport? The article answers, "To the end that all manner of dissentions and quarrels may be avoided and prevented, on one side and the other;" "That it may appear thereby that the ship really and truly belongs to the subjects of one of the parties."

But how will the passport "prevent and avoid all manner of dissentions and quarrels on one side or the other," if ordinances, both prior and subsequent to the treaty, are to be understood as controlling it, and as requiring other papers not contemplated in the publick agreement of the two nations? How is it to appear from the passport, "that the ship really and truly

belongs to the subjects of one of the parties," if it is denied that the passport is evidence of that fact, and contended that other papers, not alluded to in the treaty, shall be adduced to prove it?

But the 27th article is still more explicit. It declares, that when a merchant ship of one of the parties shall be visited by the ships of war or privateers of the other, "the commander of such ship or vessel shall exhibit his passport, concerning the property of the ship, made out according to the form inserted in the 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 search her in any manner, or to give her chase, or force her to quit her intended course." What is it that shall prove the property of the vessel? The treaty answers, the passport. But the decree of the Directory requires in addition certain other papers, perfectly distinct from the passport. The treaty declares, that "the ship when she shall have showed" (not the rôle d'équipage, or any other paper, required by the particular ordinances of either nation, but) "such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chase, or force her to quit her intended course." Yet the vessels of America, after exhibiting "such passport," are not "free and at liberty to pursue their voyage;" they are "molested;" they are "chased;" they are "forced to quit their intended course;" they are captured and confiscated as hostile property.

It is alleged, that the form of the passport, which is annexed to the treaty, manifests that certain acts were to be performed by the person to whom the passport is delivered, and that such person ought to prove the performance of those acts.

But the treaty, far from requiring such proof, absolutely dispenses with it. The treaty declares, that the passport shall itself evidence the property of the vessel, and secure it from molestation of any sort. By consent of the parties then, the passport is evidence of all that either party can require from the other. Neither the right to give such consent, or the obligation of a compact formed upon it, can, as is conceived, ever be denied, nor can the form of the passport, whatever it may be, change the compact.

But let the words of the model be examined. They are :
 "A tous ceux qui ces présentes verront : soit notoire que faculté et permission a été accordée à maitre ou commandant du navire appellé de la ville de de la capacité de tonneaux ou environ, se trouvant présentement dans le port de qu'après que son navire a été visité et avant son départ, il prêtera serment entre les mains des officiers de la marine, qui le dit navire appartient à un ou plusieurs sujets de dont l'acte sera mis à la fin des présentes ; de même qu'il gardera les ordonnances et regle-

mens maritimes, et remettra une liste signée et confirmée par temoins, contenant les noms et surnoms, les lieux de naissance, et la demeure des personnes composant l'équipage de son navire, et de tous ceux qui embarqueront, lesquels il ne recevra pas à bord sans connoissance et permission des officiers de marine; et dans chaque port ou hâvre, il montrera la présente permission aux officiers et juges de marine."

It is material to observe, that the model requires the oath concerning the property of the vessel to be annexed to the passport, but does not require any other certificate, or the annexation of any paper whatever. Why this difference? It is a solemn proof of that for which the article stipulates, and therefore the model expresses that the evidence of this fact shall be annexed, but it does not require the production of the evidence of any other fact.

It seems then to be demonstrated, that the sea-letter or passport, a model of which is annexed to the treaty, is, by solemn agreement, to be received by each party as conclusive testimony, that the vessel producing such passport is the property of a citizen of the other, and is consequently to continue her voyage without molestation or hindrance.

But let it be supposed, that the treaty on this subject was less conclusive, and that its stipulations had been ambiguously expressed; yet it is certain, that it has been uniformly understood by both parties, as the undersigned have expounded it, and that neither France nor the United States, previous to the decree complained of, considered the vessels of either nation, producing the passport agreed on, as liable to capture for want of a rôle d'équipage.

For more than four years after her treaty with the United States, France was engaged in a war with Britain, and in the course of that time it was never suggested, that a rôle d'équipage was necessary for the protection of an American vessel. It does not weaken the argument that the United States were also parties to the war. The principle assumed is, that without the production of the papers required by the decree, the vessel does not appear to be, and cannot be considered as American property. If this principle be correct, it would not cease to apply, because the United States were engaged in the war. Was America even engaged in the war on the part of France, a British vessel carrying American colours would not be secured by the flag she bore. It would be necessary to prove by her papers, or other admissible testimony, that the vessel was American property. If this fact cannot appear without a rôle d'équipage while the United States are at peace, neither could it appear without the same evidence if the United States were parties to the war.

About four years of the present war had also elapsed before this construction of the treaty, at the same time so wonderful and so ruinous, had disclosed itself. In the course of that time the ports of France were filled with the vessels of the United

States. Very many of them sailed under contracts made for the government itself by its minister in Philadelphia. No one of them possessed a rôle d'équipage; no one of them was considered on that account as being liable to condemnation. Indeed, in some instances, vessels have been captured and discharged although this paper was not among those belonging to the ship.

Such a long course of practice appears to have evidenced unequivocally the sense of France on this subject.

It is too apparent to be questioned for a moment, that on the part of the United States no suspicion had ever been entertained, that such a paper could have been required. A rôle d'équipage could have been obtained with as much facility as that passport for which the treaty stipulates. Could it have been imagined that American vessels incurred the possible hazard of being retarded only one day in a voyage for want of such paper, it would in every instance have been supplied. No vessel would have sailed without it.

Your own mind, citizen minister, will suggest to you, with irresistible force, the extreme hardship of thus putting a new construction on a long existing contract, or of giving a new and unexpected extension to ancient municipal regulations, and of condemning thereby vessels taken on the high seas for want of a paper not known to be required, when they sailed out of port. If a rôle d'équipage was really considered by France as necessary evidence of any fact, the establishment of which was deemed essential, common usage, and those plain principles of justice which all nations should respect, indispensably require that the regulation should first be made known to a neutral and friendly nation by other means than by the capture and confiscation of its property. If this measure had been announced to the government of the United States, before it had been put in practice, and American vessels had sailed without a rôle d'équipage, they would have taken upon themselves the hazard of such a procedure. But in a moment, when the ocean is covered with peaceful merchantmen, pursuing a just and lawful commerce, to bring into sudden operation a measure which had never before been applied to them, which had for so many years slept unheard of, and by the force of this regulation, to confiscate unguarded property which had been trusted to the seas, under the faith of solemn and existing treaties, and without a conjecture that this, more than any other formula, would have been required, is to impose on unoffending individuals a ruin from which no wise precautions, no human foresight could possibly have protected them.

On this subject then the undersigned appeal with confidence to the justice and equity of the French government.

But could it be conceded for a moment, that the Executive Directory might rightfully modify the treaty of France with the

United States, by that of the United States with Britain, and might rightfully require a rôle d'équipage in order to establish the neutrality of a vessel, for want of which the vessel might be confiscated, yet, the cargo being proved to be neutral, ought to be safe.

According to the law of nations, the goods of an enemy found on board the ship of a friend, are liable to capture, and the goods of a friend found on board the ship of an enemy are safe. The United States and France have consented to change this rule as between themselves. They have agreed, that the goods of an enemy found on board the vessels of either party shall be safe, and that the goods of either found on board the vessel of an enemy shall be liable to capture. The one part of this rule is in consequence of and dependent on the other. The one part cannot on any principle of justice be abandoned while the other is maintained.

In their treaty with England the United States retain unchanged the principle of the law of nations. If France modifies her treaty in this respect by that of England, she ought to take the principle entire. If in conformity to the treaty between the United States and England, France claims the right of taking enemies property found on board an American ship, then, in conformity with that treaty also, France ought to spare American property found on board an enemy's ship. If, therefore, this extraordinary position could be maintained, that an American ship without a rôle d'équipage becomes the ship of an enemy, still the cargo, being proved to be the property of a friend, ought, on the principle of modifying the treaty between the two nations by that with England, to have been restored to the owners.

The result of these regulations has been the most extensive and universal devastation of the American commerce. Not only vessels bound to and from the enemies of France, but vessels bound to and from her allies, and to and from her own ports have been seized and confiscated.

The inevitable consequence has been, that direct commerce between the two nations is almost annihilated, and that the property of American citizens has been taken to a much larger amount than would have been possible in a state of actual war.

Yet the government of the United States, wishing, if it be possible, to avoid even defensive measures, has sought assiduously and unremittingly, though hitherto without success, for such peaceful and amicable explanations as might do away existing animosities, and restore between the two Republicks that harmony which it so truly desires.

America has accustomed herself to perceive in France only the ally and the friend. Consulting the feelings of her own bosom, she has believed that between Republicks an elevated and refined friendship could exist, and that free nations were capable of maintaining for each other a real and permanent affection. If this pleasing theory, erected with so much care

and viewed with so much delight, has been impaired by experience, yet the hope continues to be cherished that this circumstance does not necessarily involve the opposite extreme. It is believed that there exists no sufficient cause for solid and permanent enmity between France and the United States, but that on the contrary the interests of both would be promoted by that friendly intercourse, which a reciprocal observance of the great and immutable principles of justice would certainly establish and can alone preserve. Under this impression America resists the opinion that the present state of things has grown out of a digested system to which France designs to adhere. She wishes and she endeavours to persuade herself that temporary causes, which too often produce effects a sound and just policy must reprobate, connected with a misconstruction of the conduct of her government, as well as of the motives on which it has acted, may have occasioned those very serious aggressions of which she complains. She recedes therefore, even under the pressure of these aggressions, slowly and with difficulty from the attachments she has formed. So intertwined with every ligament of her heart have been the chords of affection which bound her to France, that only repeated and continued acts of hostility can tear them asunder.

The government of the United States, therefore, still searches the means of terminating peacefully, and in a manner which ought to be mutually satisfactory, the calamities of the moment, and of averting the still greater calamities which may be reserved for the future. Not even the discouraging and unusual events which had preceded the present effort to negotiate could deter that government from repeating its endeavours for the preservation of amity and peace. Three citizens of the United States have been deputed as envoys extraordinary and ministers plenipotentiary to the French Republick. Their instructions authorize and direct them to review the existing treaties between the two nations, and to remove by all proper means, the inequalities which have grown out of the stipulations of those treaties, in consequence of the refusal of England to adopt the principles they contain. They are also directed to give fair and complete explanations of the conduct of the government they represent; to state fully and truly the heavy injuries which their fellow-citizens have sustained; and to ask from the equity of a great and magnanimous Republick that compensation for those injuries, which, we flatter ourselves, their justice will not refuse, and their liberal policy will not hesitate to give.

Bringing with them the temper of their government and country, searching only for the means of effecting the objects of their mission, they have permitted no personal considerations to influence their conduct, but have waited under circumstances beyond measure embarrassing and unpleasant, with that respect which the American government has so uniformly paid to that of France, for permission to lay before you, citizen minister,

these important communications with which they have been charged.

Perceiving no probability of being allowed to enter, in the usual forms, on those discussions which might tend to restore harmony between the two Republicks, they have deemed it most advisable, even under the circumstances of informality which attend the measure, to address to your government, through you, this candid review of the conduct, and this true representation of the sentiments and wishes of the government of the United States. They pray that it may be received in the temper with which it is written, and considered as an additional effort, growing out of a disposition common to the government and people of America, to cultivate and restore, if it be possible, harmony between the two Republicks. If, citizen minister, there remains a hope that these desirable objects can be effected by any means which the United States have authorized, the undersigned will still solicit and will still respectfully attend the development of those means.

If on the contrary no such hope remains, they have only to pray that their return to their own country may be facilitated; and they will leave France with the most deep-felt regret that neither the real and sincere friendship, which the government of the United States has so uniformly and unequivocally displayed for this great Republick, nor its continued efforts to demonstrate the purity of its conduct and intentions, can protect its citizens, or preserve them from the calamities which they have sought by a just and upright conduct to avert.

The undersigned pray you, citizen minister, to accept the assurances of their perfect respect and consideration.

CHARLES C. PINCKNEY,
J. MARSHALL,
E. GERRY.

Paris, Jan. 27, 1798, in the 22d year }
of American independence. }

Translated extract from the Bulletin des Lois, No. 178, printed at Paris, and enclosed with the quadruplicate of the Envoys' letter, No. 6.

Law relative to vessels laden with English merchandise, of the 29th Nivose, 6th year, [18th Jan. 1796.]

THE Council of Ancients, adopting the reasons for the declaration of urgency, which precedes the resolution herein after contained, approves the act of urgency.

Here follows the tenour of the declaration of urgency, and of the resolution of the 22d Nivose, [11th Jan. 1798.]

The Council of Five Hundred, after having heard the report of a special committee upon the message of the Executive Directory of the 15th Nivose [4th January] relative to English merchandise;

Considering, that the interest of the Republick demands the most prompt measures against all vessels which may be loaded therewith ;

Declares, that there is urgency.

The Council, after having declared the urgency, resolves as follows :

Article I. The character of vessels, relative to their quality of neuter or enemy, shall be determined by their cargo ; in consequence, every vessel found at sea, loaded in whole or in part with merchandise the production of England or of her possessions, shall be declared good prize, whoever the owner of these goods or merchandise may be.

Art. II. Every foreign vessel which, in the course of her voyage, shall have entered into an English port, shall not be admitted into a port of the French Republick, except in case of necessity ; in which case she shall be bound to depart from the said port as soon as the causes of her entry shall have ceased.

Art. III. The present resolution shall be printed.

BOULAY (of la Meurthe) President.
 GUILLEMARDET, } Secretaries.
 ROEMERS, }

After a second reading, the Council of Ancients APPROVES the above resolution. The 29th of Nivose, sixth year of the French Republick [18th January, 1798.]

MARRAGON, President.
 ET. LAVEAUX, } Secretaries.
 KAUFFMANN, }
 MENUAU, }
 MERIC, }

The Executive Directory orders, that the above law shall be printed, executed, and that it shall be sealed with the seal of the Republick.

Done at the National Palace of the Executive Directory, the 29th Nivose, sixth year of the French Republick, one and indivisible. [18th January, 1798.]

For a true copy :

P. BARRAS, President.

By the Executive Directory,

The Secretary General, LAGARDE.
 And sealed with the seal of the Republick.

MESSAGE

**FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
JUNE 5, 1798.**

I now transmit to both Houses, the communications from our Envoys at Paris, received since the last, which have been presented by me to Congress. **JOHN ADAMS.**

No. 7.

Paris, March 9, 1798.

DEAR SIR,—Agreeably to what we represented to you in our No. 6. we prepared a letter to the Minister of Foreign Affairs, on the subject of the late law authorizing the capture of neutral vessels, on board of which any productions of Great Britain or its possessions should be laden, showing how incompatible such law was with the rights of neutral nations and the treaty between France and America, its direct tendency to destroy the remaining commerce of our country, and the particular hardships to which it would subject the agricultural as well as commercial interests of our countrymen, from the peculiar situation of the United States. We added, that under existing circumstances, we could no longer resist the conviction that the demands of France rendered it entirely impracticable to effect the objects of our mission; and that not being permanent ministers, but envoys extraordinary, with full power for particular purposes, we deemed it improper to remain longer in France after the impossibility of effecting those purposes had been demonstrated. Before however we took this measure and explicitly demanded our passports, we deemed it expedient to desire major Rutledge to call on Mr. Talleyrand, on the 19th ultimo, to know if he had any communication to make to us in consequence of our letter, dated the 17th and delivered the 31st of January. To this Mr. Talleyrand replied, that he had no answer to make, as the Directory had not taken any order on the subject, and when they did, he would inform us of it. Still being anxious to hear explicitly from Mr. Talleyrand himself, before we sent our final letter, whether there were no means, within our powers, of accommodating our differences with France, on just and reasonable grounds, we wrote to him on the 27th of February, soliciting a personal interview on the subject of our mission; he appointed the 2d of March following. You will find in the exhibit A, herewith enclosed, what passed on that occasion. On the 4th instant we requested another interview. We have detailed in the latter part of the same exhibit, for your information, the substance of that conversation. From these accounts you may observe that the views of France with regard to us, are

not essentially changed, since our communications with its un-official agents in October last. We have the honour to be, &c.

CHARLES C. PINCKNEY,
J. MARSHALL,
E. GERRY.

Col. Pickering, Secretary of the U. States.

(A.)

March 2.

At three o'clock we waited on Mr. Talleyrand, and were almost immediately introduced to him. General Pinckney commenced the conversation by saying, that our government and ourselves were extremely anxious to remove the subsisting difference between the two republicks; that we had received many propositions through Mr. Y. to which we had found it impracticable to accede; and that we had now waited on him for the purpose of inquiring whether other means might not be devised which would effect so desirable an object. The minister replied, that without doubt, the Directory wished very sincerely on our arrival to see a solid friendship established between France and the United States, and had manifested this disposition by the readiness with which orders for our passports were given. That the Directory had been extremely wounded by the last speech of general Washington, made to Congress when about to quit the office of President of the United States; and by the first and last speech of Mr. Adams. That explanations of these speeches were expected and required of us. General Pinckney expressed his surprise that the speech of general Washington was complained of, and said this was a new complaint. Mr. Talleyrand merely observed, that the Directory was wounded at it; and proceeded. He said, that the original favourable disposition of the Directory had been a good deal altered by the coldness and distance which we had observed. That instead of seeing him often, and endeavouring to remove the obstacles to a mutual approach, we had not once waited on him. General Pinckney observed, that when we delivered him our letters of credence, he informed us, that the Directory in a few days would decide concerning us; and that when the decision was made he would communicate it to us. That this had for some time suspended any procedure on our part. He answered that this related only to our publick character, and not to private visits. General Pinckney said, that on an application made by his secretary for a passport for an American under his care, he was told that he must apply to the office of police, for that America had no minister in France, since the recall of Mr. Monroe. The minister said, that was very true; and then proceeded to say, that the Directory felt itself wounded by the different speeches of Mr. Washington and Mr. Adams, which he had stated, and would require some proof, on the part of the United States of a friendly disposition previous to a treaty

with us. He then said that we ought to search for and propose some means which might furnish this proof; that if we were disposed to furnish it, there could be no difficulty in finding it; and he alluded very intelligibly to a loan. He said, he had several conferences with Mr. Gerry on this subject, who had always answered that we had no power. Mr. Gerry said, that he had stated other objections; that he had particularly urged that it would involve us in a war with Great Britain. He made no reply: and general Pinckney observed, that a loan had repeatedly been suggested to us, but that we had uniformly answered, that it exceeded our powers. Mr. Talleyrand replied, that persons at such a distance as we were from our government, and possessed as we were of the publick confidence, must often use their discretion, and exceed their powers for the publick good. That there was a material difference between acting when instructions were silent, and doing what was particularly forbidden; that if indeed a loan was positively forbidden, we might consider ourselves as incapable of making one; but if, as he supposed was the case (he looked the question) our instructions were only silent, that it must be referred to us to act in a case not provided for according to the best of our judgment, for the publick good: that in almost all the treaties made during the revolution, the negotiators had exceeded their powers; although the government appointing them was at no considerable distance. He particularized the treaty with Prussia, and several others. General Pinckney told him that our powers did not extend to a loan, and perhaps might forbid it. The minister still urged the difference between an express prohibition and mere silence. He then proceeded to state that the principal objection on the part of our government to a loan must be, that it would draw us out of the neutral situation in which we wished to continue; that there were various means of evading this; first, the secrecy of France, which might be relied on: and secondly, means of disguising the loan might be devised, which would effectually prevent its being considered as an aid during the present war: that if we were truly and sincerely desirous of effecting the thing, we should experience no difficulty in finding the means. He again stated a proposition of this sort, on our part, as being absolutely necessary to prove that the government was not about entering into a treaty with persons of a temper hostile to it. Mr. Gerry not well hearing Mr. Talleyrand, who spoke low, asked him to explain himself with respect to the proposition which he had alluded to, supposing it to be a new one: and he answered that one of them was secrecy; but that there were besides various ways which might easily be suggested to cover the loan, as an immediate one, by limiting the time of advancing it to distant instalments. Mr. Gerry observed, that Dutrimond had suggested that a loan was proposed to be made, payable after the war, and in supplies to St. Domingo. Mr. Talleyrand signified, that that might be one of the means used; and said, that if we were only sincere in our wish, it would be easy to bring about the

end. General Marshall told Mr. Talleyrand, that if the ministers of the United States had manifested any unwillingness to take all proper measures to reconcile the two Republicks, or any indifference on the subject, they had very badly represented the feelings and wishes of their government; that the government of the United States was most sincerely desirous of preserving the friendship of France, and had, in his opinion, unequivocally manifested that desire, by having deputed us under the extraordinary circumstances attending our mission, and by having so long patiently borne the immense loss of property which had been sustained; that we had endeavoured, according to the best of our judgment, to represent truly this disposition of our government; but that we understood that France would consider nothing as an evidence of friendship, but an act which would transcend and violate our powers, and at the same time operate the most serious injury to our country; that neutrality, in the present war, was of the last importance to the United States, and they had resolved faithfully to maintain it; that they had committed no act voluntarily, which was a breach of it; and could do nothing in secret, which, if known, would justly arrange them among the belligerent powers; that in the present state of things, if America was actually leagued with France in the war, she would only be required to furnish money; that we had neither ships of war or men to be employed in it, and could consequently, as a belligerent power, only be asked for money; that, therefore, to furnish money, was, in fact, to make war; which we could by no means consent to do; and which would absolutely transcend our powers; being an act altogether without the view and contemplation of our government, when our mission was decided on: that with respect to supplies to St. Domingo, no doubt could be entertained that our merchants would furnish them very abundantly, if France would permit the commerce; and a loan really payable after the close of the war, might then be negotiated. Mr. Talleyrand again marked the distinction between silence of instructions and an express prohibition; and again insisted on the necessity of our proving, by some means which we must offer, our friendship for the republick. He said, he must exact from us, on the part of his government, some proposition of this sort; that to prove our friendship, there must be some immediate aid, or something which might avail them; that the principles of reciprocity would require it. General Pinckney and general Marshall understood him, by this expression, to allude to the loan formerly made by France to the United States. Mr. Gerry, at the time, thought he alluded to the treaty to be made; and said, all treaties should be founded in reciprocity: and then asked him, whether a loan was the ultimatum of this government. Mr. Talleyrand did not give a direct answer to the question: he said, as he was understood, that the government insisted on some act which would demonstrate our friendly disposition towards, and our

good wishes for the Republic; this once done, he said, the adjustment of complaints would be easy; that would be matter of inquiry; and if France had done us wrong, it would be repaired. But that if this was refused, it would increase the distance and coldness between the two republics. The conversation continued in this style until four o'clock, when we took our leave, and agreed to meet in the evening.

In the course of it, and in reply to some observations of Mr. Talleyrand, respecting the proofs of friendship required by France, general Pinckney observed, that our being here was a mark of the friendly disposition of our government, and that while we were here, the government had passed a decree for seizing neutral vessels having on board any article coming out of England; which in its operation would subject to capture all our property on the ocean. Mr. Talleyrand replied, that this was not particular to us, but was common to all the neutral powers. At another time, in answer to his demand of some mark of our friendship, general Marshall observed, that we considered the mutual interests of the two nations as requiring peace and friendship; and we relied on finding sufficient motives in the interest of France, to preserve that friendship; without forcing us to an act which transcended our powers, and would be so injurious to our country. As we were taking our leave, Mr. Talleyrand again noticed our not visiting him and said, that he conceived our not having had an audience from the Directory ought not to have prevented it. General Marshall told him, that our seeing the Directory, or not, was an object of no sort of concern to us; that we were perfectly indifferent with regard to it; but that we conceived that until our public character was in some degree recognised, and we were treated as the ministers and representatives of our government, we could not take upon ourselves to act as ministers; because by doing so, we might subject ourselves to some injurious circumstance to which we could not submit. He said that was very true; but that we might see him as private individuals; and discuss the objects of difference between us.

We requested of Mr. Talleyrand another interview, at such hour as might be convenient to him, on the sixth instant. He answered, that he would receive us at half past eleven; at which hour we attended him.

Immediately after our arrival at his office, we were introduced to the minister; and general Pinckney stated, that we had considered, with the most serious attention, the conversation we had had the honour of holding with him a few days past; that the propositions he had suggested, appeared to us to be substantially the same with those which had been made by Mr. X. by Mr. Y. and also to Mr. Gerry, with an intention that they should be communicated to his colleagues; that we considered it as a proposition, that the United States should furnish aid to France, to be used during the present war: that though

it was unusual to disclose instructions, yet we would declare to him, that in addition to its being a measure amounting to a declaration of war against Great Britain, we were expressly forbidden by our instructions to take such a step.

The minister said, in the tone of a question, he supposed our instructions were, to do nothing which would amount to a departure from our neutrality.

General Pinckney said, that we were so instructed, and that they were still more particular. Mr. Talleyrand then proceeded to argue, that it would be no departure from neutrality, to stipulate a loan payable after the war : and spoke of it clearly as admitting of application to immediate use. He said a good deal of the secrecy with which the transaction might be clothed ; and observed further, that a loan payable after the war would be a proof of our faithful observance of the duties of neutrality ; since it would be considered as proving that we had rejected propositions for an immediate loan. General Marshall replied, that we thought differently ; that in our opinion, any act, on the part of the American government, on which one of the belligerent powers could raise money for immediate use, would be furnishing aid to that power, and would be taking part in the war. It would be, in fact, to take the only part which, in the existing state of things, America could take. This was our deliberate opinion ; and in addition to it, we considered our instructions as conclusive on this point.

He observed, that we had claims on the French government, for property taken from American citizens. Some of those claims were probably just. He asked, if they were acknowledged by France, whether we could not give a credit as to the payment—say for two years ? We answered that we could. He then insisted that it was precisely the same thing ; that by such an act, we should consent to leave in the hands of France, funds to which our citizens were entitled, and which might be used in the prosecution of the war. General Pinckney said there was a difference between the cases ; that such prizes were now actually in the power of the French, without our consent ; we could not prevent it or get them out ; but the granting or not granting a loan was in our own power. He repeated his observation ; and General Marshall said, that the property for which money was due to American citizens from the French government, was taken into the possession of that government, without any co-operation on the part of the United States. No act of any sort was performed by our government, which in any degree contributed to place those funds in the hands of France, nor was there any consent towards it ; but in the case proposed, the act would be the act of the government ; the government would itself place funds in the hands of France, and thereby furnish means which might be employed in the prosecution of the war. This was the distinction between the cases, and in a question of neutrality, it appeared to us to be all important.—The minister then proceeded to state the case of our assuming the debt of our citizens, and of paying

the money in that manner; but General Pinckney and Mr. Gerry told him we were positively forbidden to assume the debt to our own citizens, even if we were to pay the money directly to them. He seemed surprised at this. General Pinckney observed, that contrary to usage, we had deemed it proper, in the existing state of things, to state candidly our powers to him, that he might know certainly that we could not secretly, or under any disguise whatever, make a loan which might be used during the war. Mr. Talleyrand said, he must resume his position, that there was a difference, which he must insist upon, between a loan payable immediately, and a loan payable in future; and he still insisted there was no difference between a loan payable in future, and a credit for the money which might be due to our citizens. Mr. Gerry observed, that his colleagues had justly stated the distinction between the debt which will be due to the citizens of the United States from France, in case of her recognising the claims which we shall make in their behalf, and a debt which might arise from a loan by the government of the United States to that of France, during the war. The one is the result of an arrest of their property without their consent; the other would be a voluntary act of the government of the United States, and a breach of their neutrality. There is an additional objection to the latter: if the United States should make such a loan, it would give too much reason to suppose that their government had consented, in a collusive manner, to the capture of the vessels of their citizens, and had thus been furnishing France with supplies to carry on the war. Our instructions are express, not to stipulate for any aids to France, either directly or indirectly, during the war. With respect to a secret stipulation, a loan cannot be made without an act of the legislature: but if the Executive were adequate to it, we have had an instance of an injunction of secrecy on members of the Senate, on an important subject, which one of the members thought himself warranted in publishing in the newspapers; and of frequent instances of secrets which have otherwise escaped: secrecy, in this instance, might therefore be considered, if the measure was in itself admissible, as being impracticable. General Marshall observed, that we had considered the subject with great solicitude, and were decidedly of opinion, that we could not, under any form, make a loan which could be used during the war; that we could not tell what our government would do, if on the spot; but were perfectly clear, that without additional orders, we could not do what France requested. Mr. Gerry observed, that the government and nation of the United States, as well as ourselves, were earnestly solicitous to restore friendship between the two republics; that as General Marshall had stated, we could not say what our government would do, if on the spot; but if this proposition met the wishes of the government of France, General Marshall and himself had agreed immediately to embark for the United States, and lay before our government the existing state of things here, as it respected

our nation, to enable them to determine whether any, and what other measures on their part were necessary. Mr. Talleyrand made no observation on this proposition: but inquired whether we expected soon to receive orders. Mr. Gerry mentioned an answer he had received to a letter sent by him in November; and general Marshall stated, that our first despatches were sent on board two vessels at Amsterdam, on the 28th of November; from which Mr. Talleyrand could form as just an idea as we could, when an answer might be expected: but he did not think it probable one would arrive before a month to come.— General Marshall told him, we knew that our government had not received our despatches on the 8th of January; and we could not tell when they might be received. He asked whether our intelligence came through England? General Marshall answered that it did not; and general Pinckney said, that American papers as late as the 8th of January mentioned the fact.

There was some conversation about the time when these instructions might be expected; and general Marshall suggested a doubt whether our government might give any instructions. He asked, with some surprise, whether we had not written for instructions? and we answered, that we had not: and Mr. Gerry said that we had stated facts to our government, and conceived that nothing more was necessary. General Pinckney observed, that the government knowing the facts, would do what was proper; and that our applying or not applying for instructions would not alter their conduct. Mr. Talleyrand then inquired whether we had not sent any one to the United States. General Pinckney said no: and Mr. Gerry added, that soon after our arrival we had made propositions to send one of our number, which were not accepted. And general Marshall further added, that those who had communicated with us, had told us we should be ordered out of France immediately; and we had supposed that we should be ordered out before our letters could reach the government. Mr. Gerry then observed, that the government of France must judge for itself; but that it appeared to him, that a treaty on liberal principles, such as those on which the treaty of commerce between the two nations was first established, would be infinitely more advantageous to France than the trifling advantages she could derive from a loan. Such a treaty would produce a friendship and attachment on the part of the United States to France, which would be solid and permanent, and produce benefits far superior to those of a loan, if we had powers to make it. To this observation Mr. Talleyrand made no reply. We parted without any sentiment delivered by the minister on the subject of our going home to consult our government.

As we were taking our leave of Mr. Talleyrand, we told him that two of us would return immediately to receive the instructions of our government, if that would be agreeable to the Directory: if it was not, we would wait some time, in the expectation of receiving instructions.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
JUNE 18, 1798.

I NOW transmit to Congress the Despatch, number 8, from our Envoys Extraordinary to the French Republick, which was received at the Secretary of State's office, on Thursday the fourteenth day of this month.

JOHN ADAMS.

No. 3.

Paris, April 3, 1798.

DEAR SIR,—We herewith transmit you the copy of a letter written to us by the Minister of Foreign Affairs, dated the 28th Ventose, (18th March) and purporting to be an answer to our memorial of the 17th of January.

We also send you in this enclosure a copy of our reply, which has been presented this morning. As soon as we certainly know what steps the French government mean to pursue in consequence of this reply, you shall be informed of them. We remain, &c.

CHARLES COTESWORTH PINCKNEY,
J. MARSHALL,
E. GERRY.

Colonel Pickering,
Secretary of the United States.

TRANSLATION.

The Minister of Foreign Relations of the French Republick, to Messrs. Charles Cotesworth Pinckney, J. Marshall, and E. Gerry.

THE undersigned Minister of Foreign Relations of the French Republick, has laid before the Executive Directory, the memorial which the Commissioners and Envoys Extraordinary of the United States of America have transmitted to him, under the date of 28th Nivose last, [17th January, 1798] and it is in execution of the intentions of the Directory, which desires to convince the United States of the true dispositions which animate it with respect to them, that the undersigned communicates to the Commissioners and Envoys Extraordinary the following observations.

The first thing which must excite attention, in the memorial of the Commissioners and Envoys Extraordinary, is the method which they have thought proper to pursue in the exposition

and in the discussion of the points which are in dispute between the two states. The Executive Directory, animated with dispositions the most conciliatory, and penetrated with the interests which should draw the two nations together, as well as eager to concur in the well known wish of the two people, to maintain a perfect intimacy, had reason to expect, that the Envoys would have brought, in the name of their government, dispositions entirely similar, and a temper previously prepared by the same views and the same desires. What must be, after this, the surprise of the Executive Directory, when the undersigned rendered it an account of a memorial, in which the Commissioners and Envoys Extraordinary, reversing the known order of facts, have aimed to pass over, as it were in silence, the just motives of complaint of the French government, and to disguise the true cause of the misunderstanding, which is prolonged between the two Republicks! So that it would appear, from that exposition, as partial as unfaithful, that the French Republick has no real grievance to substantiate, no legitimate reparation to demand, whilst the United States should alone have a right to complain, should alone be entitled to claim satisfaction.

The designs, which have induced a preference of this course to every other, have not escaped the Executive Directory; and it is as well from a just sentiment of the dignity of the Republick, whose interests are confided to it, as to provide eventually against the views, which may be contemplated by such conduct, that it has charged the undersigned to dispel these empty appearances, which indeed cannot exist when facts shall be re-established, and the true intentions of the Directory shall be solemnly made to appear, in opposition to those which can be attributed to it only gratuitously, and by taking advantage of its silence.

An incontestable truth, and one which has been entirely passed over in the memorial of the Commissioners and Envoys Extraordinary, is, that the priority of grievances and complaints belonged to the French Republick; that these complaints and these grievances were as real as numerous, long before the United States had the least grounded claim to make, and consequently before all the facts, on which the Envoys rest with so many details, had existed.

Another truth, not less incontestable, is, that all the grievances which the Commissioners and Envoys Extraordinary exhibit, with the exceptions, which the undersigned was ready to discuss, are a necessary consequence of the measures which the prior conduct of the United States had justified on the part of the French Republick, and which its treaties with the said United States authorized in certain cases, which it depended upon the general government of the Union to create or not to create.

It would be foreign to the purpose to enter into an enumera-

tion of the complaints which the French government had room to make against the Federal government, since the commencement of the war, excited against the French Republick, by a power jealous of its prosperity and its regeneration. These details are contained in the numerous official communications, made at Philadelphia by the ministers of the Republick, and have been recapitulated by the predecessor of the undersigned, in a note addressed, under the date of 19th Ventose, in the 4th year, [9th March, 1796] to the Minister Plenipotentiary of the United States at Paris, and very particularly detailed in the official note of citizen Adet, dated at Philadelphia, on the 25th Brumaire, in the 5th year [15th November, 1796.] Complaint was made in the above note of the inexecution of the treaties concluded in 1778, in the only clauses in which France had stipulated some advantages, in return for the efforts which she engaged to make for the common benefit, and against the insults offered to the dignity of the French Republick.

In fact, from the commencement of the war, the American tribunals have claimed the right to take cognizance of the validity of prizes, carried into the ports of the United States by French cruisers. It has resulted from this pretension, contrary to the letter of the treaty of commerce of 1778, that the property of citizens of the Republick has been unjustly detained, and that French cruising has been totally discouraged in the American seas against an enemy, who revived the most barbarous laws of that mode of warfare, to destroy and insult the American commerce, even under the eyes of the Federal government.

That government did not confine itself to favour the enemies of the French Republick in a point so essential, a point on which in truth some abuses might arise, but which the French government manifested itself disposed to prevent; it even went so far as to permit enemy's vessels, contrary to the literal meaning of the above treaty, to put into the ports of the United States, after having captured *the property or ships belonging to French citizens*. Soon afterwards a national corvette, at anchor in the port of Philadelphia,* was seized by order of the government, and this arrest was afterwards extended even to her commander. The American tribunals, in like manner, arrested the person of the ex-governour of Guadaloupe, for acts of his administration; and it was necessary that the Executive Directory should threaten to make reprisals to put this affair in the course prescribed by the law of nations.

During the whole space of time which has been just reviewed, the French government made fruitless efforts to induce the government of the United States, to procure for the agents of the Republick, the legal means of carrying into effect the clauses of the consular convention of 1788, which granted to our navigation and commerce, privileges whose principle was consecrated by the treaties of 1778; and nothing could ever

* Seizure of the *Cassius*, in August, 1795.

be obtained in this respect but fruitless references to the tribunals. In general, all matters, which, with intentions sincerely conciliatory, should have been terminated by means of negotiation, were habitually referred to the judicial authorities; and these, whether they were or were not subject to a secret influence, in the end either deprived the Republick of rights founded upon treaties, or modified their exercise as suited the system of the government.

Such was the true state of things in the month of August, 1795, the period when the ratification of the treaty of amity, navigation and commerce, signed at London in the month of November preceding, between the United States and Great Britain, filled the measure of the grievances of the Republick.

What had been, until then, the conduct of the French government towards the United States? The undersigned, in order to contrast it with that of the said States, will content himself with recalling facts, which cannot however have been forgotten.

Occupied with the most pressing cares in Europe, the Republick did not direct her attention to the United States, but in order constantly to give them new proofs of the most sincere friendship and interest, and she left it to her agents, amicably to discuss with the Federal Government, the controversies which have just been sketched, and which, had they been handled on both sides in the true spirit of conciliation, could not have altered their good understanding to the present degree. The Republick was hardly constituted, when a minister was sent to Philadelphia, whose first act was to declare to the United States, that they would not be pressed to execute the defensive clauses of the Treaty of Alliance, although the circumstances, in the least equivocal manner, exhibited the *casus federis*. Far from appreciating this conduct, the American government received it as the acknowledgment of a right; and it is in this spirit also, that the commissioners and envoys extraordinary have met this question in the beginning of their memorial. The minister of the Republick at Philadelphia, having given uneasiness to the American government, was readily recalled, even with circumstances of extreme rigour. His successor carried to the United States every desirable reparation, as well as declarations the most friendly and sincere.

Nothing equals the spirit of conciliation, or rather of condescension, in which his instructions were drawn, relatively to all the points which caused any uneasiness in the Federal Government. The citizen Adet again enforced, in the name of the National Convention, those expressions of good will; and that assembly itself received, with the effusion of an unbounded confidence and security, the new minister, whom the President of the United States sent to it, with the apparent intention of sincerely corresponding with the dispositions which the Republick had not ceased to profess.

What might appear incredible is, that the Republick, and her alliance, were sacrificed at the moment when she thus redoubled her regards for her ally; and that the corresponding demonstrations of the Federal Government, had no other object, but to keep her, as well as her government, in a false security.—And yet it is now known, that, at this very period, Mr. Jay, who had been sent to London, solely, as it was then said, to negotiate arrangements relative to the depredations committed upon the American commerce, by the cruisers of Great Britain, signed a treaty of amity, navigation and commerce, the negotiating and signing of which had been kept a profound secret at Paris and at Philadelphia. This treaty was avowed to our minister plenipotentiary only at the last extremity; and it was communicated to him only for form's sake, and after it had received the ratification of the Senate. When the agents of the Republick complained of this mysterious conduct, they were answered by an appeal to the independence of the United States, solemnly sanctioned in the treaties of 1778—a strange manner of contesting a grievance, the reality of which was demonstrated by the dissimulation to which recourse was had—an insidious subterfuge, which substitutes for the true point of the question, a general principle, which the Republick cannot be supposed to dispute, and which destroys, by the aid of a sophism, that intimate confidence, which ought to exist between two allies, and which, above all, ought to exist between the French Republick and the United States.

If it be difficult to find in this conduct what ought to be expected from a friend, what must be thought of the treaty itself, and of its provisions? This treaty is now known to all Europe; and the small majority by which it passed the two Houses, as well as the multitude of imposing wishes which were expressed by the nation against such an act, bear honourable testimony in favour of the opinion which the French government has adopted concerning it. The undersigned will not repeat, with respect to this treaty, what his predecessor has said of it, in his note of the 19th Ventose, before cited, and in that of the 19th Messidor following, nor what the minister plenipotentiary of the Republick at Philadelphia has set forth, at great length, in his official note of the 25th Brumaire. He will content himself with observing, summarily, that in this treaty, every thing having been calculated to turn the neutrality of the United States to the disadvantage of the French Republick, and to the advantage of England; that the Federal Government having in this act made to Great Britain concessions, the most unheard of, the most incompatible with the interests of the United States, the most derogatory to the alliance which subsisted between the said States and the French Republick; the latter was perfectly free, in order to avoid the inconveniences of the treaty of London, to avail itself of the preservative means with which the law of nature, the law of nations, and prior treaties, furnished it.

Such are the reasons which have produced the decrees of the Directory, of which the United States complain, as well as the conduct of its agents to the West-Indies. All these measures are founded on the 2d article of the treaty of 1778, which requires, that, in matters of navigation and commerce, France should always be, with respect to the United States, on the footing of the most favoured nation. The Executive Directory cannot be arraigned, if, from the execution of this eventual clause, some inconveniences have resulted to the American flag. As to the abuses which may have sprung from that principle, the undersigned again repeats, that he was ready to discuss them in the most friendly manner.

From this faithful exposition of facts, which have progressively led to the present misunderstanding between the two states, it results, as the undersigned has said, in the beginning of this answer, that the priority of grievances belongs to the French Republic; and that such of its measures as may have occasioned the complaints of the United States, are, with some exceptions, the natural consequence of a state of things, which it depended upon them to create or not create.

If the undersigned should terminate the exposition of the grievances of the Republic with the treaty of London, he would imperfectly fulfil his task—It is his duty to carry his views further. From the moment that the treaty in question was put into execution, the government of the United States seemed to think itself freed from the necessity of keeping any measures with the Republic; notwithstanding the reiterated assurance which had been given to its ministers, that the treaty would in no respect change the pre-existing state of neutrality of the United States, notice was given in the course of the year 1796, to the French cruisers, that they could no longer, as had been until then practised, be permitted to sell their prizes in the ports of the United States. This decision was rendered by the Federal court of justice, and founded upon the treaty concluded between the United States and Great Britain.

The newspapers, known to be under the indirect control of the cabinet, have since the treaty redoubled the invectives and calumnies against the Republic and against her principles, her magistrates, and her envoys. Pamphlets, openly paid for by the minister of Great Britain, have re-produced, in every form, those insults and calumnies, without a state of things so scandalous having ever attracted the attention of the government, which might have repressed it. On the contrary, the government itself was intent upon encouraging this scandal, in its public acts. The Executive Directory has seen itself denounced in a speech delivered by the President in the course of the month of May last (O. S.) as endeavouring to propagate anarchy and division within the United States. The new allies which the Republic has acquired, and who are the same that contributed to the independence of the Americans, have been equally insulted, in the official correspondences which have been

made publick, or in the newspapers. In fine, one cannot help discovering, in the tone of the speech and of the publications which have been just pointed out, a latent enmity which only waits an opportunity to break out.

Facts being thus established, it is disagreeable to be obliged to think that the instructions, under which the commissioners have acted, have not been drawn up with the sincere intention of attaining pacifick results; because, far from proceeding in their memorial upon some avowed principles and acknowledged facts, they have inverted and confounded both, so as to be enabled to impute to the Republick all the misfortunes of a rupture, which they seem willing to produce by such a course of proceeding. It is evident that the desire plainly declared of supporting, at every hazard, the treaty of London, which is the principal grievance of the Republick, of adhering to the spirit in which this treaty was formed and executed, and of not granting to the Republick any of the means of reparation, which she has proposed, through the medium of the undersigned, have dictated those instructions. It is equally evident, that no hesitation is made in sacrificing to these strange sentiments, those, which the treaties of 1778, and the recollection of the circumstances in the midst of which they were concluded, ought to inspire.

The remote consequences of such conduct have not escaped the attention of the Directory. It is desired, while nothing is omitted to prolong the misunderstanding, and even to augment it, to throw upon the Republick all the odium, in the view of America and of Europe. It is sought to justify by delusive appearances the prejudices with which the name of the Republick is surrounded at pleasure, and the system of exasperation and alienation which is pursued in relation to it, with the most strange obstinacy. It is finally wished to seize the first favourable occasion to consummate an intimate union, with a power, towards which a devotion and partiality is professed, which has long been the principle of the conduct of the Federal government.

The intentions which the undersigned here attributes to the government of the United States, are so little disguised, that nothing seems to have been neglected at Philadelphia to manifest them to every eye. It is probably with this view, that it was thought proper to send to the French Republick, persons whose opinions and connections are too well known, to hope from them dispositions sincerely conciliatory. It is painful for the undersigned to be obliged to make a contrast between this conduct, and that which was pursued towards the cabinet of St. James, under similar circumstances. An eagerness was then felt to send to London, ministers well known for sentiments corresponding with the object of their mission. The Republick, it seems, might have expected a like deference; and if the same propriety has not been observed with respect to it, it is exceed-

ingly probable, that it is to be attributed to the views above alluded to by the undersigned.

It is impossible to foresee whether such dispositions may lead. The undersigned does not hesitate to believe, that the American nation, like the French nation, sees this state of things with regret, and does not consider its consequences without sorrow. He apprehends, that the American people will not commit a mistake, concerning the prejudices with which it has been desired to inspire them against an allied people, nor concerning the engagements which it seems to be wished to make them contract to the detriment of an alliance, which so powerfully contributed to place them in the rank of nations, and to support them in it; and that they will see in these new combinations, the only dangers their prosperity and importance can incur.

Penetrated with the justice of these reflections and their consequences, the Executive Directory has authorized the undersigned to express himself with all the frankness which becomes the French nation. It is indispensable, that in the NAME of the Directory he should dissipate those illusions, with which for five years the complaints of the ministers of the Republick have been incessantly surrounded at Philadelphia, in order to weaken, calumniate, or distort them: it was essential, in fine, that by exhibiting their sentiments in an unequivocal manner, he should clear up all the doubts, and all the false interpretations, of which they might be the object.

It is, therefore, only in order to smooth the way of discussions, that the undersigned has entered into the preceding explanations. It is with the same view, that he declares to the commissioners and envoys extraordinary, that notwithstanding the kind of prejudice, which has been entertained with respect to them, the Executive Directory is disposed to treat with that one of the three, whose opinions, presumed to be more impartial, promise, in the course of the explanations, more of that reciprocal confidence, which is indispensable.

The undersigned flatters himself, that this overture will not meet, on the part of the commissioners and envoys extraordinary, with any serious difficulty. It is still more natural to hope it, because, by the tenour of their powers, the said commissioners and envoys extraordinary, are authorized to negotiate jointly or separately: so that nothing but the desire of preventing any accommodation could produce any objection against this measure; which moreover is only pointed out to the commissioners themselves, in order that nothing may here bear an unfavourable appearance; and which evidently has no other object than to assure to the negotiation an happy issue, by avoiding at the outset every thing which may on either side awaken, in the course of this negotiation, sentiments calculated to endanger it.

The undersigned hopes, that the commissioners and envoys extraordinary will soon enable him to inform the Executive Di-

rectory of their determination. Whatever this determination may be, the undersigned flatters himself, that the explanations into which he has entered, will have placed the subjects in dispute in their true light, and may eventually serve to dissipate, in the eyes of all impartial men, the unfavourable impression, which it might be endeavoured to fix upon the intentions of the French Republick and its government. He concludes by renewing to the commissioners and envoys extraordinary the assurance of his consideration.

CH. MAU. TALLEYRAND.

Paris, 28th Ventose, 6th year. [18th March, 1798.]

Faithfully translated,

JACOB WAGNER.

The Ministers Plenipotentiary and Envoys Extraordinary from the United States of America to the French Republick, to the Minister of Exterior Relations.

CITIZEN MINISTER,—Your letter of the 28th Ventose (18th March) in answer to a memorial of the undersigned, dated 17th January, was received the day after its date, and has been considered with the most respectful attention.

In that memorial, the undersigned, without furnishing cause for reproach, might have limited themselves to a statement of the numerous and well-founded complaints of the nation they represent. They have been induced to extend their observations to other subjects, by that sincere desire to re-establish harmony and mutual confidence between the two republicks, which the government of the United States has never ceased to feel and to express. Supposing that those misrepresentations, to which human actions and human sentiments must ever continue to be exposed, might have impressed on the mind of the French government, occupied with the great and interesting events of Europe, the unfounded suspicion of partiality, on the part of America, for the enemies of France, the undersigned cherished the hope, that a complete review of the conduct of their government, accompanied with a candid and thorough investigation of the real principles on which that conduct was founded, by removing prejudices, might restore sentiments which the United States have ever sought, and still seek to preserve.

In taking this review, it was obvious that a minute discussion of every particular fact might incumber the examination with details which previous explanations had rendered unnecessary, and therefore it was confined to those leading measures of which the particular cases were the necessary result. The undersigned, however, declared, and they still declare, that if the government of the United States has given just cause of complaint to that of France, in any case, they are ready to consider and to compensate the injury : that negotia-

tion, the opening of which they have for nearly six months unremittingly solicited and patiently attended, would, if entered upon, demonstrate the sincerity of this declaration.

Still animated by the same spirit which has dictated all their efforts to approach this Republick, still searching to remove unfavourable impressions, by a candid display of truths, and a frank manifestation of the principles which have really governed the United States, and still endeavouring thereby to facilitate the restoration of harmony between two nations, which ought to be the friends of each other; the undersigned will lay before you the result of their reflections on your letter of the 28th Ventose.

Whatever force you may please to allow to their observations, the relative situation of the two Republicks, it is hoped, will not fail to convince you that they proceed from the most perfect conviction of their justice. You contend, citizen minister, that the priority of complaint is on the side of France, and that those measures, which have so injured and oppressed the people of the United States, have been produced by the previous conduct of their government.

To this the undersigned will now only observe, that if France can justly complain of any act of the government of the United States, whether that act be prior or subsequent to the wrongs received by that government, a disposition and a wish to do in the case what justice and friendship may require, is openly avowed, and will continue to be manifested.

Your complaints against the United States may be classed under three heads.

1st, The inexecution of their Treaties with France.

2dly, The treaty of Amity, Commerce and Navigation formed with Great Britain.

3dly, The conduct of their government since that treaty.

If the undersigned shall be disappointed in their hope to convince you, that on no one of these points can their government be justly inculpated, yet they persuade themselves that the demonstration of the good faith and upright intention, with which it has ever acted, will be complete and satisfactory. This being proved, and a tender of compensation for any unintentional wrong being made, a base for accommodation is offered, which they must yet hope will be acceptable to France.

1st, The inexecution of the treaties between the United States and France. Under this head, you complain, first—That from the commencement of the war, the American tribunals have, in effect, pretended to the right of taking cognizance of the validity of prizes brought into the ports of the United States.

2dly, That against the textual sense of the treaty, the government has permitted the ships of the enemy to come to in their ports, after having captured property or vessels belonging to French citizens.

3dly, That it has ordered the arrest of a national corvette, anchored in the port of Philadelphia, and that the arrestation has extended to the Captain Commandant.

4thly, The refusal to provide the means to execute the consular Convention.

These complaints shall be considered in the order in which they are made.

1st. From the commencement of the war, the American tribunals have, in effect, pretended to the right of taking cognizance of the validity of prizes, brought into the ports of the United States by French cruisers.

You have not been pleased to state a case, in which this right has been asserted, and the undersigned are persuaded that no such case exists.

Far from asserting it, the government of America has expressly disclaimed it. Mr. Jefferson, the then Secretary of State, in his letter to Mr. Morris of the 16th of August, 1793, which letter was laid before the French government, declares, "that the United States do not pretend any right to try the validity of captures made on the *high seas* by France, or any other nation, on its enemies.

"These questions belong of common usage, to the sovereign of the captor, and whenever it is necessary to determine them, resort must be had to his courts. This is the case provided for in the 17th 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."

Mr. Randolph, the successor of Mr. Jefferson, in his letter to Mr. Fauchet, of the 29th May, 1795, says, "As to prizes made by legal cruisers on the *high seas*, it never was the intention of the President to interpose, he having abstained (as the 17th article of our treaty of commerce imports) from examining into their lawfulness."

Mr. Monroe, in his letter to your predecessor, of the 15th March, 1796, says, "You will observe, I admit the principle, if a prize was taken upon the high seas, and by a privateer fitted out within the Republick 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."

But the United States have deemed it an indispensable duty to prevent, so far as they could prevent, the practice of hostility against nations with whom they were at peace, within their own limits, or by privateers fitted out in their own ports.

For the reasoning of their government in support of this decision, the undersigned will again refer to the letter of Mr. Jefferson already quoted.

"Another doctrine advanced by Mr. Genet is, that our courts can take no cognizance of questions, whether vessels, held by

them as prizes, 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 exercise here. Every nation has, of natural right, entirely and exclusively, all the jurisdiction which may be rightfully exercised in the territory it occupies. If it cedes any portion of that jurisdiction to judges appointed by another nation, the limits of their power must depend upon the instrument of cession. The United States and France have, by their consular convention, given mutually, to their consuls jurisdiction in certain cases especially enumerated. But that convention gives to neither the power of establishing complete courts of admiralty, within the territory of the other, nor even of deciding the particular question of prize or not prize. The consulates of France then cannot take judicial cognizance of those questions here.

“Of this opinion Mr. Genet was when he wrote his letter of May 27th, wherein he promises to correct the error of the consul at Charleston, of whom in my letter of the 15th I had complained as arrogating to himself that jurisdiction; though in his subsequent letters he has thought proper to embark in the errors of his consuls.

“The real question is, whether the United States have not a right to protect vessels within their waters, and on their coasts? The Grange was taken within the Delaware, between the shores of the Jerseys and of the Delaware state, and several miles above its mouth. The seizing of 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 until 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 Catherine within two miles and an half. It is an essential attribute of the jurisdiction of every country to preserve peace and punish acts in breach of it, and to restore property taken by force within its limits. Were the armed vessel of any nation to cut 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 redressing it is still the same: and humbled indeed would be our

condition were we obliged to depend for that on the will of a foreign consul, or on any negotiation with diplomatick agents. Accordingly this right of protection within its waters, and to a reasonable distance on its coasts, has been acknowledged by every nation and denied to none; and if the property seized be yet within their power, it is their right and duty to redress the wrong themselves.

“ France herself has asserted the right in herself, and recognised it in us, in the 6th article of our treaty, where we mutually stipulate, that we will *by all the means in our power* (not by negotiation) protect and defend each other's vessels and effects in our ports or roads, or on the seas near our countries, and recover and restore the same to the right owners. The United Netherlands, Prussia and Sweden, have recognised it also in treaties with us; and indeed it is a standing formulè inserted in almost all the treaties of all nations, and proving the principle to be acknowledged by all nations.”

In the letter of Mr. Randolph to Mr. Fauchet, already cited, that gentleman resumes this subject, and Mr. Fauchet in answer says: “ The Admiralty courts have always ceded to the entreaties of our enemies for their intervention in prize causes; in truth, frequently and almost constantly, by using the double plea of which you spoke to me, that is to say, by arguing either of seizure within the jurisdiction line of the United States, or of armament or augmentation of armament of the capturing vessels, in their ports. On this subject, sir, you request me to specify a circumstance where a prize was arrested, which did not come under that 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.”

It would seem to be incontestable, that the principle asserted by the United States, which indeed is an unquestionable principle, has been admitted in its utmost latitude by France. It is believed that in the execution of this principle, the government and tribunals have only been guided by a sense of duty and the obligations of justice. If in any case that can be selected, wrong has unintentionally been committed, that wrong has grown inevitably out of the situation of the United States, and of the conduct of persons they have been unable to control, and will with readiness be corrected.

2dly. That against the textual sense of the treaty, the government has permitted the ships of the enemy to come to in their ports, after having captured property or vessels belonging to French citizens.

It is to be regretted, that you have not been pleased to state some particular case, if the case be founded on a fact, which has manifested this permission; or if it be founded in principle, the precise difference between the construction given by the President of the United States to the article of the treaty of the 6th

of February, 1778, relative to this subject, and that for which you may contend. For the want of such a guide, the undersigned may discuss unnecessary points, without giving you complete satisfaction on that which in your mind may constitute the real difficulty.

The 17th article is in these words: "It shall be lawful for the ships of war of either party and privateers freely to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or other judges; nor shall such prizes be arrested or seized when they come to or enter the ports of either party, nor shall the searchers, or other officers of those places, search the same, or make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show: on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people or property of either of the parties; but if such shall come in, being forced by stress of weather or the dangers of the sea, all proper means shall be vigorously used that they go out and retire from thence as soon as possible."—Do you contend, citizen minister, that this article ought to be rigidly construed according to its letter? If you do, it becomes necessary to ascertain what are the disabilities to which its letter really subjects the vessels belonging to the enemies of France: They are, 1st. That no shelter or refuge shall be given in the ports of the United States to the ships of war or privateers belonging to the enemy, *which shall have made prize* of the subjects, people or property of France.—2dly. That if such ships of war or privateers shall come in, being forced by stress of weather or the danger of the seas, all proper means shall be vigorously used that they go out and retire from thence as soon as possible.

The letter of the article does not exclude generally the ships of war belonging to the enemy, but those only *which have made prize* of the subjects, people or property of France. That the vessel shall have made a prize is a part and an essential part of the description. Whether the vessel be or be not within this description is a fact, the ascertainment of which must precede the measures to be taken in consequence of that fact. When the fact shall have been ascertained, the letter of the article denies refuge or shelter to the ship of war or privateer, but not to the prize which may have been made. You well know, citizen minister, that if the letter of the article is to be set up against its spirit, when the former is most favourable to the views of France, the letter must still be adhered to, though it should counteract those views. The situation of the United States bound them to observe, between the belligerent powers, an exact neutrality, in all cases where their previous treaties had not stipulated advantages or imposed disabilities.

They could not refuse to one belligerent power those rights of ordinary hospitality which were enjoyed by others, which the common usages of nations permit, and which were forbidden by no particular treaty. Such refusal would have been manifestly partial, and a plain departure from that neutral position in which the United States found themselves, and which good faith, integrity, and their best interests impelled them religiously to maintain. Thus circumstanced it was the duty of the government to give its true construction to a treaty granting advantages to one of the belligerent powers, and imposing disabilities on another. In searching for this true construction, its best judgment ought to be exercised, and the dictates of that judgment ought to be obeyed. The United States have done so. They have refused shelter in their ports to the prizes made on the French Republick, or to the ships of war belonging to the enemy and accompanying such prizes.

They have permitted ships of war, not bringing prizes with them, to remain in their ports, without instituting tribunals to inquire whether such ships have at any time captured French citizens or French property. The reasoning on which this decision was founded, and which appears to the undersigned to have been conclusive, will not now be repeated. It has been detailed in several letters from the Secretary of State of the United States to the minister of France in Philadelphia. The undersigned will only observe that the construction supposed to be just, and for that reason actually put upon the article, is believed to be more favourable than the literal construction to the interests of France.

Ships of war which have made prizes on this Republick, if they enter the ports of the United States without such prizes, ought indeed, under the letter of the article, to be ordered to depart as soon as the fact can have been ascertained; but the prizes themselves are permitted to remain in safety. By the actual construction, a ship of war entering without a prize, is permitted to remain, but all shelter is refused to a ship of war which is accompanied by a prize, and also to the prize itself. It would seldom happen that a ship of war not driven in by stress of weather, or the danger of the seas, would wish to continue in port longer than the time which would unavoidably be consumed in ascertaining the fact of her having made a prize, but it must often happen that a prize now excluded from the ports of the United States, would find shelter in them if the literal construction of the treaty should be adopted.

This exposition given by the United States to this article was made known in 1793—France has never signified a wish that the literal construction throughout should be pursued: This strengthens the opinion entertained by the undersigned, that the rule on this subject, so early established by the American government, is considered by the Republick as more favourable to its interests, than a rule conforming entirely to the letter of the article.

3dly. "The government of the United States has ordered the arrest of a national corvette* anchored in the port of Philadelphia, and the arrestation has been extended to the captain commandant."

The undersigned beg leave to state the case which is the foundation of this complaint. In the statement itself they trust will be found a complete justification of the conduct of the United States.

The *Cassius*, under the name of "les Jumeaux," was fitted and armed for a vessel of war in the port of Philadelphia, in violation of a law of the United States. In December, 1794, having escaped from the port to descend the river, orders were given to the militia of the state of Delaware to intercept her. The attempt was made and failed. The crew of *les Jumeaux*, 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 enterprise, they retired with an intention to return the next day with a reinforcement. They did so, but *les Jumeaux* had sailed and gone to sea. The agent, Mr. Guenet, by whom *les Jumeaux* had been fitted out, was tried at the circuit court in Philadelphia, convicted of the offence, and received sentence of fine and imprisonment.

Les Jumeaux proceeded to St. Domingo; Samuel B. Davis, a citizen of the United States, there took the command of her, with a commission from the French government. Davis probably sailed from Philadelphia in *les Jumeaux*, for the purpose of finally taking the command of her. Her name was now changed to "*le Cassius*," and on a cruise she took a schooner called the *William Lindsay*, belonging to Messrs. Yard and Ketland of Philadelphia, Mr. Ketland having 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 the *Cassius*, 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, libelled the *Cassius* in the District Court, and caused the captain to be 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 proceedings, by which the suits both against him and *le Cassius* were defeated. The prohibition was granted on this principle, that the trial of prizes taken without the jurisdiction of the United States, and carried to places within 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 vessels of war, and their officers, are not liable

* *Le Cassius*.

to process of our courts, predicated upon such capture and subsequent proceeding within the jurisdiction of the French government.

Messrs. Yard and Ketland having failed to obtain indemnification in this mode, procured new process, on the information of Mr. Ketland, to be issued from the circuit court, by which *le Cassius* 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 with whom the United States were at peace, in violation of the act of Congress prohibiting such armament. 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. Gentlemen of legal knowledge were consulted on the point of jurisdiction in this case, and they were decided in their opinion, that the circuit court had jurisdiction, and exclusively of the district court. The government of the United States had no part in originating this prosecution; and the district attorney, in behalf of the United States, took measures, at each term of the circuit court, to prepare the cause for trial, and on a plea calculated to defeat the prosecution. At length, in October term, 1796, the cause was brought to an hearing. In the course of the argument, the question of jurisdiction presented itself.—The court adjourned until next day to consider of it: and the following morning dismissed the suit.

The undersigned may be permitted to ask, whether in a change of situation, placing France precisely in the circumstances of the United States, either the corvette or her captain would have escaped.

4thly. The refusal to provide the means to execute the consular convention of the 14th November, 1788.

As you have not selected the particular parts of this convention supposed to remain unexecuted, the undersigned must necessarily consider the more definite charges heretofore made on the same subject as being adopted by you.

Your predecessor in office, in his letter to Mr. Monroe of the 19th Ventose 4th year (9th March, 1796) complains 1st, That the clause granting to French consuls the right of judging exclusively in disputes between Frenchmen, is become illusory for the want of laws giving them the means of having their decisions executed.

2dly. The right of causing mariners who desert to be arrested, is rendered ineffectual, because the judges charged by the laws with issuing the mandates of arrest have lately required the presentation of the original roll of the crew, in contempt of the 5th article admitting in the tribunals of both powers, copies certified by the consul.

It is then understood to be required,

1st. That the officers of the United States should execute the judgments of the consuls:

2dly. That the judges of the United States should issue mandates of arrest against persons charged with being deserters, without a view of the *original* roll of the crew.

It is very justly observed by Mr. Jefferson, in his letter to Mr. Morris which has been already cited, that, "every nation has, of natural right, entirely and exclusively all the jurisdiction which may be rightfully exercised in the territory it occupies. If it cedes any portion of that jurisdiction to judges appointed by another nation, the limits of their power must depend upon the instrument of cession." The parties to the convention profess its object to be, "to define and establish in a reciprocal and permanent manner the functions and privileges of consuls and vice-consuls."

It is to be expected then, as well from the intention of the convention establishing the tribunal, as from the nature of the tribunal itself, which is a foreign court, constituted by a foreign authority, governed by foreign laws, and amenable for its conduct to a foreign government, that no power is to be implied, and that it possesses no capacity, which is not expressly given to it. To ascertain then the precise extent of the stipulation, let the convention itself be considered.

The first point rests exclusively on the 12th article which is in these words, "All differences and suits between the subjects of his most Christian Majesty in the United States, or between the citizens of the United States within the dominions of the most Christian King, and particularly all disputes relative to the wages and terms of engagement of the crews of the respective vessels, and all differences, of whatever nature they may be, which may arise between the privates of the said crews, or between any of them and their captains, or between the captains of different vessels of their nations, shall be determined by the respective consuls and vice consuls, either by a reference to arbitrators, or by a summary judgment, and without costs. No officer of the country civil or military shall interfere therein, or take any part whatever in the matter: and the appeals from the said consular sentences shall be carried before the tribunals of France or of the United States to whom it may appertain to take cognizance thereof."

In this article no engagement is made to furnish the means of executing consular judgments. If therefore the preceding positions be just, there is an end of the question. But other arguments present themselves in support of the construction contended for by the United States. The consular authority in a foreign country is usually either voluntary or enforced by the laws of the nation to which the consuls belong, and which may bind their own citizens or subjects under penalties to be inflicted on their return, or otherwise. Upon this idea it was

sufficient to stipulate a permission of the jurisdiction in exclusion of the courts of the country : on any other idea, it would have been necessary to have stipulated explicitly and perhaps in detail the manner in which its sentences should be executed. To accede to the demands of France would be to erect in a foreign country complete courts of justice with effectual process to compel the appearance of parties and witnesses, and to execute their decisions. And as the transactions in commerce could not in the nature of things be confined to foreigners alone, the citizens of the country must often be necessary witnesses to those transactions, and of course rendered amenable to this foreign jurisdiction in their own country ; whereas the jurisdiction granted by the article, is only of French consuls over French citizens in the United States, and reciprocally of American consuls over the citizens of the United States in France. This would be to extend by implication, the authority of a foreigner over persons not contemplated by the treaty as subject to it. The article declares too, " that no officer of the country, civil or military, shall interfere therein, or take any part in the matter." But sheriffs, marshals and their deputies, or any other persons appointed by and acting under the laws of the country, are " officers of the country," and consequently cannot aid in the execution of consular decisions, because they are expressly forbidden, " to interfere therein or take any part whatever in the matter."

But was it meant that the laws should give consuls the power to appoint such executive officers of their own nation? Should it be conceded that a person so appointed could not be considered as an officer of that nation by virtue of and according to whose laws he held his office, still we find no such thing in the convention. On the contrary in the case of deserters from vessels, mentioned in the 9th article, whom the consuls are authorized to cause to be arrested, they are expressly directed to apply in writing to the " courts, judges, and officers competent" to make the arrests, meaning the courts, judges and officers of the country where the consuls reside. In addition to this, if power could be given to consuls to appoint officers to execute their decisions, these officers must of course have their fees of compensation to be paid by one or other of the parties. But the article giving the jurisdiction declares that the consular judgments shall be " without costs."

The second complaint is, that the judges of the United States have required the exhibition of the *original* roll of the crew as the testimony which would authorize the issuing of a mandate, to apprehend a French mariner charged as a deserter.—The right to require these mandates is founded entirely on the 9th article of the consular convention.

That declares " That the consuls and vice consuls shall address themselves, to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an

exhibition of the *registers of the vessel or ship's roll*, that those men were part of the said crews; and on this demand *so proved* (saving however where the contrary is proved) the delivery shall not be refused."

It would be an idle waste of time to attempt to prove to you, citizen minister, that *the register of the vessel or ship's roll*, is not a copy of that paper, or that a copy does not satisfy a law which peremptorily requires the exhibition of the original. Your predecessor has thought proper to refer to the 5th article of that instrument; but a slight perusal of that article will convince you, citizen minister, that it does not apply to the case. When the judges of the United States determined that the mandate of arrest could not be issued on the exhibition of a "copy of the register of the vessel or ship's roll," they did not so decide for the purpose of giving effect to the system of the government, but because the treaty was clearly understood by them positively to require the presentation of the original.

The undersigned regret, citizen minister, that your researches concerning the United States have not extended to their courts. You would have perceived and admired their purity. You would have perceived that America may repose herself securely on the integrity of her judges, and your justice would have spared the insinuations concerning them which have closed this part of your letter.

The undersigned will now consider what you have stated with respect to the treaty of amity, commerce and navigation, formed with Great Britain.

You complain, citizen minister, in very strong terms, of the deception alleged to have been practised with respect to the objects of Mr. Jay's mission to London, and also of the contents of the treaty which that mission produced. You are pleased to observe that it was then said, that Mr. Jay had been sent to London, *only* to negotiate arrangements relative to the depredations committed on the American commerce by the cruisers of Great Britain.

By whom, citizen minister, was this said? not by the President in his message to the Senate, announcing the nomination of Mr. Jay; nor by the then Secretary of State, in communicating to Mr. Fauchet the subject of that mission. The documents with respect to this assertion have been stated and have been fully commented on. It has been fully demonstrated that the American government did not seize this occasion to practise a deception so unnecessary, so foreign to its well known character, and which could produce only mischief to itself. As you have in no degree weakened the testimony which is relied on as disproving this allegation, or produced any sort of evidence in support of it, the undersigned cannot but mingle some degree of surprise with the regrets they feel at seeing it repeated, accompanied with the charge of that "dissimulation," of which all who examine well the conduct of the government of the

United States will so readily pronounce it to be incapable. You also criminate the secrecy which attended this negotiation. To this complaint, when formerly insisted on, it was answered, that so much of it as was material to this republick was immediately communicated to her minister; and that she had no right to inquire further, or to be dissatisfied that other objects were not disclosed; that it is not the practice of France, nor of any other nation, to communicate to others the particular subjects of negotiation which may be contemplated; and that no nation could be independent, which admitted itself to be accountable to another, for the manner in which it might judge proper to regulate its own concerns, on points in which that other was not interested, or which was bound to give previous intimation of every article, which might be inserted in a treaty, formed on the avowed principle of leaving in full force all pre-existing engagements. This reasoning is answered only by terming it a "sophism," "an insidious subterfuge." May not any reasoning, on any subject, be answered in the same manner? But can such an answer impair its force? Without doubt, citizen minister, the government of the United States, when it informed France that the negotiations of Mr. Jay would not in any respect weaken its engagements to this republick, would have added, that they might eventually extend to a commercial treaty, if it had been supposed that the omission to give such information could really be considered as a breach of legitimate obligation, or as an evidence of diminished friendship. The information was most probably not given, because it was unusual, and because it could neither be considered as proper, as necessary, or as material. The undersigned trust that the painful and unavailing discussions on this subject, rendered so unpleasant by the manner in which it has been treated, will never again be renewed.

Passing to the treaty itself, you say that the small majority by which it was sanctioned in the two houses of Congress, and the number of respectable voices raised against it in the nation, depose honourably in favour of the opinion which the French government has entertained of it. But you must be sensible, citizen minister, that the criterion by which you ascertain the merits of the instrument in question, is by no means infallible, nor can it warrant the inference you draw from it. In a republick like that of the United States, where no individual fears to utter what his judgment or his passions may dictate, where an unrestrained press conveys alike to the publick eye the labours of virtue, and the efforts of particular interests, no subject which agitates and interests the publick mind can unite the publick voice, or entirely escape publick censure. In pursuit of the same objects a difference of opinion will arise in the purest minds, from the different manner in which those objects are viewed; and there are situations in which a variety of passions combine to silence the voice of reason, and to betray the soundest judgments. In such situations, if the merit of an instru-

ment is to be decided, not by itself, but by the approbation or disapprobation it may experience, it would surely be a safer rule to take as a guide the decision of a majority, however small that majority may be, than to follow the minority. A treaty too may be opposed as injurious to the United States, though it should not contain a single clause which could prejudice the interests of France. It ought not to be supposed that a treaty would for that reason be offensive to this Republick.

Had you been pleased to state any objections to this instrument drawn from the compact itself, the undersigned would have given to those objections the most serious and respectful consideration. But it is supposed that you adopt, without adding to, the complaints made by your predecessor and by Mr. Adet, when you observe, that you will not repeat what they have said. These complaints have been amply discussed in the memorial the undersigned had the honour to transmit you, bearing date 17th of January. It is believed to have been demonstrated that the stipulations complained of do not in the most remote degree wound the interests of France, affect the pre-existing engagements of the United States, or change their situation in relation to the belligerent powers. Such, incontestably, was and is the opinion of the American government, and in this opinion only would the treaty have been agreed to. As no one of the arguments which have at various times been urged on this subject, on the part of the United States, has ever yet been noticed, the undersigned deem unnecessary any attempt to re-urge or to strengthen them. You say that you will content yourself "with observing summarily, that in this treaty every thing having been provided to turn the neutrality of the United States to the disadvantage of the French Republick, and to the advantage of England; that the Federal government having in this act made to Great Britain concessions the most unheard of, the most incompatible with the interests of the United States, and the most derogatory from the alliance which existed between the said states and the French Republick, the latter was perfectly free to avail itself of the preservatory means with which it was furnished by the laws of nature and of nations, and by its anterior treaty, for the purpose of parrying the inconveniences of the treaty of London. Such are the reasons which have determined the arrêtes of the Directory of which the United States complain, as well as the conduct of its agents in the Antilles." But you have not shown a single provision, "which turns the neutrality of the United States to the disadvantage of the French Republick and to the advantage of England." You have not shown a single concession "incompatible with the interests of the United States," or "derogatory from their alliance with France."

It is considered as having been demonstrated, that this treaty leaves the neutrality of the United States, with respect both to France and England, precisely in its former situation, and that it contains no concessions which are either unusual, or

derogatory from their alliance with this republick. But if in forming this judgment the American government has deceived itself, still it ought to be remembered that it has ever manifested a readiness to place France on the footing of England, with respect to the articles complained of.

You suppose that the 2d article of the treaty between France and the United States justifies the arrêtés, of which the latter power complains: but that article only entitles either of the contracting parties to a participation of any particular favour in respect of commerce or navigation, which might thereafter be granted by the other to other nations, on allowing the same compensation, if the concession was conditional. It has never been pretended to extend to pre-existing rights held and exercised under the law of nations, and barely recognised by any subsequent treaty. If this could be insisted on, still it was shown incontestably by the undersigned, that the arrêté particularly complained of, so far as it professes to found itself on the treaty with England, greatly transcends that treaty, and in its most noxious article, that requiring a rôle d'équipage, has no relation to it. This all essential circumstance you have not been pleased to notice; and it is with infinite regret the undersigned observe, that the discussions at which you hint are to be limited to the abuses of the principle established by the arrêté, and not extended to the compatibility of the principle itself, with justice, the laws of nations, or existing treaties.

It is well known that such a discussion, if indeed the undersigned could be permitted to enter upon it, would avail but little, since the vast mass of American property captured by the cruisers, and condemned by the courts of France, has been found in vessels not furnished with a rôle d'équipage.

The undersigned have been minute in their attention to every syllable you have uttered on this interesting subject, because it has been often considered as having given cause of just irritation to France, and they are sincerely desirous of probing to the bottom every subject which may have assumed that complexion. Their wish is unaffected, to give to every complaint its real value, in order thus to prepare the way for accommodation, by the relinquishment of such as are not well founded, and the admission of those which have a real existence.

The third head of your complaints relates to the conduct of the government of the United States since their treaty with England.

You observe, that as soon as the treaty in question had been put in execution, the government of the United States seemed to think itself dispensed from the observance of any measures towards this republick, and you adduce in support of this general observation,

1st. The refusal to permit in the ports of the United States the sale of prizes made by French cruisers.

2dly. The invectives and calumnies against the French government, its principles and its officers, contained in certain journals and pamphlets published in the United States, &c.

3dly. The speech of the President to Congress in May last.

1st. The government of the United States does not permit the sale in their ports of prizes made upon England by the cruisers of France.

The fact is admitted. To erect it into an offence, it becomes necessary to prove that this measure violates either the engagements or the neutrality of the United States. Neither is attempted. To show that it violates neither, had this been rendered necessary, would by no means have been deemed an arduous task. It will now only briefly be observed, that the 17th article of the treaty of commerce of the 6th of February 1778, which alone relates to this subject, so far from stipulating for the sale of prizes in the ports of either nation, limits itself to a declaration, that the captors shall have liberty to bring them into port, free from duties, arrests and searches, and to depart with them to the places expressed in their commissions, thereby evidently contemplating the then existing regulations of this nation. France has manifested her own opinion on this subject, in her treaty with Great Britain of the 26th or September 1786. The 16th article of that treaty declares, "that it shall not be lawful for foreign cruisers who shall not be the subjects of one or the other crown, and who shall have a commission from any prince, or state, enemies of the one or the other, to arm their vessels in the ports of one or the other of the said two kingdoms, *to sell there what they shall have taken, or to change the same in any manner whatever.*" In a war with England then, France being neutral, the cruisers of the United States are forbidden to sell their prizes in the ports of this Republick. The 17th article of the treaty of February 1778, being reciprocal, France has pronounced her decision, that it does not give her cruisers a right to sell their prizes in the ports of America. If this right had been given by the treaty of February 1778, that between the United States and England could not be construed to impair it. Nor is the prohibition a departure from the neutrality of the United States. A nation to violate its neutrality must manifest a partiality for one of the belligerent powers, must accord favours not stipulated by pre-existing treaties to one, which it refuses to the other. This is not even alleged in the present instance. Far from permitting British cruisers to sell in the United States prizes they have made on the French, they are not even allowed to bring them into port. A candid consideration of this subject will prove that the withdrawal of a favour, the grant of which manifested so strongly the attachments of the

United States, far from justifying the resentments which have been expressed in consequence of it, can only be attributed to the solicitude of the American government to render perfectly unexceptionable its observance of that neutrality which it professes to maintain. It has been shown unequivocally to have been the opinion of the contracting parties, that the treaty of commerce of the 6th of February 1778, did not give to either, being at war, a right to sell its prizes in the ports of the other being at peace. It is not pretended that this is one of the rights accruing, without special stipulation, under the laws and usages of nations.

It is not then a right at all. If granted, it is a voluntary favour. But a voluntary favour essential in the prosecution of the war, if granted by a neutral to one belligerent power, and of necessity refused to the other, affords to that other at least a more plausible pretext for complaint than has been given by any other act of the government of the United States. What, in such a situation, would have been the language of France? Would this Republick permit a neutral nation, not bound thereto by any obligation whatever, to allow in its ports as a voluntary favour the sale of prizes made on French citizens, while the same favour was of necessity denied to the cruisers of France.

It is believed that such an use of neutrality would not be permitted, and the undersigned felicitate themselves and their country that the government they represent has never intentionally given to this republick any cause of dissatisfaction, as serious as this would have been. You will not fail to observe, citizen minister, that this heavy accusation, when analyzed, is nothing more than the refusal of a mere favour on the part of the American government, the grant of which might have been dangerous to itself, might have drawn it from that neutral station which it is its duty to observe, and which favour France had previously, in the most explicit terms, declared its determination not to grant under similar circumstances to the United States.

2dly. Your second allegation is, "that the journals known to be indirectly under the control of the cabinet have redoubled their invectives and calumnies against the Republick, its magistrates and its envoys; and that pamphlets openly paid for by the minister of Great Britain have re-produced, under every form, those insults and calumnies without having ever drawn the attention of the government to a state of things so scandalous, and which it might have repressed."

The genius of the constitution, and the opinions of the people of the United States, cannot be overruled by those who administer the government. Among those principles deemed sacred in America; among those sacred rights considered as forming the bulwark of their liberty, which the government contemplates with awful reverence, and would approach only with the most cautious circumspection, there is no one of which the importance is more deeply impressed on the publick mind than the

liberty of the press. That this liberty is often carried to excess, that it has sometimes degenerated into licentiousness, is seen and lamented; but the remedy has not yet been discovered. Perhaps it is an evil inseparable from the good with which it is allied: perhaps it is a shoot which cannot be stripped from the stalk, without wounding vitally the plant from which it is torn. However desirable those measures might be which might correct without enslaving the press, they have never yet been devised in America. No regulations exist which enable the government to suppress whatever calumnies or invectives any individual may choose to offer to the publick eye; or to punish such calumnies and invectives, otherwise than by a legal prosecution in courts which are alike open to all who consider themselves as injured. Without doubt this abuse of a valuable privilege is matter of peculiar regret when it is extended to the government of a foreign nation. The undersigned are persuaded, it never has been so extended with the approbation of the government of the United States. Discussions respecting the conduct of foreign powers, especially on points respecting the rights and interests of America, are unavoidably made in a nation where publick measures are the results of publick opinion; and certainly do not furnish cause of reproach; but it is believed that calumny and invective have never been substituted for the manly reasoning of an enlightened and injured people, without giving pain to those who administer the affairs of the Union. Certainly this offence, if it be deemed by France of sufficient magnitude to be worthy of notice, has not been confined to this Republick. It has been still more profusely lavished on its enemies, and has even been bestowed with an unsparing hand on the Federal government itself. Nothing can be more notorious than the calumnies and invectives, with which the wisest measures and the most virtuous characters of the United States have been pursued and traduced. It is a calamity incident to the nature of liberty, and which can produce no serious evil to France. It is a calamity occasioned neither by the direct nor indirect influence of the American government. In fact that government is believed to exercise no influence over any press. You must be sensible, citizen minister, with how much truth the same complaint might be urged on the part of the United States. You must know well, what degrading and unworthy calumnies against their government, its principles and its officers, have been published to the world by French journalists and in French pamphlets: that government has even been charged with betraying the best interests of the nation, with having put itself under the guidance of—nay more, with having sold itself to a foreign court. But these calumnies, atrocious as they are, have never constituted a subject of complaint against France. Had not other causes, infinitely more serious and weighty, interrupted the harmony of the two Republicks, it would still have remained unimpaired, and the mission of the undersigned would never have been rendered necessary.

3dly. You complain of the speech of the President made to

Congress in May last. It denounces, you say, the Executive Directory, as searching to propagate anarchy and division in the United States. The constitution of the United States imposes on the President this important duty: "He shall from time to time, give to the Congress information of the state of the union." It having been deemed proper to recall the minister from the United States to this Republic, and to replace him by a citizen, the objects of whose mission, as expressed in his letters of credence, were "to maintain that good understanding, which, from the commencement of the alliance, had subsisted between the two nations; and to efface unfavourable impressions, banish suspicions, and to restore that cordiality which was at once the evidence and pledge of a friendly union." The President of the Directory addressed the recalled minister in the following terms: "In presenting to-day to the Executive Directory your letters of recall, you give to Europe a strange spectacle. France, rich in her liberty, surrounded with the train of her victories, strong in the esteem of her allies, will not abase herself by calculating the consequences of the condescensions of the American government to the suggestions of its ancient tyrants. The French republic hopes, moreover, 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 good will of the French people with the crafty caresses of certain perfidious persons, who meditate to bring them back to their ancient slavery. Assure, Mr. Minister, the good American people, that like them we adore liberty; that they will always have our esteem, and that they will find in the French people that republican generosity, which knows as well how to grant peace as to cause its sovereignty to be respected."

The change of a minister is an ordinary act for which no government is accountable to another, and which has not heretofore been "a strange spectacle" in France, or in any other part of Europe. It appears to be a measure not of itself calculated to draw on the government making such change, the strictures or the resentments of the nation to which the minister is deputed. Such an effect, produced by so inadequate a cause, could not fail to command attention, while it excited surprise.

This official speech, addressed by the government of France to that of the United States, through its minister, charges that government with condescensions to the suggestions of its ancient tyrants, speaks of the crafty caresses of certain perfidious persons who meditate to bring back the successors of Columbus, Raleigh and Penn, to their ancient slavery, and desires the minister to assure, not his *government*, but the *good people* of America, that they will always have the esteem of France, and that they will find in the French people, that republican generosity which knows as well how to grant peace as to cause its sovereignty to be respected.

That a minister should carry any assurances from a foreign government to the people of his nation, is as remarkable as the

difference between the manner in which his government and his people are addressed. His government are charged with condescension to the suggestions of the ancient tyrants of his country, but the people are considered as loving liberty, and they are to be assured of the perpetual esteem of France. This esteem they are to weigh against the crafty caresses of those perfidious persons who meditate to bring them back to their former slavery.

When this speech, thus addressed directly to the government and people of the United States, in the face of Europe and the world, came to be considered in connexion with other measures; when it came to be considered in connexion with the wide spreading devastation to which their commerce was subjected, with the cruel severities practised on their seamen, with the recall of the Minister of France from the United States, and the very extraordinary manner in which that recall was signified by him both to the government and people, with the refusal even to hear the Messenger of Peace, deputed from the United States for the sole purpose of conciliation; it could not fail to make on the American mind a deep and serious impression. It was considered as a fact too important to be held from the Congress, by that department of the government, which is charged with the duties of maintaining its intercourse with foreign nations, and of making communications to the legislature of the Union. The President, therefore, did communicate it in the following words: "With this conduct of the French government it will be proper to take into view the publick audience given to the late minister of the United States on his 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 disposition to separate the people of the United States from the government; to persuade 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 honour, 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 passed on the great theatre of the world, 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 hoped that this communication will be viewed in its true

light, that it will no longer be considered as a denunciation of the Executive Directory, but as the statement of an all-important fact by one department of the American government to another, the making of which was enjoined by duties of the highest obligation.

The undersigned have now, citizen minister, passed through the complaints you urge against the government of the United States. They have endeavoured to consider those complaints impartially, and to weigh them in the scales of justice and of truth. If any of them be well founded, France herself could not demand more readily, than America would make, reparation for the injury sustained. The President of the United States has said, "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." These dispositions on the part of the government have been felt in all their force by the undersigned, and have constantly regulated their conduct.

The undersigned will not resume, citizen minister, the painful task of re-urging the multiplied injuries which have been accumulated on their country, and which have been in some degree detailed in their memorial of the 17th January last. They cannot, however, decline to remonstrate against a measure which has been announced since that date. The Legislative Councils of the French Republick have decreed that,

1st. The condition of ships, in every thing which concerns their character as neutrals or enemies, shall be determined by their cargo; consequently every vessel found at sea, laden in whole or in part with merchandise coming out of England, or its possessions, shall be declared good prize, whoever may be the proprietors of such commodities or merchandise.

2dly. No foreign vessel, which in the course of its voyage shall have entered into an English port, shall be admitted into any port of the French Republick, but in the case of necessity; in which case such vessel shall be obliged to depart from such port so soon as the cause of entry shall have ceased.

This decree too deeply affects the interests of the United States to remain unattended to by their ministers. They pray you, therefore, citizen minister, to receive their respectful representations concerning it.

The object of the decree, is to cut off all direct intercourse between neutrals and Great Britain or its possessions, and to prevent the acquisition, even by circuitous commerce, of those articles which come from England or its dominions.

The right of one nation to exchange with another the surplus produce of its labour, for those articles which may supply its wants or administer to its comfort, is too essential to have been ever classed among those admitted to be in any degree doubtful. It is a right in ceding which a nation would cede the privilege of regulating its own interests and providing for its own welfare. When any two nations shall choose to make

war on each other, they have never been considered, nor can they be considered as thereby authorizing themselves to impair the essential rights of those who may choose to remain at peace. Consequently these rights, the free exercise of which is essential to its interests and welfare, must be retained by a neutral power, whatever nations may be involved in a war.

The right of a belligerent to restrain a neutral from assisting his enemy by supplying him with those articles which are defined as contraband, has been universally submitted to; but to cut off all intercourse between neutrals and an enemy, to declare that any single article which may have come from the possessions of an enemy, whoever may be its owner, shall of itself be sufficient to condemn both vessel and cargo, is to exercise a control over the conduct of neutrals which war can never give, and which is alike incompatible with their dignity and their welfare.

The rights of belligerents are the same. If this might be exercised by one, so might it be exercised by every other. If it might be exercised in the present, so it might be exercised in every future war. This decree is, therefore, on the part of France, the practical assertion of a principle which would destroy all direct or circuitous commerce between belligerent and neutral powers, which would often interrupt the business of a large portion of the world, and withdraw or change the employment of a very considerable portion of the human race.

This is not all. It is the exercise of a power which war is not admitted to give, and which, therefore, may be assumed in peace as well as war.

It essentially affects the internal economy of nations, and deranges that course of industry which they have a right to pursue, and on which their prosperity depends.

To acquiesce, therefore, in the existing state of things, under a principle so extensive and so pernicious, is to establish a precedent for national degradation which can never cease to apply, and which will authorize any measures which power may be disposed to practise.

France, therefore, will perceive that neutral governments, whatever may be their dispositions towards this Republic, are impelled by duties of the highest obligation, to remonstrate against a decree, which at the same time invades their interests and their independence, which takes from them the profits of an honest and lawful industry, as well as the inestimable privilege of conducting their own affairs as their own judgments may direct.

It is hoped that the remonstrances of the United States on this subject will derive additional force from their subsisting engagements with France, and from a situation peculiar to themselves.

The twenty-third article of the treaty of amity and commerce

of the 6th of February, 1778, is in these words: "It shall be lawful for all and singular the subjects of the most christian king, and the citizens, people and inhabitants of the said United States, 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 now are, or hereafter shall be at enmity with the most christian king or the United States. It shall likewise be lawful for the subjects and inhabitants aforesaid; to sail with the ships and merchandises afore-mentioned, and to trade 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 placqs of the enemy before mentioned to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same prince, or under several. And it is hereby stipulated, that free ships shall also give a freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading, or any part thereof, should appertain to the enemies of either; contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers, and in actual service of the enemy."

The two nations contemplating and providing for the case when one may be at war, and the other at peace, solemnly stipulate and pledge themselves to each other, that in such an event the subjects or citizens of the party at peace may freely trade with the enemy of the other, may freely sail with their ships in all manner of security, to and from any port or place belonging to such enemy. Not only goods coming from the hostile territory, but the very goods of the enemy himself may be carried with safety in the vessels of either of the contracting parties.

You will perceive, citizen minister, without requiring the undersigned to execute the painful task of drawing the contrast, how openly and entirely the decree of the Councils opposes itself to the treaty between France and the United States.

In addition to the hitherto unceded rights of a sovereign and independent nation, in addition to the right stipulated by compact, the undersigned will respectfully submit other considerations growing out of the peculiar situation of the United States, manifesting the particular hardships the decree complained of must impose on them.

In possession of a rich, extensive and unsettled country, the labour of the United States is not yet sufficient for the full cultivation of its soil, and consequently but a very small portion of

it can have been applied to manufactures. Articles of the first necessity and comfort are imported in exchange for provisions and for the raw materials which are the growth of the country, and which its inhabitants are accustomed to raise.

It is at any time extremely difficult, nor is it practicable without great loss, to change suddenly the habits of a whole people, and that course of industry in which their population and their real interests have engaged them. An agricultural cannot suddenly, and at will, become a manufacturing people; the United States cannot instantaneously, on the mere passing of a decree, transfer, to the manufacture of articles heretofore imported, such a portion of their labour as will at the same time furnish a market for the surplus commodities, and a supply for the wants of the cultivator of the soil. It is, therefore, scarcely possible for them to surrender their foreign commerce.

Independent of the right they possess in common with others to search for and choose the best markets, it is believed that the supplies they need could with difficulty, in the actual state of the world, be completely furnished, without the aid of England and its possessions. It is not pretended that France manufactures at present, for foreign consumption, nor do the undersigned suppose that there exists a market where the citizens of the United States can obtain in exchange the articles they need and are accustomed to consume, if those coming out of England and its possessions be entirely excluded. A variety of other considerations, and especially the difficulties individuals must encounter in suddenly breaking old and forming new connections, in forcing all their commerce into channels not yet well explored, in trading without a sufficient capital to countries where they have no credit, combine to render almost impossible an immediate dissolution of commercial intercourse between the United States and Great Britain.

If then the decree complained of shall be executed on American vessels, it can only increase grievances already but too considerable, and transfer the carriage of English manufactures, for American consumption, from their own to British bottoms, sailing under the protection of a convoy. Instead of wounding England, it will probably aggrandize its marine, by sacrificing the remnant of that of the United States, and by destroying that system of policy by which they have heretofore sought to give their own vessels that portion of their own carrying trade, which would otherwise be enjoyed by British merchants.

You have made some general animadversions on the government of the United States, which the undersigned feel themselves bound briefly to notice.

You have charged that government with giving instructions not in the sincere intention of arriving at pacifick results, and yet the undersigned have offered to change those clauses in the treaty of 1778, which have become inconvenient to France, and to repair any injuries which may have been committed.

You have charged that government with omitting nothing to

prolong and augment the misunderstanding between the two Republicks ; but does not the fact, that the undersigned are now in Paris, furnish persuasive evidence to the contrary ?

You have charged it with searching to justify, by deceitful appearances, the prejudices with which it surrounds at pleasure the name of the Republick, and the system of exasperation and separation pursued in this respect with the strangest obstinacy. But has not this Republick, in terms the most cordial, been again and again entreated to enter into a candid investigation of the mutual complaints of the two nations? Have not these entreaties been unnoticed, whilst the ministers deputed to make them have remained unaccredited ?

You have charged it with wishing to seize the first favourable occasion for consummating an intimate union with a power, towards which a devotion and a partiality are professed which have long constituted the principle of the conduct of the Federal government ; but whilst no devotion or partiality has been expressed for any nation except France, have not the United States made, and are they not still making the most extraordinary efforts to restore the broken relations between the two Republicks ?

In a letter discussing the important interests of two great nations, the undersigned are unwilling to introduce what relates personally to themselves.

This unwished for task has been rendered a duty, by ascribing to them opinions and relations which exist in imagination only, and by adducing those supposed opinions and relations as proofs of an indisposition, on the part of the government which has deputed them, towards that accommodation which has been sought so unremittingly through all those difficulties and impediments with which the pursuit has been embarrassed.

You are pleased to add, that these intentions are so little disguised, " that nothing seems to have been neglected at Philadelphia, to manifest them to every eye. It is probably with this view that it has been judged proper to send to the French Republick, persons whose opinions and relations are too well known to hope from them dispositions sincerely conciliatory."

The opinions and relations of the undersigned are purely American, unmixed with any particle of foreign tint. If they possess a quality on which they pride themselves, it is an attachment to the happiness and welfare of their country ; if they could at will select the means of manifesting that attachment, it would be by effecting a sincere and real accommodation between France and the United States, on principles promoting the interests of both, and consistent with the independence of the latter.

It requires no assurance to convince, that every real American must wish sincerely to extricate his country from the ills it suffers, and from the greater ills with which it is threatened ; but all who love liberty, must admit that it does not exist in a nation which cannot exercise the right of maintaining its neu-

trality. If "opinions and relations," such as these, are incompatible with "dispositions sincerely conciliatory," then indeed has the Federal government chosen unfit instruments for the expression of its pacifick disposition.

You contrast the conduct observed by the United States, under analogous circumstances, towards the cabinet of St. James, with that which is observed towards this Republick. You say, that on that occasion, there was a sollicitude to send to London, ministers well known to possess sentiments conformable to the objects of their mission; that the Republick has a right to count upon a similar deference; and that if a like attention has not been observed with respect to it, it is too probable that it must be attributed to the views already indicated.

If, unfortunately, the cases shall exhibit a contrast, it is not to be found in the characters the United States have thought proper to employ, or in the conduct of their government, otherwise than by the superior attention manifested towards this Republick, and never shown to any other nation, in deputing to it, with ample powers, three Envoys Extraordinary and Ministers Plenipotentiary from the three great divisions of the United States. The ministers sent to the Cabinet of St. James greatly deserved the confidence of their country; but they did not possess sentiments more conformable to the objects of their mission than those deputed to this Republick. They did not wish more ardently to effect reconciliation; nor is it believed that any persons who could have been deputed to that Cabinet, would have submitted to greater sacrifices in order to obtain it. Had their application for compensation for past injuries, and security against their future commission, been only met by requisitions, a compliance with which would involve their nation in ills of which war perhaps might not be the most considerable; had all attempts to remove unfavourable impressions failed, and all offers to make explanations been rejected; can it be believed, that other ministers (the first having been ordered out of the nation) would have waited six months unaccredited, soliciting permission to display the upright principles on which their government had acted, and the amicable sentiments by which it was animated?

The undersigned are induced, citizen minister, to pray your attention to these plain truths, from a conviction that they manifest unequivocally the friendly temper of the Federal government, and the extreme reluctance with which the hope of an accommodation with France would be relinquished.

The undersigned observe, with infinite regret, that the disposition manifested to treat with the minister who might be selected by this government, is not accompanied with any assurances of receding from those demands of money, heretofore made the considerations on which alone a cessation of hostility on American commerce could be obtained, to which the undersigned have not the power to accede, with which the United

States would find it extremely difficult to comply, and a compliance with which would violate that faith pledged for the observance of neutrality, and would involve them in a disastrous war with which they have no concern. Nor do you answer to the applications, which have been made for compensation to the citizens of the United States for property which shall be proved to have been taken contrary to the law of nations and existing treaties, otherwise than that you are willing to discuss cases where there has been a departure from certain principles, which principles, in fact, involve almost every case.

You have signified, citizen minister, that the Executive Directory is disposed to treat with one of the Envoys, and you hope that this overture will not be attended, on the part of the undersigned, with any serious difficulty. Every proposition of the Executive Directory is considered with the most minute and respectful attention.

The result of a deliberation on this point is, that no one of the undersigned is authorized to take upon himself a negotiation evidently intrusted by the tenor of their powers and instructions to the whole: nor are there any two of them who can propose to withdraw themselves from the task committed to them by their government, while there remains a possibility of performing it.

It is hoped that the prejudices, said to have been conceived against the ministers of the United States, will be dissipated by the truths they have stated.

If in this hope they shall be disappointed, and it should be the will of the Directory to order passports for the whole or any number of them, you will please to accompany such passports with letters of safe conduct, which will entirely protect from the cruisers of France, the vessels in which they may respectively sail, and give to their persons, suite and property, that perfect security to which the laws and usages of nations entitle them.

They pray you, citizen minister, to receive the renewal of their assurances of profound respect and consideration.

CHARLES C. PINCKNEY,
JOHN MARSHALL,
E. GERRY.

A true copy. HENRY M. RUTLEDGE, Secretary.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
JUNE 21, 1798.

WHILE I congratulate you, on the arrival of general Marshall, one of our late Envoys Extraordinary, to the French

Republick, at a place of safety, where he is justly held in honour, I think it my duty to communicate to you, a letter received by him, from Mr. Gerry, the only one of the three, who has not received his congé: this letter, together with another, from the Minister of Foreign Relations to him, of the third of April, and his answer of the fourth, will show the situation in which he remains, his intentions and prospects.

I presume, that before this time, he has received fresh instructions (a copy of which accompanies this message) to consent to no loans, and therefore the negotiation may be considered at an end.

I will never send another minister to France, without assurances, that he will be received, respected and honoured, as the representative of a great, free, powerful, and independent nation.

JOHN ADAMS.

Paris, April 16, 1798.

MY DEAR SIR,—This I expect you will receive by my colleague general Marshall, who carries with him the last letter of Mr. Talleyrand to the American Envoys, and their answer. On the day when we sent the answer, I received a letter from the minister, a copy of which and my answer is enclosed. I have not sent these to the Secretary of State, because I have not time to prepare a letter to accompany them. Indeed I expected my passport with my colleagues; but am informed the Directory will not consent to my leaving France: and to bring on an immediate rupture, by adopting this measure contrary to their wishes, would be in my mind unwarrantable. The object of Mr. Talleyrand, you will perceive, was to *resume* our reciprocal communications, and again to discuss the subject of a loan. I thought it best in my answer not merely to object to this, but to every measure that could have a tendency to draw me into a negotiation. I accepted of this mission, my dear sir, to support your administration, and have brought myself into a predicament,* which you must assist me to extricate myself from, by appointing some others to supply the places of myself and colleagues, if a further progress in this business should be found practicable. I have only a moment to add my best respects to your lady, and my assurances of the most sincere and respectful attachment, my dear sir, of yours sincerely,

E. GERRY.

The President of the United States.

TRANSLATION.

The Minister of Foreign Relations to Mr. Gerry, Envoy Extraordinary of the United States of America, to the French Republick. Paris, the 14 Germinal, 6th year of the French Republick, one and indivisible [3d April, 1798.]

I SUPPOSE, sir, that Messrs. Pinckney and Marshall have thought it useful and proper, in consequence of the intimations

* I allude to my painful residence here as a political cipher.

given in the end of my note of the 28th Ventôse last, and the obstacle which their known opinions have interposed to the desired reconciliation, to quit the territory of the Republick. On this supposition I have the honour to point out to you the 5th or the 7th of this decade, to resume our reciprocal communications upon the interests of the French Republick and the United States of America.

Receive, I pray you, the assurances of my perfect consideration.
CH. MAU. TALLEYRAND.

Paris, 4th April, 1798, (Germinal 15, an 6.)

I HAD the honour, citizen minister, of receiving your letter of the 14th Germinal (the 3d inst.) and Mr. Deutrement who delivered it, informed me, that it was intended to be shown to general Pinckney and general Marshall.

Whilst my colleagues and myself, to whom the government of the United States have intrusted the affairs of the embassy, had a joint agency therein, I have carefully imparted to them all the propositions which you have requested, and the relative conferences; and to yourself our decisions thereon; regretting at the same time the unfortunate and embarrassing circumstances which imposed on me this disagreeable task. But as by the tenor of your letter it is now expected, that they will quit the territory of the French Republick, it will be impossible for me to be the medium of, or to take any measures which will be painful to my colleagues, or not to afford them all the assistance in my power; and it would be moreover inconsistent with the line of conduct which you well know, citizen minister, I have uniformly observed for removing the unfavourable impressions which existed on the part of this government against them: indeed in our last letter there is a conditional application for passports, which, as it appears to me, supersedes the necessity of a hint to them, on this subject; and general Marshall is waiting impatiently for an answer to that part of it which respects a letter of safe-conduct for the vessel, in which he and his suite may take passage for the United States, to determine whether he shall embark from France or Great Britain; but the unfortunate situation of general Pinckney, with respect to the critical state of his daughter's health, renders it utterly impossible for him to depart under existing circumstances.

You have proposed, citizen minister, the 5th or 7th of this decade for me to resume (reprendre) our reciprocal communications upon the interests of the French Republick and of the United States. The reciprocal communications, which we have had, were such only as I have alluded to in the beginning of this letter, unless your proposition accompanied with an injunction of secrecy, for me to treat separately, is considered in this light. To resume this subject will be unavailing, because the measure, for the reasons which I then urged, is utterly impracticable. I can only then confer informally and unaccredited

on any subject respecting our mission, and communicate to the government of the United States the result of such conferences, being in my individual capacity unauthorized to give them an official stamp. Nevertheless every measure in my power, and in conformity with the duty I owe my country, shall be zealously pursued, to restore harmony and a cordial friendship between the two republicks. I had the honour of calling on you last evening for the purpose of making this communication verbally, but as you were absent, to prevent misconceptions I have thought it best to reduce it to writing.

Accept I pray you, Citizen Minister, the assurances of my perfect esteem and respect.

To the Minister of Foreign Affairs }
of the French Republick. }

To Charles Cotesworth Pinckney, John Marshall and Elbridge Gerry, Esquires, Envoys Extraordinary and Ministers Plenipotentiary from the United States of America to the French Republick.

GENTLEMEN,—On the 4th instant came to hand your first despatches since your arrived at Paris; these were your numbers 1, 4, and 5; and on the 6th instant your numbers 2 and 3 were received. On the 5th, your number 5, dated the 8th of January, and a translation of the message of January 4th from the Directory to the council of five hundred, were laid before Congress. In this letter you “repeat, that there exists no hope of your being officially received by that government, or that the objects of your mission will be in any way accomplished.” This opinion is sanctioned by the whole tenor of your communications; and we trust that soon after the date of your number 5, you closed your mission by demanding passports to leave the territories of the French Republick.

An official copy of your letters of credence having been delivered to the minister for foreign affairs, and by him laid before the Directory, they were sufficiently informed of the great objects of your mission; and considering that you were an extraordinary delegation from an independent nation, you had a right to expect a prompt and respectful reception. The fair and honourable views of the American government, which dictated your appointment and your powers, entitled you to expect the early appointment of a commission by the French government, with equal powers, to negotiate on all the matters in controversy between them. Had the French government been influenced by similar views, the objects of your mission would long since have been accomplished, to the advantage and peace of both nations. But instead of coming forward on such equal and proper ground, they have treated you, and through you your country, with extreme neglect.

Under these circumstances, the President presumes that you have long since quitted Paris and the French dominions; yet,

actuated as you were with an ardent desire to preserve peace, which you knew would be so grateful to your country; and having for this object manifested unexampled patience, and submitted to a series of mortifications; as you also proposed to make one more direct attempt, subsequent to the date of your last letter, to draw the French government to an open negotiation; there is a bare possibility that this last effort may have succeeded:—The President therefore thinks it proper to direct—

1. That if you are in treaty, with persons duly authorized by the Directory, on the subjects of your mission, then you are to remain and expedite the completion of the treaty, if it should not have been concluded. Before this letter gets to hand, you will have ascertained whether the negotiation is or is not conducted with candour on the part of the French government: and if you shall have discovered a clear design to procrastinate, you are to break off the negotiation, demand your passports, and return. For you will consider that *suspense* is ruinous to the essential interests of your country.

2. That if on the receipt of this letter, you shall not have been received, or, whether received or not, if you shall not be in treaty with persons duly authorized by the Directory, with full and equal powers, you are to demand your passports and return.

3. In no event is a treaty to be purchased with money, by loan or otherwise. There can be no safety in a treaty so obtained. A loan to the Republick would violate our neutrality: and a *douceur* to the men now in power, might by their successors be urged as a reason for annulling the treaty, or as a precedent for further and repeated demands.

It is proper to apprise you, that a motion has been made in the Senate, and will doubtless be repeated in the House of Representatives, to desire the President to lay before them your communications; and he will probably be under the necessity of doing it: only withholding the two names which you promised should in no event be made publick. I have the honour to be, &c.

TIMOTHY PICKERING.

Department of State, Philadelphia, }
March 23, 1798. }

SPEECH

OF THE PRESIDENT OF THE UNITED STATES TO CONGRESS,
DEC. 8, 1798.

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 mutual congratulations, that the malady has disappeared, and that we are again permitted to assemble in safety, at the seat of government, for the discharge of our important duties. But when we reflect that this fatal disorder has, within a few years, made repeated ravages in some of our principal sea-ports, and with increased malignancy; and when we consider the magnitude of the evils, arising from the interruption of publick and private 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 establishing suitable regulations 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 general health, may be compatible with the interests of commerce, and the safety of the revenue.

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 that spirit which has arisen in our country against the menaces and aggression of a foreign nation. A manly sense of national honour, dignity and independence, has appeared, which if encouraged and invigorated by every branch of the government, will enable us to view undismayed the enterprises of any foreign power, and become the sure foundation of national prosperity and glory.

The course 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 that power. You will at the same time perceive, that the French government appears solicitous to impress the opinion, that it is averse to a rupture with this country, and that it has, in a qualified manner, declared itself willing to receive a minister from the United States, for the purpose of restoring a good understanding. It is unfortunate for professions of this kind, that they should be expressed in terms which may countenance the inadmissible pretension of a right to prescribe the qualifications which a minister from the United States should possess, and that, while France is asserting the existence of a disposition on her part to conciliate with sincerity the differences which have arisen, the sincerity of a like disposition on the part of the United States, of which so many demonstrative proofs have been given, should even be indirectly questioned. It is also worthy of observation, that the decree of the Directory, alleged

to be intended to restrain the depredations of French cruizers 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 fabrick or produce, although the entire property belong 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 their essential rights, of their independence and sovereignty: and if they possess the means, they can reconcile nothing with their interest and honour, 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 honour, 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 be received, would be 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 the injuries heretofore inflicted on our commerce, and to do justice in future, there will be no obstacle to the restoration of a friendly intercourse. In making to you this declaration, I give a pledge to France, and to the world, that the Executive authority of this country still adheres to the humane and pacifick 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 our extensive coast. 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 northernmost part of the thirty-first degree of north latitude. From 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, ere 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 Britannick 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 25th of October, they made their declaration, that a river called Scoodiac, which falls into Passamaquoddy Bay, at its northwestern quarter, was the true St. Croix intended in the treaty of peace, as far as its great fork, where one of its streams comes 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 Scoodiac 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, this 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-first 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 desire of obtaining the fullest information to 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 publick receipts and expenditures to a recent period. It will afford you satisfaction to infer the great extent and solidity of the publick resources, from the prosperous state of the finances, notwithstanding the unexampl'd embarrassments which have attended commerce. When you reflect on the conspicuous examples of patriotism and liberality which have been exhibited by our mercantile fellow

citizens, and how great a proportion of the publick 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 the collection is at present regulated.

During your recess, measures have been steadily pursued for effecting the valuations 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 expected to arise from the great extent of our country and the magnitude 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 adverting to our political situation, and inculcating the essential importance of uniting in the maintenance of our dearest interests; and I trust, that by 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.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE HOUSE OF REPRESENTATIVES. JANUARY 8, 1799.

IN compliance with your desire, expressed in your resolution of the 2d of this month, I lay before you an extract of a letter from George C. Morton, acting Consul of the United States at the Havanna, dated the 18th of November, 1798, to the Secretary of State, with a copy of a letter from him to L. Trezevant and William Timmons, Esquires, with their answer. Although your request extends no further than such information as has been received, yet it may be a satisfaction to you to know, that as soon as this intelligence was communicated to me, circular orders were given by my direction to all the commanders of our vessels of war, a copy of which is also herewith transmitted. I also directed this intelligence and these orders to be communicated to his Britannick majesty's envoy extraordinary and minister plenipotentiary to the United States, and to our minister plenipotentiary to the court of Great Britain, with instructions to him to make the proper representation to that government upon this subject.

It is but justice to say, that this is the first instance of misbehaviour of any of the British officers towards our vessels of war, that has come to my knowledge. According to all the repre-

sentations that I have seen, the flag of the United States, and their officers and men, have been treated by the civil and military authority of the British nation, in Nova Scotia, the West India islands, and on the ocean, with uniform civility, politeness and friendship. I have no doubt that this first instance of misconduct will be readily corrected. JOHN ADAMS.

Extract of a letter from George C. Morton, acting Consul of the United States at the Havanna, dated there the 18th of Nov. 1798, to the Secretary of State.

“By the delegation of Daniel Hawley, Esq. I am at present acting as Consul of the United States in this district, with which he will most probably have acquainted you. It imposes upon me the mortifying task of informing you, sir, of the partial capture of an American fleet, under the convoy of the Baltimore sloop of war, — Phillips, Esq. commander, by a British squadron, off this harbour, accompanied with circumstances rather grating to the feelings of Americans, and by no means analogous to that good harmony which seems to subsist between the two governments.

“The answer of Messrs. Trezevant and Timmons to my annexed note of the 17th instant, requesting an exact relation of the occurrence, will, I presume, be deemed as impartial a narration as can be given, of the whole transaction, they having been passengers on board one of the captured vessels, and removed to the Baltimore.”

Mr. Morton adds, that commodore Loring ordered the 55 men out of the Baltimore, “on board of his ship, previous to any proposal of exchanging the natives of one nation for those of the other; and retained five of the hands as being British subjects, without giving an equal number of Americans, whom he acknowledged to have on board.”

Mr. Morton to L. Trezevant, and W. Timmons, Esquires, Havanna, Nov. 17, 1798.

GENTLEMEN,—As acting American Consul for this city and district, and of course obliged to forward the most correct statement possible to the government of the United States, officially, I would beg the favour of you, gentlemen, to furnish me with an exact relation, under your signatures, of the unpleasant occurrence which took place off the Moro Castle on the 16th instant, by which you will much oblige, gentlemen, your most obedient servant,
GEO. C. MORTON.

N. B. It would be proper to premise, that you were passengers, and your distance from the Moro Castle at the time of capture.
G. C. M.

Havanna, November 18, 1798.

SIR,—Agreeably to your request, we now commit to writing the best account we are able to give you, of the conduct of captain Loring, commodore of the British squadron, which was lately off the Moro, towards the United States ship the Baltimore. We must observe, however, that all we can say of it is from the information of captain Phillips, as we were not on board of the Baltimore when she was visited by captain Loring's officers.

In the morning of the 16th instant we discovered this squadron when we were in sight of the Moro, and afterwards found it was composed of captain Loring's ship the Carnatick of 74 guns; captain _____'s ship the Thunderer, of the same force; captain Dobson's ship the Queen, of 98 guns; captain Donolly's frigate the Maidstone, 32 guns, and captain Hardy's frigate the Greyhound, of the same force. We were passengers in the brig Norfolk, captain Butler, which together with the ship Eliza, captain Baas, and the brig Friendship, captain Fuller, were cut off from their entrance into port, and were all made prizes within gunshot of the Moro. We obtained leave to go on board the Baltimore with our baggage, and did so. When captain Phillips discovered that they were English ships, which was before we were taken, he stood towards them, and spoke the commodore. After we got on board the Baltimore, the captain informed us, that he had been on board the Carnatick, and the commodore had told him that he should take out of the Baltimore all such men as had not American protections; that he had remonstrated with him against showing such an indignity to our flag; that to do so would leave his ship in a very defenceless state, and would deprive him of nearly all his men, as not even those who were really Americans, or at least very few of them, could show protections, because it was always thought that our flag on board of a government ship was a sufficient protection. All this, however, was urged in vain. Captain Phillips returned to his ship, and the commodore sent an officer on board the Baltimore, who carried away 55 of her men to the Carnatick. Captain Phillips remained in expectation that nearly all the rest would be taken from him; but whether the commodore, upon reflection thought better of it, or whatever else might have been his motive, he sent back 50, and kept 5, among whom was the ship's boatswain.

Captain Loring proposed to give up a number of American seamen, who, he said, were in his fleet, if captain Phillips would give him English subjects for them. Captain Phillips refused this offer, and the American seamen were not delivered to him. Before any of the men were returned, he sent a message to captain Phillips to let him know if he, or one of his officers, would go on board of him, and point out who were Americans and who were not, he would return all the Americans; but this

was declined also. After we got on board of the *Baltimore*, he sent a letter to captain Phillips, which he showed to us, in which the commodore "*demande*" that he would give up all the British subjects on board the *Baltimore*. To this captain Phillips replied that he could not know any of his men as British subjects, nor could he, as commander of a ship in the service of the United States, voluntarily give up any of his men; but if he thought fit to send an officer on board, with orders to take any number of his men, he should not oppose it. In this answer, captain Phillips mentioned he should lay before the Executive of the United States a full account of the occurrences of the day. Shortly after sending this reply, the squadron set sail and left the *Baltimore*. Commodore Loring was very polite to us, and was so to captain Phillips when he went on board; but captain Phillips complained of indecent behaviour from the inferior officers.

LEWIS TREZEVANT.

WM. TIMMONS.

G. C. Morton, Esq. V. Consul of U. S. at Havanna.

CIRCULAR.

To the Commanders of Armed Vessels in the service of the United States, given at the Navy Department, December 29, 1798.

SIR,—It is the positive command of the President, that on no pretence whatever, you permit the publick vessel of war under your command to be detained, or searched, nor any of the officers or men belonging to her, to be taken from her, by the ships or vessels of any foreign nation, so long as you are in a capacity to repel such outrage on the honour of the American flag. If force should be exerted to compel your submission, you are to resist that force to the utmost of your power, and when overpowered by superior force, you are to strike your flag, and thus yield your vessel as well as your men; but never your men without your vessel.

You will remember, however, that your demeanour be respectful and friendly to the vessels and people of all nations in amity with the United States; and that you avoid as carefully the commission of, as the submission to, insult or injury.

I have the honour to be, &c.

BEN. STODDERT.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
JAN. 18, 1799.

THE communication relative to our affairs with France, alluded to in my address to both Houses, at the opening of the

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mission, is contained in the sheets which accompany the report of the Secretary of State, containing some observations on them, will be sent to Congress on Monday.

JOHN ADAMS.

Letter from the Secretary of State to Mr. Gerry, dated June 25, 1798.

SIR,—By the instructions dated the 23d of March, which, agreeably to the President's directions, I addressed to generals Pinckney and Marshall and yourself, and of which six sets were transmitted, one by a despatch boat sent on purpose, and some of which doubtless reached you during the last month, you will have seen that it was expected that all of you would have left France long before those instructions could arrive, and which were transmitted rather from abundant caution than necessity, seeing no probability or hope existed that you would accomplish the object of your mission. The respect due to yourselves and to your country irresistibly required that you should turn your backs to a government that treated both with contempt; a contempt not diminished, but aggravated by the flattering but insidious distinction in your favour, in disparagement of men of such respectable talents, untainted honour and pure patriotism, as generals Pinckney and Marshall, and in whom their government and their country reposed entire confidence; and especially when the real object of that distinction was to enable the French government, trampling on the authority and dignity of our own, to designate an Envoy with whom they would condescend to negotiate. It is therefore to be regretted that you did not concur with your colleagues in demanding passports to quit the territories of the French Republick, some time before they left Paris.

General Marshall has arrived and delivered to the President your letter of April 16th, with its enclosures; all which were, on the 21st instant, laid before Congress, accompanied by a message in which the President declares the negotiation at an end, and that "he will never send another minister to France without assurances that he will be received, respected and honoured, as the representative of a great, free, powerful and independent nation."

It is presumed, that you will consider the instructions of the 23d of March, before mentioned, as an effectual recall; lest however, by any possibility, those instructions should not have reached you, and you should still be in France, I am directed by the President to transmit to you this letter, and to inform you, that you are to consider it as a positive letter of recall.

I am respectfully, sir, &c. TIMOTHY PICKERING.

MR. GERRY'S COMMUNICATIONS.

Nantasket Road, October 1, 1798.

SIR,—I have the honour to inform you of my arrival here this morning, in the brigantine *Sophia*; Captain Geddes, from Havre, but last from Portsmouth in Great Britain; and to enclose copies of my letters to yourself of the 12th and 13th of May last, No. 1 and 2; of the correspondence between Mr. Talleyrand, the French minister of foreign affairs and myself, numbered according to the respective dates from 3 to 28 inclusively; of an arrêté enclosed in his last letter, No. 29; of my letter to Mr. Hautval and his answer, No. 30 and 31; of my letter to Mr. King, our minister at London, and an extract to Doctor Taswell, the bearer thereof, No. 32 and 33; also the substance of a conference with the Dutch minister, a day or two before I left Paris, No. 34; and an anonymous publication, "on the President's communication" of our despatches, said to have issued from the French office of foreign affairs, No. 35.

When I left the United States in August 1797, the citizens in general appeared to be earnestly desirous of a reconciliation with France, on terms consistent with the honour, interest, and welfare of the two republicks; these, being free from claims and controversies in regard to territory, boundaries, and many matters which embroil states; and from competitions relative to their productions, manufactures, and commerce, had a mutual and manifest interest in the renewal of their commercial and friendly intercourse with each other. Nature seemed to have entitled the United States, in their remote situation to the peaceable pursuit of their industry, by means whereof, in its various branches, their wealth and power were rapidly increasing; and to an exemption from the conflicts of Europe; which, involving them, would check their population, drain their resources, and ensure their poverty. On a candid investigation then of the causes of the unhappy differences between the two governments, on a disposition to correct errors, to which all governments are more or less liable, and on their mutual resolution to reciprocate justice, the success of the mission was conceived to depend; and as this temper marked the plan of pacification adopted by the government of the United States, there was a rational prospect of success.

Soon after our arrival at Paris, the scene was changed, and the hope of a reconciliation being diminished, the necessity of harmony in the United States was proportionably increased, as the only mean for preserving their welfare and independence at home, their rights, and respectability abroad. In case of a war, there was every reason to believe, that they would be able to defend themselves against any nation, or coalition that could be formed against them; whilst their citizens should consider the government, chosen by themselves, as the pole star of their

salvation ; should rally round its standard, when raised for their defence ; should rise superior to foreign intrigues, always expert in fomenting divisions, and often aided by popular elections, legislative debates, and clashing opinions and interests ; and should promote unanimity, by toleration amongst themselves. Nevertheless, the critical state of our affairs required, that France should not be furnished with pretexts, for charging the American government, or ministers, with neglect of means for obtaining a reconciliation.

When the minister of foreign affairs, in October last, unauthorized by the Executive Directory, as Mr. Y. had informed the Envoys, to have any communications with them, had expressed a desire to see them in their private capacities, I was opposed to a compliance, *individually* ; not from considerations of etiquette, which had no weight in my mind, but because it would infer on me, a separate agency in matters wherein I was but jointly authorized : to prevent however the imputation of a failure of the negotiation, then daily expected, to the United States, I submitted to the measure, was unsuccessful in my attempts to make it general, and was thereby subjected to a series of embarrassments.

The particular attentions of the minister to me, lest they should be invidious, were in every instance but two declined ; and in one of these I yielded to importunity : preferences I viewed as a source of division.

The second conference which I held with the minister, being on the 17th of December, and his propositions to the Envoys, were published with their despatches. Their answer, which was unanimously in the negative, was delivered by me to his secretary. Mr. Y. had expected it, and expressed a surprise that the secretary had applied for it.

On the fourth of February, the minister by order of the Executive Directory, proposed that I should treat separately : the circumstances thereof, and of my refusal, are generally detailed in the correspondence enclosed.

The minister afterwards desired me by his secretary, to communicate to the other Envoys, his proposition for a loan subsequent to the war ; which he soon relinquished. On this subject, our first instructions were silent ; the last were explicit, and necessary to determine my judgment.

In consequence of his letter to the Envoys, of the 28th Ventose [18th of March,] the minister renewed his proposition for me to treat separately ; and again received a negative answer. He then proposed that I should remain at Paris, until the sense of the government could be obtained ; declaring as before, that an immediate rupture would be the consequence of my departure. To have left France under such circumstances, was a measure which I could not justify. The power of declaring war, was not intrusted with the supreme Executive of the United States, much less with a minister ; and to have thus

provoked it, would in my mind have been tantamount to a declaration thereof. Indeed, to have plunged the nation into a war, suddenly, even if it was inevitable, appeared to me in other respects unwarrantable. Congress, who alone had the right to adopt this measure, might, by such a premature step, have been defeated in their previous arrangements, and subjected to other manifest inconveniences, and the Executive might have been placed on ground less advantageous for forming alliances, &c. Whereas, my detention at Paris gained time, if this was requisite; and could not procrastinate a declaration of war, if the United States were prepared for it.— Other considerations had their weight. France at that time was making very formidable preparations, with a professed design, to overthrow the British government: and such were the exertions and enthusiasm of her citizens, armies, and administration, as to spread a general alarm throughout Great Britain. It was evident then to common observation, that should France succeed, she would acquire by the powerful navy and resources of Britain, such strength, as to be able to give law to Europe, and to regions more remote: and it was rational to suppose, that a coalition would be formed, of such European powers as were not in the interest or under the influence of France, to put an end to the war, by offering their mediation, and declaring their intention to oppose the power which should refuse it: the temporizing negotiations at Rastadt had this aspect. Moreover, the internal affairs of France were in an agitated state, and threatened civil commotions. If then, on the one hand, a new coalition against France, a change in her government, or even a successful resistance on the part of Great Britain, had happened, a favourable opportunity would have presented itself to the United States, for obtaining of her, a just and advantageous treaty: and this would have been lost, by a previous rupture in consequence of my departure. If on the other hand Great Britain unaided had fallen, the United States would have been in a much better condition at peace, than in war with the most formidable power the world had exhibited. In such an event, they could have had but small hopes of resisting France; and it might have been deemed madness in them, even to have attempted it. For these reasons, I thought it my indispensable duty, to remain a short time at Paris.

The tenor of our instructions, the last as well as the first, shows that the government did not anticipate the proposition for treating separately, and made no provision for such an event. The French minister has uniformly insisted, that I had power to treat; because in the instrument he saw that the Envoys had a separate and joint authority. If the position could be established, it would authorize a foreign government, at pleasure, to reduce the number of a commission consisting of two or more members, and thus to deprive the constituting

government of the joint abilities of its ministers ; or absurdly to insist on a separate negotiation with each minister, and to choose from their several treaties, that which should best answer its purpose : besides, in case of the misconduct of ministers, their government has a right to expect information thereof, and an opportunity of substituting others in their stead ; but I trust, that the arguments stated in the correspondence enclosed, are sufficient to show, that the power to treat did not exist ; or if it did, that I was justified, under existing circumstances, in refusing to exercise it.

On the 3d of April I received the minister's note, No. 3, and apprehending that he proposed to draw me into a negotiation, notwithstanding my resolution to the contrary, I sent him an answer on the 4th of April, (No. 4) to which he made no reply.

On the 20th of April, considering the unpleasant situation in which I was placed, detached from the other Envoys, destitute of power to negotiate, irreconcilable to an application for it, and even to an acceptance of it, if offered, I addressed to the minister the letter No. 5, urged him to come forward with propositions for a reconciliation, and to release me from my confinement.

At our next interview, on the 28th of April, the minister informed me, that he could not comply with my proposals ; not knowing the views of the United States, in regard to a treaty. To remove this obstacle, I gave the information, and in it the fullest extent to the claims of the American citizens against France, but I was silent with respect to the guaranty of the eleventh article of the treaty of alliance, and to what relates to the Barbary powers ; and left it with him, in the first instance, to provide for a liberal commerce to the French colonies in the East and West Indies, and to express the views of France in regard to the proposed treaty. We afterwards conferred on the necessity of sending a French minister to the United States ; and he promised to deliver me, within three or four days, the project of a treaty. On the evening of the 12th May, Mr. Humphreys arrived, and delivered me your letter of the 23d March ; which, the next morning, was deciphered. Our government could not then have been apprized of the new state of affairs ; but as it had signified, "that suspence was ruinous," I thought myself authorized to give immediate information to the Minister of Foreign Affairs, that I should return to America in the *Sophia*, as soon as she could be fitted for the sea ; and that it was necessary to expedite the measures we had contemplated, for effecting a treaty. The Executive Directory, as well as the minister, had, it was said, during the three preceding weeks, been indispensably occupied by the new elections ; and these being finished, they could now proceed on American affairs : had the latter required more time than I had allotted for them, I was determined to have detain-

ed the *Sophia* a short period, rather than to have defeated the proposed arrangements. This I considered as my duty; for whilst the government manifested in their instructions, a just indignation at the treatment which their Envoys had received, it evinced a disposition to peace: and as far as I could judge, the same temper now existed on the part of France.

On the 24th May, the minister sent the principal secretary of his bureau to inform me, that his government did not wish to break the British treaty; but expected in the new treaty, such provisions as would indemnify France, and put her on a footing with that nation: to this I answered, that the information gave me pleasure; that it was impossible for the United States, by violating that treaty, to become perfidious; that the treaty itself was an evidence of their good faith, inasmuch as it contained a provision, "that it should not be construed or operate, contrary to former and existing publick treaties, with other sovereigns or states;" that, if in its construction or operation, France had sustained injuries, still she was sure of redress by the provisions thereof, as well as by her own treaty with the United States; and that the latter ensured to her an extension of favours, in regard to commerce and navigation, if any such had been granted to Great Britain.

He said, there was a second point, which respected the claims of American citizens on the French Republick; that if the latter should not be able to pay them, when adjusted, and the United States would assume and pay them, France would reimburse the amount thereof. To this I answered, that the measure was impossible: but, that the claims might be adjusted, funded and made transferable by France; and be redeemed, pursuant to such stipulations, as might be agreed on between the two governments.

He then stated a third point, which respected the consular convention. I answered, that perhaps it would be best, as its duration would be short, to let it expire. But if the present war should soon terminate, and commerce revive in France, it may be well to revise it in order to prevent further disputes, respecting the evidence for apprehending deserters, the judicial officers for issuing warrants, and the mode of executing consular decisions; stating at the same time, that foreign tribunals could never be admitted within the jurisdiction of the United States. The secretary reported the conference, and informed me the next morning, that the minister would send me his answer, in writing, in a few days.

On the 26th May, I had a conference with the minister, the substance of which is stated in my letter, No. 24. Having pressed on this, as well as former occasions, the necessity of sending a minister to the United States, he now readily acceded to it: this would have enabled France to relax from any stipulations, which she might have urged there, but which might be found by her minister in the United States, to endanger the treaty.

In this state were affairs on the 27th May, when I was called on by one of the city gazettes, which announced the publication of our despatches, to deny their authenticity. Having reason to suppose, that the result of this new embarrassment, if not pacifick, would be very violent, I prepared for the event; being obliged to abide the consequences.

On the 30th May, I received from the minister his letter No. 6, and returned for answer No. 7. In this I repeated, what was published in our despatches, that X. and Y. had not produced a document of any kind, for authorizing their conference with us. I was not disposed to accuse, or exculpate the French government, or minister: the latter had disavowed the intriguers, as they were styled, and they, in their conferences with us had declared, that they were not authorized by the government: the matter was therefore left with the publick, as it had been referred to their tribunal.

On the 1st of June, the minister sent me his letter, No. 8, and I desired to know of the bearer, why application was again made to me for the names of the intriguers, when they could be otherwise ascertained. He answered, that he believed, by the exertions of the bureau and of the police of the city, the names were discovered; and he mentioned them to me. But, he added, that matters had become very serious; that the Directory expected something from me, in confirmation of this discovery; that this was the use which would be made of my letters; and that the minister did not wish for any declaration from me, but what should be perfectly consistent with truth. I assured him that no extremity should produce from me any other declaration, and sent the minister my letter, No. 10. In this I guarded against the publication, on my authority, of the names thus communicated; and did justice to certain individuals, who being suspected, were nevertheless innocent.

On the 7th June, the publication No. 35, appeared in the Redacteur. In this, contrary to assurances received, I was made to act a very conspicuous part; and was attacked under a thin veil of insidious compliments: the cause thereof was the detail, in the despatches, of my particular conferences. The next day, I prepared a letter to the minister, for detecting the artifices, and correcting the abuses, of that curious performance. But having considered, that it might open a door to altercation and delay, if not defeat the great object in view; or produce a mere disavowal of the anonymous publication, which afterwards was made in No. 21, I suppressed the letter, and on the 10th June addressed to him No. 13. In this, availing myself of the *pacifick declaration* contained in the strictures, I urged the *expedition of pacifick measures*, as a requisite to their success.

On the 11th of June, I received from the minister No. 14, in which, as he had informed my secretary, he revived the disagreeable subject of the despatches; and he concluded, by formally demanding, whether I was in a situation to treat? Every circumstance concurred now to prove, that the des-

patches had excited the resentment of the minister against the government, as well as myself; and had changed his plan in regard to the United States.

On the 13th June, I answered that letter by No. 15, and on the 20th received a reply, No. 16. In this the minister, in lieu of the proposed plan of a treaty, presented a general plan of negotiation: notwithstanding as he stated it, "my persevering to think my powers were inadequate," and "the most irritating provocations:" by the *first "point"* of this plan, a door would have been open to endless altercations, respecting the supposed abuse of the French government, by private writings, publick acts of the United States, official letters, and the despatches of the envoys; by the *second point*, the sense of the treaties was to be fixed, and the rights flowing therefrom, were to be established; and by the *third point*, the damages of deviations from the treaties were to be examined: he then stated, that "*very general instructions* were necessary for the negotiations; and proposed that I should apply for them: *very general indeed* must the instructions have been, to have negotiated such a plan as this; and it was impossible to view it in any other light than that of an evasion of the arrangements proposed. It was easy to have pointed out the misinterpretations and misrepresentations, as well as the impolicy of the plan; but I was under the necessity of avoiding this, or of entering into a formal negotiation. To allure me into it, was probably the object of the minister; for soon afterwards, he invited me to discuss in *writing* some articles of the *second point*. In my answer therefore of the 22d June (No. 17) I merely observed, that "if he conceived a reconciliation would be best promoted by his mode only, I sincerely wished it success."

On the 29th June, I received the minister's letter No. 19; in which, after relaxing from the *first point* of his general plan, and suggesting that the *third* would not meet with much difficulty, as soon as the *second* should be amicably adjusted, he for the first time proposed, that I should discuss in *writing*, some articles of the treaty, comprised under the *second point*. Nearly *three months* had then elapsed, since I had declared I could only *confer* with him informally on the objects of the mission; nearly *two months* since he was informed of the views of the United States in regard to a treaty, and had promised to come forward in a few days with the project thereof; and *six weeks* since I had apprized him of my intention to embark in the *Sophia*. As then a compliance with his wishes would have given a sanction not only to his departure from the plan we had agreed on for forming an arrangement; but also to the measure adopted by his government, of accrediting at pleasure the whole or a part only of a commission; and as I had frequently demanded my passport, by letters, as well as by my secretary, I passed in silence his proposition for discussion, *as a measure he well knew was inadmissible*, and urged in my letter of the first of July (No. 20.) in a more decided tone, the demand for the passport, &c.

On the 5th July, not having received an answer to my last, I called on the minister, to know the cause of his detaining my passport; and to give him an opportunity before my departure, of removing the obstacles to a plan of pacification. He began by observing that in a note accompanying his last letter, he had stated two points respecting the consular convention, expecting that I would discuss them, as he had done, but I had not taken any notice of them; that I had said I had no powers.—He had powers; and of consequence, I should not compromit my state, whilst he would compromit his: that I might take the discussion to the United States, and my government might judge of it; that when my colleagues were here the government could not treat with them; that when they were sent off, it was ready to treat with me; that although I had no powers I might send for them; or remaining there might give my government an opportunity of sending other ministers, if I did not choose to proceed in the business; that in this, there would be no responsibility on my part; that there were but a few points for discussion which might soon be finished; and that if a war was the consequence of my leaving the country, it would be chargeable to me. To which I replied, that the last proposition of the Directory for me to treat, was one which I had before rejected; that in April last, he knew I would only *confer* on the subjects of the mission, and made no objection to the measure; that on the 29th June, after my baggage was on board, and I was ready to embark, he first proposed a discussion in *writing*, of the articles of the treaty; that I considered this, however qualified, as a formal mode of negotiation, which I had uniformly declined; that had he brought forward, as he had proposed, the plan of a treaty, and in it comprised the articles which I had stated, we might have passed on it expeditiously, and might have made it acceptable to both governments; that the most important parts might have been first considered, and if not adjusted, might have precluded the necessity of passing on the rest; that in addition to the objection already stated to his mode, it commenced with the consular convention, which would soon expire; that should we agree on this, and on the lesser points of the commercial treaty, he may reserve to the last the weighty articles thereof; and failing in these, we might waste several months, by a fruitless *negotiation*; that should we unite in all the points which he has suggested, his mode of discussion would require several months; that the loss of time, by these or other means, might compromit the government of the United States, and myself likewise; that if a war should be the consequence of his departing from the plan we had agreed on, for obtaining a treaty, he would be chargeable as the cause of it. The minister said the mode he had proposed was generally adopted by France. I replied, the other was not unusual, and in the present case was preferable, if not indispensable; he observed that the notes which I had lent him, respecting the views of the United States, were informal. I answered it was true, but that I would

remove that difficulty : He then proposed the 7th July for another interview ; but afterwards put it off till the ninth. On the 6th I reduced the notes to form, for constituting a part of the treaty.

On the 9th of July I called on the minister ; and he inquired whether I had received his letter of that morning : I answered in the negative, and desired to know the contents ; he replied, a discussion of two other points of the consular convention ; on which I want your opinion in writing. I informed him, that I had stated the views of the United States without discussion, and expected the same of him on the part of France ; that when this was done, I would proceed to a conference on each point, but not to an epistolary discussion ; that such a mode would require, of diligent negotiation, three months, and with his official engagements, double that time : he said, no ; that it would not require as much time as I had conceived ; that there were at most but six other points. On your side, I replied, but many on ours. He answered " pas d'avantage," none besides. I said that I was glad to hear it ; but to such a discussion as he proposed, I should prefer treating effectually. Some of the conversation was repeated which we had on the 7th, and I renewed my demand for the passport. He answered, that my refusal to discuss must first be given in writing, and we parted.—This is the substance of the two interviews.

On the same day, I received the letter mentioned at the interview, (No. 21) dated the 18th Messidor, (6th July) in which, speaking of his general plan in No. 16, he says " but it is not sufficient to send these propositions to your government ; they are only the basis of discussions, necessary on each question of detail : the solution of which, we ought to find," although, in the last mentioned number, he had said in reference to them, " I am persuaded that you will transmit to your government exact documents : it will be *its* province, to take the best measures for accomplishing a speedy reconciliation." In the letter first mentioned, the minister also observes, " I have apprized you, that it would be inconvenient to charge with this discussion, a minister plenipotentiary at Philadelphia. Circumstances have rendered this inconvenience more serious ; and I do not conceal from you, that I fear new incidents." The fact was, as I ascertained to my satisfaction, that after the arrival of the despatches and other intelligence from the United States, the Executive Directory apprehended if a minister was sent there, that he would not be accredited ; and that overtures, or any plan unaccompanied by a minister, would meet a similar fate.

On the 10th July, in my letter No. 22, I refused an epistolary discussion ; and demanded a definitive answer to my application for a passport and other documents.

On the 15th July, I received the minister's letter of the 24th Messidor, (the 12th July) No. 23, in which he appeals to me, for the truth of his assertion, " that if nothing had prevented

me from pursuing with him, the examination of the grievances, which separate the two countries, we should have needed nothing more than their respective ratifications.' Before the arrival of the despatches of the envoys, the minister appeared to me sincere, and anxious to obtain a reconciliation. He had proposed by his secretary, an assumption of the debts due to American citizens; which I rejected: but he had made no other proposition of a loan whatever; and never renewed that. Indeed his views in general, as far as I could then ascertain them, were liberal in regard to a treaty: it is nevertheless impossible for me to determine whether we should have united in opinion, on every point of dispute between the republicks. I had a full expectation, that by the middle of June at farthest, we should have agreed on the plan of a treaty; and that a French minister would have been sent to America for completing it. I was likewise informed of the candidate: but after the arrival of the despatches, although the minister, in the name of the Executive Directory, declared that they persevered in their pacifick intentions, he probably for the reasons stated in explaining No. 21, abandoned the plan we had at first agreed on, substituted a general plan of negotiation, discussed some articles thereof in *writing*, and insisted, contrary to stipulations, on my answering him in the same mode. At this period, a reconcillation being quite problematical, one of his objects evidently was, to prepare materials for a manifesto, in the event of a war, to show that it was a matter of necessity, and not of choice. He says "that after the arrival of the *Sophia*, I was disposed to depart; till that time, he had never conceived that I had a design to embark, *before we should have agreed on the definitive articles, to be ratified by my government.*" Before and after the arrival of the *Sophia*, I had announced my intention to embark early in June; conceiving that the arrangements might be made by that period. I had no design, however, of departing before they were completed: provided, there should have been no reason to doubt of the minister's disposition, or of the success of our endeavours, for obtaining a reconciliation. His general conduct would have been the criterion of the first, and our progress in this business, of the last point: but having abandoned our original plan, he has not given me an opportunity to judge effectually of either.

On the 20th July, I sent the minister No. 24, and received on the 22d, his reply, No. 25. In this he declines a contest in regard to the facts stated by me in No. 24, which I was ready to support: he complains of my proposition for lopping from any future negotiation, every preliminary of a loan, and of explanations upon speeches; and refers to his letter of the 30th of Prairial, No. 16, to prove that this step was unnecessary. But although the first point of his plan in that letter is silent on these demands, they might as I conceived, be hereafter revived, and were for this reason brought again into view: by these means they were effectually renounced.

The minister, having the day before I left Paris, *published his letter, No. 23*, rendered necessary the publication of my answer, No. 24, and the note No. 26, as a preliminary thereto.

On the 8th of August, I received at Havre, the minister's letter, No. 27, to which No. 28 is an answer: the former contained the *arrêté* No. 29; and his desire to send it by the *Sophia*, probably produced the official impediments which for several days prevented her sailing. The minister is unwilling to admit that the *arrêté* was the effect of my representations: I believe there is no doubt of the fact; but it is a matter of little consequence.

No. 30 and 31, will show that Mr. Hautval in his letter to the minister, relative to our first interview, committed some errors, and candidly corrected them.

No. 32 and 33, require no explanation.

No. 34, will show the object of the Dutch minister in his conference with me, and requires no comment. I was before informed that this gentleman, if requested, would interpose his good offices; but did not think it proper to make the application.

No. 35, has already been the subject of some general remarks.

To No. 9, a verbal answer was sent by the minister, that the letters and despatches therein mentioned, "had never reached the government."

On the 26th of July, I left Paris; and from the best information which I could obtain relative to the disposition of the Executive Directory (for I never had any direct communication with them) they were very desirous of a reconciliation between the republicks. Every impediment to my departure had been adopted by the French minister; and he would have prevented it, had he succeeded in his plan of an epistolary discussion: his object was, as I conceived, to gain time for ascertaining, whether the United States were then disposed to a treaty; of this he manifested doubts, being persuaded that their resentment was too great to admit of it. He seemed also to apprehend, that in consequence of the incredible exertions of Great Britain, and the unequivocal evidence she had given of her ability to defend herself, they were inclined to avenge their injuries, by an alliance with her: and that should France come forward with overtures, or the plan of a treaty, she would fail therein, and compromise her honour. I was nevertheless of opinion, that should France be just and liberal in her measures, the government of the United States would still meet her on the ground of accommodation. My judgment was the result of their instructions; for I had never received any other official intelligence since my departure from America: I have therefore uniformly inculcated that sentiment.

Having been thus in a situation, wherein, amidst a series of

events, each has been productive of fresh embarrassments, I have invariably pursued what to me appeared the honour, interest and welfare of my country, and been guided by the sense of the government, as far as I could ascertain it.

If the door is still open to peace, the establishment of it must be an happy event to the United States, as it will exempt them from calamities, which notwithstanding delusive appearances, will with short intervals probably continue for half a century, to exhaust and depopulate Europe.

But if the national pulse beats high for war, and the wise and constitutional councils of the United States shall consider it as the only safe and honourable alternative, may that Omnipotent Being, who controls events, protect them; and may they commence the war with ardour, continue it with vigour, and terminate it with glory. That this will be the issue there can be no doubt, whilst the American republick shall choose *union* for her motto; and profiting by the misfortunes of other nations, shall be convinced that *discord will ensure dependence, and concord independence in war and peace.*

I shall probably when at leisure, give you some other details of less consequence, and in the interim remain, sir, with much esteem and respect, your very humble servant.

E. GERRY.

Timothy Pickering, Esq. Secretary }
of State of the United States. }

No. 1.

Paris, May 12, 1798.

SIR,—Being informed that Messrs. Prince and Brownfield who expected to sail in the same ship with Gen. Marshall are yet at Bordeaux, I embrace the only favourable opportunity which has occurred since his departure, to enclose you a copy of a note, which I received from Mr. Talleyrand, Minister of Foreign Relations, dated the 14th Germinal (April 3d.) of my answer the 4th of April, and of my letter of the 20th of the same month, being the day after Gen. Pinckney left Paris. I had intended to have sent Dr. Tazewell, who is now in my family as secretary, with my despatches to our government, that no time might be lost in obtaining from it such arrangements for supplying my place, as might have enabled me immediately on his return to leave France; but the measure is become unnecessary, by the prospect which I have of being able soon to embark for the United States, with the acquiescence of this government.

The decision of the Executive Directory with respect to my colleagues, after we had obtained, what we had been informed in our first conference with Mr. Bellamy was impracticable, a joint interview with the Minister of Foreign Relations, and after the latter had seemed disposed to suspend mat-

ters, until we could obtain from our government an answer to our letters, was not less perplexing, than surprising; and their proposition to treat with me separately, was inadmissible. It was a proposition to which I had given my negative above a month before, when made to me under an injunction of secrecy, by the minister of Foreign Relations. I was then informed that an immediate rupture would be the result of my departure from France; and the same communication being again made, with information, that if I was determined not to negotiate separately, this government would be satisfied with my residence here, until the government of the United States could take their measures. I consented to this from publick considerations solely; for every private one was opposed to it. In my embarrassed situation, not losing sight of the great object of our mission, a reconciliation with this powerful republick, I have taken a position, by which I mean to ascertain, if possible, without compromising the government of the United States or myself, the ultimate views of France with respect to them. It would have been impossible for me under existing circumstances to have consented to a separate negotiation, had the provision been made in our powers and instructions: for two of my colleagues, one from the southern, and the other from the middle states, having been sent back, I could have had no prospect of forming a treaty, which would have given general satisfaction to my country; and I could never have undertaken any negotiation, without that prospect. It is therefore incumbent on me to declare that should the result of my present endeavours present to our government, more pleasing prospects, it is nevertheless my firm determination to proceed no further in this negotiation. The want of time and health preventing further communications at present, I have the honour to remain, sir, with great esteem and respect, Your most obedient, &c.

E. GERRY.

To the Secretary of State of the }
United States of America. }

No. 2.

Paris, May 13, 1798.

DEAR SIR,—I have the honour to inform you, that the Brigantine *Sophia* arrived at Havre the 11th inst. and last evening at the moment of enclosing my despatches to you of yesterday, Mr. Humphreys delivered me your letter of instructions of the 23d of March, which shall be duly observed. The arrival of this vessel is a fortunate circumstance for me, and I shall embark in her for the United States, in lieu of taking my passage as I had proposed, in one of the American merchantmen now in the ports of France. The ultimate views of this government,

which their minister has promised in writing in a few days, shall be obtained if possible. I remain, sir, &c. E. GERRY.

To the Secretary of State of the
United States of America.

No. 3.

TRANSLATION.

LIBERTY.

EQUALITY.

Exterior Relation's Office. Paris, 14th Germinal, 6th year of the French Republick, one and indivisible. April 3, 1798.

The Minister of Exterior Relations, to Mr. Gerry, Envoy Extraordinary of the United States of America to the French Republick.

I SUPPOSE, sir, that Messrs Pinckney and Marshall have thought it useful and proper, in consequence of the intimations, which the end of my note of the 28th of last Ventose [18th March 1798] presents, and the obstacle which their known opinions have induced to the desired reconciliation, to quit the territory of the Republick. In this supposition I have the honour to point out to you the 5th or the 7th of this decade, to resume our reciprocal communications upon the interests of the French Republick and the United States of America. Receive, I pray you, &c. CH. MAU. TALLEYRAND.

No. 4.

Paris, April 4, 1798. (Germinal 15th, an. 6.)

I HAD the honour, citizen minister, of receiving your letter of the 14th Germinal (the 3d inst.) and Mr. Deutrement, who delivered it, informed me, that it was intended to be shown to general Pinckney and general Marshall.

Whilst my colleagues and myself, to whom the government of the United States have intrusted the affairs of the embassy, had a joint agency therein, I have carefully imparted to them all the propositions which you have requested, and the relative conferences, and to yourself our decisions thereon; regretting at the same time, the unfortunate and embarrassing circumstances which imposed on me this disagreeable task. But as by the tenour of your letter, it is now expected that they will quit the territory of the French Republick, it will be impossible for me to be the medium of, or to take any measures which will be painful to my colleagues, or not to afford them all the assistance in my power; and it would be moreover inconsistent with the line of conduct, which you well know, citizen minister, I have uniformly observed, for removing the unfavourable impressions which existed on the part of this government against them. Indeed in our last letter, there is a conditional application for passports, which as it appears to me, surpsedes the necessity of a hint to them on this subject; and general Marshall

is waiting impatiently for an answer to that part of it which respects a letter of safe conduct, for the vessel in which he and his suite may take passage for the United States, to determine whether he shall embark from France or from Great Britain, but the unfortunate situation of General Pinckney with respect to the critical state of his daughter's health, renders it utterly impossible for him to depart under existing circumstances.

You have proposed, citizen minister, the 5th or 7th of this decade for me to resume (reprendre) our reciprocal communications, upon the interests of the French Republick and of the United States. The reciprocal communications which we have had, were such only as I have alluded to in the beginning of this letter; unless your proposition accompanied with an injunction of secrecy, for me to treat separately, is considered in that light. To resume this subject will be unavailing, because the measure, for the reasons which I then urged, is utterly impracticable. I can only then confer informally and unaccredited, on any subject respecting our mission, and communicate to the government of the United States the result of such conferences, being in my individual capacity unauthorized to give them an official stamp. Nevertheless every measure in my power, and in conformity with the duty I owe to my country, shall be zealously pursued to restore harmony, and cordial friendship between the two Republicks. I had the honour of calling on you last evening, for the purpose of making this communication verbally; but as you were absent, to prevent misconceptions, I have thought it best to reduce it to writing.

Accept I pray you, citizen minister, the assurances of my perfect esteem and respect.

E. GERRY.

To the Minister of Foreign Affairs
of the French Republick.

No. 5.

Paris, April 20, 1798. (1 Floreal, an. 6.)

CITIZEN MINISTER,—My colleagues having been under the necessity of departing from Paris, have left me in the most painful situation: as it respects themselves, the government and nation which I had the honour with them to represent, and my personal circumstances. The alternatives presented to my choice, were the continuance of my residence here, or an immediate rupture on my departure; I have chosen the former, prompted by every consideration of the duty I owed my country.

The object of this government in my remaining here, as announced in your official note of the 14th Germinal, (3d April) was "to resume our reciprocal communications on the interests of the French Republick and of the United States." My answer informed you that "I could only confer informally and unaccredited, on any subject respecting our mission, and communicate to the government of the United States the result of such conferences; being in my individual capacity, unauthorized to

give them an official stamp." This then I consider as the line of conduct well understood to be observed on my part; and in the present state of affairs, citizen minister, I flatter myself; that propositions for terminating all differences, for the restoration of harmony and friendship, and for the re-establishment of commerce between the United States and France, will be promptly made on the part of the latter; that they will be such, as corresponding with the justice and magnanimity of this great nation, and with sound policy, will ensure success; that I shall have an opportunity of soon embarking for the United States, and presenting them to my government for their consideration; and that all further depredations on our commerce, by French cruisers, will in the interim be prohibited. If in forming this arrangement I can render any services, you may be always sure of my immediate and cheerful co-operation.

Measures like these will at once extinguish those coals of discord, which kindled into a flame, must be destructive of the respective interests of the two republics; will not only restore, but increase, if possible, their former confidence; and terminate in a competition for excelling each other in mutual acts of generosity and kindness.

In any event, citizen minister, I flatter myself it will not be thought necessary for me to remain long in France, as the state of my family and affairs requires my immediate return to the United States; and as their consul-general will continue his residence here, which, pending negotiation, will answer every political purpose. I pray you, citizen minister, to accept the assurances of my most perfect esteem and regard.

E. GERRY.

To the Minister of Foreign Affairs
of the French Republick.

No. 6.

TRANSLATION.

The Minister of Exterior Relations, to Mr. Gerry, Envoy of the United States. Paris, 11th Prairial, 6th year of the Republick, one and indivisible. (May 30, 1798.)

I COMMUNICATE to you, sir, a London Gazette of the 26th of last Floreal [May 15, 1798.] You will therein find a very strange publication. I cannot observe without surprise, that intriguers have profited of the insulated condition in which the Envoys of the United States have kept themselves, to make proposals and hold conversations, the object of which was evidently to deceive you.

I pray you to make known to me immediately the names denoted by the initials W. X. Y. and Z. and that of the woman who is described as having had conversations with Mr. Pinckney upon the interests of America; if you are averse to sending them to me in writing, be pleased to communicate them confidentially to the bearer.

I must rely upon your eagerness to enable the government to fathom those practices, of which I felicitate you on not having been the dupe, and which you must wish to see cleared up. Accept the assurance of my perfect consideration.

CH. MAU. TALLEYRAND.

No. 7.

Paris, May 31, 1798.

YOUR letter, citizen minister, of the 11th Prairial [30th May,] and the gazette to which it refers, were delivered to me by Mr. the latter contains the whole of the informal negotiations communicated by the Envoys to their government, and the letter states that certain intriguers have made propositions and held conversations with the Envoys, the object of which was evidently to deceive them. You have therefore desired me to communicate their names. If any of those persons were unauthorized to act, or having definite powers, have exceeded them, they certainly have abused this government and the Envoys likewise; but I am incompetent to judge of these points, as they did not produce, to my knowledge, credentials or documents of any kind.

The publications referred to are sufficient to show the delicate situation I am in with respect to the names of the persons, and are marked with such circumstances, as to enable you, I flatter myself, to investigate the subject without insisting on any communications on my part.

To free, however, some innocent persons from suspicions which are said to have embarrassed them, I have no objection to declare that three of the persons were foreigners, and that the fourth acted merely as a messenger and linguist.

You will observe, citizen minister, how extremely averse the Envoys were from such an informal mode of proceeding, by their answer of October the 30th, to certain propositions previously made to them; that on the first of November they agreed to put an end to such an intercourse; and that they carried into effect their resolution, notwithstanding the reiterated attempts afterwards made to defeat it. They conceived it nevertheless to be their duty to make a communication of the whole to their government. Accept, citizen minister, the assurances of my perfect esteem.

E. GERRY.

To the Minister of Foreign Affairs
of the French Republick.

No. 8.

TRANSLATION.

The Minister of Exterior Relations, to Mr. Gerry, Envoy of the United States. Paris, 13th Prairial, 6th year. (June 1, 1798.)

I HAVE received, sir, your letter of yesterday. You inform me, 1st, that the gazette presented contains all the informal ne-

gotiations, communicated by the Envoys to their government; 2d, that the persons referred to, have not produced, to your knowledge, any authority, any document of any kind whatever, to accredit themselves; 3d, that three of the individuals mentioned (that is to say, in the order in which I have placed them, W. X. Y.) are foreigners, and the fourth (that is to say Z.) acted only as messenger and interpreter.

Although I perceive your repugnance to naming those individuals, I must earnestly request you to yield it to the importance of the object. Be pleased therefore, 1st, either to give me their names in writing, or communicate them confidentially to the bearer; 2d, to name the woman whom Mr. Pinckney mentions; 3d, to tell me whether any of the citizens attached to my service, and authorized by me to see the Envoys, told them a word, which had the least relation to the disgusting proposition which was made by X and Y to give any sum whatever for corrupt distribution. Receive, sir, the assurance of my perfect consideration. CH. MAU. TALLEYRAND.

No. 9.

Paris, June 1, 1798.

CITIZEN MINISTER,—Being officially informed that sundry letters for general Marshall, Mr. Murray, our minister at the Hague, Mr. Bourne, our consul at Amsterdam, the house of Lange and Bourne, and myself, captured in the American ship Farmer, some time since, and sent to Rotterdam, were by order of Mr. Delacroix transmitted to Paris, in pursuance of the instructions he received from this government, and having made several unsuccessful efforts to recover these despatches, permit me to request your assistance for obtaining them without further delay. Accept, citizen minister, the assurance of my perfect esteem and respect.

E. GERRY.

To the Minister of Foreign Affairs
of the French Republick.

No. 10.

Paris, June 3, 1798, Prairial 15, An. 6.

CITIZEN MINISTER,—Mr. has delivered me your letter of the 13th Prairial, wherein, after recapitulating a part of mine of the 31st of May, you request me immediately to submit to the importance of the object, and 1st to give you in writing, or communicate confidentially to him, the names of those persons designated by the letters W, X, Y, Z. 2ndly, to name the woman quoted by Mr. Pinckney. 3dly, to inform you whether any of the citizens attached to your employments, and authorized by you to see the Envoys, have said one word which had the least relation to the shocking proposition which has been made by X and Y, for us to deliver any sum whatever for a corrupt distribution.

With respect to the persons designated by X, Y, Z, I will en-

close you their names under my hand and seal, on your assuring me, that they shall not be published on my authority, although the measure does not appear to me necessary for their discovery; and Z, as he informs me, has made himself known to you. But W never having spoken to me a word relative to X, or to any part of our communications, the manifest impropriety of my giving hearsay information, will, I presume, apologize for omitting it.

I cannot give you the name of any lady, for no one has made any political communications to me since my arrival in Paris.

In regard to the citizens attached to your employments, and authorized by you to see the Envoys on your official communications, I do not recollect a word from any of them, which had the least relation to the proposition made by X by Y, in their informal negotiations, to pay money for corrupt purposes. Accept, &c.

E. GERRY.

To the Minister of Foreign Affairs
of the French Republick.

No. 11.

TRANSLATION.

The Minister of Exterior Relations, to Mr. Gerry, Envoy of the United States. Paris, 16 Prairial, 6 year, (4th June, 1798.)

YOUR letter of yesterday, sir, has just been handed to me. You may render to me in perfect confidence the names you mention to me, under your hand and seal. I assure you, that they shall not be published as coming from you.

Receive, sir, the assurance, &c.

CH. MAU. TALLEYRAND.

No. 12.

Paris, June —, 1798, Prairial —, 6 an.

THE names of the persons designated in the communications of the Envoys Extraordinary of the United States to their government, published in the Commercial Advertiser of the 11th of April last at New York, are as follow:

X, is Mr ———,*

Y, is Mr Bellamy.

Z, is Mr. Hautval.

E. GERRY.

To the Minister of Foreign Affairs
of the French Republick.

* Mr. Gerry has inserted the proper name of X, in this document, as given to Mr Talleyrand: But the person designated by X, not having (like Y.) avowed himself, the promise made by the Envoys to him and Y, "that their names should in no event be made publick," is still obligatory on the Executive in respect to X, and therefore his name is here omitted.

T. PICKERING.

No. 13.

Paris, June 10, 1798.

CITIZEN MINISTER,—Having been informed by my secretary on the 7th, that you proposed to write to me the beginning of this decade, I have impatiently expected, but have not yet received your communications.

The arrival of the newspapers, containing the despatches of the Envoys to the government of the United States, after embarrassing and detaining me a fortnight, has produced a publication, wherein it is declared, that this Republick "will never cease to manifest her dispositions to live in peace with America."

If this declaration really is, as it appears to be, official and expressive of the sense of this government, and is followed by a system of policy superior to unimportant considerations, permanent friendship may be soon established between the two Republicks.

When it is considered that nine months have elapsed since the arrival in Paris of the ministers who were charged with this important negotiation, and six weeks since the departure of two of them; when this delay, and a series of the most unfortunate events, have inevitably produced alarming apprehensions on the part of the government and citizens of the United States, that France is hostile towards them, and waits only for a favourable opportunity to evince it; when France herself, in the publication mentioned, has declared that her enemies flatter themselves with the hope of exciting in the United States a war against her; when in this belief she must be convinced, that in such a critical state of affairs, events are too rapid to admit of delay; when such is the decision and ability of this government, in some of its most important negotiations, as to require but a few days to complete them; I flatter myself that such an arrangement on the part of this government will speedily be made, as will manifest its amicable dispositions towards the United States, quiet the apprehensions of their government, open on a liberal system the channels of their commerce with this country, and afford them a well grounded assurance of a speedy and happy issue to their efforts for peace.

The brigantine *Sophia*, Henry Geddes, master, in which I mean immediately to embark, is national property; but nevertheless subject, as is represented, to detention by the embargo at Havre; I must request therefore an order for exempting her from this prohibition.

My passport and the letter of safe conduct for the vessel are not yet received. Accept, I pray you, &c.

E. GERRY.

To the Minister of Foreign Affairs
of the French Republick.

No. 14.

TRANSLATION.

The Minister of Exterior Relations of the French Republic, to Mr. Gerry, Envoy of the United States. Paris, 22 Prairial, 6th year, (June 10, 1798.)

You could hitherto have remarked, sir, in my letters of the 11th, 13th, and 16th of this month, nothing but my eagerness to fathom the dark intrigue therein referred to, and to discover its ramifications. All further explanation in this respect would be beneath the dignity of the French government.

But I will not preserve the same silence on the intention manifested by the message of the President of the United States to the legislature, of the 14th Germinal [April 3d, 1798.] by the nature of the documents adduced as pertaining to the basis of a negotiation, by the rapid publicity given to this strange collection, by the concealments made of the official communications. That intention is too well perceived in France and in America to require a development. It is sufficient to repel the rumour so injuriously spread of the hostile dispositions of France, I will therefore refer myself to the note I addressed to the Envoys on the 20th of last Ventose [March 18, 1798.] I doubt not that they will have promptly forwarded it to the President of the United States, and I must believe that as soon as it shall be made publick, it will efface from the minds of the American people the ill-founded uneasinesses which they have been made to entertain. As to the French government, superior to all the personalities, to all the manœuvres of its enemies, it perseveres in the intention of conciliating with sincerity all the differences which have happened between the two countries. I confirm it to you anew. The French Republic desires to be restored to the rights which its treaties with your government confer upon it, and through those means, it desires to assure yours. You claim indemnities: it equally demands them: and this disposition being as sincere on the part of the government of the United States, as it is on its part, will speedily remove all the difficulties.

It remains for me to ask you, sir, whether you are at length in a situation to proceed towards this important object. Receive, sir, the assurance of my perfect consideration.

CH. MAU. TALLEYRAND.

No. 15.

Mr. Gerry, to the Minister of Foreign Affairs of the French Republic. Paris, June 13, 1798.

I HAVE received, citizen minister, your letter of the 22d Prairial [10th June,] wherein, after informing me that all

further explanation respecting the dark intigue in question, will be below the dignity of the French government, you say, that you will not keep the same silence upon the intention manifested in the message of the President of the United States to the legislature, the 14th Germinal [3d April;] in the nature of the pieces produced, as forming part of a negotiation; in the rapid publicity given to this strange collection; and in the concealment of official communications, by which, in the subsequent part of your letter, you allude to your note to the Envoys of the 28th Ventose [18th March last.]

If the wishes and interest of the two republicks call loudly for an accommodation of their differences, (and of this, *the government of France*, as well as *that of the United States*, appears to be convinced,) is not a restoration of friendship between *them*, one of the most direct means for accomplishing that desirable object? And is it not altogether neglected? The unfounded prejudices against the President of the United States, in regard to his message, will be manifest, by comparing it with his official duty, designated by the constitution, and also by referring to the dates of your note and of his message: whereby it will appear, that the latter was but sixteen days later than the former, and that it was impossible that the President could have received your note, or concealed it from the publick. The government of the United States, pure in its principles, just in its objects, and wise in its counsels, is also superior to all personalities; and I wish these may for ever cease; for sure I am, that from such a source, no good, but infinite injuries, may result to the two republicks. You conceive that your note, which was duly transmitted by the Envoys to the government, when published, will efface from the minds of the American people their unfounded inquietude. Of this I can form no judgment; but before you addressed that note to the Envoys, the proposition therein contained had been made to me to treat separately, and I had stated, that the measure was in itself impolitick, and as it respected myself, impossible.

I have nevertheless, contrary to my wishes and interests, complied with your subsequent proposition for remaining here to prevent a rupture. I have been happy, since, by your repeated assurances, that this government was sincerely disposed to reconcile all differences between the two countries, and probably would soon make an arrangement adequate to the object: indeed I had great reason to hope, that I should have been furnished with a copy of it, before my leaving Paris, and I earnestly wished it, lest the disappointment which might result from my return to the United States without it, should produce unhappy effects; but the vessel in which I am to embark, being ready for sea, waits only for my arrival at Havre with the requisite documents for the voyage.

The sincerity of the disposition of the government of the

United States, to meet this government on the ground of the existing treaties between the two countries, and to do justice to France, as well as to receive it from her, is too evident to admit for a moment of the least doubt; but I again repeat, that I have no powers to enter on the negotiation. Nevertheless, the proposed arrangement might be made by this government, and a minister be sent to America to complete it: as it is of little consequence to either, in which nation the negotiation is concluded, but of great importance to both that it should terminate in an immediate accommodation, and in the restoration of their friendship. I presume that in this our wishes are alike sincere and ardent, and that the magnanimous policy of this government to persevere in the intention to reconcile with sincerity all the differences between the two countries, will have a speedy and happy effect. Accept, citizen minister, the assurances of my perfect respect.

E. GERRY.

No. 16.

TRANSLATION.

The Minister of Exterior Relations, to Mr. Gerry, Envoy of the United States. Paris, 30th Prairial, 6th year, (June 18, 1798.)

I HAVE received, sir, your answer of the 27th of this month, to my letter of the 22d. You take the trouble to observe to me, that my note of the 28th Ventose [18th March, 1798,] could not have made a part of the documents communicated by the President of the United States on the 14th Germinal [April 3d, 1798.] Do me the justice to believe that I have not committed this mistake.

You persist in thinking, that your powers and your instructions do not permit you to proceed to the conciliating of the differences between our two republics. You even announce to me positively your departure for the United States, in the vessel which your government has despatched to Havre. I should have presumed, that after having received and transmitted to Philadelphia my note of the 28th Ventose, that one of the Envoys, whose impartial dispositions appeared to promise a reconciliation, would wait at Paris for further instructions and powers, if he had need of them. It even appears to me, that these documents cannot now be long in reaching you, provided your government is as averse to a rupture as you assure me. The part you take tends to give room to conjecture, that the vessel arrived at Havre, has only brought you orders, similar to the acts of which I complained on the 22d of this month.

Nevertheless, sir, such is the sincerity of the assurances which I have given you in the name of the Executive Directory on the 28th Ventose, and which I have since repeated to you, notwithstanding the most irritating provocations, that I do not

hesitate to explain myself to you, as if you were in a situation to receive my overtures.

All negotiation between France and the United States, must essentially rest upon three principal points.

1st. Frank and amicable declarations concerning certain circumstances, which malevolence has, and may yet misrepresent.

It is utterly false, notwithstanding the publick and private insinuations which have been made, in private writings, and in solemn acts, that the French government has ever sought to detach the people of the United States from the constitution they have given to themselves. It has complained of the American government, but to the government itself. Justice demanded, that it should render homage to the sympathy of a free people for the cause of liberty; and it did not go farther.

The Secretary of State, Mr. Pickering, has inserted in his publick letter to Mr. Pinckney (of the 16th of January, 1797), assertions against the good faith of France in the negotiations of 1782, which have no other foundations than the interested communications of the English negotiator. It is a long time that this insidious weapon, forged by the enemies of France, has been used in the dark.

It is of importance to the two countries, to understand each other equally concerning the true value of several documents published as emanating from the French government, and of the private acts of certain agents, whom it has disavowed. In effect it is only by destroying all the germs of distrust, that a good understanding can re-appear and continue hereafter without being obscured.

2. Fixing the meaning of several articles of the treaties between the two countries, and the absolute enjoyment of the rights which flow from them.

Long before the war, the 9th and 12th articles of the convention of the 14th of November, 1788, the first relative to deserters, and the second relative to the jurisdiction of the consuls, were a continual source of altercations. They have become completely null by interpretations foreign to their manifest intent. It is necessary to perfect them.

By the 6th article of the treaty of alliance, France has renounced the Bermudas, New Brunswick, Nova-Scotia, Cape Breton, Canada; in other words, it has renounced the procuring for itself of one of the ports, which would have been so necessary for it to possess for the protection of its sugar islands. It devoted, in preference, the effort of its arms to the defence of the United States. It was understood that it should find proportionate advantages in their ports. One of these advantages is found implicitly in the 17th article of the treaty of commerce of the same day. The French ships, publick and private, may freely enter into the American ports with the prizes which they may take. The ships publick and private of the enemies of France, who may have taken prizes from it, shall not, on the contrary,

have any asylum in those ports. Such is the literal sense, such is the intended sense. Does good faith permit a distinction between the vessels of the enemies of France, who leave their prizes without the port and those who come in with them? Can it be decided that the latter only should be excluded, without evidently violating the clause of the treaty which is the most important to France? Can it be invalidated by subsequent engagements? Doubtless not.

In virtue of the same 17th article, no authority whatever of the United States is permitted to interfere with the prizes taken by French ships publick and private. The captains are bound only to show their commissions, because it is necessary to be able to distinguish the pirate from authorized vessels. It is also lawful to demand the release of a prize taken within the extent of the jurisdiction, that is to say, within the reach of cannon shot. But what abuse, what vexations, what odious chicanery, have flowed from the deviation from the meaning of the article? The government of the United States has rejected the precautions suggested to remedy the evil. Experience has shown that without those precautions the article is illusory.

The United States permitted the sale of French prizes until Prairial, 4th year [May, or June, 1796]. At this period the Supreme Court decreed the revocation of this advantage, in virtue of the 24th article of the treaty with Great Britain. The 27th article nevertheless adds, that that treaty shall in no respect alter those which the United States may have previously contracted. But the liberty, enjoyed by the French vessels of war of selling their prizes, is derived from the 17th and 22d articles of the treaty of commerce of the 6th February, 1778. The 17th article would be of little value, if it were confined to the right of asylum. The 22d article would be mere surplussage, if it did not declare a right for the French and an interdiction for their enemies. Great Britain obtained a similar right only on condition that it should be without force in all cases wherein France should be interested. When the United States concluded their treaty with Holland in October, 1782, the memory of the treaty of 1778 was not yet weakened; and the exclusive privilege of the 22d article of the latter is formally acknowledged in the 22d article of the former.

The same 22d article of the treaty of 1778 must be appealed to against the refusal given to French vessels of war to make any change of their armament in the United States. If the desire to prevent the disorders, of which the American government complained, induced the Committee of Publick Safety, in the beginning of the 2d year, to cause all original armament in the name of the Republick, in the United States, to be stopped, it did not intend that the abandonment of a doubtful pretension should carry with it that of an explicit right.

In the 23d and 24th articles, France and the United States have agreed, that the neutrality of the flag should determine that of the cargo, and have contracted the too extended catar-

logue of contraband merchandise. It would have been pleasing to the Republick to see in general prevalence, a system conformable with sound justice, and which it flatters itself one day to extend. But how could the obligation remain reciprocal between it and the United States, when there no longer remained a parity of situation.

The English government has abused the liberality of France to her injury, since the commencement of 1793, and has not even spared American cargoes bound to French ports. Principles, contrary to those which influence the Republick, have been consecrated since, in the 17th and 18th articles of the treaty of London. It is doubtless a forced concession on the part of the United States, who until then made it their glory in all their treaties, to aim at the liberty of the seas; but finally, it is a concession made by them in favour of England. France ought to enjoy it, in virtue of the second article of the treaty of Paris: its regrets cannot render it insensible to its rights.

It ought, in virtue of this second article, which renders immediately common to it, every favour accorded by the United States to any nation whatever, to claim some other parts of the treaty of London.

3. The impartial examination of the damages which have resulted from the deviation from the treaties of 1778.

The treaties which bind the two nations have been insensibly rendered insignificant by sophistical interpretations. The clearest clauses have been finally denied. The American government has never paid regard to the successive complaints of the Ministers Plenipotentiary of the Republick. It has never admitted them to enter into conference on this subject. It has always taken upon itself to decide; although in every reciprocal contract, neither party possesses the exclusive right of interpretation. After having exhausted itself in representations, the French government was obliged to cause its complaints to be unfolded for the last time, on the 25th Brumaire, 5th year [Nov. 15, 1796.] Stripped of the advantages which the most sacred, the most liberal treaty assured to it, it has been forced in order to bring the United States back to their obligations to France, to imitate the conduct which England pursued previously to the treaty of London.

That court moderated its measures, after its object was accomplished: the present complaints of the United States might have been prevented, if those of the French government had been attended to. The complaints which the United States now make are, in fine, only the consequence of a state of things which has cost the French republick and its citizens the most considerable damages. The French government nevertheless has not ceased to offer the exact justice which it demands. It has never refused, and never will refuse, to enter into discussion upon every proper subject.

I have given, sir, to these three points a large development.

We are very near an agreement, when we really desire it on both sides, and when we candidly admit the state of the question. You see the negotiators require very general instructions, in order to obviate the inconveniences which are prolonged even until now. I believe, to fix the meaning of our treaties, it will be proper to draw up a declaration concerning it, to be hereafter obligatory upon the two parties, and considered as making a part of the original acts; a declaration which, that it may have the force of law, should be established by the ratifications, which the constitutional forms respectively require.

The United States are placed in that happy unconnected state, which makes them, doubtless, set a particular value upon the clauses of their treaties, relative to their commerce and navigation. It is the effect of the long neutrality which they have the hope of maintaining. But France, although firmly determined, since it has become a republic, to live in peace with all nations, cannot flatter itself with escaping the scourge which periodically torments Europe; and prudence requires that it preserve the rights which treaties secure to it, in neutral ports, in time of war. With this double view, the American negotiators digested the treaty of commerce of 1778. Although it be reciprocal upon the whole, some provisions are more specially applicable to the fixed position of the United States; and others have allusion only to the eventual position of France. The latter has made great sacrifices for the independence of the former. France has stipulated few advantages, advantages which do not in any respect injure the United States, and the lawfulness of which no foreign nation can contest. The French Republick will never renounce them.

It is now in the power of the United States to realize the dispositions which you manifest in their name. The prudence of your connections in France has preserved you from the prejudices which it is difficult not to contract, when one is less on his guard against foreign and even domestick intrigues. I persuade myself that you will transmit to your government only accurate documents. It will belong to it to pursue the best measures to effectuate a prompt reconciliation; and I ardently desire that they may correspond with the wish of the Executive Directory.

I continue however to think that instead of returning to the United States, it would be preferable that you should ask for the instruments necessary to the negotiation. Nothing could more accelerate the drawing together of those ties, which the French Republick and the true Americans have regretted to see relaxed. Your presence at Paris, if the powers, which must be supposed to be on the road, should soon arrive, may momentarily accomplish the object which we both ambitiously pursue.

Your departure, on the contrary, will give a new activity to

the plots laid for precipitating the two countries into measures which are as repugnant to their inclination as to their interests.

The French government being, besides, penetrated with the same sentiments, which you testify, will hereafter wait for what may be addressed to it, and with pleasure will behold you as the organ. Accept, sir, the assurances of my perfect consideration.

CH. MAU. TALLEYRAND.

No. 17.

Paris, June 22, 1798.

I received, citizen minister, on the evening of the 20th instant, your letter of the 30th Prairial [18th of June] in answer to mine of the 13th. You say you have not made the mistake, respecting your letter of the 28th Ventose. I am not disposed to impute to you a mistake, if you have not made it; although I think that your letter will warrant the construction I gave it: be this as it may, justice requires that the President of the United States should be free from the imputation of having concealed official communications, when he had published all, which it was possible for him to have received.

You should have presumed, as you state, that after having received and transmitted to Philadelphia, your note of the 28th Ventose [the 18th of March] I would wait at Paris for instructions, and further powers, if necessary. But I had a right to expect, from what had passed between us before the arrival of the brigantine *Sophia*, and indeed after it, that I should have received, for the consideration of the government of the United States, propositions on the part of this government, for reconciling the differences and restoring friendship between the two Republicks; that I should, ere this, have been on my passage to the United States; and that a French minister would have been sent to Philadelphia to complete the negotiation.

I accordingly informed you, before the arrival of the brigantine, that I should embark for America in June; and after her arrival, that I should take my passage in her, as soon as she could be fitted for the sea.

You have stated, and developed three points, on which you conceive the negotiation between France and the United States ought essentially to rest. Your letter on this subject I will carefully communicate to my government; and if, after the voluminous official discussions, on the part of each of the republicks, of the subjects in dispute between them, you conceive that a reconciliation will be best promoted by this mode only, I sincerely wish it success.

You say that France, in her treaty with the United States, has stipulated few advantages, which in no wise injure them, and the legality of which cannot be contested by any foreign nation. You then add, that the French government will never renounce them.

The government of the United States never desired of France a renunciation of any right, to which she is entitled by their existing treaties; in construing some parts of these, the two governments have different opinions; but this is not unusual between nations; and when they are amicably disposed, and governed by the principles you have justly laid down, that neither party has the right of exclusive interpretation, they are generally successful, if direct measures fail, in adjusting their disputes by arbitration: this mode has been successfully adopted by the United States with other nations.

My connections in France, citizen minister, have neither preserved me from, or subjected me to prejudices. I am governed by my own principles, those you may be assured, will always prompt me, in the discharge of my duty, to present to my government exact documents and statements of facts.

It is impossible for me to apply to the government, for the necessary instruments to conduct the negotiation. On the other hand, should such a proposition be made to me, I should certainly, under existing circumstances, decline it. Nevertheless, I again assure you, that it will give me the greatest pleasure, if by any other means, I can contribute to a just and honourable accommodation of the differences between the two republics.

My return to the United States, which is indispensable, cannot, as I conceive, be attended with the effect you mention; more especially as the connection between the two countries will be still kept up by their respective consuls. Accept, citizen minister, the assurances of my perfect respect.

E. GERRY.

To the Minister of Foreign Affairs
of the French Republic.

No. 18.

Mr. Gerry, to the Minister of Foreign Relations of the French Republic. Paris, June 25, 1798.

CITIZEN MINISTER,—I am again under the necessity of applying for necessary documents to enable me to return to the United States; and as you cannot be insensible of the manifest disadvantages on my part resulting from the delay of them, I presume that they are now in readiness. Accept my assurances of esteem and respect,

E. GERRY.

No. 19.

TRANSLATION.

The Minister of Exterior Relations, to Mr. Gerry, Envoy of the U. States. Paris, 9th Messidor, 6th year, (June 27, 1798.)

In answering, sir, your letter of the 4th of this month [22d June, 1798,] I regret that I am obliged to recur to the first

paragraph. I complained that the publications made at Philadelphia on the 19th Germinal [8th April, 1798,] did not contain all that your government then knew. You supposed that I alluded to my note of the 28th Ventose [18th March,] which could not however have reached the President. I begged you not to attribute that mistake to me. You appear to adhere to your interpretation. From respect to your sincerity, of which I cannot doubt, I will surmount my repugnance to minute digressions, and will point out to you that one of the concealments which is the most striking.

I have been furnished from the United States with the clearest proofs, supported even by articles extracted from the American papers, of the knowledge which subsisted there before *Germinal* [before the 21st of March] of the objections of the Executive Directory to any negotiation with two of the Envoys, and of its *express desire of treating with you*. In effect I early testified to you these dispositions; and the declaration on this subject inserted in my note of the 28th Ventose [18th of March] was only the official expression of a thing already comprehended as well at Philadelphia as at Paris.

For the rest, sir, let us hereafter pass over these useless episodes, and let not our communications further bear the taint of recriminations. Those who are truly impartial, will, perhaps, discover a degree of generosity in this proposition coming from my side.

Let us seriously resume our explanations. It is for facts to prove the reality of the intentions professed on both sides. My last letter attested to you very forcibly those of the Executive Directory. You do not allow those of the President of the United States to be doubted. How then happens it, that after having received propositions, wherein every thing is combined for a frank and prompt conciliation, you in some sort shut the door against all future advance?

You seem to insinuate, that these propositions have long been delayed. They could not have been made until after the departure of your colleagues: the first open negotiations upon the differences which subsist between the two countries take their date only since that recent period: nothing was entered upon as long as the three Envoys were present: one alone manifested a temper of reconciliation. Afterwards, some time was necessary to unite the views you suggested with the determination the Executive Directory has made, to place the respective interests in front. I did not, above all partake in your opinion concerning the utility of your carrying the overtures of the French government personally to Philadelphia; and I never thought it advantageous to send thither a minister plenipotentiary from the Republick, before the happy issue of the negotiations commenced. I was, nevertheless, about to transmit the result of my reflections in the beginning of Prai-

rial, [between the 20th and the last of May] when the incident happened, which for a moment suspended the principal object. I do not see what delay I could have prevented. I am mortified that circumstances have not rendered our progress more rapid, and it is in order to accelerate it, as well as to obviate every new casualty, that I have pressed you in my last letter to remain at Paris.

Did you not come here, sir, to establish friendship between the two republicks, and determined to spare nothing to attain this end, as desirable to the United States as to France? Do not the full powers given to the Envoys authorize them to negotiate separately? Is it after what has passed at Philadelphia that you can withdraw yourself? Ought you to do so when the French government, superior to all resentments, and never listening to any thing but justice, manifests itself anxious to conclude a solid and mutually satisfactory agreement? I have invited you to request promptly new powers, if you thought you stood in need of them, and they were not on their passage. You answer, that this step is *for you impossible*, and *that you would, besides, under existing circumstances, decline taking upon yourself the conducting of the negotiation*, if it was confided to you. I cannot reconcile this language with the avowed object of your voyage to France, with your full powers, with your attachment to your country, with the assurances you do not cease to give of the sincerity of your government.

I commend these observations to you, sir. Reflect on the possible consequences of your departure, and judge for yourself, whether he who truly wishes for peace ought to consent to it.

Let us continue more and more to advance the work we have entered upon. I may almost venture to say that it is your duty. The propositions which I have made to you embrace three points.

The first will take but little time, and may be postponed.

The third will doubtless experience no difficulty on either side, after the second shall be amicably settled.

It is to the second therefore that we should first attend; and it is so much the more important, as it embraces the source of all our differences. A calm and candid discussion will successively clear up every article of them. I do not see that the voluminous discussions which have been entered into at Philadelphia have shed any light upon it. They have rather contributed to set up the passions in the seat of reason. Ours shall always be followed by a conclusion either in the cessation or admission of the right reclaimed. It is necessary, in order to effect the act declaratory of the meaning of our treaties. As to the eventual arbitrament of a third power, I do not know whether the United States have sometimes had recourse to it. The French Republick has never experienced the want of it; and I am persuaded, that on this particular occasion, it will readily come to an understanding with the United States, if they are determined to be just towards it, as it desires to be towards them.

Let us begin with the ninth article of the consular convention of the 14th Nov. 1788. I annex a note upon the difficulties its execution meets with in the ports of the United States. It shall be followed by similar notes, upon each of which we will endeavour to come to an agreement.

Accept, sir, &c.

CH. MAU. TALLEYRAND.

TRANSLATION.

Note upon the 9th article of the Convention between France and the United States of the 14th November, 1788.

The beginning of this article declares, "that the consuls and vice consuls may cause to be arrested the captains, officers, mariners, sailors, and all other persons, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said consuls and vice consuls shall address themselves to the courts, judges and officers *competens*." Before 1792 it frequently happened, that the judges acting under the authority of the individual states have pretended that they were incompetent. On the 14th April, 1792, an act of Congress declared, that the district judges, acting under the authority of the United States, should be *competent*. All the judges of the individual states have since thought themselves justified in declining to render their aid; but as there are many more ports in the United States than district judges, and as they do not even always reside at a port, the French consuls and vice consuls have often been unable to hinder desertion, to the great detriment of the vessels of their nation. The consuls of the United States do not experience those difficulties in the ports of the Republick. Reciprocity, as well as the meaning of the article, require that it should be declared, "that all the officers of justice having power to order the arrest of mariners, shall be considered competent, and as such bound to comply with the request of the consuls, in the manner and in the cases stipulated."

The article proceeds, "and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll, that those men were part of the said crews."

The mariners have often waited till the departure of their vessel to desert, and have afterwards not only braved the authority of the consul, but served to debauch other crews. It has often been sufficient for them to go from one port to the nearest neighbouring port, to be secure from all pursuit. The consul being no longer able to produce the roll with ease, or not having it in his power to detach it from the vessel, where it should remain, is no longer admitted to make a claim. He in vain produces a copy of the roll made in chancery and duly authenticated: no faith is ascribed to it, notwithstanding the tenor of the 1st paragraph of the 5th article of the convention; it is maintained that the original roll is necessary; and thus the

spirit of an important stipulation is destroyed, by the ambiguity attributed to the letter. It would be requisite to declare, "that by register or ship's-roll, not only the original is understood, but every authentick copy or extract, certified to be conformable to the original, by a judge of the country, before the departure of the vessel, and that this extract or copy shall have, in all the ports of the respective powers, the same force with the original, for three months."

Paris, 9 Messidor, 6 year. The Minister of Exterior Relations.
CH. MAU. TALLEYRAND.

No. 20.

Mr. Gerry, to the Minister of Foreign Affairs of the French Republic. Paris, July 1, 1798.

I HAVE received, citizen minister, on the 11th, your letter of the 9th Messidor [27th of June ;] but without an answer to mine of the 25th of June, or the documents therein demanded for my voyage to America. You say "they have furnished you from the United States with the most clear proofs, supported even by articles extracted from the American papers, of the knowledge which they had there before Germinal [20th of March] of the objections of the Executive Directory to any negotiation with two of the envoys, and of its formal desire to treat with me." Admitting this, it does not prove to my mind, that the President of the United States had received official communications and concealed them ; but it is a convincing proof, that the information of these facts must have been sent from hence to the United States, when secrecy respecting them, imposed on me previously to their communication, was strenuously insisted on.

You have made what you consider a generous proposition, that our communications should not be tinged with any more recriminations : is the subsequent part of your letter altogether free from them ? My silence on the abuse offered to the government of the United States, its envoys in general, and myself in particular, in an anonymous, but apparently official publication of the 7th of June, must afford you unequivocal evidence that I had already adopted the measure you have proposed.

It is inconceivable to me, that being without powers to negotiate, my return to the United States, after such long notice, can be supposed in any degree to close the door to subsequent steps for a reconciliation. The door has always been, and still is open, on the part of the government of the United States. It is impossible for any government to exceed it, in the moderation and justice of its measures towards France, or in its perseverance and patience to execute them ; but it having failed in two attempts, will not France make one effort to obtain a reconciliation between the two Republics ? Consider the disagreeable predicament in which the government of the United States has been involuntarily placed, and it is conceived you cannot fail to see the propriety and policy of this measure.

I have, in my last letter, stated to you truly what I conceived was well understood between us, respecting my return to the United States with the overtures of France, and her sending a minister there to complete the negotiation. How we could misunderstand each other on these points is to me incomprehensible. Be this as it may, it is not very material who is to be the bearer of the propositions, if they are such as can be accepted by the United States.

You inquire, whether I am not come to establish friendship between the two Republicks, and determined to spare no pains to attain this desirable object? Judge, yourself, citizen minister, whether I have not faithfully discharged my duty in this respect.

You ask, whether I am not authorized to treat separately? Had my colleagues relinquished their office, been recalled, or by physical means been disqualified to act, my powers would have been adequate to a separate negotiation, and I would have entered on it without delay. As matters are circumstanced, I have no such powers. You differ from me in opinion on this subject, but I must abide by my own judgment.

You declare that France, superior to all resentment, and only listening to justice, manifests a zeal to conclude a treaty solid and mutually satisfactory. Be assured, citizen minister, that the United States will with ardour meet such a disposition on the part of France; and that it cannot fail of success, if accompanied with a suspension of the long and ruinous depredations on our commerce, and with proper arrangements for a negotiation.

In my last letter you will perceive, that having particularly referred to the mode adopted by the United States with other nations, I could only allude to that of deciding by commissioners, disputes which could not be adjusted by direct means. You have misconceived my intention, if you supposed it extended to the eventual arbitration of a third power.

My frequent applications for a passport, letter of safe conduct for the vessel, and her exemption from the embargo at Havre, have been altogether unnoticed. I hope you will not by the continuance of this unusual mode of conduct, render an explanation of it immediately necessary. Accept, citizen minister, the assurances of my perfect respect.

E. GERRY.

To the Minister of Foreign Affairs
of the French Republick.

No. 21.

TRANSLATION.

The Minister of Exterior Relations, to Mr. Gerry, Envoy of the United States. Paris, 18 Messidor, 6 year of the French Republick (July 6, 1798.)

I HAVE received, sir, your answer of the 13th of this month, to my letter of the 9th. I will not conceal from you, that this

kind of correspondence gives me the more pain as it injures the progress of our business.

It is clear that *before Germinal* (before 21st March) the intentions of the Executive Directory could not be known at Philadelphia, but by communication from Paris; but I attest, that they did not proceed either from the French government, or its agents, or from any one whatever to my knowledge.

In the mean time, let us admit the gratuitous supposition that you make upon this subject. Is it therefore less true, that my overtures to treat with you were known in the United States, when it was there declared that France refused all negotiation?

You tell me, that the United States having been twice baffled in their attempts, it belongs to France to make an effort in order to effect a reconciliation between the two Republicks. What name therefore do you give to the indefatigable zeal which I manifest to smooth all the difficulties, and bring about an honourable accommodation? It is a genuine effort, sir, the merit of which might be better appreciated. What, on the other hand, are the two attempts of the United States? I know of no other mission on their part, in consequence of the declaration made at Philadelphia, on the 25th Brumaire, 5th year (Nov. 15, 1796) than that confided jointly and separately to Messrs. Pinckney, Marshall and yourself. I will not retrace the causes which have prevented the Envoys collectively from attaining the most complete success; but I will affirm that they are foreign to the French government, and that in any state of the cause, it depends upon you to fulfil the expectation of the two countries.

You deny, sir, that there was some generosity on my part in proposing to you to banish hereafter, from our communications, all useless episodes, and especially no longer to give a place in them to recriminations. This is another episode; but, since you force me to it, it is necessary that I should explain myself more fully. If now and then some anonymous publications, of a nature disagreeable to the American government, have crept into the French papers, it would not become it to complain. For a long time, certain papers of the United States, the editor of of one of which is the printer of the Senate, daily spread abroad the most atrocious calumnies, the most injurious insinuations, the most base reflections upon the French people, their institutions, their government, their legislators, the heads of their Executive, their ministers, their agents, their glorious defenders. Yes, those same warriors, who respect their enemies, receive the most ignominious appellations among a friendly people for whom many have combated. Nay, more; within the very walls of the National Representation of the United States, how many deeply insulting speeches have been and yet are delivered. Nothing is spared in order to endeavour to degrade the French Republic in the opinion of the American people; and the silence of your government leaves an open field to this torrent of invectives, whilst scarcely now and then a word of reply escapes,

notwithstanding our vigilance, from the indignation of some French citizen. Is it not repeated in the United States, that the Executive Directory repels negotiations in order to wait an opportunity of carrying the war there? This odious assertion has been credited; and your government, which ought to know that such a thought was never conceived, opposes no corrective to the impression which it is calculated to make. Whatever may be your opinion of it, sir, it is generous to stifle all the sentiments which arise in abundance on reading your publick papers, and even the debates of your legislature upon the subject of France. And yet until the two governments shall be so far reconciled as to concert the means of remedying these abuses, it is expedient that those who are to treat upon the interest of the two nations adopt a conciliatory language, and hereafter avoid what may give rise to painful recollections. I repeat to you, that it is my desire; that I will set the example; that I am impatient to abjure reproaches; and that I insist that this point may be well understood.

This is the last time I shall yield to these digressions, which ought to be as disagreeable to you as they are to me.

You have not transmitted to me any opinion, sir, upon the note annexed to my letter of the 9th of this month. I have delayed until now sending you the following ones. I flatter myself that the long conference which I have had with you, will have produced some modification of the resolution in which you might appear to persevere. I therefore recommend to your attention two fresh notes, one upon the twelfth article, and the other upon the sixteenth article of the convention of the 14th November, 1788. They contain every thing which it is important to explain at present, in relation to this act. We will immediately after proceed to the treaties of February, 1778. You desired that I might send you some propositions. I did so on the 30th Prairial (18th June) and you should have had them sooner, had it not been for the incident which has happened. I have therein traced the plan of the negotiation. I have therein pointed out generally the intentions of France; I have therein entered into an engagement to discuss every proper subject; I have assured you, that the Executive Directory would render to the United States that justice which it expects itself: I have excluded nothing which we can suggest on either side, to strengthen still more the good understanding between our two Republicks.

But it is not enough to transmit these propositions to your government; they are only the foundation of the necessary discussions upon every question of detail of which we ought to find the solution. The reconciling of the different points upon which we will have fixed our ideas, will form the act to be drawn up. I do not think that we could come to conclusions in any other manner. It even appears to me, that there will be an evident loss of time, if in the state of things, this discussion is adjourned. I have already given you to understand, that it would

be inconvenient to give it in charge to a minister plenipotentiary at Philadelphia. Circumstances have rendered this inconvenience more important, and I will not conceal from you that I should fear fresh incidents.

I therefore urge you more pressingly than ever, sir, whilst I refer to what I have already written to you on this subject, to postpone your departure, and to attend quickly to the discussions which I urge. I know that you are not of the same opinion with me, with respect to the validity of your full powers; but reflect, that in any case, you can in nothing bind your government, which has reserved the right of ratifying.

I will add, that in the situation in which you stand, it is contrary to all usage to depart, without notifying that you have received an order therefor; that the usage on the contrary is, when a doubt is raised upon the full powers, the Envoy waits the decision of his government, without breaking off the negotiation. Receive, sir, the assurance of my perfect consideration,

CH. MAU. TALLEYRAND.

TRANSLATION.

Exterior Relations. Note upon the 12th article of the Convention between France and the United States, of the 14th November, 1788.

This article has been executed in France in its literal meaning, and in its implicit meaning: That is to say, that all the differences between the citizens of the United States in France, have been left to the decision of their consuls, and that the sentences of the latter have been executed, when coercion was necessary, in the same manner and by the same officers of justice as the sentences of the French tribunals.

Nothing has been changed, in this respect, since the establishment of the Republican form of government, notwithstanding the jealousy which is peculiar to it, and which the judiciary authorities of every country possess in general.

It has been judged, as to the literal meaning, that the jurisdiction given to the consuls of the United States over their countrymen, was not in any respect optional. The 12th article does not declare in effect that all the differences *may be* determined, &c. which would imply only a power in persons of the nation to sue before their consuls, and a power in the latter to admit or decline. It declares formally that all differences *shall be* determined, &c. which implies a reciprocal obligation upon the persons of the nation and their consuls. This obligation is confirmed by the last paragraph, which pronounces an absolute interdiction upon the territorial officers, civil or military, to interfere in any manner whatever, and consequently obliges the persons of the nation to apply to their consuls, and the consuls to decide their differences.

It has been judged, as to the implied meaning, that the suppu-

tion being express, mutual and guaranteed by the publick faith, included within it the engagement to give it effect. It would have been ridiculous to put the citizens of the United States in France under the necessity of referring exclusively their differences to their consuls, and the necessity of taking them up, as the only competent judges, without intending the execution of the sentences. But this execution can proceed only from the territorial power which disposes of the force.

It has finally been judged, that this kind of jurisdiction was not in any respect repugnant to the local sovereignty, because its admission was mutually agreed upon; that it did not stand in competition with the French tribunals, because it did not embrace objects common to them: that it did not abridge the territorial rights, because it extended only to foreigners.

There has been no reciprocity on the part of the United States, wherein this question has been viewed under a different aspect; and the French government has constantly received complaints upon this subject. In 1792, attention seemed to be paid to the representations which it caused to be made. An act of Congress of the 14th April of that year, declares, "that in all cases wherein, by any article of the convention, the consuls of France are entitled to aid in the execution of any order, the marshals of the district courts of the United States, or their deputies, should be the officers competent, and should give their aid according to the tenour of the stipulations." The same act having provided, in the preceding paragraphs for the execution of the 7th and 9th articles of the convention, that which has been just cited, is applicable only to the 12th article, the last of the three which were foreseen, and the only one wherein an order might be issued. But soon afterwards the officers designated eluded this provision.

Since that time some courts in the United States have declared that they would not take cognizance of actions at law between Frenchmen. These actions have been sustained in other courts, notwithstanding the remonstrances of the defendants. On the other hand the consuls of the Republick decided in vain upon the differences submitted to their judgment. One while the justice of the country was refused by arguing from the tenour of the 12th article, at another time the consular jurisdiction was palsied by arguing from its pretended silence, and sometimes it was entirely forgotten.

It is of pressing importance to put an end to these uncertainties, which are discouraging to the French merchants, and embarrassing to their government, whose protection they claim.

The 12th article of the convention between France and the United States, gives to the consuls a judiciary authority over their countrymen, to the exclusion of the respective tribunals. This authority is not optional; it does not derogate from the rights of sovereignty of either Republick; it is founded on a reciprocal agreement; it is conformable with the principles asserted by the most enlightened writers upon publick law; it meets

with no opposition in France, and it ought to be faithfully facilitated in the United States.

The French government will not insist upon a particular mode of executing the sentences of the consuls in the United States. It asks only the express recognition of the implied meaning of the 12th article, and a promise to provide for it fully at the next session of Congress, in the manner most consonant with the forms used in the country.

Paris, 18th Messidor, 6th year. (July 6, 1798.)

The Minister of Exterior Relations.

CH. MAU. TALLEYRAND.

TRANSLATION.

Exterior Relations. Note upon the 16th article of the Convention between France and the United States, of the 14th November, 1788, and general observations.

THIS article declares that the convention shall be fully and completely executed during the space of twelve years, to be reckoned from the day of the exchange of the ratifications.

The exchange took place in January 1790, and the term appointed will expire in January 1802.

It will be proper before that period, to set about the revision of the convention. Many articles require it. The French Republick will show itself less jealous of the privileges of the consuls, than of the stipulations useful to its merchants and navigators. The United States will doubtless be guided by the same laudable views. Two Republicks will the more readily agree on this subject, as they are founded upon the same principles.

But it is possible that on the one side or the other the parties may not be prepared at the time fixed for the intended negotiation; that more experience may be desired: or that they may not even agree as to the best system to be adopted. The French government proposes, that it be declared, "that on account of the events which have prevented a judgment upon the effect of the present convention, it shall be prolonged for six years after the expiration of the twelve first years, if it be not renewed in the interval."

The French government also proposes, "that in all quotations of any article of the convention, the denomination of *French citizen* be substituted for that of *subject*; and the words *French Republick* be placed in the stead of *Most Christian King*, *Most Christian Majesty*."

Paris, 18 Messidor, 6 year. (July 6, 1798.)

The Minister of Exterior Relations.

CH. MAU. TALLEYRAND.

No. 22.

Mr. Gerry to the Minister of Foreign Affairs of the French Republick. Paris, July 10, 1798.

CITIZEN MINISTER,—I received, on the 9th instant, your letter of the 6th, being the 18th Messidor, and shall briefly reply to it.

You inform me that the communication of the intentions of the Executive Directory, sent to Philadelphia before Germinal, the 20th of March, did not proceed from the French government, its agents, or any person whatever to your knowledge: and I affirm that it did not directly or indirectly proceed from me.

The rumour then must have been vague, and could not have merited the attention of the President of the United States; much less could it have authorized his formal communication thereof to Congress.

The two attempts of the United States to obtain a reconciliation between the Republicks, to which I referred in my last, were those of the mission of a minister to efface unfavourable impressions, banish suspicions and restore cordiality between them, and afterwards of the three envoys, whose powers were more extensive. I made no allusion to your conduct; and with respect to my own, have done every thing incumbent on me.

You complain that certain newspapers of the United States, one of which has for its editor the printer of the Senate, calumniate daily the French people, their institutions, government, legislators, and others. The envoys in their letter to yourself, of the 3d of April, have discussed this subject so fully as to leave nothing further necessary to be said thereon.

You also complain of some speeches of the national representation of the United States, degrading the French Republick in the opinion of the American people, and of the silence of our government thereon. The constitution of the United States expressly provides, that the senators and representatives, for any speech or debate in either house, shall not be questioned in any other place. So essential is the freedom of debate to each house, as to be sacredly preserved by the constitution, and to be above the control of every other department of government. The government of the United States, on their part, pay no regard to offensive speeches in foreign legislatures; well knowing that however amicably disposed governments may be towards each other, such a mode of conduct must be productive of perpetual sources of discord between them.

And now having replied, citizen minister, to your observations, on these subjects, I assure you, that nothing can be more disagreeable to me than such discussions. I did not give rise to them, and here I shall terminate them.

On the 27th of June, about six weeks after I had demanded my passport, and when my baggage was on board the Sophia,

you sent me a note containing some remarks on the consular convention, and expected a formal discussion of them; to this, without powers, I should not have consented at any time; I have repeatedly refused it, and must adhere to my determination.

You conclude by observing, that in my situation, which is that of an unaccredited minister, it is contrary to all usages to depart without notifying that I have received orders therefor; and that on the contrary it is customary when a doubt arises upon full powers, to wait the decision of the government of which one is the envoy without breaking the negotiation. On my part there has been no doubt of a want of powers, and there has not been any negotiation; there cannot then be a rupture of it by my departure. I am to judge of the necessity of demanding my passport. I now renew my demand of it, and the other documents necessary for the voyage, and request a definite answer. Accept, citizen minister, the assurances of my perfect consideration.

E. GERRY.

To the Minister of Foreign Affairs }
of the French Republic. }

No. 23.

MINISTRY OF EXTERIOR RELATIONS.

The Minister of Exterior Relations, to Mr. Gerry, Envoy of the United States. Paris, 24 Messidor, 6 year of the French Republic, (July 12, 1798.)

As long as I could flatter myself, sir, with fulfilling the wish of the Executive Directory, by endeavouring with you to re-establish the good understanding between the French Republic and the United States, I used my efforts, both in our conferences and in my correspondence with you, to smooth the paths, to establish the basis, to enter on the business, and to convince you of the utility of your presence at Paris. It is in your character of Envoy of the American government that I received you and wrote to you: it depended upon yourself to be publicly received by the Executive Directory. Without partaking in your opinion with respect to the change which the departure of Messrs. Pinckney and Marshall might produce in the full powers, wherein I have read that you have been authorized to treat *separately*; it appeared to me that in the hypothesis even in which you placed yourself, you ought to refer the question to your government, and in the interval fix with me, by a calm and friendly discussion, all the questionable points of our differences.

This proceeding was the more natural, as setting aside the premature knowledge which your government had of the offer to treat with you, after the departure of your colleagues, my note of the 28 Ventose [18th March] which must have reached Philadelphia about the end of Floreal, [May 19th] left no more doubt upon this subject. It comprehends three objects

perfectly distinct. It begins by rectifying, with the dignity which becomes the French government, the statement of grievances of the United States, drawn up by their Envoys in the inverted order of facts, on the 28 Nivose preceding, [17 January.] It next points out the reasons which prevented the negotiation from being carried on with the Envoys collectively. It finally declares solemnly the conciliatory dispositions of the Executive Directory, its express desire of renewing between the two countries the ties of their former friendship, and the intention to treat with you. A declaration so explicit was made only to furnish the President of the United States with an infallible means of accommodation. It was a pledge of peace that might be taken up. I presumed you could not be long in receiving analogous instructions, and even other powers, if they were necessary; or that at least if you had announced to the President a wish to return to America, another Envoy would come to consummate the happy work, which we should have had the satisfaction to prepare.

With such well grounded hopes were mingled considerations upon the inconveniences of your departure. I have given you to understand, that notwithstanding the assurances you have given me, nobody would believe that it was owing solely to your inclination, to a thorough conviction of the invalidity of your powers, or to a wish to see the care of the negotiation confided to other hands. I have conversed with you respecting the conjectures which it would give rise to; on the means it would furnish the British cabinet, which spares nothing to draw France and the United States to extremities, from which it calculates to derive the sole profit; and on the suspicions even which the French government would be made to conceive. I endeavoured to make you see into its possible consequences. The happening of several circumstances has already retarded the reconciliation of the two republics. It may be permitted to him, who sincerely wishes for peace, to fear new ones. These views, for which I shall ever honour myself, induced me to resist, as much as I could, the desire you manifested of quitting France. You decisively insist upon it in your letter of the 22d of this month, [10th July.] The Executive Directory has consequently authorized me to send you the passports which you request, for yourself and the vessel which awaits you at Havre. You will find them enclosed.

May your return to the United States and the communication of what has passed between us, since you have solely represented your government, remove there the injurious opinion of hostile intentions on the part of France: you have often repeated to me, since you pressed your departure, that if you could not treat here as an Envoy, your good offices in the United States should not be spared as a citizen. You have it not in your power to render to the two countries a more signal service, than by contributing to make their political and

commercial relations accord with their inclination and interest. Assure your government that the Executive Directory perseveres in the intention of conciliating with sincerity the differences which have arisen between the French Republic and the United States, as soon as an opportunity for that purpose shall be sincerely presented. If it be really true, that the dispositions of your government correspond therewith, let it give a proof of it, and you may answer beforehand for the success.

You cannot dissemble, sir, that if nothing prevented you from pursuing with me the examining and reconciling of the grievances which divide the two countries, we should not long stand in need of any thing but the respective ratifications.

Who will doubt of the sincerity of the French government, when it shall be known, that for nearly three months every pressing solicitation came from me, and that faithful to the engagements I have made in my note of the 28 Ventose, [18th March] I have been the first seriously to press the negotiation after the departure of Messrs. Pinckney and Marshall? It will not be said, I hope, that the refusal to treat with them, is a refusal of conciliation, because this refusal was accompanied with a promise to treat with you, and your full powers presented you as separately authorized.

I shall incessantly appeal to that document, because it is the foundation of the opinion which the government must have formed; and even admitting that you were tied down by secret restrictions, I could not in my mind oppose what I did not know, on account of the credence due to the ostensible power.

Yes, sir, when scarcely informed of the departure of Messrs. Pinckney and Marshall, I endeavoured in every conference I afterwards had with you, to demonstrate to you the urgency, the propriety and the possibility of an active negotiation. I collected your ideas; they differed from my own; I endeavoured to reconcile them, and I was about to transmit some propositions, to you, when a packet from your government arrived at Havre. You then appeared to be preparing to depart. Until then I never supposed you entertained the design of embarking before we had come to an agreement upon the definitive articles to be ratified by your government. A few days afterwards I received some despatches from Philadelphia, the contents of which for a moment gave a new course to my correspondence with you. On the 22d Prairial, [10th June] I notified you that the dispositions of the Executive Directory were the same, and I prayed you to inform me, whether you were finally in a situation to negotiate. On the 30th Prairial, [18th June] I transmitted to you a complete plan of the negotiations. On the 9 Messidor, [27th June] I sent you my first note for discussion upon one of the points of our treaties, which are unexecuted in the United States. You declined answering it. It is necessary however to be agreed upon the details in order to arrive at the conclusions. On the 18 Messidor [6th July] I sent you two others.

In vain I accompanied these documents with the most cordial invitation rapidly to run over with me this series of indispensable discussions upon all our grievances. You have not even given me an opportunity of proving what liberality the Executive Directory would use on the occasion. You never wrote in fact but for your departure. And it is the French Republic, which is accused in the United States with not wishing for peace! Perfidious instigators will insinuate that it never wished it. I will therefore ascend to the period when the first symptoms of discontent manifested themselves, that is to say, to the arrival of the minister Genet at Philadelphia in Prairial of the 1st year. An universal joy burst forth in the United States at the declarations he was charged to make. He then expressed the friendly and generous intentions of the French government, which, powerful in the national energy, forbore to claim aid from its allies. Some of his measures soon afterwards gave umbrage. They were the effect of a zeal badly adapted to local circumstances, and unfortunately still worse interpreted. The President caused his complaints concerning them to be made in France at the close of the same year. The committee of publick safety immediately rendered satisfaction; and other Agents arrived at Philadelphia in the beginning of Ventose, 2d year: their instructions will bear the utmost publicity: not to interfere in any party matter, to respect the government, to prompt it to maintain its neutrality with vigour, to repress all armaments which might endanger it, to maintain the rights secured to France by its treaties:—such is the substance of them: such also were the instructions given to the minister Adet, who succeeded them in the 3d year. Surely nothing can be more pacifick. Nevertheless the rights of France are insensibly forgotten; the most important clauses of its treaties are rendered insignificant: its vessels experience the most discouraging vexations; England sports with impunity with the neutrality of the United States, which to France, who is too confident in it, becomes a source of loss. A transaction clandestinely negotiated ends by consecrating, to the detriment of a friendly nation, the pretensions of its implacable enemy. After that time nothing has passed between the American government which the representations thwart, and the ministers plenipotentiary of the republic, who could not avoid making them, but a correspondence gradually increasing in asperity. The French government never interferes in them: it reposes upon the hope, that their own interest would lead the United States to perceive, that England was drawing them within its vortex. Far from taking an hostile attitude, it affects indifference in order to show itself patient with dignity. The crowd of complaints which it receives obliges it finally to change this line of conduct. It causes its grievances to be declared on the 25th Brumaire, 5th year, [Nov. 15, 1796] and in order to produce a negotiation, too long delayed, it draws from the treaties of Paris and of London the most suitable means of hastening it. It is animated by no view of aggression, by no

hostile intention. In order to obtain from the United States some degree of justice, it places them in a situation to be obliged to demand an arrangement themselves. Let us now see whether it has rejected any honourable propositions.

Mr. Pinckney had departed before the declaration of the 25 Brumaire [Nov. 15, 1796] which suspended the customary relations. He came to succeed Mr. Monroe, and like him, to explain and palliate the conduct of the United States, without any special power for the negotiation demanded by France. He could not be received, because he was not in a situation to fulfil the conditions required, upon the resumption of political connections. The President of the United States thought it his duty to call an extraordinary meeting of the legislature. I shall not review the opening speech, nor the turn, which the debates took in that session. But I will say, that the impression, which resulted therefrom, at Paris, was unfavourable previous to the arrival of the Envoys; that this circumstance alone raised an obstacle, which ought to have been foreseen at Philadelphia; that the Envoys themselves, unwilling to comprehend the natural effect of this kind of provocation, have contributed to render the impression more durable. It has finally however yielded to the primitive desire of a sincere reconciliation. You find a proof of it in the very expedient suggested of treating with you separately; for a government hostilely disposed would not have taken the delicate course, which guards its honour and fulfils its pacific intentions.

You have given me to understand, sir, that it would have been well had the Executive Directory supported the declarations which I have made to you in its name, by a change in the measures which affect the commerce of the United States.

I might answer you, that your government might have also secured its object by restoring at first the French Republick to the rights which flow from its treaties. But let us exact less rigidly and be more equitable towards each other. Although the measures of France are no more than the consequence of those of the United States, you must have remarked, that in my propositions of the 30th Prairial (18th June) the intention of the Executive Directory is, that the respective pretensions may be collaterally examined and adjusted. It intends to place, in a single act, a durable monument of the future friendship of the two Republicks, and the justice which they owe to each other, and no idea of false glory enters its mind. On taking leave of you, sir, I have supposed that I owed you a testimony of my esteem: it consists altogether in the unreservedness with which I have just spoken to you, and in the expression of the regret which your departure, under the present circumstances, gives me.

Receive the assurance of my perfect consideration.

CH. MAU. TALLEYRAND.

P. S. of the 27 Messidor, (July 15, 1798.)

A CIRCUMSTANCE, sir, of infinite importance has delayed the despatching of this letter. I do not know how it happens that at every step towards a reconciliation, a cause of irritation intervenes, and that the United States always give rise to it. Some days since different advices were successively received by the Executive Directory. It seems that hurried beyond every limit, your government no longer preserves appearances. A law of the 7th of last month authorizes it to cause every French vessel of war to be attacked which may have stopped or *intended* to stop American vessels. A resolution of the House of Representatives suspends from the 13th of this month all commercial relations with the French Republick and its possessions. Several plans of a law have been proposed for banishing the French and sequestrating French property.

The long suffering of the Executive Directory is about to manifest itself in the most unquestionable manner. Perfidy will no longer be able to throw a veil over the pacifick dispositions, which it has never ceased to manifest.

It is at the very moment of this fresh provocation, which would appear to leave no honourable choice but war, that it confirms the assurances which I have given you on its behalf. In the present crisis, it confines itself to a measure of security and self preservation, by laying a temporary embargo on American vessels, with a reserve of indemnities if there be occasion for them. It is yet ready, it is as much disposed as ever, to terminate by a candid negotiation the differences which subsist between the two countries. Such is its repugnance to consider the United States as enemies, that notwithstanding their hostile demonstrations, it means to wait until it be irresistibly forced to it by real hostilities.

Since you will depart, sir, hasten at least to transmit to your government this solemn declaration.

CH. MAU. TALLEYRAND.

No. 24.

Paris, July 20, 1798.

CITIZEN MINISTER,—I received, on the 27th Messidor, [15th July] your letter of the 24th, [the 12th of July] on which permit me to make some observations.

You allege that, in the United States, the French Republick is accused of not wishing for peace, and to show that it was always desirous thereof, you recur to the arrival of Mr. Genet in America. Far from accusations of any kind, I wish to cultivate harmony between the two governments, as the solid basis of peace. From that epoch, to the departure from the United States of Mr. Adet, the correspondence of the Secretaries of State of the United States, with the French ministers in America, and the American ministers in France, contains the history

to that time, of the unhappy differences between the two republics, and evinces the sincere desire of the government of the United States, amidst the inevitable embarrassments resulting from the convulsive state of Europe, to preserve harmony and friendship with the French Republick, and to perform with scrupulous attention the duties of neutrality. If, by any unfortunate events, France had sustained injuries during that term, still the manifest disposition of the government of the United States to justice and moderation, was a sure pledge of redress.

When Mr. Monroe was recalled, a minister was sent to supply his place, and you say, "he could not be received, because he was not in a situation to fulfil the conditions necessary for the renewal of the political connections." Had he been received, he could have applied for other powers if necessary: nothing is more usual. The application, which you have so strenuously urged on my part, must have been for the renewal of powers annulled by the act of sending away the other envoys: surely then your arguments would have applied with much more force to the case of a minister, whose powers were only supposed inadequate to the objects of his mission. The act of rejecting this minister, accompanied with circumstances of high displeasure on the part of the government of the French Republick, could not fail to wound deeply the government of the United States, and to produce observations on such an important event. Let the cause and effect be buried in oblivion; the remembrance thereof cannot promote harmony. This you will readily accede to, when you consider the amicable and attentive conduct immediately adopted by the American government, in sending three envoys extraordinary with adequate powers to effect a reconciliation and a renewal of a commercial intercourse between the republicks.

From the arrival of the envoys at Paris to the departure of two of them, the objects of their mission were defeated, by insuperable bars arising from demands of loans, which, violating the neutrality of the United States, would have involved them in immediate war, and of procuring reparations for the observations hinted at. Towards the end of that period, after imposing on me secrecy, you stated the embarrassments and dissatisfaction of the Executive Directory, on account of the opinions and conversations of my colleagues, its determination not to treat with them, and its desire to negotiate with me; and you added, that my departure would produce an immediate rupture. Astonished as I was at this communication, I informed you that I had no powers to treat separately; the measure was impossible; and that had my powers been adequate, a treaty made under such circumstances could never be ratified by my government. You differed from me, we reasoned on the subject, and each adhered to his opinion. I urged in vain, the unreasonableness of admitting prejudices against my colleagues, without informing them of the causes thereof; the good effect in removing these, which might result from such information, and the necessity of making

known to them, all that had now passed between us. You held me to the promise of secrecy, adding, that if I would negotiate, we could soon finish a treaty; for the Executive Directory were not in the habit of spending much time about such matters. You desired another interview, in which, after a discussion of the subject, I confirmed and adhered to my determination. In this state affairs remained for some time, and I flattered myself with the hope, that failing in the proposition for negotiating with me separately, your next would be to accredit the three envoys; in such an event the secrecy mentioned would have been proper. This expectation was strengthened by the two subsequent interviews, which they had with you; and you may judge of my surprise on the receipt of your letter of the 28th Ventose, [18th March] containing a refusal to treat with two of the envoys, and renewing the proposition to treat with me. Finding that I was the person alluded to, and that all hopes of our being jointly accredited were at an end, I again refused in the most positive terms, to negotiate separately: another proposition was then made, that to prevent a rupture, I should remain here till information could be sent to my government of the events. Embarrassing as such a state was, I submitted to it, rather than to bring on a war. You afterwards sent me your note of the 14th Germinal, [3d April] proposing that I should resume our reciprocal communications upon the interests of the French Republic and the United States. To this I replied on the 4th of April, "that I could only confer informally and unaccredited, on any subject respecting our mission, and communicate to the government of the United States the result of such conferences; being in my individual capacity, unauthorized to give them an official stamp." The day after the departure from Paris of the last of my colleagues, I again addressed you, and quoting the above paragraph, informed you, that this I considered as the line of conduct well understood to be observed on my part; to this you made no objection, verbally or by writing, and thus acquiesced in it. Had you not, I should have immediately demanded my passport.

At one of our first interviews, after that letter, you stated a difficulty in adopting the plan proposed by my letter of the 20th of April, from your not being informed of the wishes of the government of the United States, in regard to a treaty: these were so reasonable that I thought it best to communicate them to you; and according to your own opinion, since expressed, they would require little or no time for discussion: nothing can exceed them for moderation or justice. Believing that you was seriously disposed to bring forward the plan of a treaty, for the consideration of the government of the United States, and being also convinced, that the subject thereof had been so fully discussed, and was so well understood, as not to require much time to accomplish it, I informed you, that I should embark for America in June; and although you objected

to it in the first instance, you afterwards appeared to be fully convinced of the necessity of it, promised to digest the plan proposed without delay, and to send it to me for examination. I conferred with you at different times, on the expediency of sending a minister to Philadelphia to complete the negotiation; and you promised to consider of it. At length the Sophia arrived, and a few days afterwards, you informed me, that I might make myself quite easy, that France did not wish a war with the United States, that she had no thoughts of it, that the American affairs were before the Executive Directory, and that every thing would be arranged to my wishes. I again stated the necessity of sending a minister to America to complete the negotiation. You said you would propose one to the Executive Directory. This I could not suppose was for the purpose you have since stated of residing there after the ratification of the treaty.

Thus were matters circumstanced until the arrival of the gazettes, containing the despatches of the Envoys to their government, which gave more than a momentary turn to your correspondence with me. When I informed you that I should embark in the Sophia, as soon as she could be fitted for sea; there was still time to finish the plan of the treaty, and to send it by me, if expedient. You desired me to remain here; I told you my return was indispensable, and gave you no other reason. I thought that sufficient. You conceive it depended on me to be publickly received by the Executive Directory; but our opinions are different on this point. A government sends three Envoys to treat with another government; this rejects two of them, and proposes to treat with the third. Candour must admit, I think, that the latter cannot accept the proposal, without transferring in this instance the Executive authority of his government, who would only have *nominated* three Envoys, to the foreign government, who would have *appointed* one of them. You say, that if my powers were altered by the departure of my colleagues, yet on my own hypothesis, I ought to have referred the question to my government, and in the interim to have fixed with you, by a calm and amicable discussion, all the contentious points of our differences. If my government, as you repeatedly have asserted; was apprized before the 20th of March of the proposition to treat with me separately, it is evident, that it was not disposed to send me new powers; for the Sophia sailed on the 28th of that month, and knowing this you still urged me to make the application. I have been always ready, and had you come forward with the project of a treaty, would have entered into a calm and amicable conference with you on every part of it; but not into a formal epistolary discussion, which was not proposed till some time after I was ready to embark, was only relative to the Consular convention, which will soon expire, was contrary to my stipulation relative to conferences, in which

You acquiesced, and would have required months to be completed.

You was the first, you affirm, to press seriously the negotiation: you will agree with me, that the merit would have been *greater*, had the measure itself been *feasible*.

You frequently remind me of your exertions which I am disposed as much as possible to appreciate, regretting at the same time their circuitous direction. On my part, I think you will be convinced, that every thing has been done which circumstances herein truly detailed, would admit.

It is with pleasure I learn, that the Executive Directory is still ready, and is as much disposed as ever to terminate by a liberal negotiation the differences, which subsist between the two countries.

This disposition has always existed on the part of the government of the United States. A negotiation then if set on foot free from all propositions of loans and explanations of speeches, to be held if necessary in a city of some neutral nation, and providing for a decision by three or five Commissioners of all points which may not be determined by direct negotiation, would still be accompanied, in my opinion, with success: but having no authority I cannot make the proposition. A preliminary measure appears to be requisite, in which the dignity of this government is as deeply concerned, as the interest of the United States. The depredations, outrages and cruelties committed on our commerce and citizens, in the West Indies and on our coasts, by French privateers, some of which it is said have no commissions, are perhaps seldom paralleled amongst civilized nations. It is said, that this government has not been early apprized of these events, which have been a great source of irritation in the United States, and a principal cause of the repressive measures adopted by them. A recall of the commissions of the privateers and restraining them by severe penalties to the proper objects of capture, cannot fail to have a happy effect.

You claim a promise of my good offices, as a private citizen in America. These shall not be wanting, to represent truly every measure of this government, and to render successful all such as may be well adapted to effect a reconciliation. This is all that can be expected of me, and the duty which I owe to my country will require it.

And now, citizen minister, having given you a testimony of my esteem, such as results from a frank and candid conduct, I bid you adieu, wishing sincerely a speedy renewal of amity and commerce between the two Republicks. Accept, citizen minister, the assurances of my perfect consideration.

E. GERRY.

To the Minister of Foreign Affairs
of the French Republick.

- No. 25.

TRANSLATION.

LIBERTY.

EQUALITY.

The Minister of Exterior Relations to Mr. Gerry, Envoy of the United States. Paris, 4 Thermidor, 6 year of the French Republick, one and indivisible, (July 22, 1798.)

ALLOW me, sir, to confine myself to the two last paragraphs of your answer of the 2d of this month to my letter of the 24th Messidor, [July 12.] Easy as it may be to rectify those which go before, it would be to enter uselessly into the circle of digressions. It is my duty to feel what in the state of things you think due to your government; and this consideration would be alone sufficient to stop me, if I set a less value upon conciliation.

You repeat to me that the government of the United States has always been disposed to terminate amicably the differences which subsist between the two Republicks. This fresh assurance, at a time when hostile demonstrations have just been made, could not but temper their effect. But let then a frank, candid, and truly amicable act speedily realize those dispositions. Far from entering into the answers of the President to the addresses which have been presented to him from different parts of the United States, whatsoever they may be, I would fain behold in his expressions nothing but a political expedient. I do not thence judge less favourably of the true intentions, which you profess in his name, and I would not have engaged you to warrant the success of the first proof, which he will render of them, if the Executive Directory, which was ready to receive you, had not made a fixed determination upon the subject. A negotiation may therefore be resumed even at Paris, where I flatter myself you have observed nothing but testimonies of esteem, and where every envoy who shall unite your advantages cannot fail to be well received. Moreover, I know not, sir, why you tell me that it would be requisite to lop from this negotiation every preliminary respecting a loan, and explanations on the subject of the speeches delivered. Be pleased to read over again the propositions which I transmitted to you on the 30th Prairial, [June 18 ;] they contain all the ideas of the French government; and you will not find in them a word which justifies your recurring to those two questions. An odious intrigue had got possession of them: the dignity of the French government could not permit this mixture; and it did not wish that views as pure as its own should be associated therewith hereafter. As to the preliminary measures, which you suggest, sir, the government has already anticipated your desire. By information which it has just received, it indeed learns that violences have been committed upon the commerce and citizens of the United States in the West Indies, and on

their coasts. Do it the justice to believe, that it needs only to know the facts, to disavow all acts contrary to the laws of the Republick and its own decrees. A remedy is preparing for it, and orders will soon arrive in the West Indies calculated to cause every thing to return within its just limits, until an amicable arrangement between France and the United States, shall re-establish them respectively in the enjoyment of their treaties.

This period, sir, cannot be too near at hand. I do not cease to regret, that you should refuse yourself the accelerating of it, by yielding to circumstances, persuaded as I ever am, that you were fully authorized.

Accept my wishes for your happy passage, and the assurance of my perfect consideration.

CH. MAU. TALLEYRAND.

No. 26.

Paris, July 25, 1798.

Mr. GERRY having seen in the Redacteur of this morning, the publication of a letter to him from the Minister of Foreign Affairs of the French Republick, dated the 24th Messidor, (12th of July) requests him to order a just translation of the answer dated the 20th of July, to be also published. Mr. G. being on the eve of his departure from Paris, presumes the minister will readily comply herewith, to prevent partial and undue impressions against him in his absence.

No. 27.

TRANSLATION.

LIBERTY.

EQUALITY.

Exterior Relations. Paris, 16 Thermidor, 6 year of the French Republick, one and indivisible, (August 3, 1798.)

The Minister of Exterior Relations, to Mr. Gerry, Envoy of the United States.

PRESUMING, sir, that you have not yet embarked, I address to you a decree of the Executive Directory, wherein you will find a part of the measures, which I announced to you the fourth of this month. Its solicitude will not be confined to that. Neutrals, in general, will have reason soon to be convinced of its firm attachment to the principles to which it is desirous that all the maritime nations might agree. It depends upon the United States in particular, to cause every misunderstanding immediately to disappear between them and the French Republick.

Accept, sir, the assurance of my perfect consideration.

CH. MAU. TALLEYRAND.

No. 28.

Havre, August 8, 1798.

At the moment of my embarkation, citizen minister, I have the honour of receiving your letter of the 16th Thermidor, [3d August] with the arrêté of the Executive Directory of the 13th, both of which shall be communicated to the Supreme Executive of the United States, immediately after my arrival there. Accept, citizen minister, the assurance of my perfect respect.

E. GERRY.

To the Ministers of Foreign Affairs }
of the French Republick. }

No. 29.

TRANSLATION.

Extract from the Registers of the deliberations of the Executive Directory. Paris, the 13th Thermidor, 6 year of the French Republick, (July 31, 1798.)

THE Executive Directory having heard the report of the minister of Marine and the Colonies ;

Considering that information recently received from the French colonies and the continent of America leave no room to doubt, that French cruisers, or such as call themselves French, have infringed the laws of the republick relative to cruising and prizes ;

Considering that foreigners and pirates have abused the latitude allowed at Cayenne, and in the West-Indian Islands, to vessels fitted out for cruising or for war and commerce, in order to cover with the French flag their extortions, and the violation of the respect due to the law of nations, and to the persons and property of allies and neutrals ;

Decrees :—

Art. 1. Hereafter no letters of marque, authorizations or permissions to fit out vessels either for cruising, or for war and commerce, shall be issued in the colonies of America, but by the special agents of the Directory themselves, who shall not delegate that power to any one : they shall exercise it only in favour of owners of vessels whose principles and responsibility are well known to them ; and they shall be bound to conform themselves to all the laws relative to cruising and prizes, and especially to those of the 1st October, 1793, (O.S.)

Art. II. All letters of marque, authorizations or permissions granted in the colonies of America by the particular Agents of the Executive Directory, and all other agents civil and military, under their orders, to fit out vessels either for cruising, or for war and commerce, shall be considered as not having been done, after the thirtieth day from the publication of the present decree in the said colonies.

Art. III. All agents and other deputies in the neutral possessions, appointed to decide there upon the validity of prizes taken by the French cruisers, and who shall be suspected of having a direct or indirect interest in the vessels fitted out for cruising or for war and commerce, shall be immediately recalled.

Art. IV. The special agents of the Executive Directory at Cayenne, Saint Domingo and Guadaloupe, shall studiously take care that the interests and property of vessels belonging to neutrals or allies, be scrupulously respected, and they shall in no case bargain for their cargoes, but by mutual consent and to the full and entire satisfaction of the contracting parties.

Art. V. The said special agents of the Executive Directory, the commanders of all vessels of the republick, the consuls, vice-consuls, and all others invested with powers for that purpose, shall cause to be arrested and punished, conformably to the laws, all those who shall contravene the provisions of the present decree, which shall be printed in the Bulletin of the laws, and with the execution of which the Ministers of Foreign Relations and of the Marine and the Colonies are charged.

For a true copy, as the President of the Executive Directory,
MERLIN.

By the Executive Directory, as the Secretary General,
TREILHARD,

For a true copy,
The Minister of Exterior Relations,
CH. MAU. TALLEYRAND.

By the Minister,
The Secretary General,
[L. s.] PAGANES.

No. 30.

Paris, June 9, 1798.

SIR,—In your letter to the Minister of Foreign Affairs of the 13th Prairial, published in the *Bien Informé* of this day, you have deviated in some points, not very material, from the statement communicated by the Envoys of the government of the United States respecting a conference which I had with the minister aforesaid on the 22d of October last, viz. that I requested the interview, instead of the minister, and that I met him twice on this communication, whereas I saw him but once. I wish therefore you would revise the statement referred to, and inform me, whether it is not to the best of your memory literally true; it is precisely the same, without changing a word, which we communicated to my colleagues.

I am, sir, &c.

E. GERRY.

Mr. Hauteval.

No. 31.

TRANSLATION.

Paris, the 22d Prairial, 6th year, (June 10, 1798.)

SIR,—I have received the letter which you did me honour to write to me yesterday, relative to that which I deemed it my duty to write to the Minister of Exterior Relations, on the 13th of this month, and which the government caused to be printed.

It is not at all astonishing that my memory may not have served me with precision upon a subject which passed more than six months ago, and of which I have not taken notes. I undertook merely to repeat with exactness the essential heads, which I believe I have done.

I indeed recollect, that having been together at the minister's, and not having met with him, I left our names with his porter; that having returned there the next day alone, he expressed to me his regret at not having been at home, when you called there the day before, and charged me to tell you that he would receive you with a great deal of pleasure on a day he assigned to me: the appointment therefore proceeded from the minister, and not from your request, as I have said in my letter; but the matter appears to me to be of little consequence.

The second error which you remind me of having committed is that of having separated into two conferences, what passed in one. On every occasion, when I have had the pleasure to see the minister, I have always conversed with him on matters relating to the negotiations with the United States of America, the success of which, I have never ceased anxiously to desire. In my letter, I might be mistaken in some details; but you, sir, could not, having immediately taken a written note of what had just passed between the minister, yourself, and me. I regret that I had not the pleasure to see you before I transmitted my letter to the minister: by communicating it to you I should have rectified the two slight errors which crept into it; but I was constrained by the occasion, and was very far from thinking that it would be printed.

I shall ever be anxious to render homage to the truth, and to seize occasions of assuring you of my respectful attachment. I have the honour to be, &c.

L. HAUTEVAL.

To Mr. Gerry, Envoy of the United States
of America, Rue de Vaugirard, Paris.

No. 32.

Paris, July 16, 1798.

DEAR SIR,—Some part of the last instructions of the Secretary of State of the United States to the Envoys, and to Mr. Humphreys, who brought the despatches, induces me to think,

that in the precarious state of our affairs with France, you may have conditional instructions, which may require particular information of what respects the existing state of affairs here. I have therefore thought it best to enclose in the most perfect confidence, by my secretary Mr. Tazewell, the documents necessary to attain this object, and contained in the schedule annexed, for your use only. If you have not received such instructions, your prudence will dictate the necessity of observing the most profound secrecy, pending any subsequent measures which may take place for restoring friendship between the two republicks.

I shall leave Paris for Havre as soon as possible, and expect on my arrival there, to embark immediately for the United States. Be assured that I remain, &c.

E. GERRY.

Mr. King, Minister Plenipotentiary
of the United States at London.

Schedule enclosed in a letter to Mr. King.

Letters from Mr. Gerry to the
Minister of Foreign Affairs.

No. 1.	April	4
2.		20
3.	May	31
4.	June	3
5.		10
6.		13
7.		22
8.	July	1
9.		10
10.		20

To Mr. Pickering.

No. 1.	May	12
2.		13

Letters from the Minister
to Mr. Gerry.

No. 1.	Germinal	14	April	3
2.	Prairial	11	May	30
3.		13	June	1
4.		22		10
5.		30		18
6.	Messidor	9		27
7.		18	July	6
8.		24		12
9.	Thermidor	4		22

No. 33.

EXTRACT of Mr. Gerry's letter to Doctor Tazewell, as far as it relates to Mr. King, Minister of the United States at London.

Mignon, July 27, 1798.

DEAR SIR,—The despatches for Mr. King are to be delivered to him by yourself; in the interim you will please not to let them be put out of your possession or communicated to any one.

No. 34.

Substance of a conference with the Dutch Minister the 25th July, 1798.

JUST before dinner, the Dutch minister called on me, and said, he had received from Mr. Talleyrand, a printed copy of

his letter to me, dated 24th Messidor (12th July) that the Dutch government took a friendly part in the disputes between France and the United States, and that he came to offer his services, and the mediation of his government, who had authorized and instructed him on this head.

I answered, that the conduct of Mr. Talleyrand, in publishing his letter to me, had an hostile appearance : that if a mediation could be supposed necessary, it must be offered to the government of the United States : I had no authority to accept it : that if the government of France was sincere in its declaration, made through Mr. Talleyrand its minister, all that was wanting was to open a negotiation ; for he had expressed a desire to show by treaty how well disposed France was to put an end to these disputes ; that the government of the United States was so reasonable, and just in its demands, that it could not fail to evince a good disposition to a reconciliation, that the etiquette of setting on foot a negotiation appeared at present to be the only embarrassment ; more especially as the principal obstruction to a negotiation had ceased, this government having relinquished all claims of loans and reparations on account of the Presidents' speeches : that as the United States had been twice defeated in sending ministers to Paris, the government might not be disposed to send them a third time ; and that if the French government would propose some city in a neutral nation, as a place for opening a new negotiation, or which would be better, would send a minister to the United States, I did not doubt it would succeed : that this was a mere matter of opinion ; for I had no instructions on the subject ; neither was I informed, whether my government had or had not formed an alliance with any other nation, as had been frequently reported. The Dutch minister answered, that the proposal of a mediation must go to the government, and inquired in that case if I would stay at Paris : I answered no, it was not necessary ; neither did I conceive the propriety of offering at this period a mediation : the proper mode of settling disputes, was, in the first instance, by treaty ; if in any points this should fail, still there were other means besides the mediation of a third power, which might be adopted ; but that if his government wished to make the proposition, I would carefully transmit it to the government of the United States.

He said that Mr. Talleyrand, who had styled his letter a pacifick manifesto, and had sent a printed copy to each foreign minister, had no hostile intention in publishing it ; but considered it as a friendly measure. I answered we then had different views of the subject. I then showed the answer to that letter which the Dutch minister read. I thought it necessary for the information of his government to make to him the communications mentioned.

No. 35.

TRANSLATION.

Upon the communications made by the President of the United States to the American Congress, on the 14th Germinal, 6 year, (April 3, 1798.)

THE American and English papers have lately resounded with the publication of the most strange communications, which the envoys of the United States have thought it their duty to make to their government. It is with respect to those envoys a deplorable monument of credulity and contradictions: and it is with respect to that government a provocation still more deplorable.

It is requisite by the evidence of facts and the very words of the envoys themselves, to show their inconceivable error. It is requisite, by the force of reason and the mere sentiment of the happiness of the two Republicks, to answer to the provocation so visibly suggested by the British government.

That government indeed, after so many and such ridiculous efforts against the French Republick, endeavours to organize corruption around it. Grown desperate on account of so many glorious treaties of peace, which the latter has concluded, it has flattered itself, by its peculiar perfidies, to rekindle the former wars in Europe, and to excite against it a new war in America; but all this system of British corruption shall be exposed and confounded; and the American people shall know the height of the precipice to which they are urged by the servile friends of their former oppressors.

For a long time the French Republick complained, and certainly it had a right to do so, against the inexecution of the most important parts of the convention of 1788, concluded between France and the United States. The maritime hostilities were soon followed by the most aggravating injuries. It was in vain that the Republick made a sacrifice of armaments, which might compromise the American neutrality.

The most legitimate of its armaments was soon after contested. The French vessels experienced a thousand vexations. Their prizes were no longer under the protection of the treaties. The courts of justice arrogated a jurisdiction over them: lengthy and ruinous chicaneries discouraged the captors: the French ports in the two worlds were soon declared to be blockaded by British proclamations: the vessels which departed from them were stopped on a loose suspicion of being enemies property: those which carried provisions thither were turned back. On the other hand, the British ships of war entered the ports of the United States, after seizing French property or property claimed to be such. By degrees they became stationary there, and made of them military stations, whence they attacked both the French and the Americans in connection with France. The Republick however confined itself to appealing

to its treaties with the United States, and to pressing their government to cause their own neutrality to be respected. They answered it with a treaty clandestinely negotiated and concluded with Great Britain.

Does this treaty, however, secure the neutrality of the United States? No.—It renders the presence of the English forces in their ports lawful: it gives to England rights, which, in the midst of war, ameliorate its situation to the prejudice of France: it allows the facility of again starving France and its colonies: it sacrifices the generous principles established, in favour of the liberty of the seas, in former treaties.

France makes complaints: the American government eludes, and wanders from them; it multiplies official notes without approaching the main point of the question. Reparations are demanded: they are not made. It speaks of nothing but wrongs experienced by the United States: it skips over those which it makes France suffer. The treaty of 1778 is rendered more and more insignificant; and the last blows are struck at the French cruisers in the American seas, by the prohibition to sell their prizes. The Republick is under the necessity, in order to manifest its too long suspended resentment, and bring about a negotiation, to appropriate to itself the same clauses of the English treaty. At length the United States, sensible only to the disagreeable consequences which have resulted therefrom to themselves, appeared to wish a reconciliation.

Three commissioners have been sent for that end to the French Republick: two of them, general Pinckney and Mr. Marshall, manifesting against France prejudices brought from America, or imbibed from the nature of the connections which they lost no time in forming here; and the third, Mr. Gerry, announcing more impartiality, and manifesting himself more disposed to lend a favourable ear to every thing which might reconcile the two Republicks.

From this ill-suited union, which disclosed dispositions not very conciliatory, there must needs result and there has in fact resulted a crooked and embarrassed career on the part of those commissioners; hence their constant aversion to do what might reconcile, their eagerness to write what might disgust.

At first they manifested a desire to be acknowledged; but explanations of some expressions evidently insulting to the Republick, which were contained in the opening speech of the President of the United States, were demanded from them as a previous condition. They did more than to refuse; they did not even comprehend this demand, and had recourse to groundless recriminations. Soon afterwards a willingness appeared to spare them the embarrassment of the disavowals; and in order to detach them from England, and to restore in a small degree the balance so strongly inclined in favour of that power by the last treaty, it was wished that an unequivocal proof of attachment to our cause which so recently was their own, might be obtained from them: it suited the finances to ex-

change, at that period, for specie, some Batavian inscriptions at gradual instalments: the Minister of Foreign Relations gave them to understand, that their offering to purchase a certain quantity of them, would be considered as a friendly act. They said that they did not possess the power; and they showed that they had not the will.

To come at some accommodation, some friendly explanation, frequent communications with the minister of the exterior were necessary. The latter complained publicly that he did not see them, and they avowed that he caused them to be often informed of this reproach; but two of the commissioners, shielding themselves under ceremony, refused to comply with the desire. Mr. Gerry at length resolved to go, spoke twice with the minister; and whether from embarrassment in explaining himself, or fear of compromising himself, he said but little; and did not venture to decide on any thing.

In the mean time the envoys thought themselves bound to transmit to the President of the United States a very voluminous account of their negotiation.—Of what then could this account be composed? It was necessary to fill it with the despicable manœuvres of all the intriguers, who, seeing the commissioners charged with the most important interests, secluding themselves from the government with which they ought to treat, hastened to gather round them, and infatuated them with the idea of their credit and the opinion of their importance.

One of these intriguers appears to have grounded himself on some acquaintance, which as a foreigner having a recommendation, he had succeeded in obtaining with the minister: another (and it is the one who is the most active) grounds himself solely upon the acquaintance which he had with the first intriguer; for he declares that he does not even know the minister. Such moreover is the situation of the man, whoever he may be, who is placed at the head of this department, that he is obliged to receive and listen to many persons, who are far from having any share in his confidence, and he has no means of preventing the abuse they may make, in his absence, of the most insignificant visits, of which they avail themselves, as suits their interest with men of no experience.

In the publication which the American government has made of the report of its envoys, these persons, without being avowed, are designated each by a letter. The minister impatient to know their names, demanded them with importunity, and finally obtained the communication which he immediately handed to the proper authority. It will be learned with pleasure that they are foreigners, and it will be readily believed, that they did justice to themselves by hastening to quit the territory of the Republick. Only one of those letters, Z. designates a Frenchman, who hastened to declare himself.* The language

* See his letter printed at the end of these reflections.

be held is irreproachable: he is presented as having sometimes served as interpreter; but it is clearly seen that he interpreted none but honourable propositions.

As to the foreigners who are seen figuring in this negotiation, it appears that the object of their whole intrigue was to obtain from the Americans a sum of 1,200,000 livres, to be distributed for corrupt purposes. Hence begin and end all the bustle, all the conversations, all the proceedings, minutely detailed in the report of the envoys.

It will be for ever inconceivable, that men, authorized to represent the United States near the French Republick, could have been for an instant deceived by manœuvres so evidently counterfeit, and that there should exist a temptation to convert the error in this respect into bad faith.

What! Three men are sent Envoys from America to France to negotiate there a reconciliation between the two republicks: embarrassed in a preliminary matter, they cannot at once confer with the minister as commissioners; but they have a thousand ways of seeing him as individuals, either at his own house or elsewhere; and two of them constantly refuse all the facilities which are offered to them.

This is not all, we see them present the details of their negotiation, as if persuaded that the disgusting propositions which they say were made to them, were addressed by a man clothed with the confidence of the government, and nevertheless, in the course of their recital, they suffer an avowal to escape, that they several times suspected these clandestine communications, and that they finally decided to reject them for the future. Mr. Gerry even declares positively, that these meddlers *did not produce any authority or any documents of any kind whatever.** At the same time, they continued to decline the direct communications, which were offered to them continually by the minister. Is not all this a labyrinth of contradictions?

And when we examine by what a series of intermediate persons, they thought to approach the minister, whom it was so easy to them to consult immediately, is it not rendered impossible for us to think that they have seriously adopted the consequences of their recital?

Here it is a lady known to be connected with Mr. Pinckney, who holds with him the most innocent discourse, which has been repeated to him from one end of France to the other: lend us (says she to him one day) money in our war; we lent it to you in yours: and a conversation thus simple is taken up by Mr. Pinckney, who finds it necessary to write every thing and to poison every thing; it is mysteriously sent by him to his government, as if it had any relation to the clandestine propositions made by the intriguers: thus minute is distrust! Thus is prejudice led astray in its reasonings! In this manner are the politicks of some men a peat to social intercourse!

* See, at the end, his first answer to the Minister.

There it is one W. whom we have not succeeded in discovering, who introduces to General Pinckney one X. a very hasty fellow, who says he is charged with a message from the minister; who being soon afterwards pressed to answer whether he is personally known to him, is forced to say no; but that he has the propositions which he made from Y. who, he says, has connections with the minister; and nevertheless when they want to intrust Y. with the negative answer to his proposition for the 1,200,000 livres, he declines being charged with it, and is compelled to avow, through a kind of shame, and at the risk of discrediting the part he was playing, that the proposition did not come from the Directory, nor even from the minister; and that it came solely from him Y. who was desirous of saving the Envoys the mortification of the disavowals. If these same men have afterwards held a different language, was it not natural for the Envoys for ever to mistrust their reports, and above all to endeavour to reach the source? They have not done so. How can this conduct be reconciled either with reason or good faith?

In the same report, they manifest themselves desirous of informing their government with the utmost detail, of every thing which passed in relation to their commission: and whilst with such a scrupulous care they collect so many absurdities and miserable puerilities, they are silent upon the official communications, which the persons employed in the office of Exterior Relations had with them on behalf of the minister. It is without doubt, because those communications, agreeing with the few which the minister himself made, were pure, upright, and calculated to do honour to the French government. It was part of their plan to pass them over in silence. The others so suspicious in their origin, were defamatory in their object: they had the utmost impatience to make them known.*

They had just presented a voluminous memorial setting forth their pretended grievances: they well knew, that the minister was about to address a note to them in answer, which ought to have formed one of the authentick documents of the negotiation, and which in fact was sent to them in the month of Ventose last [March 19.] They hastened to publish every thing that evidently did not come from the minister, and which they endeavoured to impute to him, in order doubtless to weaken thereby the very different impression which must have been produced by the note, wherein every thing breathes a sincere desire to conciliate.

This group of facts presents such a tissue of incongruities

* See in the 2d letter of Mr. Gerry, dated 15th Prairial [June 3, 1798] which follows these reflections, the express declaration of Mr. Gerry, that, in the course of the negotiations, he saw persons employed by the office of Exterior Relations, and the justice he does them of never having uttered a word, which had the least relation to propositions, such as the intriguing foreigners X. and Y. appeared to have made.

and contradictions, that the mind is lost in it. One is at a loss to specify with precision the reproaches to be made to the American Envoys. But it is very evident that they have been most strangely deceived, if they did believe, and that they are most perfidious, if they did not believe, what they relate. [In the expression of these reproaches which escape from indignation, it is requisite to hasten to except Mr. Gerry, who doubtless may have been deceived both by the foreign intriguers, and perhaps also, by his very colleagues, but to whom no suspicion of bad faith or insincerity can attach.]

Now, what could be the secret motive which caused such puerile communications to be circulated with so much eclat? How then can they justify the pompous affectation, by which the American people had been prepared to hear them? How can we conceive that it was hoped to render the farce more imposing by fasts and publick prayers?

Doubtless a great object caused them to hazard the holding up as discoveries of the greatest importance, the incoherent prating of two intriguers, who were foreigners with respect to France. Perhaps it was supposed that the citizens of the United States would judge of the French government by these caricatures, and that the French government would be sensible to such a marked provocation. The effect of the outrage was calculated from the malignity of the intention, and not from the littleness of the means.

In one word, they flattered themselves with exciting indignation instead of pity. They wished for war; and they wished that insulted France might declare it against a people, whose cause she defended, and that it might be restored by her to the arms of England.

By that war, the British cabinet would gain an ally, who would labour for its interest, second its projects upon the French and Spanish colonies, and retard the moment of its humiliation: by that war too the British government would accelerate the execution of a favourite plan of which it has never lost sight.

It is known, that since it despaired of re-uniting to the triple crown, the States whose independence it was obliged to acknowledge, it aspired at least to prejudice them in favour of limited monarchy; that it endeavoured to fortify, by the similarity of constitutional forms, the habits common to the English and American people; and that it took care to keep for a long time one of the sons of George III. in the vicinity of the United States. Can it then be true, that to the disgrace of the human mind, many citizens of the United States should be found who are seriously reconciled to the English form of government? Can it then be true, that men, called by the publick confidence to the head of the government of the United States, have written in favour of the British constitution, merely to prepare its adoption in their own country? Can

it be true that a thirst for honours, greediness of wealth and a desire of perpetuating power, have already ripened this conspiracy against liberty?

If this ought to be no longer considered as a suspicion, all is explained. War is necessary in order to raise troops and obtain supplies: an unnatural war against old friends, against brothers, against republicans, is more especially necessary: it is necessary that this war should excite civil commotions, shock every idea of morality, and rouse to resistance the true sons of America: and pretences will arise in abundance for stigmatizing with sedition the honourable defenders of principles, and for substituting a monarchical in the room of a representative government.

It would be hereafter unnecessary to dissemble. Such are the criminal practices of the English cabinet. Such is the blind propensity of a government which it influences: and it is the French Republick which sacrificed the blood and fortune of its citizens in the cause of liberty; it is the French Republick that is instigated to strike the fatal blow! But superior to the influence of her resentments, she will be actuated by nothing but the happiness of the two Republicks, and she will appeal to the whole universe to judge of the sincerity of the dispositions, which she has never ceased, and which she will never cease to manifest, for living in peace with America.

P. S. It is of extreme importance to lay before the publick, the letters written to Mr. Gerry, Envoy of the United States, by the Minister of Exterior Relations, as soon as this strange publication came to his knowledge; and it is of equal importance to know the answers given by Mr. Gerry. Both are as follow. [*See the preceding numbers 6. 7. 8. 10. 11.*]

Note. The names were in fact sent to the minister, who immediately deposited them in the proper place.

[The following letter of the citizen, designated by the letter Z. it is not less essential to publish.]

13 *Prairial*, 6th year, (June 1, 1798.)

To the Minister of Exterior Relations.

MR. GERRY having communicated to me the letter which you yesterday wrote to him, by which you expressly desire, that he may make known to you the persons meant by the letters W. X. Y. Z. in the correspondence of the American Envoys, printed in a publick paper of the United States of America, dated 12 April (O. S.)

My sensibility must be much affected on finding myself under the letter Z. acting a part in company with certain intriguers, whose plan it doubtless was to take advantage of the good faith of the American Envoys and make them their dupes. Finding myself implicated in this affair, and wishing to remove my un-

business respecting the disagreeable impressions and the consequence which the publication of your letter to Mr. Gerry might produce, I thought it my duty to hasten to you, and pray you citizen minister, to be pleased to declare in writing that in the conferences I had with those gentlemen, I pursued the communications which you authorized me to make to them, in the manner I shall state below.

In the beginning of last Brumaire (October 22, 1797,) having been to pay my respects to the citizen minister of exterior relations, and the conversation turning upon the United States of America, he expressed to me his surprise, that none of the Americans, and especially the new Envoys ever came to his house; that this was not the way to open a negotiation, the success of which they had more reason than we to wish; that he would receive them individually with great pleasure and particularly Mr. Gerry whom he had known at Boston. Knowing my friendly connexions with Mr. Gerry, he charged me to impart to them what he had said. I accordingly waited on Mr. Gerry, who having sent for his colleagues, I communicated to them the conversation I had had with the citizen minister.

Messrs. Pinckney and Marshall declined waiting on the minister upon the ground of ceremony; but as the same reason did not apply to Mr. Gerry, it was agreed that he should go the next day, and that I should accompany him, Mr. Gerry at that time not being able to express himself in French. The next day we went; but not finding the minister at home, Mr. Gerry requested him to appoint a time for an interview, which was fixed for a few days after. We attended accordingly, and after the usual compliments, Mr. Gerry having expressed to the minister his desire to see harmony and a good understanding re-established between the two republics, the minister answered him that the Directory had made a determination not to treat with them, unless they previously made reparation for some parts of the President's speech at the opening of Congress, and gave an explanation of some others; that he could not delay, but for a few days, communicating this determination officially to them, that until then, if they had any propositions to make, which could be agreeable to the Directory, he would communicate them with alacrity: that considering the circumstance, and the services of the same kind which France had formerly rendered to the United States, the best way would be for them to offer to make a loan to France, either by taking Batavian inscriptions for the sum of fifteen or sixteen millions of florins, or in any other manner. Mr. Gerry after having replied in a polite, but evasive manner, to the first article, added on the subject of the loan, that their powers did not extend so far, but that he would confer with his colleagues upon the subject. It is to be observed that as the minister spoke nothing but French, I repeated in English to Mr. Gerry what he had said to him, and that although cer-

tain that he very well understood the answers of Mr. Gerry, I repeated them to him in French. We took our leave of the minister who just received a courier, and he charged me on parting to repeat to Mr. Gerry and his colleagues what he had said to us. Accordingly I repeated to Messrs. Pinckney and Marshall, in the presence of Mr. Gerry, the conversation which we had had with the minister.

A few days afterwards Mr. Gerry requested me to accompany him again on a visit to the minister, and having repeated to him the extreme desire he felt to see the most perfect union re-established between the two nations, he resorted to the insufficiency of their powers, and proposed in the name of his colleagues and himself, that one of them should immediately depart for America with the propositions which the French government might make. The minister answered that it would require six months to have an answer, and that it was of importance to have a speedy determination; that he was extremely desirous to have frequent communications with them individually and amicably. This course appearing to him to be the best adapted to come at the issue of a speedy negotiation, he therefore lamented that he had yet had no communication with them.

Such, citizen minister, as far as my memory serves me, are the particulars of the only two conferences at which I was present. I shall add that no person has had a greater desire than myself to see this negotiation succeed. Health and respect,

HAUTEVAL.

MR. SKIPWITH'S COMMUNICATIONS.

*To the Secretary of State of the United States of America:
Paris, August 4, 1798.*

SIR,—I have the honour to send you enclosed, the official copy of an arrête of the Executive Directory of the French Republick, concerning the French privateers in the West-Indies, which was transmitted to me by the French minister of foreign affairs. I have the honour to be, sir, &c.

FULWAR SKIPWITH.

Paris, August 8, 1798.

SIR,—Having had the honour of transmitting to you, three official copies of the arrête of the Directory, of the 13th Thermidor,* concerning their privateers in the West-Indies, the present is merely to enclose you a copy of a letter which I yesterday received from the minister of foreign relations, on the subject of that arrêté. I have the honour to be, sir, &c.

FULWAR SKIPWITH.

To the Secretary of State.

* 31st July, 1798. The Arrête here referred to.

TRANSLATION.

The Minister of Exterior Relations to citizen Skipwith, Consul General of the United States of America. Paris, 19 Thermidor, 6th year of the French Republic. (August 6 1798.)

CITIZEN,—You will have seen in No. 961, of the *Redacteur*, a copy of a decree made by the Directory, in order to cause the privateers to return within the rules and limits whence they ought never to have departed.

By this measure foreign powers will be convinced that the Executive Directory, when informed of the abuses which may be directed against them, takes every pains to stop them, and to prevent their return.

You will doubtless see in the intention and the acts of the Directory, cause for feeling a security with respect to the commerce of your fellow citizens, so long as it shall be confined within just bounds.

I wish, citizen, that for the good of the two countries, the conduct of the Federal government may correspond with that of the Directory. In this supposition, the friendly relations of the two people would be soon re-established.

C. M. TALLEYRAND.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA.

Fulwar Skipwith, Consul-General for the United States, near the French Republic, to Timothy Pickering, Esq. Secretary of State of the United States. Paris, August 22, 1798.

SIR,—With a copy of a letter I have just received from the minister of foreign affairs, I have the honour, under cover hereof, to transmit to you copies of two letters, which have been officially communicated to me, from the minister of marine, to all principal, civil and military officers, at the different ports of this Republic, concerning the safety and protection of American citizens in general, and those seamen in particular, who were detained, or are in confinement at those ports. Agreeably to the intimations contained in the minister's letter to me, I have this day made application to the minister of police in favour of the American seamen, who, by means of one of the publick authorities at L'Orient, had been arrested as Englishmen, and are at present confined at Orleans as prisoners of war. In a few days, I expect to obtain their liberation, and shall procure their passages home.

I have likewise the pleasure of forwarding to you an official copy of an *arrêté* of the Directory for raising the embargo, imposed by government on all vessels belonging to the United States, in the ports of this Republic.

I deem it my duty to observe, that from informal communications, which I have recently and repeatedly had with some of

the best informed individuals of the government on the subject of American vessels and property, now under trial before the different tribunals of this Republick, I have derived such informations of the present disposition and intentions of the Directory, as to be satisfied myself, that they will ere long endeavour to provoke in the legislature a revision of their maritime laws, and that such a system will be organized as will secure the most important rights of neutrality upon the seas: this pleasing event is generally expected, and will, I am persuaded, arrive before this can reach you. Though many of the late arrêtés of the Directory have certainly encouraged the tribunals in the most pernicious applications of existing laws in regard to neutral property captured and brought in for adjudication, yet it may not be unimportant to remark to you, sir, that the Directory, however well disposed, cannot change the conduct of the tribunals in regard to American and other neutral vessels now before them, without legislative interference; and that owing to particular circumstances, it appears evidently that some time is necessary for them to prepare and dispose that body to alter some laws and make others, which shall cause the tribunals and privateers to respect neutrals in general, and the flag of the United States in particular: but from the present manifest dispositions and endeavours of the Directory to produce that end, I am happy to add, that the tribunal of cassation, before whom appeals have been made on most of the American property condemned in France, appear disposed to procrastinate pronouncing upon them until the sentiment of the legislature shall be declared upon the laws which are operating against their success.

I have the honour to be, &c.

FULWAR SKIPWITH.

TRANSLATION.

LIBERTY.

EQUALITY.

The Minister of Foreign Relations to Mr. Fulwar Skipwith, Consul General of the United States to the French Republick. Paris, 3d Fructidor, 6th year of the French Republick. (August 20, 1798.)

I SEND you, sir, copies of two letters written by the Minister of Marine to all the principal officers civil and military of the ports of the Republick. Their contents will prove to you the attention of the government to remedy the abuses committed against its intentions.

With respect to the persons detained in the civil prisons of Orleans, because they are not possessed of papers to prove that they are not English, and who claim to be Americans, be pleased to call upon the Minister of General Police, to whose functions belong all the measures of safety. The Minister of Marine informs me, that he has transmitted their petition to

him, and I am going to write to him myself, in order to request him to admit your declaration in their favour, in the absence of other proofs.

Receive, sir, the assurance of my consideration.

CH. MAU. TALLEYRAND.

TRANSLATION.

Copy of a Circular letter, written by the Minister of Marine and the Colonies, to all the principal Officers of the Ports, Civil and Military, on the 29th Thermidor, 6 year (16 August, 1798.)

OUR political situation with regard to the United States, citizen, not having as yet undergone any change which can affect the respect due to neutral nations, I do not think I have need to remind you, that no injury should be done to the safety and liberty of the officers and crews of any American vessel found to be in order, and that the same conduct ought to be observed towards all passengers and other citizens of the United States, furnished with the necessary passports or protections. You will be pleased to use a vigilant attention, that the intentions of the government in this respect may be pursued by all those under you, and when any of them has departed from them, you will do justice upon the complaints which may be addressed to you, after ascertaining their validity.

The Minister of Marine and of the Colonies.

E. BRUIX.

For a true copy,

The Minister of Exterior Relations,

CH. MAU. TALLEYRAND.

TRANSLATION.

Copy of the Circular letter written by the Minister of Marine and the Colonies,—to the Agents of the Marine in the ports of the Republick. Paris, the 24th Thermidor, 6th year (11th August, 1798.)

I OBSERVE, citizen, by the correspondence of the greater part of the administrators of the ports, that the embargo recently laid upon the American vessels has occasioned the detention of the crews. The intentions of the government were very badly understood, when a measure was adopted, which, in the first place, hazards the safety of these vessels, and in the second place appears to place us in a hostile attitude with respect to the United States, whilst the acts of the government evince, on the contrary, that it desires a good understanding between the two republicks. I therefore charge you, citizen, immediately upon the receipt of this, to order the discharge of all the Americans who may have been considered as prisoners of war, in consequence

of the embargo of their vessels. You will be pleased to render me a prompt account of the execution of this order.

The Minister of Marine and of the Colonies.

E. BRUIX.

For a true copy.

The Minister of Exterior Relations.

CH. MAU. TALLEYRAND.

True and exact copies.

FULWAR SKIPWITH.

TRANSLATION.

DEPARTMENT OF EXTERIOR RELATIONS.

LIBERTY.

EQUALITY.

Copy of a Decree. Extract from the Register of the Decrees of the Executive Directory, of the 29th Thermidor, 6th year of the French Republick, one and indivisible. (16th August, 1798.)

THE Executive Directory considering, that notwithstanding the hostile manifestations of the government of the United States, which have occasioned a momentary embargo upon their vessels, it must be believed that unless abandoned to the passions of the British cabinet, that government, faithful to the interests of the American nation, will take measures conformable to the pacifick dispositions of the French Republick, after it shall receive a confirmation of them :

And wishing to pursue the friendly and fraternal habits of France towards a people whose liberty it defended ;

Decrees as follows,

Art. I. The embargo laid upon the American vessels shall be immediately raised.

Art. II. The Minister of Marine and of the Colonies, is charged with the execution of the present decree, which shall not be printed.

For a true copy,

As President of the Executive Directory,

MERLIN.

By the Executive Directory.

As Secretary General,

J. M. REVEILLERE LEPEAUX.

For a true copy,

The Minister of Exterior Relations,

CH. MAU. TALLEYRAND.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
JAN. 21, 1799.

ACCORDING to an intimation in my message of Friday last, I now lay before Congress a report of the Secretary of State, containing his observations on some of the documents which attended it.

JOHN ADAMS.

To the President of the United States.

THE Secretary of State respectfully submits the following report on the transactions relating to the United States and France, since the last communications to Congress on that subject.

TIMOTHY PICKERING.

Department of State, }
Jan. 18, 1799. }

REPORT

Of the Secretary of State on the Transactions relating to the United States and France, since the last communications to Congress on that subject.

THE points chiefly meriting attention are the attempts of the French government,

1. To exculpate itself from the charge of corruption, as having demanded a *douceur* of fifty thousand pounds sterling (222,000 dollars) for the pockets of the Directors and Ministers, as represented in the despatches of our envoys :

2. To detach Mr. Gerry from his colleagues, and to inveigle him into a separate negotiation ; and

3. Its design, if the negotiation failed, and a war should take place between the United States and France, to throw the blame of the rupture on the United States.

1. The despatches of the envoys published in the United States, and republished in England, reached Paris towards the last of May : and on the 30th of that month, the French minister, Mr. Talleyrand, affecting an entire ignorance of the persons designated by the letters W. X. Y. and Z.—calling them intriguers, whose object was to deceive the envoys—writes to Mr. Gerry, and “ prays him immediately to make known to him their names.”

Mr. Gerry, in his answer of the 31st, wishes to evade Mr. Talleyrand’s request ; and with reason, for he and his colleagues had “ promised Messrs. X. Y. that *their* names should in no event be made publick.” Mr. Gerry, in his letter of October 1, in noting the repetition of Mr. Talleyrand’s request for those names, states as an objection to giving them up “ that they

could be otherwise ascertained ;” and that Mr. Talleyrand’s messenger, admitting the fact that they were already known, immediately mentioned their names. Mr. Gerry nevertheless certified in writing the names of X, Y, and Z ; with the reserve “ that they should not be published on his authority :” and besides formally certifying to Mr. Talleyrand the names of his *own private agents*, added, that “ they did not produce, to his knowledge, credentials or documents of any kind.”—“ Credential” in *writing* were certainly not to be expected to be produced by agents employed to make corrupt propositions : but Mr. Gerry had Mr. Talleyrand’s own assurance that Mr. Y. was acting by his authority. It is recited in the envoys’ despatches, and upon Mr. Gerry’s own report to his colleagues, that on the 17th of December, 1797, Mr. Y. “ stated to him that two measures which Mr. Talleyrand proposed, being adopted, a restoration of friendship between the republicks would follow immediately ; the one was a *gratuity of fifty thousand pounds sterling* ; the other a purchase of thirty-two millions of Dutch rescriptions,” and after conversing on these topics, Mr. Gerry and Mr. Y. rode to Mr. Talleyrand’s office, where “ Mr. Gerry observed to Mr. Talleyrand, that Mr. Y. had stated to him that morning, some propositions as coming from Mr. Talleyrand, respecting which, Mr. Gerry could give no opinion,” and after making some other observations, Mr. Talleyrand answered, “ that the information Mr. Y. had given him (Mr. Gerry) was just, and *might always be relied on.*” This declaration stamps with the *ministers authority*, all the communications made by Mr. Y. to the envoys. And Mr. Y. himself, who is Mr. Bellamy, of Hamburg, in his publick vindication, declares, that “ he had done nothing, said nothing, and written nothing, without the orders of citizen Talleyrand.” The same may be asserted in regard to Mr. X. for he first introduced Mr. Y. to the envoys ; and his separate communications were substantially the same with those of Y. and both together were present with the envoys when the communications were more than once repeated.

It also deserves notice, that in stating the preliminary demands of the French government, the private agents, X. and Y., and the minister, use a similar language. The agents declare, that the Directory are extremely irritated at the speech of the President, and require an explanation of some parts of it, and reparation for others ; that this must give pain to the envoys, but the Directory would not dispense with it : and that as to the means of averting the demand concerning the President’s speech, the envoys must search for them, and propose them, themselves. Being asked to suggest the means, the answer is “ *money*”—the purchase of the Dutch rescriptions, and “ the fifty thousand pounds sterling, as a *douceur* to the Directory.”

The *minister* told the envoys, that the Directory were wounded by the President’s speech ; and, in his conversation with Mr. Gerry on the 28th of October, said, “ the Directory had passed

an arret, which he offered for perusal, in which they had demanded of the envoys an explanation of some parts, and a reparation for others, of the President's speech to Congress of the 16th of May, 1797; that he was sensible that difficulties would exist on the part of the envoys relative to this demand; but that by their offering *money* he thought he could prevent the effect of the arret. Mr. Z. (the "interpreter") at the request of Mr. Gerry, having stated that the envoys have no such powers, Mr. Talleyrand replied, they can in such case take a power on themselves; and proposed that they should make a "loan." But this "loan," as will presently appear, did not mean the "money," which would "prevent the effect of the arret." Mr. Gerry then making some observations on the powers of the envoys—that they "were adequate to the discussion and adjustment of all points of real difference between the two nations; that they could alter and amend the treaty; or if necessary, form a new one;" added, "that as to a loan, they had no powers whatever, to make one, but that they could send one of their number for instructions on this proposition, if deemed expedient:"—"That as he [Mr. Talleyrand] had expressed a desire to confer with the envoys individually, it was the wish of Mr. Gerry, that such a conference should take place, and their opinions thus be ascertained." "Mr. Talleyrand, in answer said, he should be glad to confer with the other envoys, individually, *but that this matter about the MONEY must be settled directly* without sending to America; that he would not communicate the arret for a week; and that if we could adjust the difficulty respecting the speech, an application would nevertheless go to the United States for a *LOAN*:" Now this matter of the *MONEY that must be settled directly*, could only refer to the *douceur*; for a loan in the purchase of millions of Dutch rescriptions, or in any other form, could only be the subject of a *stipulation* to be *afterwards* fulfilled by the United States; but the *douceur* of fifty thousand pounds sterling, was a sum within the immediate reach of the envoys; for their credit would certainly command it: in fact, a mercantile house had offered to answer their draughts; and this, Mr. Talleyrand unquestionably well knew; for it was a member of the same house who first introduced the minister's agent Mr. X., to general Pinckney, in the manner stated in the envoys' despatches. A collateral evidence that in "this matter of the money that must be settled directly," Mr. Talleyrand referred only to the *douceur* arises from this circumstance: The very next day (October 29th) Mr. X. called on the envoys and said, "Mr. Talleyrand was extremely anxious to be of service to them, and had requested that one more effort should be made to induce us to enable him to be so." After a great deal of the same conversation which had passed at former interviews had been repeated, the envoys say—"the sum of his proposition was, that if we would pay by way of fees (that was his expression) *the sum of MONEY demanded for PRIVATE USE*, the

Directory would not receive us, but would permit us to remain in Paris as we now were; and we should be received by Mr. Talleyrand, until one of us could go to America and consult our government on the subject of a LOAN."

Although the Envoys' despatches, and the facts and circumstances herein before stated, cannot leave a doubt that X. as well as Y. and Z. was well known to Mr. Talleyrand, it will not be amiss to add, that on the 2d of December X. Y. and Z. dined together at Mr. Talleyrand's, in company with Mr. Gerry; and that after rising from table the money propositions, which had before been made, were repeated, in the room and in the presence, though perhaps not in the hearing of Mr. Talleyrand. Mr. X. put the question to Mr. Gerry in direct terms, either, "whether the envoys would now give the *douceur*" or "whether they had got the MONEY ready." Mr. Gerry, very justly offended, answered positively in the negative, and the conversation dropped.

Mr. Z. who has avowed himself to be Mr. Hauteval, was the person who first made known to the Envoys the minister's desire to confer with them individually, on the objects of their mission: He it was, who first introduced Mr. Gerry to Mr. Talleyrand, and served as the interpreter of their conversations: and in his letter to Mr. Talleyrand, at the close of Mr. Gerry's document, No. 35, he announces himself to be the agent of the minister, to make communications to the envoys.

Mr. Hauteval declares "his sensibility must be much affected on finding himself, under the letter Z. acting a part in company with certain intriguers, whose plan (he says) it doubtless was to take advantage of the good faith of the American Envoys, and make them their dupes:" yet this person the avowed agent of the French Minister, apparently so anxious to screen himself from the suspicion of an agency in soliciting the bribe required by Mr. Talleyrand, did himself urge a compliance with that corrupt proposition.*

The sensation which these details irresistibly excite, is that of astonishment at the unparalleled effrontery of Mr. Talleyrand, in demanding of Mr. Gerry the names of X. Y. and Z.; after Y. had accompanied him on a visit to the minister, *with whom the conversation detailed in the printed despatches then passed*, and who then assured Mr. Gerry "that the information Mr. Y. had given him was just, and might always be relied on;" after Z. had in the first instance introduced Mr. Gerry to the minister, and served as their mutual interpreter, *and when the conver-*

* Extract of a letter, dated June 15th, 1798, from Mr. King, Minister of the United States in London, to the Secretary of State.

"Col. Trumbull, who was at Paris soon after the arrival there of the Commissioners, has more than once informed me, that Hauteval told him that both the *douceur* and the *loan* were indispensable, and urged him to employ his influence with the American Commissioners to offer the *bribe* as well as the *loan*."

sation between them had also been stated in despatches ; and after X. Y. and Z. had all dined together with Mr. Gerry at Mr. Talleyrand's table, on rising from which X. and Y. renewed the proposition about the MONEY !—The very circumstance of Mr. Talleyrand's being continued in office, after the account of these intrigues had been published to the world, is a decisive proof that they were commenced and carried on with the privity, and by the secret orders of the Directory. It was to accomplish the object of these intrigues that the American Envoys were kept at Paris unreceived, six months after their credentials had been laid before the Directory : and it was only because they were superior to those intrigues, and that no hopes remained of wheedling or terrifying them into a compliance, that two of them were then sent away—and with marks of insult and contempt.

2. The fact that the French government attempted to inveigle Mr. Gerry into a separate negotiation will not be questioned : at first it was made *privately*, and under an injunction of *secrecy* towards his colleagues : it was afterwards plainly insinuated by the minister, in his letter of the 18th of March, 1798, in which he tells the Envoys that the Executive Directory was disposed to treat with one of the three ; and that one he openly avowed, in his letter of the 3d of April, to be Mr. Gerry. The *pretence* for selecting him was, that his "opinions presumed to be more impartial, promised, in the course of the explanations, more of that reciprocal confidence which was indispensable." But when before, have their "*opinions*" been stated as a justifiable ground for rejecting the ambassadors of peace ? Ambassadors too, of established probity, whose characters were of the first distinction in their own country, and whose demeanour, towards the government to which they were deputed, was decent and respectful ? Who had, with a frankness which the candour of their instructions warranted, communicated the important points which they contained ? And who unremittingly and with the most anxious solicitude, entreated that the negotiations might be commenced ? What more proper or more honourable qualities ought ministers deputed to negotiate with a foreign nation to possess ? But why should a foreign government question the *opinions* of the ambassadors sent to negotiate with it on subjects of *difference* between the two nations ? If wisely chosen, and faithful to the interests of their own country, they must of course possess different opinions from the government to which they are sent, the *differing opinions* maintained by the two nations on their respective rights and interests, being the cause and objects of the negotiation.—A government really disposed to treat on fair principles would never object to the *opinions* of foreign ambassadors. It would receive them, and appoint its own ministers with proper powers to treat with them, propose its terms, and receive those offered ; and discuss both : and if then they

could not agree, put an end to the *negotiation*. The French government did not wish to *negotiate*, it desired to *impose* a treaty on the United States. To this practice it had been accustomed towards the minor powers in Europe, whom it had subjected to its will: and it expected equal submission from the United States. Hence Mr. Talleyrand's secret declaration to Mr. Gerry "that if he would negotiate, they could soon finish a treaty; for the *Executive Directory* were not in the habit of spending much time about such matters." Hence the objections to Gen. Pinckney and Gen. Marshall: they manifested a discernment superior to the intrigues of the French government and an invincible determination not to surrender the honour, the interest, or the independence of their country.— It was necessary then to get rid of them; and seeing that neither despair of negotiating, nor studied indignities, could induce them to quit their posts, passports were sent to them to quit France: it was with difficulty that general Pinckney could obtain permission to stay two or three months for the recovery of his sick daughter, to whom an immediate voyage would probably prove fatal. Unembarrassed by the presence of these Envoys, the French government, if it really desired a treaty on any terms, hoped to prevail on Mr. Gerry to negotiate separately, although from the first overture he declined and continued to decline it. But after the expulsion of his colleagues, it hoped by its seductive arts to prevail over his scruples and gain his consent to terms which, while they were present, would be rejected; or at all events to retain him, with the semblance of negotiating, regularly or informally, and thus keep the United States in the torpor of indecision, without preparation for offence or defence. Unfortunately, Mr. Gerry was induced, by the threats of immediate war against the United States, to separate from his colleagues and stay in Paris; threats which, viewed with their motives, merited only detestation and contempt. Four or five months before, the threats of immediate orders to quit France, and the terrors of war in its most dreadful forms, had been held up to all the Envoys, to frighten them into a compliance with the groundless, unjust and corrupt demands of the French government. Those threats had not been executed, and the unworthy purposes for which they had been uttered had been obvious. Happily for the United States, the character of the French government as delineated in the official despatches of all the Envoys, and the knowledge of its conduct towards other countries whose governments it had overturned, and whose people, in the names of Liberty and Equality, it had enslaved, so operated as not to leave us exposed to all the evils which *suspense* was calculated to produce. Mr. Gerry indeed resisted all the arts of the French minister to entice him into a formal negotiation, after that government had driven his colleagues from Paris: a negotiation which in its nature would have been a

surrender of our independence, by admitting a foreign government to choose for us the minister who should represent our country, to treat of our important rights and interests, which that government had itself violated and deeply injured.

The Directory and their minister Mr. Talleyrand hoped and expected that general Pinckney and general Marshall would voluntarily have quitted France, after the minister's letter of the 18th of March, in which he made the offensive distinction between them and their colleague Mr. Gerry, on the pretence that his "opinions" were more "impartial" than theirs. Accordingly Mr. Talleyrand, in his letter to Mr. Gerry of the 3d of April, says—"I suppose, sir, that Messrs. Pinckney and Marshall have thought it useful and proper, in consequence of the intimations which the end of my note of the 18th of March last presents, to quit the territory of the Republick." Yet Mr. Talleyrand had given them neither passports nor letters of safe conduct! The fact is, the French government wished to avoid the odium of sending them away, and the blame of a rupture, which Mr. Talleyrand predicted would be the consequence; while it was privately intimated to them that they must leave the country. The minister's conduct on this occasion, towards general Marshall (as detailed in his journal) was particularly marked with indignities. When it was observed to Mr. Talleyrand, that this was not the manner in which a foreign minister ought to be treated, Mr. Talleyrand replied, that general Marshall was not a foreign minister, but was to be considered as a private American citizen; and must obtain his passport like others through the Consul. To this it was answered, that general Marshall was a foreign minister,* and that the French government could not deprive him of that character, which was conferred upon him, not by Mr. Talleyrand, but by the United States; and though the Directory might refuse to receive or to treat with him, still his country had clothed him with the requisite powers, which he held independently of France; that if he was not acceptable to the French government, and in consequence thereof it was determined to send him away, still he ought to be sent away like a minister; that he ought to have his passports, with letters of safe conduct which would protect him from the cruisers of France. Mr. Talleyrand replied, that if general Marshall wished for a passport, he must give in his name, stature, age, complexion, &c. to the American consul, who would obtain a passport for him: that with respect to a letter of safe conduct, it was unnecessary, as no risk from the cruisers would be incur-

* On the 9th of October, 1797, the day after the Envoys had delivered to the minister a copy of their letter of credence, "cards of hospitality were sent to them and their secretaries, in a style suitable to their official character." [See page 185.] And in the minister's letter to them of the 18th of March, 1798, he calls them "the Commissioners and Envoys Extraordinary of the United States of America."—[See page 270.]

red. The result of these conversations was a plain demonstration of the intention of the minister, that in consequence of his intimation at the close of his letter of the 18th of March, that the "opinions" of two of the Envoys were not agreeable to the government of France, generals Pinckney and Marshall *should appropriate to themselves* the character which the minister had drawn generally. The Envoys, aware of this snare, in their answer of the third of April to the intimation that "the Directory was disposed to treat with *one* of the Envoys," declare to the minister, "that *no one* of the Envoys was authorized to take upon himself a negotiation evidently intrusted to the whole," and "that no two of them could propose to withdraw themselves from the task committed to them by their government, while there remained a possibility of performing it;" but that if "it should be the will of the Directory to *order* passports for the whole or any number of them," it was desired that such passports might be accompanied with letters of safe conduct, to protect them against the cruisers of France.

These endeavours of the French government, whether real or affected, to draw Mr. Gerry into a separate negotiation, constitute the substance of the correspondence between him and Mr. Talleyrand. They appear to merit consideration in several points of view.

1. Because if real, it was only in the hope and expectation, that by intrigues and terrors the French government might influence Mr. Gerry to enter into a formal treaty, on the terms which he and his colleagues had repeatedly rejected as incompatible with the interest, honour and independence of their country. For at this time Mr. Talleyrand had not renounced the demands of loans and a *douceur* as the indispensable preliminaries of a treaty. Accordingly we see Mr. Talleyrand, in his letter of the 3d of April to Mr. Gerry, proposed "to *resume* their reciprocal communications upon the interests of the French Republic and the United States of America." And in his letter of July 12th, to Mr. Gerry, having mentioned the arrival at Havre of a packet, the *Sophia*, from the American government, he says, "until then I never supposed you entertained the design of embarking before we had come to an agreement upon the definitive articles to be ratified by your government."
2. Because if that government had so far succeeded, it would have insisted on its ratification by the President and Senate, on the ground constantly taken by Mr. Talleyrand, that the powers of the envoys being *several* as well as *joint*, Mr. Gerry when alone, even after the French government had ordered his colleagues to leave France, were adequate to the formation of the treaty; and that therefore the publick faith would be violated, if it were not ratified.
3. Because under such circumstances, the French government doubtless calculated at least on a division of the publick opinion in the United States in favour of the ratification of such a treaty; by means of which it might *enforce* the ratification, or *effect* still greater mischiefs.
4. But these

endeavours to draw Mr. Gerry into a formal negotiation are chiefly remarkable because they were persevered in during near five months, against his constant, direct and positive refusals to treat separately; Mr. Talleyrand asserting and Mr. Gerry denying the competency of his powers.

We have seen the envoys, from the 6th of October, 1797, the date of their first letter to the French minister, to the 3d of April, 1798, when their last was delivered to him, expressing their earnest desire to enter upon and prosecute the great business of their mission: we have seen them during that long period patiently enduring neglect and indignities, to which an ardent zeal to re-establish harmony and peace could alone induce freemen to submit: we have seen them while held in suspense—neither received nor rejected—yielding to the importunities of *private* agents of the French government, and hearing and discussing their propositions, insulting as they were, in the hope that when these should be shown to be utterly inadmissible, others founded in reason and equity, and in the usual course of diplomatick negotiation, might be brought forward. Doubtless they also wished, when their astonishment at the first overtures had subsided, by listening still longer to such dishonourable propositions, to ascertain the true character of the French government. We have seen them, after waiting five weeks from the presentation of a copy of their letters of credence, entirely unnoticed, “solicit an attention to their mission,” and soliciting in vain. Thus denied an official hearing, they hoped by an unusual step to excite the attention of that government: they determined to transmit to the minister a letter representing the views of their own government in relation to the subjects in dispute with France. This letter dated the 17th was delivered the 31st of January, 1798. Waiting near a month without an answer, and “still being anxious to hear explicitly from Mr. Talleyrand himself, before they sent their final letter, whether there were no means, within their powers, of accommodating our differences with France, on just and reasonable grounds,—on the 27th of February they desired “a personal interview on the subject of their mission;” and afterwards a second interview. They remark on what passed at these meetings, “that the views of France, with regard to the United States, were not essentially changed since their communications with its unofficial agents in the preceding October.”

At length they received Mr. Talleyrand's letter of the 18th March, 1798, in answer to theirs of the 17th of January. The minister's letter represented the complaints of France; as usual, charging the American government with the inexecution of the treaties with France—with *disimulation*—insinuating that our tribunals were subject to a *secret influence*—holding up the British treaty as replete with evil and injury, and “the principal grievance of the Republick”—accusing the American government of a wish to seize the first favourable occasion to consummate an intimate union with Great Britain, and suggesting that

a devotion and partiality to that power have long been the principle of the conduct of the Federal government.

To this letter of the French minister, the envoys sent their reply on the 3d of April. This reply and their former letter detect the sophisms and erroneous statements of the minister—expose his naked assertions—refute his arguments—repel his calumnies—and completely vindicate the fidelity, the justice, and, as a neutral power, the impartiality of the government of the United States; and, at the same time, exhibit the weighty and well-founded complaints of the United States against the French Republick.

Hitherto, instead of a desire to obtain a reconciliation, we can discover in the French government only *empty professions* of a desire to conciliate; while it haughtily refused to receive our Envoys, and during six months disregarded their respectful and ardent solicitations to negotiate: and after *one* of them, whom it induced to remain in France, had declared that "*he had no powers to treat separately, that the measure was impossible,*" then the Directory expelled the other *Two!*

If now we survey Mr. Gerry's individual correspondence, we shall find no solid evidence of any change in the disposition of the French government.

In his first letter to Mr. Gerry, Mr. Talleyrand's artifice is visible: he addresses him as "Envoy Extraordinary of the United States of America, to the French Republick;" and proposes to him to "*resume their reciprocal communications.*" Mr. Gerry, apprehending that the minister intended to draw him into a negotiation, repeats what he had often before declared, that for him to treat separately was impracticable: and that he can only confer with him informally.

On the 20th of April, Mr. Gerry addresses a letter to the minister, and presses him to come forward with propositions for terminating all differences, restoring harmony, and re-establishing commerce between the two nations. He receives no answer. On the 28th he confers with the minister, who says he cannot make propositions, because he does not know the views of the United States in regard to a treaty. Mr. Gerry gives him the information. He then promises in three or four days to deliver Mr. Gerry the project of a treaty: This promise was never performed. On the 12th of May, the new instructions of March 23d, sent by the Sophia packet, reached Mr. Gerry; and he gave immediate notice to the minister that he should return to America in the Sophia, as soon as she could be fitted for sea.

"On the 24th of May, the minister sent his principal secretary to inform Mr. Gerry, that his government did not wish to break the British treaty; but expected such provisions as would indemnify France, and put her on a footing with that nation." Yet that treaty had been made, by the French government, its chief pretence for those unjust and cruel depredations on American commerce which have brought distress on multitudes and ruin on many of our citizens; and occasioned a total loss of property

to the United States of probably more than twenty millions of dollars ; besides subjecting our fellow citizens to insults, stripes, wounds, torture and imprisonment. And Mr. Talleyrand, in his letter of the 18th March, to the Envoys, declared that treaty to be " the principal grievance of the Republick." But now, instead of breaking that treaty, France desires to be put on the same footing. This the United States would at any time have done, and the Envoys were now explicitly instructed to do : and seven months before, all the Envoys, in their conversation with Mr. Bellamy (Y) the confidential and authorized agent of the French minister, told him " that he might be assured that their powers were such as authorized them to place France on equal ground with England, in any respects in which an inequality might be supposed to exist at present between them, to the disadvantage of France."

The Secretary also mentioned the claims of the American citizens on the French Republick : he said if the latter should be unable to pay them, when adjusted, and the United States would assume and pay them, France would reimburse the amount thereof. This has the semblance of candour : but on the 4th of March, when the Envoys were in conference with Mr. Talleyrand, and they disclosed their principal instructions, " general Pinckney and Mr. Gerry told him they were positively forbidden to assume the debts to our own citizens, even if we were to pay the money directly to them." And doubtless it was because the proposition was already known to be inadmissible that it was now renewed.

The Secretary and Mr. Gerry had also some unimportant conversation about the Consular Convention. And it is plain that the whole object of the Secretary's visit was to amuse, by keeping alive Mr. Gerry's hopes of some pacifick arrangements.

On the 26th of May, Mr. Gerry had a conference with the minister ; pressing on this, as on former occasions, the necessity of sending a minister to the United States, with powers to negotiate ; to which, he says, the minister acceded ; but afterwards explained himself to mean a minister to *reside there after the ratification of the talked-of treaty.*

Such are the proceedings of the French government, by its minister, Mr. Talleyrand, before the arrival of the printed despatches of the Envoys. We discover nothing but a proposition for treating with Mr. Gerry alone—which he had repeatedly declared to be *impossible*—and on terms which Mr. Gerry himself, as well as the other Envoys, had long before pronounced to be utterly inadmissible, because directly repugnant to their instructions. We shall now see, by an examination of Mr. Gerry's subsequent communications, that the publication of the Envoys' despatches, far from causing a discontinuance of negotiations with him, or any change in the disposition of the French government more unfriendly to the United States, incomparably greater zeal for negotiating was exhibited afterwards than before.

On the 30th of May, the minister announces to Mr. Gerry

the publication of the Envoys' despatches. In his letter of the 27th of June, he says this incident only "for a moment suspended the principal object"—the negotiation with Mr. Gerry: and in his letter of June 10th he declares, that "the French government, superior to all the personalities, to all the manœuvres of its enemies, perseveres in the intention of conciliating with sincerity all the differences which have happened between the two countries." On the 18th of June the minister sends him a plan for conducting the negotiations; for the first time states the "three points" on which he says "all negotiations between France and the United States must essentially rest;" and "gives (what he calls) a large development" of them; concluding by pressing him to remain at Paris, to accelerate the negotiation—"the drawing together of those ties which the French Republic and the *true Americans* have regretted to see relaxed."

On the 27th of June the minister again writes to Mr. Gerry, and in language the most importunate, such as had never before been used, urges him not to withdraw, "when the French government, superior to all resentments, and never listening to any thing but justice, manifests itself anxious to conclude a solid and mutually satisfactory agreement." The minister even observes that the first of the "three points" mentioned in his preceding letter (respecting amicable declarations about mutual recriminations) might be postponed—that the third (~~about the consular-convention~~) would doubtless experience no difficulty on either side, after the second should be amicably settled: That it was to the *second* therefore they should first attend; it being so much the more important, as it embraced the source of all the differences between the two nations. And on the 22d of July, the minister renounces all demands of "loans and explanations on the subject of speeches;" and even affects to be hurt that Mr. Gerry should have mentioned them: although both he and his private agents had, before, so long and so obstinately persevered in demanding them of the Envoys, as the indispensable preliminaries to a negotiation. And doubtless it is partly owing to the publication of their despatches, thereby exposing to the world those shameless demands, with the scandalous proposition of the *douceur*, that they are now relinquished.

In adducing these circumstances to show the *increased zeal* of the French government, since the publication of the despatches, to negotiate on its differences with the United States, it is not to be understood, that they afford a shadow of evidence of its sincerity. But as *professions*, verbal or written, furnished the only ground on which Mr. Gerry could form his opinion, that "before the arrival of the despatches of the Envoys, the minister was sincere and anxious to obtain a reconciliation," much more, professions stronger and more importunate, afterwards made, afford proportionably higher evidence of sincerity. But the present details demonstrate that all those professions were merely ostensible. In the minister's last mentioned

About the examination of recriminations

letter, after saying that his "second point" was most important, "as it embraced the source of all the differences," and that to this they should first attend—he purposely forgets it, passes over it, and sends Mr. Gerry a note on the *Consular Convention*, of all possible subjects in difference the most insignificant; as it would have expired by its own limitation in two years and a half; within which time, the commerce of France, judging from its present state of annihilation, would probably not furnish a single ship to visit the ports of the United States. In his next letter, dated July 6th, he pursues his speculations on the *Consular Convention*, and sends Mr. Gerry two more notes upon it; complaining that he had not transmitted to him his opinion upon his first note, and recommending the two last to his attention: although Mr. Gerry had repeatedly and positively declined a *formal discussion*, such as the minister now urged in writing. Mr. Gerry states also that this first note of the minister on the *Consular Convention*, was sent to him six weeks after he had demanded his passport, and when his baggage was actually on board the *Sophia*!

In a word, the more clearly the impossibility of entering on a formal negotiation appeared, the more was it pressed by the French minister. Mr. Gerry in his letter to Mr. Talleyrand of July 20th, as justly as pointedly exposes the boasted zeal of the minister—"You was the first, you affirm, to press seriously the negotiation: you will agree with me that the merit would have been greater, had the measure itself been *feasible*." Again he says to the minister, "You frequently remind me of your exertions [to negotiate] which I am disposed as much as possible to appreciate, regretting at the same time *their circuitous direction*."

From this detail of facts, the following are the necessary conclusions:

That by the exclusive attentions of the minister to Mr. Gerry, the French government intended to excite the jealousy of his colleagues, to promote dissensions between them, to separate him from them, and induce him to remain in France; expecting either to seduce him into a formal negotiation of a treaty, on terms exclusively advantageous to France, and injurious and dishonourable to the United States; or, failing in this, to hold the United States in *suspense*, and prevent any measures for our security—in the event a war; while we, amused and deluded by warm but empty professions of the pacifick views and wishes of France, and by "informal conferences," might wait in spiritless torpor, hoping for a peaceful result: and

That by this course of proceeding—this ostentatious display of zeal to adjust differences, and restore harmony and a friendly intercourse between the United States and France, the French government intended, in case of a rupture, to throw the blame on the former.

It is necessary to make a few observations on the decree of the Executive Directory of the 31st July 1798.

This decree was sent after Mr. Gerry to Havre, and he supposes that the official impediments, which for several days prevented his sailing, are to be ascribed to the minister's desire of sending the decree by him. The minister introduces it as "a part of the measures which he had announced to Mr. Gerry on the 22d of July." In his letter of that date to Mr. Gerry, the minister says, "By information which the government has just received, it indeed learns that violences have been committed upon the commerce and citizens of the United States in the West-Indies, and on their coasts. Do it the justice to believe that it needs only to know the facts, to disavow all acts *contrary to the laws of the Republick and its own decrees*. A remedy is preparing for it and orders will soon arrive in the West-Indies, calculated to cause every thing to return within its just limits." This "remedy" is the decree of the 31st of July.

1. The first article of this decree confines to the special agents of the Directory, the right of issuing commissions to cruisers; and requires these to conform themselves to all the laws relative to cruising and prizes, and especially to those of the 1st of October 1793. Although the injunction to conform to *all the laws* of the Republick relative to cruising was ominous, as the *laws* most recently promulgated and best known were themselves the sources of the depredations and evils of which we complained; yet not imagining that a decree introduced with so much solemnity, of which one copy was sent to Mr. Gerry, another to the American Consul General at Paris, and a third to Mr. Létombe, late Consul General of France—all to be communicated to the Executive of the United States, and all of which have been received—could be *a mere parade of words*, I was disposed to conclude that the law of the 1st of October 1793, to which all cruisers were *especially* enjoined to conform, might contain regulations that would afford some relief from French depredations. By the favour of Mr. Létombe, I obtained a copy of that law; and to my astonishment found its object, conformably to its title, was "To determine the mode of dividing prizes made by French vessels on the enemies of the Republick."* And the only restriction, in this lengthy law of six-and-forty articles, imposed on the individuals, officers and all others, composing the crews of their armed vessels is, "that they shall not sell beforehand their eventual shares of prizes."

2. The second article declares that all commissions granted by the agents in the French colonies in America, to fit out

* "DECRET de la Convention Nationale du 1. 8 bre 1793, l'an 2d de la Republique Francaise,

Que détermine le mode de Répartition des prises faites par les vaisseaux Francois sur les ennemis de la Republique."

vessels for cruisers, or for war and commerce, shall be void in thirty days after the publication of the decree in those colonies.

It has been supposed that by this regulation the agents may gather a fresh harvest of fees for new commissions; and that this would be its only effect. The agents however had before taken care of this; they had been accustomed to limit the duration of privateers' commissions; and if they continued to cruise after their expiration, such privateers should have been considered as destitute of commissions, and consequently if they made any captures, as pirates:—But the agents knew their interest better: they did not punish the piratical captors—they did not declare their captures void, and restore the property to the neutral owners—but, declaring such captors to have no title to the captured vessels and cargoes, took the whole to themselves. A remarkable instance occurred in the last year, in the case of the East-India ship *New Jersey*, belonging to Philadelphia, to redeem which, the owners have paid to GENERAL HEDOUVILLE, *Special Agent* of the *Executive Directory* in St. Domingo, upwards of two hundred thousand dollars in cash. Whether any, and what portion of such prize-money goes into the chest of the Republic, I am not informed.

3. The third article declares that all agents and other deputies in the *neutral possessions*, appointed to decide there on the validity of prizes taken by the French cruisers, and who shall be suspected of having a direct or indirect interest in the cruisers, shall be immediately recalled.

It is remarkable that this article, apparently designed to correct the monstrous abuse of publick officers sitting in judgment in their own causes, should be limited to such of the French agents and their deputies as were appointed to reside in *NEUTRAL places*. I do not know that an instance of the kind exists. For although the French privateers and their prizes find asylums in the Swedish and Danish islands, yet the papers are carried thence to Guadaloupe, and there the captured vessels receive their doom, under the superintendance of another *special agent* of the *Executive Directory*, VICTOR HUGUES. And even the captured American vessels carried into the West-India ports of Spain and Holland, do not there receive sentence: these cases are decided by the agent or his deputies, or other French tribunals, established in the island of St. Domingo, frequently, if not generally, in the absence of the masters and supercargoes. The French agents and judges find no difficulty in this mode of proceeding; justice being administered with more *facility* and *despatch* when only one of the *parties* is present at the trial; especially when the agents or other judges are interested in the privateers; and this the present decree impliedly allows; the penalty of "recall" being applicable, as above suggested, to such agents only as reside in *neutral places*, if any such there be.

It is also remarkable, that this decree, which was to give the

United States a proof of the justice of the French government (a government, Mr. Talleyrand says "never listening to any thing but justice,") and of its desire of a reconciliation with the United States, should be limited to the *West-Indies*, when as great, if not as numerous abuses were practised by French agents and tribunals in Europe, and even France itself, as in her remote possessions. This too many of our citizens well know. For captures and condemnations are not the less *abuses*, because made under the colour of *municipal* laws and decrees which directly violate treaties, the law of nations, and the plainest principles of justice. At present I shall only mention, that in a report made by Major Mountflorencia, chancellor of the American consulate at Paris, to General Pinckney, in December 1796, and which was laid before Congress in May 1797, he states, "That the tribunals of commerce in every port of France, take cognizance, in the first instance, of every matter relative to captures at sea;" and "these tribunals (he adds) are chiefly composed of merchants, and most of them are, directly or indirectly, more or less interested in the fitting out of privateers; and therefore are often concerned in the controversies they are to determine upon."

4. The fourth article requires the special agents of the Executive Directory at Cayenne, St Domingo, and Guadaloupe, studiously to take care, that the interests and property of vessels, belonging to neutrals and allies, be scrupulously respected.

We have too long witnessed the studious and scrupulous care of these gentlemen respecting the property of neutrals and allies, and experienced its ruinous consequences; and as the same laws which authorized that "care" remain in force, and with a fresh injunction of a strict conformity to them, we can expect only a continuance of the same abuses.

5. The fifth article enjoins the special agents of the Executive Directory, consuls and all others invested with powers for that purpose, to cause to be arrested and punished all who shall contravene the provisions of the present decree.—Unfortunately, these special agents, consuls, and their deputies, are themselves the *aggressors*, and justify their proceedings under the laws of the Republic and the decrees of the Executive Directory.

This analysis of the present decree manifests its futility; and, with some remarks on its preamble, will demonstrate it to be a bold imposture; intended to mislead the citizens of the United States into a belief that the French government was going to put an end to the depredations of French cruisers on American commerce; while the means proposed are so gross as to be an insult on our understandings.

The preamble to the decree sets forth, "that information, recently received from the French colonies and the continent of America, leaves no room to doubt that French cruisers, or such as call themselves French, have infringed the laws of the Republic relative to cruising and prizes;" and "that foreigners and pirates have abused the latitude allowed at Cayenne and

the West-India islands, to vessels fitted out for cruising, or for war and commerce, in order to cover with the French flag their extortions and the violation of the respect due to the law of nations, and to the persons and property of allies and neutrals." And Mr. Talleyrand, in one of his letters before noticed, dated the 22nd of July last, speaks of this information as having been "just received."

But what has been more notorious than French depredations on neutral, and especially on American commerce, in violation of treaties and the law of nations? These have been coeval with the existing war in Europe; but were multiplied under the loose decree of the Executive Directory passed the second of July, 1796, declaring that "the flag of the French Republick will treat neutral vessels, either as to confiscation, to searches, or to capture, in the same manner as they *shall* suffer the English to treat them."

This decree committed the whole commerce of neutrals, in the first instance, to the rapacity of French privateers, and then to the discretion of their agents, consuls and tribunals. These had only to say, truly or falsely, that the English treated neutrals in any given way, and then they were to treat them in the same manner. Accordingly we have seen Santhonax and Raimond, commissioners of the French government in St. Domingo, in their adjudication of an American vessel, on the 10th of January, 1797, declare, "that the resolution (or decree) passed by the Executive Directory, on the 2d of July, 1796, prescribes to all the armed vessels of the Republick, and the armed vessels belonging to individuals, to treat neutral vessels in the same manner as they suffer the English to treat them;" and "that it is in consequence of the above resolution of the Executive Directory, and in consequence of the manner in which the English government in the Antilles *treats* neutral vessels, that the commission passed their resolution of the 7th of January, by which they declare all neutral vessels bound to or from English ports, to be legal prize." From these facts, and the tenour of the decree itself, we can form but one conclusion, *That it was framed in such indefinite terms, on purpose to give scope for arbitrary constructions, and consequently for unlimited oppression and vexation.*

But without waiting for this decree, the commissioners of the French government at St. Domingo began their piracies on the commerce of the United States: and in February 1797, wrote to the Minister of Marine (and the extract of the letter appeared in the official journal of the Executive Directory of the 5th of June) "That having found no resource in finance, and knowing the unfriendly dispositions of the Americans, and to avoid perishing in distress, they had armed for cruising; and that already 87 cruisers were at sea; and that for three months preceding, the administration had subsisted, and individuals been enriched, with the product of those prizes."—"That the decree of the 2d of July was not known by them

until five months afterwards. But (say they) the shocking conduct of the Americans, and the *indirect* knowledge of the *intentions* of our government, made it our duty to order reprisals, even before we had received the official notice of the decree." "They felicitate themselves that American vessels were daily taken; and declare that they had learnt, by divers persons from the continent, that the Americans were perfidious, corrupt, the friends of England, and that therefore their vessels no longer entered the French ports, unless carried in by force."

After this recital, before the council of 500, Pastoret makes the following remarkable reflections:

"On reading this letter, we should think that we had been dreaming; that we had been transported into a savage country, where men, still ignorant of the empire of morals and of laws, commit crimes without shame and without remorse, and applaud themselves for their robberies, as Paulus Æmilius or Cato would have praised themselves for an eminent service rendered to their country. Cruisers armed against a friendly nation! Reprisals, when it is we ourselves who attack! Reprisals against a nation that has not taken a single vessel of ours! Riches acquired by the confiscation of the ships of a people to whom we are united by treaties, and whom no declaration of war had separated from us!"—"The whole discourse of the agents may be reduced to these few words: 'Having nothing wherewith to buy, I seize; I make myself amends for the property which I want, by the piracy which enriches me; and then I slander those whom I have pillaged.'—"This is robbery justified by selfishness and calumny." Yet *Santhonax*, one of these "robbers," and the chief of those Directorial agents, continued in office, and going a few months afterwards from Saint Domingo to France, was received as a member into one of the Legislative Councils.

Pastoret also adverts to a letter from *Merlin*, then minister of Justice, and now a member of the Executive Directory, to Mr. Skipwith, Consul General of the United States, which also appeared in the Journal of the Directory; and quotes the following passage: "Let your government break the inconceivable treaty which it concluded on the 19th of November 1794, with our most implacable enemies; and immediately the French Republick will cease to apply in its own favour the regulations in that treaty, which favour England to the injury of France; and I warrant you that we shall not see an appeal to those regulations, in any tribunal, to support *unjust pretensions*." "Have I (says Pastoret) read this rightly? *unjust pretensions*! Could it be possible that they should thus have been characterized by the minister who, is himself their agent and defender?"

After all, this "inconceivable British treaty," was itself but a *pretext* to countenance the "unjust pretensions," as Merlin himself calls them, used by the French government in its tribunals, for the purpose of condemning American vessels.

The details I have already given prove it. I beg leave to adduce other evidence. It is the testimony of Mr. Barlow, an American by birth, but for several years past a citizen of France, a man of acknowledged discernment and talents, devoted to the French Republick, and intimate with their leading men. Mr. Barlow has long resided at Paris, and cannot have mistaken the views of the French government, nor the motives of its conduct. Mr. Barlow's letter dated at Paris the first of March, 1798, to his brother-in-law Mr. Baldwin, has deemed the writer to infamy: yet when it describes the principles and conduct of the French Republick, it merits attention. He says, "that act of submission to the British government, commonly called JAY's treaty, is usually considered, both by its friends and enemies, as the sole cause, or at least the great cause of the present hostile disposition of the French Republick towards the United States. This opinion (says he) is erroneous." He then proceeds to an enumeration of a variety of matters which he says have influenced the conduct of France. But the most provoking, and the most unpardonable of all the offences of the United States against France, was, fortunately, not an act of the government, but an act of the people. The freemen of the United States, "the true Americans," dared to exercise their independent rights, and contrary to the wishes of the French government and the endeavours and practices of its minister Adet, elected Mr. ADAMS to the office of President. Mr. Barlow's observations on this event further develop the character and the principles of that government. He says, "when the election of ADAMS was announced here, it produced the order of the 2d of March,* which was meant to be little short of a declaration of war:" "the government here was determined to *steer* you of your property, to a sufficient degree to bring you to your feeling in the only nerve in which it was pronounced your sensibility lay, which was your pecuniary interest." And what was this "feeling" to produce? The answer is obvious—*Submission to the will of the French Government.* The mystery of French politicks is here unveiled. The United States *did not submit*: Hence the non-reception of her envoys, and their haughty treatment: Hence the insulting demands of tribute as a preliminary even to their reception; and hence the expulsion of two of them from France:

But to return to the Decree of the Executive Directory of the 31st of July last.

I have already shown that the mass of depredations on the commerce of the United States, under the French flag, of

* It will be recollected that this is the Decree of the Executive Directory, ordering the capture and condemnation of American vessels, not having a *role d'équipage*—that fruitful source of plunder to Frenchmen, and of ruin to American citizens; and which also declared all American seamen, making a part of the crew of enemies ships, even when put on board them by force, to be *pirates* and directed them to be treated as such.

which we so justly, complain, are not those committed, as the Directory in their preamble insinuate, by "foreigners and pirates" but by French armed vessels commissioned by the government or its agents; or whether commissioned or not, whose acts in capturing American vessels receive the sanction of French Consuls, of French Tribunals, and of the special agents of the Directory. I have shown that the laws of France and the Directorial Decrees, are themselves the sources of those violations of treaties and the law of nations, which have caused such immense losses to the citizens of the United States. And to the proofs already offered, that the information of such aggressions and abuses, particularly in the West Indies, and on the coast of America, was not, as the preamble suggests, but "recently received." I may add, that their "special agents" authorized those depredations and violations of the law of nations, by decrees assuming the laws of the Republick, or the acts of the Executive Directory, for their bases—by decrees printed and published, and undoubtedly from time to time reported by those agents to the Directory itself. Further, these outrages on the American commerce have for years past been the theme of every tongue, and filled columns in our newspapers—those newspapers which Mr. Barlow says, "the office of Foreign Affairs (at Paris) regularly receives." I will conclude this point with the testimony of Mr. Letombe, late Consul General of the French Republick, and still residing in Philadelphia. He has long since, and repeatedly assured me, that he collected all those accounts of depredations and outrages committed by French privateers, and transmitted them to his government at Paris.

In relation to the depredations and outrages committed by the French on the commerce of the United States, I have said that as *great*, if not as *numerous* abuses were practised by the French in Europe, and even in France itself, as in her remote possessions: and that this fact was but too well known to our citizens, who had felt severely their effects. Among these we have seen the case of the ship Hare, captain Hayley; but never in all its disgusting features. With this I will close my observations on the preamble of the Directorial decree of the 31st July.

Extract of a letter from Rufus King, Esq. minister of the United States in London, dated September 3, 1798, to the Secretary of State of the United States.

"The pretence for this *arreté* [the decree of the Directory of July 31st] is of a piece with the vindication of Talleyrand respecting X. Y. and Z and the justice and sincerity of the Directory should be ascertained, not by their word, but by the following cotemporaneous fact."

"Hayley, an American citizen, master of the American ship Hare, lying in the port of London, laden with a rich cargo, the property of Americans, and bound to New York, went with my

passport from London to Paris, where, in a personal interview, not with the agents of the minister of marine, but with *the minister himself*, he disclosed his plan of bringing the ship Hare and her cargo into France; and to enable him to receive the profits of the fraud, without risking the punishment of piracy, he demanded and received from the minister of marine, a commission naming him the commander of a privateer that did not exist; with which in his pocket, he returned to London; and soon after carried the ship Hare and her cargo as a prize into France.

"The ship and cargo were both claimed by the American owners; and upon the unveiling of this infamous proceeding before the lower tribunals, the judges hesitated; and finally refused to sanction so unheard of a fraud; though instead of restoring the property to its lawful owners, they on some frivolous pretence adjudged both ship and cargo to be good prize to the nation—Lately the tribunal in the last resort, upon the appeal of Hayley, has reversed the judgment of the lower court, and "decreed the ship and cargo to be condemned as good prize to this renegade."

"If a transaction more grossly corrupt and infamous has occurred in the West-Indies—I have not heard of it; and yet with this case of unequalled infamy and corruption before them, sanctioned by the highest tribunals of the nation, the Directory expect to amuse us with a disavowal of the conduct of a few subaltern agents, in a remote part of their dominions!!!"

Besides the communications from Mr. Gerry, I have received from Fulwar Skipwith, Esq. consul-general of the United States at Paris, three letters dated the 4th, 8th and 22d of August, copies of which and of the papers therein referred to, are herewith presented, excepting the decree of July 31st, which appears among the communications from Mr. Gerry. Mr. Skipwith's letter of August 22d, with its enclosures, was delivered to me by Doctor Logan; I had previously received the original, which had been brought over by Mr. Woodward of Boston.

DOCTOR LOGAN having been the bearer of the last mentioned communications from the French government, and his EMBASSY having not only engaged the attention of the publick, but been made the subject of debate in Congress, I trust it will not be deemed improper to introduce into this report some circumstances respecting it.

On the 12th of November the Doctor came to me at Trenton—he advanced with eagerness, and handed me the packet from Mr. Skipwith. On examining its contents, I told the Doctor that I already possessed the same papers. I made some remarks on the decree of the Directory of the 31st of July, to show that it was only ostensible and illusory; and that it would not give any relief to the commerce of the United States. The Doctor, not contesting my arguments or opinion, said that more was intended to be done; but that the Directory could not accomplish it of themselves; seeing it depended on the *laws*

which the *legislative councils* alone could change. I answered, that this was easy to be done—that as the Directory, on the 18th Fructidor (Sept. 4th, 1797) had garbled the two Councils, and banished some and dismissed others of the best members—all who were firmly opposed to their views, and as on the new elections to supply the vacancies and the new third of the Councils, the Directory sent home every new member who was not agreeable to them—every body must see that the Directory had but to declare its *will* and it would be obeyed. The Doctor said, That the Directory was very well disposed towards the United States, and desired a reconciliation; that they would promote a revision of the laws in regard to privateering, so as to put the rights of neutral nations on a just footing: but that it would take some time to bring this about. “*the people concerned in privateering having gained a very great influence in the two Councils!*”———!———! Is it necessary to inquire how this “very great influence” has been obtained? are the leading members owners of privateers? Or do they receive their shares of prize-money from those who are? Do the legislative councils really act independently of the Directory? Or does the same “influence” actuate both?—The printed despatches of our Envoys, under the date of October 29, 1797, state, on the information of Mr. Talleyrand’s private agent X. that Merlin, one of the members, and now or late president of the Directory, was to receive no part of the *douceur* demanded of the Envoys, *because he was paid by the owners of privateers*, and in respect to the *loan* then demanded, on which subject it was suggested that one of the Envoys should go to America, to consult the government, the Envoys “asked Mr X. if in the mean time the Directory would order the American property not yet passed into the hands of the privateersmen, to be restored? He said explicitly that they would not. The Envoys asked him whether they would suspend further depredations on our commerce? He said they would not:—but Mr. Talleyrand observed that on this subject we could not sustain much additional injury, because the winter season was approaching when few additional captures could be made.” Here we see our Envoys inquiring—not whether the *two councils* would suspend those depredations—but whether the *Directory* would do it: and Mr. Talleyrand’s agent X. without intimating that the Directory *wanted power*, or that they could only “endeavour to provoke in the legislature, a revision of their maritime laws”—answered peremptorily, *that the DIRECTORY would not suspend the depredations*. The truth is, that it was an act of the *Directory alone*, (their decree of the 2d of March 1797) which authorized and produced more extensive depredations on the commerce of the United States than any other decree or law of the French Republick. To effect a repeal of that decree, no application to the Legislative Councils could be necessary. They could also have repealed another of their own decrees, that of the 2d of July 1796, which subjected neutral property, and particularly that of American citizens, to

the discretion of their consuls and cruisers in the European seas, as well as of their privateers and agents in the West-Indies, and on which these agents have founded other numerous decrees, which have occasioned those shocking depredations and abuses there and on the coast of the United States, which the Directory by their decree of the 31st of July last affect to restrain.

When the Executive Directory wished to enlarge the field of depredations on neutral commerce, and on the fourth of January, 1798, proposed to the two councils the project of the iniquitous law "to declare to be good prize every vessel and her cargo, to whomsoever belonging, if any part of the cargo came from England or her possessions"—there was a ready obedience. "The Directory thinks it *urgent* and necessary to pass the law." The plan of a decree is reported to the Council of 500 on the 11th; and "urgency" being declared, is immediately and unanimously adopted. It goes to the Council of Ancients—that council approves the act of "urgency;" and on the 18th of January the project of the Directory becomes a law.

This law was necessary for the French government: so many American vessels had been entrapped by the Directory's decree of March 2d, 1797, requiring the *rôle d'équipage*, that the residue were now generally provided with that paper: some new pretext was therefore requisite for "fleeing" the people of the United States of their property: and an ordinance of one of the kings of France, made near a century past, having declared lawful prize, the vessels and their cargoes in which was found English merchandise *belonging to enemies*,—the Directory declare that the provisions of this ordinance *ought to be extended*, to comprehend the vessels and cargoes of *friends*; that is, of allied and neutral nations. The Directory knew that the United States, whose inhabitants were chiefly *cultivators*, required a greater supply of English manufactures than any other neutral country of equal population; and those manufactures too, were, from the course of American commerce, combined with almost all our mercantile operations, and pervaded entirely our great coasting trade. Hence it is evident that this law was chiefly aimed at *them*.

It will be remembered also, that this law was passed while our three envoys were at Paris, where they had passed three months unheeded by the French government, except by its indignities—and where they had in vain solicited to be heard on the just claims of our citizens, plundered and ruined under the former decrees of the Republic. This time was preferred, in order to add insult to injury. The envoys had firmly resisted her demands of loans and *douceurs*; and when speaking of their *country*, dared to intimate, that it was *independent*; it was therefore requisite, on the French system, to "chastise," as well as to "fleece" it.

In closing this subject, it will be proper to notice an assor-

tion of Mr. Talleyrand in a conversation with the envoys on the 3d March, 1798. In reply to some observations of his respecting the proofs of friendship required by France from the United States, general Pinckney observed, "that the envoys being in France was a proof of the friendly disposition of our government; and that while they were there, the French government had passed a decree for seizing neutral vessels having on board any article coming out of England; which in its operation would subject to capture all our property on the ocean. Mr. Talleyrand replied, *that this was not particular to us, but was common to all the neutral powers.*" This assertion of Mr. Talleyrand is not true. Although the decree in its *terms is general, and applicable to all the neutral powers, yet in its operation, it was not designed to be, and has not been so applied*—it has not touched a vessel of Prussia. The motives to this exemption are obvious: France wished not by irritating Prussia, to add so powerful a nation, and one so near at hand, to the number of her enemies, while her peace with Austria remained precarious. But this exemption of Prussian vessels from the operation of a *general law*, merits particular notice. It demonstrates that there exists in the French Republic a *dispensing power—a power above the laws—a power which can prevent their execution*: and it is alike demonstrable that this sovereign controlling power can exist, and in fact does exist, in the Executive Directory. It might then, if the Directory desired it, be exercised in the exemption of *American* as well as *Prussian* vessels: but the Directory do not desire it: we have not yet been sufficiently "fleece'd" and "chastis'd."

Mr. Skipwith's letter of the 4th of August enclosed the decree of the Executive Directory already noticed, passed the 31st of July, respecting French depredations in the West Indies and on the coast of the United States. His letter of the 8th of August enclosed Mr. Talleyrand's letter to him of the 6th, respecting that decree in which it is plain that the minister supposes the world, and particularly the United States, will be amused by that illusory device, and imagine that it was intended to stop abuses, and give security to neutral commerce.

Mr. Skipwith's letter of the 22d of August covers another letter from Mr. Talleyrand, dated the 20th of August, in which he encloses copies of two letters from the minister of marine respecting American seamen who had been imprisoned. When in July last an embargo was laid on the American merchant vessels in the ports of France, the agents of the marine took out their crews and threw them into prison; thus hazarding the loss of the vessels, and injuring the men by confinement and the bad provisions of their jails. These seamen were ordered to be released. The other letter from the minister of marine required that no injury should be done to the safety and liberty of the officers and crews of American vessels *found to be in order*, nor to passengers and other citizens of the United States having passports and protections.

The same letter from Mr. Skipwith enclosed the copy of a decree of the Directory passed the 16th of August, for taking off the embargo, laid a month before on American vessels.

The decree itself occupies but two lines: but its preamble is extended, for the purpose of insulting the *government* of the United States, when an act of common justice was done to some of their *citizens*; by insinuating that the *government* was "abandoned to the passions of the British cabinet." This, however, is but the repetition of a calumny familiar in French diplomacy, respecting other nations as well as our own. Barras, President of the Directory, in his valedictory address to Mr. Monroe, declared that "France would not abase herself by calculating the consequences of the condescension of the American *government*, to the suggestions of her former tyrants:" professing at the same time great "esteem for the American *people*." Mr. Adet had before charged the American *government*, with a "*perfidious* condescension to the English;" and after making his last communications to the *government*, he, by their immediate publication under his orders, *appealed* from the *government* to the *people* of the United States. Yet Mr. Talleyrand says, that the French government has indeed "complained of the American government, but to the *government itself*;" meaning to have it understood, though carefully avoiding the expression, that it had complained to the *government alone*. With the like sophistry he attempts to evade our well founded allegations, that the French government has made reproachful and injurious distinctions between the *government* and *people* of the United States, endeavouring to *separate* the latter from the former. He says "it is utterly *false*, notwithstanding the *publick* and private insinuations which have been made, in private writings and in solemn acts, that the French government has ever sought to detach the people of the United States from the *constitution they have given themselves*." Such a charge against the French government has not, that I know, ever been made by the American government: but we have accused them, and *truly*, with endeavours to detach the *people* of the United States from the *government* chosen by themselves to *administer* that constitution: and this the minister does not attempt to deny. The Directory would perhaps be contented that the *people* should retain the *forms* of "the constitution they have given themselves," and to which they are attached, provided they would elect to administer it, men devoted to France, and ready to obey the intimations of her will. And because the *people* have not been thus obsequious, but have dared to make a different election,—the French government has expressed its "terrible" resentment. Mr. Barlow has assured us, in the passage already cited from his letter, that for this single act of the *people* of the United States, in exercising freely their right of election, the Directory passed a decree "which was meant to be little short of a declaration of war;" by which it "was determined to *seize* the people of their property:" certainly in

expectation that, by touching their feeling in that "nerve," they would be induced, *in order to save their property*, to submit implicitly to the government of France. Failing in this attempt the French government made another, in the decree of the 18th of January, 1798, which though *general in its terms*, I have shown to have been levelled *directly and chiefly* at the commerce of the *United States*. And this at the time (as I have before remarked) when three envoys extraordinary were waiting, month after month, and most respectfully soliciting to be heard, and to enter on the discussion of all the subjects of difference between the two countries; and among those, on the French depredations on our commerce. Yet Mr. Talleyrand has the confidence to assert, and to Mr. Gerry too, one of those envoys, that the French government "never refused and never will refuse to enter into discussion upon every proper subject?" Does the minister mean that *those depredations* are not "a proper subject of discussion." Yes, with respect to a vast proportion of them. Mr. Y. his private agent, explicitly told our envoys, that the condemnations of vessels for want of the *role d'équipage* were not to be questioned; "that being a point on which *Martin* while minister of justice had written a treatise, and on which the Directory were decided."

It is fit here to recollect another and a peremptory refusal of the French government, "to enter into discussion" upon the subjects of difference between France and the United States.

General Pinckney, appointed the Minister Plenipotentiary of the United States to the French Republick, went to Paris in the autumn of 1796. There was at first (as in the case of the Envoys Extraordinary in 1797) a show of receiving him: but soon the scene was changed; and he was not only refused a hearing, and after bearing a thousand indignities, ordered to leave France; but the predecessor of Mr. Talleyrand, Charles De La Croix, in a letter to Mr. Monroe, intended to be communicated to Gen. Pinckney, declared, (being specially charged to do so by the Directory, and Mr. De La Croix repeated the declaration to Gen. Pinckney's Secretary) "That it will not acknowledge nor receive another Minister Plenipotentiary from the United States, until after the redress of the grievances demanded of the American government, and which the French Republick has a right to expect from it." To this resolution we have seen the Directory adhere; and we have also seen, in the demands it made to our Envoys Extraordinary, as the *indispensable preliminaries* to any negotiation, what it meant by a "redress of grievances," prior to the reception of a minister from America: it consisted in a *douceur* for the pocket of the Directors and Ministers—in the purchase at par of thirty-two millions of Dutch *Securities*, then worth but half that sum—and in *loans* as immense and indefinite as their depredations on our commerce.

The same letter from the French minister De La Croix to

Mr. Monroe, affords another proof of the aim and endeavours of the French government to *separate the people* from the government of the United States. In the sentence next following the above quoted passage, Mr. De La Croix says, "I pray you to be persuaded, citizen minister, that this determination having become necessary, allows to subsist between the French Republick and the American *people* the affection founded upon former benefits and reciprocal interests."

If I were to allow myself to make any further reflections on the conduct of France towards the United States, it would be to illustrate the truth of Mr. Barlow's assertion, *that the French government determined to FLEECE us*. If the French government "listened (as Mr. Talleyrand says it does) to nothing but justice," and really desired a reconciliation, it would have proposed to *fix some measure of satisfaction* for the injuries it said it had received. Or if too proud to propose to us, at least it would have prescribed to itself, some limit to *reprisals*: or at any rate, it would not have spurned us from its presence, when we respectfully presented ourselves, sought a réconciliation, and offered to make a just satisfaction for every injury we had committed. And if (as Mr. Talleyrand asserts) "the French government has not ceased to offer the exact justice it demands," it would also have permitted us to state our claims.—But it would have been so easy to ascertain all the damages we had done; and their amount would have been so small; even if we agreed to pay for all English, Spanish and Dutch vessels brought by French cruisers into our ports, while all those nations were at war with France—a few of which the justice of the federal courts, *in vindication of the sovereignty of the United States*, rescued from the hands of the French Consuls, Agents and Privateersmen; and if to that amount we also added ten times the value of the miserable corvette *Le Cassius*, a vessel which had been unlawfully fitted out for war in the United States, but which has been the burden of every note from Adet's in 1795, to De la Croix's and Talleyrand's in 1796 and 1798, the amount of the whole, it was known, would be so *small*—the French government did not choose to have it *ascertained*: for then the injuries done by the French to the commerce of the United States must also have been examined and adjusted: and when adjusted, *payment* must have been made or stipulated: but in this, the French government, doubtless thought "it would find only a real disadvantage:" the amount of its own demands deducted from those of America, would hardly seem to have diminished the latter.

Such a mutual adjustment would also have been accompanied with a settlement of all questions and disputes about the construction of treaties, and all other subjects of difference: But in this also the French government, upon its own system, "would have found a real disadvantage." For it would have vastly reduced the field for privateering in the European seas;

and in the West-Indies it would have been nearly annihilated: for there, for every vessel taken from the *enemies* of France, her cruisers have probably captured twenty belonging to the *United States*. But the French government, by always abstaining from making specific demands of damages—by refusing to receive our ministers—by at length proposing to negotiate in a mode which it knew to be impracticable,—with the person who had no powers, and who therefore constantly refused to negotiate—and thus wholly avoiding a negotiation—it has kept open the field for complaints of wrongs and injuries, in order, by leaving them undefined to furnish pretences for unlimited depredations.—In this way “it determined to *fleece* us:” In this way it gratified its *avarice and revenge*—and it hoped also to satiate its *ambition*. After a long series of insults unresented, and a patient endurance of injuries aggravated in their nature and unexampled in their extent—that government expected our final submission to its will. Our resistance has excited its surprise; and as certainly increased its resentment. With some soothing expressions, is heard the voice of wounded pride. Warmly professing its desire of reconciliation, it gives no evidence of its sincerity; but proofs in abundance demonstrate that it is not sincere. From standing erect, and in that commanding attitude requiring implicit obedience,—covering, it renounces some of its unfounded demands. But I hope we shall remember “that the tyger crouches before he leaps upon his prey.”

TIMOTHY PICKERING.

Department of State, January 18, 1799.

Department of State, January 24, 1799.

SIR,—Since the printing of my report on French affairs, having noticed an error in the 20th page, which led to another in the 21st, I have represented the same to the President of the United States, who has directed me to communicate the same to you, for the information of the Senate.

In page 20,* lines 10 and 11, from the bottom—instead of the words in the parenthesis (about the Consular Convention) should have been inserted the words (about the examination of reciprocal damages.)

In page 21,* beginning in the 21st line, after the word *ostensible*, the next sentence should read thus: In the minister's last mentioned letter after saying that his “second point” (to fix the meaning of the treaties between the two countries) was most important, “as it embraced the source of all the differences,” and that to this they should first attend—he purposely passes by the most interesting questions which it involves, and sends Mr. Gerry a note on the *Consular Convention*, of all possible subjects in difference the most insignificant; &c.

I have the honour to be, &c. TIMOTHY PICKERING.

The Hon. the President of the Senate
of the United States.

[* See page 399 of this vol. 24th line, and last line.]

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
JAN. 28, 1799.

AN edict of the Executive Directory of the French Republick of the 29th of October, 1798, enclosed in a letter from our minister plenipotentiary in London of the 16th of November is of so much importance that it cannot be too soon communicated to you and the publick.

JOHN ADAMS.

Extract of a letter from Rufus King, Esq. Minister Plenipotentiary of the United States at London, to the Secretary of State, dated November 16, 1798.

— “THE annexed arrete would appear extravagant and incredible, if it proceeded from any other authority; but mankind is so accustomed to the violence and injustice of France, that we almost cease to express our surprise and indignation at the new instances that she continues to display.”

The Executive Directory, upon the report of the Minister of Foreign Relations, considering that the fleets, privateers and ships of England and Russia are in part equipped by foreigners—

Considering that this violation is a manifest abuse of the rights of nations, and that the powers of Europe have not taken any measures to prohibit it. Decrees,

1st. Every individual, native (ou originaire) of friendly countries, allied to the French Republick or neutral, bearing a commission, granted by the enemies of France, or making part of the crews of ships of war and others, enemies, shall be by this single fact declared a pirate, and treated as such, without being permitted in any case to allege that he had been forced into such service, by violence, threats or otherwise.

2d. The Executive Directories of the Batavian, Ligurian, Cisalpine and Roman Republicks shall be instructed to this effect.

3d. The provisions contained in the first article shall be notified to those powers which are neutral or allied to the French Republick.

4th. The Minister of Exterior Relations is charged with the execution of the present arrete which shall be printed in the Bulletin of the laws.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE HOUSE
OF REPRESENTATIVES. FEB. 15, 1799.

IN pursuance of the request in your resolve of yesterday, I lay before you such information as I have received touching a suspension of the arret of the French Republick communicated to your House by my message of the 28th of January last. But if the execution of that arret be suspended, or even if it were repealed, it should be remembered that the arret of the Executive Directory of the 2d of March, 1797, remains in force; the third article of which subjects explicitly and exclusively American seamen to be treated as pirates, if found on board ships of the enemies of France.

JOHN ADAMS.

Extract of a letter from Rufus King, Esq. Minister Plenipotentiary, &c. to the Secretary of State. London, Nov. 26, 1798.

ANNEXED I send you a copy of a note from Lord Grenville, respecting the French arrete transmitted to you with my No. 9. A late French paper contains a second arrete which postpones the execution of the first.

Lord Grenville to Mr. King.

THE undersigned, his majesty's secretary of state for foreign affairs, has the honour of communicating to Mr. King, minister plenipotentiary for the United States of America, for the information of his government, that by a decree published officially at Paris, it appears to have been declared in the name of the French Directory, that every person being a native of or originally belonging to neutral countries, or to such as are in amity and alliance with the French Republick, who shall bear any commission under his majesty; or who shall form a part of the crews of any British ships of war or other vessels, should, on the proof of that fact alone, be considered and treated as a pirate, and that it has been ordered that this resolution shall be notified to the neutral powers and to those in alliance with France.

Even this decree, contrary as it is to the usages of every civilized nation, cannot excite any surprise, as proceeding from those in whose name it has been published. To the different powers who are thus insulted, and whose innocent subjects are exposed to the most cruel treatment on the part of a government professing friendship or alliance with them, his majesty must leave it to adopt such measures as they will, without doubt, judge necessary, in the case of an outrage hitherto unexampled in the history of the world.

The king however feels, that protection is also due from him to those who sail under his flag, either in his majesty's ships of war or in other British vessels; his majesty has therefore not hesitated to direct it to be signified to the commissary for French prisoners in Great Britain, that the first instance of the execution of this decree, shall be followed by the most rigorous retaliation against the French prisoners whom the fortune of war has already, or may hereafter place at the king's disposal.

It would certainly never be but with extreme reluctance that the king could yield to the painful necessity of exposing so many unfortunate individuals to the fatal but inevitable effects of this atrocious decree; but his majesty will have at least the satisfaction of feeling that nothing has been omitted on his part to prevent its execution, and that the authors of it can alone be considered responsible for all its guilt and all its consequences.

GRENVILLE.

Downing Street, Nov. 27, 1798.

SPEECH

OF THE PRESIDENT OF THE UNITED STATES, OPENING CONGRESS, DECEMBER 3, 1799.

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

It is with peculiar satisfaction, that I meet the sixth Congress of the United States of America.—Coming from all parts of the Union, at this critical, and interesting period, the members must be fully possessed of the sentiments and wishes of our constituents.

The flattering prospects of abundance, from the labours of the people, by land and by sea; the prosperity of our extended commerce, notwithstanding interruptions occasioned by the belligerent state 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; demand of the whole American people, sincere thanks to a benevolent Deity, for the merciful dispensations of his Providence.

But, while these numerous blessings are recollected, it is a painful duty to advert to the ungrateful return, which has been made for them, by some of the people, in certain counties of Pennsylvania, where, seduced by the arts and misrepresentations of designing men, they have openly resisted the law, directing the valuation of houses and lands. Such defiance was given to the civil authority as rendered hopeless, all further attempts, by judicial process, to enforce the execution of the law; and it became necessary to direct a military force to be employed,

consisting of some companies of regular troops, volunteers, and militia, by whose zeal and activity, in co-operation with the judicial power, order and submission were restored, and many of the offenders arrested. Of these, some have been convicted of misdemeanors, and others, charged with various crimes remain to be tried.

To give due effect to the civil administration of government, and to ensure a just execution of the laws, a revision and amendment of the judiciary system is indispensably necessary. In this extensive country, it cannot but happen, that numerous questions respecting the interpretation of the laws and the rights and duties of officers and citizens, must arise. On the one hand, the laws should be executed; on the other individuals should be guarded from oppression: neither of these objects is sufficiently assured, under the present organization of the judicial department, I therefore earnestly recommend the subject to your serious consideration.

Persevering in the pacifick and humane policy, which had been invariably professed, and sincerely pursued by the executive authority of the United States; when indications were made, on the part of the French Republick, 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 honour of our country dictated, and which its moderation had given it a right to prescribe. The assurances which were required of the French government, previous to the departure 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 their country, that nothing incompatible with its honour or 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 conformity with the act of Congress on the subject, directed the restraints, 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 privateering from those ports has ceased.

In examining 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 other members of that board, from which the former have thought it their duty to withdraw. It is sincerely to be regretted, that the execution of an article produced by a mutual spirit of amity and justice, should have been this unavoidably interrupted. It is, however, confidently expected, that the same spirit of amity and the same sense of justice in which it originated, will lead to satisfactory explanations. In consequence of the obstacles to the progress of the commission in Philadelphia, his Britannick Majesty has directed the commissioners appointed by him, under the seventh article of the treaty, relating to British captures of American vessels, to withdraw from the board sitting in London : but with the express declaration of his determination to fulfil with punctuality and good faith, the engagements, which his majesty has contracted by his treaty with the United States ; and that they will be instructed to resume their functions, whenever the obstacles, which impede the progress of the commission 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 Britannick majesty, shall be fulfilled, I shall immediately instruct our minister at London to endeavour 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.

The act of Congress, relative to the seat of the government of the United States, requiring that on the first Monday of December next, it 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 Congress, and of the President, and of the publick offices of the government, have made a report of the 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 exempted from extraordinary burdens. Although the period is not arrived, when the measures adopted, to secure our country against foreign attacks can be renounced, yet it is alike necessary for the honour 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 publick expediture :—the examination will lead to beneficial retrenchments; or produce a conviction of the wisdom of the measures, to which the expediture 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 interest of the United States have any connection ; unsafe and precarious would be our situation, were we to neglect the means of maintaining our just rights. The result of the mission to France is uncertain : but however it 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 wisdom. For, remotely as we are placed from the belligerent nations, and desirous as we are by doing justice to all, to avoid offence to any ; 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. 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 labours will serve to increase and confirm union among our fellow citizens and an unshaken attachment to our government. JOHN ADAMS.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS,
DEC. 5, 1799.

I TRANSMIT to Congress, certain documents which have relation to the communications made on Tuesday, on the subject of the insurrection of Pennsylvania, the renewal of commerce with St. Domingo, and the Mission to the French Republick.

JOHN ADAMS.

RENEWAL OF COMMERCE WITH ST. DOMINGO.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS by an act of the Congress of the United States, passed the ninth day of February last, entitled, “an act further to suspend the commercial intercourse between the United

States and France, and the dependencies thereof," it is provided, That at any time after the passing of this act, it shall be lawful for the President of the United States, if he shall deem it expedient and consistent with the interests of the United States, by his order, to remit and discontinue for the time being, the restraints and prohibitions by the said act imposed, either with respect to the French Republick, or to any island, port or place, belonging to the said Republick, with which a commercial intercourse may safely be renewed; and also to revoke such order, whenever in his opinion the interest of the United States shall require: and he is authorized to make proclamation thereof accordingly.

And whereas the arrangements which have been made at St. Domingo for the safety of the commerce of the United States, and for the admission of American vessels into certain ports of that island, do in my opinion, render it expedient and for the interest of the United States to renew a commercial intercourse with such ports.

Therefore, I John Adams, President of the United States, by virtue of the powers vested in me by the above recited act, do hereby remit and discontinue the restraints and prohibitions therein contained, within the limits and under the regulations here following, to wit:

1. It shall be lawful for vessels which have departed or may depart from the United States, to enter the ports of Cape Francois, and Port Republicain, formerly called Port-au-Prince, in the said island of St. Domingo, on and after the first day of August next.

2. No vessel shall be cleared for any other port in St. Domingo, than Cape Francois and Port Republicain.

3. It shall be lawful for vessels which shall enter the said ports of Cape Francois and Port Republicain, after the thirty-first day of July next, to depart from thence to any port in said island between Monte Christi on the North, and Petit Goave on the West; provided it be done with the consent of the government of St. Domingo, and pursuant to certificates or passports expressing such consent, signed by the consul-general of the United States, or consul residing at the port of departure.

4. All vessels sailing in contravention of these regulations, will be out of the protection of the United States, and be moreover liable to capture, seizure, and confiscation.

Given under my hand and the seal of the United States, at Philadelphia, the twenty-sixth day of June, in the year [L.S.] of our Lord 1799, and of the Independence of the said States, the twenty-third. JOHN ADAMS.

By the President,
TIMOTHY PICKERING, Secretary of State.

MISSION TO FRANCE.

*Letter from Patrick Henry, Esq. to the Secretary of State.
Charlotte County, in Virginia, April 16, 1799.*

SIR,—Your favour of the 25th ult. did not reach me till two days ago. I have been confined for several weeks by a severe indisposition, and am still so sick as to be scarcely able to write this.

My advanced age and increasing debility, compel me to abandon every idea of serving my country, where the scene of operation is far distant, and her interests call for incessant and long continued exertion. Conscious as I am of my inability to discharge the duties of Envoy, &c. to France, to which, by the commission you send me, I am called, I herewith return it.

I cannot, however, forbear expressing on this occasion, the high sense I entertain of the honour done me by the President and Senate in the appointment:—and I beg of you, sir, to present me to them in terms of the most dutiful regard, assuring them that this mark of their confidence in me, at a crisis so eventful, is a very agreeable and flattering proof of their consideration towards me, and that nothing short of absolute necessity could induce me to withhold my little aid from an administration, whose abilities, patriotism, and virtue deserve the gratitude and reverence of all their fellow-citizens.

With sentiments of very high regard, and unfeigned esteem, I am, sir, &c.

P. HENRY.

TRANSLATION.

Copy of a letter dated Paris, 11th Fructidor, 6th year, (August 28, 1798) from Mr. Talleyrand, as Minister of Exterior Relations, to Mr. Pichen, Secretary of Legation, Hague.

I SEE with pleasure, citizen, that the intercourse of society has procured you some political conversations with Mr. Murray. I entertain an esteem for that minister. Like all the men at the head of the affairs of the United States, he has received the impressions which the British cabinet has known how to give against us. He thinks the measures of his government just, and supports them: but he possesses reason, understanding, and a true attachment to his country: he is neither French nor English: he is ingenuously an American. I am not at all surprised that he has appeared to you to wish sincerely for the reconciliation of the two Republicks. I will, therefore, cheerfully answer the questions you put to me on different points, which appeared to you not to be well established in his mind.

I do not see between France and the United States any clashing of interests, any cause of jealousy. The Americans wish to be fishermen, sailors, manufacturers, and especially hus-

bandmen. In all these points of view, their success is more at the expense of England than us. Why should we be uneasy about them? They aspire to the consolidation of their national existence, and it is to our purpose that they should succeed. In fact, we should have decided upon very superficial views, to sustain their independence, if the matter was to separate them from England merely to leave them finally insulated among themselves, on an extensive sea coast, weak, rivalling, and impoverished by each other, and torn by foreign intrigues. We know that Great Britain would soon have put together, piece by piece, those scattered shreds, and we should have done nothing useful for ourselves, if so miserable a chance of it were not daily rendered more remote.

What, therefore, is the cause of the misunderstanding, which, if France did not manifest herself more wise, would henceforth induce a violent rupture between the two republics? Neither incompatible interests, nor projects of aggrandizement divide them. After all, distrust alone has done the whole. The government of the United States has thought, that France wanted to revolutionize it. France has thought, that the government of the United States wanted to throw itself into the arms of England. It does not require much skill to divine which is the cabinet interested in the two events producing each other, and which invisibly puts in motion all the expedients calculated to make them take effect. Let us open our eyes on both sides. I am disposed to admit that the conduct of the government of the United States may be explained by other causes than those heretofore presumed. But let it on its part understand, that the French government, wounded as it may be, is too wise to entertain the views of disturbance which the other supposes. It concerns a republic, founded on the system of representation, to support and not to weaken similar establishments. The stability of this system abroad is a necessary example at home.—France, in fine, has a double motive, as a nation and as a Republic, not to expose to any hazard the present existence of the United States.—Therefore it never thought of making war against them, nor exciting civil commotions among them: and every contrary supposition is an insult to common sense.

These fundamental principles being established, it is natural to ask by what fatality a good understanding was not long since restored.—It was because irritation being mingled with distrust, neither party yielded to real conciliatory inclinations.—In the United States it was supposed that the French government was temporizing, in order to strike the blow with greater certainty; whence resulted a crowd of measures more and more aggravating.—In France it was supposed that the government of the United States wished only the appearances of a negotiation, whence resulted a certain demand for pledges of good faith.

Let us substitute calmness for passion, confidence for suspicions, and we shall soon agree.—I used my endeavours to enter upon a negotiation in this spirit with Mr. Gerry.—My correspondence with him, until the day of his departure, is a curious monument of advances on my part and of evasions on his.—It is wrong to think that I confined myself to vague protestations.—Among that series of official letters, which will doubtless be published at Philadelphia, I select one of the 30th Prairial, wherein you will see that I make very positive propositions, without any mixture of preliminary conditions. This letter was followed by three notes upon the articles to be discussed, and I intended to complete the others in this manner, if Mr. Gerry had not refused to answer thereto.

When it became necessary to abandon the idea of treating with that envoy, who thought it important only to know how a negotiation might thereafter be resumed, I gave him the most solemn assurances concerning the reception that a new plenipotentiary would receive. It was far from my thoughts to insinuate that the President should send one from the United States, instead of investing with his powers some one who was in Europe; far less that the envoy should land directly in France instead of announcing it in a neighbouring country.—I wished merely to say that the Executive Directory was so decided for a reconciliation, that all tampering would be superfluous, that an act of confidence in it, would excite its own.—I should be very badly understood, if there should be found in my expressions, a restriction on the nature of the choice, which the President might make.—I wished to encourage Mr. Gerry, by testimonies of regard, that his good intentions merited.—Although I could not dissemble that he wanted decision, at a moment when he might have easily adjusted every thing.—It does not thence follow that I designated him; I will even avow that I think him too irresolute to be fit to hasten the conclusion of an affair of this kind.—The advantages which I prized in him are common to all Americans, who have not manifested a predilection for England.—Can it be believed that a man who should profess a hatred or contempt of the French Republic, or should manifest himself the advocate of royalty, can inspire the Directory with a favourable opinion of the dispositions of the government of the United States? I should have disguised the truth, if I had left this matter ambiguous: it is not to wound the independence of that government, to point out to a sincere friend of peace, the shoals he ought to avoid.

As to the mediation of the Batavian republic, and of Spain, I do not know that there is any serious question about it, and it appears to me absolutely useless. The United States might hesitate, in the present state of things, to refer themselves to their impartiality, and besides, I perceive no subject which may not be arranged directly.

I know that the distance which separates France and the United States opens a vast field for incidents, and there have

been but too many of them. But the Executive Directory is unshaken in the conduct, which may best obviate them. The excess even of provocations has deadened their effect. The government of the United States surrounds itself with precautions against an imaginary attack. To stretch the hand to deluded friends, is what one republick owes to another, and I cannot doubt that the dignity of that attitude will convince the President of our pacifick intentions.

The two governments ought above all to be attentive to indirect attempts to alienate them still more. Their prudence will secure this object, and I shall cite but one example of it. You have told Mr. Murray the truth respecting Dr. Logan. But I perceive, that on all hands it is attempted to produce a belief in America, that we are negotiating with him. On the 7th of this month a very insidious paragraph was inserted in the "Bién Informé." It is therein intimated that, guided by the citizen Thomas Paine, Dr. Logan has made application to the Executive Directory, in the character of secret agent. The doctor has complained bitterly of it to me. He has no need of justifying himself concerning a matter, the falsity of which I know better than any body: but he assured me, that having once only met Thomas Paine, at the house of a third person, he found him so prejudiced against the United States, and so opinionative, with respect to an influence he neither possesses among them nor us, that he abstained from conversing any more with him. Moreover, to cut short all misunderstanding, I engaged Dr. Logan to postpone till another time the experiments he proposes to make on agriculture, and to return home. As to Mr. Hitchborn of Massachusetts, I was even ignorant till now that he was in Europe. A single word will suffice for the rest.

We want nothing but justice on the part of the United States: we ask it: we offer it to their government: it may depend upon the candour of the Executive Directory.

You will not doubt, citizen, that I approve of the communications which your zeal has caused you to seek with Mr. M. since I enable you to resume them with official elucidations. &c. &c. &c.

CH. MAU. TALLEYRAND.

[This letter was received from Mr. Murray, without the French original.]

The Minister of Exterior Relations, to Citizen Pichon, Secretary of Legation of the French Republick, near the Batavian Republick Paris, the 7th Vendémiaire of the 7th year of the French Republick, one and indivisible (Sept. 28, 1798.)

I HAVE received successively, citizen, your letters of the (8th and 13th September,) 23d and 27th Fructidor—They give me more and more cause to be pleased with the measure you have adopted, to detail to me your conversations with Mr. Mur-

ray—those conversations at first merely friendly, have acquired a consistency, by my sanction, transmitted to you on the 11th Fructidor, (28th August,) I do not regret that you have trusted to Mr. Murray's honour a copy of my letter.—It was intended only for you; and it contains nothing but what is conformable to the government's intention. I am fully convinced that should explanations once take place with confidence between the two cabinets, irritation would cease, a number of misunderstandings would disappear, and *the ties of friendship would be the more strongly united, as both parties would be made sensible what hand had attempted to disunite them.* But I do not conceal from you that your letter of the 2d and 3d Vendemiaire, (23d and 24th September,) this moment arrived, surprises me much—what Mr. Murray is still doubtful of, has been very explicitly declared, before even the President's message to Congress of the 3d Messidor, (21st June,) was known in France—I had written it to Mr. Gerry, namely on the 24th Messidor, (12th July,) and 4th Thermidor; (July 22d,) I repeated it to him before he set off.—A whole paragraph of my letter to you of the 11th Fructidor, (28th August,) of which Mr. Murray has a copy, is devoted to develop still more the fixed determination of the French government.—*According to these bases, you were right to assert that whatever plenipotentiary the government of the United States might send to France in order to terminate the existing difference between the two countries, he would be undoubtedly received with the respect due to the representative of a free, independent, and powerful nation.*

I cannot persuade myself, citizen, that the American government need any further declaration from us, to take the resolution, in order to renew the negotiations, to adopt such measures, as would suggest their wish to bring the differences to a peaceable end—If misunderstandings on both sides have prevented former explanations reaching that end, it is presumable that these misunderstandings being done away nothing henceforth will raise any obstacle to the reciprocal dispositions—The President's instructions to his Envoys at Paris, which I have only been acquainted with, by the copy given to you by Mr. Murray, and by me received the 21st Messidor, (9th July,) announce, if they contain the whole of the American government's intentions, dispositions, which can only add to those the Directory has always entertained: And notwithstanding the posterior acts of that government, notwithstanding the irritating and almost hostile measures which they have adopted, the Directory has shown that it persisted in the dispositions consigned as well in my correspondence with Mr. Gerry, as in my letter to you of the 11th Fructidor, and which I have herein before repeated in the most explicit manner—carry therefore, citizen, to Mr. Murray these positive expressions to convince him of our sincerity, and request him to transmit them to his government.

I presume, citizen, that this letter will find you at the Hague. If not, I ask, it may be sent back to you at Paris. Salute and fraternity,

CH. MAU. TALLEYRAND.

No. 22.

Department of State, Philadelphia, March 6, 1799.

SIR,—I enclose a commission constituting you in conjunction with the chief Justice Ellsworth and Patrick Henry, Esq. of Virginia, Envoys Extraordinary and Ministers plenipotentiary to the French Republick. By the President's direction I enclose for your information copies of his messages to the Senate of 18th and 25th of March; by the latter of which you will see the motives inducing the nomination of a *commission* for the purpose of negotiating with France, instead of resting the business wholly with you.—This will doubtless be agreeable by relieving you from the weight of a sole responsibility in an affair of such magnitude.

It is the President's desire that you by letter to the French minister of foreign relations, inform him "that Oliver Ellsworth, Chief Justice of the United States, Patrick Henry, late governour of Virginia, and yourself, are appointed Envoys Extraordinary and ministers plenipotentiary of the United States to the French Republick, with full powers to discuss and settle by a treaty, all controversies between the United States and France:" But, "that the two former will not embark for Europe until they shall have received from the Executive Directory, direct and unequivocal assurances, signified by their secretary of foreign relations, that the Envoys shall be received in character to an audience of the Directory, and that they shall enjoy all the prerogatives attached to that character by the law of nations, and that a minister or ministers of equal powers shall be appointed and commissioned to treat with them."

The answer you shall receive to your letter you will be pleased to transmit to this office.

You will also be pleased to understand it to be the President's opinion, that no more indirect and unofficial communications, written or verbal, should be held with any persons whatever, agents on behalf of France, on the subjects of difference between the United States and the French Republick.—If the French government really desire a settlement of the existing differences, it must take the course above pointed out: unless the executive Directory should prefer sending a minister plenipotentiary to the United States. I have, the honour to be, &c.

TIMOTHY PICKERING.

William Vans Murray, Esq. Minister of the
United States, at the Hague.

The Hague, May 5, 1799.

CITIZEN MINISTER,—It is with the greatest pleasure that I have en to fulfil the instructions, which I have just had the

honour to receive from the government of the United States of America, by informing you that the President has appointed Oliver Ellsworth, Chief Justice of the United States, Patrick Henry, late governour of Virginia, and William Vans Murray, minister resident of the United States at the Hague, to be Envoys Extraordinary and Ministers Plenipotentiary of the United States to the French Republick, with full powers to discuss and settle by a treaty, all controversies between the United States and France; but that the two former (Mr. Ellsworth and Mr. Henry) will not embark for Europe until they shall have received from the Executive Directory, direct and unequivocal assurances signified by their Minister of Foreign Relations, that the Envoys shall be received in character to an audience of the Directory, and that they shall enjoy all the prerogatives attached to that character by the law of nations, and that a minister or ministers of equal powers shall be appointed and commissioned to treat with them.

I request you, citizen minister, to lay this subject before your government, and as the distance is so great and the obstacles so numerous in an Atlantick voyage, that you will favour me, as speedily as possible, with the answer which is to lead to such happy and important consequences. Accept, citizen minister, the assurances of my perfect and high esteem.

WM. V. MURRAY.

To the Citizen Talleyrand, Minister of the Exterior Relations
of the French Republick, &c. &c. Paris.

The Hague, May 7, 1799.

DEAR SIR,—On the 4th instant late in the evening, I had the honour to receive your No. 22, containing the commission of envoys.

On the fifth I addressed, precisely agreeably to your instructions, as I conceived, the enclosed letter to Mr. Talleyrand, the minister of exterior relations. You will perceive, sir, that I did not think myself at liberty to go, not only not out of the commas, but beyond them—In one word alone I deviated, in the word, "Minister" instead of "Secretary" of Foreign Relations.—No direct nor indirect and inofficial communications written or verbal will be held by me with the French agents on American affairs.

I accept the appointment which it has pleased the President to clothe me with, under a grateful sense of the high honour conferred upon me, so unexpectedly, by this mark of his confidence.—I may be allowed to say, that though I was deeply sensible of the honour conferred by the first nomination, and shall always I hope retain a most grateful recollection of it; yet sir, the new modification of that nomination gave me great pleasure. Always conceiving as I thought I did, that any negotiation with France would be full of anxieties and political per-

fls to the envoys that should be employed by our government, I had no wishes to be engaged in it, and no expectation that I should be : to have a share in it was by me unsought : you will excuse this declaration, because I was instrumental in certain preliminary steps relative to the advances of France, which produced the basis of the appointment.

I sent the original of the enclosed to Mr. Talleyrand by post, another, a copy, to Major Mountfloreance to be handed to him, a third to a Mr. Griffith for Major M. in case the other failed, to be opened by Mr. G. if Major M. should have been out of Paris, and directed Mr. G. to follow the instructions which he would find in the letter to Major M. which were to deliver the enclosed to Mr. Talleyrand and take his letter, answer for me, and to send it to me.

As soon as I have the answer of the Directory, I shall have the honour of transmitting copies to you, sir, by different ways.

I am, with the greatest respect, &c.

WILLIAM V. MURRAY.

The Hon. Timothy Pickering, Esq. Secretary of State
of the United States of America.

The Minister of Exterior Relations, to Mr. William Vans Murray, Minister Resident of the United States, at the Hague. Paris, 23d Floreal, (May 12, 1799) 7th year of the French Republick, one and indivisible.

I AUGUR too well, sir, from the eagerness you display in fulfilling the instructions of your government, not to hasten to answer the letter I received from you dated the 15th of this month.

The Executive Directory being informed of the nomination of Mr. Oliver Ellsworth, of Mr. Patrick Henry and of yourself as envoys extraordinary and ministers plenipotentiary of the United States to the French Republick, to discuss and terminate all differences which subsist between the two countries, sees with pleasure, that its perseverance in pacifick sentiments has kept open the way to an approaching reconciliation. It has a long time ago manifested its intentions with respect to this subject. Be pleased to transmit to your colleagues, and accept yourself, the frank and explicit assurance that it will receive the envoys of the United States, in the official character with which they are invested ; that they shall enjoy all the prerogatives which are attached to it by the law of nations, and that one or more ministers shall be duly authorized to treat with them.

It was certainly unnecessary to suffer so many months to elapse for the mere confirmation of what I have already declared to Mr. Gerry, and which after his departure I caused to be declared to you at the Hague. I sincerely regret that your two colleagues await this answer at such a great distance. As to

you, sir, whom it will reach in a few days, and who understand so well the value of time, when the restoration of harmony between two republicks, which every thing invites to friendship, is in question, be assured that as soon as you can take in hand the object of your mission, I shall have the honour immediately to send you passports. Accept, sir, the assurances of my very sincere consideration.

CH. MAU. TALLEYRAND.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE HOUSE OF REPRESENTATIVES. FEB. 7, 1800.

IN consequence of your request to me, conveyed in your resolution of the 4th of this month, I directed the Secretary of State to lay before me, copies of the papers intended. These copies, together with his Report, I now transmit to the House of Representatives, for the consideration of the members.

JOHN ADAMS.

REPORT.

Department of State, Feb. 6, 1800.

THE Secretary of State has prepared, as directed, and now respectfully submits to the President of the United States, copies of the papers which probably were contemplated by the House of Representatives in their resolve of the 4th instant; although no requisition, as the resolve supposes, has ever been received, nor any communication made to the judge of the district court of South-Carolina, concerning any man by the name of *Jonathan Robbins*. But by the proceedings before that judge, as they have been published, it appears that a seaman named *Thomas Nash*, the subject of the British minister's requisition, did assume the name of *Jonathan Robbins*, and make oath, "That he was a native of the state of Connecticut, and born in Danbury in that state." The Secretary, therefore, besides the copy of the requisition, and the copies of his letter to the judge of the district court of South-Carolina, and of the judge's answer, has prepared, and herewith encloses, copies of the certificates of the selectmen and town-clerk of Danbury, and extracts of letters from admiral Sir Hyde Parker, satisfactorily proving, that the *Thomas Nash*, calling himself *Jonathan Robbins*, who, on the requisition of the British minister, was delivered up by the judge aforesaid, with the assent of the President of the United States, was not an American citizen, but a native Irishman, who to his other crimes added *perjury*, in the hope, thereby, to escape the punishment due to *piracy* and *murder*. The original certificates of the selectmen and town-clerk of Danbury, are in the Secretary's possession; and he has compared the extract of

admiral Parker's letter to Mr. Liston with the original, and the extract of the Admiral's letter to the British consul at Charleston, with the passage as recited in the consul's original letter to Mr. Liston. All which is respectfully submitted.

TIMOTHY PICKERING.

No. 1.

[*Copy of a note from Robert Liston, Esquire, Envoy Extraordinary and Minister Plenipotentiary of his Britannick Majesty, to Timothy Pickering, Secretary of State, of the United States.*]

R. LISTON, presents his respects to Col. Pickering, Secretary of State.

A seaman of the name of Thomas Nash, having been committed to gaol, in Charleston, (South-Carolina) at the instance of his majesty's consul there, on suspicion of his having been an accomplice in the piracy and murder committed on board his majesty's ship *Hermione*, and information of the circumstance having been transmitted to vice admiral Sir Hyde Parker, a cutter was despatched to Charleston, with an officer on board, to whom the man was well known, in order that his person might be identified, and that he should be carried to the West-Indies for trial. But on the application of the consul for the restoration of Nash, in conformity to the treaty of 1794, judge Bee, and the federal attorney, were of opinion that he could not with propriety be delivered up without a previous requisition on my part made to the executive government of the United States. May I therefore request, sir, that you will be pleased to lay this matter before the President, and procure his orders that the said Thomas Nash be delivered up to justice.

Philadelphia, May 23, 1799.

No. 2.

Letter from the Secretary of State to judge Bee. Department of State, Philadelphia, June 3, 1799.

SIR,—Mr. Liston, the minister of his Britannick majesty, has requested, that Thomas Nash, who was a seaman on board the British frigate *Hermione*, and who he is informed is now a prisoner in the jail of Charleston, should be delivered up. I have stated the matter to the President of the United States. He considers an offence committed on board a publick ship of war, on the high seas, to have been committed within the jurisdiction of the nation to whom the ship belongs. Nash, is charged, it is understood, with *piracy* and *murder*, committed by him, on board the above mentioned British frigate, on the high seas, and consequently "within the jurisdiction" of his Britannick majesty; and therefore, by the 27th article of the treaty of amity with Great Britain, Nash ought to be delivered up, as requested by the British minister, *provided such evidence of his criminality be produced, as by the laws of the United States, or of South-Carolina, would justify his apprehension and commit-*

ment for trial, if the offence had been committed within the jurisdiction of the United States. The President has in consequence hereof authorized me to communicate to you "his advice and request" that Thomas Nash may be delivered up to the consul or other agent of Great Britain, who shall appear to receive him. I have the honour to be, &c.

TIMOTHY PICKERING.

The Honourable Thomas Bee, Esq. judge }
of the district of South-Carolina, }

No. 3.

Letter from Thomas Bee, Esq. to the Secretary of State, dated Charleston, South Carolina, July 1, 1799.

In compliance with the request of the President of the United States as stated in your favour of the 3d ult. I gave notice to the British Consul that at the sitting of the district court on this day, I would order Thomas Nash, the prisoner charged with having committed murder and piracy on board the British Frigate Hermione, on such strong evidence of his criminality as justified his apprehension and commitment for trial, to be brought before me on *habeas corpus*, in order to his being delivered over agreeable to the 27th article of the treaty of amity with Great Britain. The Consul attended in court and requested that the prisoner should remain in gaol until he had a convenient opportunity of sending him away. I have therefore directed that he remain in prison, until the Consul shall find it convenient to remove him. I have the honour to be, &c.

THOMAS BEE, District judge of
South-Carolina,

Hon. Timothy Pickering, }
Secretary of State. }

No. 4.

Danbury, September 16, 1799.

WE the subscribers Selectmen of the town of Danbury, in the State of Connecticut, certify that we have always been inhabitants of said town, and are from forty-five to fifty-seven years of age, and have never known an inhabitant of this town by the name of Jonathan or Nathan Robbins, and that there has not been nor now is any family known by the name of Robbins within the limits of said town.

Certified per

ELI MYGOT,
EBENEZER BENEDICT,
JUSTUS BARNUM,
BENJAMIN HICHCOK.

Danbury, September 16, 1799.

THE Subscriber late town clerk for the town of Danbury in the State of Connecticut certifies that he kept the town records

twenty-five years, viz. from the year, 1771 until the year 1796, that he is now 56 years of age, and that he never knew any person by the name of Robbins born or residing in the said town of Danbury during that term of twenty-five years, before or since.

MAJOR TAYLOR.

No. 5.

Extract of a letter from Admiral Sir Hyde Parker to Robert Liston Esq. Envoy Extraordinary and Minister Plenipotentiary of his Britannick Majesty to the United States, dated in Port Royal Harbour, Jamaica, Sept. 9, 1799.

"I HAVE had the honour of receiving duplicates of your excellency's letters, numbered 10, 11, and 12, and in answer thereto, acquaint you that in consequence of Nash, one of the ringleaders in the mutiny, murders, &c. on board the *Hermione* being delivered up by the United States to me, he has been tried at a court-martial, and sentenced to suffer death, and afterwards hung in chains, which sentence has been put into execution. He acknowledged himself to be an Irishman.

No. 6.

Extract of a letter from Benjamin Moodie, Esq. Consul of his Britannick Majesty, at Charleston, (South Carolina) to Robert Liston, Esq. Envoy of his said Majesty, to the United States, dated November 19, 1799.

In consequence of many obstacles I had to encounter in obtaining the delivery of Thomas Nash, late of his Majesty's ship *Hermione*, and of the numerous publications to the Northward, and in this place, I wrote to Admiral Sir Hyde Parker, requesting he would be good enough to send me minutes of the court martial, to which he answered under date 13th Sept. last:—"I am to acquaint you that Nash has been executed agreeable to the sentence of a court martial, and that he confessed himself to be an Irishman: and it further appears by the *Hermione's* books that he was born at Waterford; on 21st of Dec. 1792, entered a volunteer on board the *Dover*, received £ 3 bounty money, and was removed to the *Hermione*, 28th of January, 1793. And with respect to transmitting the minutes of his trial, that is not in my power, but rests with the Lords of the admiralty only."

SPEECH

OF THE PRESIDENT OF THE UNITED STATES TO CONGRESS.
NOV. 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 publick offices, records and property: These directions have been executed, and the publick 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 piety and virtue, that wisdom and magnanimity, that constancy and self-government which adorned the great character whose name it bears, be for ever held in veneration!—Here, and throughout our country, may simple manners, pure morals, and true religion, flourish for ever!

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 future 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 to it a long course of prosperity and self-government.

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 honourable testimony they gave of the patriotick motives which brought them into the service of their country, by the readiness and

regularity with which they returned to the station 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 publick happiness, and to none can 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 Great Britain, have not yet been removed: the negotiation on this subject is still depending. As it must be for the interest and honour of both nations to adjust this difference with good faith, I indulge confidently the expectation that the sincere endeavours of the government of the United States to bring it to an amicable termination, will not be disappointed.

The envoys extraordinary and ministers plenipotentiary from the United States to France, were received by the First Consul, with the respect due to their character; 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 that our efforts to effect an accommodation, will at length meet with a success proportioned to the sincerity with which they have been so often repeated.

While our best endeavours for the preservation of harmony with all nations will continue to be used, the experience of the world and our own experience admonish us of the insecurity of trusting too confidently to their own success. We cannot, without committing a dangerous imprudence, abandon those measures of self-protection which are adapted to our situation, and to which, notwithstanding our pacifick policy, the violence and injustice of others may compel us to resort. While our vast extent of sea-coast, the commercial and agricultural habits of our people, the great capital they will continue to trust on the ocean, suggest 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 systematick 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 tranquillity, 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 connection with a navy ought to be contemplated the fortification of some of our principal sea-ports and harbours. A variety of considerations, which will readily suggest themselves, urge an attention to this measure of precaution. To give security to our principal 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 competent to the intended purposes the fortifications which have been commenced.

The manufacture of arms within the United States still invites the attention of the national legislature: at a considerable expense to the publick this manufactory 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 publick revenue and expenditure, to a late period, to be laid before you.

I observe with much satisfaction that the 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 publick 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 scenes which surround us. If they have exhibited an uncommon portion of calamity, it is the province of humanity to deplore and of wisdom to avoid the causes which may have produced it. If turning our eyes homeward, we find reason to rejoice at the prospect which presents itself; if we perceive the interior of our country, prosperous, free, and happy; if all enjoy in safety, under the protection of laws emanating only from the general will, the fruits of their own labour, we ought to fortify and cling to those institutions which have been the source of much real felicity, and resist, with unabating perseverance, the progress of those dangerous innovations which may diminish their influence.

To your patriotism, gentlemen, has been confided the honourable duty of guarding the publick 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 labours to promote the general happiness will receive from me the most zealous co-operation.

JOHN ADAMS.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE HOUSE OF REPRESENTATIVES. FEB. 27, 1801.

I TRANSMIT you a report of the Secretary of State, with sundry documents relative to the subject of your resolution of the twenty-fourth instant.

JOHN ADAMS.

Department of State, February 27, 1801.

SIR,—The order of the House of Representatives of the 24th of this month, requesting an account of the depredations committed on the commerce of the United States by vessels of Great Britain, of which complaint has been made to the government, having been referred to this department, I have the honour to transmit herewith an abstract of such cases as have been complained of since the commencement of the year 1800.

The order of the House having fixed no period at which the account it requests is to commence, I have, from a consideration of the short space for which the present session can continue, thought it compatible with their view, to limit the abstract to the time above mentioned.

From various reasons it is to be presumed that many captures have been made, of which no complaint has been forwarded to the government. Under this impression and for the purpose of giving a comprehensive view of the subject, I have thought it not improper to annex to the abstract several extracts of letters from our consuls, and also an extract of a letter from the President of the chamber of commerce at Philadelphia, to the Secretary of the Navy.

I will also take the liberty to observe, that neither the communications from our minister at London, nor my conversations with the charge d'affaires of his Britannick majesty in the United States, would lead to an opinion that any additional orders have been lately given by the British government, authorizing the system of depredation alluded to in the letter from Mr. Fitzsimmons. I am, sir, &c.

J. MARSHALL.

The President of the United States.

Department of State, February 27, 1801.

SIR,—In my report of this day to the President, on the subject of British captures, and which he will have transmitted to Congress, it was accidentally omitted to insert the case of the brig

antine Ruby, Captain Wrigley, belonging to Mr. Ambrose Vaseo, of Philadelphia. This vessel proceeding for Port-au-Prince, with a cargo consisting of American produce and some German goods, was lately captured by the British ship of war Tisiphone, and carried to Jamaica, where, the owner informs me, both vessel and cargo were condemned as enemy's property.

I therefore request that the House will consider this letter as an appendage to my report above alluded to.

I have the honour to be, &c.

J. MARSHALL.

The honourable the Speaker of the
House of Representatives.

Abstract of the cases of capture of American vessels by British cruisers, of which complaint has been made to the government of the United States, since the 1st of January 1800.

SHIP Gadsen, of Charleston, owned by Frederick Kohn, from Newport to Port Passage, cargo Carolina tobacco, rice, sugar and bees wax, Spanish tobacco, indigo, cocoa, and hides, taken September 9, 1799, by the British sloop of war Pheasant, carried into Halifax, ship and most of the cargo condemned—The reason of condemnation is said by the owner to be, because part of the cargo having been brought from the Spanish colonies, was not landed in America.

Ship Genet, of Boston, owned by Nathaniel Fellowes, from Amsterdam to Boston, cargo gin and iron, taken May 14, 1799, by the British ship of war Director, carried into Yarmouth, (England) ship, cargo and private adventure condemned—She was coming out of the Texel when blockaded.

Brigantine Polly, of Philadelphia, owned by John L. Clark, from Amsterdam to Philadelphia, cargo sundries, taken May 14, 1799, by a blockading squadron off the Texel, carried into Yarmouth (England) supposed to have been condemned—She was coming out of the Texel when blockaded.

Schooner Susanna, of Baltimore, owned by Jonathan Harrison, from Baltimore to Havanna, taken September 29, 1799, by the British ship of war Arab—Sunk by the officers of the Arab chasing with her.

Schooner Diana, of Free Town, charterers Gibbs and Channing, Newport, from Newport to Havanna, cargo provisions, taken August 3, 1800, by the Cleopatra frigate, carried into Halifax.

Cutter Crocodile, of New York, owned by Scott and Seamen, from Curracoa to New York, taken April 5, 1800, by the ship of war Amiable, carried into Kingston, (Jam.) part of the cargo was Dutch, the remainder American property. The captors immediately on the capture, made a privateer of the Crocodile, and sent her on a cruise.

Ship Charlotte, of New York, owned by Henry A. and John G. Castor, from New York to Amsterdam, cargo sugar, coffee, &c. taken April 1800, by the Cleopatra frigate, carried into Halifax, vessel and cargo condemned.

Brigantine Sally of Philadelphia, owned by Stephen Girard, from Batavia to Philadelphia; cargo sugar and coffee, taken July 20, 1800, by the Cleopatra frigate, carried into Halifax, vessel and cargo condemned—The condemnation appears to be grounded upon the allegation that the owner is a native of France, carrying on a course of trade to a French colony.—N. B. Mr. Girard was naturalized a citizen of Pennsylvania in the year 1777, and has ever since resided in the United States.

Brigantine Ruby, of Philadelphia, owned by Chandler Price, from Philadelphia to New-Orleans, cargo English and German dry goods and groceries, taken December, 1800, by the privateer Brothers of New Providence.

Schooner George, of Baltimore, owned by William Patterson, from Baltimore to Curracoa, cargo gin, flour, linens, &c. &c. taken October 7, 1800, by order of commodore Watkins, of Curracoa, in and at Curracoa—Detained under pretext of ticklenburghs and oznaburghs being contraband.

Maria, of Baltimore, owned by James Biays—In October, 1800, put in requisition at Curracoa, and sent to Jamaica by the British.

Sloop Little Charlotte, of Bristol, Rhode-Island, owned by Charles D'Wolfe, from Bristol to Leghorn, cargo sugar, taken August 2, 1800, by the privateer Earl of Dublin, of Halifax, vessel and cargo condemned.

Schooner Aurora, owned by R. Johnson & co. of New York, taken by a privateer of New Providence, cargo condemned—because part of it consisted of tin plates, as stated by the owners.

Ship Elizabeth, owned by J. Codman, of Boston—She appears to have been captured from having broke the law prohibiting the intercourse with France.

Brig Sea Nymph, of Philadelphia, owned by Louis A. Tarascon, from Philadelphia, to St. Andera, cargo coffee, specie, &c. taken by a British letter of marque, carried into Lisbon, acquitted after considerable detention.

Brig Gracy, of Baltimore, owned by Rogers and Owings, from Trinidad in Cuba, to Baltimore, cargo sugar, honey and hides, taken January 6, 1801, by the frigate Retaliation, of Jamaica, vessel and cargo condemned.

Schooner Rover, of Baltimore, owned by Rogers and Owings, from Baltimore to St. Jago, Cuba, cargo flour, wines and dry goods, taken by a French royalist privateer, of Jamaica, condemned.

Extract of a letter from William Savage, agent of the United States, at Kingston, (Jamaica) dated June 5, 1800, to the Secretary of State.

“A NUMBER of American seamen in distress have lately been landed from prizes and ships of war who have been relieved by me; as all American vessels met with either going to or coming from Curracoa, Hispaniola, or South America, are brought in

here for adjudication, and in all cases of acquittal the captors appeal which I understand prevents any action being commenced for damages. I am, &c."

Extract of a letter from John Gavino, consul of the United States, at Gibraltar, dated November 19, 1800, to the Secretary of State.

"THE Venus of New York, Fairchild, from Naples for Malaga, was immediately liberated."

"The Susanna, Spencer, of Charleston, South-Carolina, with a cargo of sugar, from said port to Cadiz, brought from Lisbon, where she had been detained upwards of four months for a breach of blockade, attempting to enter Cadiz after warning by Lamouach privateer, Blair, commander, who next day took her. She, prior to Lamouach's first boarding her, was examined by another English privateer who said nothing of the blockade to Spencer; so that he continued for the port to inquire of the ships of war, having doubts of the veracity of Blair's intimation. She was tried here whilst at Lisbon without even the captain being present: I claimed ship and cargo as consul, and protested the proceedings—She is since arrived here and condemned, ship and cargo, without any further trial, or giving Spencer a hearing, so that he has protested the proceeding, and will appeal.

"The other is the Sea Nymph, Philadelphia, M'Kiver, who has also been four months at Lisbon, captured by a letter of marque, the Berrill, captain Toob, from said port of Philadelphia, with coffee, spices, &c. for St. Andero, pretends it to be French property, as that Mr. Tarrascon, the owner, had not resided long enough in the United States to be a citizen thereof; nor Mr. Ferulah the supercargo, who went from Lisbon to England on account of the long detention there—he has his certificate of citizenship along with him as I am informed. She is libelled for trial. I have the honour to be, &c."

Extract of a letter from John Gavino, Consul of the United States at Gibraltar, dated Dec. 14, 1800, to the Secretary of State.

"THE trial of the Sea Nymph, M'Kiver, came on the 3d instant, when ship and cargo was liberated by a decree of the vice admiralty court; and as damages could not then be ascertained, they are reserved, but I do not as yet find out if the captors mean to appeal."

Lisbon, June 27, 1800.

"SIR,—I am extremely sorry to inform you of the capture of the five following vessels by the British, arrived in this port.

"The brig Peacock, David Crafts master, loaded with 100 butts of Sherry wine, bound from Cadiz to London, with clearance for Altona, the vessel and cargo the sole property of Eben-

ezer Parsons of Boston, captured by the *Ruse* privateer of Guernsey, Paul Bienvenu master.

"The brig *King Solomon*, James Hewett master, laden with butter, cheese, and iron hoops, bound from Amsterdam to Cadiz. The brig the property of Benjamin Hill of Newport, Rhode-Island; the cargo *Hamburgh* account, captured by the lugger *Flying Fish*, of Jersey, John Le Rouer master.

"The brig *Susannah*, J. V. Spencer, master, laden with sugar, bound from Charleston, South Carolina, to Cadiz; the brig and cargo the sole property of Blacklock and Bower, and William Milligan, of Charleston; captured by the *Ruse* privateer of Guernsey, Paul Bienvenu, master, and *La Bouch* privateer of Gibraltar (owned by Jews in Lisbon.)

"The brig *Hind*, Daniel Ropes, jr. master, laden with sugar, cocoa and fish, bound from Salem to Cadiz; the brig and cargo the sole property of Joseph White and William Orne, of Salem; captured by his Britannick Majesty's frigate *Anson*, P. C. Durham commander.

"The brig *Sea Nymph*, James M'Kiver master, laden with coffee, pimento, cloves, cotton, dyewood, &c. bound from Philadelphia to St. Sebastians; the brig and cargo the property of Lewis A. Tarascon, of Philadelphia; captured by the armed ship *Bauvel*, John Toole, master.

"The four first captures are made under the idea of Cadiz being a blockaded port; and as the above mentioned privateers have positive instructions from their owners to capture all vessels going to, or coming from Cadiz, and are cruising off that port, I expect this port will soon be filled with neutrals, and among them numbers of our merchantmen. I have written Col. Humphreys to warn our captains at Cadiz, and caution them against coming out of that port for the present.

"The last was captured on suspicion of being French property, as the owner's is a French name, and the supercargo on board, Mr. John Augustine Victor Borrouill, also a French name, but having proved to the captors that the property is bona fide American, from the register of the brig and your certificate of citizenship to Mr. Borrouill, they now pretend to detain her on the letter of instruction from the owner to the supercargo, which the captors refuse showing me, saying they will try her under our own laws. These vessels are sent in here under pretence of benefit of convoy to England and Gibraltar; but I understand it is the intention of one of the captors to detain the vessel here and forward the papers on to Gibraltar: which of them it is my next will inform you.

"I have written our consul in London for every Judicial information he can furnish me with, and whether it is the opinion of sir John Nichols, and sir William Scott, that Cadiz ought to be considered as blockaded, the trade having been carried on unmolested for upwards of twelve months, and his majesty's

ships on that station boarding and suffering vessels continually to enter and come out. I have the honour to be, &c."

THOMAS BULKLEY.

To Timothy Pickering, Esq. }
Secretary of State. }

Extract of a letter from Thomas Fitzsimmons, Esq. Chairman of the Chamber of Commerce, to the Secretary of the Navy, dated Philadelphia, February 17, 1801.

"By the publick prints you will have seen that a great number of American vessels, bound to and from the Spanish ports in Cuba and on the Main, have been captured by British cruisers. The depredations have so multiplied that without a change in their system, or some protection from our own government, the trade to those places must be entirely abandoned, though forming a very considerable branch of our trade. Premiums of insurance to the Havanna have within a few days advanced from ten to thirty per cent. and such is the particular situation of those countries in relation to the British possession, that not one in ten vessels can escape; from New Providence alone, there are above forty privateers who subsist principally by the plunder of the Americans. The practice is, whenever they are met with, to send them into port; if there is found on board any goods, the produce or manufacture of any countries at war with Great Britain, they are condemned, as is bar iron, nails, tin, paints, linseed oil, and any strong linens which are contraband; if the property is found to belong to any persons who are not native Americans, it is either condemned or held under an interlocutory decree, till proofs can be obtained of the citizenship of the owner; and in every instance the detention and expenses are so great as to reduce the property, for which no pretence for condemnation can be made, so much as hardly to leave it worth pursuing; these practices are the more mortifying, as they either themselves ship the goods of which they plunder the Americans, to the countries to which they do not permit us to carry them, or suffer the people of those countries to come to them and purchase them.

"The proceedings at Jamaica are even more ruinous than at Providence; when they cannot procure a condemnation there, they invariably appeal from the sentence, and as the Americans can no otherways obtain security than by putting their property in possession of people there, the whole is swallowed up by commission and charges.

"These enormities are become so great that the merchants are preparing lists of the captures, and the circumstances attending them, to be laid before the government; but as any redress through that channel must be distant, they take the liberty of suggesting the propriety of granting them stated convoys for that trade. The passage to and from Havanna is

so short, that a few national ships might effectually guard it, except the British should disregard the protection of our flag, which we do not suppose will happen; in any event our merchants may be protected from privateers, and it is from those principally that we suffer.

“It is wished that a convoy should sail on the first Monday in every month, from Hampton Road, to which place all the vessels from ports to the eastward of that place might rendezvous. Vessels belonging to native citizens, or loaded with native commodities, need not this protection, but the abatement in the premium in all others will oblige them to take advantage of it.

“If the first was provided to sail early in March, there would be several vessels here ready to avail themselves of it; and probably others at New York and Baltimore. As a measure of this kind may involve consequences of national importance, I do not feel myself at liberty to urge it further than that you would be pleased to lay it before the President. I can add with confidence that without some protection of this kind, the merchants of the United States must entirely suspend their trade to those countries, or be ruined in attempting to continue it, although it has been among the most valuable branches of commerce.”

APPENDIX.

DOCUMENTS ON THE SUBJECT OF EAST FLORIDA, ACCOMPANYING PRESIDENT'S MESSAGE, JAN. 14, 1813.

[In the Appendix to Vol. 1811-15, page xix. the President's Message of Jan. 14, 1813, was given. The following are the Documents accompanying it, ordered by the Senate to be printed.]

DOCUMENTS.

A

SIR,—Being elected to the office of director by the freemen of East Florida, who engaged in the revolution, it becomes my duty to address you, and through you, the President of the United States, upon the subject of our situation; after suffering for a long time, under the oppression of a government, corrupt in itself, and free from the control of the parent country, we saw the correspondence between yourself and Mr. Foster, respecting East Florida; your letter refrained from noticing that part of Mr. Foster's communication relating to general Mathews. When general Mathews came forward with instructions of a date, prior to that of the correspondence, we immediately concluded that the United States would receive our country as a component part of their territory, as soon as we should declare our determination to shake off the shackles with which we were overloaded.

Under this impression, the whole planting interest declared themselves free, took possession of all the country, and held it until they surrendered it by cession of their commissioners to the United States.

None opposed our measures but persons in St. Augustine, under immediate military influence, (and frequently they come out and join us) and some English merchants or agents at Amelia, who became subjects in East Florida, for the purpose of taking advantage of the situation of that island, and by evading or infringing the laws of the United States, to become rich by a trade in Africans, or by smuggling.

Firmly confiding in the assurances and declarations of general Mathews, and in the full belief, that we and our country would be taken under the protection of the United States, a temporary form of government was adopted, merely to prevent confusion, and to enable us to make a cession to the United States. This form answered our intention until lately, when it was thought advisable to establish a more detailed one, least the first should not be considered as sufficient to authorize a cession.

Yet, sir, not a man among us, but considers this as a thing of a moment, for without the aid of the United States, we must fall, and become a ruined and dispersed people. It was in consequence of the assurances of commissioner Mathews, that our conduct would be sanctioned by his government, that we were induced to take up arms against our tyrants, and to constitute a local authority or government, under which, to cede to the United States all the country around St. Augustine.

A copy of the deed of cession, made between general Mathews for the United States, and the commissioners appointed by our constituted authorities, was, we are told, sent on to the President. With surprise and con-

cern, we heard shortly after, that the President refused to ratify any of the acts of his commissioner; but having every reliance and confidence in the justice and humanity of the United States, we never despaired of being eventually protected. We could not believe that men, whose error had been an unbounded confidence in the authorized agent of the United States, and whose crime was an ardent love for your government, would be left to the revenge of an arbitrary, jealous, and vindictive power. Indeed we were told through official and semi-official channels "that not a hair of our head should be touched." Latterly we have learned with inexpressible anguish, that the troops and gun boats of the United States, which constitute our only security, are to be removed, our slaves are excited to rebel, and we have an army of negroes raked up in this country, and brought from Cuba to contend with. Let us ask, if we are abandoned, what will be the situation of the southern states, with this body of men in the neighbourhood? St. Augustine, the whole province will be the refuge of fugitive slaves; and from thence emissaries can, and no doubt will be detached, to bring about a revolt of the black population in the United States.

A nation that can stir up the savages round your western frontiers to murder, will hesitate but little to introduce the horrors of St. Domingo into your southern country.

In addition to this, the Creek Indians have been provoked to hostility against us, and have already committed murder and robbery on our frontiers; this we believe to have been caused by the war between the United States and Great Britain, for before that event, the savages professed friendship for us, or at least a neutrality, though instigated to war by the corrupt government in St. Augustine.

Deplorable as is our situation, it is made worse from the impossibility of carrying into the United States what slaves may remain faithful, without violating your laws, and thereby making them liable to seizure. Some of us have been accustomed to the sweets of affluence, and most of us to the enjoyments of plenty. We, in common with other citizens, would willingly have sacrificed all we have, had it been in defence of the United States; but to be beggared and branded as traitors, is wretchedness indeed, to men who thought they were acting as some of their forefathers had in '76. We have heard of the dispositions and efforts of the President, the House of Representatives, and a respectable minority in the Senate, to benefit our situation.

Allow me, sir, in behalf of the people of East Florida, to entreat the President and his cabinet council, to take into consideration our unhappy, unexpected, and unmerited situation, and that it will be determined, that a sufficient number of troops and gunboats be ordered to remain for our protection until a cession of the country shall be accepted by the United States, or a reinforcement thrown by the British into St. Augustine, when offensive operations might be resorted to. Upon the principles of justice and of humanity, we call for the protection of the United States; with it we become free and happy; without it, we must become wanderers upon the face of the earth, or tenants of loathsome dungeons, the sport of cruel and inexorable tyrants.

Our state of anxiety will be an apology for begging you to send me an answer as speedily as possible.

I am, Sir, &c.

JOHN H. M'INTOSH.

The Hon. James Monroe.

B.

In camp, one mile from Knoxville, December 3, 1812.

SIR.—Late intelligence shows a want of troops in East Florida, to check the hostile savages. A considerable part of the Georgia militia, it is said, have refused to afford relief to the troops of the United States, stationed at St. Johns, from a fatal exposition of the constitution relative to the militia.

And believing from the course of political events, that the government of the United States will shortly wish to occupy the Floridas, I determined to collect some military force, and march directly to that quarter. Upon short notice, one hundred and sixty-five mounted men convened at this place, on Tuesday the first of this month, and will march on to-morrow under my command, for St Johns; where it will afford us pleasure to execute the orders of the President. In executing your orders, not a man in this corps will entertain constitutional scruples on the subject of boundaries.

Accept, Sir, &c.

JOHN WILLIAMS.

The Hon. James Madison.

Nashville, December 12, 1812.

SIR,—The hostile conduct of the Creek Indians, with the spirit of disaffection among the blacks, as manifested in the attack of captain Williams of the marine corps of the United States, on the frontier of Georgia, founded as it is believed, from the instructions which they have from time to time received, from the Spanish local authorities, at St. Augustine and St. Marks, tending to excite the Indians and blacks in that quarter, to commit murders and depredations on the frontier citizens of the state of Georgia, and on the troops of the United States; as also to attack the militia and volunteers of Georgia on the frontier of that state, for defensive purposes, having been ascertained by many well informed people, resident in East Tennessee, they have, as I have understood, with the hope of affording relief to their fellow citizens of the United States in Georgia, and on that frontier, enrolled themselves in companies, to the number of one hundred and fifty or two hundred men, under the command of Col. John Williams, adjutant general of this state, and on the 4th instant, marched to the frontier of Georgia, well armed and well equipped, well clothed and well mounted; with the intention on their arrival there, to report themselves to the government, ready to engage in any enterprise, or to comply with any order the President of the United States may think proper to give, or to enter into any service he may point out, or command them to enter upon. They have armed and equipped, and supported themselves for the service and their march to St. Marys at their own expense. This volunteer corps is composed of men as respectable and as well attached to the government, as any to be found in this or any state in the Union, and it is believed had they delayed their march one week longer, that one thousand men of the same description would have marched with them. The spirit of the people of both East and West Tennessee is up, and the universal sentiment among them is, that they will to a man act promptly in support of the government of their free choice, and in support of the great cause now before the American people. Among the mass of people in Tennessee, east and west, north and south, from any point, there is, as much worth and genuine patriotick ardour, as can be found in the same number, on any spot on earth. If the attempt of this volunteer corps to serve their country, is favourably noticed by the President, and active employ furnished them, the people will put forth their actual strength; if their exertions should be chilled by cold neglect, the cause of liberty will be injured. Those people do not measure the continent to know where to fight. They have no constitutional scruples further than to act in support of their government; they have no constitutional objections, neither of natural or artificial kind. Give them employ, they will prove by their acts, that they deserve it. This I know, and if an opportunity is afforded them, the world will know it. If this flame is fanned, and such conduct encouraged by the President, the proper zeal will be felt until our enemies are destroyed, when we shall again enjoy the blessings of uninterrupted peace, under the mildest and best government known to man, and which has declared war, in support and defence of the rights of freemen, whose principal delight is to confide in the regularly constituted authorities of the Union, from a full conviction that they deserve their confidence. I have the honour to be, &c.

WILLIE BLOUNT.

Hon. William Eustis, Secretary at War.

D.

Extracts of letters from General Wilkinson to the Secretary of War. New-Orleans, July 22, 1812.

"A new governour and one hundred and thirty men, blacks, have been sent from the Havannah to Pensacola."

September 22, 1812.

"Two Spanish armed schooners arrived from Havannah, destined to Mobile, with one hundred and sixty troops.

"Our information from Pensacola states, that the Spaniards are fortifying, and expect reinforcements."

D.

Adjutant General's Office, Washington City, Jan. 13, 1813.

SIR,—From the best information I possess on the subject, I should estimate the Spanish force at St. Augustine, at nine hundred men; at Pensacola, at five hundred; and at Mobile, at two hundred and fifty.

I am, sir, &c.

T. H. CUSHING, Adjutant General.

The Honorable Secretary of War.

E. No. 1.

GOVERNOUR MITCHELL'S CORRESPONDENCE.

Mr. Monroe to Governour Mitchell. Department of State, July 6, 1812.

SIR,—I had the honour to transmit to you, some time since, a copy of an act of Congress, declaring war against Great Britain, and also of the President's message to Congress, and of the report of the committee of foreign relations on the subject.

As the President entertained full confidence that you would discharge the duties of the trust confided to you, respecting East Florida, with ability and discretion, according to the act of Congress, of which you were furnished with a copy, and the instructions given to your predecessor, founded on it, and according to those given to yourself, since the revocation of his powers, I have said nothing of late on the subject, waiting to receive a further report from you of the actual posture of affairs in that province.

Another motive for delay, in giving you other instructions, proceeded from the expectation, that Congress might, in consequence of the war with England, make some modification of the law under which you acted.

I have now to inform you that soon after the declaration of the war, a bill to authorize the Executive to take possession of East Florida, and of the remaining part of West Florida, was taken into consideration by Congress, and, after passing the House of Representatives, was rejected by the Senate. Hence the authority of the Executive remains unchanged, being precisely what it was at the commencement of the present session.

Intelligence has been received here, through the publick gazettes, that an additional force of five hundred men have lately arrived at St. Augustine, and that the commandant there had sent a message to Colonel Smith, the commander of our regular force opposed to it, that if he did not retire voluntarily he would attack and endeavour to compel him by force. It is not known, if the report of the arrival of these troops be true, whether they be Spanish or British. If the latter, the contingency, on which the authority in the Executive to take possession of the province depends, has happened; and if they be black, as is also reported, the presumption is, that they are British.

Since the rejection of the bill in the Senate, the President thinks that it will be most advisable to withdraw the troops from East Florida, provided British troops have not landed in it, and in that event also, provided they be

superior to any force which we have in that quarter. In no view of the subject, would it be proper, at this season, to keep our troops there unless we had the means, and circumstances authorized the government to take possession of the whole province, in which case they might be quartered in the most healthy situations.

In taking measures to execute this instruction, the President requests that you will communicate with the Spanish commandant, and stipulate the best conditions in your power in favour of the revolutionary party. It is presumed that considerations of policy will induce the Spanish authorities to accede to your demands, and to observe any arrangement which may be made in their favour.

This object is not to be considered as abandoned. Under the existing law an important duty is enjoined on the Executive, which must be attended to and discharged, as soon as adequate means can be provided, after the contingency occurs on which it depends. It is also probable, even should that contingency not occur, that the consequences of the war may give a new view of the subject, in the course of the year, and induce Congress, at the next session, to authorize the President to take possession of the country.

In entering into war with Great Britain, it is not the wish of the United States to extend it to Spain, provided it can be avoided consistently with their rights, their honour, and interests. You will apprise the Spanish authorities of this truth. The United States consider West Florida as theirs of right, by cession from France, as a part of Louisiana. In permitting any portion of it to remain in the possession of Spanish troops, since the treaty with France in 1803, they have given a proof of their desire to cultivate friendship with the government of Spain, which desire has been more evident since the disorganized condition of that power.

Having a claim on Spain to indemnity for spoiliations in the last war, sanctioned by the Spanish government, by a convention signed by its minister in 1802, but never ratified; and the Spanish government having treated with the United States in 1805 for the cession of East Florida, with a view to indemnity, the United States have looked to that province, with that view, since. The connection which has subsisted for some years between Spain and Great Britain, and the actual hostility of the British government to this country, considering the important relation of East Florida to the United States, affording to Great Britain, if it should come into her possession, ample means to annoy the commerce of the western states, and of harassing, by the influence it would secure her over several powerful Indian tribes, our southern and western frontiers, have made it of late more an object to the United States to prevent the occupancy of that province by British troops. The little importance of this territory to Spain, its connection with the United States, and real importance to them, the just lien which they have on it, are considerations, which, it was expected, would have induced the Spanish regency to have yielded the possession of it amicably to the United States during the war, reserving the conditions of its final cession for adjustment, after the termination of the war. It has caused no little surprise to see a different spirit prevail in that body, and the pertinacity with which the just claims of the United States are resisted. The President desires that you will impress the Spanish authorities with a thorough conviction, that the introduction of British troops into that quarter will be considered as a proof of a hostile disposition in the regency towards the United States, which will produce their immediate expulsion from the province, and its occupation by the troops of the United States, if it does not lead into other consequences. I have the honour, &c.

JAMES MONROE.

P. S. If the British have landed any force in East Florida, as the contingency alluded to will have occurred, you are hereby authorized to maintain your ground against it, provided you should be of opinion, that it may be done consistently with a due regard to the safety of our troops.

Extracts of a letter from Governour Mitchell to Mr. Monroe, dated St. Marys, July 17, 1812.

"By letters which I have received from members of the state delegation, in Congress, I have been induced to believe, that an act would have passed as soon as war was declared, authorizing the President to take possession of the posts, yet occupied by the Spaniards in the two Floridas; and by some expressions in your communications, these expectations were confirmed. Under these impressions I have remained here making every preparation for that event. You may therefore judge of my surprise and mortification at the information I have received by this evening's mail, that the Senate had rejected a bill which had been passed by the House of Representatives, for the purpose of authorizing the immediate occupancy of the entire provinces.

"Enclosed you will receive copies of a correspondence which has taken place between the new governour of East Florida and myself; and by it you will perceive that I have carefully avoided making any proposition for withdrawing the troops, under the fullest conviction that such a step was not intended; and I feel that it is a duty I owe the United States, and Georgia in particular, to assure you, that the situation of the garrison of St. Augustine will not admit of the troops being withdrawn.—They have armed every able bodied negro within their power, and they have also received from the Havanna a reinforcement of nearly two companies of black troops. An additional correspondence to that now enclosed, has taken place between the governour and myself, in which I have called his attention to the introduction of this description of troops, and it is my decided opinion that if they are suffered to remain in the province, our southern country will soon be in a state of insurrection. In addition to which I have not the least doubt but that they will be soon farther reinforced by the same kind of troops from the British West Indies."

"I have ordered such reinforcements to the support of Colonel Smith, as I deemed necessary to enable him to maintain his ground, and to prepare him either to meet any reinforcements which might be received by the Spaniards, or to take possession, if ordered.

"Under present circumstances I shall leave this for Milledgeville, by Savannah, in a few days.—Should any imperious circumstances require my presence at a future day, I will return, unless the President shall deem my attendance unnecessary.

"I cannot at this moment make up a detailed account of my expenses, or the expenses incident to the transportation of troops, &c. &c. but it shall soon be sent on. In the mean time I have drawn for my expenses here."

I am, &c.

D. B. MITCHELL.

TRANSLATION.

Governour Kindelan to Governour Mitchell.

MAY IT PLEASE YOUR EXCELLENCY,

I have this day arrived in this city, and taken command of it and of the province, as civil and military governour, named by the most Serene Regency of Spain, who, in absence of our adored sovereign, Ferdinand the seventh, happily reigns.

I advise your excellency thereof, on purpose that the good harmony which ought to felicitate the respective territories under our charge, and more particularly in consequence of being instructed, that on the 17th March last, several American gun boats, stationed in the river St. Marys, entered our waters in a hostile manner, and threatened the town of Fernandina, in Amelia Island, apparently taking an active part in an insurrection, prepared, collected, and from appearances, raised in that country, with the premeditated design of taking possession of the province now under my command, which has actually been the case with a part of it, as the regular troops of the United States are in possession of the aforesaid terri-

tory, and encamped in the vicinity of this city (all of which, as I understand, by the orders of General Mathews,) notwithstanding our respective governments are on the best terms of peace and friendship. The aforesaid proceeding is an act of hostility, which, taken in any point of view, would induce both nations to take part in disputes, that most probably have no other origin, but the ambition and intrigue of a few base and designing revolutionists.

Your excellency must consider that my duty don't allow me the tolerance for a single instant, of the continuance of said troops in the province under my charge, and consequently (although with pain) I shall be obliged, if they do not withdraw, to take disagreeable measures, the sole blame of which must be attached to the promoters of so unjust an aggression; and therefore, in the name of my august sovereign, Ferdinand the seventh, and of the Spanish nation, I invite your excellency's first step to be, an order to the aforesaid troops under your command, to withdraw from the Spanish territory in eleven days from this date, not in the least doubting but that your excellency, well convinced of the powerful motives which I have for exacting this demonstration of your sincerity, will readily carry it into effect, as it is so interesting to humanity and the happiness of the frontier.

Your excellency may be well persuaded that under all other aspects and circumstances, I would wish to render you my services, from the high consideration I have for the virtues which adorn your personal character.

This will be delivered to your excellency by Mr. Joseph M. Arredando, and I beg your excellency will be pleased to return by him your answer as soon as possible, granting him a passport for this place.

May God preserve your excellency many years. St. Augustine, E. F.
11th June, 1812. SEBN. KINDELAN.

The above is a true translation from the original, done by the superior orders of his excellency, the governour. St. Augustine, E. F. 11th June, 1812.
B. SANCHEZ.

Governour Mitchell to Governour Kindelan. St. Marys, June 16, 1812.

SIR,—I have the honour to acknowledge the receipt of your letter, dated at St. Augustine the 11th inst. handed me by Mr. Joseph Arredando.

On the 9th of last month I made a communication to the gentleman then acting as governour of East Florida, in which I declared, in the name of the government of the United States, that the use made of their troops in the late transactions in East Florida, was unauthorized by that government. Immediately after making this frank declaration, which I presumed to have believed ought to have been received as evidence of the friendly disposition of the United States government to that of Spain, and before I had time to reply to the answer I received, an attack was made upon the troops of the United States by a party from St. Augustine.

This attack being made at a moment when I was proceeding to offer, and had in part offered the most sincere and friendly explanations on the part of the United States for the part they had apparently taken in the late transactions in East Florida, precluded all farther efforts on my part to continue the correspondence, believing as I did that it was an indignity wantonly offered to the honour and integrity of the government I represented.

Under the impressions which this transaction was calculated to produce, and which you, as a man of honour and a soldier, can readily conceive, I am persuaded you do not expect me either to withdraw the troops or to make any proposition for that purpose, until such explanation be given for the attack made upon them as will evince the sincerity of the desire you express of seeing the harmony of the two countries preserved, and be consistent with the honour of the United States to receive. In the mean time, should your excellency proceed, as you intimate you will, to acts of hostility

upon the United States troops, after the expiration of eleven days from the date of your letter, without having satisfied the just expectations of the President, as to the cause of the attack made upon them, of which I have already spoken, be it so: I shall regret the circumstance, but you alone will be answerable for all the consequences which may result from such a proceeding. I can make any sacrifice of my individual feelings when placed in competition with the welfare or happiness of my country, but the honour of the nation can never, not for one instant, be called in question.

I can assure your excellency, with the greatest sincerity, that if you commence hostilities, with the intention of driving the American troops from their present station, you will then find, by experience, that the forbearance of the United States hitherto has proceeded neither from the want of power nor provocation, but from considerations arising out of the present unusual and critical situation of the Spanish monarchy, and a sincere desire to avoid hostilities with a nation with whom they have been so long in harmony. I have the honour, &c. D. B. MITCHELL.

Extracts of a letter from Governour Mitchell to Mr. Monroe, dated Executive Department, Georgia, Milledgeville, September 19, 1812.

"In my letter of the 17th July, written at St. Marys, two days prior to the receipt of your despatch of the 6th July, I gave you in a few words my opinion of what would be the situation of our southern frontier, if the United States troops were immediately withdrawn from Florida, and every day's observation and experience since has confirmed me in the opinion I then entertained."

"If" (St. Augustine) "was once in our possession, there is no probability that any European power would ever attempt to retake it; the natural and artificial strength of the place is such, that with a good garrison of American troops, it could not be taken but by regular siege, and by a power having the entire command of the sea, and the besiegers must not only have the command of the sea, but the besieging army must be stronger than the garrison and any land force the United States could send to its relief. It would therefore require a force to retake it from us superior to any that any European power would think of sending against it."

"The governour of St. Augustine has had sufficient influence with those Indians (a part of the Creeks) residing in Florida called the Seminoles, to induce them to fall upon the defenceless settlers on the St. Johns and on our side of the St. Marys. On the St. Johns they have killed and scalped eight or ten persons, and on the Georgia side of the St. Marys they have killed and scalped one and wounded two more, besides driving off from both places a large number of negroes and stock of every description. The same governour has proclaimed freedom to every negro who will join his standard, and has sent a party of them to unite with, and who are actually at this time united with the Indians in their murderous excursions. Indeed the principal strength of the garrison of St. Augustine consists of negroes, there being but a few militia of the province in the place who adhered to the royal government when the revolution broke out, and about one hundred effective men, the remains of an old battalion of regular troops, whom it is understood would surrender without firing a shot. Independent of all this, what would be the situation of Amelia if it was evacuated by the American troops? The entrance to it from the ocean is at St. Mary's bar, and the waters of St. Mary's river would be common to the Spaniards, and consequently the British as well as ourselves. The bar is a very fine one, of easy entrance, with twenty-four feet water. The statement of these simple facts will unfold to your view what our situation would be, was the place evacuated. It is also a fact that most of our male negroes on the seaboard are restless and make many attempts to get off to Augustine, and many have succeeded, which, considering the disproportion between our white and black population in the same part of the state, ren-

ders it necessary to have constant guards and patrols, which harass our people exceedingly.

"Although the circumstances I have stated may be said to present a local view of the subject only, yet in my opinion it goes a great way in support of those general views which the government have of the subjects, and on which they founded strong expectations that Spain would have consented to an amicable transfer, subject to future friendly negotiation.

"I left St. Marys so soon after the receipt of your despatch, and have been so long confined since my return, that I have not been able to communicate with Governor Kindelan since. I am now despatching a messenger to him, in compliance with the request of the President in your last letter, and the moment I receive his answer I will enclose copies of the correspondence.

"From what I have already said, you no doubt anticipate the fact, that I have not withdrawn Colonel Smith and his detachment, but I trust you will at the same time do me the justice to believe that I shall not suffer any sacrifice of that detachment, either as to health or the enemy. I have given to Colonel Smith, who is a judicious, vigilant, and brave officer, discretionary orders to act as circumstances may occur. The rains have been so incessant and heavy this summer and fall, that several of colonel Smith's men have been afflicted with colds, but when I left St. Marys there was not a case of fever in camp that did not proceed from that cause. Augustine and its neighbourhood is considered the healthiest situation on the American coast.

"I trust the President will not send any peremptory order to recall the troops, but that he will let us gain a little time, and probably some circumstances may arise out of our present situation that will bring us relief. I am hopeful the President will have less objection to this course, from the consideration that if there be any probability of the contingency provided for by the act of Congress, happening, which admits of the application of force, and if that contingency shall happen by the presence of a competent British force, it will cost the United States more blood and treasure to possess St. Augustine than it would to reduce the city of Quebec.

"The construction of the fort of St. Augustine and the materials of which it is constructed renders it a very formidable post. It is washed by the sea water upon one side and has a thirty feet ditch on every other, always wet, the walls to the parapet are thirty-six feet high and fifteen thick, and the parapet is six feet high and of equal thickness; it is bomb proof, mounts sixty odd heavy pieces of ordnance, and can contain a garrison of at least one thousand men. The materials of which the fort is constructed also add greatly to its strength and security. It is built, not as has been generally thought, of what is called tabby, or lime and shells mixed, but of large blocks of concrete of marine shell found in a large mass on an island directly in front of the fort. On this mass shot has no other effect than to make a hole of the size of the shot, which will penetrate to a depth more or less in proportion to the distance from which it is sent and weight of the shot, and never cracks or breaks the wall. Hence it would occupy an immense train of battering cannon for a considerable time before any breach could be made in the wall. Under this view of the subject I have always considered the act of Congress as unfortunately worded, that there must be "an attempt to occupy" before any force could be applied on our part, and in the particular instance of St. Augustine, an attempt and the actual occupancy are the same thing, for it is open to the ocean, and in making the attempt, they would complete their landing, and be in full possession of the fort before you could bring a man to oppose them, even supposing you should have five or ten thousand at Point Petre, which is the nearest station you could occupy and remain within your own territory.

"When I first embarked in this business, I was desirous of having an opportunity of withdrawing the troops, because after the declaration that they were there without the authority of government, I conceived that the

government were in honour bound to do so, if any security could have been obtained for the safety of the lives and properties of those who had embarked in the revolution, under the fullest assurance that they would meet the support of the United States; for to have abandoned those people would have been cruel in the extreme; but I could never see what kind of security I could receive which would be effectual, unless they had ceded Amelia, and all north and west of the St. John's, and this I did not expect, neither was I certain that the President would so construe the act of Congress, as to accept of a part of the territory. When in this dilemma, the bad conduct of the Spaniards came to my relief, in the attack made upon Colonel Smith's camp, at the very moment when I was giving them frank and candid assurances of the friendly sentiments of our government, and of their wish to restore matters to their original standing. From that moment I ceased to communicate with the person then in authority in Augustine, because I believed it to be a gross insult offered to the honour and integrity of our government. The President's sentiments upon this point I solicited, but never received them: probably it was improper I should. I have the honour to be, &c. &c. D. B. MITCHELL."

*Mr. Monroe to Governour Mitchell. Department of State,
October 12, 1812.*

SIR,—I have had the honour to receive your letter of the 19th ultimo, from Milledgeville, acknowledging the receipt of mine of the 6th of July, and communicating the state of our affairs with the Spanish authorities in East Florida, at the time you left Savannah.

The President finds with regret, that the governour of East Florida has declined entering into an engagement with you, to secure from molestation or harm, such of the inhabitants as had been encouraged by governour Mathews, in a mistaken view of his powers, to engage in certain revolutionary measures there; and also, that at the time when a fair and just provision in their favour was under discussion, he had made an attack on the troops of the United States, under the command of colonel Smith, who had been necessarily advanced for the safety and protection of these people. It appears also, that in the same spirit the governour of East Florida had excited the Indians to commit acts of hostility against the United States, and that there was serious cause to apprehend, that under his influence, the combination of the Indian tribes against us would be increased, and their aggressions be proportionably more extensive and injurious.

The conduct of the governour of East Florida, has excited much surprise, more especially when the liberal and friendly conduct of this government towards Spain is taken into consideration. As soon as it was known that general Mathews had transcended his powers, the President revoked them and committed them to you, with authority to restore the territory to the governour of the province, on the condition, that satisfactory assurance should be given you, that the people who had acted at his instance, on the faith of the United States, should not be punished or molested for it. It was hoped and presumed that this condition would have been promptly acceded to, or rather that a just policy would have anticipated it. It was impossible to foresee that the frank and liberal proposal of the United States, to restore the territory to the Spanish authorities, after disavowing the conduct of their own officer, and displacing him, whereby the authority of Spain would have been confirmed over it, under their sanction, would have been met by acts of direct and open hostility.

The wrongs heretofore received from Spain, with which you are well acquainted, independent of other considerations, of sufficient weight in themselves, would have justified the United States in taking possession of that province, as an indemnity to our citizens. These wrongs have been borne, in the expectation that the motive could not have been mistaken, and that the period was not remote, when the Spanish authorities, by whomsoever wielded, reciprocating a similar sentiment towards this coun-

try, would make ample reparation for them. To abandon the people who had relied on the faith of the country, however improperly pledged, to the resentments of the Spanish authorities, which evidently awaited them, while the government of Spain made no recompense to the United States for losses, or atonement for insults, would have been inconsistent with the sympathies due to their situation. To do it after the outrages more recently received, which you have communicated, without a satisfactory arrangement, would be still more reprehensible.

On a full view of your conduct in this important and delicate transaction, I am happy to communicate to you the entire approbation, and the thanks of the President. In accepting the trust, you gave a proof of patriotism, and the discharge of its duties has been distinguished by the abilities and judgment, which the nature of the case required. That more precise instructions were not given you, for the reinforcement of the troops under the command of Colonel Smith, in case the Spanish authorities should refuse to give you the satisfactory assurance desired in favour of the people in East Florida, to whom the publick faith had been pledged, proceeded from a hope and belief, that that contingency would not happen, and a confidence, if it did, that your judgment, looking distinctly to the nature of your trust, and its duties, would supply the omission.

The President is aware that your duties in the office of chief magistrate of Georgia, which will now become more active, will render it difficult, if not impossible for you in future, to execute those with which you have been charged in regard to East Florida. Willing to relieve you from that burden, he proposes to transfer the powers lately committed to you, to Major General Pinckney, with whose situation and functions, they have a convenient relation. I have therefore to request that you will have the goodness to communicate with him on the subject, and to furnish him with such information as may be useful to him. I have the honour, &c.

JAMES MONROE.

Governour Mitchell to Mr. Monroe, Milledgeville, October 13, 1813.

SIR.—The affairs of East Florida have assumed, within a few weeks past, a very serious and alarming aspect. As I had the honour to state to you, in a former letter, the Governour of St. Augustine has succeeded, in stirring up the Seminolie Indians (a part of the Creeks) to a state of open hostility with us. They have broke up the settlements on St. Johns, have driven off the peoples' slaves, and stock of every description, and destroyed what they could not carry off. They have also, a part of them, gone into Augustine, and Colonel Smith's letter, a copy of which is enclosed, will inform you of their object there. Colonel Smith had determined, under the discretionary orders which I had given him, in consequence of his men having become sickly and the departure of the volunteers, to remove to a healthy position on the St. Johns, and only a few days before he began to put that determination into execution, his party, escorting the provision waggons, was attacked by a motley set of black and red savages. Colonel Smith is now, however, both in a secure and healthy situation, but his force is weak, when every man, under his command, is fit for duty. Under the present circumstances, if Colonel Smith was withdrawn or compelled to retire from the province, it would be attended with the most fatal consequences to Georgia, and indeed nothing short of the whole military strength of the state, being brought to act against the Indians and negroes, would, in my opinion, save her from the very worst evils imaginable. To reduce the state to such a situation cannot, I am certain, be either the intention or the interest of the general government, and I shall therefore confidently hope, that the Secretary at War will be required to order the United States commanding officer in Georgia to order all the disposable force here under Colonel Smith. Could a company of artillery be possibly spared, they would be

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of vast importance to his command. Whatever additional force may be ordered, I hope and trust it will be under an officer inferior in point of grade and date of commission to Colonel Smith, for he has borne the brunt for a long time, and in justice to his feelings and merits, he is entitled to command the troops that may be in that province until the business is settled.

By next mail I expect to have it in my power to send you some documents from the Indians themselves, that part of them who profess friendship for the United States. I am, sir, &c. &c. D. B. MITCHELL.

Colonel Smith to Governour Mitchell. Depot, Davis's Creek, 20 miles north of St. Augustine, September 22, 1812.

SIR,—The period has at length arrived when it is absolutely necessary to order a respectable reinforcement to aid me in the reduction of St. Augustine, and the destruction of all the Indian settlements in this province, or that we should be withdrawn; the latter would be to me the most painful movement of my life, and I hope your excellency will order the force necessary to effect the former as soon as possible.

The escort with the provision waggons, under the command of captain Williams, was attacked on the 12th instant, by a party of Indians and negroes from St. Augustine, to the number of fifty or sixty. Captain Williams's command consisted of a non-commissioned officer and nineteen privates, besides drivers. Captain Fort, of the Milledgeville volunteers, was with the party. The attack was made at the 12 Mile Swamp, between 8 and 9 o'clock at night, and lasted about twenty-five minutes. The result was unfavourable to us, having lost our waggons; had both the officers, and six privates wounded (Captain Williams in eight places, and I fear mortally) and the non-commissioned officer killed. Captains Williams and Fort acquitted themselves highly to their honour, and would have been victorious, beyond a doubt, if either of them had escaped for a few minutes, as an order had been given to charge, and the enemy began to give ground. The Indians fled the second fire, yelling like devils. I would have made an effort to take St. Augustine immediately, but my detachment is so reduced by disease, that I cannot furnish the necessary camp guards. I expect to remove to a healthy situation on the St. John's in a few days, and if the volunteers (gone at present against the Lotchaway towns) will consent to serve to the fall of St. Augustine, I will procure, without delay, the necessary transport and supplies, and invest it closely the moment that three or four hundred additional men can be raised for that service. The volunteers have been very unhealthy, as many as one hundred and five on the sick list at a time, and I am fearful, I shall not be able to get more than one hundred and twenty of my detachment on their legs in time. Captain Neeley died on the 20th instant; his men have acted like veterans; without shoes or indeed clothing of any kind, they have always been ready for any duty they were ordered on. They would be infinitely more serviceable if they could be clothed. I hope your excellency will devise some plan by which they can be supplied, as the laws of the United States do not provide for clothing volunteers. The following is the plan I have in view, if a reinforcement is sent on: My detachment, one hundred and twenty; volunteers, one hundred and fifty; then wanting three hundred, making five hundred and seventy, to be disposed of as follows: twenty at Picolata, forty at the Depot, at Six Mile Creek, a block house to be thrown up, forty at the big swamp, with a block house, being about half way, two hundred and fifty on the neck, formerly occupied by me, with two field pieces to prevent boats going up the north river, two hundred and twenty, with the heavy pieces and a strong redoubt opposite the lines by the Soliwoes ferry. This arrangement will prevent any communication with the Indians, and secure the convoys with provisions: if they should be supplied by the British, it will then be an easy matter to destroy the towns, and see what

effect that will produce. There should be an allowance for sick, lame, and lazy, as a smaller force capable of duty, will not secure the fall of the place.

The Dons did not attempt to molest me, on my way to this place. I commenced the movement about ten o'clock, and set fire to my huts, which was no doubt a pleasing sight to them.

The inhabitants have all abandoned their houses with as much of their moveables as they could carry with them; some have stopped on Amelia Island, but I believe the greater part have gone to Georgia. The province (never thickly settled) will soon become a wilderness.

A Spaniard who escaped from the Indians informed me that they intended to attack St. Marys as soon as they had given us a little employment here; they made an attack some time since on Picolata, but were beaten off. They succeeded, however, in burning the trading houses, with what was in them.

I have the honour, &c. &c.

F. A. SMITH, Lieut. Col. Riflemen.

Governour Mitchell to the Secretary of State, dated Milledgeville, October 19, 1812.

Sir,—I have received from Colonel Hawkins, the agent for Indian affairs residing among the Creeks, the papers of which the enclosed are true copies. By these, it would appear, as if the Spaniards at Pensacola and St. Marks, were in the daily expectation of assistance from the British, and of large supplies of arms and ammunition for the Indians. I think we are in the present situation of affairs, bound to believe their own declarations, and if we do, we have reason to regret the words of the act of Congress, which restrains us until there is an actual attempt to take possession; for as I have heretofore observed, in these sea ports, the attempt and the occupancy, as respects the British, are the same thing. It appears also by the enclosed, that the Seminolie Indians within the Florida line, are determined upon war with us, and that they are set on by the Spaniards.—The conversation of the commandant of St. Marks, with Feard the Cussetau chief, is conclusive evidence of this fact, if we had not more convincing proof by having felt their cruelties on our frontier, by the murder of our inhabitants, and the plunder of their property. I have as yet, taken no other steps on this subject, than mere precautionary ones, to guard against any sudden irruption by these savages on our frontier, but should they make their appearance on this side of our boundary, or near it, in a menacing and warlike aspect, the President cannot be surprised, if I order them pursued into their own territory, for I cannot think of suffering them to come into ours. If they are determined upon hostilities, and I have no doubt but they are (I mean the Seminolies) it will be far better for us to meet them in their own towns, and punish them there, than to wait for their approach or arrival among our settlements. Those of them, who are disposed to be at peace with us, shall not be molested. I sent to demand that those who had committed the murders on the St. Marys, of which I informed you in a former letter, should be given up to the civil authority of Camden county, there to take their trial, and I received no other satisfaction than, that they received nothing from the United States, and that their head man, Paine, was at war with the Americans, and was then out on the St. Johns and St. Marys with a war party from the Lochaway and Alligator towns. We have therefore nothing to expect but, that they will do us all the mischief they can, if we do not anticipate their intentions by meeting them in their own territory.

Every letter which I receive from Mobile and other parts of our western country, assure me, that the British carry in American vessels to Pensacola, and that they are there permitted to condemn and sell them. This circumstance is certainly a breach of their neutrality, and when taken in conjunction with the recent attack upon Colonel Smith's convoy, is an evident proof to me, that they are disposed to be hostile to us, and that they derive

confidence from the certain expectation of British support. I have no doubt, if we do not get possession of Augustine before the expected British fleets arrive upon our coast, but that they will throw troops into both Augustine and Pensacola, and if they do, the situation of the southern section of the Union, will be a deplorable one indeed. Colonel Smith, in his letter of the 22d of September, a copy of which, I had the honour to transmit in my letter by last mail, speaks of the attack made upon his convoy, as an open declaration of hostilities on the part of the Spaniards, which he would have immediately resented, if he had had a sufficient force.—His present situation is on the St. Johns, about forty miles from Augustine, and is not only a very secure, but a very healthy one, and where he is capable of defending himself against any force at present in Augustine, or he can retire at pleasure, having the command of the river. His expectations of taking Augustine, are founded on the belief, that the measure will be authorized as soon as Congress meets, if the hostilities already commenced by the Spaniards, should not be considered as authorizing it sooner, and on the reinforcements which he may receive. I have not sent any more volunteers to him since the detachment whose term of service expired on the last of September, because he had determined on retiring to the St. Johns as soon as they left him, and long prior to the attack made upon his convoy; but his removal was deferred until the last moment, on account of some of his sick, whose situation made it dangerous to remove them; he however finally effected it without loss. Under the present circumstances and aspect of affairs, I shall endeavour to have a force organized under the orders of Colonel Smith, and ready to execute any order the President may think proper to give, either before or after any decision which Congress may again make upon the subject.

The last sentence in colonel Smith's letter corroborates the information I have received from other quarters, of the determined hostility of the Florida Indians to us, and I am perfectly confident that nothing short of chastisement in their own towns, will restrain them. Indeed I am fearful that a number of the young and thoughtless fellows of the Creeks within our line, will be induced to join them under the allurements held out to them by the Spaniards, and particularly if a supply of British goods should arrive at the places mentioned by the commandant of St. Marks, to Fearde. These details concerning the Indians, have no direct reference to the instruction under which I act for the government, but inasmuch as they have in some measure grown out of the affairs of Florida, by the intrigue and arts of the Spanish officers, and the peace of Georgia is likely thereby to be disturbed, have thought it but proper to apprise the government of all circumstances of any importance, which occur from time to time on this frontier. With sentiments of high respect and esteem, &c.

D. B. MITCHELL.

Copy of a letter from Colonel Benjamin Hawkins, agent of Indian affairs, Creek Nation, to his Excellency David B. Mitchell, Governour of Georgia, dated Creek Agency, Sept. 20, 1812.

I SEND you the report of the mission sent to the Seminolies. It is long, but I preferred sending the whole to abridging of it, as you may have as correct a view of occurrences in that quarter as I have. The Spanish commandant at St. Marks explained himself clearly to Fearde. I have added to the report, some information obtained from Mr. Barnard, of Alligator Hole, and Allotcherwau. The chiefs of the Creek nation are to convene at Tookaubatchu on the 22d October, to which they have invited the Choctaws, Chickesaws, and Cherokees.

The capture of general Hull's army to the northwest being among the wonders of modern warfare, if a sufficient force is not immediately applied to recover what was lost, the Indians in that quarter will be active against

us, and some of them will be among us to endeavour to draw our Indians into the vortex of British influence. If the supply of arms contemplated by the St. Marks commandant arrives, and the British force at the points mentioned by him, or either of them, I suppose you will then have authority under the act of Congress to take possession of East Florida, and to apply a military corrective to the Alligator people. I am, respectfully,
 &c. &c.
 BENJAMIN HAWKINS.

Tuskegee Tustumugee to Colonel Hawkins. Copy of a report made by Tuskegee Tustumugee, otherwise called "Big Fear," to Colonel Benjamin Hawkins, agent of Indian affairs, Creek Nation, enclosed in a letter to the Governour of Georgia, by Colonel Hawkins, dated Sept. 20, 1812. Creek Agency, Sept. 18, 1812.

We of Cuscutan with the Cowetau chiefs have executed our long and fatiguing mission, and I am now to inform you of what has occurred. We had a meeting at Cowetau with Mr. Cornells and some chiefs of the upper towns; these appointed the meeting for the Seminolies, sent it to them, and particularly to Paine, the Autotchervau, to attend. It was once talked over at Ocheubofau and agreed that all the red people hereabouts should be as one people, friendly among each other, and towards their neighbours—Upon this we were sent to the Seminolies to put them to rights: when we arrived at Aumuculle we were informed by Youhau Tustumugee, that the talks of the nation had been sent to the Seminolies, and when we got to Miccosooke, we should know what they would be at. It had been reported that Mr. Paine had altered the talks of the nation. When we got to Miccosooke we were met by the chiefs of the towns below us, Chiskitallofoochee, and all the others. When we had met, Kimhijee the Micco of Micco Sookkee told us he was glad we were come, some of his people had been talking foolishly, but he had put a stop to it. When we got to Miccosooke, we asked Kimhijee to inform us of every thing, he said he would do so; that Mr. Paine had informed him he had been to St. Augustine and had a talk with the commandant of the United States there; when Mr. Paine had the conversation with the American officer, he said, I am the representative of the Americans here, set you down at home and mind your business, and I will be your friend. At the time the American officer gave this talk, some of Paine's men said they believed the American officer meant to amuse and deceive them. Mr. Paine said not, he could not believe he would do so. The men of Mr. Paine said, we believe this talk is to amuse and deceive us, we will go home and put our children out of the way. After this Mr. Paine had a talk with another officer. At this talk the officer said "I find you suspect us, we look on you as the Mucogee nation, we are your friends, and mean to be your friends, you need not suspect us." This officer repeated, "You suspect us, you are wrong; sit down and take care of your women and children. The head of the American government has put us down here with arms in our hands to defend ourselves. We have nothing against you, and believe us your friends; we are so, and wish well to you." This officer told Paine, "Set down and be friendly, our great man has placed us here, not to do you any injury. You have large stocks of cattle, when we want beef we will send to you, do you send them down, and we shall have something to pay you for them." After all this, instead of listening to that talk, they have thrown it aside, taken up arms, and done mischief. Before Paine left the American officer, a negro came from Augustine, who speaks Indian, and told Paine's Indians "These fine talks are to amuse and deceive you, they are going to take your country beyond St. Johns, the old

* Supposed to be general Mathews, that had had a conference with him at Piccolotta.

people will be put to sweep the yards of the white people, the young men to work for them, and the young females to spin and weave for them. This I have heard and this I tell you." After the Indians heard the talk of the negro they believed it, immediately brought off thirty-five negroes from both sides of St. Johns. A party went to the head of St. Marys and killed a man who kept a store on the American side of that river, not far below Trader's Hill, they burnt the store house; there was powder in the house, and it blew up. The Alligator Hole people, and the Autotchewau people were jointly concerned in it. When Kinsujee told us this, he added, he was satisfied the red people were encouraged by the Spaniards to do what they [had] done.

After hearing these things, we began and told the attending chiefs our mission, that among us we were in peace with white people, and meant to live so. We repeated every thing among us, and told them they were Creeks, although a wild people, they must restrain themselves, listen to the Creek chiefs, as the Seminolies and they were one and the same people. We repeated every occurrence, beginning with our treaty at New York. After hearing all they told us, they would set down quietly and take the talks of the chiefs of the Creeks. We had all present in that quarter except the Alligator and Autotchewau Indians. We were informed the Spaniards had been offering them arms and ammunition; we told them to reject them and have nothing to do with war talks, to be suspicious of every white people who offered them arms, and to set down in peace and friendship with all colours. If you deviate from this talk you involve yourselves and all the Creeks in ruin; accept not of war implements from any people, nor listen to their war talks. If you do you bring ruin on all of us, you will most assuredly lose your country: you have heard our talks, the Autotchewau and Alligator Indians are a great way from you, they have thrown themselves away, and must abide by the consequence. You must take care, you are one people with us, if you take our talks, and if you do not we shall throw you away.

The talks of our old chiefs will save us. If you reject them you are a lost people. We told them to remember past times. The British encouraged you to war, and we all know what happened to us then. We are now surrounded by white people who are friendly, and we must take care how we make them our enemies. After we said all we could, the Indians present told us, they would do as we had directed, and that they were unanimously agreed to this.

After this meeting terminated, I went with some Indians to St. Marks, and have something to tell you from them. I told the Spaniards, I had visited them with friendly intentions. Our old people who used to visit them, were dead and gone, and I had come on a visit, to a people I look on as my fathers. I told the Spanish commandant, you white people put mischief into the heads of the Indians; you remember Bowles, how he brought mischief among us, and took this fort from you. We afterwards sent him off, and since have been quiet. You white people raise difficulties among one another, and embarrass us with them. You kindle fires among us which you cannot extinguish, and it pesters us to do so. We have each our land marks, keep within yours. I told the ill consequences attending this interfering with red people. They knew the Indians sent off Bowles, which was an act beneficial to red and white people, it saved both from trouble and difficulties. We have a man, Colonel Hawkins, sent among us, to direct us; he constantly urges us to a peaceful conduct towards all people. The commandant replied, the talks you give us are very good. We are at war. I expect the British soon at St. Augustine, Pensacola, and at this place. I expect soon to receive guns, knives, hatchets, and ammunition, for the red people, and when it arrives you may have it, if you will. The red people are our friends; it will be here for them, and they may have it if they will. After the commandant offered us these arms, I told him I was surprised at his offer, after what I said to him.—

You Spaniards call yourselves a great people; the British also are a great people; and so are the Americans. If you three are at war, settle your affairs among yourselves. I think you degrade your national character, in offering these things to the red people; we have no occasion for them, and I have told you so. You Spaniards are seeking our destruction; it must be you. Who set the Autotchewau people at war? And you are now offering them to us. I have told you our course; it is peaceful, and you seem desirous to involve us in ruin, as it will be, if we are involved in white people's wars. I have found out, it is your business here, to bring the red people into difficulties. The English have done the same to the northward; there is no difference in your conduct, destructive to the peace, and very existence of the red people. I told him the red people consented to a road through their country, for the accommodation of their white friends. Last winter blood was spilt on the road, which embarrassed us, and we were compelled to give satisfaction. Some of our stragglers also had been to the northwest, and spilt blood; this we are exerting ourselves to satisfy, being determined to be in peace with all nations, and to secure the road through our nation as a road of peace for white people. I told him that the Chickasaws, Choctaws, Cherokees, Creeks, and Seminolies, were in our talk, as I had expressed, and when our nation with the other met, I shall inform them how he was an encourager of war. I am going to leave you, when our chiefs meet, you shall hear from us again; after this he gave me a friendly smooth talk, he said, he was glad to hear that my talk was so pacifick; that as I had come as children of Spain, and stated that war talks was offensive to the red people, he would not offer them our war habiliments. If the red people acted as they had said, they would have no enemies, but accidental, such as snakes and thunder.

Returning I told the Micco Sokee people, not to have any thing to [do] war with the mad Indians, warring on the St. Johns; to throw them away, not to let them come into their land, and listen to the talks of the nation. This they assured me they would do. The Spanish commandant said he knew every thing that was going on at the American government, and as the red people had come as children to him, their father, he would tell them what he knew was intended as injurious to them. I have news from the government of the United States; they have not, but the people of Georgia have evidenced a determination to do something injurious to the red people and Spaniards. Do you know any thing of a disposition hostile to the Spaniards among the people of the United States. I replied, you are under a mistake, if you think Georgia is alone. You Spaniards, and the English are one people; your ships are disturbing the American trade every where, and they are arming every where. You have or will have arms at St. Augustine, St. Marks, Pensacola, and the British at every post to the northwest. The people of the United States are arming at all points, in Georgia, Tennessee, Kentucky, and all around. The commandant then said as I told you, I would tell you what I know. I now inform you, you have a beloved man among you, on Flint river. He has money, and puts it into the hands of the chiefs; bribes them to listen to him; he is soon to have a fort over Flint river, and will take your land. The old chiefs, who receive money from him will not see this, and the young people are to be cheated out of their land; this I can see plainly. I replied, Colonel Hawkins is with us, he is sent to keep peace among us, to keep peace with the white and red people, and he does so. We have sold lands to Ocmulgee, and receive pay annually; this money is brought to the trading house, at fort Hawkins, there we get from the hands of the United States factor, what is assigned to us. Colonel Hawkins gives us none, and has no land talks for us. He then said, you red people must have an eye to Colonel Hawkins, he has got a road through your land, let not waggons go through, he will soon have forts. You must be cautious not to let the American troops pass on that road. If they come against us by water, I care not more than the pairing of my nail for them.

Question by Colonel Hawkins.

How many white people have been killed by Paine's people? Answer, eight; but expect some more have been killed since. Have you heard of a boy killed and one other wounded above Trader's Hill? No, I have not. What Indians are concerned in committing outrages on the people of Georgia, on St. Marys? An Ooscoochee man who went there, a boy, led Paine's brother to do the mischief.

Have you heard of Tusseky Abbe and any other of the upper towns being among Paine's people? He is there, and several of the upper towns, who have been there a long while. Some fled for crimes, and some gone there for curiosity. How many gun men do you suppose there are at Autotchewau and Alligator Hole? We have talked it over. There cannot be more than 200. How many negro gun men can be collected to go to war with these wild people? We think 40. The whole number of black people we know not. There are about 100 Spaniards at St. Marks.

TIMOTHY BARNARD, Agent and Interpreter.

CHRISTIAN LIMBOUGH, Assistant Agent for I. A.

I certify the foregoing is a true copy from the original.

CHRISTIAN LIMBOUGH, Assistant Agent for I. A.

The following is a paragraph added by colonel Hawkins, describing the two Indian towns called "Autotchewau and Alligator." Autotchewau is nearly S. W. of Picolata 80 miles. It is the name of a pond, 15 miles long and 3 broad at the widest part: its length is nearly N. and S. In dry seasons about three parts dry up; on the dry parts a small reed, called by the traders maiden reed, grows quickly 6 or 7 feet high, extremely nutritious, on which horses and cattle fatten in short time. The pond is surrounded generally with open land, pine, covered with saw, palmetto, and wire grass. The pine barren comes generally to the water's edge. Some small spots of oak woods adjoins the pond in detached parcels, on which the Indians plant; their settlements are scattered. On the south, and about two miles from the pond, there is a swamp, with good planting land on its margins, here the negroes have their fields and their settlements between it and the pond. The Indian settlements are on the W. and N. W. side. The path to Picolata is in open pine land, with saw palmetto, and wire grass, with cypress ponds and small bay galls.

Alligator Hole (called by the Indians Albutchooteac Alligator House) supposed to be 100 miles from Picolata, nearly W. 50 miles from Okefino-csu swamp, and 70 or 80 from Trader's Hill. This is a pond nearly round, 4 miles diameter, good oak and hickory land around it, no swamp. The way to Trader's Hill is open, some sand hills, small bay galls and cypress ponds, pine land, with saw palmetto, and wire grass.

E. No. 2.

GENERAL PINCKNEY'S CORRESPONDENCE.

Mr. Monroe to Major General Thomas Pinckney. Department of State, Nov. 3, 1812.

SIR,—The President having committed to you the command of the troops, in the southern states, and, with it, the management of our concerns in East Florida, confided in the first instance to the late general Mathews, and afterwards to governour Mitchell, of Georgia, I have the honour to transmit to you the instructions and correspondence with those gentlemen, which have relation to that subject. You will consider these instructions as forming the rule of your conduct, in discharging the duties of this highly important trust.

In making this communication to you, I avail myself of the opportunity it affords of recalling to your recollection the acquaintance and friendship we formed in early life, at a most important epoch to our country, in the same quarter of our Union, and to assure you that the same sentiments have always been, and are still cherished by me towards you, with unabated warmth.

With great respect, &c.

JAMES MONROE.

Mr. Monroe to General Pinckney. Department of State, December 8, 1812.

SIR,—I have had the honour to receive your letter of the 14th ult. with its enclosures.

In transferring to you the important trust, relating to East Florida, the President intended to vest you with all the powers which had been committed in the first instance to general Mathews, and afterwards to governor Mitchell. The powers of both those gentlemen were the same, as to their original objects. Additional instructions were given to the latter, founded on the acts of the former, which were disapproved. To these you likewise succeeded. To enable you to discharge the duties of this trust with advantage, copies of all the documents relating to it in this office have been forwarded, and governor Mitchell, whose conduct in it has been entirely satisfactory to the President, will doubtless have communicated to you such information as he may have acquired more recently in regard to it.

This trust, from the duties incident to it, partakes partly of the civil and partly of the military character. It authorizes the acceptance of the province from the local authorities, should they be disposed to cede or surrender it to the United States, and to take possession of it by force, on a certain contingency, that of an attempt to occupy it by a foreign power. With the local authorities, an amicable arrangement only has been contemplated, which implies of course an amicable negotiation.

Force, with them, could not be resorted to, except on the contingency above mentioned, in which case it was to be applied, whether the attempt was made with or without the consent of the Spanish authorities.

In consideration of the wrongs which the United States received from Spain in the last war, for which no reparation has been made, they would have been justified in taking possession of such portion of the Spanish territory as would indemnify them. It is believed that other powers would have taken that step. In abstaining from it, the United States have been governed more by a spirit of moderation, and a sensibility to the peculiar circumstances of the Spanish monarchy, than by any apprehension of the Spanish force.

In proposing to the Spanish authorities an amnesty in favour of the people, who took part in the revolutionary movement, the United States relied on their high claim, founded on former injuries, which would have justified their taking possession of the province. By revoking general Mathew's powers, which could not be done without regret, as he was a revolutionary officer of merit, and had erred by excess of zeal only, and by ordering the territory to be restored to the Spanish authorities, at a time when they were almost overwhelmed, the United States gave a strong proof of their moderation and friendship for Spain. Had the Spanish authorities availed themselves of that occasion to evince a similar disposition towards the United States, by an act of kindness to those people, the accommodation would not have been rendered in vain. They, however, manifested a different spirit, and acted a different part. The suggestion of an amnesty was rejected with disdain, and an attack made on the troops of the United States while governor Mitchell was engaged in a negotiation with the Spanish authorities on the subject.

From the connection between Great Britain and the Spanish regency, it was to be presumed that the British government would, in the present

state of affairs, have a complete ascendancy over the Spanish councils.— This anticipation has been confirmed in regard to East Florida. We have seen this province, which bears, geographically, a very delicate relation to the southern and western states, made instrumental to the views of the British government, in every mode in which it might annoy us. Even before the present war with Great Britain, its ports were taken advantage of, by her, for very injurious purposes to us; and, since the war, we have seen that this hostile spirit has been carried to much greater extent; that the force at St. Augustine and Mobile has been increased; that the savages have been excited to commit hostilities against us; and, in short, that hostilities have likewise been committed by the Spanish troops themselves.

Since then East Florida has become essentially a British province, for British purposes, in relation to the United States, it were better that it belonged to England, as in that case we should have to contend with her only, unaided by the resources of Spain. How long this state of things will be permitted to remain, it is not in my power at this time to inform you. It is evident that we have every thing to apprehend from the hostility of those powers in that quarter, which their means will admit of.— Under existing circumstances, therefore, the President thinks it due to the injured rights and interests of the United States, as well as to their honour, to maintain the ground on which you now stand, and to collect your force at Point Peter, for the purpose of protecting our own country, and chastising the savages who have committed hostilities; of watching the movements of England, and of the Spanish forces acting under English influence, and of taking such ulterior measures, as may be found to be proper and necessary. I have the honour, &c.

JAMES MONROE.

Copy of a letter from his Excellency Governour Mitchell, to Major General Pinckney. Executive Department, Georgia, Milledgeville, December 17, 1812.

Sir,—The importance and pressure of other publick duties, has prevented me from replying to your letter of the 13th of last month, so soon as I could have wished. I had an intimation from the Secretary of State, in a letter which I received from him of date 13th October last, that the President contemplated your appointment to the agency of the affairs of East Florida, and the intimation gave me much pleasure, believing as I did, that the convenient relation which that agency had with your other duties as the commander of the military, your experience and superior talents, rendered the appointment in every respect proper.

You will herewith receive copies of the correspondence which took place between the Spanish authorities in Augustine, and myself, during my stay at St. Marys. By it you will perceive that a direct refusal was given, to hear any proposition from our government, until the troops should be withdrawn, and that an attempt was made to drive the troops out of the province, at the very commencement of our communications. With the attack made upon the troops, the correspondence between the person then in authority in Augustine and myself ended, for reasons which you will find in the subsequent correspondence between Governour Kinderlan and myself. It is also proper for me to observe, that independent of the reason assigned in my first reply to Governour Kinderlan, for not withdrawing the troops, I was partly influenced by the expectation of war with England, and consequently a determination on the part of our government to take possession of the Floridas, to decline in my second reply to that gentleman, making any proposition to him for withdrawing the troops, and to insist on a more explicit and ample acknowledgment for the insult offered the government in the attack upon the troops. I was also induced to this course, from the information which I derived from the verbal communica-

tions which took place between my aid, when in Augustine, and the person then in authority there, and those made to myself by the agent employed by Governour Kinderlan, in carrying his despatches to me, and my answers. From these, it was evident to me that the government of Augustine would not consent to any arrangement which should provide for the safety of those residents of the province who had embarked in the opposition to their government, under the assurance of protection from the United States, and our government was equally determined not to withdraw the troops, but upon such conditions as should render the residence of those persons in Florida, perfectly safe from the resentment of the Spaniards, as well in their persons as properties.

I have not sent you copies of my letters to the Secretary of State, prior to the 19th September last, since, if he had considered it necessary that the contents of any of them should be communicated to you, he would have transmitted them himself; it will however, afford me much pleasure to furnish any information in my power upon any point which you may think proper to state. I am, with much regard and esteem, &c.

D. B. MITCHELL.

Copy of a letter from the Governour of East Florida, to his Excellency Governour Mitchell, dated St. Augustine, June 23, 1812; transmitted to the Department of State, by Major General Pinckney.

SIR,—I observe by your excellency's letter, of the 16th instant, far from being deceived in the opinion I had formed of the pacifick intentions of the United States towards this territory, under my command, I have every reason to expect an amicable and complete adjustment of all differences which have occurred. I will give your excellency an unequivocal testimony of my desire to remove all doubts, and such trifling disputes as ought never to exist between friendly contiguous governments, declaring without hesitation to your excellency, that I can see nothing in the attack which you say was made from this place on the federal troops, that ought to cause the least complaint; saying nothing at present of how they have invaded the sovereignty of the Spanish territory, and how they have trampled the privileges and shelter of our home; all I wish to pass over, and only assure to your excellency that the party from St. Augustine had not the most distant idea of committing hostilities against the American troops. A number of seditious persons, who were disturbing the peace of the country, occupied and fortified a house on Moosa—from whence they could overlook the operations of this place, and impede the free rise of the creeks belonging thereto, and above all, the constant sight and proximity of them, were very insulting to the loyal inhabitants of this city. In such circumstances the honour of the government, and its indisputable right to punish severely, those who without shame, so far forget their duty, was what so justly made my predecessor decide on sending a small party to dislodge the rebels, as was done. It would be offering a high insult to the American name, even to think that their troops would take part in favour of those committing sedition: but if any, ill guided and forgetful of their duty, have united with the revolutionary mob, they would, without doubt, receive part of the punishment intended for the others: in such case all the blame must attach to those who meddle in what did not concern them.—Under this firm conceit, your excellency may, if pleases, charge your troops with what has happened to them.

Your excellency will be pleased to observe the candour and good faith I have made use of on my part; it therefore rests with your excellency, if faithful to your promise, to order your troops without delay, to evacuate the province under my command, as an indispensable measure which ought

to precede every other communication, and without which, making your excellency, your offers null, will cause that want of confidence which destroys all good faith, and leads to fatal consequences; none of which can attach to the Spanish nation, whose sincerity goes hand in hand with the valour and stability which characterizes her.

Mr. Joseph Arredando will have the honour of delivering you this, and receive your excellency's commands.

With sentiments of respect, I am, &c.

SEBASTIAN KINDERLAN.

Copy of a letter from his excellency Governour Mitchell, in reply to that from the Governour of East Florida, of the 23d June, 1812, dated St. Marys, July 6, 1812, transmitted to the Department of State by Major General Pinckney.

SIR.—I hasten to reply to your letter of the 23d June, delivered to me last evening by Mr. Joseph Arredando.

I confess I am at a loss in what light to consider your observations respecting the attack made upon the United States troops.

You set out by observing that you can see nothing in the attack made upon them that ought to cause the least complaint; and I with candour admit, that if that attack had been made before any explanation was offered on the part of the United States, the observation would have been more correct; but its being made at a moment when the United States were offering friendly and sincere explanations, nothing could be more offensive, because it unequivocally called in question the sincerity, and consequently the honour and integrity of the government.

I entertain too high an opinion of your character, and too much respect for your judgment and patriotism to believe for a moment that you would consider an indignity of the nature of the one complained of as "a trifling dispute," and am therefore constrained to believe that you have not been correctly informed of the facts.

The truth is, the troops were stationed on the bank of the river and occupied the house of Moosa to which you refer, and the patriots were several hundred yards in their rear, and not within gun-shot of the river; neither was it possible for the troops to impede the free use of the creeks or other water courses leading to or from St. Augustine, since they had neither boats nor cannon, and in fine they were making no demonstration of hostility other than their presence afforded, and furnished no particular reason for an attack at that time more than at any other time previous: and if their situation enabled them to overlook the operations in St. Augustine, it equally enabled those in that place to know all the facts I have stated. The declaration therefore that the party from St. Augustine had not the most distant idea of committing hostilities against the American troops, is so opposite to facts, that I must believe, that as you were not in the province at the time, that you have been deceived, and that the communication which I made previous to that attack had not obtained confidence with those at that time in authority in St. Augustine.

When you state, that if faithful to my promise, I will withdraw the troops without delay from the province under your command, I am induced to believe that you have not favoured me so far as to give my last letter an attentive perusal; in that I state my full persuasion that you did not expect me either to withdraw the troops or to make any proposition for that purpose, until such explanation was given for the attack made upon them as would evince the sincerity of the desire you had expressed of seeing the harmony of the two countries preserved, &c. &c. Now, sir, I have already shown that the explanation you have given is in direct opposition to facts, and does not embrace the point upon which the explanation was required or expected.

I assure your excellency that when I embarked in this business, it was with the most sincere desire to adjust all the differences which had arisen in consequence of the previous transaction in the province; and had my first efforts been met by corresponding ones, and with equal sincerity on the part of those then in authority in St. Augustine, I have no doubt but every difficulty would have been long since adjusted. That was, however, not the case, and for the consequent delay I am no wise chargeable any more than I can be for the final result.

There is, however, another subject, which the candour that characterizes the government of the United States, requires me to present to your consideration; I mean the black troops which you have in your service. Your certain knowledge of the peculiar situation of the southern section of the Union, in regard to that description of people, one might have supposed would have induced you to abstain from introducing them into the province, or from organizing such as were already in it; the contrary I am well assured, is however the fact, and I may venture to assure you that the United States will never tolerate their remaining in the province. It will readily occur to you also, that the war now existing between this country and Great Britain, imposes upon the United States the necessity of a more vigilant regard and attention to what happens in a neighbouring province, and more especially the fact to which I have called your attention; neither will it escape your observation that for the use made of these troops you alone will be responsible.

I pray your excellency to accept the assurance of my personal respect and esteem.

D. B. MITCHELL.

F.

Presented to the Spanish government, May 12, 1805.

FROM the first of October, seventeen hundred and ninety-six, until there were brought into the ports of his Catholic Majesty, in Europe and Africa, by the French, 168 vessels.

Of the above have been condemned,	74
Acquitted, ransomed, or compromised,	23
Cases of violation of the Spanish territory, condemned,	13
Run ashore and lost,	1
Unaccounted for,	7
Result not known,	50

168

A statement of facts relative to American vessels, taken by French privateers, and condemned in Spanish ports, obtained from the most authentick sources.

Of the French spoliations there have been fifty appeals from the consular judgments in Spain, to the council of prizes at Paris, of which thirty have been released, nine condemned, and twelve are yet depending. Not one sou has been paid in any case, nor is there a single case of such spoliations on the list of liquidations, now at the French treasury, which are to participate of the twenty millions of livres, to be paid by the United States to their citizens, under the treaty of 1803, on account of French spoliations.

The American minister never did demand payment of French spoliations made in Spain, knowing them as such, nor did the American agent ever demand it by his order or knowledge. The first intelligence which the American government had of appeals being permitted from the French consular tribunals in Spain, to the council of prizes in France, was received from Spain herself. As soon as it was received, the Secretary of State wrote to

the American minister in Paris, to know what the fact was, and instructed him at the same time to prohibit the agent from acting in such cases; it having been at all times the opinion of the government, that Spain alone was answerable, of whom only has the recompense been demanded.

*Taken by the Spaniards since the 1st of October, 1796, until
the 104 vessels.*

Of the above vessels have been condemned,	- - - -	29
Acquitted, ransomed, or compromised,	- - - -	51
Disappeared, unaccounted for, depending,	- - - -	24
		104
	Total,	

NOTE.—This statement was made from such documents as were at the time in the possession of our ministers at Madrid. There is reason to believe that it does not embrace all the cases which had then occurred, and it may be observed that others have occurred since the period at which it was made.

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