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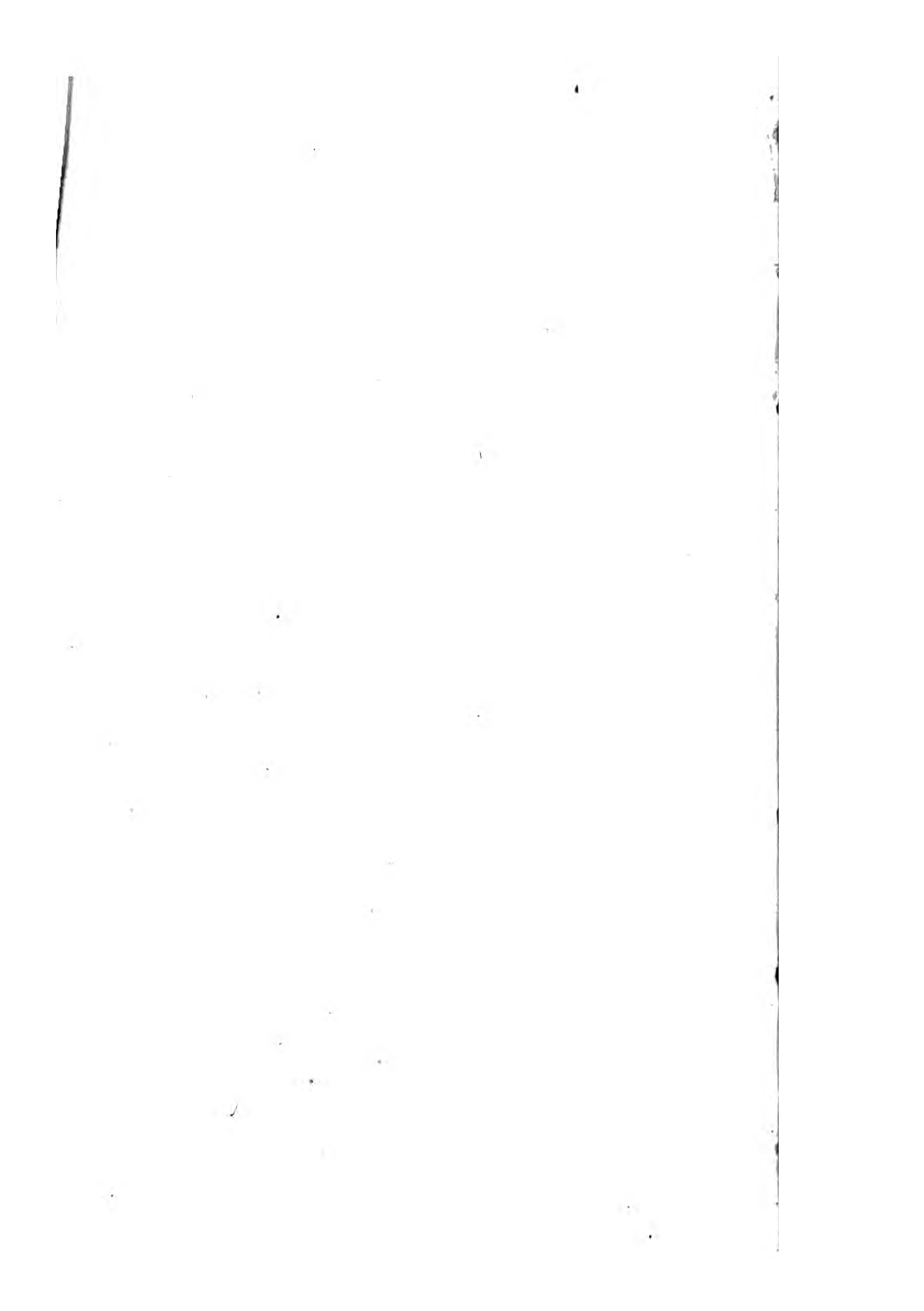
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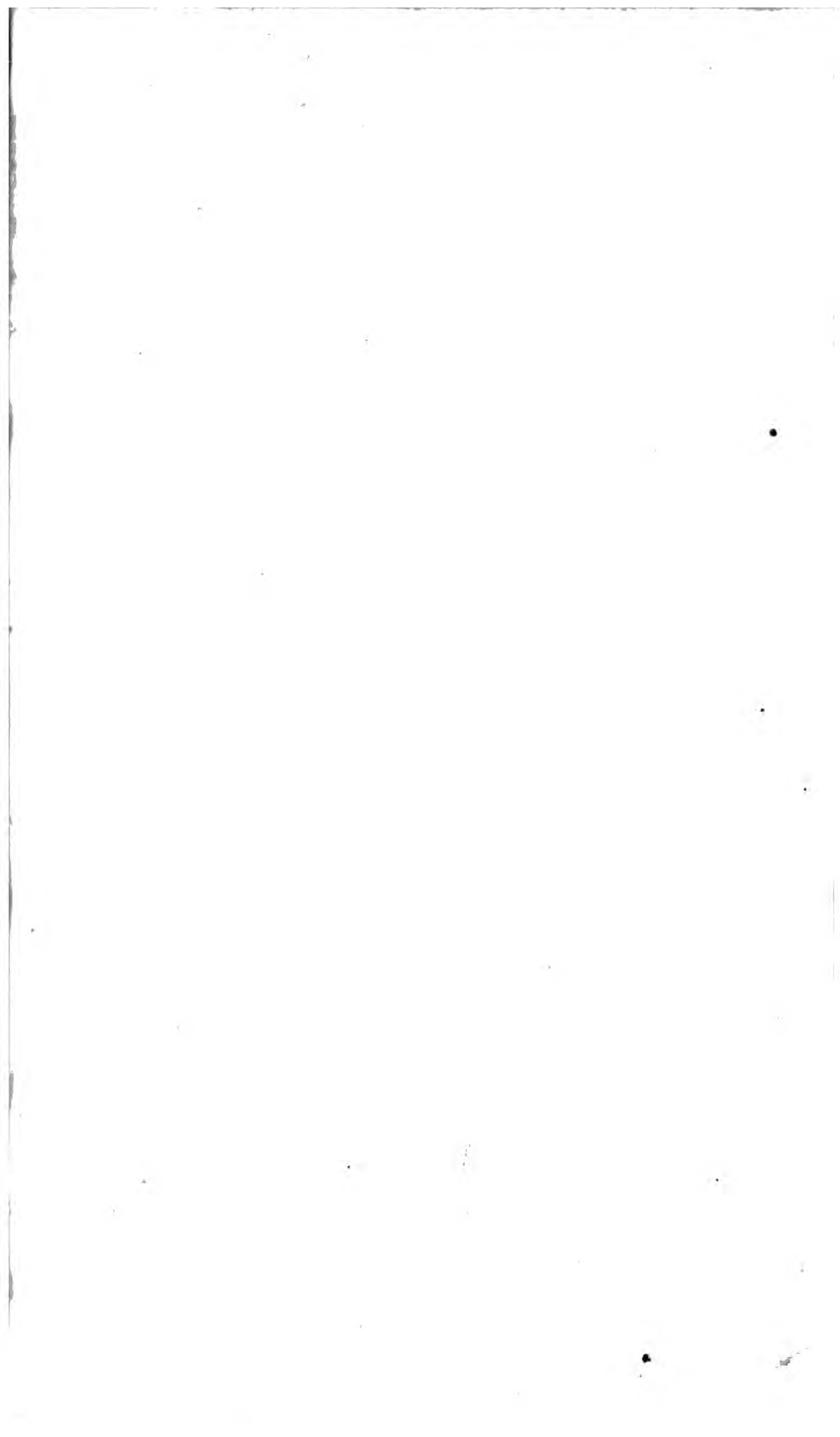
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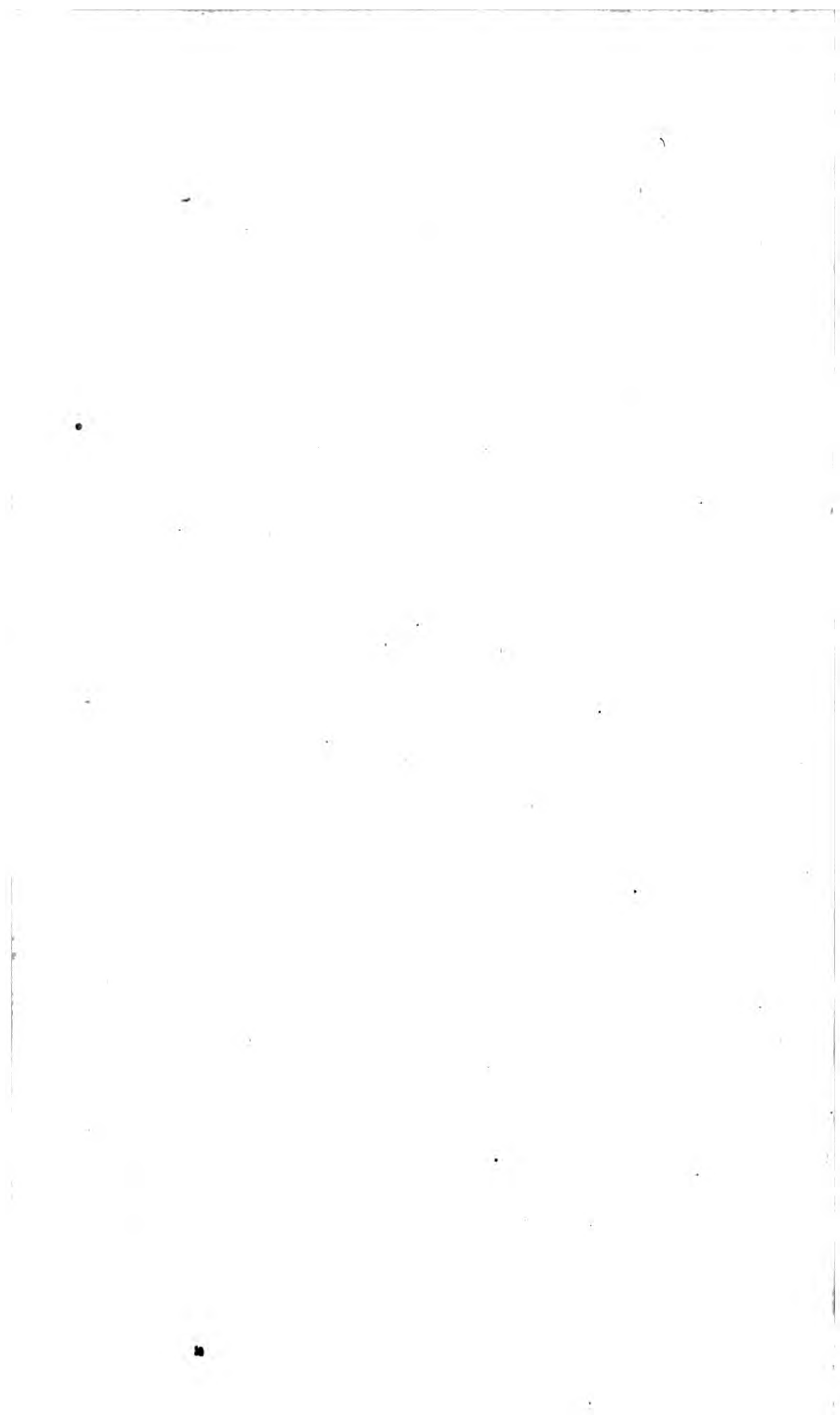
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THE
DIPLOMATIC CORRESPONDENCE
OF THE
UNITED STATES OF AMERICA,
FROM THE
TREATY OF PEACE
TO THE ADOPTION OF THE
PRESENT CONSTITUTION.
VOL. I.

THE
DIPLOMATIC CORRESPONDENCE
OF THE
UNITED STATES OF AMERICA,
FROM THE SIGNING OF THE
DEFINITIVE TREATY OF PEACE,
10TH SEPTEMBER, 1783,

TO THE
ADOPTION OF THE CONSTITUTION, MARCH 4, 1789.

BEING
THE LETTERS OF THE PRESIDENTS OF CONGRESS, THE SECRETARY
FOR FOREIGN AFFAIRS—AMERICAN MINISTERS AT FOREIGN
COURTS, FOREIGN MINISTERS NEAR CONGRESS—REPORTS
OF COMMITTEES OF CONGRESS, AND REPORTS OF
THE SECRETARY FOR FOREIGN AFFAIRS ON
VARIOUS LETTERS AND COMMUNICATIONS;
TOGETHER WITH
LETTERS FROM INDIVIDUALS ON PUBLIC AFFAIRS.

Published under the direction of the Secretary of State, from the
original Manuscripts in the Department of State, conformably
to an Act of Congress, approved May 5, 1832.

VOL. I.

CITY OF WASHINGTON:
PRINTED BY FRANCIS PRESTON BLAIR.

1833.

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Extract from an Act of Congress, approved May 5th, 1832, entitled

**“An Act making appropriation for the support of Government
“for the year one thousand eight hundred and thirty-two.”**

**“ To enable the Secretary of State to cause to be printed, under
“ his direction, a selection from the Diplomatic Correspondence of
“ the United States, between the peace of one thousand seven hun-
“ dred and eighty-three, and the fourth of March one thousand
“ seven hundred and eighty nine, remaining unpublished in the De-
“ partment of State, twelve thousand dollars.”**

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INTRODUCTION.

ANY remarks on the propriety of publishing a Diplomatic Correspondence, which from its very nature is supposed to be confidential, would seem to be unwarranted in one exercising the ministerial duty of editing it, if the law imposing the duty had not also prescribed that of selecting those parts which ought to be published. The only instruction given to the officer to whom this duty was assigned was in the act making appropriations for the support of Government for the year 1832, in these words, "To enable the Secretary of State to cause to be printed a selection from the Diplomatic Correspondence between the peace of 1783, and the 4th March, 1789, remaining unpublished in the Department of State 12,000 dollars."

No rule being given to the Secretary for his guide in making this selection, it would seem to have been trusted entirely to his discretion, if a previous resolution of Congress for a similar purpose, and the publication made under it had not given good reason to believe, that nothing more was intended than a continuation of the work heretofore published. On the 27th March, 1818, Congress passed a resolution directing, among other things, that the *foreign correspondence* of the Congress of the United States from the first meeting thereof, down to the date of the ratification of the definitive treaty of peace between Great Britain and the United States, in the year 1783, be published under the direction of the President of the United States, except such parts as he may

deem it improper at this time to publish. The publication under this resolution was entrusted by the President to Mr. Jared Sparks, a gentleman every way qualified for the task, and the public are now in possession of twelve volumes, containing the interesting correspondence directed to be published. The intention of Congress in making the appropriation above recited could not be mistaken; the beginning of the correspondence it directs to be published is the end of that selected by Mr. Sparks. It is then a continuation of the same correspondence; subject, however, to the same exception of such parts as may be deemed improper at *this time* to be made public; but the first part contains, with very few exceptions, the whole of the correspondence during the period to which it was confined; and this course received, not only the sanction of the President by whose direction it was prepared; but has met the general approbation of the people, whose representatives in Congress have been furnished with copies of the work. It is therefore fair to conclude, that in directing the continuation of Mr. Sparks' work, Congress intended that the same principles should govern the selection. Very few parts therefore of the correspondence have been suppressed; and none that could throw any light on the diplomatic history of the entire period designated by the law. Mr. Sparks' collection gives a full view of our first efforts to procure the recognition of national character by foreign powers; it is, perhaps, the most interesting. We were then striving to sustain ourselves in the situation among the nations of the earth, which, unsupported except by our own courage and patriotism, we had assumed. The advances were to be made with prudence, but with firmness—

our national character was to be developed—our credit to be established—our statesmen at home, and our negotiators abroad, had entered an untried and difficult path, but they advanced in it with no little skill, and a success that is almost miraculous, when the difficulties they had to encounter are considered. The first series details their difficulties, shows the perseverance and firmness with which they were conquered, and leaves us at the period when our independence was reluctantly acknowledged by our former sovereign, as it had been before by the other principal power of Europe. The second series, contained in the ensuing volumes, exhibits our foreign relations in a different attitude. While the war continued, we were more united at home by the necessity of defence, and more respected abroad by the relation of ally, in which we stood to the other powers, against a common enemy. On the signature of the treaty of peace, we stood alone, and were thrown on our own resources to maintain a national character, and to support our credit by providing for the foreign and domestic debt we had incurred. This could only be done by re-establishing our ruined navigation and commerce; but all the other nations were in the same situation, each was endeavoring to gain, by some exclusive privilege in commerce, an advantage over the others. Add to this the low state of our national and individual credit, and a hostile feeling towards us on the part of the most commercial nation in the world, which had naturally survived the long and successful struggle we had made against her, and some idea may be formed, of the difficult task our diplomatists had to perform during this second period, in their attempts to form com-

mercial connexions with the different powers of Europe; a difficulty increased too by the natural distrust of the power of Congress to bind the States to the performance of the stipulations they might make. (a) These reflec-

(a) A proof of this distrust is found strongly expressed in a letter from the Duke of Dorset to Mr. Adams, in answer to an overture for negotiating a treaty of commerce, the only action of the general government at that time upon the States being by recommendations, the want of confidence was natural, although not very civilly expressed, and in point of fact no treaty of the kind could be concluded with Great Britain, until after the powers of the general government were enlarged.

FROM THE DUKE OF DORSET TO THE COMMISSIONERS.

Paris, March 26, 1785.

Gentlemen,

“Having communicated to my Court the readiness you expressed in your letter to me of the 9th of December, to remove to London, for the purpose of treating upon such points as may materially concern the interests, both political and commercial, of Great Britain and America, and having at the same time represented that you declared yourselves to be fully authorized and empowered to negotiate, I have been, in answer thereto, instructed to learn from you, gentlemen, what is the real nature of the powers with which you are invested, whether you are merely commissioned by Congress, or whether you have received separate powers from the respective States. A committee of North American merchants have waited upon his Majesty’s principal Secretary of State for Foreign Affairs, to express how anxiously they wished to be informed upon this subject, repeated experience having taught them in particular, as well as the public in general, how little the authority of Congress could avail in any respect, where the interests of any one individual State was even concerned, and particularly so, where the concerns of that particular State might be supposed to militate against such resolutions as Congress might think proper to adopt.

“The apparent determination of the respective States to regu-

tions are made to account for the extent to which the discretion given by the law has been carried, of publishing all the correspondence that was not deemed improper *now* to be published; nothing has been deemed improper that would throw any light on transactions, of which the future historian of our country, or the biographer of any of the illustrious men who ought to figure in the annals of their country may avail themselves.

The first Secretary for Foreign Affairs, Robert R. Livingston, had resigned the office about the time that this correspondence began. The fidelity and talent of that gentleman was acknowledged by Congress, (*b*) and

late their own separate interests, renders it absolutely necessary, towards forming a permanent system of commerce, that my Court should be informed how far the Commissioners can be duly authorized to enter into any engagements with Great Britain, which it may not be in the power of any one of the States to render totally fruitless and ineffectual.

I have the honor to be, &c.

DORSET."

(*b*) *Extract from the Journals of Congress, June 4th, 1780.*

"Mr. Livingston having signified to Congress, his desire of relinquishing the exercise of the office of Foreign Affairs, and his intention of returning to the State of New York,

"*Resolved*, That the Secretary of Congress be directed to receive the papers of the said office into his care, till a successor to Mr. Livingston can be appointed; and that next Wednesday be assigned for the election of a Secretary for the Department of Foreign Affairs.

Resolved unanimously, That the thanks of Congress be presented to Mr. Livingston for his services during his continuance in office; and that he be assured Congress entertain a high sense of the ability, zeal and fidelity, with which he had discharged the important trust reposed in him."

the order and punctuality he introduced into the Department, by all his successors. On his retirement from the office, it was left unfilled for some months, during which time the Diplomatic Correspondence was carried on directly with Congress, the instructions being given by the President, and the despatches of the Ministers of the United States abroad, as well as the communications of the foreign Ministers here being addressed to him. It was under this arrangement that the present collection began, and was continued until the 21st day of December, 1784, when Mr. Jay entered upon the duties of the office, to which he had been appointed. During this first period, therefore, the Correspondence re-assumed the same irregular character, which had thus attended it previous to the appointment of Mr. Livingston; much method and strict attention to the details of our foreign affairs could not be expected from one charged with the duties of presiding officer of a body, exercising the numerous functions, which the Congress of the confederation performed; yet the letters of that time, both from home and abroad, have very great interest. In the position the country had so lately assumed, the operation of the government, its efficiency, its stability, were to be the foundation of the respect it wished to inspire abroad. The experiment was to be tried of conducting a government without hereditary rank, without an established church, without a standing army, and upheld only by the will of the people. We had been aided by France, but even there the privileged orders began to perceive how fatal to them would be the triumph of our principles. In England we had few friends, and all the other governments of Europe were either indif-

ferent to our existence, or even unfavorable to our independence. In this state of things it became highly important, that our agents abroad should have full information of what passed at home, that they might correct false representations, lessen the injurious effect of unfavorable events, and give publicity to all those, which evinced the strength of our union, and value of our commerce. Hence we find that the communications from Congress to the Ministers, contain authentic accounts of occurrences, now little adverted to; but which then excited great interest, and some of which bear with great force on questions, which now agitate the public mind. Thus, some of the first letters of the President of Congress to our Commissioners, detail the circumstances of an occurrence which proved to demonstration the utter inefficiency of a government purely federal, to protect itself from insults and even to preserve its existence, against the most insignificant force. Congress sat in Philadelphia, then the largest city in the Union; it was also the seat of the State government; a few hundred mutinous troops marched into the city and invested the hall of Congress, threatening vengeance if their claims were not complied with, and that body, after applying in vain to the authority of the State for protection, had no alternative but to adjourn, first to Trenton and afterwards to New York, where they remained until the present constitution was organized, and for a short period afterwards. (c) This event, and others of the same nature,

(c) That provision in the present Constitution of the United States, which gives to "Congress the exclusive legislation, in all "cases whatsoever, over such District (not exceeding ten miles "square) as may by cession of particular States, and the acceptance

showed the weakness, and every day's experience, the inefficiency of the confederation for preserving a national character. Our Ministers abroad, who sorely felt the degradation into which the want of that character was plunging us, very naturally made that topic the subject of many of their despatches, and the suggestions of Jefferson, Adams, Jay, and other of their cotemporary worthies, cannot be referred to without interest and instruction at the present day, when we are called on to appreciate the value of the Union.

Other important points in our history, which are still unsettled, come within the compass of this collection. The correspondence on the subject of our north-eastern boundary, the projects of commercial treaties with France and other powers; but a close inspection of all that was then proposed, discovers nothing that we need fear to expose to the world; the same principles of perfect reciprocity, the same disavowal of any desire to obtain exclusive advantages, but to confine our claims to the enjoyment of a fair and free competition that characterize our present policy, will be found in our earliest diplomacy—and the officer charged with that duty has, therefore, in editing the papers, found nothing of importance that he has judged "*improper now to be published.*" But, although there was little to retrench, it is not so certain that much which ought to have appear-

"of Congress, become the seat of the Government of the United States," was probably suggested by a recollection of the mutinous conduct referred to, and by the want of any direct power or authority, under the Confederation in the Old Congress, to repress or punish that or any other outrage against itself or its individual members.

ed has not been lost. The irregularities and accidents inevitable in a bureau which has no responsible head, will, in a great measure, account for this, during the period between the resignation of Mr. Livingston and the appointment of Mr. Jay. The last mentioned gentleman, to his other high qualifications for the office, added the same talent for method and order in business that distinguished his predecessor; and the periods of their direction present no interruptions in the usual course of the correspondence. But another cause has combined with that before alluded to, to render a strict compliance with the evident intention of Congress, in making this publication difficult, if not impossible. The confused state in which the papers, prior to the establishment of the constitution is such, as to make it hazardous in any officer to declare that a paper does not exist in the Department, although, after strict search, it should not be found. The mass is so great, and the number of clerks allotted to the Department, so fully employed with its ordinary business, that no arrangement of the old papers can take place, without some express appropriation; and without such arrangement, it depends greatly on chance to discover any particular paper that may be sought for in the mass. This has been, by the present head, repeatedly brought to the notice of Congress, but without any result. And it is adverted to here for his justification, if hereafter some document which ought to have appeared in this collection, should be discovered, when provision shall be made for arranging the old papers according to subjects and dates, binding them in proper books with a catalogue *raisonné* of all, and an index to each.

In the classification of the correspondence now published, that of countries has been preferred, and has been preserved as far as was possible. Ministers in one country having been frequently charged with business relating to another, that division has not been always practicable; but on the whole, the commencement and progress of our relations with each country, during the period contained in this collection, will generally be found under its proper head.

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THE
DIPLOMATIC CORRESPONDENCE
OF THE
UNITED STATES.

VOL. I.—1

THE
DIPLOMATIC CORRESPONDENCE
OF THE
UNITED STATES.

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FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO THE
MINISTERS PLENIPOTENTIARY OF THE UNITED STATES
AT PARIS.

Philadelphia, 16th June, 1783.

Gentlemen,

I am sorry to inform you that by the resignation of Mr. Livingston, as Secretary for Foreign Affairs, it has become necessary that you should receive the resolutions of Congress, relative to your mission, through my hands. The disadvantage arising from this necessity, until a successor to that worthy gentleman is appointed, will be yours, as it will be impossible for me to do more than barely transmit the acts of Congress necessary for your information.

Enclosed you have one of the 1st of May last, and another of the 12th instant, which I hope will get to hand time enough for your government.

The commission and instructions referred to in the first not being ready, it was thought best to forward the reso-

lution without delay, that you might know what was intended in the present important period of your negotiation.

We have been much surprised that we have not received any communication from you, since the cessation of hostilities, except a letter of the 5th of April, from Mr. Laurens.

I have the honor to be, &c. &c.

E. B.

Extract from the Secret Journal of Congress, May 1st, 1783.

“A letter having been read from the Minister of France to the Secretary of Foreign Affairs, requesting him to inform Congress of the proposed departure of the Duke de Lauzun’s legion, and other detachments of Count Rochambeau’s army, for France, and expressing with the Duke de Lauzun, the sense that he and the other officers and men of this army entertain of the harmony which has subsisted between them and the inhabitants of these States, and of the hospitality with which they have been treated by them,

Resolved, That the Secretary for Foreign Affairs inform the Minister of France that Congress learn with pleasure the satisfaction which the Duke de Lauzun, and the officers and men of the French army in America express, in the harmony which has subsisted between them and the inhabitants of these States, since it exhibits at the same time a strong proof of the good disposition and discipline of the commanders, officers, and men, and the

just sense the people of this country entertain of the important services they have rendered—

As a further proof of which,

Resolved, That the Secretary for Foreign Affairs inform the Duke de Lauzun, and the officers and men under his command, that the United States in Congress assembled are highly sensible of their successful exertions in the cause of America, and of the strict attention which they have at all times paid to the rights of its citizens; and whilst they rejoice at the events which have brought tranquillity to these States, it adds to their pleasure to reflect, that it restores those who have been active in procuring it to their friends and their country.”

Resolution, June 12th, 1783.

“*Resolved*, That every foreign minister, on his being admitted to his first audience, shall be introduced by the Secretary of Foreign Affairs to a seat provided for him facing the President of Congress; the President and members being seated, and the President covered, the minister being uncovered and so to remain, unless he be of the rank of an ambassador.

The minister, being seated, shall deliver his letter of credence to the Secretary of Congress by his own Secretary, who shall stand by him during his audience. If the minister chooses to address Congress, he shall rise when he speaks.

The letter of credence being delivered by the Secretary of Congress to the interpreter, when such officer shall be necessary, he shall read it in its original language, and then present a translation of it to the Secretary of

Congress, who shall read the same. Upon which the President, after reading his answer uncovered, shall deliver the same to the Secretary of Congress, who shall present it to the minister, who shall rise to receive it.

The minister then shall be reconducted to his carriage by the Secretary for Foreign Affairs.

If the minister is of the rank of ambassador, ordinary or extraordinary, he shall be covered when he takes his seat. In that case, too, the President shall rise when the ambassador is introduced, and also when he reads his answer.

In any subsequent public audience of a foreign minister, the same ceremonial shall be observed, except so far as it relates to the delivery and reading of the credentials.

Every foreign minister, after his first audience, shall pay the first visit to the President and other members of Congress."



FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO BENJAMIN FRANKLIN, MINISTER PLENIPOTENTIARY, &C.
AT PARIS.

Philadelphia, 18th June, 1783.

Sir,

Enclosed you have an official letter, directed to our Minister Plenipotentiary at Paris.

The resignation of the late Secretary for Foreign Affairs (occasioned by his preference of the Chancellorship of New-York, which he could not hold longer and retain his Secretaryship) has cast this business on me till a successor is elected, which I hope will speedily take place.

As part of the resolution of Congress of the 12th instant, enclosed in the above letter, is of a secret nature, I have written it in cyphers; and not having Mr. Livingston's, I thought it best to use Mr. Morris's to you, which he has obligingly supplied me with, so that the Commissioners must be indebted to you for the decyphering of it.

Your letter to Mr. Livingston of the 15th of April, enclosing the two medals, came to hand this morning. I am sorry to find that you make similar complaints to those we have been making for two months past, on the subject of want of intelligence. We have not heard from any of our Commissioners since February, though our anxiety and expectations have been wound up to the highest pitch.

I feel myself much indebted for your polite compliment of the medal—it is very elegant indeed; and the device and workmanship much admired. You will please to accept of my acknowledgements on this occasion. As I doubt not but the copper one was intended for Mr. Livingston, personally, I shall transmit it to him. He is a very worthy deserving character, and the United States will suffer greatly by his resignation, though I really think him justified in attending to the calls of his private affairs.

I enclose you a number of late newspapers, in which you will see a number of resolves, associations, &c. from all parts of the country, which I wish had been kept out of sight; but the truth is, that the cruelties, ravages, and barbarisms of the refugees and loyalists have left the people so sore, that it is not the time yet for them to exercise their cooler judgment; and it cannot take place while the citizens of New-York are kept out of their habita-

tions and despoiled daily of their property, by sending off negroes, &c. It has been an ill-judged scheme in the British to retain New-York so long and send off the negroes, as it has roused the spirit of the citizens of the several States greatly.

I have the honor to be, &c.

E. B.



FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO THE
MINISTERS PLENIPOTENTIARY OF THE UNITED STATES
AT PARIS.

Princeton, 15th July, 1783.

Gentlemen,

As Congress have not yet elected any Minister for Foreign Affairs, and knowing the importance of your being fully informed of every public transaction relative to these States, I have concluded that you would not think it amiss to hear from me on the subject of the removal of Congress to this place, though I cannot consider this communication as official, but merely for your information in my individual capacity.

The state of our finances making it indispensably necessary to abridge the public expenses in every instance that would not endanger the Union, we concluded to reduce the army by discharging all the soldiers enlisted for the war, with a proportionate number of officers, on condition that the discharge should operate no otherwise than as a furlough, until the ratification of the definitive treaty. This not only eased us of a heavy disbursement of ready cash for subsistence, money, and rations, but gratified many of the army, who wished to be at home in

the early part of the summer, to provide for the following winter. Three months pay was ordered, which could no otherwise be complied with, but by a paper anticipation of the taxes, payable in six months.

By an inevitable accident the notes did not arrive at the army, till six days after the soldiers were discharged and had left the camp. This, together with some difficulty in settling their accounts, created an uneasiness among the troops; but by the General's address and good conduct of the officers, they all retired peaceably to their different States, though without a single farthing of cash to buy themselves a meal of victuals.

In the barracks at Philadelphia and at Lancaster, in the State of Pennsylvania, there were a number of new recruits, who had been enlisted since the months of December and January last, and who had not yet taken the field; these soldiers, not having been brought under any regular discipline, made many objections against accepting their discharges, and gave their officers reason to fear some difficulty in getting rid of them; but the Secretary at War thought he had satisfied them by assuring them of the like pay with the rest of the army. On the 15th of June, a petition was received from the Sergeants, requiring a redress of their grievances, in a very turbulent and indecent style, of which no notice was taken; but on the 18th, we received the letters No. 1 and 2. A committee was immediately appointed to confer with the Executive Council of Pennsylvania, and to endeavor to get them to call out the militia to stop the mutineers; but to no purpose; the Council thinking that the citizens would not choose to risk themselves, when fair means might do. The first report of the Committee,

contained in No. 3, will show their proceedings. On the 19th the troops arrived and joined those at the barracks in the city, who had been increased in number by a few companies of old soldiers arrived the day before from Charlestown. The whole being very orderly and quiet, Congress adjourned on Friday the 20th, as usual, till Monday morning. On the 21st, one of the committee called on me and informed that the soldiers at the barracks were very disorderly and had cast off the authority of their officers—that it was suspected they had a design, the following night, against the Bank; and advised me to call Congress without delay. This I did, to meet in half an hour. The soldiers by accident hearing of it, very fortunately hastened their designs a day or two sooner than was intended. The members of Congress had just got together, except one, when the State House (in which, also, the President and Supreme Executive Council were then sitting,) was surrounded by about three hundred armed men with fixed bayonets, under the command of seven Sergeants. Congress immediately sent for General St. Clair, and demanded the reason of this hostile appearance, who informed of his having just arrived in town from his seat in the country, in obedience to the orders of Congress of the day preceding; that he had received information from the commanding officer of the mutinous disposition of the troops, who had marched from the barracks, contrary to the orders of their officers; and that the veteran troops from Charlestown had been unwillingly forced into the measure. The President of the State then appeared, and produced the insolent paper, of which No. 4 is a copy, which had been sent to him by the Sergeants.

Congress determined they would enter on no deliberations while thus surrounded; but ordered General St. Clair immediately to endeavor to march the mutineers back to the barracks, by such means as were in his power.

After several prudent and wise measures, the General prevailed on the Sergeants to return to their barracks, convincing them that if they were aggrieved they had a right to make it known in 'a decent manner, through any persons they might think proper to appoint. But previous to this, after waiting, surrounded by this armed force for near three hours, Congress broke up and we passed through the files of the mutineers without the least opposition, though at times before our adjournment, the soldiers, many of whom were drunk, threatened Congress by name.

The mutineers had taken possession of the powder house and several public arsenals in this city, with some field pieces from the public yard. In the evening Congress met and made a house and came to the resolutions contained in No. 5, and broke up without adjournment. The committee, not being able to meet the Council till Sunday morning, were then prevailed on to wait for an answer till Monday morning, and then received the answer contained in the 2nd Report, No. 6. However, hoping that the Council would change their sentiments, the committee did not think proper to give me their advice till Tuesday at two o'clock in the afternoon. In the mean time the mutineers kept in arms, refusing all obedience to their officers and in possession of the powder house and magazines of military stores. On Tuesday morning the officers reported to me that the preceding evening, the Sergeants, notwithstanding some talk of a

submission and return to their duty, had presented six officers with a commission, each as in No. 7, and on one refusing to accept it, they threatened him with immediate death. And that at the time of the Report, they were getting very drunk and in a very riotous state. By the second report of the Committee, you will be acquainted with the particulars of the transaction, with the addition that the behavior of the six officers was very mysterious and unaccountable. At two o'clock, agreeably to the advice of the Committee, I summoned Congress to meet at this place on Thursday the 26th of June, issued the proclamation No. 8, and left the city.

As soon as it was known that Congress was going, the Council were informed that there was great reason to expect a serious attack on the Bank the night following; on which the President of the State collected about one hundred soldiers, and kept guard all night. On Wednesday it was reported that Congress had sent for the Commander-in-Chief, with the whole Northern Army, and the militia of New Jersey, who were to be joined by the Pennsylvania militia, in order to quell the mutiny; which was no otherwise true than ordering a detachment of a few hundred men from the North River. The Sergeants being alarmed, soon proposed a submission, and the whole came in a body to the President of the State, making a most submissive acknowledgement of their misconduct, and charging the whole on two of the officers, whom they had commissioned to represent their grievances—a Capt. Carbery and Lieutenant Sullivan, who were to have headed them, as soon as they should have proceeded to violence. These officers immediately escaped to Chester, and there got on board of a vessel bound

to London. The Sergeants describe the plan laid by these officers as of the most irrational and diabolical nature, not only against Congress and the Council, but also against the City and Bank. They were to be joined by straggling parties from different parts of the country; and after executing their horrid purposes, were to have gone off with their plunder to the East Indies. However incredible this may appear, the letters from Sullivan to Colonel Moyland, his commanding officer, from Chester and the Capes, clearly show that it was a deep laid scheme. It appears clearly to me, that next to the continued care of divine Providence, the miscarriage of this plan is owing to the unexpected meeting of Congress on Saturday, and their decided conduct in leaving the City, until they could support the federal Government with dignity.

It is also said that two of the citizens have been concerned in this wicked plot, but they are not yet ascertained. They were certainly encouraged by some of the lower class, as well as by the general supineness, in not quelling the first movement. Some very suspicious circumstances attending the conduct of the other four officers, who were commissioned by the Sergeants, have caused them to be arrested. The whole matter has so far subsided.

The detachment under Gen. Howe from the Northern army has arrived in the vicinity of the city, and a Court of Inquiry is endeavoring to develop the whole affair.

The citizens are greatly chagrined at the predicament in which they stand, and endeavor to lay the blame on the Council for not calling on them and proving them, while the Council justify themselves by the advice of the militia officers, whom they called together for that purpose. The

citizens are universally petitioning Congress to return to the city, assuring us of their constant protection.

You will excuse me for tiring you with so circumstantial an account, which nothing but the necessity of preventing the many falsehoods that are generally propagated on these occasions, and the propriety of your being well informed, would ever have justified me in.

I do myself the honor to send herewith, the newspapers, and particularly a circular letter of Gen. Washington to the different States; which, in my opinion, gives the finishing stroke to his inimitable character.

I have committed this letter to the care of my younger brother, who is bound for London, having been in the merchant service at that port for several years, but who, I have the best evidence, is well attached to the interests of this country, and who can inform you of many particulars relating to the state of things here.

I have the honor to be, &c.

E. B.

LETTER FROM COLONEL WILLIAM HENRY TO HIS EXCEL-
LENCY PRESIDENT DICKINSON.

Lancaster, June 17th, 1783.

Sir,

Eighty armed soldiers set off this morning for Philadelphia to co-operate with those now in the city in such measures as may appear to them the most likely to procure their pay (or perhaps to possess themselves of money at any rate.) I have thought it my duty to give the most timely information possible that the city may not be surprised. I am informed that part of General Armand's corps will be here to-morrow on their way to Philadel-

phia, and am of opinion, from what has transpired from some of the men who are still here, that they will follow the others to the city and share the same fate; they have thrown out several threats, that they will rob the bank, the treasury, &c. &c.

I am, sir, your very humble servant,

WILLIAM HENRY.

LETTER FROM COLONEL RICHARD BUTLER TO HIS EXCEL-
LENCY GOVERNOR DICKINSON.

Lancaster, June 17th, 1783. }
10 o'clock A. M. }

Sir,

I yesterday received orders from Major General St. Clair to direct returns to be made out of those non-commissioned officers and soldiers, that chose to go on furlough agreeably to the resolve of Congress of the 26th of May, noticing such as do not wish to go. Also for pay rolls for the month of January, for which cash is to be paid, and other rolls for the month of February, March and April, to be paid in Mr. Morris's notes in six months after date—and to inform the troops, taking or refusing furloughs is at their option, and that they were to remain till further orders, and to be settled with on the principles of the settlement with the main army. This I did without loss of time, in order to show that doubts which had arisen (and that had met with prompting from some unknown persons) had no foundation.

This morning the Sergeants called on me at my quarters, and informed me the men were determined to go

to Philadelphia in order to obtain *justice*. I made use of every argument to shew the impropriety of the measure, and they went away, as I thought content, but soon after I was informed they were getting ready to go off in a body. I went to the parade with a number of officers and Col. Samuel Atlee, who happened to be in town, formed a circle and talked to them as before, but to no purpose, the principal part of them went from their quarters about half past 8 o'clock A. M.

I gave them every assurance of an immediate settlement and their being kept together till their settlement is completed, also of their paymasters, Lieutenants Beaty and Lytle, being sent to Carlisle for the necessary papers of the old 4th and 7th Regiments, who I expected back to-day—but the ill-timed heat had taken too great a hold of their minds for arguments to alter them—indeed I am of opinion it has originated in your city, and that the flame is supported by inimical or inconsiderate people.

I have called the officers together, who are of opinion that one should follow and make one more effort to bring them back; if this fails, I give it as my opinion, that no settlement be made with them, till they return to the post, as it will be too great a condescension and encouragement to similar licentious and mutinous conduct, at a future day, to troops that may hereafter be raised, as well as too humiliating a measure for the officers to be obliged to follow them and attend to the settlement of business *there*, already offered and insolently refused *here*, and which the officers are much averse to. I have the honor to enclose a copy of the orders issued last evening, in order to show your Excellency and Council that no neglect or omission has been on the part of the officers.

I have assured the bearer, Lieutenant E. Butler, adjutant, that your Excellency and Council will order the payment of his and Captain Chrystie's expence, he being the officer that follows the troops.

I have the honor to be, &c.

RICHARD BUTLER.

Col. 3d P. Regiment.

P. S. Lieutenant Butler can inform of particulars fully.

ORDERS ISSUED TO THE TROOPS BY COLONEL BUTLER.

Lancaster, 17th June, 1783.

Non-Commissioned-Officers and Soldiers of the 3d Pennsylvania Regiment.

In warmth men are sometimes led beyond the bounds of interest and propriety, both to themselves and their best friends, and attempts to reason, while the mind is agitated, often rather tends to inflame than calm the passions or opinions, whatever they may be. This I think was the case with you this morning. That I wished to do my duty to my country, as well as justice to you, whose fortunes have been long mine, and your other officers, induced me to call a number of them together, by whose opinion and advice the bearers, Captains Chrystie, Walker and Montgomery follow, in order to tell you their and my wishes, and to give you, once for all, our joint advice. We do our duty in doing it, and expect it will have that weight with you on cool reflection, that with reasonable men it ought to have. You mentioned to me this morning, first—that you did not want furloughs. Secondly—that you wanted to be settled with before you

are discharged. Thirdly—to be continued in service till these things are done. Measures were taken for settling your accounts before the arrival of the order of yesterday; returns directed to be made of those who chose furloughs, and those who did not, on their arrival; returns for clothing for those enlisted, and pay-rolls for one month's pay for January last, to be paid in cash, and rolls for three month's pay, to be paid in the Financier General's notes, with assurance of quarters and provision till this is completed.

This is once more offered to you, and it is strongly recommended *for your own sakes*, that you return to the post where your officers are, that your accounts, &c. may be completed, and that you consider, the longer you are away the greater the difficulty and the longer they will be in doing. As the officers cannot think it their duty to follow men, who will not take advice, but go from where their business can alone be done, for you cannot have your accounts settled without them and the pay-masters. Or do you imagine your appearance at Philadelphia can have any good effect in your favor, as it will be justly construed into *menace*, rather than a proper mode of seeking justice, after what is offered you.

You may easily offend your country, and by ill-judged measures preclude yourselves and others from that justice you wish for, and I think you may justly say the person or persons who advised the measure you have taken cannot ultimately be your friends.

The above is submitted to your reflection, and advice is added to the wish that you return.

I am sincerely your friend,
RICHARD BUTLER, Col. 3 P. Regt.

Report of the Committee of Congress, July 1st, 1783.

The Committee to whom were referred the letters and papers communicated to Congress by the Executive Council of Pennsylvania, through their Delegates, report,

That they had a conference yesterday, as directed, with the Supreme Executive Council, in which, in the first instance, the propriety of calling out a detachment of militia to intercept the mutineers on their march from Lancaster, was proposed to the Council, suggesting the danger of their being suffered with impunity to join the troops in the barracks, who a few days before had manifested a dangerous spirit, by an insolent and threatening message sent to Congress, in the name of a board of Sergeants, and who it was apprehended would be ready to make common cause with those on their march, for mutinous purposes. That the Council having shown a reluctance to call out any part of the militia, expressing an opinion that they would not be willing to act, till some outrage should have been committed by the troops, there appeared to the Committee no alternative but to endeavor to dissuade the mutineers from coming to town, and if they failed in that attempt, to make use of expedients to prevent the troops in the barracks from joining in any excesses, and to induce the detachment from Lancaster to return to that place. That in this view, and at their desire, the Assistant Secretary at War met the detachment then on its march to the city, and endeavored to engage them to return to the former place, urging the considerations contained in the annexed instructions to him; but the said detachment persisted in their intention of coming to this city and arrived here this morning.

That upon conferring with the Superintendent of Finance they find there is a probability that the Paymaster-General, to whom the settlement of the accounts of the army has been committed, and who having all the documents in his possession, can alone execute the business with propriety, will shortly arrive from the army, and will immediately enter upon a settlement with the troops in this State, that in the meantime measures will be taken to prepare the business for a final adjustment. That there will be immediately sent to Lancaster a sum of money to be paid to the troops on account of the month's pay heretofore directed to be advanced to them, the payment of which has hitherto been delayed by particular circumstances, together with notes for three month's pay intended to be advanced to the men when furloughed.

That they have desired this information to be transmitted to the commanding officer here and at Lancaster, with this declaration, that the corps stationed at Lancaster, including the detachment, can only be settled with or paid at that place.

The Instructions to Major Jackson.

Sir,

Information having been received, that a detachment of about 80 mutineers are on their way from Lancaster to this place, you will please to proceed to meet them, and to endeavor by every prudent method to engage them to return to the post they have left. You will inform them of the orders that have been given, permitting them to remain in service till their accounts shall have been settled, if they prefer it to being furloughed, and of the allowance of pay which has been made to the army at

large and in which they are to be included. You will represent to them that their accounts cannot be settled without their officers, whom they have left behind them at Lancaster. You will represent to them with coolness, but energy, the impropriety of such irregular proceedings, and the danger they will run by persisting in an improper conduct. You will assure them of the best intentions in Congress to do them justice, and of the absurdity of their expecting to procure it more effectually by intemperate proceedings. You will point out to them the tendency which such proceedings may have to raise the resentments of their country, and to indispose it to take effectual measures for their relief. In short, you will urge every consideration in your power to induce them to return, at the same time avoiding whatever may tend to irritate. If they persist in coming to town, you will give the earliest notice to us of their progress and disposition. Should they want provisions you will assure them of a supply, if they will remain where they are, which you are to endeavor to persuade them to do, in preference to coming to town.

(Signed)

A. HAMILTON,
In behalf of the Committee.

TO THE HONORABLE JOHN DICKENSON, ESQUIRE, PRESIDENT, AND THE HONORABLE EXECUTIVE COUNCIL OF THE STATE OF PENNSYLVANIA.

May it please your Excellency
and the Honorable Council,

We, the non-commissioned officers and soldiers in garrison, have been told by General St. Clair, that the Executive Council was much exasperated at our proceedings before the State-house last Saturday: We beg leave to acquaint your Excellency and Honorable Council, that the soldiers in garrison were very much alarmed, and their minds inflamed on hearing the expressions of some gentlemen who came into the garrison the preceding evening, whom they suspected were sent by a higher power to inveigle the soldiers to accept conditional discharges, without a regular settlement, as a particular gentleman, in company among those who visited the garrison that evening, was pleased to say that the soldiers would in a few days be happy, as they would receive one month's pay, which would carry them home in a genteel manner. Many of us have from one to five hundred miles to our former places of residence, and many of us have families, some two, and some three or four children.

May it please your Excellency and the Honorable Council coolly and candidly to deliberate on the generous expressions of that honorable gentleman, in the hearing of a number of those very sons of liberty who have freed their country from tyranny, and secured America's independence and honorable peace. Your Excellency and Honorable Council will please to be assured that we who preside now at the head of this matter, *were* not, previous to the assembling of the troops last Saturday; but dared

not stay behind in the garrison, as we thought our lives *were* in danger, and we are in great hopes that your Excellency and Honorable Council are all impressed with an idea that our appearance with them was very conducive to prevent mischief which you were all little aware of. We also beg leave to declare that we were so far from withdrawing from under the immediate command of our officers, that we drew up a remonstrance, and humbly solicited Colonel Hampton to command as usual, and to punish all military neglects in us, but hoped (nay we did insist) that we would not be prevented from seeking our rights in a becoming manner. And, had not that particular gentleman, before mentioned, spoke as he did, the troops would not have assembled.

May it please your Excellency, &c.

We submit our reasonable requests to your candid consideration.

First. By the gentlemen officers in committee, and board of non-commissioned officers of the garrison.

We request one half of our pay due us on the date of our discharges—the fourth month's now dealing out to each man, we think is unfair, as some have not been five months enlisted, while others have three years pay due, and served the country in its necessity—Glory be to God, we survive.

Second. The balance that may be due to us after our receiving, as before mentioned, we desire such certificates for, with lawful interest, as will specify when to be redeemed; and not such ones as we have before this been put off with; and so, if in necessity, by sickness or other unavoidable misfortune be necessitated to sell them (perhaps) to those who have experienced nothing of the fatigues of the war, for two shillings per twenty.

Third. We expect our small articles in rations promised to us at the beginning of the war, and cut off since, shall be made up to us; all deficiencies of clothing, &c. to be settled for.

Fourth. That we receive patents for the lands due to us with our discharges, and his Excellency's gratuity.

Fifth. That all those soldiers discharged from headquarters already, may be thought on, agreeable to their merit, and those to be discharged also, particularly those who have lost a limb.

Sixth. That the settlement here requested may extend to all the soldiers belonging to the Pennsylvania line, wherever they may be in the United States.

Seventh. That the troops who have come from Lancaster may be put on an equal footing as soon as possible, and, if there be occasion for their enlistments from Lancaster, that they be sent for without murmur.

These are all the requests your hardy veterans have to make. We think them our right, and we hope to obtain them; and should the public need our services again, we declare to sacrifice our most endearing connections to serve them.

In behalf of the non-commissioned-officers and soldiers in garrison.

JAMES BENNETT.

LETTER FROM JAMES BENNETT TO THE PRESIDENT OF
THE EXECUTIVE COUNCIL.

May it please your Excellency,

We, the board of Sergeants, appointed by the troops now in garrison, to lay our grievances before your Excellency and Council, are alarmed to hear your Excellency

and the good citizens of this State are under apprehension that the troops intend taking some desperate steps, and likewise, that they were determined to attempt the bank in this city.

We beg leave to inform your Excellency, that nothing of this kind was ever intended by us; and do declare, that if any thing of that nature has taken place, it is contrary to our wishes or knowledge, and that we will immediately endeavor to find out such persons as have been guilty, if any there be, and bring them to punishment.

We are your Excellency's
Most obedient servants,
Sent by order of the board of Sergeants,
JAMES BENNETT.

May it please your Excellency,
We, the Sergeants forming the committee in garrison, representing the non-commissioned-officers and soldiers, now, are extremely sorry for any irregularities that have happened; for which we most sincerely beg your Excellency's and Council's pardon, together with all worthy citizens.

By order of the board of Sergeants,
JAMES BENNETT.

Resolution of Congress, June 21st, 1783.

"Resolved, That the President and Supreme Executive Council of Pennsylvania be informed, that the authority of the United States having been this day grossly insulted

by the disorderly and menacing appearance of a body of armed soldiers about the place within which Congress were assembled, and the peace of this city being endangered by the mutinous disposition of the said troops now in the barracks, it is, in the opinion of Congress, necessary that effectual measures be immediately taken for supporting the public authority.

Resolved, That the Committee on a letter from Col. Butler, be directed to confer, without loss of time, with the Supreme Executive Council of Pennsylvania, on the practicability of carrying the preceding resolution into effect, and that in case it shall appear to the committee that there is not a satisfactory ground for expecting adequate and prompt exertion of this State for supporting the dignity of the Federal Government—the President, on the advice of the Committee, be authorized and directed to summon the members of Congress to meet on Thursday next at Trenton or Princeton, in New Jersey, in order that further and more effectual measures may be taken for suppressing the present revolt and maintaining the dignity and authority of the United States.

Resolved, That the Secretary at War be directed to communicate to the Commander-in-Chief, the state and disposition of the said troops, in order that he may take immediate measures to despatch to this city such force as he may judge expedient for suppressing any disturbances which may ensue.”

Resolution of Congress, July 1st, 1783.

“*Resolved*, That Major General Howe be directed to march such part of the force under his command, as he

shall judge necessary, to the State of Pennsylvania, in order that immediate measures may be taken to confine and bring to trial all such persons belonging to the army as have been principally active in the late mutiny, to disarm the remainder, and to examine fully into all the circumstances relating thereto.

That in the execution of the foregoing resolution, if any matter shall arise which may concern the civil jurisdiction, or in which its aid may be necessary, application be made for the same to the Executive authority of the State.

That the Executive of Pennsylvania be informed of the foregoing resolutions, and requested to afford their assistance whensoever the same shall be required."

2nd Report of the Committee of Congress, July 1, 1783.

The Committee appointed to confer with the Supreme Executive Council of Pennsylvania, on the practicability of taking effectual measures to support the public authority, in consequence of the disorderly and menacing appearance of a body of armed soldiers surrounding the place where Congress were assembled, on Saturday the 21st inst., beg leave to report:

That they had a conference the following morning with the Supreme Executive Council, agreeably to the intention of Congress, and having communicated their resolution on that subject, informed the Council that Congress considered the proceeding on which that resolution was founded of so serious a nature as to render palliatives improper, and to require that vigorous measures should be

taken to put a stop to the further progress of the evil, and to compel submission on the part of the offenders. That in this view they had thought it expedient to declare to the Executive of the State in which they reside, the necessity of taking effectual measures for supporting the public authority. That though they had declined a specification of the measures which they would deem effectual, it was their sense that a number of the militia should be immediately called out sufficient to suppress the revolt. That Congress, unwilling to expose the United States to a repetition of the insult, had suspended their ordinary deliberations in this city till proper steps could be taken to provide against the possibility of it. The Council, after some conversation, informed the Committee, that they would wish, previous to a determination, to ascertain the state and disposition of the militia, and to consult the officers for that purpose.

The day following the Committee waited upon the Council for their final resolution, having previously presented a letter addressed to his Excellency the President, of which a copy is annexed, requesting the determination of the Council in writing.

The Council declined a written answer, alleging that it had been unusual on similar occasions, that they were unwilling to do any thing which might appear an innovation in the manner of conducting conferences between their body and committees of Congress, adding, however, that they were ready to give their answer in writing if Congress should request it. They then proceeded to a verbal answer, in substance as follows: That the Council had a high respect for the representative sovereignty of the United States, and were disposed to do every

thing in their power to support its dignity. That they regretted the insult which had happened, with this additional motive of sensibility, that they had themselves had a principal share in it. That they had consulted a number of well informed officers of the militia and found that nothing, in the present state of things, was to be expected from that quarter. That the militia of the city in general were not only ill provided for service, but disinclined to act upon the present occasion. That the Council did not believe any exertions were to be looked for from them, except in case of further outrage and actual violence to person or property. That in such case a respectable body of citizens would arm for the security of their property and the public peace; but it was to be doubted what measure of outrage would produce this effect, and in particular it was not to be expected merely from a repetition of the insult which had happened. The Council observed that they thought it their duty to communicate their expectations with candor, and passed from the subject of the practicability of vigorous measures to the policy of them. They stated that General St. Clair, with the approbation of several members of Congress and of Council, had, by a declaration in writing, permitted the mutineers to choose a committee of commissioned officers to represent their grievances to Council, and had authorized them to expect that a conference would be allowed for that purpose. That it was said the mutineers began to be convinced of their error and were preparing for submission. That, from the steps which had been taken, the business seemed to be in a train of negotiation, and that it merited consideration how far it would be prudent to terminate the matter in that way rather than employ coercive means.

The Committee remarked, with regard to the scruple about giving an answer in writing, that they could not forbear differing in opinion as to its propriety. That nothing was more common than written communications between the executives of different States and the civil and military officers acting under the authority of the United States. That for a much stronger reason there was a propriety in this mode of transacting business between the Council and a Committee of the body of Congress. That indeed it would be conformable to the most obvious and customary rules of proceeding, and that the importance of the present occasion made it desirable to give every transaction the greatest precision.

With respect to the practicability of employing the militia, the Committee observed that this was a point of which the Council was alone competent to judge. That the duty of the Committee was performed in explicitly signifying the expectations of Congress.

And, with respect to the policy of coercion, the Committee remarked, that the measures taken by Congress clearly indicated their opinion that the excesses of the mutineers had passed the bounds within which a spirit of compromise might consist with the dignity and even the safety of the government. That impunity for what had happened might encourage to more flagrant proceedings, invite others to follow the example and extend the mischief. That the passiveness of conduct observed towards the detachment which had mutinied at Lancaster and come to the city in defiance of their officers, had no doubt led to the subsequent violences. That these considerations had determined Congress to adopt decisive measures. That besides the application to the State in

which they reside, for its immediate support, they had not neglected other means of ultimately executing their purpose, but had directed the Commander-in-Chief to march a detachment of troops towards the city. That whatever moderation it might be prudent to exercise towards the mutineers, when they were once in the power of government, it was necessary in the first instance to place them in that situation. That Congress probably would continue to pursue this object, unless it should be superseded by unequivocal demonstrations of submission on the part of the mutineers. That they had hitherto given no satisfactory evidence of this disposition, having lately presented the officers they had chosen to represent their grievances with a formal commission in writing, enjoining them, if necessary, to use compulsory means for redress, and menacing them with death in case of their failing to execute their views. Under this state of things, the committee could not forbear suggesting to the Council that it would be expedient for them so to qualify the reception which they should think proper to give to any propositions made by the mutineers as not to create embarrassment should Congress continue to act on the principle of coercion.

The Committee, finding there was no satisfactory ground to expect prompt and adequate exertions on the part of the Executive of this State for supporting the public authority, were bound, by the resolution under which they acted, to advise the President to summon Congress to assemble at Princeton or Trenton, on Thursday, the 26th inst.

Willing, however, to protract the departure of Congress as long as they could be justified in doing it, still hoping that further information would produce more deci-

sive measures on the part of the Council, and desirous of seeing what complexion the intimated submissions would assume, they ventured to defer advising the removal till the afternoon of the day following that on which the answer of Council was given. But having then received no farther communications from the Council, and having learned from General St. Clair that the submission proposed to be offered by the mutineers, through the officers they had chosen to represent them, were not of a nature sufficiently explicit to be accepted or relied on. That they would be accompanied by new demands to which it would be improper to listen. That the officers themselves composing the committee had shewn a mysterious reluctance to inform General St. Clair of their proceedings—had refused in the first instance to do it, and had afterwards yielded only to a peremptory demand on his part, the Committee could no longer think themselves at liberty to delay their advice for an adjournment, which they this day accordingly gave, persuaded at the same time that it was necessary to impress the mutineers with a conviction that extremities would be used against them before they would be induced to resolve on a final and unreserved submission.

Philadelphia, June 24th, 1783.

The letter of His Excellency the President of the Supreme Executive Council of Pennsylvania.

Sir,

We have the honor to enclose for your Excellency and the Council a copy of the resolutions communicated in our conference yesterday. Having then fully entered

into all the explanations which were necessary on the subject, we shall not trouble your Excellency with a recapitulation; but, as the object is of a delicate and important nature, we think it our duty to request the determination of the Council in writing. We have the honor to be, with perfect respect, your Excellency's most obedient servants.

Philadelphia, June 23d, 1783.

BY HIS EXCELLENCY,

ELIAS BOUDINOT, ESQ.

President of the United States, in Congress assembled,

A PROCLAMATION.

Whereas a body of armed soldiers in the service of the United States, and quartered in the barracks of this city, having mutinously renounced their obedience to their officers, did, on Saturday the twenty-first instant, proceed under the guidance of their Sergeants, in a hostile and threatening manner, to the place in which Congress were assembled, and did surround the same with guards: And whereas Congress, in consequence thereof, did, on the same day, resolve, "That the President and Supreme Executive Council of this State, should be informed, that the authority of the United States, having been that day grossly insulted by the disorderly and menacing appearance of a body of armed soldiers, about the place within which Congress were assembled; and that the peace of this city being endangered by the mutinous disposition of the said troops then in the barracks; it was, in the opinion of Congress, necessary that effectual measures should be immediately taken for supporting the public authority:"

And also, whereas Congress did, at the same time, appoint a committee to confer with the said President and Supreme Executive Council, on the practicability of carrying the said resolution into due effect: And also, whereas the said committee have reported to me, that they have not received satisfactory assurances for expecting adequate and prompt exertions of this State for supporting the dignity of the Federal Government: And also, whereas the said soldiers still continue in a state of open mutiny and revolt, so that the dignity and authority of the United States would be constantly exposed to a repetition of insult, while Congress shall continue to sit in this city: I do, therefore, by and with the advice of the said committee, and according to the powers and authorities in me vested, for this purpose, hereby summon the honorable the Delegates composing the Congress of the United States, and every of them, to meet in Congress, on Thursday the twenty-sixth day of June instant, at Princeton, in the State of New-Jersey, in order that further and more effectual measures may be taken for suppressing the present revolt, and maintaining the dignity and authority of the United States; of which all officers of the United States, civil and military, and all others whom it may concern, are desired to take notice and govern themselves accordingly.

Given under my hand and seal, at Philadelphia, in the State of Pennsylvania, this twenty-fourth day of June, in the year of our Lord one thousand seven hundred and eighty-three, and of the sovereignty and independence of the United States, the seventh.

ELIAS BOUDINOT.

Attest,

SAMUEL STERETT, *Private Sec.*

DEMAND MADE BY THE MUTINEERS.

May it please your Excellency,

We, the non-commissioned officers and soldiers now in this city, demand of you and the Honorable Council, authority to appoint commissioned officers to command us and redress our grievances, which officers to have full powers to adopt such measures as they may judge most likely to procure us justice. You will immediately issue such authority and deliver it to us, or otherwise we shall instantly let in those injured soldiers upon you, and abide by the consequence. You have only twenty minutes to deliberate on this important matter. The officers in general have forsaken us and refuse to take any further command. This I presume you all know.

We are, in behalf of ourselves and the men,

Yours, &c. &c.

JAMES CHRYSTIE TO JOHN DICKINSON.

Philadelphia, 24th June, 1783.

Sir,

Yesterday morning we were waited on severally by a committee of Sergeants, who handed to each of us similar appointments, of which the enclosed is one. But upon their being objected to and refused as inconsistent with the powers granted them and dishonorable to us, they made such concessions relative to us as were satisfactory, so far as we could take up the business; and they have confessed their conduct on the 21st instant to be dis-

orderly and have promised to hand to us the concessions as soon as possible, which we will immediately lay before your Excellency.

I have the honor to be, &c.

JAMES CHRYSTIE, Capt. 2d Penn. Regt.
President of the Committee.

COMMISSION BY THE MUTINEERS.

Philadelphia Barrack, 23d June, 1783.

Sir,

You are hereby appointed by the non-commissioned officers and soldiers in this city, from authority which they have from the President of the State and General St. Clair, as a member to represent them in committee of six commissioned officers. You are to remember that every effort in your power must be exerted to bring about the speedy and most ample justice; and even to use compulsive measures should they be found necessary—which we declare in the presence of Almighty God we will support you in to the very utmost of our power. Should you shew a disposition not to do all in yours, Death is inevitably your fate.

Signed by order of the board,

JAMES BENNET, Secretary.

Captain JAMES CHRYSTIE.

JOHN SULLIVAN TO COLONEL MOYLAND.

The Cape, 30th June, 1783.

Dear Colonel,

If a consciousness of rectitude can be a consolation to men in adversity, be assured our spirits are far superior to our circumstances, and am confident that none but persons accustomed to judge of things by the event will reprobate our conduct. The little prospect of succeeding in such an attempt, and the difficulties we had to encounter, were so great, that to have been confident of success would have proved us to be as destitute of prescience as of common sense. But a series of injuries, and the incessant indignities we experienced, were our sole inducements for prosecuting the plan at all risks. I am not ignorant of the sentiments of men in power, in respect to the army, and the ideas they entertain of the passiveness of the officers. These circumstances determined us to convince them we had a just sense of our wrongs, and were not callous to ill-treatment.

It avails little what appearance tyranny may assume to veil injustice ; but it is a duty incumbent on honest men, by investigating the principles of insidious policy, not to submit to the imposition.

Actuated by the purest motives of patriotism and disinterestedness, I abandoned my dearest connexions at a tender age, to fight under American colors, at a critical period, and when affairs were equally balanced. My conduct in the army, either as a soldier or a gentleman, I appeal to the officers in general, and you in particular, to decide on.

I flatter myself you will not suppose that my attachment for this country is diminished in the most trivial degree. I ever had an innate affection for America, and were she on the verge of ruin, I would come and perish with her. Let what bad men there are at the helm of government observe from this instance, how dangerous it is to drive men of honor to desperation.

The person concerned with me is Captain Carbery. This young gentleman served with éclat in the army; bled, and spent a pretty fortune in the service of his country. I have requested Captain Heard to be punctual in paying what trifling debts I owe, and have requested your brother John to draw on my father, if necessary. We are now wafted along by a gentle and generous gale, and possess the most perfect tranquillity of mind, conscious of no unworthy action: all we regret is, failing in a noble attempt.

“ And more true joy Marcellus exiled feels,
“ Than Cesar with a senate at his heels.”

Adieu, my dear Colonel; be convinced I have a just sense, and want words to express my gratitude for the peculiar marks of favor and affection you have conferred on me.

I am, with sincerity, &c.

JOHN SULLIVAN.

I by no means flatter myself with the idea of hearing from you; but my address is Captain Richardson, 1st regiment guards, London.

I take the liberty to enclose a certificate for sixty-four pounds.

**A DECLARATION OF OFFICERS OF THE PENNSYLVANIA
LINE.**

We, the under named officers, do appoint the following officers as a committee to wait on Congress, to assure that honorable body that we disapprove and detest the late proceedings of the non-commissioned officers and soldiers of the Pennsylvania line, and give them the strongest assurance of every assistance to repel them, if they should take such steps as may render it necessary. The following gentlemen were chosen for the above purpose, viz. Colonels Richard Thompson, Thomas Robinson, and Andrew Porter.

A. PORTER, Col.
ROBT. MARTIN, Lieut.
JAS. PETTIGREW, Lt. 2d. P. Regt.
T. SUTY, Captain,
THOS. DOYLE, Lieut.
W. McDOWELL, Lieut.
ANDW. IRVINE, Capt.
E. SPEER, Lieut.
E. DINNY, Lieut.
J. McCULLAN, Lieut.
ENOS REEDER, Lieut.
J. B. TILDEN, Lieut.
T. PROCTOR Major,
T. ROBINSON, Lieut. Col.
WM. MAGAW, Surgeon,
THOS. DUNGAN, Lieut.
RICH. HAMPTON, Col. 2d. P. Reg.
LE ROY, Lieut.
JAMES GAMBLE, Lieut.
DE MARCELLER,
THOS. WYLIE, Capt. Art. Artificers.

[The two following letters relate to the mutiny at Philadelphia. Although it does not appear that copies were transmitted to our ministers abroad, yet it has been thought proper to give them a place here.]

FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO
GENERAL WASHINGTON.

Philadelphia, 21st June, 1783. }
4 o'clock, A. M. }

Dear Sir,

I am greatly mortified that our circumstances here oblige me to trouble your Excellency with a detail highly disagreeable and perplexing. I presume your Excellency has received copies of letters from Colonel Butler and Mr. Henry, forwarded a few days ago: all endeavors to oblige the men to return to Lancaster proved ineffectual. They entered this city yesterday morning in a very orderly manner and took possession of the barracks, and with those troops then quartered there, make up about five hundred men. General St. Clair was sent for, and matters seemed tolerably easy till this morning, when they positively refused all obedience to their officers and seemed forming a design to be troublesome by evening. Congress being adjourned till Monday, I thought it proper to call them together at 1 o'clock. Six States had got together, when the mutineers, joined by those at the barracks before their arrival in town, very unexpectedly appeared before, and surrounded, the State House, with fixed bayonets; the Supreme Executive Council, sitting also in the same House. The mutineers sent in a paper, demanding of the President and Council to authorize them to choose their own officers, (being deserted by their former officers

as they alleged,) in order to represent their grievances—that they should wait twenty minutes, and if nothing was then done, they would turn in an enraged soldiery in the Council, who would do themselves justice, and the Council must abide the consequences, or words to that effect. This was handed to the members of Congress by the President of the State. General St. Clair was present at the request of Congress, and but very few other officers attended. Neither Congress nor the Council would take any measures while they were so menaced; and matters continued thus till $\frac{1}{2}$ past 3 o'clock this afternoon, when the mutineers were prevailed on for the present to march back to the barracks. They have seized the public magazine, and I am of opinion that the worst is not yet come.

Though no Congress was regularly formed, for want of one member, yet the members present unanimously directed me to inform your Excellency of this unjustifiable movement. The militia of the city I suppose will be called out; but there are some suspicions that the mutineers value themselves on their interest with the inhabitants. It is therefore the wish of the members who were assembled that your Excellency would direct a movement of some of your best troops, on whom you can depend under these circumstances, towards this city; as it will be of the most dangerous consequence if a measure of this kind is to be put up with, and no one can tell where it will end. Your Excellency will hear from me again on this subject without delay. I forgot to inform your Excellency that the month's pay for January had been ordered to these men, and three month's pay in notes, &c. They complain heavily of their accounts yet remaining

unsettled. It is to be wished the pay-master could arrange matters so as to close the accounts of the soldiery with more expedition.

I have the honor, &c.

E. B.



FROM GENERAL GEORGE WASHINGTON TO THE PRESIDENT
OF CONGRESS.

Head Quarters, Newburgh, evening, June 24th, 1783.

Sir,

It was not until 3 o'clock this afternoon, that I had the first intimation of the infamous and outrageous meeting of a part of the Pennsylvania troops; it was then I received your Excellency's letter of the 21st, by express, and agreeable to the request contained in it, I instantly ordered three complete regiments of infantry and a detachment of artillery to be put in motion as soon as possible. This corps (which you will observe by the returns, is a large proportion of our whole force) will consist of upwards of 1500 effectives. As all the troops who composed this gallant little army, as well those who were furloughed as those who remain in service, are men of tried fidelity, I could not have occasion to make any choice of corps; and I have only to regret, that there existed a necessity, they should be employed on so disagreeable a service. I dare say however, they will on this, and all other occasions, perform their duty as brave and faithful soldiers.

While I suffer the most poignant distress in observing that a handful of men, contemptible in numbers, and equally so in point of service, (if the veteran troops from

the southward have not been seduced by their example) and who are not worthy to be called soldiers, should disgrace themselves as the Pennsylvania mutineers have done, by insulting the sovereign authority of the United States, and that of their own. I feel an inexpressible satisfaction, that even this behavior cannot stain the name of the American soldiery; it cannot be imputable to, or reflect dishonor on the army at large; but on the contrary, it will, by the striking contrast it exhibits, hold up to public view the other troops, in the most advantageous point of light. Upon taking all the circumstances into consideration, I cannot sufficiently express my surprise and indignation, at the arrogance, the folly and the wickedness of the mutineers; nor can I sufficiently admire the fidelity, the bravery and the patriotism, which must forever signalize the unsullied character of the other corps of our army; for when we consider that these Pennsylvania levies, who have now mutinied, are recruits and soldiers of a day, who have not borne the heat and burden of the war, and who can have, in reality, very few hardships to complain of; and when we at the same time recollect, that those soldiers who have lately been furloughed from this army, are the veterans who have patiently endured hunger, nakedness, and cold, who have suffered and bled without a murmur, and who, with perfect good order, have retired to their homes, without the settlement of their accounts, or a farthing of money in their pockets; we shall be as much astonished at the virtues of the latter, as we are struck with horror and detestation at the proceedings of the former; and every candid mind, without indulging ill-grounded prejudices, will undoubtedly make the proper discrimination.

I intended only to wait until the troops were collected and had occupied their new camp, in order to make a full report to Congress, of the measures which have been taken in consequence of the revolution of the 26th of May. Notwithstanding the option which was given, in my answer to the address of the generals and officers commanding regiments and corps, which has been already sent to your Excellency; no soldiers, except a very few, whose homes are within the enemy's lines, and a very small number of officers, have thought proper to avail themselves of it, by remaining with the army; a list of those who remain, is herewith transmitted. The men engaged to serve three years were then formed into regiments and corps, in the following manner, viz. The troops of Massachusetts composed 4 regiments, Connecticut 1 regiment, New Hampshire 5 companies, Rhode Island 2 companies, Massachusetts artillery 3 companies, and the New-York artillery 2 companies, the total strength will be seen by the weekly state, which is also forwarded.

The army being thus reduced to merely a competent garrison for West Point, that being our only object of importance in this quarter, and it being necessary to employ a considerable part of the men in building an arsenal and magazines at that post, agreeably to the directions given by the Secretary at War; the troops accordingly broke up their cantonment yesterday, and removed to that garrison, where Major General Knox still retains the command. The detachment which marches for Philadelphia, will be under the orders of Major General Howe, Major General Heath having, at his own particular request, retired from the field; the Brigadiers now remaining with the army, are Patterson, Huntington, and Greaton,

besides the Adjutant General. Thus have I given the present state of our military affairs, and hope the arrangements will be satisfactory to Congress.

I have the honor to be, &c.

GEO: WASHINGTON.

P. S. Should any thing turn up, which may prevent the necessity of the troops proceeding to Philadelphia, I am to request your Excellency will send the earliest intimation to the commanding officer, that the detachment may return immediately. The route will be by Kingwood, Pompton, Morristown, Princeton and Trenton, on which your express may meet the troops.

STATE OF PENNSYLVANIA.

In General Assembly,

Friday, August 29, 1783, A. M.

The report of the Committee appointed to consider of the most eligible means for the accommodation of Congress, should that honorable body determine to reside within this State, read August 27th instant, was read the second time, whereupon

Resolved unanimously, That until Congress shall determine upon the place of their permanent residence, it would be highly agreeable to this House, if that honorable body should deem it expedient, to return, and continue in the city of Philadelphia. In which case they offer to Congress the different apartments in the State House, and adjacent buildings, which they formerly occupied for the purpose of transacting the national business therein.

Resolved unanimously, That this House will take effectual measures to enable the Executive of the State to afford speedy and adequate support and protection to the honor and dignity of the United States in Congress, and the persons of those composing the Supreme Council of the nation assembled in this city.

Resolved unanimously, That as this House is sincerely disposed to render the permanent residence of Congress in this State, commodious and agreeable to that honorable body, the delegates of this State be instructed to request that Congress will be pleased to define what jurisdiction they deem necessary to be vested in them in the place wherein they shall permanently reside."

Extract from the minutes.

PETER Z. LLOYD,
Clerk of the General Assembly.

STATE OF PENNSYLVANIA.

In General Assembly, August 30th, 1783.

Gentlemen,

Inclosed you have sundry resolutions of this House, which you will be pleased to lay before the United States in Congress assembled, and furnish the House with an answer as speedily as the same may be obtained from that honorable body.

By order of the House

(Signed) **FREDERIC A. MUHLENBURG,**

Speaker.

Honorable the Delegates of Pennsylvania.

"The Delegates of Pennsylvania are authorized by the President and Council of that State, to declare in the most respectful terms to Congress that their return to Philadelphia, is sincerely desired by the President and Council as an event which would give them the greatest satisfaction."

August 13, 1783.

FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO
BENJAMIN FRANKLIN, MINISTER PLENIPOTENTIARY, &c.
PARIS.

Princeton, August 15, 1783.

Sir,

I had the honor of your favor of the 17th March, enclosing the treaty between the United States and the King of Sweden, the ratification whereof has been retarded for want of nine States present in Congress. This act has now taken place, and I am honored with the commands of Congress to transmit it to you for exchange, which I now have the pleasure of doing, and hope it will meet with a safe and speedy conveyance.

On receiving the treaty a manifest impropriety struck Congress in the title of the United States, being called of North America, when it should have been only America; and also in the enumeration of the different States, wherein the Delaware State is called "The three lower counties on Delaware." As there is no such State in the Union, Congress were at a loss how they could ratify the treaty with propriety, unless they should alter the transcript, which might be liable to many exceptions; they have therefore, to avoid all difficulties, passed a sep-

arate resolve empowering you to make the necessary amendments. A certified copy of this resolution, I do myself the pleasure to enclose.

Congress are entirely at a loss to account for the silence of their commissioners at Paris, since February last, being without any official information relative to the treaty with Great Britain since that time.

I had the honor of writing you very fully on the 15th July last, giving the reasons for our removal to this place at length, which, I hope, got safe to hand.

Congress having determined not to fix the place of their permanent residence till the first Monday in October next, is the reason of deferring the appointment of a Minister for Foreign Affairs till that is done.

I have the honor to be, &c.,

E. B.

Extract from the Secret Journal of Foreign Affairs.

July 29, 1783.

“Congress took into consideration a treaty of amity and commerce, concluded between the King of Sweden and the United States of America, signed at Paris, on the third day of April last; and the same was accepted and ratified, nine States being present, in the manner following:

The United States of America in Congress assembled—to all who shall see these presents, greeting:

Whereas by our commission dated at Philadelphia, on the twenty eighth day of September, 1782, the honorable Benjamin Franklin was invested with full powers, on the part of the United States of America, to concert and conclude with a person or persons equally empowered on

the part of his Majesty the King of Sweden, a treaty of amity and commerce, having for its basis, the most perfect equality, and for its object, the mutual advantage of the parties, we promising in good faith to ratify whatever should be transacted by virtue of the said commission: and whereas our said Minister, in pursuance of his full powers, did at Paris, on the third day of April, in the year of our Lord, one thousand seven hundred and eighty three, with Count Gustavus Philip de Creutz, Minister Plenipotentiary named for that purpose on the part of his Majesty the King of Sweden, conclude and sign a treaty of amity and commerce in the words following, to wit:*

Resolution July 29, 1783.

"On motion of Mr. Duane, seconded by Mr. Holten, *Resolved*, That Doctor Franklin, Minister Plenipotentiary of these United States for concluding a treaty with the King of Sweden be, and he hereby is, instructed and fully empowered to obtain amendments of the following inaccuracies in the commercial treaty with his said Majesty this day ratified, namely, United States of North America for "United States of America." The counties of New Castle, Kent and Sussex on Delaware, for "Delaware," and to enter into the necessary instruments and stipulations for that purpose."

*Vide treaty, page 369, vol. 3, Secret Journal.

FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO
BENJAMIN FRANKLIN, MINISTER PLENIPOTENTIARY, &c.
PARIS.

Philadelphia, 9th Sept. 1783.

Sir,

Being by accident at this city, and an opportunity offering, I do myself the honor of enclosing a duplicate of the ratification of the treaty with Sweden, the original of which I transmitted some time since; but not having the copy of the letter attending it by me, I am prevented from sending the duplicate of it, unless this opportunity is risked.

I am happy to enclose you some resolutions of the assembly of Pennsylvania, by which you will see, that all the difficulties that arose on account of the mutiny have happily subsided, without producing the least ill consequences.

The soldiers were very penitent, and two of the Sergeants are now under sentence of death, but I believe will be pardoned by Congress on account of the means used by Captain Carbery and Lieutenant Sullivan, to induce those poor wretches to behave as they did, under expectations of great personal advantages. I hope these two officers will meet with proper detestation from all good men.

I have the honor to be, &c. E. B.

*Extract from the Secret Journal of Foreign Affairs,
September 26th, 1783.*

“Congress took into consideration the report of a committee, consisting of Mr. Duane, Mr. Rutledge, Mr. Fitz-

simmons, Mr. Gerry and Mr. Higginson, appointed to consider the late despatches from the Ministers of the United States at foreign courts, and to report what measures are necessary to be taken thereon ; and the following paragraph being under debate, viz. “ Your committee beg leave further to observe, that in those despatches, and particularly in Mr. Adams’ letter of the 18th July, a sentiment is earnestly inculcated, which is indeed obvious in itself, that the Union requires additional support from its members ; and ‘ that if the United States become respectable, it must be by means of more energy in government ; for as some of the nations in Europe do not yet perceive this important truth, that the sphere of their own commerce will be eventually enlarged by the growth of America, but on the contrary manifests a jealousy of our future prosperity, it becomes the United States seriously to consider their own interests, and to devise such general systems and arrangements, commercial or political, as our own peculiar circumstances may from time to time require ;’ your Committee therefore propose, that a special Committee be appointed to take this important subject under deliberation, and to report the result to Congress.”

*Extract from the Secret Journal of Foreign Affairs,
September 29th, 1783.*

“ The Committee, consisting of Mr. Duane, Mr. Rutledge, Mr. Fitzsimmons, Mr. Gerry and Mr. Higginson, appointed to consider the late despatches from the Minis-

ters of the United States at Foreign Courts, and to report what measures are necessary to be taken thereon, reported as follows :

Whereas it appears from Mr. Adams' letters of the 23d June, and 14th and 18th of July, from the Ministers' joint letter of the 27th, and Dr. Franklin's of the 22d July, that the Court of Great Britain has discovered great jealousy upon the subject of American commerce ; and the truth of this fact seems to be clearly evinced, by two proclamations of his Britannic Majesty of the ——— and the ————. The first of which restrains the importation of the produce of any of the United States to vessels belonging to Great Britain and navigated according to her laws, or to vessels belonging to the State, of which the cargo is the produce ; and the latter, when taken in conjunction with her subsisting trade laws, absolutely prohibits American vessels or subjects from trading to the British Islands or Colonies.

And whereas these regulations are highly injurious to the welfare and commerce of these United States, and peculiarly so to the Eastern States, as the article of fish is excluded from those which are to be admitted on any condition ; for if these restrictions are continued, and the vessels of each of the American States are confined in the importation into Great Britain, to the products of that State only, the intercourse between the States will not only be straitened, but a great part of the carrying trade, which arises from the exportation of American produce to England, will be engrossed by the subjects of that kingdom, and a very important branch of our commerce thereby lost, and although the court of France hath not yet explicitly disclosed her intentions with respect to our

future intercourse with her colonies, there is too much reason to apprehend that she will restrain it to those articles of import and export which do not interfere with her own exports or consumption, and which are in fact of very inconsiderable value.

And whereas it is of importance to counteract those systems so injurious to the United States, and this can only be done by delegating a general power for regulating their commercial interests; whereupon,

Resolved, That a committee be appointed to prepare an address to the States, upon the subject of commerce, stating to them the regulations which are prevailing in Europe, the evils to be apprehended therefrom, and the steps proper to be taken to guard against, and to counteract them.

The Committee having further reported as follows:

Whereas it appears that in those despatches, and particularly in Mr. Adams' letter of the 18th July, a sentiment is earnestly inculcated, which is indeed obvious in itself, 'that the Union requires additional support from its members; and that if the United States become respectable, it must be by means of more energy in government; for, as some of the nations of Europe do not yet perceive this important truth, that the sphere of their own commerce will be eventually enlarged by the growth of America; but, on the contrary, manifest a jealousy of our future prosperity; it becomes the United States seriously to consider their own interests, and to devise such general systems and arrangements, commercial or political, as our own peculiar circumstances may from time to time require.'

Thereupon,

Resolved, That a special committee be appointed to take this important subject under deliberation, and report the result to Congress.

The Committee, having further reported,

And whereas, it appears from Mr. Adams' despatches of — and Doctor Franklin's of the 22d July, that propositions for entering into treaties of amity and commerce with these United States, have been made to our Ministers by the King of Denmark, the Court of Portugal, the Emperor of Germany, the King of Prussia, the Grand Duke of Tuscany, and the Court of Spain; and that many of the other powers of Europe discover a like disposition: Thereupon,

Resolved, That a committee be appointed to consider this subject; and whether the transmission of general outlines of treaties with those several powers, or instructions to our Ministers, as to the principles of such treaties, be most expedient; and to devise and report such outlines or instructions accordingly.

The Committee further reported, that instructions be transmitted to the Ministers, whom it concerns, immediately to stop all further loans in Europe.

That representations be made to the Court of Denmark, for obtaining compensation for prizes sent into Bergen, by the Alliance frigate.

That enquiry be made why the expedition of the Alliance and Bon Homme Richard, &c. was carried on at the expense and on account of the Court of France, and whether any part of the profit arising therefrom, accrued to the United States; or any of the expense thereof placed to their account; and whether the proceeds of any of the prizes taken in that expedition, and which is due to

the American officers and seamen employed therein, is deposited in Europe, in whose hands, and to what amount.

That the Minister of the United States be instructed to encourage overtures for treaties of amity and commerce from the respectable and commercial powers of Europe, upon terms of the most perfect reciprocity, and subject to the revisal of Congress previous to their ratification. Whereupon,

Resolved, That these several subjects be referred to a special Committee, to report thereon proper instructions to the Ministers of these United States."

October 1st, 1783.

"Congress resumed the consideration of the before-mentioned report: And, thereupon,

Resolved, That Mr. Jay be authorized to direct Mr. Carmichael to repair to Paris, should Mr. Jay be of opinion that the interest of the United States at the Court of Madrid, may not be injured by Mr. Carmichael's absence; and that he bring with him the books and vouchers necessary to make a final and complete settlement of the accounts of public money, which have passed through the hands of Mr. Jay and himself; and that Mr. Barclay attend Mr. Jay and Mr. Carmichael to adjust these accounts.

Resolved, That Mr. Jay have leave to go to Bath, should he find it necessary for the benefit of his health."

"Ordered, That the Committee appointed to prepare instructions to the Ministers of the United States, prepare drafts of letters to the several Ministers, to be signed by the President, on the respective subjects before mentioned."

FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO THE
MINISTER PLENIPOTENTIARY OF FRANCE.

Princeton, 27th October, 1783.

Sir,

I am honored by the commands of Congress to make known to you the pleasure they received from your communications of the 18th* of September. I cannot do this so well as by enclosing their act of the 24th instant for this purpose.

Be assured, sir, that every instance of the affection of our good ally gives me great pleasure, and I feel equally interested in the due acknowledgement of the many proofs we have received of this happy effect from the union of our two nations. Nothing can cement this alliance more perfectly than reciprocity and liberality in commercial regulations, which, I doubt not, are principles that will ever temper the wise councils of so great a monarch as your illustrious master.

I have the honor to be, &c.

E. B.

Extract from the Secret Journal, October 24th, 1783.

“ *Resolved*, That the Minister Plenipotentiary of France be informed that Congress receive much pleasure from his communication of the resolution of the belligerent parties not to sign a definitive treaty of peace with Great Britain but in concert with the United States. That it gives them equal satisfaction to learn that his most Christian Majesty had in view the commerce of the United States, and that it is their earnest wish that such

* Missing.

a spirit of liberality may pervade commercial regulations on both sides as will extend the intercourse and mutual interests of the two nations and preserve and increase the reciprocal confidence and affection which have so eminently distinguished their alliance.”



FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO
THE MINISTERS PLENIPOTENTIARY OF THE UNITED
STATES, PARIS.

Princeton, November 1, 1783.

Gentlemen,

I am honored by the commands of Congress to transmit you a set of instructions, in consequence of your joint and separate letters of the months of June and July last, by Captain Barney, which I do myself the honor to enclose. These were not finished till the 29th ult., after having undergone the most mature deliberation and fullest discussion in Congress.

Yesterday we received, from Colonel Ogden, the news of the signature of the definitive treaty on the 3d of September, and that Mr. Thaxter was on the way with the official news. We long for his arrival, though we have no doubt of the fact, which is also announced by the post this day from Boston.

I do most sincerely congratulate you, gentlemen, on this most important and happy event, which has diffused the sincerest joy throughout these States, and the terms of which must necessarily hand down the names of its American negotiators to posterity with the highest possible honor. May the gratitude of your country ever be the fair reward of all your labors.

New-York is not yet evacuated, but Sir Guy Carleton has informed our Commander-in-Chief, that he shall get clear of it, in all this month, though I think they will not dare to stay much beyond the 15th instant.

Yours, &c.

E. B.

Instructions. Wednesday, October 29, 1783.

“On the report of the Committee, consisting of Mr. S. Huntington, Mr. A. Lee, and Mr. Duane, to whom were referred sundry resolutions, passed on the 29th of September and 1st October instant.

By the United States in Congress assembled:

To the Ministers Plenipotentiary of the United States of America, at the Court of Versailles, empowered to negotiate a peace, or to any one or more of them,

First. You are instructed and authorized to announce to his Imperial Majesty the Emperor of Germany, or to his ministers, the high sense which the United States in Congress assembled, entertain of his exalted character and eminent virtues, and their earnest desire to cultivate his friendship, and to enter into a treaty of amity and commerce for the mutual advantage of the subjects of his Imperial Majesty and the citizens of these United States.

Secondly. You are instructed to meet the advances and encourage the disposition of the other commercial powers of Europe, for entering into treaties of amity and commerce with these United States.

In negotiations on this subject, you will lay it down as a principle in no case to be deviated from, that they shall

respectively have for their basis, the mutual advantage of the contracting parties, on terms of the most perfect equality and reciprocity, and not to be repugnant to any of the treaties already entered into by the United States with France and other foreign powers. That such treaties shall, in the first instance, be proposed for a term not exceeding fifteen years, and shall not be finally conclusive until they shall respectively have been transmitted to the United States in Congress assembled, for their examination and final direction, and that with the draughts or propositions for such treaties shall be transmitted all the information which shall come within the knowledge of the said Ministers respecting the same, and their observations, after the most mature inquiry on the probable advantages or disadvantages and effects of such treaties respectively.

Thirdly. You are instructed to continue to press upon the Ministers of his Danish Majesty the justice of causing satisfaction to be made for the value of the ships and goods captured by the Alliance frigate and sent into Bergen, and how essentially it concerns the honor of the United States that their gallant citizens should not be deprived of any part of those prizes which they had so justly acquired by their valor. That, as far as Congress have been informed, the estimate of those prizes at fifty thousand pounds sterling is not immoderate; that no more, however, is desired, than their true value, after every deduction which shall be thought equitable. That Congress have a sincere disposition to cultivate the friendship of his Danish Majesty, and to promote a commercial intercourse between his subjects and the citizens of the United States, on terms which shall promise mutual advantage to both nations.

That it is, therefore, the wish of Congress that this claim should still be referred to the equitable disposition of his Danish Majesty, in full confidence that the reasonable expectations of the parties interested will be fully answered. Accordingly, you are fully authorized and directed, after exerting your best endeavors to enforce the said claim, to the extent it shall appear to you to be well founded, to make abatements, if necessary, and, ultimately, to accept such compensation as his Danish Majesty can be prevailed on to grant.

Fourthly. You are further instructed to inquire and report to Congress the reasons why the expedition of the Alliance and Bon Homme Richard, and the squadron which accompanied them, was carried on at the expense and on account of the Court of France? Whether any part of the profit arising therefrom, accrued to the United States; or any of the expense thereof hath been placed to their account; whether the proceeds of any of the prizes taken in that expedition, and which is due to the American officers and seamen employed therein, is deposited in Europe; and what amount, where, and in whose hands?

Fifthly. The acquisition of support to the independence of the United States having been the primary object of the instructions to our Ministers, respecting the convention of the neutral maritime powers, for maintaining the freedom of commerce, you will observe that the necessity of such support is superseded by the treaties lately entered into for restoring peace. And although Congress approve of the principles of that convention as it was founded on the liberal basis of the maintenance of the rights of neutral nations, and of the privileges of

commerce, yet they are unwilling at this juncture to become a party to a confederacy which may hereafter too far complicate the interests of the United States with the politics of Europe; and therefore, if such a progress is not already made in this business as may render it dishonorable to recede, it is the desire of Congress, and their instruction to each of the Ministers of the United States at the respective Courts in Europe, that no further measures be taken at present towards the admission of the United States into that confederacy.

Sixthly. The Ministers of these States for negotiating a peace with Great Britain are hereby instructed, authorized and directed, to urge forward the definitive treaty to a speedy conclusion, and unless there shall be an immediate prospect of obtaining articles or explanations beneficial to the United States, in addition to the provisional articles, that they shall agree to adopt the provisional articles as the substance of a definitive treaty of peace.

Seventhly. The Minister or Ministers of these United States, for negotiating a peace, are hereby instructed to negotiate an explanation of the following paragraph of the declaration acceded to by them on the 20th January, 1783, relative to captures, viz: "That the term should be one month from the channel and North Sea, as far as the Canary Islands inclusively, whether in the Ocean or the Mediterranean."

Eighthly. Mr. Jay is hereby authorized to direct Mr. Carmichael to repair to Paris, should Mr. Jay be of opinion that the interest of the United States at the Court of Madrid may not be injured by Mr. Carmichael's absence, and that Mr. Carmichael carry with him the

books and vouchers necessary to make a final and complete settlement of the account of public moneys which have passed through the hands of Mr. Jay and himself, and that Mr. Barclay attend Mr. Jay and Mr. Carmichael to adjust these accounts.

Ninthly. Mr. Jay has leave to go to Bath should he find it necessary for the benefit of his health.

Ordered, That the fifth instruction be also directed to Mr. Dana, and that with it be sent a copy of the other instructions, for his information.”



Translation.

FROM THE CITY OF HAMBURG TO CONGRESS.

Right Noble, High, Mighty,
Most Honorable Lords,

Since by the preliminary articles of peace lately between the high belligerent powers concluded, the illustrious United States of North America have been acknowledged free, sovereign, and independent, and now, since European powers are courting in rivalry the friendship of your High Mightinesses,

We, impressed with the most lively sensations on the illustrious event, the wonder of this, and the most remote future ages, and desirous fully to testify the part which we take therein, do hereby offer your High Mightinesses our service and attachment to the cause.

And in the most sincere disposition of the heart, we take the honor to wish, so far as from omnipotent Providence we do pray, that the most illustrious Republic of the United States of America may, during the remotest

centuries, enjoy all imaginable advantages to be derived from that sovereignty which they gained by prudence and courage. That by the wisdom and active patriotism of your illustrious Congress it may forever flourish and increase, and that the High Mighty Regents of these free United States, may with ease and in abundance enjoy all manner of temporal happiness ; and at the same time we most obsequiously recommend our city to a perpetual friendly intelligence, and her trade and navigation in matters reciprocally advantageous, to your favor and countenance.

In order to show that such mutual commerce with the merchant houses of this place may undoubtedly be of common benefit, your High Mightinesses will be pleased to give us leave to mark out some advantages of this trading city.

Here governs a free unrestrained republican commerce charged with but few duties.

Hamburg's situation upon the river Elbe is as if it were in the centre of the Baltic and the North Sea, and as canals are cut from the river through the city, goods may be brought in ships to the magazines in town, and from thence again to all parts of the world.

Hamburg carries on its trade with economy ; it is the mart of goods of all countries where they can be purchased not only of good quality, but sometimes cheaper than at first hand.

Here linen, woollen goods, calicoes, glass, copper, and all other numerous produce, manufactured and context wares of the whole German Empire, are brought in by Portuguese, Spaniards, the English, Dutch, French and other nations, and from hence further transported, in ex-

change whereof considerable quantities of North American goods, much wanted in Germany, may be taken.

Mr. Penet, who in your country is honored with several offices, has sojourned here for some time, and with all who had the honor of his acquaintance borne the character of an intelligent, skilful, and for reciprocally advantageous commerce, well disposed and zealous man, will certainly have the complaisance to give your High Mightinesses further explanation of the advantages of this trading place, which we have but briefly touched upon.

We now intercessionally and most obsequiously request your High Mightinesses to favor and countenance the trade of our merchants and to suffer them to enjoy all such rights and liberties as you allow to merchants of nations in amity, which in gratitude and with zeal we will in our place endeavor to retribute, not doubting that such mutual intercourse may be effected since a good beginning thereof is already made on both sides by the friendly reception of the vessels that have arrived in either countries.

In further testimony of our most attentive obsequiousness and sincere attachment, we have deputed our citizen, John Abraham de Boor, who is charged with the concerns of a considerable merchant house, who, like several other merchant houses of good report and solidity in this city, are desirous of entering with merchants of your countries into reciprocal commerce. He is to have the honor to present to your High Mightinesses this our most obsequious missive. Wherefore we most earnestly recommend him to your favorable reception. He has it from us in express charge most respectfully to give your

High Mightinesses, if required, such upright and accurate accounts of our situation and constitutions, as may be depended upon, and at the same time in person to testify the assurance of the most perfect respect and attachment, with which attentively we remain, right noble, high, mighty, most honorable lords, your

Most obsequious and devoted,

BURGOMASTERS and SENATE

Of the imperial free city of the Empire.

Given under our City Seal }
March 29, 1783. }

SPECIFICATION of Goods, more profitably to be drawn from Hamburg than from any other market, viz :

German Cloths of every quality and color, the ordinary sort of which in particular to be had cheaper than any where else ; and the Brabant Cloth we have at first hand ; all sorts of Woollens fit for lining, such as Serges, &c. and a kind of Baize, near like the English, but 29 per cent. cheaper.

Cotton Stuffs of every kind, manufactured in Germany. Flannels, Friezes, Blankets, Woollen Stockings and Caps. Thread Stockings ; Shoes and Slippers.

All sorts of Ribbands.

Coarse Linens, such as Sack Linen, from the coarsest to the lightest quality, and Saxonian Sail Cloth.

Silesia Diaper, of different qualities and patterns.

Loom Dowlas ; Sleeked ditto ; Rough ditto ; Quadruple Tandems ; Brown Silesias, go in great quantities to London, from thence they go exported to America.

All sorts of Striped and Chequered Linens, viz: Bleached Linens, otherwise called *fil d'épreuve*; Arabias, Sailor's Linens; Coutils.

Westphalia Linens, at various prices, viz: Osnaburgs; Ticklenburgs; Ravensburgs; Hessens; Warendorps; Bielefelds; Quadruples, or Brunswick.

Silesia Linens, viz: Bretagnas; Plattillas Royales; Creas a la Morlaix; Rouens Cholets; Estopilles, or Cambricks. Imitating the French Linens under the same denomination, but are one-third cheaper here.

Gingas; Tortillas, fit for bedding.

Handkerchiefs of all colors, &c.

Chintzes and Calicoes of various patterns, whole pieces, as well as for gowns; likewise white Calicoes, Handkerchiefs, &c.

Russia Duck; Ravensduck; Flaams; Cables; Cordage; Anchors; and, in short, every requisite for fitting out ships.

All sorts of Goods the Danish and Swedish East India Companies import from thence and China, of which the chief articles are Tea and Salt Petre; Hartz; Lead, which always comes cheaper than the English; Small Shot; Tin; Tin-plate; Steel; Iron assorted; Scythes and every kind of coarse Iron-ware; Nails; Needles; Iron-wire; Brass-wire, &c.

Paper of every kind, such as Writing-paper; Colored, Gilt and Silvered Paper; Paper for Tapestry, &c.

All sorts of Bohemian and other German Glasses, for Windows, Looking-glasses, Bottles, Decanters, Wine and Beer Glasses, &c. German Earthenware, China, &c. Russia Mats, and in short all Russian products; Rhenish Wine; Refined Sugars; all sorts of Haber-

dashery ware, which are made very good and cheap in Germany.

Toys of every kind; besides many more articles, too prolix to be specified.



FROM ELIAS BOUDINOT, PRESIDENT OF CONGRESS, TO
THE HONORABLE THE BURGOMASTERS AND SENATE OF
THE IMPERIAL FREE CITY, HAMBURG.

Princeton, 1st November, 1783.

Gentlemen,

I have the honor of acknowledging the receipt of your very respectful and polite letter of the 29th of March last, by the hands of your faithful citizen and missionary, Mr. De Boor.

Congress received this very generous and candid communication with all that pleasure and attention, which so great proffers of friendship from the honorable the Burgomasters and Senate of the imperial free city of Hamburg, justly demanded from the United States of America.

Congress did not delay to take this honorable tender of affection and esteem of the worthy Burgomasters and Senate under their immediate just consideration; and I am now honored by the commands of Congress to make known to the respectable representatives of this great and imperial city, in terms expressive of "the most sincere regard, the high satisfaction with which the United States in Congress assembled, received the annunciation of their friendship and attachment, and their affectionate congratulations on the establishment of the liberty and independence of the United States of America.

That having founded the commercial system of these States on the basis of equality and reciprocity, Congress will cheerfully meet the wishes of the Burgomasters and Senate of Hamburg, and unite with them in encouraging the most friendly intercourse between the citizens of the respective countries, on such liberal principles as will best promote their mutual advantage and prosperity; and that it is the earnest prayer of the United States in Congress assembled, that the imperial free city of Hamburg, may continue to increase in commerce and splendor and be blest with uninterrupted tranquillity."

It is with the most sensible pleasure I make this communication, and hope and pray that a solid foundation will be laid for the firm establishment of friendship and communion between the citizens of our republics.

May God Almighty keep the honorable Burgomasters and Senate of the imperial free city, Hamburg, in his holy protection.

I have the honor to be, &c.

E. B.

Extract from the Secret Journal of Foreign Affairs.

October 29th, 1783.

"On the report of a committee, consisting of Mr. S. Huntingdon, Mr. Lee, and Mr. Duane, to whom was referred a letter from the Burgomasters and Senate of the imperial free city of Hamburg.

Resolved, That the President, in terms expressive of the most sincere regard communicate to the Burgomasters and Senate of the imperial free city of Hamburg, the high satisfaction with which the United States in

Congress assembled are impressed by the annunciation of their friendship and attachment and their affectionate congratulations on the establishment of the liberty and independence of the United States of America. That having founded the commercial system of these States on the basis of equality and reciprocity, Congress will cheerfully meet the wishes of the Burgomasters and Senate of Hamburg, and unite with them in encouraging the most friendly intercourse between the citizens of the respective countries on such liberal principles as will best promote their mutual advantage and prosperity; and that it is the earnest prayer of the United States in Congress assembled, that the imperial free city of Hamburg may continue to increase in commerce and splendor, and be blessed with uninterrupted tranquillity.

Resolved, That a committee be appointed to confer with Mr. John Abraham de Boor, charged by the said Burgomasters and Senate with their said letter to Congress, on the subject matter thereof; and that a copy of these resolutions be transmitted to Mr. De Boor."



FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS, TO
THE MINISTER OF FRANCE.

Annapolis, December 24th, 1783.

Sir,

I have the honor to inform you, that yesterday at twelve o'clock, his Excellency General Washington has had a public audience of Congress when he resigned his commission, and took a solemn leave of public life. I

enclose to your Excellency, a copy of the General's address to Congress and a copy of their answer.

I am with the highest respect, &c.

THOMAS MIFFLIN.

N. B. A similar letter enclosing a copy of the General's address to Congress, and a copy of their answer was written to his Excellency, the Minister of the United Netherlands.

*Extract from the Journals of Congress, December 23d,
1783.*

“According to order, his Excellency the Commander in Chief was admitted to a public audience, and being seated, the President, after a pause, informed him, that the United States in Congress assembled, were prepared to receive his communications: whereupon, he arose and addressed the Chair as follows:

Mr. President,

The great events on which my resignation depended, having at length taken place, I have now the honor of offering my sincere congratulations to Congress, and of presenting myself before them, to surrender into their hands the trust committed to me and to claim the indulgence of retiring from the service of my country.

Happy in the confirmation of our independence and sovereignty, and pleased with the opportunity afforded the United States, of becoming a respectable nation, I resign with satisfaction the appointment I accepted with diffidence; a diffidence in my abilities to accomplish so arduous a task; which, however, was superseded by a con-

fidence in the rectitude of our cause, the support of the supreme power of the Union, and the patronage of Heaven.

The successful termination of the war has verified the most sanguine expectations; and my gratitude for the interposition of Providence, and the assistance I have received from my countrymen, increases with every review of the momentous contest.

While I repeat my obligations to the army in general, I should do injustice to my own feelings not to acknowledge in this place, the peculiar services and distinguished merits of the gentlemen who have been attached to my person during the war. It was impossible the choice of confidential officers to compose my family should have been more fortunate. Permit me, sir, to recommend in particular, those who have continued in the service to the present moment, as worthy of the favorable notice and patronage of Congress.

I consider it an indispensable duty to close this last act of my official life by commending the interests of our dearest country to the protection of Almighty God, and those who have the superintendence of them to his holy keeping.

Having now finished the work assigned me, I retire from the great theatre of action, and bidding an affectionate farewell to this august body, under whose orders I have so long acted, I here offer my commission, and take my leave of all the employments of public life.

He then advanced and delivered to the President his commission, with a copy of his address, and having resumed his place, the President returned him the following answer:

Sir,

The United States in Congress assembled, receive with emotions, too affecting for utterance, the solemn resignation of the authorities under which you have led their troops with success through a perilous and doubtful war. Called upon by your country to defend its invaded rights, you accepted the sacred charge, before it had formed alliances, and whilst it was without funds or a government to support you. You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power through all disasters and changes. You have, by the love and confidence of your fellow citizens, enabled them to display their martial genius, and transmit their fame to posterity. You have persevered, till these United States, aided by a magnanimous King and nation, have been enabled, under a just Providence, to close the war in freedom, safety and independence; on which happy event, we sincerely join you in congratulations.

Having defended the standard of liberty in this new world: having taught a lesson useful to those who inflict, and to those who feel oppression, you retire from the great theatre of action, with the blessings of your fellow citizens; but the glory of your virtues will not terminate with your military command, it will continue to animate remotest ages.

We feel with you our obligations to the army in general, and will particularly charge ourselves with the interests of those confidential officers, who have attended your person to this affecting moment.

We join you in commending the interests of our dearest country to the protection of Almighty God, be-

seeching him to dispose the hearts and minds of its citizens, to improve the opportunity afforded them, of becoming a happy and respectable nation, and for you we address to him our earnest prayers, that a life so beloved, may be fostered with all his care; that your days may be happy as they have been illustrious; and that he will finally give you that reward which this world cannot give."



FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS, TO
THE MINISTER OF FRANCE.

Annapolis, January 14, 1784.

Sir,

This day nine States being represented in Congress, viz: Massachusetts, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and South Carolina, together with one member from New Hampshire and one member from New Jersey, the treaty of peace was ratified by the unanimous vote of the members. This being done, Congress, by an unanimous vote, ordered a proclamation to be issued, enjoining the strict and faithful observance thereof, and published an earnest recommendation to the several States in the very words of the fifth article.

Congress have appointed Colonel Josiah Harmar, my private Secretary, to carry the ratification to our Ministers at Paris, and I have instructed him to pursue the route marked by your Excellency's letter of the 10th instant, and upon meeting you, to wait for such commands as you may be pleased to honor him with. Let me en-

treat your Excellency to give Colonel Harmar a commendatory letter to the Captain of the packet boat at New York, that he may have, upon his arrival in France, the most expeditious means provided for his journey to Paris.

I will employ a proper person to secure two or three comfortable rooms for you, and if I can be so happy as to hear of your arrival at Baltimore, I will take care that a person shall be on the road, near Annapolis, to conduct you to the house which may be provided for you.

I am with the highest respect, &c.

THOMAS MIFFLIN.



FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS, TO
BENJAMIN FRANKLIN, JOHN ADAMS AND JOHN JAY.

Annapolis, January 14, 1784.

Gentlemen,

This day nine States being represented, viz: Massachusetts, Rhode Island, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina and South Carolina, together with one member from New Hampshire, and one member from New Jersey, the treaty of peace was ratified by the unanimous vote of the members. This being done, Congress, by an unanimous vote, ordered a proclamation to be issued, enjoining the strict and faithful observance thereof, and published an earnest recommendation to the several States, in the very words of the fifth article.

They have likewise resolved, that the ratification of the treaty of peace shall be sent by a proper person to our commissioners at Paris, to be exchanged, and have

appointed Colonel Josiah Harmar to that service. He will have the honor of delivering to you the ratification, together with copies of the proclamation of Congress, and of their recommendation to the States, conformably to the 5th article.

I take the liberty of recommending Colonel Harmar as a brave and deserving officer, and am with the highest respect and esteem,

Gentlemen, your most obedient, &c.

THOMAS MIFFLIN.

By the United States, in Congress assembled,

A PROCLAMATION.

Whereas, definitive articles of peace and friendship between the United States of America, and his Britannic majesty, were concluded and signed at Paris, on the third day of September, 1783, by the plenipotentiaries of the said United States and of his said Britannic Majesty, duly and respectively authorized for that purpose, which definitive articles are in the words following: (see Treaty, Journals of Congress, Vol. iv. p. 323.) and we the United States in Congress assembled, having seen and duly considered the definitive articles aforesaid, did, by a certain act under the seal of the United States bearing date this 14th day of January, 1784, approve, ratify and confirm the same and every part and clause thereof, engaging and promising that we would sincerely and faithfully perform and observe the same, and never suffer them to be violated by any one or transgressed in any manner as far as should be in our power; and being sincerely

disposed to carry the said articles into execution, truly, honestly and with good faith, according to the intent and meaning thereof, we have thought proper by these presents, to notify the premises to all the good citizens of these United States, hereby requiring and enjoining all bodies of magistracy, legislative, executive and judiciary, all persons bearing office, civil or military of whatever rank, degree or power, and all others the good citizens of these States of every vocation and condition, that, reverencing those stipulations entered into on their behalf under the authority of that federal bond by which their existence as an independent people is bound up together, and is known and acknowledged by the nations of the world; and with that good faith, which is every man's surest guide, within their several offices, jurisdictions and vocations, they carry into effect, the said definitive articles and every clause and sentence thereof sincerely, strictly and completely. Given under the seal of the United States. Witness his Excellency Thomas Mifflin, our President, at Annapolis this 14th day of January in the year of our Lord, one thousand seven hundred and eighty four, and of the sovereignty and independence of the United States of America, the eighth.

FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS, TO
BENJAMIN FRANKLIN AND JOHN ADAMS, PARIS.

Annapolis, March 20, 1784.

Gentlemen,

I have the honor to transmit to you an act of Congress of the 16th inst., together with copies of several papers to which that act refers.

I am, with the greatest respect, &c.

THOMAS MIFFLIN.

Act of Congress. Tuesday, March 16, 1784.

“ Congress assembled ; present as yesterday.

On the report of a Committee, consisting of Mr. Gerry, Mr. Jefferson, Mr. Sherman, Mr. Read, and Mr. Williamson, to whom were referred a letter of November 1st, and one of December 25th, from Dr. Franklin, with sundry papers enclosed, together with a letter of 20th October, and one of 14th November, from Thomas Barclay,

Resolved, That it is inconsistent with the interest of the United States, to appoint any person not a citizen thereof, to the office of Minister, Chargé d’Affaires, Consul, Vice Consul, or to any other civil department in a foreign country, and that a copy of this resolve be transmitted to Messrs. Adams, Franklin and Jay, Ministers of the said States in Europe.

That the said Ministers be instructed to inform Mr. William Hodgden, merchant of London, that Congress have a grateful sense of his benevolent and humane attention to the citizens of these United States, who were prisoners in Great Britain during the late war.

That a copy of the application of the Danish Minister to Doctor Franklin, and of a paragraph of his letter to Congress, on the subject of the capture of the Danish ship *Providentia*, be sent to the Supreme Executive of Massachusetts, who are requested to order duplicate and authentic copies of the proceedings of their Court of Admiralty, respecting the said ship and cargo, to be sent to Congress.

That a copy of all the letters from Mr. Robert Montgomery of Alicant, with their enclosures, to Congress, and the Secretary for Foreign Affairs, be transmitted to the said Ministers, who are instructed to inquire on what grounds Mr. Montgomery has undertaken to write in the name of the United States to the Emperor of Morocco, a letter by which their character and interest may be so materially affected, and to take such measures thereon as may be proper and consistent with the interest of the said States.

That a copy of a letter from Thomas Barclay, Consul of the United States in France, of the 20th of October last, to Congress, be transmitted to the said Ministers, who are instructed to take necessary measures for obtaining free ports in that kingdom, one or more on the Atlantic, and one on the Mediterranean."

Extract from the Secret Journal of Foreign Affairs.

February 11, 1784.

"The Committee, consisting of Mr. Ellery, Mr. Jefferson, and Mr. Lee, to whom was referred a note from the honorable the Minister of France, dated 30th January, informing that "his Most Christian Majesty,

from a desire to favor the progress of commerce between his realm and these United States, has nominated four Consuls and five Vice Consuls to reside in the towns of this continent where he has judged their presence to be necessary ; and that he has appointed Mr. de Marbois Consul General of the thirteen United States," report :

That they have conferred with Mr. de Marbois, who produced to them four commissions for the said Consuls, and five brevets for the Vice Consuls, whereby it appears that the said Sieur de Marbois is appointed Consul General of France for the thirteen United States of America. The Sieur de L'Etombe, Consul of France, for the States of New Hampshire, Massachusetts, and Rhode Island ; the Sieur de St. Jean de Crevecoeur, Consul of France, for the States of Connecticut, New York, and New Jersey ; the said Sieur de Marbois, Consul of France, for the States of Pennsylvania and Delaware, and the Chevalier D'Annemours, Consul of France, for Maryland and Virginia. Also, that the Sieur Toscan is appointed Vice Consul at Portsmouth, in New Hampshire ; the Sieur de Marbois Vice Consul at Rhode Island ; the Sieur Oster, Vice Consul at Richmond, in Virginia ; the Sieur Petry, Vice Consul at Wilmington, in North Carolina, and the Sieur de la Forêt, Vice Consul at Savannah, in Georgia : Whereupon—

Resolved, That the commissions and brevets of the said officers be registered in the Secretary's Office ; and that thereupon acts of recognition, in due form, be immediately issued to the States concerned, in order that they may furnish them respectively with their Exequatur or notification of their quality, that the same may be made known and published."

FROM BENJAMIN FRANKLIN, TO THE PRESIDENT OF
CONGRESS.

Passy, November 1, 1783.

Sir,

Enclosed is a copy of my last, which went by the English packet. I heard after I wrote it, that the French packet putting back by contrary winds, Mr. Thaxter had an opportunity of getting on board her, and that she sailed the 26th September. The mentioned new commission is not yet come to hand. Mr. Hartley is not returned, and I hear, will stay for the meeting of Parliament, which is to be the 11th instant, and will not come hither till the recess for the Christmas holidays.

Mr. Jay went to England about three weeks since on some personal affairs, and Mr. Adams followed last week to see that country, and take some exercise during this vacancy of business.

This court is now at Fontainebleau, but will return to Versailles in a few days. Its good disposition towards us continues. The late failure of payment in the Caisse d'Escompte, an institution similar to the Bank of England, occasioned partly by its having gone too far in assisting the Government with money, and the inability of the government to support their credit, though extremely desirous of doing it, is a fresh proof that our not obtaining a farther loan was not occasioned by want of good will to assist us, as some have unjustly supposed, but by a real want of the means. Money is at present unaccountably scarce here; what is arrived and expected in Spain since the peace, it is thought will set things to rights. The government has proposed a second lottery

for this year, by which they borrow twenty-four millions, and is filled readily. This helps, and the Caisse d' Es-compte goes on again with its operations ; but it is said the interest paid by the lottery plan is nearly seven per cent.

I have received the duplicate of your Excellency's letter of the 15th July to the Commissioners, which is very satisfactory, though it came to hand but lately. The first, sent via New-York, has not yet appeared. I have sent copies of it to the Hague and Madrid. The substance is published in several papers.

I have acquainted the Minister of Sweden, that I have received the ratification of the treaty, and he has written to me that he shall be in town in a few days, when he will make the exchange. The conclusion of the Danish treaty waits only for the commission and instructions from Congress. The ambassador of Portugal informed me lately that his Court had our proposed plan under consideration and that we should soon hear from them. I sent it to Congress by Barney, and hear the ship is arrived. A commission and instructions will be wanting for that also, should the Congress be disposed to conclude a treaty with that nation.

I see by the public prints that the Congress have ratified the contract I made with the minister here respecting the loans and aids we had received ; but the ratification itself, though directed to be sent to me, has never come to hand, and I am often asked for it. I beg it may be forwarded by the first opportunity.

There has been with me lately, Mr. Pierre du Calvet, a merchant of Montreal, who when our army was in Canada furnished our Generals and officers with many things they wanted, taking their receipts and promissory

notes for payment, and when the English repossessed the country, he was imprisoned and his estate seized, on account of the services he had rendered us. He has shewn me the originals of his papers, which I think are genuine. He produced also, a quantity of Congress paper, which he says he received in payment for some of the supplies, and which appeared to me of our first emissions, and yet all fresh and clean, as having passed through no other hands. When he was discharged from prison, he could not obtain permission to go to the United States to claim the debt, but was allowed to go to England, and from thence he came hither, to solicit payment from me ; having no authority to meddle with such debts, and the sum being considerable, I refused and advised him to take passage for America, and make his application to Congress. He said he was grown old, much broken and weakened by near three years imprisonment, and the voyage from Canada to London had like to have been too much for him, he being sick all the way, so that he could not think of another, though distressed for want of his money. He appears an honest man, and his case a hard one. I have, therefore, undertaken to forward his papers,* and I beg leave to recommend them to the speedy consideration of Congress, to whom I request you would be pleased to present my dutiful respects, and assure them of my most faithful services.

With great esteem and regard, &c.

BENJAMIN FRANKLIN.

*Missing.

FROM BENJAMIN FRANKLIN TO THE PRESIDENT OF
CONGRESS.

Passy, December 25, 1783.

Sir,

Not having heard of the appointment of a new Secretary for foreign Affairs, I take the liberty of addressing this despatch directly to your Excellency.

I received by Captain Barney a letter from the late President, directed to the Commissioners, dated November 1st., with a set of instructions dated the 29th of October, a resolution of the same date respecting Hamburg, and another of the 1st November relating to Captain Paul Jones, all which will be duly regarded. Capt. Jones, in passing through England, communicated these papers to Mr. Adams, then at London. Mr. Adams, disappointed in not finding among them the commission we had been made to expect, empowering us to make a treaty of commerce with England, wrote to me, that he imagined it might be contained in a packet that was directed to me and requested to be immediately informed, adding, that in case no such commission was come, he should depart directly for Holland: so I suppose he is now there. Mr. Laurens is gone to England with an intention of embarking for America, Mr. Jay is at Bath, but expected here daily. The English ministers (the Duke of Manchester and Mr. Hartley,) are both at present in Parliament. As soon as either of them returns, we shall endeavor to obtain an additional article to the treaty explaining that mentioned in the instructions.

The affairs of Ireland are still unsettled; the Par-

liament and volunteers are at variance, the latter are uneasy that in the late negotiations for a treaty of commerce between England and America, the British Ministers made no mention of Ireland, and they seem to desire a separate treaty of commerce between America and that kingdom.

It was certainly disagreeable to the English Ministers that all their treaties for peace were carried on under the eye of the French court. This began to appear towards the conclusion, when Mr. Hartley refused going to Versailles, to sign there with the other powers, our definitive treaty, and insisted on its being done at Paris, which we, in good humor, complied with, but at an earlier hour, that we might have time to acquaint Le Comte de Vergennes, before he was to sign with the Duke of Manchester. The Dutch definitive treaty was not then ready, and the British court now insisted on finishing it either at London or the Hague. If, therefore, the commission to us, which has been so long delayed, is still intended, perhaps it will be well to instruct us to treat either here or at London, as we may find most convenient, the treaty may be conducted even there, in concert; and in the confidence of communication with the ministers of our friends, whose advice may be of use to us.

With respect to the British Court, we should, I think, be constantly upon our guard, and impress strongly upon our minds, that though it has made peace with us, it is not in truth reconciled either to us or to its loss of us, but still flatters itself with hopes that some change in the affairs of Europe, or some disunion among ourselves may afford them an opportunity of recovering their dominion,

punishing those who have most offended, and securing our future dependence. It is easy to see by the general turn of the ministerial newspapers (light things indeed as straws and feathers, but like them, they shew which way the wind blows,) and by the malignant improvement their Ministers make in all the foreign courts, of every little accident or dissension among us: the riots of a few soldiers at Philadelphia, the resolves of some town meetings, the reluctance to pay taxes, &c. &c., all which are exaggerated to represent our governments as so many anarchies, of which the people themselves are weary, the Congress as having lost its influence, being no longer respected; I say it is easy to see from this conduct that they bear us no good will, and that they wish the reality of what they are pleased to imagine. They have, too, a numerous royal progeny to provide for, some of whom are educated in the military line. In these circumstances, we cannot be too careful to preserve the friendships we have acquired abroad, and the union we have established at home, to secure our credit by a punctual discharge of our obligations of every kind, and our reputation by the wisdom of our councils, since we know not how soon we may have a fresh occasion for friends, for credit and for reputation.

The extravagant misrepresentations of our political state, in foreign countries, made it appear necessary to give them better information, which I thought could not be more effectually and authentically done than by publishing a translation into French, now the most general language in Europe, of the book of Constitutions, which had been printed by order of Congress; this I accordingly got well done, and presented two copies handsomely

bound to every foreign minister, here, one for himself the other more elegant, for his sovereign. It has been well taken, and has afforded matter of surprise to many who had conceived mean ideas of the state of civilization in America, and could not have expected so much political knowledge and sagacity had existed in our wilderness; and from all parts I have the satisfaction to hear that our Constitutions in general are much admired. I am persuaded that this step will not only tend to promote the emigration to our country of substantial people from all parts of Europe, by the numerous copies I shall disperse, but will facilitate our future treaties with foreign courts, who could not before know what kind of government and people they had to treat with. As, in doing this, I have endeavored to further the apparent views of Congress in the first publication, I hope it may be approved and the expense allowed. I send herewith one of the copies.

Our treaties with Denmark and Portugal remain unfinished for want of instructions respecting them from Congress, and a commission empowering some Minister or Ministers to conclude them.

The Emperor of Morocco, we understand, has expressed a disposition to make a treaty of amity and commerce with the United States. A Mr. Montgomery, who is a merchant settled at Alicant, has been, it seems, rather forward in proposing a negotiation without authority for so doing, and has embarrassed us a little, as may be seen by some letters I enclose. Perhaps it would be well for Congress to send a message to that Prince, expressing their respect and regard for him, till such time as they may judge it convenient to appoint an ambassador in

form, furnished with proper presents, to make a treaty with him.

The other Barbary States, too, seem to require consideration, if we propose to carry on any trade in the Mediterranean, but whether the security of that trade is of sufficient importance to be worth purchasing, at the rate of the tributes usually exacted by those piratical States, is a matter of doubt, on which I cannot at present form a judgment.

I shall immediately proceed, in pursuance of the first instructions, to take the proper steps for acquainting his Imperial Majesty of Germany, with the disposition of Congress, having some reason to believe the overture may be acceptable. His Minister here is of late extremely civil to me, and we are on very good terms; I have likewise an intimate friend at that court. With respect to other powers, it seems best not to make advances at present, but to meet and encourage them when made, which I shall not fail to do, as I have already done with those of Sweden, Denmark, and Portugal. Possibly Hamburg, to whom I have forwarded the letter of Congress, may send a minister to America, if they wish for a treaty, to conclude it there. They have no Minister here.

I have lately received a Memorial from the Minister of Denmark, respecting a ship of that nation, the *Providentia*, taken by one of our privateers, and carried into Boston; I enclose a copy of it, and request to be furnished with directions and informations for the answer. It may be well to send me a copy of the proceedings in the courts; from a perusal of the papers communicated with it, I am satisfied that the cargo was clearly British property. We have hitherto entered into no engagements

respecting the armed neutrality, and in obedience to the fifth instruction, shall take care to avoid them hereafter.

The treaty between this Court and the United States, for regulating the powers, privileges, &c. of Consuls, is at length completed, and is transcribing in order to be signed. I hope to transmit a copy by the next packet.

I have received the Congress ratification of the two money treaties, which will be soon exchanged, when I shall send copies of them, with that of Sweden.

I have given, and shall continue to give Captain Paul Jones all the assistance in my power, towards recovering the prize money ; and I hope it may be soon accomplished. When Mr. Jay returns, I shall desire him to make the enquiry directed in the fourth instruction, respecting the expedition under that Commodore, and report thereon to Congress. In the meantime I can answer respecting one of the questions, that the King paid the whole expense, and that no part of it has ever been placed to the account of Congress.

There exists indeed a demand of one Puchelberg, a person in the employ of Mr. Schweighauser, of about thirty thousand livres, for provisions and other things furnished to Captain Landais, after he took the Alliance out of the hands of Captain Jones ; but, as the ship was at that time under the King's supply, who, having borrowed her for the expedition, when fitted for sea and just ready to sail with Mr. Adams, had ordered her to be delivered in the same condition, free of all charges, accrued or accruing by her being in Holland, and in L'Orient ; and as Mr. Puchelberg had not only no orders from me to furnish Captain Landais, but acted contrary to my orders given to Mr. Schweighauser, and contrary to the orders

of Mr. Schweighauser himself, I refused to pay his account, which, besides, appeared extravagant, and it has never yet been paid.

I shall do my best in executing the third instruction, respecting our claim upon Denmark, I have written to London, to obtain, if possible, an account of the sums insured upon the ships delivered up, as such an account may be some guide in the valuation of the prizes.

A Captain Williams, formerly in the British service, and employed upon the Lakes, has given me a paper containing information of the state of the back country. As those informations may possibly be of some use, I send herewith the paper.*

Mr. Carmichael has sent me the accounts of the money transactions at Madrid; as soon as Mr. Jay returns they will be examined.

Be pleased to present my dutiful respects to Congress, and assure them of my most faithful services.

With great esteem and regard, &c.

BENJAMIN FRANKLIN.



THOMAS BARCLAY TO JOHN JAY.

L'Orient, October 20, 1783.

Sir,

As it is a considerable time since I had the honor of any commands from the Office of Foreign Affairs, I have not any thing to reply to. The readiness of this Court to establish a free port in France, agreeably to the treaty with America, is now spoken of; and I believe, if any

* Missing.

requisition for that purpose was made by Congress, or by the American Ministers, that it would be readily complied with—therefore, if such a measure is thought proper, I would recommend that the port of L'Orient should be asked as the one better adapted to the views of the Americans than most others, and superior to any that there is a probability of obtaining. Indeed, taking every thing together, I do not believe a more commodious situation could be found, especially if another war should break out between America and Great Britain.

L'Orient is situated in the Bay of Biscay, between the entrance of the harbors of Brest and Nantes, being 25 leagues nearly south-east of the former, and about as much to the north-west of the latter, west longitude from the meridian of London $3^{\circ} 22'$, north latitude $47^{\circ} 55'$, and about 8 miles from the Isle of Groix, which forms the entrance of the harbor; it is defended by the fort at port Louis, 2 English miles from L'Orient, where ships of war can pass only one after another, and so near the fort as to be completely under the command of its fire, which, most probably, would oblige an enemy's vessel to ground. The road at Port Louis, within the citadel, is not capable of containing more than two or three ships of war, where so many may ride at the moorings; but a greater number would be in danger, if it blew hard from the west or west south west. Ships that draw twenty-four feet water may pass up to the harbor of L'Orient with safety; those employed in the China trade generally require from twenty to twenty-two feet, and no accident has been known to happen to them. The harbor is capacious; and in the month of August, 1781, there arrived from the West Indies a fleet of one hundred and thirty-

five sail, at a time when there was a remarkable number of foreign vessels there, and all were accommodated. The town may be said to be divided from the King's port, where the men of war are built, the public supplies of all kinds kept, and the arsenal and India stores situated. The magazines there have ever been much at the command of the Americans, either in affording them receptacles for the cargoes of their ships, or in supplying them with whatever materials they wanted from the collections made for the use of the King. This port, during the war, employed about four thousand workmen, and is under the direction of the Marine Minister, represented by the Commandant who lives on the spot, and who conform to the marine ordinances; the number of troops generally there is from fifteen hundred to three thousand, from whence the regiments abroad are often recruited. When any criminal offence is committed in that district, the judges of the admiralty have cognizance thereof, and in their decision are governed by the laws of the kingdom; but, in default of their interference, the regal judges at Hennebon may interpose and bring the matter before them.

The town consists of about twelve hundred houses, and is very populous; the number of inhabitants, including the soldiers and artificers in the port, said to be near twenty thousand.

The regulations in the town are under the inspection of the Mayor and his Council. His office, which is purchasable, empowering him to choose such Council; but neither he nor they can interfere in criminal cases, which come under the jurisdiction of the judges or Senechals of the town, who decide agreeable to the law and ordinances.

In actions of debt, those that are laid for matters in a marine department, such as fitting out ships, &c., the judges of the admiralty have the sole decision of; all other suits for debt are brought before the three Consuls of the town, (one of whom is chosen annually by a select number of the inhabitants,) who can decide, without appeal, for any sum not exceeding five hundred livres; if the demand exceeds that, an appeal lies to the parliament of Rennes, and from thence to the King and Council.

L'Orient had the exclusive privilege of trading to the East Indies; but the company is dissolved, and the King has permitted three ships to be fitted out upon actions disposed of at Marseilles, Bordeaux, Nantes, and L'Orient, and each place has a right to nominate a director to take care of the management of the trade; this business, however, goes on very heavily, and it is supposed the India commerce will return to its old channel, either by the re-establishment of the company, or by confining the trade to L'Orient. The place is conveniently situated for the transportation of goods from the other ports of France, from the rivers Garonne and Loire particularly, the last of which is navigable, for large boats of a particular construction, as high up as Orleans. The freight from Bordeaux is no more than from ten to twelve livres per ton, and from Nantes six. Nature has done a great deal for the port of L'Orient, and very extensive improvements may be made, if the encreasing trade of the place requires it; and already the India and other stores afford conveniences for a more extended commerce than the place now carries on. The genius of the people seems adapted to business. There are no nobility of

any kind living among them; and any person keeping a house three months is entitled to all the commercial advantages of the place. The greatest objection that has been made is, that if the India company is re-established, the regulations that will probably exist, respecting their trade, will be incompatible with those of a free port, in the extended sense of the word, and that the place is already too considerable to admit the total extinction of all its duties. To the first it may be replied, that although L'Orient shall be declared free, it may be with the limitation that if the India trade again centres there, the customary duties of five per cent. hitherto paid by French subjects, shall be continued; and to the last, that the advantages by the country will far over-balance the relinquishment of the present imposts.

I have been applied to by the ministry for my opinion of what would be agreeable to the Americans on this subject; and my answer was, that, so far as I could venture to judge, if the Court intended to give proper encouragement to the trade of the two countries, it would be by making L'Orient free for the general trade of America—to continue Dunkirk so, for that to the channel, &c.—to remove the few restrictions that exist at Marseilles, for the sake of the trade to the Mediterranean—and to open Bayonne, on account of the commerce that might be introduced to the adjoining parts of Spain. At the same time I added, that I looked upon L'Orient as the place of most consequence, and that it would be absolutely necessary to abolish the transient duties paid on the transportation of manufactures from one province to another.

Painbeuf, Rochefort and Bayonne, were mentioned; to

which I objected, that Painbeuf was entirely destitute of accommodations for the reception or expediting of goods, a beach without quay, wharf, or other convenience for landing—Rochefort unhealthy and unprepared—Bayonne a bar harbor; and that I thought the concurrence of Congress would be necessary before any port was absolutely fixed on; and I have the pleasure to find my sentiments are uniform throughout with those of all my countrymen whom I have consulted on this important point.

The Marquis de la Fayette, who takes a kind concern in every thing relative to America, wrote some time ago to the Count de Vergennes to know what the Court of France intended, respecting the extent and liberty of the free port, when one should be made; to which, as nearly as I recollect, Mr. De Vergennes answered, that it would be as totally free in its commercial regulations as if it did not belong to the kingdom.

I have been led to trouble you with a long letter, but I hope it will not be found foreign to my instructions or duty, and conclude,

Sir, your most obedient, &c.

THOMAS BARCLAY.



THOMAS BARCLAY TO JOHN JAY.

L'Orient, November 14, 1783.

Sir,

Having had the honor of addressing you the 20th past, on the subject of a free port in France, I must call your attention again to a very important matter, in which, if Congress have not hitherto taken some measures, I beg leave to recommend it to their consideration. I mean

a treaty of amity with the several States on the coast of Barbary, where, I believe, with some attention and the usual presents which must accompany an embassy thither, the American trade to the Mediterranean might be put on a safe and respectable footing, in place of the very precarious one in which it now exists; during a stay of a few days that I lately made in London, a person who had resided many years at Mequinez, was recommended to me, as a proper one, to give me some information concerning this matter. He produced testimonials from the Emperor, attesting the goodness of his character, and offered any assistance in his power to negotiate an alliance, either by going to Barbary, to know the precise terms on which it could be obtained, or by accompanying, as an interpreter, any person sent on this business by Congress. He said, that he supposed the expense of the whole of the presents necessary for the different States might be about two thousand pounds sterling; I took his directions, in case there should be occasion to employ him. But I do not think it would be by any means proper to employ him or any other person as a principal in the service, except a subject of the United States; and I flatter myself that Congress have already ordered, or will very soon order, some of their servants on this business, as not only the property of the citizens of America, but their personal liberty depends on its being done, and I know not one public object now existing of more importance.

I have reason to believe that this court will readily give assistance agreeably to the treaty, in accomplishing this very essential affair, and I remain,

Sir, your most obedient, &c.

THOMAS BARCLAY.

*Extract from the Secret Journal of Foreign Affairs,
April 16th 1784.*

“The Minister Plenipotentiary of France having on the 6th transmitted to Congress, a letter dated the 13th August, 1783, from his most Christian Majesty, in answer to their letter of the 14th June, 1779, and accompanied the same with a memorial, informing Congress that the portraits of the King and Queen are arrived at Philadelphia; that he has orders to present them to this assembly, and has taken the measures necessary for their safe keeping until Congress shall be ready to receive them; the said letter and memorial were referred to the consideration of a Committee.

On the report of a Committee, consisting of Mr. Gerry, Mr. Jefferson and Mr. Read, to whom were referred the letter of the 13th August, from his most Christian Majesty, and the memorial from the Honorable the Minister Plenipotentiary of France,

Resolved, That the following letter be signed by the President in behalf of the United States in Congress assembled, and transmitted to his most Christian Majesty, in answer to his letter accompanying the portraits of his Majesty and of his Royal Consort, which he has been pleased to present to Congress :

Great, faithful and beloved Friend and Ally,

Your Majesty's letter of the 13th August last, has been received by the United States, in Congress assembled, with a degree of satisfaction and pleasure, which those only can conceive, who, to the highest sentiments of respect, unite feelings of the most affectionate friendship.

The portraits of your Majesty, and of your Royal Consort, having arrived at Philadelphia, have been carefully preserved by your faithful Minister, the Chevalier de la Luzerne, whose attention on this, as on all other occasions, merits the acknowledgements of Congress.

These lively representations of our august and most beloved friends will be placed in our Council Chamber, and can never fail of exciting in the minds of every American, an admiration of the distinguished virtues and accomplishments of the royal originals.

We beseech the Supreme Ruler of the Universe constantly to keep your Majesty, and your Royal Consort, in his holy protection, and to render the blessings of your administration as extensive as the objects of your Majesty's benevolent principles.

Done at Annapolis, in the State of Maryland, this 16th day of April, 1784, by the United States in Congress assembled.

Your faithful Friends and Allies.

Resolved, That the President inform the honorable Minister of France, that Congress have a due sense of the care which he has taken for preserving the portraits; and are desirous they may continue in his possession until proper places can be provided for them.

That a letter be addressed by the President to the Supreme Executives of the several States, informing them of the intelligence communicated by the Minister of France, to wit: "That his most Christian Majesty has determined that L'Orient shall be a free port; and, although the edict is not published, may be so considered by the Citizens of the United States. And that the

merchants of the United States likewise enjoy the liberty of frequenting the ports of Marseilles and Dunkirk; and participate as other nations, the franchises and privileges of these two places."

That the Minister of France, in answer to his letter of the 9th instant, requesting to know what measures had been taken by the United States relative to the payment of the portions of the principal and interest of the loan of eighteen millions of livres, furnished by his most Christian Majesty, and also of five millions of florins supplied in Holland, and guarantied by his Majesty, be informed, that as all the legislatures have not yet passed on the recommendation of Congress, of the 13th April, 1783, for establishing permanent funds, supplementary requisitions on the States will be adopted to provide for the interest of the loans aforesaid, for the present year; and that the greatest care will be taken by subsequent measures for the punctual payment of the principal and interest, as they may respectively become due, according to the terms of the several contracts."



FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS, TO
THE GOVERNORS OF STATES.

Circular.

Annapolis, April 21, 1784.

Sir,

I have the honor to inform your Excellency, that by intelligence communicated to Congress by the Minister of France, his most Christian Majesty has determined that L'Orient shall be a free port, and although the edict

is not published, may be so considered by the citizens of the United States; and that the merchants of the United States likewise, enjoy the liberty of frequenting the ports of Marseilles and Dunkirk, and participate as other nations, the franchises and privileges of these two places.

I have the honor to be, &c.

THOMAS MIFFLIN.



CHEV. DE LA LUZERNE TO THE PRESIDENT OF CONGRESS.

Translation.

Annapolis, April 9th, 1784.

Sir,

I have the honor to communicate to your Excellency, an extract from a letter, which I received from Count de Vergennes, dated the 24th of December last.

I received orders at the same time to inform his Majesty's Ministers of the measures which have been taken by the United States, relative to the payment of portions of the principal, and of the interest, of the sums which have been loaned them by the King. I make mention, sir, of portions of the capital, because, by the terms of the contract of the 16th of July, 1784, the reimbursement of the first loan of eight millions, is to begin three years after the peace, and it is expedient to take seasonable measures with regard to this subject.

I am also to inform my Court of the arrangements which have been made for the payment of interest on the loan of five millions of florins, made in Holland, the 5th November, 1781, and for which his Majesty became guarantee. I know the efforts of Congress to effect the

discharge of the public debt, and their wish to fulfil their engagements; and I consider it superfluous to recall to your Excellency all the motives which combine to induce the United States to fulfil faithfully those which they have contracted with the King. I confine myself to desiring you to enable me to dissipate the uneasiness which may have been excited at my Court, by the delay in proceeding to raise funds to effect the payment of this debt.

I am with respect, sir, &c.

LUZERNE.



COUNT DE VERGENNES TO M. DE LA LUZERNE.

Translation.

Versailles, December 24, 1783.

Sir,

His Majesty has decided irrevocably, that the port of L'Orient shall be free, and American sailors may actually consider it so. The edict of the King, has not yet been published, however, because his Majesty's intention being to give this arrangement as wide an extent as possible, the regulations should be drawn up after a careful deliberation, and conceived in such terms, that the advantages allowed to the merchants of the United States, may not be essentially prejudicial to our own commerce, and the revenues of the State.

The merchants of the United States enjoy equally the liberty of frequenting the ports of Marseilles and Dunkirk, and they partake, like other nations, in the immunities and privileges of these two places.

DE VERGENNES.

FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS, TO
THE MINISTER OF FRANCE.

Annapolis, April 21, 1784.

Sir,

I have the honor to inform your Excellency, that Congress have a due sense of the care you have taken, for preserving the portraits of his most Christian Majesty and his royal consort, and that they are desirous they may continue in your possession until proper places can be provided for them.

In answer to your Excellency's letter of the 9th inst., I am instructed to assure you that, as all the Legislatures have not yet passed on "the recommendations of Congress of the 13th of April, 1783, for establishing permanent funds, supplementary requisitions on the States will be adopted to provide for the interest of the loans aforesaid for the present year; and that the greatest care will be taken, by subsequent measures, for the punctual payment of the principal and interest as they may respectively become due, according to the times of the several contracts."

I have the honor to be, &c.

THOMAS MIFFLIN.

FROM THE CHEVALIER DE LA LUZERNE TO THE PRESIDENT OF CONGRESS.

Translation.

Annapolis, April 21, 1784.

Sir,

In the course of last summer, I requested leave of his Majesty to return to France. By letters from my friends, I am informed that it is granted. But the loss of the packet which conveyed the Minister's letter, lays me under the necessity of writing again on that subject. I should have waited his answer before I took leave of Congress, had I not reason to believe that it will not reach till their recess. I cannot, however, depart without entreating your Excellency to communicate to them my warm acknowledgements for the manner in which they have treated with me during my mission, which has lasted near five years. I have had the satisfaction of agreeing with Congress on all the subjects which I had the honor of negotiating with them; and owe my success to the good fortune I had of being the representative of a just and generous monarch to a wise and virtuous republic. I shall ever retain a grateful remembrance of this; and shall always consider the time I have spent on this continent as the most honorable period of my life. My satisfaction would be complete, were it not accompanied with regret at parting from a Senate, composed of members on whose friendship, I flatter myself, I have a just claim by an intimate acquaintance of several years. Your Excellency permits me to rank you among those who honor me with their friendship; and I am persuaded that the expression of my attachment and respect for Congress

will lose nothing of its force if you will be pleased to convey it.

The letters by which I have received advice of my having obtained leave to return, inform me, also, that Mons. de Marbois will be his Majesty's Chargé d'Affaires with the United States. His zeal and his attachment for the cause which unites France and America are well known to Congress; and I have not the least doubt but his Majesty's choice will be agreeable to that assembly.

I am, Sir, with great respect, &c.

LE CHE. DE LA LUZERNE.



Extract from the Secret Journal of Foreign Affairs.

May 17th, 1784.

“On the report of a Committee, consisting of Mr. Gerry, Mr. Jefferson, and Mr. Williamson, to whom was referred a letter of the 21st April, from the Honorable the Minister of France, informing that in the course of last summer he had requested his Majesty's leave to return to France, and had reason to believe it was granted, though he had not received official information; and that his Majesty had fixed upon Mons. De Marbois to be his Chargé d'Affaires with the United States,

Resolved, That the following answer be returned:

Sir,

The United States of America in Congress assembled are informed, by the letter which you were pleased to address to them the 21st of April, that having the last year requested of his Majesty leave to return to France,

you learn it has been granted, but that the official letter of the Minister being lost, you expect a duplicate, which will probably arrive in the recess of Congress.

It is with great concern, sir, that Congress receive this information, as it respects a Minister for whom they entertain the most perfect esteem.

From the time of your arrival in America, to the signing of the provisional treaty, the conduct of the war has been attended with numerous difficulties and perils, to surmount which, the joint efforts of the United States and of their great and good ally have been necessary.

Congress consider it as a fortunate circumstance, that during that period the affairs of his most Christian Majesty in this quarter have been under the direction of an able and faithful Minister, whose anxiety to promote the views and essential interests of his Sovereign, has been ever attended with a laudable endeavor to reconcile them to those of his allies. Without such a disposition, it is evident there could not have existed a concert of those measures which, by the smiles of Providence, have hastened the conclusion of the late distressing war.

The abilities of the gentleman who, as you are informed, is to be charged with the affairs of your department, and his thorough knowledge of the principles on which the alliance was founded, will, we doubt not, conspire to produce on his part such measures as will best promote the mutual interest of the two nations.

We now, sir, bid you an affectionate adieu, with the fullest assurance that you will be happy in the smiles and approbation of your royal sovereign; and we sincerely wish that you may be equally so in an interview with your friends, and in your future engagements."

REPORT OF A COMMITTEE.

Extract from the Journals of Congress, April 30, 1784.

“Congress took into consideration the report of a Committee consisting of Mr. Gerry, Mr. Read, Mr. Williamson, Mr. Chase and Mr. Jefferson, to whom were referred sundry letters and papers relative to commercial matters, and the following paragraph being under debate :

That it be recommended to the legislatures of the several States to vest the United States in Congress assembled, for the term of fifteen years, with a power to prohibit any goods, wares or merchandize from being imported into any of the States, except in vessels belonging to and navigated by citizens of the United States, or the subjects of foreign powers with whom the United States may have treaties of commerce.

The report being amended, was agreed to as follows :

The trust reposed in Congress, renders it their duty to be attentive to the conduct of foreign nations, and to prevent or restrain, as far as may be, all such proceedings as might prove injurious to the United States ; the situation of commerce at this time claims the attention of the several States, and few objects of greater importance can present themselves to their notice ; the fortune of every citizen is interested in the success thereof ; for it is the constant source of wealth and incentive to industry, and the value of our produce and our land must ever rise or fall in proportion to the prosperous or adverse state of trade.

Already has Great Britain adopted regulations destructive of our commerce with her West India Islands ; there was reason to expect, that measures so unequal and so little calculated to promote mercantile intercourse,

would not be persevered in by an enlightened nation. But these measures are growing into system. It would be the duty of Congress, as it is their wish, to meet the attempts of Great Britain with similar restrictions on her commerce, but their powers on this head are not explicit; and the propositions made by the legislatures of the several States, render it necessary to take the general sense of the Union on this subject.

Unless the United States in Congress assembled, shall be vested with powers competent to the protection of commerce, they can never command reciprocal advantages in trade: and without these, our foreign commerce must decline and eventually be annihilated. Hence it is necessary that the States should be explicit, and fix on some effectual mode by which foreign commerce, not founded on principles of equality, may be restrained.

That the United States may be enabled to secure such terms, they have

Resolved, That it be, and it hereby is, recommended to the legislatures of the several States, to vest the United States in Congress assembled, for the term of fifteen years, with power to prohibit any goods, wares or merchandize from being imported into, or exported from, any of the States in vessels belonging to, or navigated by, the subjects of any power with whom these States shall not have formed treaties of commerce.

Resolved, That it be, and hereby is, recommended to the legislatures of the several States, to vest the United States in Congress assembled, for the term of fifteen years, with the power of prohibiting the subjects of any foreign State, Kingdom or Empire, unless authorized by treaty, from importing into the United States any goods,

wares or merchandize, which are not the produce or manufacture of the dominions of the sovereign, whose subjects they are.

Provided, That to all acts of the United States in Congress assembled, in pursuance of the above powers, the assent of nine States shall be necessary."

Extract from the Secret Journal of Foreign Affairs.
May 3rd, 1784.

"*Resolved*, That a copy of a letter of the 29th of June last, from the Count de Vergennes, and one of the 9th January last from Monsieur de Calonne, to the Marquis de la Fayette, respecting free ports in France, be entered on the journal; and, when published, transmitted to the Supreme Executives of the several States.

The letters being translated are as follows:

Translation.

Versailles, June 29, 1783.

Sir,

I have received the letter which you did me the honor to write on the 17th of this month. You desire to know what is meant by *free port*.

By this term, sir, we mean a place to which all merchandizes, as well foreign as domestic, may be imported, and from which they may be freely exported—you will judge, sir, by this definition, that all the merchandize of the north, without exception, may be imported into L'Orient and exported from it by the Americans. In a word, L'Orient will be reputed foreign with regard to

France, as far as it respects commerce. The prohibition and duties upon foreign merchandize will take effect only in case any person desires to introduce into the interior parts of the realm, the merchandizes subject to the one or the other.

I have the honor to be, &c.

DE VERGENNES.

MONS. THE MARQUIS DE LA FAYETTE.

Translation.

Versailles, January 9, 1784.

Sir,

I have communicated to the King, the observations contained in the memoir which you transmitted to me, relative to the commerce of America, and those which you made at our last conference.

I am authorized to announce to you, that it is the intention of his Majesty to grant to the United States, the ports of L'Orient and Bayonne, as free ports; and besides these, that of Dunkirk and that of Marseilles, the first of which enjoys absolute freedom, and the other is restrained in the exercise of that freedom only with regard to tobacco, which is there subjected to a duty. The Americans may, from this moment, send their vessels to those four ports, where they will not meet with any kind of difficulty. You may, if necessary, explain what is meant by free ports, agreeably to the signification thereof given by Monsieur de Vergennes, in his letter of the 29th June last. The Americans will find, above all at Dunkirk, all the facilities they can desire for the sale of their leaf tobacco, their rice, their timber, and other merchandize, as well as for the purchase of what they want;

such as linens, woollens, brandy, &c. It is proposed to establish stores and magazines there, which shall be well supplied, on terms very advantageous for their commerce. I have given orders to the farmers general to treat in preference, and at a reasonable price, for the purchase of the tobaccos of North America. And moreover, the United States will be as much favored in France in matters of commerce as any other nation. The complaints which they may make to you, or which Mr. Franklin, and the other American Ministers, which I would be very glad to see, may transmit to me on their behalf, shall be examined with great attention; and government will not suffer them to experience any kind of vexations. Every possible precaution will also be taken to prevent the sending out bad merchandize, which if it has hitherto taken place can only be attributed to the avarice of some merchants of the lowest order. I am going immediately to examine what relates to the customs and duties which hurt commerce. This is an important subject and requires great attention. In fine, sir, you may rely, that I shall be always disposed, as well as Monsieur the Marshal de Castries, and Monsieur the Count de Vergennes, to receive and listen with attention to the demands and further representations which you shall think proper to make in favor of the commerce of America.

I have the honor to be, &c.

DE CALONNE.

P. S. The ports of Bayonne and L'Orient will be made similar to that of Dunkirk with regard to entire freedom.

MONSIEUR THE MARQUIS DE LA FAYETTE.

FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS, TO
THOMAS JEFFERSON.

Annapolis, May 20th, 1784.

Sir,

I herewith transmit to you the several acts of Congress, which relate to the formation of treaties of Commerce with the powers of Europe, &c. And as I have not had it in my power to find out in what manner the letter to the King of France should be directed, I have enclosed that letter to you, that upon your arrival in France, it may be presented with the proper direction.

I wish you every success and satisfaction in the important scenes you are going to be engaged in, and am with much esteem and attachment,

Dear sir, your obedient, &c.

THOMAS MIFFLIN.



FROM THOMAS MIFFLIN TO JOHN ADAMS AND BENJAMIN
FRANKLIN.

Annapolis, May 20th, 1784.

Gentlemen,

I have the honor to transmit to you the following acts of Congress, relating to the formation of commercial treaties, &c. viz.

No. 1. Letters to the Ministers Plenipotentiary at the Courts of Versailles and Madrid, dated 17th of October, 1780.

No. 2. Instructions to the Ministers of the United States for making peace with Great Britain, dated May 30th, 1783.

No. 3. Instructions to the Ministers Plenipotentiary of the United States of America, at the Court of Versailles, empowered to negotiate a peace, &c. dated the 29th of October, 1783, May 7th, 1784, and May 11th, 1784.

No. 4. Instructions to the Ministers of the United States at the Court of Madrid, dated May 3d, 1784.

I also transmit to you the papers relating to the detention of the schooner Nancy, referred to in the instruction of May 11th, 1784.

I have the honor to be, with the greatest respect and esteem,

Your obedient, &c.

THOMAS MIFFLIN.

*Extract from the Secret Journal of Foreign Affairs,
May 7th, 1784.*

“ Mr. John Jay was elected Secretary for Foreign Affairs, having been previously nominated by Mr. Gerry.

On motion of Mr. Hardy, seconded by Mr. Gerry,

Resolved, That a Minister Plenipotentiary be appointed in addition to Mr. John Adams and Mr. Benjamin Franklin, for the purpose of negotiating treaties of commerce.

Congress proceeded to the election, and the ballots being taken, Mr. Thomas Jefferson was elected, having been previously nominated by Mr. Hardy.

On the report of the Committee, to whom was recommended their report on sundry letters from the Ministers of the United States in Europe, Congress came to the following resolutions :

Whereas, instructions bearing date the 29th day of October, 1783, were sent to the Ministers Plenipotentiary of the United States of America at the Court of Versailles, empowered to negotiate a peace, or to any one or more of them, for concerting drafts or propositions for treaties of amity and commerce with the commercial powers of Europe :

Resolved, That it will be advantageous to these United States to conclude such treaties with Russia, the Court of Vienna, Prussia, Denmark, Saxony, Hamburg, Great Britain, Spain, Portugal, Genoa, Tuscany, Rome, Naples, Venice, Sardinia and the Ottoman Porte.

Resolved, That in the formation of these treaties the following points be carefully stipulated :

1st. That each party shall have a right to carry their own produce, manufactures and merchandize in their own bottoms to the ports of the other, and thence the produce and merchandize of the other, paying in both cases, such duties only as are paid by the most favored nation, freely, where it is freely granted to such nation, or paying the compensation where such nation does the same.

2. That with the nations holding territorial possessions in America, a direct and similar intercourse be admitted between the United States and such possessions ; or if this cannot be obtained, then a direct and similar intercourse between the United States and certain free ports within such possessions ; that if this neither can be obtained, permission be stipulated to bring from such possessions, in their own bottoms, the produce and merchandize thereof to their States directly ; and for these States to carry in their own bottoms their produce and merchandize to such possessions directly.

3. That these United States be considered in all such treaties, and in every case arising under them, as one nation, upon the principles of the federal constitution.

4. That it be proposed, though not indispensably required, that if war should hereafter arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance; and all fishermen, all cultivators of the earth, and all artisans or manufacturers, unarmed and inhabiting unfortified towns, villages or places, who labor for the common subsistence and benefit of mankind, and peaceably following their respective employments, shall be allowed to continue the same, and shall not be molested by the armed force of the enemy, in whose power, by the events of war, they may happen to fall; but if any thing is necessary to be taken from them, for the use of such armed force, the same shall be paid for at a reasonable price; and all merchants and traders, exchanging the products of different places and thereby rendering the necessities, conveniencies, and comforts of human life more easy to obtain and more general, shall be allowed to pass free and unmolested; and neither of the contracting powers shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading ships, or interrupt such commerce.

5. And in case either of the contracting parties shall happen to be engaged in war with any other nation, it be further agreed, in order to prevent all the difficulties and misunderstandings, that usually arise respecting the mer-

chandize heretofore called contraband, such as arms, ammunition and military stores of all kinds, that no such articles, carrying by the ships or subjects of one of the parties to the enemies of the other, shall, on any account, be deemed contraband, so as to induce confiscation, and a loss of property to individuals. Nevertheless it shall be lawful to stop such ships and detain them for such length of time as the captors may think necessary, to prevent the inconvenience or damage that might ensue, from their proceeding on their voyage, paying however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall be further allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But if the other contracting party will not consent to discontinue the confiscation of contraband goods, then that it be stipulated, that if the master of the vessel stopped, will deliver out the goods charged to be contraband, he shall be admitted to do it, and the vessel shall not in that case be carried into any port; but shall be allowed to proceed on her voyage.

6. That in the same case, when either of the contracting parties shall happen to be engaged in war with any other power, all goods, not contraband, belonging to the subjects of that other power, and shipped in the bottoms of the party hereto, who is not engaged in the war, shall be entirely free. And that to ascertain what shall constitute the blockade of any place or port, it shall be understood to be in such predicament, when the assailing power shall have taken such a station as to expose to

imminent danger any ship or ships, that would attempt to sail in or out of the said port ; and that no vessel of the party, who is not engaged in the said war, shall be stopped without a material and well grounded cause ; and in such cases justice shall be done, and an indemnification given, without loss of time to the persons aggrieved and thus stopped without sufficient cause.

7. That no right be stipulated for aliens to hold real property within these States, this being utterly inadmissible by their several laws and policy ; but when on the death of any person holding real estate within the territories of one of the contracting parties, such real estate would by their laws descend on a subject or citizen of the other, were he not disqualified by alienage, then he shall be allowed a reasonable time to dispose of the same, and withdraw the proceeds without molestation.

8. That such treaties be made for a term not exceeding ten years from the exchange of ratifications.

9. That these instructions be considered as supplementary to those of October 29th, 1783 ; and not as revoking, except when they contradict them. That where in treaty with a particular nation they can procure particular advantages, to the specification of which we have been unable to descend, our object in these instructions having been to form outlines only and general principles of treaty with many nations, it is our expectation they will procure them, though not pointed out in these instructions ; and where they may be able to form treaties on principles which, in their judgment, will be more beneficial to the United States than those herein directed to be made their basis, they are permitted to adopt such principles. That as to the duration of treaties, though we have proposed to restrain them to the term of ten

years, yet they are at liberty to extend the same as far as fifteen years with any nation which may pertinaciously insist thereon. And that it will be agreeable to us to have supplementary treaties with France, the United Netherlands and Sweden, which may bring the treaties we have entered into with them as nearly as may be to the principles of those now directed; but that this be not pressed, if the proposal should be found disagreeable.

Resolved, That treaties of amity, or of amity and commerce, be entered into with Morocco, and the Regencies of Algiers, Tunis and Tripoli, to continue for the same term of ten years, or for a term as much longer as can be procured.

That our Ministers, to be commissioned for treating with foreign nations, make known to the Emperor of Morocco the great satisfaction which Congress feel from the amicable disposition he has shown towards these States, and his readiness to enter into alliance with them. That the occupations of the war, and distance of our situation have prevented our meeting his friendship so early as we wished. But the powers are now delegated to them for entering into treaty with him, in the execution of which they are ready to proceed, and that as to the expenses of his Minister, they do therein what is for the honor and interest of the United States.

Resolved, That a commission be issued to Mr. J. Adams, Mr. B. Franklin and Mr. T. Jefferson, giving powers to them, or the greater part of them, to make and receive propositions for such treaties of amity and commerce, and to negotiate and sign the same, transmitting them to Congress for their final ratification; and that such commission be in force for a term not exceeding two years."

*Extract from the Secret Journal of Foreign Affairs.
May 11th, 1784.*

“ The report of the Committee on the letter from the Ministers of the United States in Europe being amended, was agreed to, as follows :

Resolved, That our said Ministers, to be commissioned for treating with foreign nations, be referred to the instructions of the 30th day of May, 1783, relative to British debts, the objects of which they are hereby directed to urge with perseverance.

That they require, with firmness and decision, full satisfaction for all slaves and other property belonging to citizens of these States, taken and carried away in violation of the preliminary and definitive articles of peace ; and to enable them to do this on precise grounds, Congress will furnish them with necessary facts and documents.

Resolved, That Doctor Franklin be desired to notify to the Apostolical Nuncio at Versailles, that Congress will always be pleased to testify their respect to his Sovereign and State ; but that the subject of his application to Doctor Franklin, being purely spiritual, it is without the jurisdiction and powers of Congress, who have no authority to permit or refuse it, these powers being reserved to the several States individually.

That Doctor Franklin be instructed to express to the Court of France, the constant desire of Congress to meet their wishes ; that these States are about to form a general system of commerce, by treaties with other nations ; that, at this time, we cannot foresee what claims might be given to those nations, by the explanatory propositions

from the Count de Vergennes, on the second and third articles of our treaty of amity and commerce with his most Christian Majesty ; but that he may be assured it will be our constant care to place no people on more advantageous ground than the subjects of his Majesty.

Resolved, That the papers containing the claim of the five Fosters, brothers, for the prize of their vessel, the Three Friends, made by Captain Landais, of the Alliance frigate, which papers were communicated by the Count de Vergennes to Doctor Franklin, to the end that he might apply to Congress for an indemnification of the said Fosters, be remitted to the said Ministers with a copy of the fourth clause of the instructions to them, of October 29th, 1783, and the following extract from Doctor Franklin's letter of July 22d, 1783, to the Secretary for Foreign Affairs, viz: ' Mr. Barclay has in his hands the affair of the Alliance and Bon Homme Richard. I will afford him all the assistance in my power ; but it is a very perplexed business. That expedition, though, for particular reasons, under American commissions and colors, was carried on at the King's expense, and under his orders. M. De Chaumont was the agent appointed by the Minister of Marine to make the outfit. He was also chosen by all the captains of the squadron, as appears by an instrument under their hands, to be their agent, receive, sell and divide prizes, &c. The Crown bought two of them at public sale ; and the money, I understand, is lodged in the hands of a responsible person at L'Orient. M. De Chaumont says he has given in his accounts to the Marine, and that he has no more to do with the affair, except to receive a balance due to him. That account, however, is, I believe, un-

‘settled; and the absence of some of the captains is said
‘to make another difficulty, which retards the completion
‘of the business. I never paid nor received any thing
relating to that expedition, nor had any other concern
‘in it than barely ordering the Alliance to join the
‘squadron, at M. De Sartine’s request.’ From which
extract, there is reason to believe the United States of
America had no concern in the expedition; but that it
was carried on wholly under the authority and for the
advantage of his most Christian Majesty. That if this
fact should not be so apparent as to give full satisfaction
to his Majesty’s Ministers, they then can take such
measures as in their discretion shall be thought most con-
ducive to an amicable and equitable adjustment thereof,
on the best evidence they shall be able to procure.

Resolved, That the claim of the Sieur Bayard against
these United States, for the sum of two hundred and
fifty-five thousand two hundred and thirty-six dollars,
continental money, is not founded in justice, from the
circumstances of the case as stated by himself, which
are, that a vessel and cargo, in which he was interested,
sailing in May, 1779, from Charleston for France, was
taken by an English armed vessel, and re-taken by an
American frigate called the Boston; that she was carried
to Boston and there sold as French property by Mons.
de Valnais, Consul for France at that port; that he
unfaithfully and irregularly, as is suggested, endeavored
to have the whole adjudged to the re-captors, but that
the sentence was, that they were only entitled to one
eighth, and the Sieur Bayard’s correspondents obliged
M. de Valnais to deposite with the Consul of France in
Philadelphia two hundred and fifty-five thousand two

hundred and thirty-six dollars, continental money, in part of the proceeds, with a reserve to the Sieur Bayard, against Mons. de Valnais, of every right of redress for his irregular conduct ; that no injurious intermeddling by the United States, or any of them, or by any of their citizens, is here complained of ; that the money was constantly in the hands of the Sieur Bayard's correspondents, or of the Consul of his nation ; that he may indeed have suffered by its depreciation, as many others have suffered, both foreigners and citizens, but the latter in a much higher degree than the former ; that this depreciation was not effected by any arbitrary change by Congress in the value or denomination of the money, (which yet has been frequently practised by European States, who never have thought themselves bound to make good the losses thereby incurred, either by their own citizens or by foreigners,) but ensued against the will and the unremitting endeavors of Congress ; that in this case, too, it might have been lessened, if not prevented, by investing the money immediately in gold and silver, or in other commodities. Congress are therefore of opinion, that these States are not bound to make good the loss by depreciation.

That, as to the residue of the claims of the Sieur Bayard, if founded in truth and right, they lie only against the State of Georgia, to the Governor of which Congress will transmit copies of the papers, expressing at the same time our confidence that that State will cause to be done in it what justice and the respect due between friendly nations require, and that the Sieur Bayard be referred to them.

Resolved, That the friendly services rendered by the

Sieur John Baptiste Pequet, agent for the French nation at Lisbon, to great numbers of American sailors carried prisoners into that port during the late war, and his sufferings on that account, merit the sincere acknowledgements of Congress; and that it be referred to the said Ministers to deliver him these in honorable terms, and to make him such gratification as may indemnify his losses and properly reward his zeal."

"*Resolved*, That the papers relating to the detention of the schooner Nancy, Captain Gladden, belonging to the citizens of the United States residing in North Carolina, be transmitted to our Ministers for negotiating treaties with foreign powers; and that they be instructed to make inquiry into the cause of the seizure and detention of the said schooner and her cargo; and if it shall appear that she has been unjustly detained, to demand the release of the vessel and the restoration of her cargo, with adequate damages for her detention."

"*Resolved*, That the form of the commission to the Ministers for negotiating treaties of amity and commerce, or of amity, be as follows:

The United States of America in Congress assembled; to all to whom these presents shall come, or be made known, send greeting:

Whereas, an intercourse between _____ and the citizens of the United States of America, founded on principles of equality, reciprocity and friendship, may be of mutual advantage to both nations: Now, therefore, know ye, that we, reposing special trust and confidence in the integrity, prudence, and ability of our trusty and

beloved, the honorable John Adams, late one of our Ministers Plenipotentiary for negotiating a peace, and heretofore a Delegate in Congress from the State of Massachusetts, and Chief Justice of the said State, the honorable Doctor Benjamin Franklin, our Minister Plenipotentiary at the Court of Versailles, and late another of our Ministers Plenipotentiary for negotiating a peace, and the honorable Thomas Jefferson, a Delegate in Congress from the State of Virginia, and late Governor of the said State, have nominated, constituted, and appointed, and by these presents do nominate, constitute, and appoint, the said John Adams, Benjamin Franklin, and Thomas Jefferson, our Ministers Plenipotentiary, giving to them, or a majority of them, full power and authority for us, and in our name to confer, treat, and negotiate, with the Ambassador, Minister, or Commissioner of _____, vested with full and sufficient powers of and concerning (a treaty of amity, or a treaty of amity and commerce, as the case may be,) to make and receive propositions for such treaty, and to conclude and sign the same, transmitting it to the United States in Congress assembled for their final ratification. This commission to continue in force for a term not exceeding two years from the date hereof.

In testimony whereof, we have caused the seal of the United States to be hereunto affixed. Witness his Excellency Thomas Mifflin, President, this twelfth day of May, in the year of our Lord one thousand seven hundred and eighty-four, and of the sovereignty and independence of the United States of America the eighth."

FROM THOMAS MIFFLIN, PRESIDENT OF CONGRESS.

Circular.

Annapolis, May 31, 1784.

Sir,

I have the honor to transmit to your Excellency, an act of Congress, of the 29th instant, relating to an insult offered to the person of Monsieur de Marbois, by a certain Monsieur de Longchamps.

By a letter received this day from the Supreme Executive of the State of Pennsylvania, it appears that the said Longchamps has been apprehended in consequence of a warrant issued by one of the Judges of the Supreme Court of Pennsylvania, and is now confined in the common jail at Philadelphia.

I have the honor to be, &c.

THOMAS MIFFLIN.

*Extract from the Secret Journal of Foreign Affairs.
May 29th, 1784.*

“On the report of a Committee, consisting of Mr. Gerry, Mr. Dana and Mr. Howell, to whom was referred a note from the Honorable the Minister Plenipotentiary of his most Christian Majesty, Congress came to the following resolution :

Whereas Congress have been informed by a note addressed to them by the Chevalier de la Luzerne, Minister Plenipotentiary of his most Christian Majesty of the 20th instant, and the papers accompanying the same, that a violation of the laws of nations hath been com-

mitted by one Longchamps, who calls himself Chevalier de Longchamps a subject of his most Christian Majesty, by a violent assault and battery by him lately made in the city of Philadelphia, upon the person of Mr. Marbois, Consul General and Secretary to the above legation ; and that although a warrant for apprehending the offender has been duly issued, in consequence of directions given by the President of the State of Pennsylvania, upon application to him made for that purpose by the said Minister, he has not yet been apprehended, but absconds; and is supposed to have fled from justice into some other of the United States: wherefore, to the end the said Longchamps may be brought to condign punishment for his said offence, and that the privileges and immunities of foreign ministers, and of their families and houses, be preserved inviolate,

Resolved, That it be, and is hereby, recommended to the Supreme Executive authority of each of these United States, forthwith to issue their proclamations, offering a reward of five hundred dollars, to be reimbursed by the United States to the State paying the same, for discovering the said Longchamps, so that he may be arrested; and requiring their proper civil officers to arrest him, and their citizens in general to be aiding and assisting therein, that he may be brought to justice, for his said violation of the laws of nations and of the land, and all others may be deterred from the commission of such offences."

Translation.

The underwritten Minister has the honor to transmit to Congress sundry papers relative to a violation of the law of nations in the person of the Consul General and

Secretary to his Majesty's legation to the United States. The underwritten immediately applied to the President of the State of Pennsylvania to have the culprit seized; and received the answer herewith enclosed. As Ministers, and persons attached to embassies and consulates, have an immediate right to the support of Congress, the underwritten applies to this assembly for their recommendation as speedily as possible to the Government of Pennsylvania, to take effectual measures, conformable to the laws of nations, for the solemn reparation of the offence committed on the person of the Consul General, and the violation of the privileges of the house of the underwritten. The offender is not yet apprehended; and it is possible he has fled into some other State in the confederacy: the underwritten Minister, therefore, entreats that Congress would be pleased to issue a like recommendation to all the other States in the Union.

LE CHEVALIER DE LA LUZERNE.

Philadelphia, May 20th, 1784.

Extract from the Secret Journal of Foreign Affairs.

June 1st, 1784.

“ A letter from the Supreme Executive Council of Pennsylvania was read in the following words:

In Council, Philadelphia, May 28, 1784.

Sir,

Some days ago an insult was offered by a Frenchman to M. de Marbois, in the hotel of the Minister of France; and afterwards an assault was made upon him by the

same person in a street of this city. The offender has been arrested by our direction, under the warrant of a judge of the Supreme Court, and is now confined in the common prison, where we have ordered him to be detained. Our respect for Congress induces us to inform them of this affair; and we should have done ourselves the honor of making the communication sooner, but that the criminal was not in confinement till yesterday. We should be much pleased to be favored with the sentiments of Congress upon this business, being extremely desirous that our proceedings may correspond with their judgment, and to testify our determined resolution with all our powers to maintain the dignity of the United States, to preserve the public repose, to assert the law of nations, and to manifest our entire regard for the representatives of the sovereignty of the Union.

With the most perfect esteem, &c.

JOHN DICKINSON.

His Excellency, the **PRESIDENT OF CONGRESS.**

Whereupon the following was moved by Mr. Hand, seconded by Mr. Montgomery :

That Congress highly approve the determined resolution of the Supreme Executive Council of the State of Pennsylvania to maintain the dignity of the United States, to preserve the public repose, to assert the law of nations, and to manifest their entire regard for the representatives of the sovereignty of the Union, expressed by their letter of the 28th instant."

FROM THOMAS MIFFLIN TO THE MINISTER OF FRANCE.

Annapolis, May 31, 1784.

Sir,

I have the honor to transmit to your Excellency, an act of Congress of the 29th instant, passed in consequence of your note of the 20th instant. Congress are so well convinced of the necessity of securing to all foreign Ministers, resident in these States, every privilege and right to which they are entitled by usage or the laws of nations, that I am confident they will proceed without delay, to a further consideration of the subject of your Excellency's several letters; particularly your last letter which has been just received and referred to a committee, with instructions to report immediately.

Many important subjects which have been necessarily brought before Congress, since your Excellency left Annapolis, have hitherto prevented them from deciding on the reports respecting General De Kalb, &c.

I have the honor to be, &c.

THOMAS MIFFLIN.

FROM RICHARD HENRY LEE TO BENJAMIN FRANKLIN,
MINISTER PLENIPOTENTIARY OF THE UNITED STATES,
PARIS.

Trenton, December 11, 1784.

Sir,

I have the honor to enclose to your Excellency a packet for his most Christian Majesty, containing a letter from Congress to that Monarch, recommending an able

and active friend, the Marquis la Fayette, to his royal favor. The Marquis's former and recent services to America, deserve, and have secured to him, the warmest attachment of these United States.

I have the honor to be, &c.

RICHARD HENRY LEE.



FROM RICHARD HENRY LEE FO THE MARQUIS LA
FAYETTE.

Trenton, December 11, 1784.

My dear Sir,

I have the honor to enclose you a letter for the Minister Plenipotentiary of the United States, at the Court of his most Christian Majesty, which covers a letter to our great and good ally, a copy of which I have also the pleasure to enclose for your satisfaction. I assure you, my dear friend, that I feel myself singularly happy in observing the unanimous disposition that prevails in Congress to promote your glory, for I do most sincerely wish you every felicity that this world can afford.

I am with unfeigned esteem, &c.

RICHARD HENRY LEE.



Extract from the Secret Journal of Foreign Affairs.
December 9, 1784.

“The Committee, consisting of Mr. Jay, Mr. Williamson, and Mr. Hardy, to whom was referred a letter of the 6th, from the Marquis de la Fayette, reported:

That in the opinion of the Committee, the merit and services of the Marquis render it proper that such an opportunity of taking leave of Congress be afforded him, as may strongly manifest their regard and esteem for him: Whereupon,

Resolved, That a Committee, to consist of one member from each State, be appointed to receive the Marquis, and in the name of Congress to take leave of him. That they be instructed to assure him, that Congress continue to entertain the same high sense of his abilities and zeal to promote the welfare of America, both here and in Europe, which they have frequently expressed and manifested on former occasions, and which the recent marks of his attention to their commercial and other interests have perfectly confirmed. That as his uniform and unceasing attachment to this country has resembled that of a patriotic citizen, the United States regard him with particular affection, and will not cease to feel an interest in whatever may concern his honor and prosperity; and that their best and kindest wishes will always attend him.

On motion of Mr. Mercer, seconded by Mr. Read,

Resolved, That a letter be written to his most Christian Majesty, to be signed by his Excellency, the President of Congress, expressive of the high sense which the United States, in Congress assembled, entertain of the zeal, talents and meritorious services of the Marquis of Fayette, and recommending him to the favor and patronage of his Majesty."

*Extract from the Secret Journal of Foreign Affairs,
December 13th, 1784.*

“Mr. Jay, chairman of the Committee, consisting of a member from each State, appointed to receive and take leave of the Marquis de la Fayette, reported, that on the 11th inst. they received the Marquis in the Congress chamber, and took leave of him agreeably to the instructions given them on that subject, that they communicated to him the purport of the resolutions of the ninth; and that he thereupon made the following answer :

Sir,

While it pleases the United States, in Congress, so kindly to receive me, I want words to express the feelings of a heart which delights in their present situation, and the bestowed marks of their esteem.

Since I joined the standard of liberty, to this wished for hour of my personal congratulations, I have seen such glorious deeds performed, and virtues displayed, by the sons of America, that in the instant of my first concern for them, I had anticipated but a part of my love and regard which devote me to this rising empire.

During our revolution, sir, I obtained an unlimited indulgent confidence, which I am equally proud and happy to acknowledge; it dates with the time when, an inexperienced youth, I could only claim, my respected friends' paternal adoption. It has been most benevolently continued throughout every circumstance of the cabinet and the field; and in personal friendships, I have often found a support against public difficulties. While on this solemn occasion, I mention my obligations to

Congress, the States, the people at large, permit me also to remember the dear military companions, to whose services their country is so much indebted.

Having felt, both for the timely aid of my country, and for the part she, with a beloved King, acted in the cause of mankind, I enjoy an alliance so well rivetted by mutual affection, by interest, and even local situation. Recollection ensures it. Futurity does but enlarge the prospect; and the private intercourse will every day increase, which independent and advantageous trade cherishes, in proportion as it is well understood.

In unbounded wishes to America, sir, I am happy to observe the prevailing disposition of the people to strengthen the confederation, preserve public faith, regulate trade, and in a proper guard over continental magazines and frontier posts, in a general system of militia, in foreseeing attention to the Navy, to ensure every kind of safety. May this immense temple of freedom ever stand a lesson to oppressors, an example to the oppressed, a sanctuary for the rights of mankind! And may these happy United States attain that complete splendor and prosperity, which will illustrate the blessings of their government, and for ages to come rejoice the departed souls of its founders.

However unwilling to trespass on your time, I must yet present you with my grateful thanks for the late favor of Congress; and never can they oblige me so much, as when they put it in my power, in every part of the world, to the latest day of my life, to gratify the attachment which will ever rank me among the most zealous and respectful servants of the United States."

FROM THE CONGRESS OF THE UNITED STATES, TO LOUIS
SIXTEENTH, KING OF FRANCE AND NAVARRE.

Trenton, December 11, 1784.

Great, faithful and beloved Friend and Ally,

The various and important acts of friendship done by your Majesty to these States, have inspired them with strong attachment to your person, and with firm confidence in your friendly disposition towards them. Both these considerations unite in urging us to recommend to your Majesty's particular attention and favor, the Marquis de la Fayette, a nobleman who has ably promoted the interests of both countries, and acquired glory by strenuous and successful endeavors to advance our mutual honor, prosperity and confidence.

Permit us to assure your Majesty, that we not only approve, but admire, his conduct. We entertain esteem and affection for him as a man. We think highly of his talents, and are convinced of his disposition to perpetuate the amity and good understanding, which, we pray God, may ever subsist between France and America.

May the author of all good continue to bless your Majesty, your family and people, and keep you and them under his holy protection.

By the unanimous order of Congress.

RICHARD HENRY LEE,
President.

FROM THE KING OF FRANCE TO THE CONGRESS OF THE
UNITED STATES OF AMERICA.

Translation.

Written at Versailles, the 10th May, 1785.

Very dear Friends and Allies,

The Marquis de la Fayette has delivered to us the letter which you wrote to us the 31st December last.

We observe with real satisfaction the fresh assurances you there give us of your attachment to our person. The interest we take in the prosperity of your government is known to you, and we will always embrace with pleasure every opportunity of giving you proofs of it. The justice which you do to the Marquis de la Fayette confirms more and more, the opinion we have also of his zeal and talents, and cannot but add to the desire we have of giving him further marks of our satisfaction: entertain no doubt of the affection and friendship which we bear to the United States in general and to each of them in particular. We pray God, very dear and very great friends and allies, to have you in his holy keeping.

Your good friend and ally,

LOUIS.

GRAVIER DE VERGENNES.



FROM RICHARD HENRY LEE TO BENJAMIN FRANKLIN,
PARIS.

Trenton, December 14, 1784.

Sir,

I have the honor to enclose to your Excellency a resolve of Congress passed this day, the arrival of which

in due season to prevent the signing of the convention alluded to, until an opportunity of reconsidering it in full Congress may be had, will be very agreeable to that body.

I have the honor to be, &c.

RICHARD HENRY LEE.

Extract from the Secret Journal of Foreign Affairs.

December 14, 1784.

“On motion of Mr. Jay, seconded by Mr. Gerry,

Resolved unanimously, eight States only being represented, That his Excellency the President inform the Minister Plenipotentiary of the United States at the Court of France, that it is the desire of Congress, in case the convention proposed for regulating and ascertaining the powers and privileges of Consuls, should not be already signed, that he delay signing it until he shall receive further instructions on the subject from Congress.”

Extract from the Secret Journal of Foreign Affairs.

December 15th, 1784.

“The Chargé d’Affaires of France having sent to Congress a note, with sundry papers enclosed, of which the following are translations :

The undersigned, Chargé d’Affaires of France, has the honor to present to Congress a letter of Don Fran-

cisco Rendon, Agent of the Court of Madrid. This letter, and the extract accompanying it, relate to the limits of Louisiana and the Floridas, as well as to the navigation of the Mississippi. The undersigned has the honor to assure Congress, that the King will see, with great pleasure, every measure which shall be taken to consolidate and maintain a good understanding between his Catholic Majesty and the United States.

DE MARBOIS.

Philadelphia, 19th Nov. 1784.

Translation of the enclosed letter.

FROM FRANCISCO RENDON TO THE PRESIDENT OF
CONGRESS.

Sir,

I have the honor to communicate to your Excellency an extract of a letter which I have lately received from Don Joseph de Galvez, Minister of his Catholic Majesty for the Department of the Indies. I beg you will be pleased to lay it before Congress, and communicate the contents to the Governor and President of the several States. His Majesty is persuaded that Congress will admit the justice of a claim, which is founded on all the rights which an entire conquest and an uninterrupted possession can give to any power; and that they will agree that the cession of the navigation of the Mississippi, made by the King of Great Britain to the United States in the treaty of 1783, can have no real force, unless the Catholic King, my master, to whom the navigation of that river belongs, shall think proper to ratify it. I

see with pleasure, by the contents of the extract enclosed, that there is a probability that Spain and the United States will very soon confirm, by a solid and durable treaty, that friendship which has already for several years subsisted between the two nations. I hope that all objects about which there is any doubt will then be settled and terminated to the mutual satisfaction of his Majesty and Congress.

I have the honor to be, &c.

FRANCISCO RENDON.

Extract of a letter from Don Joseph de Galvez, Minister of his Catholic Majesty for the Department of the Indies, to Don Francisco Rendon, dated

Aranjuez, June 26, 1784.

“Until the limits of Louisiana and the two Floridas shall be settled and determined with the United States of America, his Majesty commands that you should give the States and Congress to understand, that they are not to expose to process and confiscation the vessels which they destine to carry on commerce on the river Mississippi, in as much as a treaty concluded between the United States and England, on which the former ground their pretensions to the navigation of that river, could not fix limits in a territory which that power did not possess, the two borders of the river being already conquered and possessed by our arms the day the treaty was made, namely, the 30th November, 1782. This order I communicate to you that you may conform yourself thereto.”

JOSEPH DE GALVEZ.

*Extract from the Secret Journal of Foreign Affairs.
December 15th, 1784.*

“ The Committee to whom was referred a note, dated 19th November, from M. De Marbois, Chargé d’Affaires of France, with the papers enclosed, delivered in a report : Whereupon,

Resolved, That the Secretary for Foreign Affairs be instructed to inform M. De Marbois, Chargé d’Affaires of France, that the United States in Congress assembled have received his note of the 19th November, with the papers enclosed, and are happy in the assurance given that his most Christian Majesty will see with pleasure measures taken to consolidate and maintain a good understanding between his Catholic Majesty and the United States ; and they flatter themselves that their disposition and endeavors to cultivate the friendship of the Catholic King will produce the desired effect.

That Congress have a high confidence in the justice of his Catholic Majesty, and rely that he will submit the mutual rights of Spain and the United States of America to amicable discussion, without adopting measures which may prejudice those rights.”

December 17th.

“ That it is necessary a Minister be commissioned to represent the United States at the Court of Madrid, for the purpose of adjusting the interfering claims of the two nations respecting the navigation of the Mississippi, and other matters highly interesting to the peace and good understanding which ought to subsist between them.”

“Ordered, That the Committee who brought in the report, prepare a draft of instructions to the Minister to represent the United States at the Court of Madrid.”

CORRESPONDENCE

OF

JOHN JAY,

SECRETARY FOR FOREIGN AFFAIRS,

WITH

MONSIEUR DE MARBOIS,

CHARGE D'AFFAIRES OF HIS MOST CHRISTIAN MAJESTY.

FROM MONSIEUR DE MARBOIS.

Translation.

Philadelphia, December 1, 1784.

The Chevalier De la Luzerne, and since his departure, the undersigned, Chargé d'Affaires, of his Majesty, have received frequent orders to press the officers, agents and other accountants, employed for the service of the land and sea service on this continent, during the late war, to render their accounts. These agents and others delay rendering their accounts for divers causes; but most of them allege *the difficulty they meet with in bringing to account the agents or correspondents in America, whom they have employed.* They add, that when process is commenced for settling the accounts between them and the Americans, the latter avail themselves of the slowness in the usual forms of justice, in order to gain time, and fatigue their adversaries with all sorts of delays, until their affairs indispensably call them to France and force them to submit to an unjust accommodation.

Whatever may be the grounds of these allegations, the undersigned has the honor to inform Congress, that the agents' agents employed on this continent, by refusing to render their accounts, put it out of the power of the treasurers general of the department of war and marine, to settle theirs, and of consequence that the distribution of prizes cannot be made to the officers and seamen of the different squadrons. To remove every pretext or excuse from the agents, the undersigned entreats that Congress would be pleased to consider whether it might not be proper for them to recommend to the several States, the passing of laws, for determining in a summary way, in their superior courts, the differences of this nature which exist, or may arise on account of the fleet and army of his Majesty during the late war. If Congress shall think proper to adopt this measure, the undersigned prays that they would be pleased not to delay the recommendations to the several States, which are now assembled in their legislative capacity, and he considers this as the principal means of executing the orders he has received, not to admit of any further delay of the agents of the French fleet and army, in rendering their accounts.

DE MARBOIS.



Extract from the Secret Journal of Foreign Affairs.

December 16th, 1784.

“On the report of a Committee, consisting of Mr. Jay, Mr. Gardner, and Mr. Ellery, to whom was referred a note from the Chargé d’Affaires of his most Christian

Majesty, dated the 1st December, 1784, respecting delays and difficulties complained of by French Agents, in settling their accounts in this country,

Resolved, That copies of the said note be immediately sent to the different States; and that it be recommended to them to pass such remedial laws on the subject as their respective constitutions may permit, and that a copy of this resolution be transmitted to the said Chargé d'Affaires."



FROM MONSIEUR DE MARBOIS.

Translation.

Trenton, December 7th, 1784.

The undersigned, Chargé d'Affaires of France, has the honor to present to Congress the demands of the heirs of three French officers, who died in the service of the United States during the late war. The first relates to the late M. de la Radiere, Colonel in the Corps of Engineers. The undersigned, in virtue of full powers from the heir of this officer, has had his accounts settled by M. Pierce, from which it appears that on the 17th Nov. 1779, the time of his death, there was due to him a balance of \$2657 30 specie. His brother, who is his sole heir, expects that balance should be paid to him in certificates and ready money, as has been done to the officers of the Corps of Engineers who have quitted the service. But to this is opposed a resolution of Congress of 10th April, 1780, which excludes all officers, &c. who were not in service on that day, from any benefit arising from depreciation on pay, &c. The undersigned entreats that Congress would be pleased to consider that M. de la Ra-

diere did not quit the service, but died in it; and he is desirous to transmit to the heir of this officer, a favorable resolution touching the demand made.

The second demand is presented to Congress by the undersigned, in the name of the heirs and creditors of the late Colonel Malmedy, who died in the service of the United States. The *Chargé d’Affaires* of France has in his possession a certificate issued by Mr. Nourse, on the settlement of the accounts of the deceased, amounting to the sum of 2,420 dollars, bearing an interest of six per cent. per annum. He begs that Congress will be pleased to order this certificate to be converted into a contract which may be negotiated to the advantage of the heirs and creditors of M. de Malmedy, or that other measures may be taken conformable to the regulations adopted by Congress in similar cases.

The undersigned has also the honor to remind Congress of the reiterated demands made by the Chevalier de la Luzerne, touching the debt due by the United States to the widow and children of the late General Baron de Kalb. Congress will be pleased to recollect that this officer being charged, in 1780, with command of a Division marching to the South, received from M. Palfrey 226,000 dollars, for the purpose of defraying arrears of clothing, and the expenses of the Maryland Line on their march to the Southward—he to be accountable. General De Kalb having been slain in the battle of Camden, and his papers falling into the hands of the enemy, it has not been possible to recover the vouchers to prove the expenditure of the money received. The undersigned entreats Congress to consider whether it would not be just to authorize the Department of War to pass this sum

in account as employed for the purpose designed; and he entreats that Congress would, at the same time, determine what they think ought in justice to be done in favor of the widow and children of the late General, agreeably to the rules established by Congress in cases of a like nature.

DE MARBOIS.



*Extract from the Secret Journal of Foreign Affairs,
December 16th, 1784.*

“On the report of a Committee, consisting of Mr. Jay, Mr. Gardner, and Mr. Ellery, to whom was referred a note from the Chargé d’Affaires of his most Christian Majesty, dated 7th December, 1784, respecting the demands of the heirs of three French officers who died in the American service,

Resolved, That the various and important objects of national concern, which at present engage the attention of Congress, will not permit them to examine and ascertain the facts on which the propriety of the demand in question must be decided; and, therefore, that the same be referred to the Paymaster General, with orders to examine and ascertain the justice of the said demands with all possible expedition, and report thereon to Congress.”

FROM MONSIEUR DE MARBOIS.

Translation.

Trenton, December 7, 1784.

The underwritten, Chargé d'Affaires of France, has the honor to inform Congress, that he has received some communications relative to a debt contracted on account of the continental frigate, the *Confederacy*, with the treasurer general of the navy of the King. This frigate being at Martinique, in 1779, Sieur Borde, the correspondent of the Commissary General, made advances amounting to 64,067 livres, 12 sous, 2 d'rs. for provisions and refreshments necessary to the crew; he was reimbursed by drafts upon the Commissary, who, considering the transaction as foreign to the service, refused to accept them, and sent the bearer to Mr. Franklin, who did not pay them. These bills were about to be protested, and to prevent the inconveniences which would have resulted from the protest, to the navy of the United States, in similar cases. The Treasurer-General of the marine paid them when they became due. He now requests that the expenditure may be accounted for, and the undersigned prays Congress to inform him, in what manner the advances made for the United States will be refunded. The person responsible, being under the necessity of rendering his accounts regularly, the undersigned entreats of Congress, that they will be pleased, as soon as possible, to act upon the reclamation which he has submitted.

DE MARBOIS.

*Extract from the Secret Journal of Foreign Affairs,
December 16th, 1784.*

“ On the report of a Committee, consisting of Mr. Jay, Mr. Gardner, and Mr. Ellery, to whom was referred a note from the Chargé d’Affaires of his most Christian Majesty, respecting moneys advanced for refitting the American frigate *Confederacy*,

Resolved, That the said note be referred to the Commissioner for settling accounts in the Marine department, and that he be ordered to report thereon to Congress without delay.”



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office of Foreign Affairs, }
Trenton, December 22, 1784. }

Sir,

Having accepted the place of Secretary for Foreign Affairs, it becomes my duty to inform you that Congress will adjourn to-morrow to meet at the City of New-York on Tuesday, the 11th day of January next.

I have the honor to be, &c.

JOHN JAY.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

Trenton, December 24, 1784.

Sir,

On my arrival in this city, I was informed by his Excellency the President of Congress, that you had accepted the office of Secretary for Foreign Affairs. This news has caused me great pleasure, from the satisfaction which it will give to my court, as well as on account of the advantages which the United States will derive from your ministry. I hope to have the honor of complimenting you personally at New York, in the course of the month of February next, ensuing.

As I shall quit Philadelphia about that time, I ought to inform you, that agreeably to the intentions of Congress, the portraits of the King and Queen, presented by his Majesty to that assembly, have been deposited in my house to remain there, until they can be placed in the situation which Congress shall make its residence. I beg you to be pleased to inform me, what may be the intentions of Congress with respect to the destination of these pictures after the month of March next.

I am, with respect, &c.

DE MARBOIS.

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office of Foreign Affairs, }
New York, December 28, 1784. }

Sir,

I received yesterday the letter which you did me the honor to write on the 24th inst. two days before which I wrote to you by the post, that I had accepted the place of Secretary for Foreign Affairs, and that Congress would the next day adjourn to meet at this place on the 11th day of next month. Accept my thanks for the obliging terms in which you mention this appointment, and be assured that every occasion of promoting and confirming mutual confidence and friendship between our countries will give me pleasure.

I shall take the earliest opportunity of communicating to Congress the arrival of their most Christian Majesties' portraits, with which the King has been pleased to present them, and I flatter myself with being soon enabled to convey to you the pleasing sense with which that obliging mark of his royal attention will have impressed them.

I have the honor to be, &c.

JOHN JAY.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, January 27, 1785.

It is much to be desired that Congress would direct to be communicated to the Chargé d'Affaires of France, those measures which have been, or are about to be

taken, in consequence of the note which he had the honor to transmit in the beginning of the month of December last, upon the affairs of Spain.

Mr. Rendon entertains the opinion that his court will be disposed to cede that portion of the Floridas, which, by the treaty between Great Britain and the United States, has been assigned to the United States. But he does not believe that his court will make this cession in consideration of that treaty. He thinks it should be regarded only as a continuance of the desire with which his master is animated, to give to the United States a proof of his good will and friendship. He farther believes that the port of New Orleans may be opened to the American commerce and navigation by the Mississippi.

Mr. Rendon however gives these conjectures only as his private opinion, declaring he has no instructions upon the subject.

Whether Mr. Bingham has been reimbursed the advances made by the correspondent of the Commissary General for the Frigate Confederacy? If he has been, in what manner ought the payment of the correspondent to operate in the absence of Mr. Bingham?

The commerce between France and her colonies on the one part, and the United States on the other, having been regulated by a treaty, it can only be modified after a full examination of the changes which will be proposed; and the Chargé d'Affaires of France will receive with much pleasure any communications which Mr. Jay may make him upon the subject. He can assure him in advance, that the United States will experience on the part of the Government of France, every facility in accordance with the advantage of the subjects of the Kingdom and the established system.

The American Plenipotentiaries have probably already informed Congress of the new proof which his Majesty gives of his affection and friendship to the United States, in opening to them the ports of the Isles of France and Bourbon, heretofore closed. The American merchants and navigators can now proceed there from the ports of this continent, where they will be received; they can there obtain refreshments, dispose of a part, or the whole of their cargoes, or continue their voyage to the Indies or China. They can, on their return, again touch at those Islands, and sell the whole or a part of their cargoes. They will be privileged, also, to provide themselves with the merchandize and productions of these two colonies. It is hoped that the reciprocal advantages, which will result from these arrangements, may operate with the Court of Versailles to render them permanent.

Without repeating here what the *Chargé d'Affaires* of France had the honor to mention to Mr. Jay, he restricts himself to engage him to make his report of it, in order that Congress may judge of the necessity of fulfilling their engagements; and to entreat him to communicate such measures as may be enacted on this subject.

Different notes on this subject, have been presented to the Congress. Mr. Jay is entreated to bring them again to notice. He will there see the situation to which many French merchants are reduced, by reposing confidence in the faith of the United States. By referring to the Journals of Congress, he will find, that that body has recommended to the different States to enact laws in order to raise the necessary sums, for the payment of the interest of the loan office certificates, held by foreigners. In effect some laws have been passed for that purpose, particularly in Pennsylvania; but in this very State they

have excluded foreigners from a dividend, notwithstanding the pressing remonstrances of the Minister, and subsequently of the Chargé d’Affaires of the King. It appears that Congress is at present occupied with this business, in consequence of the last note transmitted. As the Assembly of Pennsylvania is about to meet, and as they appear disposed to pay the holders of certificates, who are inhabitants of that State, he is desirous that Congress may address new recommendations, or rather that they would assign a fund for the payment, as it appears the State is not disposed to conform to the recommendations which have been made.

The Chargé d’Affaires of the King has had the honor to transmit to Congress a note bearing date the 7th of last December; relating to the claims of the heirs of different French officers. Congress resolved on the 16th of the same month to refer the subject to the Paymaster General, with instructions to report thereupon as promptly as possible. Mr. Jay will have the goodness to communicate to the Chargé d’Affaires of France, the present state of this business.

DE MARBOIS.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, January 28, 1785.

Sir,

I have the honor to send you a note, where I have recapitulated, in a few words, the principal points of the conference which I had the honor to hold with you yesterday. I have there also mentioned some other points

which we were prevented from discussing. I shall be very grateful for any attention you may give to those different subjects. I have also the honor to transmit to you the originals of the pieces relative to the prosecution of Longchamps. I entreat you to accept the communication, and if it is necessary, to make it likewise to Congress, whenever I shall have the honor to address you officially a demand for the surrender of the culprit. I wish, sir, to consult with you upon my conduct in this affair, in order to prevent its occasioning any interruption of communication between the two powers, and if possible to prevent any coldness, which appears to me much to be apprehended, if the King does not obtain satisfaction. If ulterior explanations should be required, touching any of the different subjects upon which I have had the honor to converse with you, I will hasten to give them.

I am, with respectful attachment, &c.

DE MARBOIS.

NOTE FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

Monsieur De Marbois presents his respects to Mr. Jay, and has the honor to communicate to him an extract of a letter from France, which he did not receive until to day, on account of its having taken the route of Philadelphia. He places some reliance upon the news which it contains.

Monday morning.

Translation.

Paris, 12th of the 9th month, 1784.

“The affairs of Holland continue to give us much inquietude. The government of the Low Countries has despatched many vessels which have been stopped by the Dutch upon the Scheldt. The Count d'Ochra has been very active here; but it is yet unknown what he has done, and whether we shall be reconciled to the King, his brother. The Imperial troops approach, but not in great numbers, as the Emperor cannot, without imprudence, weaken himself on the side of Prussia. Luxemburg is destitute of troops and the militia there mount guard. It is hoped that the prudence of our Minister will arrange this important affair. With respect to the Hollanders, it is not the navigation of the Scheldt alone which is involved; if they suffer their rights and privileges to be attacked on one point, the next attempt will be perhaps upon their independence.”



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, }
New York, January 31, 1785. }

Sir,

I have been favored with your note of this date enclosing an extract of a letter from Paris of the 12th November last, for which I thank you, and which I shall communicate to Congress in the morning.

Agreeably to an act of Congress of the 15th ult. a copy of which was delivered to me this day, I have the honor to inform you that the United States, in Congress

assembled, have received your note of the 19th November, with the papers enclosed, and are happy in the assurance given that his most Christian Majesty will see, with pleasure, measures taken to consolidate and maintain a good understanding between his Catholic Majesty and the United States, and they flatter themselves that their disposition and endeavors to cultivate the friendship of the Catholic King will produce the desired effect. That Congress have a high confidence in the justice of his Catholic Majesty, and rely that he will submit the mutual rights of Spain and the United States of America to amicable discussion, without adopting measures which may prejudice those rights.

I have the honor to be, &c.

JOHN JAY.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, February 10, 1785.

Sir,

I have the honor to address you a note wherein I demand the surrender of *Sieur Longchamps*. The papers which I have had the honor to transmit to you justify the demand which I make, and I entreat you to return them to me when no longer necessary to you. If Congress desire the perusal, it will suffice if they are returned by the 20th of the month.

I have had the honor to confide to you the steps taken by *Madame De Marbois* since the 4th of January last, and those which I propose to take in favor of the

culprit, as soon as Congress shall have accorded the satisfaction demanded by the King. I endeavor, while there is yet time, to prevent bad consequences from an affair which appears to have been excited designedly. But evil disposed persons apply themselves in the meantime to inflame the minds of the people in Philadelphia, by false representations published in the gazettes, and re-published in those of New York. Although similar publications have taken place throughout the whole course of this affair, I was not willing that any reply should be made, notwithstanding the advantages of every kind which my situation gave me, and there not being the slightest pretext to colour the attempt. I rely entirely upon the justice of Congress, and their respect for the rights of nations, violated in an unexampled manner. Notwithstanding the efforts of the evil-minded to produce a coldness between the King and the United States, I am not the less determined, even to-day, to pursue the plan which I had formed, to solicit the clemency of the King, as far as may be consistent with the inviolability due to public Ministers. But the publications which take place in the newspapers, tend to prevent the effect of those measures. I do not doubt, sir, that you will unite with me cordially in all which can contribute to the maintenance of a good understanding, and I entreat you to consider maturely the part which ought to be taken to arrest the licentiousness of the press.

I am with respect, &c.

DE MARBOIS.

MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, February 10, 1785.

Sir,

I have the honor to transmit to Mr. Jay an anonymous letter which I received by yesterday's post. I am very doubtful whether it has been written with good intention. Such as it is, I thought proper to communicate it to the Honorable Secretary for Foreign Affairs.

DE MARBOIS.

Translation.

Philadelphia, February 4, 1785.

“ Sir,

My attachment for you and the public good, induces me to inform you, that you will not be safe in returning here. The friends of Longchamps are enraged at the steps which it is said you have taken against him. It is reported that if you return, they mean to take violent measures against you, and he himself threatens to be revenged in an exemplary manner, as soon as he is at liberty. I believe it would be unwise in you, to neglect any precaution with respect to your safety. I pray you to reflect that this man has nothing to lose, that he has no means of living, and that his debts already exceed the property of his wife. The most desperate courses are the best for him. I do not sign my name, because I should thereby expose myself to people who have told me their projects as a great secret.”

I am with profound respect, &c.

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

New York, February 11, 1785.

Sir,

I have received the letters which you did me the honor to write yesterday, together with the anonymous one of which you make mention.

I have this morning transmitted them to his Excellency the President to be laid before Congress, and shall take the earliest opportunity of communicating to you, the result of their deliberations on the interesting subjects of them.

I have the honor, &c.

JOHN JAY.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

The undersigned, Chargé d'Affaires of France, has the honor to inform Congress, that his Majesty demands, that the Sieur Longchamps, his subject, shall be sent to France, in order to be tried there. The crime of this individual being known to Congress, the undersigned will enter into no detail upon the subject; but limits himself to assure that Assembly, in conformity with the order he has received, that the United States will be permitted to exercise an entire reciprocity, if there should ever happen in France a similar or analagous case with respect to their Ministers or public officers.

BARBE DE MARBOIS.

FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

New York, February 11, 1785.

Sir,

I have the honor of transmitting to your Excellency, herewith enclosed, the following papers which I received yesterday from M. De Marbois, viz: a note demanding the surrender of M. Longchamps, a letter on that subject and on certain publications respecting it, and another letter enclosing an anonymous one, which had been sent to him. All of which I think it my duty to lay before Congress without delay.

I have the honor to be, &c.

JOHN JAY.



The Secretary of the United States for the Department of Foreign Affairs, to whom, on the 14th instant, was referred the requisition of the Chargé d'Affaires of France, that a certain Charles Julian de Longchamps (now in custody at Philadelphia, in pursuance of the judgment of a court of law against him,) be delivered up to his most Christian Majesty, reports thereupon as his opinion,

That it appears that the said Charles Julian de Longchamps was indicted at the Court held at Philadelphia in 1784, for an infraction of the law of nations, and for an assault and battery. And that both these offences consisted in violences offered by him against a Consul General and a Secretary to a Legation of France, residing at

Philadelphia under the faith and protection of the law of nations and the other laws of the land.

That it further appears that the said Charles Julian de Longchamps was in due course of law tried for the said offences, and being thereof found guilty, was judicially sentenced to pay a fine of one hundred crowns; to be imprisoned until the 4th July, which will be in the year 1786, and then to give good security to keep the peace, and to be of good behavior to all public ministers, secretaries of embassies and consuls, as well as to all the liege people of Pennsylvania, for the space of seven years, by entering into recognizance, himself in one thousand pounds, and two sureties in five hundred pounds each; to pay the costs of the said prosecution, and remain committed until that sentence be complied with.

That it also appears that the said Charles Julian de Longchamps is now actually confined in the prison of Philadelphia, in execution of the said sentence. Your Secretary considers the following principles to be unquestionably true, viz :

That every friendly foreigner, coming to any country on lawful business, is entitled to the protection of the laws of that country, on the one hand, and owes obedience to them during his residence, on the other;

That whenever such foreigner breaks the peace, or otherwise violates the laws of the land, he is as amenable to them as any other person; and that the sovereign power of the State has undoubted right to punish him in the manner and degree prescribed by the laws of the State;

That where the said laws sentence such offending foreigner to imprisonment for a limited time, the State

has a clear right to hold and detain him in prison accordingly ; and are not bound to release or deliver him up to his Prince, for any purpose whatever, before he shall have satisfied the laws of the land, which he has violated, by undergoing the punishment decreed thereby for his offence.

Your Secretary is therefore of opinion, that the requisition in question is premature :—for, admitting Charles Julian de Longchamps to be a Frenchman ; admitting that he has offended his Prince either here or elsewhere ; admitting, further, that his Prince has a right to demand him, and that the United States were bound, by treaty or otherwise, to deliver him up ; yet it is not to be denied that he has broken the peace and violated the laws of this country, and having been legally condemned to imprisonment for the same, a compliance with the said requisition at present cannot possibly be required by the law of nations.

How far it would be right and proper for the United States afterwards to demand of the State of Pennsylvania to deliver the said Charles Julian de Longchamps, to be tried and judged in France, for that part of the aforesaid offence against the peace, government, and dignity of that Commonwealth, which consisted in his having there violated the rights and privileges of his most Christian Majesty's Legation, and how far such demand would be warranted by the law of nations and the federal compact between the States, are questions so new, so deeply and intimately connected with the nature of our constitutions and confederation, and so extensive and important in their consequences, as to require very ample discussion, much reflection, and serious consideration.

Your Secretary is further of opinion, that the Minister Plenipotentiary of the United States at the Court of France should be instructed to submit the above facts and reasons to the candid consideration of his most Christian Majesty, to assure him that it would give them great pain to have their conduct viewed by him in an unfavorable point of view; and that they flatter themselves the reasons which render it impossible for them at present to comply with his requisition, will appear as conclusive to him as they do to Congress. That they will maturely, candidly, and earnestly consider how far a compliance with it, when the prisoner shall be legally released, may be free from objections. That they wish, and will endeavor, in the mean time, to make that very important question the subject of mutual and friendly discussions; that as the man himself can be no object with the States, and as neither their interest nor their inclination can lead them to give cause of umbrage to their first and best friend and ally, they hope he will have perfect confidence in their sincerity when they declare that obstacles to their complying with his requests will always give them as much concern and regret as opportunities of manifesting their respect, their regard, their gratitude, and their attachment to him, will always give them pleasure and satisfaction.

All which is submitted to the wisdom of Congress.

JOHN JAY.

Office of Foreign Affairs, }
16 Feb. 1785. }

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, February 22, 1785.

Sir,

An express just arrived from Philadelphia obliges me to set off for that place without delay. I could have wished to have taken leave of you before I set off, and to have received some information respecting the affairs I have had the honor to communicate to you, but circumstances prevent me. I propose to return to this place, so soon as the health of Mrs. Marbois will permit me ; but as I presume I shall be detained in Philadelphia some weeks, I must beg you to transmit to me the determinations of Congress on the different affairs on which I have presented memorials, or which I have had the honor to communicate to you verbally.

Herewith, you will find a memorial of the *Sieur Rousille*, who has served on board of a frigate of the United States. I beg you to put it in my power to acquaint him with the decision of Congress thereon.

I have also, the honor, to address to you the copy of a letter from the Count de Vergennes, respecting a debt of the United States, paid by the royal treasury to Messrs. Sabatier and Despres, together with the vouchers of that debt. I request, sir, you would communicate to me whatever measures Congress may take for the liquidation of this debt.

I owe it to the character with which I am honored, to communicate to you a gazette in which you will find an article which concerns me, and which I leave to you to describe. I beg you, sir, to compare it with the anony-

mous letter I received, and which I had the honor to communicate, for you to consider that an indispensable duty calls me to Philadelphia, and to acquaint me with the opinion of Congress respecting such publications, and the circumstance itself. You know, sir, that it is to that Assembly only, I can address myself in order to enjoy throughout the whole extent of the United States the inviolability due to my character.

I am with a respectful attachment, &c.

DE MARBOIS.

MEMORIAL OF PIERRE ROUSILLE.

Translation.

The Sieur Pierre Rousille, native and inhabitant of Bordeaux, has the honor to represent, that he embarked the 22d May, 1778, as volunteer, in the United States frigate, the Boston, commanded by Captain Tucker, then going on a cruise against the enemy. On the 19th of June following they made a prize of an English ship coming from Spain, and the memorialist was chosen as one of those destined to conduct the prize to Boston; but, on the way thither, they had the misfortune to meet the Porcupine, English frigate, who retook the prize, and conducted them prisoners to Portsmouth, where they arrived the 8th July, and your memorialist remained near two years in prison in England, without any news of the frigate in which he embarked.

At his return to France, your memorialist learnt that the frigate had been fortunate enough to take several prizes, which were sold at Nantz, and the proceeds paid

into the hands of Captain Tucker ; (as is proved by a letter of the 19th of September, 1780,) signed by Messrs. Schweighauser and Dobree, who had been commissioned to sell them.

Your memorialist had, without doubt, a right to claim his part of the prizes, though taken in his absence, and while he was detained in the prisons of England, and especially as there was an express agreement and promise of Captain Tucker, made when your memorialist went on board the prize ; he having then promised your memorialist and the others, that whether they got safe to Boston or whether they had the misfortune to be taken, they should always be included in the division of any prizes the frigate might make, this promise ought therefore to be carried into effect ; and the more so, having regard to a captivity of two years which your memorialist suffered, and to the zeal and affection for the service of the United States, thus manifested by a Frenchman, and which Captain Tucker and the admiralty of the United States must both acknowledge.

Your memorialist has not neglected to get intelligence of Captain Tucker. He wrote to him as well as to the admiralty of the United States ; but though your memorialist's letter came to hand, he never could receive the least answer to them ; and this silence of both of them, shews a disposition, which your justice, my lord, will not approve. Thus circumstanced, your memorialist implores the aid of your powerful recommendation to the admiralty of the United States, that payment may be made to your memorialist of his part of the prizes, as well as of the pay due to him as volunteer on board the said frigate Boston. This demand, just in itself, cannot any

longer meet with difficulty, when it is considered, that having represented the matter to the Marshal De Castries, our Minister of Marine, he thought it so just, that by his letter of 20th August last, he directs me to address myself to Mr. Franklin, which I did not fail to do; and Mr. Franklin, in his letter of the 12th September, directs me to address myself in America, and gives the greatest confidence in the justice of the admiralty of the United States.

But whilst taking all these steps, I received, the 7th of September last, a letter dated Boston, 21st July, 1784, signed De L'Etombe, containing word for word, as follows:

“I have received, sir, the letters you did me the honor
 “to write to me in the years 1782, 1783, and 1784.
 “I have spoken to the admiralty of this city, of your
 “antiquated claims. I had before mentioned them, and
 “had advised you of the death of Captain Tucker, and
 “the settlement of his accounts. I am now assured that
 “your claims are no better than they were, and General
 “Warner, to whom I mentioned them, informs me, there
 “is no taking up again accounts which have been liqui-
 “dated and settled; and that you must take the fault on
 “yourself, for not having applied in time.

“I am sorry I cannot give you a more favorable
 “answer; but on any other occasion I shall always be
 “happy to render you service, and do assure you that
 “I am, sir,

Your very humble servant, &c.

(Signed) DE L'ETOMBE.”

The perusal of this letter will shew the contradiction it contains, it appears so to all who have read it, for Mr. De L'Etombe calls my demands out of date, that is, not recoverable, forfeited by not applying in time ; but how could he make use of such language, after acknowledging the receipt of my letters of 1782, 1783 and 1784 ; doubtless these letters had no other object but these claims, there must therefore be an error or injustice in attributing to me a neglect, I have not been guilty of. I need no other proof, than the contradiction strongly marked in this letter.

It is, however, true, that after I was released from captivity in England, I took every method in my power to claim my due. The roll of the crew of the frigate, when she was paid off, will shew I was included in it, and the admiralty of the United States should have secured the pay, &c. due me as is practised in France, for it could not be lost, either myself or my heirs would always have a right to it, and it cannot be supposed that the United States can regard with indifference the vicious and unjust decision contained in the letter above mentioned, and deprive me of my pay and prize money gained in their service, and which was the cause of a two years captivity, with the loss of all I had.

It is of no consequence that Captain Tucker is dead, and that his accounts are settled, since it was not in my power to object to that settlement, being a prisoner in England; and besides, being a Frenchman, and in Europe, I could not know of the settlement, nor could I transport myself suddenly to the place, so that all things considered, nothing can prevent the admiralty of the United States from paying what appears due to me at the paying

off the Boston frigate, the rolls of which they must have preserved. It is from their justice alone I expect it, as it is to them only I can look for the failure of Captain Tucker in paying me my due.

P. ROUSILLE.

My address is at Mr. Cazemeau, Broker, Rue Causse rouge, at Bordeaux.



FROM THE COUNT DE VERGENNES TO THE CHARGE D'
AFFAIRES OF FRANCE TO THE UNITED STATES.

Versailles, October 12, 1784.

Sir,

I annex the copy of a letter from the Comptroller General, with the account which accompanies it, relative to a sum paid from the Royal Treasury to reimburse Messrs. Despres and Sabatier for articles furnished by them to the United States. You will please to take the necessary steps to engage Congress to rid themselves of this debt, and to pay the amount into the Royal Treasury agreeably to the demand of the Comptroller General, founded on the vouchers he has furnished.

I am, &c.

DE VERGENNES.



FROM M. DE CALONNE TO THE COUNT DE VERGENNES.

In conformity to the letter you did me the honor to write to me the 8th February, I caused payment to be made from the Royal Treasury to Messrs. Despres and

Sabatier of the sum of 134,065 livres 7s. 6d. due to them for articles furnished to the United States of America. You were pleased to assure me, that you would charge yourself to demand the repayment of this advance to Congress, whenever I should furnish you with the vouchers.

I have therefore the honor to address to you, the account of payments made to the United States on the ten millions borrowed from Holland. You will see, sir, that the Royal Treasury has paid 134,065 livres 7s. 6d. above the ten millions, and that this excess is carried to the second expedition of articles furnished by Messrs. Despres and Sabatier, whose certified accounts I annex. The original vouchers of the articles furnished are deposited in my office, and M. De Veimeranges has delivered duplicates of them to Mr. Franklin.

I shall be much obliged by your endeavors to procure the return of this advance to the Royal Treasury.

Translation.

ADVANCE of ten millions, granted by the King to the United States of America, payable with interest 1st January, 1783.

Articles to be carried to account of the advance of Ten Millions.

Subsidy to Mr. Laurens,	} 2,500,000	Excess of 6 mon. subsidy, per Margin,	} 146,000
Sum returned from Holland,	} 1,430,000	Drafts of Mr. Morris on M. C. Couteulx,	} 1,201,100.4.8
To Mr. Grand, for drafts on Mr. Franklin,	} 2,216,000	Paid Mr. Grand in Febr'y, March, & April, 1782,	} 1,300,000
	<u>6,146,000</u>		<u>2,647,100.4.8</u>

Brought forward, 2,647,100.4.8

Military Stores.

Replacing the effects of M. de la Fayette and articles furnished, viz :

1st. 200,000 lbs. powder, including expense of transporting it to Brest	196,481.15. 3	
2d. To Messrs. Despres and Sabatier, articles furnished 1st time at the requisition of Col. Laurens,	1,011,248. 5.11	
(*) 3d. Articles furnished 2d time, including the replacing effects of M. de la Fayette,	2,194,219. 7. 4	
4th. Articles furnished by the War Department in May and June, 1781,	1,052,345.11. 6	
5th. Ditto, by Marine Department,	252,275	
6th. Freight of 4 vessels sent from Brest to transport the stores,	293,430	
		5,000,000
Sums paid out of the Treasury to Mr. Grand in the seven last months of 1782,	2,352,399.15. 4	
		10,000,000

(*) The articles furnished the second time by Messrs. Despres & Sabatier amounted, by the certified account of M. de Veimeranges, 2,328,284.14.10
Of which is included in the 10 million only 2,194,219. 7. 4

Remains to be paid 134,065. 7. 6

Which the Royal Treasury advanced to Messrs. Despres & Sabatier in 1784. The Count de Vergennes promised to demand the reimbursement of this sum of the United States.

Translation.

UNITED STATES OF	}	<i>Amount of Articles furnished and</i>
NORTH AMERICA,		<i>Sums advanced to the United</i>
2d EXPEDITION.		<i>States of North America.</i>

Account of sums, forming together the amount of a second expedition of clothing and military stores, which the Messrs. Sabatier and Despres furnished to the United States of America, at the requisition of Colonel Laurens, including the expense of pack-

ages, commission, gratification to the Store-keeper General at Brest for trouble ; and also the expenses of transportation from St. Denis and other places to Brest, viz:

According to the accounts of the said articles furnished, No. 1, indorsed A. A. ; extract of invoices annexed, No. 2, indorsed B. B. ; account of their reception in the magazines at Brest, and the shipment, No. 3, indorsed C. C. ; the certificate of examination of the articles, No. 4, indorsed D. D. ; and the warrant of the order, No. 5, indorsed E. E., <i>two millions one hundred and ninety-three thousand one hundred and six livres five sous, including six per cent. allowed Messrs. Sabatier & Despres for advances, commission, trunks, and packages, as per said account,</i>	2,193,106. 5
According to the account of sums advanced by the said Sebatier and Despres to pay the bills of transportation of said effects and the commission on said payments at four per cent. agreeably to the account of articles No. 6, indorsed F. F. <i>the sum of one hundred and thirty-five thousand one hundred and seventy-eight livres nine sous and ten deniers,</i>	135,178. 9.10
Total general,	<u>2,328,284.14.10</u>

The above account, amounting to *two millions three hundred and twenty-eight thousand two hundred and eighty-four livres fourteen sols and ten deniers*, certified to be just and true.

SABATIER & DESPRES.

The above account examined by us, Principal Commissary of War, amounting to the sum of *two millions three hundred and twenty-eight thousand two hundred and eighty-four livres fourteen sols and ten deniers*, agreeably to the different accounts therein mentioned, and numbered 1, 2, 3, 4, 5, and 6, and marked A. A., B. B., C. C., D. D., E. E., and F. F.

DE CORNY.

Paris, 26th December, 1782.

The above accounts, amounting to *two millions three hundred and twenty-eight thousand two hundred and eighty-four livres fourteen sols and ten deniers*, examined and agreed to, agreeably to the different vouchers and accounts therein mentioned, and also examined by us.

VEIMERANGES.

Paris, 12th January, 1783.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

Philadelphia, March 8, 1785.

Sir,

I have the honor to address to you a note, which I must request you to lay before Congress. The unfortunate people whose interests I have put into your hands, have patiently waited until the moment of peace, and I have not ceased to support their hopes until this moment. I beg you to put it in my power to acquaint them that their confidence in the faith of the United States has been well founded.

In reminding you, sir, of the different notes, which I have had the honor to present to Congress, or to put into your hands, permit me to mention that, in particular, which respects the demands of the different French officers, or their widows or heirs. Congress has referred them to the War Department. If the report has come to your hands, or if there has been any resolution on the subject, I must request, sir, that you will make me acquainted with it. In case nothing should have been determined on the subject, I must take the liberty to remind you of it.

The orders which must be observed in the Department of Finance, renders it necessary to know beforehand at what periods the United States can make payments of the sums payable by them into the Royal Treasury in the course of this year. If particular circumstances should even oblige Congress to some delay for part of the sum, it is not the less necessary to be previously

informed of this, that measures may be taken to supply the deficiency. I shall be exceedingly obliged to you for the necessary information on this subject.

I am with respect, &c.

DE MARBOIS.



NOTE.

Translation.

The Chevalier de la Luzerne, and since his departure, the undersigned Chargé d’Affaires of France, has, at different times, received memorials, letters and demands of French subjects, possessing loan office certificates, representing how prejudicial it is to their affairs, that the engagements entered into by the United States for the payment of the interest and redemption of the principal of those contracts, have not been fulfilled,—some of them have even furnished proofs, unhappily incontestible, that the confidence they had in the solemn promises which were made to them, have been the cause of their ruin, and that the reverse of fortune they have experienced, can never be entirely repaired. The undersigned has had the honor to inform Congress of these circumstances, in a note delivered some months since, he waited their decision to send satisfactory information to the concerned, and in the meantime has written them, to rest with confidence in the respect of Congress for their engagements, and on his uninterrupted efforts to procure them payment; but he has just received many letters from France, in which the creditors of the United States in France again complain of the little satisfaction they can procure on

claims so just; they are informed that without regard to the recommendation of Congress, some States have appropriated funds for the payment of the interest on certificates of money borrowed, in possession of the inhabitants and that the foreigners have been excluded from this partition, they have made among themselves of the public revenue. The undersigned takes the liberty to remind Congress of these facts, and he hopes that Assembly will take into consideration the unhappy situation of the French creditors of the United States, that they will consult justice in adopting efficacious measures for their payment, at the same time considering that not being inhabitants of the United States, the sums due to them, can be discharged only in money, and not in paper or any effects whatever, which are of no value out of the United States, or are not equal in value to the sums they should represent.

The undersigned, for many years witness to the constant endeavors of Congress to procure justice to all their creditors, and to support public faith, hopes they will enable him, as soon as possible, to return satisfactory answers to the French creditors, and that they will consider his repeated and pressing solicitations on this subject, as arising from his duty and the persuasion he is in, that Congress view with pleasure every measure which has justice for its object.

DE MARBOIS.

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, }
March 10, 1785. }

Sir,

I have the honor to inform you, that, on the seventh instant, Congress was pleased to permit the honorable Benjamin Franklin, Esq. their Minister Plenipotentiary at the Court of Versailles, to return to America as soon as convenient, and that they have assigned a day for the election of another to succeed him.

I have the honor to be, &c.

JOHN JAY.



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

New York, March 11, 1785.

Sir,

I have the honor of informing you, that Congress were pleased yesterday to appoint the Honorable Thomas Jefferson, Esq. to be their Minister Plenipotentiary at the Court of Versailles, in the room of Dr. Franklin, who, at his request, has leave to return.

I have the honor to be, &c.

JOHN JAY.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Philadelphia, March 17, 1785.

Sir,

I have received the letter you did me the honor to write, communicating to me the appointment of Mr. Jefferson, as Minister Plenipotentiary from the United States to the Court of France; I shall transmit this information for the Minister for foreign affairs, and I am persuaded his Majesty will receive the news with pleasure. I am, &c.

DE MARBOIS.



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Translation.

New York, March 21, 1785.

Sir,

I have received, and laid before Congress, your letter of the 8th instant.

The late order of Congress, that all papers in French, to be communicated to them by me, should be accompanied with translations, and the number of such papers which I have lately referred to the interpreters, has prevented my giving all the despatch to those with which you have favored me, that I should otherwise have done.

You must be sensible, sir, that the long recess of Congress must greatly have augmented their business, and that the same expedition cannot be expected from public deliberative bodies as from Executive officers or boards composed of a few members. For my part, I am per-

suaded that the affairs to which you solicit the attention of Congress, will not be neglected; but that they will continue to treat all your applications with that respect, which is justly due to every application made on the part of his most Christian Majesty. I assure you, sir, it will always give me pleasure to promote the bringing all these matters to a speedy conclusion, and that I will immediately communicate to you whatever Congress may be pleased to refer to me for that purpose.

I have the honor to be, &c.

JOHN JAY.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

Philadelphia, March 29, 1785.

Sir,

I have received the letters you did me the honor to write to me on the 21st of this month. The assurances they contain, respecting your disposition, as well as that of Congress, cannot but be very agreeable, and I await the effects with the most perfect confidence.

I wait also, sir, an answer to the letter I had the honor to write to you the 25th of December last. I am sorry to importune you on this subject, but the month of March is almost expired, and as I must, without delay, leave Philadelphia, I cannot continue to be answerable for the trust committed to me by Congress; and on the other hand, I will not change its destination, without knowing the intentions of that assembly. I am, &c.

DE MARBOIS.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

Philadelphia, April 9, 1785.

Sir,

I have the honor to address to you the commission of Monsieur the Chevalier de Chateaufort, as Consul for the two Carolinas and Georgia. I must request you to lay it before Congress, and to procure the resolutions customary in like cases, as well as the requisitions for the *Exequatur* from the three States, in which he is to exercise the office of his Majesty's Consul. I must request, also, that after the commission has been registered, you will return it to me, together with the resolutions of Congress. Monsieur de Chateaufort will receive them here, before he sets off for his destination.

As I must return without delay to New York, and as the business of the consulate must not be interrupted, my brother will do the duties here during my absence, in the same manner as those of the Consul of Charleston have been done, to this time, by the Vice Consul of Georgia.

I must therefore beg, sir, that you will procure me a resolution of Congress to that effect, and a requisition to the States of Pennsylvania and Delaware for his *Exequatur* and notification of Pierre Francois Barbé de Marbois, jr. as Vice Consul to the States of Pennsylvania and Delaware.

I am with respect, &c.

DE MARBOIS.

Translation.

Patent of Consul of France to the States of North and South Carolina and Georgia, in favor of the Sieur Ignatius Romain Chevalier D'Aristay de Chateaufort, resident at Charleston.

LOUIS,

By the Grace of God, King of France and Navarre,
To all to whom these presents shall come, greeting:

Having thought it necessary to create an office of Consul to the States of North and South Carolina and Georgia, and being informed of the knowledge, probity, zeal and fidelity to our service, of the Sieur Ignatius Romain Chevalier D'Aristay de Chateaufort, we have judged, that we could not make a better choice than of his person, to exercise the said office, and being moved by these and other causes, we have named, ordained and established the said Chevalier D'Aristay de Chateaufort, and by these presents, signed with our hand, we do name, ordain and establish him, our Consul to the States of North and South Carolina and Georgia, with power *to establish agents in such ports in his department, as he may judge necessary, to see to the execution of the rules and ordinances relative to commerce and navigation, and to support the privileges which the French should enjoy according to the treaties and conventions, and further to order and do, within the extent of his consulate, whatever he may judge necessary for the good of our service, and the advantage of our subjects,* willing that he should make his ordinary residence at Charleston, and that he should enjoy the honors, authority, pre-eminence and

prerogatives annexed to the said office of Consul, and the appointment or salary thereto belonging, which appointments shall be for all expenses and emoluments whatever, without any pretension to exact any other benefit; and for these purposes we give him our special commands, power, and authority. And we command our trusty and well beloved Chevalier de la Luzerne, our Minister Plenipotentiary to the United States of America, to have the said Chevalier D'Aristay de Chateaufort acknowledged in his said quality of Consul, and to afford him every assistance; and we do order all navigators, merchants and others, to acknowledge and obey him, for such is our pleasure; and we do pray and request our very dear friends and allies, the United States of America, their governors and other officers, civil and military, to let the said Sieur Ignatius Romain Chevalier D'Aristay de Chateaufort, enjoy, peaceably and fully, the said office of Consul to the States of North and South Carolina and Georgia, without any molestation or hindrance, but on the contrary to afford him every assistance, offering to do the like whenever we shall be so required.

In witness whereof, we have caused our privy seal to be affixed to these presents. Done at Versailles the 25th day of April, 1784, and in the tenth year of our reign.

LOUIS.

By his Majesty's command,
L. M. DE CASTRIES.

*Report of Secretary Jay, on a communication from the
Chargé d'Affaires of France, relative to "Vice Con-
suls."*

Office of Foreign Affairs, }
April 18, 1785. }

The Secretary of the United States, for the Department of Foreign Affairs, transmits herewith enclosed, a letter and a translation of it from the Chargé d'Affaires of France to him, of the 9th inst. and a Commission, with a translation of it, from his most Christian Majesty, appointing the Sieur Ignatius Romain Chevalier D'Aristay de Chateaufort, to be Consul of France for the States of North and South Carolina and Georgia, to reside ordinarily at Charleston.

Your Secretary reports that it should, in his opinion, be *Resolved*, That the said commission be registered in the Secretary's office; and that thereupon an act of recognition, in due form, be immediately issued to the States in question, in order that they may furnish the said Consul with his Exequatur or notification of his quality, that the same may be made known and published.

Your Secretary is exceedingly at a loss to report whether any thing, or what, ought to be done in pursuance of the last paragraph in the abovementioned letter, viz:

"As I must return without delay to New York, and as
"the business of the Consulate must not be interrupted,
"my brother will do the duties here, during my absence,
"in the same manner as those of the Consul of Charles-
"ton have been done to this time by the Vice Consul of

“ Georgia. I must therefore beg, sir, that you will procure me a resolution of Congress to that effect, and a requisition to the States of Pennsylvania and Delaware, for his Exequatur and notification of the character of Pierre Francois Barbé de Marbois, Jr. as Vice Consul for the States of Pennsylvania and Delaware.”

It appears, from the Journal of Congress of the 11th February, 1784, that M. De Marbois was Consul General for the thirteen United States. He, therefore, appears to have authority to appoint a Vice Consul, and, consequently, to have given a proper brevet for that place to his brother. No such brevet, however, appears, although it has heretofore been the practice to produce one previous to the recognition of a Vice Consul.

Your Secretary finds himself also embarrassed by the uncertainty which still exists respecting the execution of the Convention, proposed to be entered into by the United States and the King of France, for the establishment of consular powers.

That Convention appears to have been sent to Dr. Franklin in the year 1782, with a resolution of Congress of 25th January in that year, authorizing him to alter the words or arrangement of it, and some other matters.

In a letter of his, to the President of Congress, dated the 25th of December, 1783, is the following paragraph:

“ The Treaty between this Court and the United States, for regulating the powers, privileges, &c. of Consuls, is at length completed, and is transcribing in order to be signed. I hope to transmit a copy by the next post.”

Your Secretary cannot learn that any further information on this subject has since been received.

The second article of this Convention provides that the Consuls of his most Christian Majesty, and of the United States, may appoint any number of Vice Consuls within their respective departments, upon the notification of their appointment by the Consuls, to the Supreme Executive power of the State to which they may be sent ; the Exequatur shall be applied for and delivered by the several States to them, in the same manner as to Consuls ; and thereupon the pre-eminences, &c. stipulated in this Convention, in favor of Vice Consuls, shall be allowed in all places, before all tribunals, and by all persons.

From this it would seem as if any application to Congress, in the case of appointing a Vice Consul, was unnecessary. And this idea derives force from that part of the first article which makes it a duty of the Consuls "of his most Christian Majesty to present *their commissions*," in the first instance, to the United States in Congress assembled, by whom an act shall be made recognizing them as such. This act being delivered to the State to which the Consul is sent, operates as a warrant to the Executive power of that State to issue the Exequatur ; but as to the case of a Vice Consul, the first article is silent, and the second article appears to consider the notification of his appointment to the Executive power, by the Consuls making it, as a sufficient warrant for issuing the Exequatur.

If such be in fact a true construction of those articles, and the Convention should be in full force, it seems very doubtful how far it would be advisable for Congress to depart from the line marked out in it.

As to the case adduced, of the Vice Consul of Georgia having done the duties of the Consul of Charleston, your Secretary, not having as yet been able to acquaint himself with the particular circumstances of it, cannot judge how far it may or may not be applicable to the one under consideration.

All which is humbly submitted to the wisdom of Congress.

JOHN JAY.



Extract from the Secret Journal of Foreign Affairs.
May 11th, 1785.

“On the report of the Secretary for Foreign Affairs, accompanied with a letter of the 9th of April from the Chargé d’Affaires of France, and a commission from his most Christian Majesty, appointing the Sieur Ignatius Romain Chevalier D’Aristay de Chateaufort to be Consul of France, for the States of North Carolina, South Carolina and Georgia, to reside ordinarily at Charleston,

Resolved, That the said commission be registered in the Secretary’s office, and that thereupon an act of recognition in due form be immediately issued to the States in question, in order that they may furnish the said Consul with their Exequatur or notification of his quality, that the same may be made known and published.

The committee, consisting of Mr. King, Mr. Monroe, and Mr. Johnson, to whom was referred a report of the Secretary for Foreign Affairs, on the following paragraph in the letter of the 9th, from the Chargé d’Affaires of France :

“ As I must return without delay to New York, and as
“ the business of the Consulate must not be interrupted,
“ my brother will do the duties here, during my absence,
“ in the same manner as those of the Consul of Charles-
“ ton have been done to this time, by the Vice Consul of
“ Georgia; I must therefore beg, sir, that you will procure
“ me a resolution of Congress to that effect, and a requisition to the States of Pennsylvania and Delaware for his
“ Exequatur and notification of the character of Pierre
“ Francois Barbé de Marbois, jr. as Vice Consul for the
“ States of Pennsylvania and Delaware,”

Report, that on the 14th day of September, 1781, it was resolved by Congress, “ That until the ratification of some
“ Convention between his most Christian Majesty and the
“ United States, concerning vice consular power, every
“ Vice Consul of his most Christian Majesty shall, upon
“ the application of the Consul appointing him, to the Supreme Executive power of the State to which he may
“ be sent, receive the Exequatur in the like form with the
“ Exequatur delivered to the Consul, *mutatis mutandis*;
“ and thereupon the same proceedings shall be had with
“ respect to publication;” and although, subsequently to this resolution, on the 11th February, 1784, five brevets for Vice Consuls of France were presented to Congress, and registered in the office of their Secretary, and acts of recognition thereupon issued to the States concerned, in order that they might be respectively furnished with their Exequaturs or notification of their quality, it appears that they were appointed immediately by his most Christian Majesty, and therefore not within the provision of the resolve of the 14th September, 1781; and as the United States have not ratified any convention between them

and his most Christian Majesty, concerning Vice Consular power, and the resolve of the 14th September, 1781, aforesaid, establishes a mode for the recognition and notification of Vice Consuls of France, appointed by any Consul of that nation, which mode is to be observed until such Convention may be ratified, the Committee are of opinion that it would be inexpedient to vary from the mode therein established until the ratification of such Convention.

Resolved, That Congress agree to the report."



FROM JOHN JAY TO ROBERT MORRIS.

Office of Foreign Affairs, March 31, 1785.

Dear Sir,

Congress has directed me to cause the pictures of the King and Queen of France to be removed from Monsieur De Marbois' house to this place. That gentleman, intending soon to leave Philadelphia, is very solicitous to be relieved from the care of them, and has written to me within a few days past in pressing terms on the subject.

As Mr. Thompson purposes removing his family to this city, I had intended leaving these pictures where they are, until his furniture was ready to be removed, and to request the favor of him to give them a place among his goods; but as Mr. De Marbois' leaving the house soon, makes it necessary that they should be carried to a place of safety, until a good opportunity offers of sending them here, I must request the favor of you to be at this trouble, and to charge me with the expense attending it.

It is not pleasant to trouble one's friends with such sort of matters, but the particular circumstance of the case, must be my apology.

I am, &c.

JOHN JAY.



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

New York, March 31, 1785.

Mr. Jay presents his compliments to Monsieur De Marbois, and has the honor of informing him, that he has this day, by letter, requested the favor of Mr. Morris to receive and take charge of the pictures of the King and Queen of France. Mr. Jay flatters himself therefore, that Mr. De Marbois will soon be relieved from his embarrassments respecting those pictures. Congress has ordered that they be brought to this city, and placed in their chamber; and this will be done as soon as the season will admit of their being transported with ease and safety.

JOHN JAY.



FROM ROBERT MORRIS TO MONSIEUR DE MARBOIS.

Philadelphia, April 15, 1785.

Sir,

Two days since I had the honor to communicate (by one of my clerks,) a letter of the 31st of March, from the honorable Mr. Jay, requesting me to receive from you the pictures of the King and Queen of France, and you were pleased to appoint this-day or to-morrow for

FROM ROBERT MORRIS TO MONSIEUR DE MARBOIS.

Philadelphia, April 16, 1785.

Sir,

My intentions with respect to the pictures, were never made known to any of the persons who were employed to view and remove them, therefore it was not in their power to disclose to you what was unknown to themselves.

The information they gave must have been founded on their own conjectures, from the circumstance of my having desired the height of the pictures and the height of my front parlor to be taken ; and afterwards, when I was informed that the frames of these pictures must be taken off before they could be got out of your house, I observed in presence of one of those persons, that they might in that situation, be deposited in one of my rooms up stairs, which could best be spared from the family use until proper cases could be made for packing them. The idea of removing these pictures from your house is contained in Mr. Jay's letter to me in the following words: " As Mr. Thompson purposes to remove his family to this city, I had intended to leave these pictures where they are until his furniture was ready to be removed, and to request the favor of him to give them a place among his goods, but as Mr. De Marbois' leaving the house soon makes it necessary that they should be carried to a place of safety, until a good opportunity offers of sending them here, I must request the favor of you to be at this trouble, and to charge me with the expense attending it." From this paragraph you must readily perceive that I supposed, especially as the vendue was over, that you

were about to leave the house, and thence arose the necessity of removing the pictures. I was not very easy under the idea of responsibility for accidents that might befall them whilst in my charge, and had concluded to take them into my house as the safest place, with a determination (previously made known) of locking up the room and keeping my key in my own pocket the whole time they should remain there. Thus, sir, you will see it was not in my contemplation to screw and unscrew, to put them up and take them down, or make any ostentatious show of them. The veneration which I entertain for their Majesties, the respect I bear to Congress, and trust reposed by Mr. Jay, forbid such an idle display of vanity, as you have done me the honor to suppose was intended on my part.

You tell me, sir, when you applied to Mr. Jay upon this subject, you expected to have had the satisfaction of presenting, yourself, these valuable portraits to Congress. I am certain that if Mr. Jay had known of your expectation he would not have applied to any other person, and as my desire is only to comply with *his*, I have not a wish to deprive you of the satisfaction you propose to yourself upon this occasion, and therefore relinquish any interference, although I am not insensible to the honor conferred by the trust which was committed to me.

I am, Sir, &c.

ROBERT MORRIS.

FROM ROBERT MORRIS TO JOHN JAY.

Philadelphia, April 16, 1785.

Dear Sir,

Soon after the receipt of your letter of the 31st ult. I sent one of my young men to shew it to Monsieur De Marbois, and ask him when he would wish to have the pictures removed, he fixed on yesterday or this day, (as his public auction was to be held on Thursday) and yesterday I received a letter from him, of which the enclosure, No. 1, is a copy; in consequence of it I sent Mr. Wright, a portrait painter, to view the condition of the pictures, and a carpenter to measure the height of them, to see whether I could place them in my front parlor, which, being clean and free from vermin, I thought would be the safest place I could put them in, until you should order them for New York. It seems, from some conversation Mr. De Marbois had with the persons I sent thither, he took it into his head that I was going to shew off with their Majesty's pictures, vented some expressions of that purport, and finally refused the delivery of them.

As I had declined personal interviews with this gentleman for some time past, I wrote him the letter, of which No. 2 is the copy, received the answer, No. 3, and have closed the correspondence with No. 4. I will not take up your time by assigning what I suppose to be the reasons of Mr. De Marbois' conduct; all I wish is, that mine may appear as proper in your eyes as it does in my own.

I am, &c.

ROBERT MORRIS.

P. S. I have just received another letter from Mr. De Marbois, of this date, a copy whereof is enclosed, marked No. 5, to which I do not reply.



FROM MONSIEUR DE MARBOIS TO ROBERT MORRIS.

Translation.

Philadelphia, April 16, 1785.

Sir,

The letter which you have honored me with this morning, contains the most satisfactory explanations of a mistake, occasioned by your commissioners' positive assertions. At the same time you may be assured, had it been consistent with the intentions of Congress, and the shape of the portraits and pictures, there is no house where I might have seen them deposited, with more confidence of their preservation and safety, than yours. As to a desire you might have had of putting them up in your house, far from attributing it to an idle display of vanity, I could not but be flattered with your wishes upon that point. Your letter, explaining every thing which had occasioned a mistake, I would not have troubled you with this letter, had I not been desirous of removing, also, on your side, every ungrounded idea which you might have formed on the occasion, and also of expressing my satisfaction that you do not disapprove of my forwarding, myself, to the Congress, the pictures of their Majesties.

I am, Sir, &c.

DE MARBOIS.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

Philadelphia, April 17, 1785.

Sir,

I have received the letters you have done me the honor to write to me, respecting the portraits of the King and Queen. I have learnt with much satisfaction, the desire that Congress have to fix them in the place where they sit; I wish much to have the honor to present them myself; I have expressed this wish to Mr. Morris, and though he was anxious to take charge of them himself, agreeably to what you wrote us, he has however thought you would not disapprove his giving them in charge to me. I am extremely sensible of his complaisance on this occasion, and hope it will meet your approbation, that I may have the honor to present you these pictures the beginning of the next month.

I am, &c.

DE MARBOIS.



FROM JOHN JAY TO ROBERT MORRIS.

Office for Foreign Affairs. }
April 22, 1785. }

Dear Sir,

I have been favored with yours of the 16th instant, and exceedingly regret that your [friendly compliance with my request, and for which I very sincerely thank you, has been the means of drawing you into so unpleasant a correspondence.

Be assured, my dear sir, that your conduct on the occa-

sion, appears to me to have been perfectly proper, and that I cannot perceive the least room to conclude or suspect that you were influenced by any other motive, than those delicate, friendly and honorable ones, which uniformly direct and distinguish your actions.

With great esteem, &c.

JOHN JAY.



JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, }
April 28, 1785. }

Sir,

I enclose a letter I have just received from the Marquis de la Fayette. It contains, among others, a very interesting paragraph respecting Mr. Longchamps. Be pleased, sir, to read the whole to Congress, and I sincerely wish that his communication on that subject may be regarded as confidential.

I am inclined to think it might answer good purposes for me to send the Marquis (in a private letter) a copy of the report on the case of Longchamps. It might be the means of diffusing certain ideas at Versailles on that subject, which would promote our views without making Congress responsible for them, and tend to check any desire they may have to press us further about the matter.

I do not mean that a formal Resolution should be passed, or that any thing should appear on the Journals about it. Your Excellency will be able to perceive, from the reception of this proposition, whether the mem-

bers generally approve of it—and a private hint to do or omit it will answer every purpose.

I have the honor to be, &c.

JOHN JAY.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, May 16, 1785.

Sir,

I have the honor to send you a new memorial for Congress ; in it I have resumed the principal affairs respecting accounts which were mentioned in our last conversation. I earnestly request you to concur with me in adjusting these points. M. de Chateaufort only waits for the despatch of the recommendations of Congress to go to the place of his destination, and if I can send them to him, to-morrow, or the day after, he will receive them soon enough to depart in a packet-boat now at Philadelphia ; otherwise, he will be detained for some weeks.

I am, with great respect, &c.

DE MARBOIS.

NOTE.

Translation.

New York, May 16, 1785.

The underwritten, Chargé d'Affaires of his most Christian Majesty, has the honor to submit to Congress, several matters which have been presented to him, and

respecting the greater part of which this body has passed several resolutions which have not received a final execution, on account of the multiplicity of other objects in which they have been engaged. The greater part of these affairs respect those French subjects, who, not having received a satisfactory answer from the undersigned, have addressed his Majesty's Ministers, and he has received orders to press Congress, in the name of the King, to take effectual measures to satisfy the French creditors of the United States, and to give an account of the arrangements which shall be made by this body.

One of the most important subjects is, that of Loan Office certificates. The undersigned cannot enter into the detail of the deplorable state to which many French subjects, holders of the certificates, are reduced. But he had the honor to communicate to Congress the last year, a list of such certificates as came to his knowledge, and after this communication, Congress, adopting the report of their Grand Committee of 27th April, 1784, recommend to the respective States "to admit strangers "to a participation of the payment of the interest of Loan "Office certificates without distinction of citizens or strangers, and to extend to them, not only the benefit of "future payments, but also those already made." Notwithstanding these recommendations, the French subjects see the payments of interest made as heretofore, without their participation. The interest accumulates yearly, and the complaints of these foreign creditors are the more urgent, as they see, by the payments made to the citizens, that it is not through the want of resources and means that they are not paid, but through

reasons very distressing to the friends of the United States. The underwritten has addressed himself to one of the States of the Union, to press them to pay respect to the recommendations of Congress; the answer he received was by no means satisfactory, and clearly proves that it is from Congress alone that the French creditors are to expect justice.

Other French subjects have made deposits since the estimate that the underwritten has had made; but he thinks he can calculate that the sums that are due to them, are not below five millions five hundred thousand dollars, nor above six millions. The deposits have been made at different times, on account of individuals that were absent. They are invested with all the forms prescribed by law, to prevent abuses in cases of this nature. The justice of Congress should authorize credit to be given to these individuals for the value of these funds, at the time the different deposits were made; and the underwritten, on this occasion, prays that Congress would let him know whether claims of this nature ought to be classed amongst those which the resolution of the 17th March of this year, has in view. In which case it would be proper to consider the distance of the French creditors who cannot furnish the explanations that may be necessary in the space of a year, and the difficulty of stating the proof of the justice of their claims at the actual period, will perhaps determine Congress to adopt the measure, which the underwritten takes the liberty to propose, to give an account to each of those persons of the value of paper money at the respective periods, when the deposits were made and the interest due since the said periods. Finally, if the proposition is not adopted, the

underwritten prays that Congress will pass some resolution in behalf of these creditors; and to consider, at the same time, that the absence and distance of the French subjects does not permit them to sink their paper money, either by paying taxes, or by purchasing lands, or by other means which may suit the citizens and inhabitants of the United States, that they cannot obtain real justice but by such arrangements as they can negotiate, or selling effects by which they shall be paid, or making them serve for the payment of their particular debts.

The underwritten has had the honor of addressing Congress on other different subjects which have not yet been determined. He will only repeat here, such as concern the liquidation of debts.

The claim made on Mr. Bingham, for several sums advanced by the Treasurers and the correspondent of the Commissary at Martinique, has been taken into consideration by Congress, the 16th December last, and it appears from the information received, that Mr. Bingham has been a long time paid by the United States. This affair having been more than five months before Congress, the underwritten requests that this assembly would inform him, by what means, he can come at the reimbursement of the sums due by Mr. Bingham, and as they are considerable, he has received fresh demands, dated 19th April last, from the Governor of Martinique, and he is lately informed that many accounts are suspended by the absence of Mr. Bingham, and by the delay of payment.

It is near three months since the underwritten has had the honor to submit to Congress, the titles of a debt due by the United States to the Sieurs Sabatier and Despres,

and which the Royal Treasurer has discharged. He prays that Congress would inform him of the arrangements made on this subject.

Finally, the 8th March last, the underwritten renewed the demands which the Chevalier de la Luzerne had made on the 9th April, 1784. Congress then informed this Minister, by a resolution of 10th April of the same year, "That they would, with the greatest care, adopt subsequent measures for the punctual payment of the principal and interest at different periods, conformable to contract." This resolution has been transmitted to the court, and the underwritten has orders to inform his Majesty's Ministers with what effect it has been followed, and he prays that Congress would take up the letter which he wrote the honorable Mr. Jay on this subject, the 8th March last, and put him in a way of satisfying the orders he has received.

Congress will perceive the necessity of determining affairs of this importance, the issue of which whilst doubtful, keeps many families in distress, and is inconvenient to many others, and he would wish it considered that the French creditors are the only persons, who as yet, have not participated in the advantages which the return of peace has procured the United States.

That there is not in the demands, which the underwritten makes, any point, the justice of which has not been acknowledged by Congress itself, and that, by renewing so frequently his demands, he but obeys the obligations which his station imposes on him, and complies with a duty which cannot be disagreeable to Congress whilst justice is its object.

DE MARBOIS.

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, }
May 18, 1785. }

Sir,

I have the honor of informing you, that the business of Monsieur De Chateaufort is completed, and the papers respecting it, are herewith enclosed.

Permit me to assure you that the other affairs which you have laid before me, shall be immediately attended to.

I have the honor to be, &c.

JOHN JAY.



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, }
May 19, 1785. }

Sir,

I have the honor of transmitting to you herewith, enclosed, an extract from the act of Congress, on the subject of that part of your letter to me of the 9th ult. which relates to the appointment of your brother as Vice Consul.

I have the honor to be, &c.

JOHN JAY.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, May 19, 1785.

Sir,

I received the two letters you did me the honor to write, and the resolutions relative to the Consul of Charleston, and to the Vice Consulate that I had proposed for Philadelphia; I shall transmit the former without delay to M. De Chateaufort, as well as its provisions.

With respect to the demand which I took the liberty to make for my brother, it was founded on what has been practised with regard to the Vice Consul, who has been charged with fulfilling the functions of the Consul of Charleston, in the absence of the latter; but the form prescribed by the resolution of Congress, of the 14th September, 1781, is sufficient, and I shall conform to it.

A vessel has lately arrived from Marseilles, and I am assured, that, at the time of her departure, there were no accounts of the capture of any other American vessels by the Barbarians, except the one carried into Tangiers in October last. They add, that the Moors desired to enter into a treaty with the United States, and that the other powers of the Mediterranean, Africa likewise, expected overtures for treaties. I should have had the honor of communicating these particulars, of which, perhaps, you are already informed before, if I had not been on the eve of leaving town for a few days, on my tour to Long Island.

I am, &c.

DE MARBOIS.

FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, }
May 26, 1785. }

Sir,

I have the honor to transmit to your Excellency, herewith enclosed, a note from M. De Marbois, dated the 16th inst. on several interesting subjects ; to which he is very solicitous that Congress would be pleased to pay early attention.

With great respect and esteem, &c.

JOHN JAY.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, June 1, 1785.

Sir,

I have the honor to communicate to you the copy of a letter which the King writes to the Congress of the United States. I request that you will be pleased to inform me when I can have the honor to deliver the original to his Excellency the President of Congress.

I am, with respect, &c.

DE MARBOIS.

Translation.

Very dear great Friends and Allies,

It is with the greatest eagerness, we inform you that the Queen, our very dear spouse, was delivered this day, of a Prince whom we have called the Duke of Norman-

dy. We doubt not but that you will sincerely participate with us, in the satisfaction which this fortunate event occasions, and that you are well convinced of the pleasure with which we shall receive the testimonies you shall give us thereof. We feel a very true one in availing ourselves of this opportunity to renew the assurances of our affection, and of our constant friendship for you.

And so we pray God that he will have you, very dear great Friends and Allies, in his holy and worthy keeping. Written at Versailles, the 27th March, 1785.

LOUIS.



FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, }
June 3, 1785. }

Sir,

M. De Marbois has received for your Excellency, a letter from the King of France, announcing the birth of his son, the Duke of Normandy.

He observes that Congress have not, as yet, been pleased to prescribe any form or ceremony or rule, respecting the delivery of such letters to them, from Sovereigns, as their Ministers residing here may be charged with. He wishes, therefore, to be informed whether he shall deliver the letter in question to your Excellency at your house? or in the Congress Chamber? or in a private audience?

In my opinion, it would be proper to make a distinction between a Chargé d'Affaires, a Minister Plenipotentiary, and an Ambassador.

In the first case, (which is the present,) I think the Secretary for Foreign Affairs should conduct him to your Excellency's house, and that he should there deliver the letter.

I have the honor to be, &c.

JOHN JAY.

Report of Secretary Jay, on a letter from the King of France, announcing the birth of a Prince.

Office for Foreign Affairs, }
June 13, 1785. }

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter to Congress from his most Christian Majesty, of 27th March last, announcing the birth of a Prince, Reports the following answer to that letter, viz:

Great, faithful and beloved Friend and Ally,

We have received the letter which your Majesty did us the honor to write on the 27th March last.

The magnanimity of your conduct towards us, in the day of our distress, will always lead us to consider every event as fortunate, which adds to the domestic felicity of your family, and the general happiness of your people.

We consider the birth of a Prince as conducing to both these desirable objects, and we present to your Majesty and the Queen, our sincere congratulations on that joyful occasion.

Permit us to assure your Majesty of our increasing gratitude and attachment, and of the sincerity with which

we pray that the Almighty may always keep you and yours in his holy protection.

Done at New York, — day of June, 1785, by the United States in Congress assembled, your Majesty's faithful friends and Allies.

All which is submitted to the wisdom of Congress.

JOHN JAY.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, June 14, 1785.

Sir,

I have had the honor of frequently representing to Congress the disagreeable situation to which many of its creditors, subjects of his Majesty, are reduced. I have not been able to return them any satisfactory answer, and they have had too much reason to think that their interests were neglected. Many among them have taken the resolution to send over here Mr. Le Roy de Chaumont, with their powers of Attorney. I have the honor to address to you a memorial which he delivered to me, in which they set forth their demands, and the infinite damage which the non-payment of their debts occasions. I beg of you to submit it to the inspection of Congress, and to remind this Assembly that my preceding steps have been taken by order of his Majesty, and that this is in consequence thereof. My first representations, dated in the month of November last, have been frequently repeated since. The Chevalier de la Luzerne, had made similar representations before, in the year 1783. Repre-

sent, I beseech you, sir, to Congress, that by taking a resolution on such important points to so many families, they will prevent the complete ruin of many among them. They will save, moreover, to many of their French creditors, the expenses of a voyage which they purpose making to America, and the inconveniences of a derangement from which their affairs cannot but considerably suffer. Finally, they will avoid the painful sight of a number of French subjects soliciting, themselves, their justice, and showing to independent America, her first friends ruined by refusals, in consequence of the confidence which they placed in her in the time of her greatest distress. You will be, sir, with pleasure, the instrument of so just a demand, and I will never cease assuring the creditors of the United States, that they may place the fullest confidence in the justice of Congress and their respect for their engagements.

I am, Sir, &c.

DE MARBOIS.



MEMORIAL OF LE ROY DE CHAUMONT.

Translation.

The memorial and petition of James D. Le Roy de Chaumont, jr. Esq. in the name and behalf of the French traders, who have been adventurers to the United States of America.

The French traders who have had dealings with the United States of America, and even lent sums to Congress, desire to implore its justice for the acquittal of the most formal, solemn and explicit promise, for the

discharge of which the States in Union have pledged their faith, not only in a collective capacity, but also, as individuals, and with a joint consent, engaged to one another, their "lives, their fortunes, and their sacred honors."

Happily for them, the honorable Congress have themselves, in a solemn, authentic and irrevocable manner, pronounced in favor of the French traders, and made impracticable the injustice which the enemies to their glory endeavor to make us fear.

The point in contest has a reference to the manner in which the paper money of the United States, owed to his most Christian Majesty's subjects, shall be paid.

This paper money may be considered relatively; to two different epochs; that of its creation, and that of the thirteenth of September, 1779, when a solemn deliberation of Congress was issued, on which they ground their claim.

At the creation of this paper, its nominal was its real value; when the honorable Congress circulated a stamped money to the amount of a hundred Spanish dollars, it is incontestible, that this paper represented a hundred dollars; that it acquitted Congress of a hundred dollars, with the person who received it.

The multiplied wants of Congress, and the scarcity of money in numerary specie, having much increased the quantity of this paper, its value fell in proportion. Suspicions and insinuations, dexterously propagated, intimidated the people and gave them room to fear its being fully acquitted at last. These fears became more and more prevalent. They themselves, for whose preservation it had been emitted, refused to take it at its nominal value, which brought Congress into a sad dilemma.

They must either let these fears subsist by their silence, and then the depreciation gradually increasing, no one would have received it under any value whatever ; the natural consequence of which would have brought them again under the tyrannical yoke, which they were endeavoring to break ; or else ensure, by a striking and solemn act, the full payment of this paper money, notwithstanding the visible losses they had sustained, by which step they resume their importance, give fresh proofs of fortitude, enable themselves to procure arms and ammunition, and by their consent to a voluntary loss, assure forever their liberty and victory. This latter step was altogether the most wise and most generous, and similar to the conduct of the Romans, who sold the field on which Hannibal was encamped, as high as if the enemy had been dislodged from it.

This latter determination was the part Congress took in their unanimous resolution at the remarkable epoch of the 13th September, 1779, notified in the form of a circular letter, not only to America or to France, but to the whole world.

This letter seems to have been framed with a design of interdicting Congress or any of its members from ever admitting the least thought of retracting so sacred an engagement, so strongly every line and sentence thereof are calculated to guard against the least infringement of the same.

In this letter Congress begin with laying out to the eyes of the public, the facilities of the United States, enabling them to pay this national debt by cancelling this paper money ; the totality of the national debt (as it is supposed in this letter,) ought to amount at the end of the war to 300,000,000 dollars.

“There are at present, 3,000,000 of inhabitants in the
 “thirteen States; three hundred millions of dollars divided
 “among three millions of people, would give to each per-
 “son one hundred dollars, and is there an individual in
 “America, unable in the course of eighteen or twenty
 “years, to pay it again? Suppose the whole debt assess-
 “ed as it ought to be on the inhabitants, in proportion to
 “their respective estates, what would then be the share of
 “the poorer? perhaps, not ten dollars.”

After having thus held to the public view, the solidity of the means of payment they had in their power, this circular letter displays their desire of acquitting the debt, and confirms this desire by three convincing arguments. The first of which is,

Whether and in what manner the faith of the United States has been pledged for the redemption of their bills.

The Second, Whether they have put themselves in a political capacity to redeem them: and

Thirdly, Whether, admitting the two former propositions, there is any reason to apprehend a wanton violation of the public faith.

It is particularly on this last point, that the circular letter insists with the greatest power of persuasion, becoming to truly free and glorious souls.

After having reminded that the United States, in order to make themselves free and independent, had reciprocally, bound themselves to one another with their lives, fortunes and honor, Congress exclaims that “it is with
 “grief and reluctance, that they can prevail upon them-
 “selves to take the least notice of a question, which in-
 “volves in it a doubt so injurious to the honor and dignity
 “of America.

“ A bankrupt, faithless republic, would be a novelty in
“ the political world, and appears among reputable
“ nations, like a common prostitute among chaste and
“ respectable matrons. The pride of America revolts
“ from the idea: her citizens know for what purpose
“ these emissions were made, and have repeatedly
“ plighted their faith for the redemption of them.

“ We are convinced that the efforts of our enemies
“ will not be wanting to draw us into this humiliating and
“ contemptible situation; impelled by malice and the
“ suggestion of chagrin and disappointment, at not being
“ able to bend our necks to their yoke, they will endeavor
“ to force or seduce us to commit this unpardonable sin,
“ in order to subject us to the punishment due to it, and
“ that we may thenceforth be a reproach and a bye-word
“ among the nations. Apprized of these consequences,
“ knowing the value of national character, and impressed
“ with a due sense of the immutable laws of justice and
“ honor, it is impossible that America should think with-
“ out horror of such an execrable deed.

“ Let it never (says the Congress, at the end of this
“ unanimous letter) be said, that America had no sooner
“ become independent, than she became insolvent, or that
“ her infant glories, and growing fame, were obscured
“ and tarnished by broken contracts and violated faith in
“ the very hour when all the nations of the earth were
“ admiring, and almost adoring, the splendor of her
“ rising.

Such are the terms by which Congress has ensured to
the world in general, the payment of their bills of credit;
or ratified it. Since this circular letter is but a recapitu-
lation of the solemn engagement entered upon on this

matter, at the time of its original rise, and at several other subsequent epochs, so that, to use the very terms of that letter, " whoever examines the force of these and " similar observations, must smile at the ignorance of those " who doubt the ability of the United States to redeem " their bills."

Notwithstanding all this, Congress has been pleased to give out a resolution, dated June 28, 1780, with a tariff of depreciation and reduction of their paper currency, in which they fix four epochs of gradual depreciation, by which this paper is so excessively reduced, that, for instance the 1st of September, 1779, that is to say, at the very period when Congress so solemnly ensured the payment of it, eighteen paper dollars at this time were reduced to one Spanish milled dollar, which makes the creditor liable to lose seventeen times the real value of his own property.

Had the stroke of this immense reduction fallen on the citizens of the United States only, the French traders would have had no room to complain, because, upon the whole, this would have proved but an internal and economical arrangement, by virtue of which, all the American debtors, united and represented by their own deputies, would accelerate their liberation by a sudden diminution of their enormous debt; and even then, the French traders would have to complain about it, if such reduction should incapacitate the American private proprietor, to pay those they had traded with.

And the French nation maintains that this reduction cannot, with the least shadow of justice, fall upon them; that with respect to them, " it would be against the " immutable laws of justice and honor, that it would be

“ against the faith and interest of all America, to be ever
“ prevailed to support or countenance or permit so
“ ruinous a measure ; and that it would be impossible that
“ America should think without horror of such an execrable deed.”

We need not recur to the qualifications Congress has previously given to such an operation, in order to defeat and make the same void. Plain reflections, arising from facts known to the whole world, will sufficiently demonstrate the horrible injustice that would ensue from it.

One or the other of the two following suppositions must be admitted, viz: either we must suppose that Congress, at the time they were giving to the world the solemn and satisfactory assurance held out in their circular letter of the 13th September, 1779, entertained a secret intention one day to break it ; or else admit that they gave it out bona fide.

The first of these suppositions is inadmissible, there would be an end to all human societies in the world, mankind would be degraded below the beasts of prey, if it was possible to suppose a convention of fifty public men, picked out from the most illustrious and most virtuous characters among thirteen United States, unanimously attesting to the world in general, in terms expressive of the most intended faithfulness, that they are entering into the most solemn engagement, which they mean to fulfil at the peril of their fortunes and lives, yet in the same time unanimously plot the most abominable project to baffle the world. So hateful and monstrous a project cannot be supposed, without casting an odious slander on the human nature in its generality. Therefore, it must be admitted as an incontestible truth that

Congress, unanimously contracting their joint engagement of the 13th September, 1779, for the realization and integral payment of their paper currency, do it with a serious and real intention honestly to fulfil the same. They were not ignorant, at this epoch, of the enormous losses they were involved in by the depreciation of this paper. Nevertheless, this very day they were freely delivered, clear from any deduction, constraint or fraud ; no investigation or allurements biased or influenced their judgment ; but with an even and impartial hand, they balanced the threatening danger of falling into an inextricable slavery in consequence of the total discredit of their paper, with the necessity of supporting its credit. By overlooking its depreciation, the Americans remain defenceless, exposed to the continual attacks of a formidable enemy ; on the other hand to submit to an enormous pecuniary loss is an intolerable inconveniency ; yet they, with a full knowledge of the consequence, preferred the latter.

Now let any man point out among the nations, a code, wherein you may read that a people that has entered into a solemn contract with foreign nations, by representatives of their own choice, invested with the political capacity of binding their constituents, still retain the right and liberty of retroceding from the contract, and exempting themselves from the execution of the same.

We might stop here, where the cause appears decided, yet let us proceed to prove the justice and validity of the engagement under consideration ; it may be pronounced just, because the depreciation of the paper currency is become, in fact, a contract, denominated in the laws of nations a *gross adventure* contract, admitted as lawful among all nations.

It is just also, because the paper under consideration, lodged in the hands of the French traders, ought to be considered, not in an abstractive, but in a collective view, as an aggregate. It is likewise so, because its actual depreciation, existing at the very time that Congress was assuring the public of the integral payment thereof, has been the salvation of America.

Finally, it is so with respect to the French traders, because, by two essential reasons of incontestible difference, they cannot be made even with the Americans. Let us briefly unfold this truth.

First, let us define what is meant by a *gross adventure contract*. It is a contract, wherein the peril of the real capital justifies and legitimates the magnitude of the interest, however excessive they may appear.

All jurisconsults and civilians agree that it is not possible to determine a stated rate of interest, on a sum given out by a gross adventure contract, and maintain that the interest thereof is and ought to be, in proportion to the peril the adventurer in gross adventure perceives, and right or wrong foresees his capital may be liable to.

Now, laying aside all prejudices, notwithstanding the encouraging assurances exhibited in Congress' circular letter of the 13th September, 1779; Notwithstanding the confidence Congress has always successfully expressed in their decrees and proclamations, if all assistance from Europe had failed to the Americans before or at the 13th September, 1779, to June 1780, (and it would have certainly failed, had Europe been capable to think that Congress expected that no more than the eighteenth and the fortieth part of that currency would be realized,) was it not infinitely probable that they would have fallen under

the yoke of their oppressors, notwithstanding the dint of a respectable fortitude, but impotent, when destitute of arms, ammunition, or any other resistance whatever, to oppose a powerful nation, exasperated and unrelenting, hiring warriors from other nations at the highest rate. Had this been the unhappy fate of the Americans, what then would have become of the paper money? It would have been absolutely lost to French creditors in whose hands it remained, and the first step of England, repossessed of the people she highly stigmatized with the opprobrious name of rebels, and which the event, supreme judge of these grand questions decides, would have been to declare by a decree, the emission of such a paper, a glaring act of rebellion and felony. The French nation, then, in furnishing the Americans with provisions, warlike stores of all kinds, with cloths and stuffs for the clothing of the troops and money, and yet receiving in payment for these but an insignificant paper, have then really laid out their property at the *gross adventure*, on the uncertain independency of America, and consequently, the integral payment is justly due to them for all the paper money they are possessed of. Moreover, the French traders were gainers on some articles and losers on some others; one operation was advantageous, the other injurious; and they were obliged to sell their cargoes at a great loss by unforeseen occurrences; so that the true manner of arguing with a French trader, would be to tell him, you have transacted twenty or thirty affairs with America during the course of the war, you have been gainer in some, and loser in others, sum up the whole, what profit would you really have made, or could you reasonably have expected to make, had you traded with

us for silver, and not for paper? And then it will appear, from this proposal, that this would lead into endless and impracticable liquidations.

Moreover, the integral payment of the paper currency is just and equitable, because its depreciation, at the time that Congress assured the integral payment thereof, has been the salvation of America. Far be from us any idea merely bright and paradoxical; in speaking on so great concerns nothing but solid and palpable truth should be advanced; the last proposed is of this number.

Had America paid in solid silver, for our imported cargoes, at the very instant we are writing this, she would be under the yoke. What French traders would have undertaken, either to pay insurances at 75 per cent. or run the inevitable risk of enormous losses, had he not expected to be indemnified from these, at the end of the contest, with respect to the difference between the nominal value of the paper money, and the real value thereof. Supposing the American people had been furnished with ready cash, could they have been prevailed upon to submit to the great sacrifices naturally arising from the actual and rapid depreciation of the paper currency; sacrifices, however, indispensable to draw the affluence of Europe in the midst of greatest dangers, and bring all the assistance of warlike and victualling supplies requisite to encourage a vigorous defence; but the French trader was arguing with himself after this manner:—It is true, I send out an immense export, I expose my fortune to the greatest dangers, but by the nature of the payment I shall receive in America, I shall make six times, perhaps ten times the amount of my cargo; so, out of ten exportations, let one succeed, I am clear of loss, and I shall

have assisted in the cause of liberty. In this point of view it may be said, that the very insolvability of America has proved her strength and safety, and having but a very limited metallic currency, which soon was expended, at the very beginning of her struggles, had she held up her paper currency to the strict amount of its nominal value, Europe, uncertain on the final payment thereof, (payment absolutely dependent on the great event either of victory or defeat,) could not, consistently with common sense, have sent into America cargoes, in which the danger of a considerable loss could not have been compensated by the possibility of a great gain.

We should willingly leave it to the justice and wisdom of Congress to weigh this argument. In good earnest when, notwithstanding the fortitude and skilful manœuvres of the immortal Washington, the cause of liberty received repeated checks; when the perfidious Arnold was selling his country to her oppressors; when Vaughan was reducing the town of Esopus to ashes, and putting all to sword and fire; when the wily savages, bought by England, burnt and devastated the frontiers; when Charleston, New York, Boston, and Philadelphia itself, successively fell under the British power; when Congress was obliged to move from place to place, to get an asylum; could it, consistently with reason, be presumed that 10,000 dollars in paper money would be received by a French trader, on the same footing with 10,000 real dollars in solid silver? Had Congress let but a glimpse of this thought arise in the minds of the people, it would instantly have cut off all assistance from Europe, of all private adventurers, and war, issuing into a worse slavery than before, would have been of a short course; thus,

does it plainly appear that America is as much indebted to the gradual depreciation of her paper, as to her valor and the success of her arms, for the glorious liberty she now enjoys.

Finally, the integral payment of the paper currency is an act of justice with respect to the French traders, because the French and Americans cannot equitably be viewed under one and the same predicament. This position is demonstrable by four incontestible arguments, which I shall here unfold.

1st. The Americans, as a balance to this reduction, have acquired a value which cannot be appreciated—*their liberty*.

2dly. The Americans, formerly, were in their individual capacity creditors; but in a collective capacity, and as a people, they were debtors: they lie under a bounden obligation of acquitting this paper, as a people. Now, for a part of this money remaining in their hands, they acquit it collectively, by way of the reduction approved by Congress. Where lies the difference between acquitting the said paper by reduction, or by a successive imposition of taxes intended for the discharge thereof? By the first, they save the heavy expenses and the inevitable intricacies attending the imposition and collection of public taxes.

3dly. The American, placed on the very stage where these eventual and changeable scenes took their rise, ocular witness of the daily depreciation which he himself caused, either by the refusal of this currency, or (which amounts to the same) by enhancing the prices of his own produce, or other articles he had to sell, made continual gains, which enabled him one day to support the taxes necessary for the acquitment of his paper. *The French*

trader, on the contrary, who sent out his vessel and cargoes, ignorant at the time of their landing and departure, as well as at the period of their arrival, what would be the actual value of the American paper, was, in fact, sending his property to a lottery, where he eventually might either lose or gain; as it was very possible that by a series of successes the paper should stand at the moment he was selling out his cargoes; and *vice versa*, that at the time he was paying or buying the return of his cargoes, a chain of unfortunate events should make the same paper fall.

4thly. The American, though he had in his hands a depreciated money, nevertheless, his paper was a current money, and he was daily laying out the same to carry on his business and commercial operations; what he was losing on this money he could retrieve, and even increase by trade: but what use could the French traders put this money to, in Europe, where it had no currency at all? consequently, it remained dead or dormant in their pocket books for whole years.

These differences of situation between the French and the Americans are so striking as to make their overlooking it a matter of wonder.

There is a peculiar class of French traders who deserve all possible regards, and I dare say the gratitude of Congress, I mean those who have lent to Congress the paper currency they were in possession of; for, if Congress themselves own, in their circular letter of the 13th September, 1779, that the discredit of this paper raised from the multiplication of the same, from the instant wherein the sum in circulation exceeded the sum requisite as a medium of commerce, it hereby appears that if the French traders have lent to Congress the tenth part of

the paper currency of their own emission, they saved them the trouble of increasing the same, to a tenth above their first emission. The French, therefore, have thus diminished that very depreciation, to which they are at this day threatened to be made liable.

Are these the men to whom Congress would refuse payment? Let them consider the generous manner in which France has acted after the cession of Canada, with respect to the Canadian paper currency, which was in the hands of British proprietors. This instance may, with great propriety, be offered to them as an example worthy of imitation. France, at that period, was certainly bound by no ties of gratitude to the British nation, and its individuals, bearers of her Canadian paper currency. France had no friendly connexions then with such Britons as Congress now sustain with the French traders, by a solemn and unavoidable contract. France was not ignorant that a large quantity of her Canadian currency was in the hands of the English, by virtue of operations which could not have past a strict scrutiny. France overlooks this, to square her conduct to the great principles of the laws of nations, by which nations are reciprocally bound; and she paid, without taking advantage of any reduction or deduction. How, then, could Congress avoid to tread in the same steps, when a fundamental principle of the laws of nations joins its sacred contract, and the declaration, by them expressly proclaimed, which will ever stand against them, "Knowing the value of national character, and impressed with a due sense of the immutable laws of justice and honor, it is impossible that America should think without horror of such an execrable deed."

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, }
June 27, 1785. }

Sir,

It was not until the day before yesterday that I received the letter you did me the honor to write on the 14th instant, enclosing a memorial of M. De Chaumont. I shall immediately communicate both to Congress, and, without delay, inform you of whatever resolution they may come to on the subject.

I have the honor to be, &c,

JOHN JAY.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, July 1, 1785.

Sir,

There was concluded, the 25th February, 1783, a contract between the King and the United States. According to the terms of this contract, negotiated a little time after the Peace, his Majesty had lent to Congress the sum of six millions, and he has made a release to the United States of the interest of part of the year 1783. But you will see, sir, by the 4th article, that the interest agreed upon, commenced the beginning of the year 1784, and that the first payment ought to have been made at the commencement of this. I beg you will be pleased to lay this contract before Congress.

I am, &c.

DE MARBOIS.

LOAN CONTRACT.

The United States in Congress assembled,

To all who shall see these presents, send greeting :

Whereas, Benjamin Franklin, our Minister Plenipotentiary at the Court of Versailles, in pursuance of the powers in him vested, did, on the 25th day of February, in the year 1783, with Charles Gravier de Vergennes, &c. Counsellor of the King in all his Councils, Commander of his Orders, Minister and Secretary of State, &c. vested with full powers of his most Christian Majesty for the purpose, enter into, conclude and sign, a contract between his most Christian Majesty and the United States of North America, in the words following, viz :

Contract between the King and the Thirteen United States of North America.

The re-established peace between the belligerent powers the advantages of a free commerce to all parts of the globe, and the independence of the thirteen United States of North America, acknowledged and founded on a solid and honorable basis, rendered it probable that the said States would be in a condition to provide hereafter for their necessities, by means of the resources within themselves, without being compelled to implore the continuation of the succors which the King has so liberally granted during the war: But the Minister Plenipotentiary of the said United States, to his Majesty, having represented to him the exhausted state to which they have been reduced, by a long and disastrous war, his Majesty has condescended to take into consideration the request made by the aforesaid Minister, in the name of

the Congress of the said States, for a new advance of money, to answer numerous purposes of urgent and indispensable expenses in the course of the present year; his Majesty has, in consequence, determined, notwithstanding the no less pressing necessities of his own service, to grant to Congress a new pecuniary assistance, which he has fixed at the sum of 6,000,000 livres tournois, under the title of loan, and under the guarantee of the whole thirteen United States; which the Minister of Congress has declared his acceptance of, with the liveliest acknowledgements, in the name of the said States.

And as it is necessary to the good order of his Majesty's finances, and also useful to the operations of the finances of the United States, to assign periods for the payment of the 6,000,000 livres in question, and to regulate the conditions and terms of re-imbursement, which should be made at his Majesty's Royal Treasury at Paris, after the manner which has been stipulated for the preceding advances by a former contract of the 16th July, 1782;

We, Charles Gravier Count de Vergennes, &c. Counsellor of the King in his Councils, Commander of his Orders, Chief of the Royal Council of Finances, Counsellor of State, &c. Minister and Secretary of State, and of his Commands and Finances, invested with full powers by his Majesty, given to us for the purpose of these presents;

And we, Benjamin Franklin, Minister and Plenipotentiary of the United States of North America, likewise invested with full powers, by the Congress of said States, for the same purpose of these presents, after having compared and duly communicated to each other our respective powers, have agreed on the following articles :

ARTICLE I. The payment of the 6,000,000 livres, French money, abovementioned, shall be made from the funds of the Royal Treasury, in proportions of 500,000 livres, during each of the twelve months of the present year, under the acknowledgements of the Minister of the said United States, promising, in the name of Congress, and in behalf of the thirteen United States, to re-imburse and refund the said 6,000,000 livres in ready money, at his Majesty's Royal Treasury, at the house of the Sieur Grand, Banker at Paris, with interest at five per centum per annum, at periods hereafter stipulated in the third and fourth Articles. The advances, which his Majesty has been pleased to allow to be made on account of the 6,000,000 in question, shall be deducted in the payments of the first month of this year.

ARTICLE II. For better understanding the fixing of periods for the re-imbursement of the 6,000,000 livres at the Royal Treasury, and to prevent all ambiguity on this head, it has been found proper to recapitulate here, the amount of the preceding aids granted by the King, to the United States, and to distinguish them according to their different classes: The first is composed of funds lent successively by his Majesty, amounting in the whole to to the sum of 18,000,000 livres, re-imbursable in specie, at the Royal Treasury, in twelve equal portions of 1,500,000 livres each, besides the interest, and in twelve years, to commence from the third year after the date of the peace; the interest, beginning to reckon at the date of the peace, to be discharged annually, shall diminish in proportion to the re-imbusement of the capital, the last payment of which shall expire in the year 1798.

The second class comprehends the loan of 5,000,000 Dutch florins, amounting, by a moderate valuation, to

10,000,000 livres tournois, the said loan made in Holland in 1781, for the service of the United States of North America, under the engagement of the King to refund the capital, with interest at four per cent. per annum, at the general counter of the States General of the United Provinces of the Netherlands, in equal portions, reckoning from the sixth year of the date of said loan; and under the like engagement on the part of the Minister of Congress, and in behalf of the thirteen United States, to re-imburse the 10,000,000 of said loan, in ready money, at the Royal Treasury, with interest at four per cent. per annum, in ten equal portions of a million each, and in ten periods, from year to year, the first of which shall take place in the month of November, 1787; and the last in the same month, 1796. The whole conformable to the conditions expressed in the contract of 10th July, 1782.

In the third class are comprehended the aids and subsidies furnished to the Congress of the United States, under the title of gratuitous assistance from the pure generosity of the King, 3,000,000 of which were granted before the treaty of February, 1778, and 6,000,000 in 1781; which aids and subsidies amount in the whole to 9,000,000 livres tournois. His Majesty here confirms, in case of need, the gratuitous gift to the Congress of the said thirteen United States.

ARTICLE III. The new loan of 6,000,000 livres tournois, the subject of the present contract, shall be refunded and reimbursed, in ready money, at his Majesty's Royal Treasury, in six equal portions of 1,000,000 each, with interest at five per cent. per annum, and in six periods, the first of which shall take place in the year 1797, and so on, from year to year, until 1802, when the last reimbursement shall be completed.

ARTICLE IV. The interest of five per cent. per annum, of the capital of the 6,000,000, mentioned in the preceding article, shall begin to be reckoned from the first of January of the year 1784, and shall be paid in ready money, at his Majesty's Royal Treasury at Paris, on the same day of each year, the first of which shall take place the 1st January, 1785, and so on from year to year, until the definitive reimbursement of the capital. His Majesty being pleased, by a new act of generosity, to present and remit to the thirteen United States, the partial interest of the present year, which the underwritten Minister of Congress has declared to accept with acknowledgments in the name of the said United States.

ARTICLE V. The interest of the capital of the 6,000,000 shall diminish, in proportion to the reimbursements, at the periods fixed in the preceding article; Congress and the United States reserving, however, the liberty of freeing themselves by anticipated payments, should the state of their finances admit.

ARTICLE VI. The contracting parties will reciprocally guarantee the faithful observation of the foregoing articles, the ratifications of which shall be exchanged in the space of nine months from the date of this present contract, or sooner if possible.

In faith whereof, we, the Ministers Plenipotentiary of his Majesty, and the Congress of the thirteen United States of North America, in virtue of our respective full powers, have signed the present contract, and thereunto affixed the seal of our arms.

Done at Versailles, the 25th day of February, 1783.

GRAVIER DE VERGENNES.

B. FRANKLIN.

Now, know ye, that we, the said United States in Congress assembled, impressed with a lively sense of the assistance and affection manifested by his most Christian Majesty in the above contract, have ratified and confirmed, and by these presents do ratify and confirm, the said contract and every article thereof.

And we do hereby empower our Minister Plenipotentiary at the court of Versailles, to deliver this our ratification, in exchange for the ratification of the said contract on the part of his most Christian Majesty.

In testimony whereof, we have caused our seal to be hereunto affixed, witness, his Excellency Elias Boudinot, President, this 31st day of October, 1783, and of our sovereignty and independence the eighth.

Attest, CHARLES THOMPSON,
Secretary.



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, }
July 2, 1785. }

Sir,

I have received the letter which you did me the honor to write yesterday, together with the paper mentioned to be enclosed with it.

Agreeably to your request, it shall be immediately laid before Congress, and I shall take the earliest opportunity of communicating to you whatever answer I may be directed to convey on the subject.

I have the honor to be, &c.

JOHN JAY.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, July 18, 1785.

Sir,

I have the honor to address to you, a copy of a letter of the King to the Congress of the United States.

I beg the favor of you to inform me, when and in what manner the letter should be delivered.

I am, &c.

DE MARBOIS.



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, }
July 19, 1785. }

Sir,

In obedience to the orders of Congress, I have the honor of transmitting to you, herewith enclosed, a copy of a letter of the 4th of April last, from Mr. Read, Secretary in the Marine Department, on the subject of Pierre Rousille's memorial, to which it affords an answer, which I flatter myself will appear satisfactory, both to you and to him.

I have the honor to be, &c.

JOHN JAY.

FROM ROBERT MORRIS TO JOHN JAY.

Philadelphia, April 6, 1785.

Dear Sir,

You will receive, herewith enclosed, the translation of the memorial of P. Rousille, being the same that was enclosed in your letter of the 3rd ultimo, and you will also receive herewith, the report of Mr. James Read, as Secretary to the Agent of Marine, he being in possession of the books and papers of that Department. I believe his report to be very proper, and upon any future occasion he will be ready to obey your commands. I mention this for the sake of propriety, not to save myself trouble, because I shall never think any thing troublesome which may enable me to comply with any request of yours.

I am, &c.

ROBERT MORRIS.



FROM JAMES READ TO ROBERT MORRIS.

Marine Office, 6th April, 1785.

Sir,

I have read with attention the memorial of P. Rousille which was transmitted by his Excellency, the Secretary for Foreign Affairs, with his letter to you dated the 30th of last month, upon which I beg leave to observe, that the officers and crews of the respective ships and vessels of war, belonging to the United States, had the right, (and I believe it was generally exercised) of choosing and appointing their own agent or agents, to receive and distribute the proportion of prize money which should

appertain to them, as captors, and over which the United States did not reserve any control, wherefore, I presume the memorialist ought to exhibit his claims for prize money to the agent or agents whom he concurred in choosing, or to their legal representatives ; and from what is set forth in the memorial, I cannot hesitate to suppose that Captain Tucker had been chosen by his crew to be their agent.

If M. Rousille, has any claim against the Marine Department of the United States, for pay due to him before the 1st of January, 1782, it ought to be exhibited to Joseph Pennell, Esq. the commissioner appointed to liquidate, and finally settle, the accounts of the Department, up to that time. I cannot discover, by any documents now in this office, that M. Rousille has been in the marine service subsequent to that period.

I have the honor, &c.

JAMES READ, Secretary.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, July 19, 1785.

Sir,

I have received the letter of this date, with which you honored me, and the copy enclosed of a letter from Mr. James Read, in answer to the memorial of Pierre Rousille. I shall forward it to this latter that he may produce the papers which are required of him. I am much obliged to you, sir, for the attention you have bestowed on this subject.

I am with respect, &c.

DE MARBOIS.

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, }
July 20, 1785. }

Mr. Jay presents his compliments to M. De Marbois, and subjoins an extract from a letter which he has this moment received from Secretary Thompson, viz: "the design of this is to inform you, that there has happened a mistake in the delivery of the letter from his most Christian Majesty. Your translation is of a letter dated 10th May, 1785. But the original letter delivered to the President, is a duplicate of the letter of 27th March, informing Congress of the birth of the Duke of Normandy."



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Written in English.

July 20, 1785.

Sir,

I have at home the letter dated 10th May, 1785, at least I must suppose I have it, as I received two addressed to Congress, similar on the outside, excepting that the words *La Fayette* have been written with a pencil on the letter which I had the honor to deliver this morning to his Excellency the President. I shall bring the other to-morrow and shall have the honor to agree with you, sir, about the manner of delivering it.

I have the honor to be, &c.

DE MARBOIS.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, July 29, 1785.

Sir,

The resolution of Congress, of which I subjoin a copy, has been communicated to the heirs of the late Monsieur Du Coudray. In consequence whereof, they have sent me power to conclude this affair with Congress. I beg the favor of you to put me in capacity to inform them of the resolutions of this Assembly.

I have the honor to be, &c.

DE MARBOIS.



FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, }
August 2, 1785. }

Sir,

On Friday last, M. De Marbois called upon me, to inquire whether Congress had, as yet, directed any answers to be given to his memorials under their consideration. In the course of the conversation, he mentioned the affair of Longchamps, and informed me that his court would not persist in their demand of him. He proposed that the paper containing that demand, together with those that accompanied it, should be returned to him, so that the matter might remain as if no such demand had been made. If this idea should be adopted, the proposed letter to his most Christian Majesty would be unnecessary if not improper. He expressed a wish that Con-

gress would pass resolutions asserting the rights of Ministers, &c. and recommending to the States to pass laws to punish violations of them in an exemplary manner. If Congress should think proper to pass such resolutions, a copy of them might be enclosed to the King of France, in a letter calculated to remove any uneasiness, which may remain in his mind from the case of Longchamps.

I have the honor to be, &c.

JOHN JAY.



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, }
August 9, 1785. }

Mr. Jay presents his compliments to M. De Marbois, and has the honor of transmitting to him, herewith enclosed, a copy of an act of Congress of the 3rd inst. on the subject of his note respecting demands on the United States, by the heirs of certain French officers who died in the American service.



Extract from the Journal, August 3, 1785.

“ On the report of a committee, consisting of Mr. Grayson, Mr. Howell, and Mr. King, to whom was referred a report of the Paymaster General on a note from the Chargé d’Affaires of his most Christian Majesty,

Resolved, That in consideration of the peculiar circumstances under which Colonel Radiere, who died in

the service of the United States in the year 1779, entered the service, the Paymaster General be, and he is hereby directed to extend to his case, the benefit of the resolution of April 10th 1780, relative to depreciation.

Resolved, That the Paymaster General be, and he is hereby, directed to settle with the widows and orphans of officers, who did not belong to any of the United States, entitled to seven years half pay, under the resolution of August 24th, 1780, and to issue to them certificates therefor.

Resolved, That existing resolutions of Congress sufficiently provide for a just settlement of the accounts of the late Baron de Kalb; and that the Paymaster General be, and he is hereby, directed to govern himself accordingly."



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

Long Island, August 10, 1785.

Sir,

I have received the resolution of Congress of the 7th instant, which you did me the honor to address to me, respecting General De Kalb and M. De la Radiere. They are such as the heirs of these officers could wish, and I doubt not but they will be perfectly satisfied with them.

I am, with respect, &c.

DE MARBOIS.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, August 20, 1785.

Sir,

There has been presented to me by several French merchants, a memorial, the copy of which I have the honor to address to you; their representations having for an object the preservation and the progress of a commerce reciprocally useful to the two nations. I beg that you will be pleased to present it to Congress, that this assembly may take it into consideration, and adopt, on this occasion, such measures as they may judge proper, to preserve the good correspondence between the French and American merchants.

I am, with respect, &c.

DE MARBOIS.



*Request presented by the French Merchants to the
Chargé d'Affaires of the King.*

Translation.

To M. De Marbois, Chargé d'Affaires for France.

Sir,

The undersigned, French merchants and navigators, established in America, have the honor of observing to you, that two laws have just been published, one in the State of New Hampshire, and the other in Massachusetts, which tend to destroy all commercial connection between France and these two States. The underwritten are established on this continent, and navigate there in

faith of the treaty of commerce, and have never had reason to foresee the measures, which will bring on the ruin of their operations.

These two acts import, that reckoning from the 1st of August ensuing, Piscataqua, in New Hampshire, and Boston, Falmouth and Dartmouth, in Massachusetts, shall be the only ports where strangers shall be admitted. This exclusion of the other ports of these two States, is by so much the more hard for them, as the Americans are admitted into all the ports of the Kingdom without exception, and that an American vessel is received in France every where, where a French vessel is admitted. There are even four free ports where they enjoy the most entire liberty, and one of these ports has been especially opened for the Americans, and to favor their navigation, they pay no duties there, they can enter and go out at pleasure. Their condition then is very different from that of the French, who, excluded from the ports of the two States, except four, are moreover obliged by these two laws to pay in these four ports such exorbitant duties, as may be considered an absolute prohibition against entering and carrying on commerce within these two States.

Without doubt the intention of these laws is to favor the American navigation ; but the legislatures had it not in view entirely, to destroy the competition of strangers, and this will, however, be the effect of this law. It absolutely shuts up the entrance of the ports of the two States to all strangers, without distinction ; and they will be obliged to seek elsewhere the different articles they formerly had from here. The duties of $\frac{7}{8}$ per ton from which the subjects of the nation are exempt, and which

are to be received from strangers, added to a double duty on the merchandizes imported, make a charge which no adventure can support. It is such, that when a cargo imported by the subjects of the State shall pay a duty from £400 to £500, the stranger pays from £1200 to £1500. The laws in question are so much the more hard, as the Americans enjoy very great advantages in the kingdom, they are admitted into all our ports, they exclude us from the greater part of theirs, they have four free ports in France, and so far from opening free ports to us, they establish exorbitant duties.

The fifth article in the treaty of commerce secures in their favor an exemption from the duty of 100 sols per ton, and they have imposed on the French a duty of $\frac{3}{8}$ per ton, equivalent to 6-14 tournois, independent of other duties ; so that a vessel of 300 tons will pay at her arrival 20-10, even though she should be in ballast. Commerce cannot support such charges, more especially when they are unforeseen, that they disconcert all the calculations of a shipper, and surprised, as it were, in a defile, he must determine to lose whether he sells his cargo at the place or transports it elsewhere.

It does not belong to us to examine whether the treaty of commerce has been violated by the laws in question, and we ought the rather to abstain from this examination as we are persuaded that the legislatures had not this intention. We beg you to consider, however, that the object of the treaty was equality and reciprocity, and that our condition is not equal to that of the Americans, as they are received in all the ports of the kingdom, and they have just excluded us from theirs in two States.

We beg also that you will examine whether the same

5th article of the treaty of commerce, does not imply that there shall be no duties of tonnage established in America as long as that of one hundred sols shall not take place in France with respect to the Americans.

We have already had occasion to make known our sentiments with regard to this law, and we have been answered that every power has a right to regulate its commerce ; that is to say, that the King can suppress the free ports that he has opened to the Americans, and establish, in the others, such high duties as may amount to a prohibition. But first, we are far from desiring that the Americans should be excluded from our ports ; on the contrary, we wish that they may enjoy all sorts of advantages, and that there may be established between the two nations, a commerce of kindnesses and reciprocal services of friendship, founded on mutual utility. Secondly, the King, according to the terms of the treaty, ought to treat the Americans as the most favored nation. Thus he cannot impose, on their ships and merchandizes, greater duties than on those of other nations. Thus the treaty obliges us to receive them in our ports, whilst they can elude this stipulation, and exclude us from theirs, by establishing exorbitant duties. Thirdly, although we may have the right and the disposition to adopt rules analogous to the two laws of New Hampshire and Massachusetts, we ought only to exercise this right with respect to these two States, or the other eleven republics could say we have not a right to exclude them from our ports by exorbitant impositions, whilst they received us in theirs. It is impossible, however, to distinguish a New Hampshire ship from a vessel of the other States, as they all navigate under the same flag. It is impracticable, then, to fix a

distinction, and subject them to duties from which the other eleven States should be exempt.

But we beg that you will pay attention to the following circumstances: there has been imposed, as we have already observed, a duty of 5*f.* per ton, - - 5

And also another duty of 2*f.* 8. for light money, after the example of England, and although this duty takes place in no part of France on this footing, - - - - - 2 8

7 8

This light duty is an additional duty to another duty, which already exists, for the use and service of Light Houses, and we must, moreover, pay double the duties which the American merchants and navigators pay. These enormous taxes are payable from the first of the approaching month. Then, French vessels, whose owners could not be informed of this measure, will have to pay, at their arrival at the ports of New Hampshire and Massachusetts, exorbitant duties, which they do not expect, and it will be impossible for them to sell their cargoes without a loss, seeing that the Americans, free from these duties, can sell the same merchandizes at a much more reasonable rate.

In these circumstances it remains for us to intreat you to demand that the effect of the law should be suspended with respect to French vessels which are actually expected, and whose shippers could not have foreseen such a measure; we think that four months will suffice for the purpose of advising the French merchants; and that they may consider whether it will be suitable for them to leave off their adventures to these two States, and direct them

to other quarters; or if they can continue to carry on commerce without a loss, with the States of New Hampshire and Massachusetts. We have the more reason to hope that these two States will pay attention to your representations, as their commerce is greatly favored in the kingdom and in our colonies; and as they have had a recent proof of it, in the establishment of seven free ports in the said colonies, although by the treaty his Majesty was only bound to keep open but two for them.

We desire that the commerce between the two nations, should be established on a footing the most mutually advantageous.

France had done every thing to accomplish this. She spares no pains to facilitate the operations of the allies in Europe and her colonies. She has even opened for them free ports in Asia; and those employed by her have orders to use all their efforts to encourage the commerce of the Americans in India. We are persuaded that the States of New Hampshire and Massachusetts have no view to counteract such amicable measures, and that they will revise and abrogate the laws in question, and in the meanwhile suspend their execution as far as they respect the French.

AUBRY, DUBOIS, & Co.

Boston, July 28, 1785.

FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, }
August 22, 1785. }

Sir,

I have been honored with your letter of the 20th inst. together with the paper mentioned to be enclosed with it, and as soon as they can be translated, shall lay them before Congress.

I have the honor to be, &c.

JOHN JAY.



FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, }
August 25, 1785. }

Sir,

I have the honor of transmitting to your Excellency herewith enclosed, a letter from the Chargé d'Affaires of France of the 20th inst. with a memorial that accompanied it from certain French merchants to him, stating objections to laws, lately passed in New Hampshire and Massachusetts, respecting commercial objects. I also enclose translations of these papers, and have the honor to be with great respect and esteem, &c.

JOHN JAY.

*Report of Secretary Jay, on representations of certain
French merchants, &c.*

Office for Foreign Affairs, }
October 7, 1785. }

The Secretary of the United States, for the Department of Foreign Affairs, to whom was referred the representation of certain French merchants against the acts of New Hampshire and Massachusetts, for regulating navigation and commerce, &c. Reports :

That as the objections stated in the memorial against those acts, are equally applied to both of them, he presumes there is no material difference between them. He has the one of Massachusetts, but not that of New Hampshire. This circumstance induces him to take the liberty of suggesting, whether it would not be expedient to collect, at the public expense, copies of the acts of the different States, and place them in the Secretary's office for the use of Congress and their officers.

The complaints made of these acts may be comprised under the following heads :

1st. That they exclude French vessels from all except *certain ports*, whereas all the ports of France are open to American vessels, and in some of them *no duties* are demanded, viz : in the four free ports.

2nd. That the duty of tonnage, imposed by these acts, is not consistent with the fifth article of the treaty.

3rd. That they were made to take place, so soon after they were enacted, as not to afford reasonable time for European merchants to be informed of them.

In considering these objections, two objects of inquiry present themselves, 1st. whether these acts observe the

letter of the treaty, and 2dly. whether they quadrate with those principles of reciprocity, in which the treaty is professedly founded.

As to the *first* objection, viz : the exclusion of French vessels from all except certain ports; your Secretary observes that there is no express stipulation in the treaty which prevents such exclusion, while extended to the *most favored nation*.

He nevertheless thinks, that however lawful and consistent with the letter of the treaty, such exclusion may be, and however the States may have good right to refuse establishing any free ports; yet that the French merchants have reason to say, that they enjoy fewer privileges in that respect, in New Hampshire and Massachusetts, than the merchants of those States do in France, from none of whose ports they are excluded, and in some of which, they are allowed particular immunities.

The second objection appears to have much weight.

The fifth article of the treaty exempts American vessels from the impost of 100 sous per ton, established in France on foreign ships, unless, when the ships of the United States shall load with the merchandize of France, for another port of the same dominion, in which case they shall pay the duty abovementioned, so long as other nations, the most favored, shall be obliged to pay it.

But it is understood that the United States, or any of them, are at liberty, when they shall judge it proper, to establish duty equivalent *in the same case*; that is in the opinion of your Secretary, in the case of a French vessel loading in one port to carry her lading to another port of the United States.

If this be the true construction and the meaning of the treaty, then it seems to follow, as of necessary consequence, that none of the United States can rightfully impose a duty of tonnage on a French vessel *in any other case*. For, if it was intended that they should be at liberty to impose it *in all cases*, why was it expressly stipulated that they might impose it in the *same* or in *such* a case? It would neither be a fair construction of the treaty, nor a construction consistent with the most obvious dictates of reciprocity, to say, that the French are to give up their tonnage of 100 sous in all cases but one, but that the United States are to be at liberty to impose tonnage equal to 100 sous per ton on French vessels in *every* case, without exception.

The law of Massachusetts makes no distinction of cases, but subjects French vessels to tonnage in every case where they enter their ports after the 1st of August. In this respect, therefore, your Secretary considers that act as deviating both from the letter and the spirit of the treaty.

The *third* objection, though not very important, merits some attention.

The act of Massachusetts passed the 23rd June, and took place the 1st August last. This notice might have been sufficient to prevent a ship from *sailing*, but it was not sufficient to prevent a ship being *fitted out and laden* for their ports. It doubtless is wholly in the discretion of the legislature to make their acts take place when they please. But it nevertheless seems reasonable that they who are to be affected by laws, should have *seasonable* notice of them.

Your Secretary takes the liberty of observing, that the French have extended liberty of commerce to the United

States, beyond what they were bound to do by the treaty, and it certainly would not be kind to repay their friendly relaxation by restrictions more rigid than a due regard to our commercial interests may demand and justify. It is in their power to retaliate, but it would not be good policy in us to dispose them to it.

Your Secretary is clearly of opinion, that the commerce of the United States must suffer from partial and discordant regulations, and that until it is under one direction, it will never be conducted in that stable, uniform, and consistent manner which is necessary to produce the benefits and respectability that might be expected from it.

As to the acts in question, he thinks it would be proper to transmit these papers to the legislatures of New Hampshire and Massachusetts, and to recommend to them a revision of these acts.

The confidence that may be placed in their wisdom, and in their attachment to the honor and good faith of the Union, leaves no room to doubt of their readiness to correct any errors which may have inadvertently glided into any of their laws.

All which is submitted to the wisdom of Congress.

JOHN JAY.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, August 25, 1785.

Sir,

Some Frenchmen who have purchased real estate within the United States, and others who propose to purchase, have addressed themselves to me to know whether the

11th Article of the Treaty of Commerce, guarantied the absolute property to them, and transmissible to their heirs or legatees resident or not in the United States. The article of the treaty is so precise, that it appears to me there can be no doubt on this head; however, to remove all uncertainty on the part of those who have addressed themselves to me, I request, sir, that you will be so good as to let me know your opinion on this matter. Permit me, also, to have the honor of reminding you that on the 14th January, 1780, Congress, on a motion of the Committee for Foreign Affairs, recommended to the Legislatures of the different States, to take measures to secure to the King's subjects the same advantages which those of the United States enjoy in France. We know that some laws have passed on this subject in different States, but we are ignorant whether all that belong to the confederation have passed similar ones; and I request that you will be kind enough to communicate to me what has come to your knowledge on this subject.

I am, with respect, &c.

DE MARBOIS.



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs. }
September 2, 1785. }

Sir,

I have received the letter you did me the honor to write on the 25th ult. and laid it before Congress.

I shall take the earliest opportunity of communicating to you, the opinion they may direct me to give on the

subject, together with the information which you request on that head.

Whenever questions arise on the construction of an article of the treaty, I think it will always be most advisable to submit it to their consideration and decision; and I am persuaded they will, on such occasions, be uniformly guided by the spirit, true intent, and meaning, of the treaty. Be assured, sir, of my firm attachment to the principles of it, and of my disposition and desire to see it construed and observed in such a manner as may most conduce to the attainment of the object and mutual benefits intended by it.

With great respect and consideration, &c.

JOHN JAY.



FROM JOHN JAY TO MONSIEUR DE MARBOIS.

Office for Foreign Affairs, }
August 31, 1785. }

Sir,

Agreeably to the ideas you suggested in our last conversation respecting the case of Longchamps, Congress have ordered me to return to you all the papers which I had the honor to receive from you relative to it, and I now transmit them herewith enclosed.

Further measures for preserving inviolate the laws of nations respecting Legations, are in contemplation, and I flatter myself will be speedily matured. Being impressed with a high sense of the obligation, as well as the expediency, of these laws, nothing in my power shall be wanting to promote the observance and punish the violation of them. I have the honor to be, &c.

JOHN JAY.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, August 30, 1785.

Sir,

I have the honor of addressing to you the note wherein I announce to Congress the nomination of M. Otto to the post of Chargé d'Affaires for the King, with the United States. He will deliver you, himself, that which the Count De Vergennes has written to you on this occasion. I am well assured, sir, that during the course of his functions he will spare no pains to deserve your confidence, and from my long knowledge of him, I do not hesitate to assure you that he will deserve it.

It remains for me, sir, to thank you for the support I have received from you at different times, and to request of you to preserve me a place in your remembrance, and to assure you of the respect and distinguished regard with which I have the honor to be, &c.

DE MARBOIS.



FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, August 30, 1785.

The underwritten, Chargé d'Affaires of France, has the honor to inform Congress, that his Majesty, by naming him for the Intendancy of the Colony of St. Domingo, has put a period to the functions which he has had the honor of performing in the United States in the absence of the Chevalier de la Luzerne. The private affairs of this Minister not yet permitting him to come

and resume his functions with Congress, and his Majesty, desirous that there should be no interruption in the correspondence between him and Congress, has appointed Mr. Otto to fulfil the duties of his Chargé d'Affaires here, until the return of his Minister Plenipotentiary.

Mr. Otto has the advantage of having passed many years on this Continent, the perfect knowledge which he has of the affairs which have been transacted, and of the particular affection of the King for the United States, leaves no room to doubt but that he will discharge his duties to the entire satisfaction of his allies.

The underwritten, honored with the testimonies of that of the King his master, will esteem himself happy, if, during a residence of more than six years, and in difficult times, his conduct has shown the respect which he entertains for Congress, and how advantageous he considers the alliance to be to both nations.

DE MARBOIS.



*Report of Secretary Jay, respecting the removal of
Monsieur De Marbois.*

Office for Foreign Affairs, }
September 7, 1785. }

The Secretary of the United States, for the Department of Foreign Affairs, to whom was referred the letter of the 2d instant, from him to his Excellency the President, with the papers therein enclosed, respecting the removal of M. De Marbois, reports :

That in his opinion, your Secretary should be ordered to write an answer of the following tenor to M. De Marbois' note :

Office for Foreign Affairs, }
September, 1785. }

Sir,

The note which you did me the honor to write on the 30th of last month, announcing your appointment to the Intendancy of St. Domingo, and that of the Sieur Otto to succeed you here, I immediately laid before Congress.

In obedience to their orders, I have the honor to assure you that this distinguished mark of your royal master's approbation and favor gives them pleasure, and they wish you happiness and prosperity in the enjoyment of it. The manner in which you have filled the place of his Majesty's Chargé d'Affaires here has given them entire satisfaction, and I am ordered to mention this to Count de Vergennes.

The great and repeated proofs which the United States have received of his Majesty's affection, and the zeal and abilities with which his Minister has, on various occasions, executed his friendly intentions towards them, leave no room to doubt but that such men only will be charged with his affairs in this country, as from inclination, as well as duty, will be disposed to cherish the union and cement the interests and friendship of the two nations.

In this light they consider the Sieur Otto; and he may be assured that their respect and affection for his sovereign, as well as the good opinion they entertain of him, will always induce them to render his residence as agreeable to himself as they are persuaded it will be to them.

I have the honor to be, &c.

TO MONSIEUR DE MARBOIS,

Chargé d'Affaires of his most Christian Majesty.

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Your Secretary purposes to enclose the above letter in the following (the former being an answer to the *note*, and the latter to the *letter*, of M. De Marbois.)

Office for Foreign Affairs, }
September, 1785. }

Sir,

The letter herewith enclosed is in answer to the note which accompanied the letter you did me the honor to write on the 30th instant.

M. Otto has delivered to me the letter from the Count De Vergennes, of which you make mention, and I shall take the earliest opportunity of transmitting an answer to it.

The character you give of Mr. Otto corresponds with what I should have supposed it to be, from that of the Minister, and he may rely on my disposition to render his residence agreeable.

It has been, and shall continue to be my desire, so to discharge the duties of my office as to give perfect satisfaction to the Ministers and subjects of your magnanimous King, and I am happy to find that I have succeeded with respect to you.

We have been laborers in the same great work, and I flatter myself that your removal from America will not diminish your affection for it. It will always give me pleasure to hear of your health and happiness, and that of your amiable lady. Permit me to offer to you and to her, my best wishes for your safe arrival at the place of your destination, and any friendly services that may be in my power to render.

With great respect and consideration, &c.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM MONSIEUR DE MARBOIS TO JOHN JAY.

Translation.

New York, September 24, 1785.

Sir,

I am sorry I could not meet you, to express the satisfaction which I have received from your letter, dated the 12th instant, as it mentions Congress' approbation of my conduct, whilst I have had the honor to reside as the King's *Chargé d'Affaires* in this country. I have obtained the principal object of my mission, which has been to promote as much as in my power, the good understanding and preserve the friendship between the King and the States. The manner with which you conveyed their sentiments to me, could not but give additional satisfaction.

I propose to leave this continent to-morrow; but six years' residence, which I shall ever consider as the most interesting of my life past, both by the importance, and the success of the events to which I have been an active witness, and the connexion I have formed, will never permit me to be a stranger to America, and I shall be happy whenever duty will concur with my inclination, to afford me the means of evincing the sentiments I shall preserve for it.

Mrs. De Marbois is much obliged for your mention of her, she desires to be remembered to Mrs. Jay, to whom I have the honor to offer my respects.

I cannot leave this place without again assuring you, sir, that I shall have a particular pleasure in hearing, that circumstances have allowed Monsieur Longchamps to be treated with lenity. I renew this application at the very

instant, there are attempts made towards further provocations. Mr. Otto may inform you of what nature they are, if you do not already know it. I do not believe they come from him, but should it be the case, it is impossible any thing could provoke from a man in his situation, and whatever may be his behavior, it will never alter the wish I have formed for his release from the instant the King had expressed his full approbation of my conduct.

With perfect respect and consideration, I have the the honor to be, &c.

DE MARBOIS.



FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, September 28, 1785.

Sir,

The departure of Monsieur de Marbois, will soon place me in the situation of entering upon the exercise of the functions which have been entrusted to me. It is very satisfactory to me, that until the arrival of the Minister Plenipotentiary, I have to transact with a person whose patriotism and affection for my court, will greatly facilitate any business with which I may be charged during my residence here, and I flatter myself that I shall merit your confidence, and convince you of my personal attachment to the United States, independent of those obligations my place imposes on me.

I have perused, sir, with the warmest acknowledgments, the letter you were pleased to address to my pre-

decessor the 12th instant. In rendering justice to his zeal, you have, at the same time, condescended to assure him of the good opinion which Congress have conceived of my dispositions. I entreat you to believe that I shall esteem myself very happy, to have an opportunity of rendering myself worthy of the approbation of that assembly, and of contributing to draw still closer the bonds which unite our nations.

These ties, sir, ought forever to be held sacred and indissoluble. The attachment of France to the United States proceeds, not from a momentary advantage, but from a wise, enlightened, provident policy, which has established, upon the permanent basis of justice and mutual convenience, an alliance, of which there are few examples in history. The two nations, divided from each other by a vast ocean, will never experience that jealousy, which vicinity too often inspires. They may both prosper without giving umbrage to each other; they may each aggrandize themselves without prejudice to their alliance. The United States of America will always find, in the strength of one of the most important governments of Europe, a support against their enemies, and France will not see, but with satisfaction, the flourishing state of a republic, of which from its first existence she has had so much care. I know so well the intentions of my court in this respect, that I can assure you, sir, that she will ever inviolably fulfil the conditions of the treaties of alliance and commerce, which form the basis of her connexion with the United States, and it will not be owing to her, if these treaties are not scrupulously executed. She is at the same time, persuaded that Congress is too well acquainted with its interests, not to

cement more and more the alliance, which so happily subsists between France and the United States. The uniform conduct which this Assembly has held, in this respect, leaves no doubt of its true dispositions; and if some of the States have appeared to depart, for an instant, from the fundamental principles of our treaties, his Majesty is not ignorant; that Congress has constantly endeavored to bring them back to the right road.

I am with respect, &c.

OTTO.



FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, November 28, 1785.

Sir,

I have the honor to address to you the plan of a treaty for a correspondence between the Post Offices of France and the United States, with a note announcing the same to Congress. I request that you will be pleased to lay these papers before that Assembly, unless you are of opinion that the Postmaster General thinks himself sufficiently authorized already, by his station, to negotiate this treaty with the Director of the Post Office in France.

I am, with respect, &c.

OTTO.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

[Delivered November 28, 1785.]

The underwritten, Chargé d'Affaires of France, has the honor of informing the United States in Congress assembled, that he has received orders from his Court to present to them the plan of a treaty for a correspondence between the Post Office of France and that of the United States. He has no occasion to observe how interesting it is to the two nations to multiply as much as possible every means of connexion and correspondence, and that the exactness of the mails must contribute by so much the more efficaciously, as the French packets are actually under the immediate authority of Government. The underwritten has the honor to annex the plan which has been sent to him, and he hopes that the United States in Congress assembled, will be pleased to authorize the Postmaster General to make such arrangements with the Director of the French Post Office, as will give, in future, greater facility to a service which so essentially concerns the respective nations.

OTTO.

PLAN OF A TREATY, *for the correspondence of letters, between the Post Offices of France and those of the United States of North America.*

Translation.

Articles of agreement made for the carrying and transporting of letters, despatches and packets sent from the cities of the kingdom of France, to the city of New York

and the thirteen United States of North America, and of letters and packets which shall be sent from the said city of New York to the said kingdom of France.

Between —— who have agreed upon the following Articles:

ARTICLE I. That there shall be maintained on both sides, a good, firm and mutual correspondence, for the sending, reception and distribution of letters, despatches and packets.

ARTICLE II. That the letters and despatches from Paris, and all the cities and provinces of the kingdom of France, as also those coming from foreign countries, passing through France, for the provinces and cities of the United States of North America, shall be directed and forwarded at the sole expense of the Post Office in France, from the place of their departure, as well by land as by means of the King's packets, established at L'Orient, to New York, once a month; the mails which shall enclose the said letters, shall be delivered, immediately on their arrival at New York, to the Post Office of the United States of North America, for which mails the Post Office at New York shall give its receipt to the Captain of the packet in the presence of the French Consul, or of the Agent of the administration of the packets, with whom the said Office at New York shall prove and determine the number of single, double and ounce letters which each mail shall contain, excepting only from said account the letters and packets which shall be countersigned by the French Ministers, or such persons as shall have the privilege, which letters shall, for this purpose, be made into a separate packet, which shall be inserted into the mail by the Post Office in L'Orient.

ARTICLE III. The Director of Posts in L'Orient, shall send, with the letters which shall go by the mails, a paper of advice, signed by him the day they are despatched, and addressed to the Post Office at New York, which paper shall not only mention the number of single, double, and ounce letters, which compose the mail, but also the account of the tax, which shall be reckoned in French money, upon said letters of each kind, for their postage to New York, and a recapitulation which shall show the just total of said taxes.

ARTICLE IV. The said Office of the United States engages, after having verified the exactness of said paper, to be accountable to the Post Offices in France for the total amount of each of the said mails of letters and packets taxed; it shall charge itself with the distribution of them at their destination, adding to said taxes such other as may be due as well on account of forwarding them, which shall be done at the expense of the Office, as for delivering them.

ARTICLE V. In case the said Post Office at New York shall find errors in the account made of the letters which shall thus be sent to it from L'Orient, it has been agreed, on both sides, that the said errors shall be corrected by advising the French Post Office of it, by the first post which shall follow the receipt of the mail, so that the said Post Office at New York, shall not be accountable to that of France, but for the amount which it shall declare to have really found in each mail.

ARTICLE VI. It has moreover been agreed, that the countersign of the French letters, which shall not have been taxed at leaving L'Orient, shall only frank such letters on their way through France and for their passage.

ARTICLE VII. All letters, where postage shall have been charged by the French Office to that of the United States, and which shall have become refuse without having been opened, shall be re-taken by the French Office at the price they have been reckoned, and with which they have been taxed; the New York Office returning them every six months to the Post Office at L'Orient.

ARTICLE VIII. In like manner, the letters and despatches from New York, and from all the provinces and cities of the United States of North America, for the provinces and cities of the Kingdom of France, shall be directed and forwarded by the Office at New York, that is to say, at the charge of the Post Office of the thirteen United States, from the place of their departure to New York, and from New York at the expense of the French Posts, as well by means of the return of his most Christian Majesty's packets to L'Orient, as by land from L'Orient to their destination in France. The mails which enclose the said letters to be taken from the Post Office at New York by the captain of each packet ready to sail for L'Orient, and immediately, on the arrival of the vessel, delivered to the Director of the Posts of the said city; who shall give his receipt for them to the said captain, in presence of the superintendent of the administration of the packets, with whom he shall ascertain and determine the number of single, double, and ounce letters, contained in each mail.

ARTICLE IX. The said Post Office at New York shall send, with the letters which shall go by said mails, a paper of advice, signed and dated the day the packet is despatched, and addressed to the Post Office at L'Orient;

which paper, like those from the latter Office for New York, shall signify not only the single, double, and ounce letters, which compose the mail, but also the amount of the tax, which shall be brought into French money and not otherwise, upon the letters of each kind, for their postage to New York only, and a recapitulation which shall present the just total of said taxes.

ARTICLE X. The said Post Office of France engages, after verification made on its part, at the Office in L'Orient, of the exactness of said paper, to be accountable to the Post Office of the United States of America at New York, for the total amount of each of the said mails of letters in packets taxed by the posts of the United States, which packets and letters they charge itself with the distribution of, to their destination in the Kingdom, adding to said taxes such, which, according to the tariff of France are due, as well on account of transportation, which shall have been made from New York to the destination of such letters, as for the distribution by said Office.

ARTICLE XI. It has been agreed by the two Offices, that the clause inserted in the fifth article of the present treaty, relating to errors which may be found in the amount of letters which the Office of France shall send to New York, shall be exactly the same, vice versa, with respect to the aforesaid Office, as to errors which may also be met with in the amount of mails of letters from North America to L'Orient, where the verification shall be made.

ARTICLE XII. It has moreover been agreed upon, as in Article seven of the present treaty, that all letters where postage shall be charged by the Post Office in New

York against that of France, and which shall become refuse without having been opened, shall be re-taken by the Post Office of the United States at the same price they shall have been reckoned and taxed, the Office in France returning them every six months to the Post Office in New York.

ARTICLE XIII. It has moreover been covenanted and agreed on both sides, that all letters and packets which shall be reciprocally sent, shall be exactly stamped, in a legible manner on their superscription, with the name of the town where they shall have been written, and that the cyphers of the taxes which shall have been affixed to them, shall mark the sous or livres tournois.

ARTICLE XIV. The accounts between the two Offices shall be rendered every six months, by that Office which shall find itself in debt, to the other, which having verified and acknowledged the said accounts just, shall balance them, after which the money which shall be due to said Office, shall immediately be paid to the person, that shall be authorized for the purpose.

ARTICLE XV. All the mails and bags shall be well and duly sent and sealed from one Office to the other ; with the true and acknowledged seal of each Office.

ARTICLE XVI. The parties reciprocally oblige themselves to prevent, by every possible means, any of the above mentioned letters and packets from being sent by another mode than by their ordinary posts.

ARTICLE XVII. It has been moreover agreed, that the effect and execution of this present treaty shall commence between the said parties, the Post after completing the ratification, signed and sealed in good form, on the one part by — , and on the other part by — .

It has moreover been agreed on both sides, that the said present treaty cannot be broken by one of the parties, till after a year's previous notice to the other ; and there shall be added and transcribed the powers of us.

In faith of which, we have reciprocally signed this present treaty, and affixed the seal of our arms. Done and agreed in duplicates, between us, at Paris, &c.



FROM JOHN JAY TO MONSIEUR OTTO.

Office for Foreign Affairs, }
November 28, 1785. }

Sir,

I have received the letter which you did me the honor to write this morning, enclosing a note of the same date, and a project of a treaty between the Post Offices of France and of the United States.

These papers, as soon as translated, shall be laid before Congress, and I cannot omit this opportunity of assuring you, that every occasion of extending the ties and intercourse between our countries, will give me pleasure.

I have the honor to be, &c.

JOHN JAY.



FROM EBENEZER HAZARD TO JOHN JAY.

General Post Office, }
December 21, 1785. }

Sir,

I have considered the plan for the correspondence of letters between the Post Offices of France, and those of

the United States of North America, and think it, in general, a good one; there are, nevertheless, some parts of it, which are exceptionable. The 3d, 9th, and 13th articles require that the postage shall be marked *in French money, sous and livres*; this will be impracticable, as the French moneys are not sufficiently understood in America; but the most exceptionable article is the 4th, should this be agreed to, the immediate consequence will be that the letters must be disseminated from New Hampshire to Georgia, *at the risk of the United States*; and this will be evidently very great, if we consider the distances to which the letters must travel—the size and situation of many of our ferries, and our seasons, especially the winter. Great however as the risk is, it must of course be ours, as we are to be accountable for the postage of all letters, excepting the “refuse” ones, returned agreeably to the 7th Article. To this may be added, the difficulty of keeping accounts, when both nations will be interested in the postage on each letter, and that postage will be marked partly in sous and livres, and partly in pennyweights and grains of silver. The whole business may be extremely simplified by adopting the same plan that we are upon respecting the British packets, viz: *let all the packet postage be paid in Europe*, which will remove every difficulty; it will prevent the necessity of keeping intricate accounts, the United States will risk nothing in the distribution of the letters, except the *inland postage*; the deputy postmasters will not be perplexed, and led into errors by a kind of money which they do not understand, and it will be more advantageous to *France*, because the number of refuse letters will be lessened by it, as *all* the letters put into the

Offices in France will then be paid for, and they will have no more refuse letters from this side of the water upon this plan, than upon the other.

The other regulations, such as giving the Captain's receipts for the mails, sending invoices of the letters, &c. are equally proper upon either plan.

I have the honor to be, &c.

EBEN. HAZARD.



*Report of Secretary Jay, relative to the Post Offices of
France and the United States.*

Office for Foreign Affairs, }
February 21, 1786. }

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter to him of the 28th November last, from the Chargé d'Affaires, of France, enclosing a plan of a treaty for the correspondence of letters between the Post Offices of France and those of the United States, Reports:

That he has submitted the said plan to the consideration of the Postmaster General of the United States, whose opinion thereon, appears in the following letter, viz:

General Post Office, }
February 16, 1786. }

Sir,

I have had under consideration the proposed "Plan of a treaty for the correspondence of letters between the Post Offices of France, and those of the United States

of North America," and observe but one defect in it; and that is, *it is left optional with the writer to pay the postage or not*; and, if we may judge from experience, they will not pay it. The consequence will be,

1st. That a receipt must be given by the American Office, which will make the United States accountable for the amount of the postage.

2nd. The letters must then be distributed from New Hampshire to Georgia, and the dead (or refuse) letters returned to New York at *the risk of the United States*; which will, evidently, be very great, if we consider the distances to which the letters must travel, the size and situation of many of our ferries, and our seasons, especially the winter.

3rd. Accounts must be kept between the American and French Offices, which, in their very nature, must be complex and intricate, both nations being interested in the postage of each letter, and that postage being marked, partly in French money, and partly in pennyweights and grains of silver; the former not being sufficiently understood by us, will occasion many errors, and be the source of much confusion.

We were exactly upon the above plan with respect to the British packets, at their first establishment, as you will observe from the enclosed advertisement; but the inconveniences attending it were so great that it was found necessary to make an alteration; and the whole business was amazingly simplified by providing that *all the packet postage should be paid in England*. By this small change in the system, every difficulty is removed; and, as experience has evinced its utility, I beg leave to recommend the adoption of the same mode in the present case.

Indeed, it will be more advantageous to *France* than the plan now proposed, because the number of refuse letters will be lessened by it, as *all* the letters put into the offices in France will then be paid for, and the refuse letters, from this side of the water, will not be more numerous, upon this plan, than upon the other:—there will also be a saving of the commissions allowed to the Deputy Postmasters for transacting the business.

The other regulations, such as giving the Captains' receipts for the mails, sending invoices of the letters, &c. are equally proper upon either plan.

I have the honor to be, &c.

EBEN. HAZARD.

Your Secretary thinks the observations of the Postmaster General are well founded, and therefore is of opinion, that the said Postmaster General should be duly authorized to conclude the said treaty with the Director of the French posts, vested with equal powers on the part of his most Christian Majesty, provided the alterations in question are admitted, and provided further, that the duration of the treaty shall not exceed the term of ten years.

Your Secretary is also of opinion, that the said treaty should be engrossed and executed in both languages.

All which is submitted to the wisdom of Congress.

JOHN JAY.

FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, }
December 26, 1785. }

Sir,

I have the honor of transmitting to your Excellency, herewith enclosed, a letter of the 28th inst. which I received from the Chargé d'Affaires of France, together with the project of a proposed treaty between the French and the American Post Offices, which is mentioned in it.

I have the honor to be, &c.

JOHN JAY.



FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, November 30, 1785.

Sir,

I have the honor to send you herewith a note which I request you to lay before Congress. It relates to the different credits which his Majesty and his subjects have against the United States. These matters have been treated of at different times by M. De Marbois, and principally in the letters and notes which he addressed you the 8th March, 16th May, and 14th June, and the 1st July, of this year. It gives me pain to recur to matters which have so long occupied the Minister Plenipotentiary and my predecessor. But the silence of Congress, the new formation of this assembly, and the precise order which I have received from my Court on this subject, appear to authorize me to make a new attempt

to obtain a satisfactory answer ; and I hope that the United States will only consider, in my conduct, the zeal which the post I have the honor to occupy, near Congress, ought to inspire me with.

I make no mention of the different particular subjects which my predecessor has submitted to the deliberations of Congress, the 16th May last. Such as the claims of the administrators of Martinico, for the re-imbusement of the advances made to Mr. Bingham ; also the demands of the Royal Treasury, on account of the sums re-imbursed the Sieurs Sabatier and Despres, on account of the United States. Congress having, as yet, taken no resolution concerning these different subjects, and the notes of my predecessors being constantly before this assembly. I hope that they will be pleased also to add its resolution respecting these claims, to those it shall make as to the principal points of the note which I have the honor to address to you.

I have, sir, presented his Majesty's credit in a point of view which appeared to me the most natural. It cannot be disputed, that the object of the two contracts, signed by Mr. Franklin, was to alleviate, as much as possible, the weight of the debt of the United States. To defer the accomplishment of these contracts, is to defeat the salutary end proposed, and to accumulate, without any benefit to the United States, the arrearages and interests of a moderate debt. The wisdom of the Ministers who have digested and signed the contracts, would only serve to expose, more visibly, the injury occasioned by delays.

As to the subjects of French creditors of the United States, I have, sir, described their situation very faintly. Ancient commercial houses find themselves reduced to

beggary, from having placed too much confidence in paper money and Loan Office certificates. They viewed, with astonishment mixed with grief, the measures proposed by different States to satisfy their own citizens to the exclusion of foreigners. This step, projected by people who have just distinguished themselves by so many great qualities, can only be attributed to too great precipitation, and not to a partiality of which they are incapable.

It is elsewhere remarked, and there is still greater reason to believe from the last requisitions of Congress, that this measure has never obtained the sanction of this assembly; and that Congress not only knew how to form a new empire, but also to give it stability, by erecting it on the immoveable basis of justice and virtue.

I am, with respect, &c.

OTTO.



FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, November 30, 1785.

Sir,

The underwritten, Chargé d'Affaires of France, has the honor of informing the United States, in Congress assembled, that he has received orders from his Court, to take notice of the measures which have been adopted for fulfilling the conditions of the two contracts, signed in the name of the United States, by Mr. Franklin, the 16th July, 1782, and 25th February, 1783.

The United States have engaged themselves by the first contract, to pay annually, reckoning from the date

of the peace, the interest of a loan of eighteen millions, and to reimburse the capital in twelve equal portions, beginning the third year after the peace. They have moreover promised to reimburse, in ten equal terms, to commence the 5th November, 1787, the loan of ten millions made in Holland and guarantied by his Majesty, and to pay the interest thereof in the meantime, at the rate of four per cent.

By the second contract, they have not only confirmed the preceding articles, but they have acknowledged themselves debtors in a new loan of six millions, the interest of which they have promised to pay annually at five per cent, and to reimburse the capital in six equal periods, to commence from the year 1797.

From the tenor of these contracts, it appears that the United States have engaged to pay annually, under the title of interest, at the Royal Treasury, the sum of 1,600,000 livres tournois; but although this sum has been constantly comprehended in the requisitions of Congress, his Majesty's treasurer has only as yet received the amount of the interest of the Dutch loan. So that the interest of the present year, comprehending the arrearages of the last year amounts to 2,400,000 livres tournois.

The underwritten need not observe that it appears for the advantage of the United States to acquit, successively, the sums due to his Majesty, seeing that delays will become daily more burthensome to the finances of Congress, by the progressive accumulation of arrearages. He has no doubt, but that the gratitude of the United States, the desire of liberating themselves, and above all, the consideration of their own interest, will engage them

to discharge a debt, the weight of which his Majesty has endeavored to diminish as much as was in his power, by remitting the interest till the date of the peace, and by fixing distant periods for the reimbursement which will extend as far as the year 1802. The regularity with which the interest of the Dutch loan has been paid till now, and the assurances which the underwritten has received on this subject from the Commissioners of the Treasury, give him reason to hope that the United States will not show less punctuality, in the payment of the other interests and the gradual reimbursement of the debt of twenty-four millions, whose first period will be elapsed the 3rd of September of the ensuing year.

The underwritten thought proper to enter into these details, to engage the United States, in Congress assembled, to represent to their constituents how much it imports them to provide the necessary funds for the gradual reimbursement of these debts; that the arrearages of the last year have already doubled the sum to be paid this year; that the progressive accumulation of interest will soon render useless the precautions which have been so wisely taken in the two contracts, for dividing in the least burthensome manner the reimbursement of a sum through the space of nineteen years, which it would have been impossible to have discharged at once. And that the citizens of the United States know too well, what they owe to their posterity to wish to oppress them with the weight of a debt, which their delays may considerably augment without any benefit to their country.

But whilst the underwritten demands with importunity a satisfactory answer to a subject which is personal with regard to his Majesty, he ought at the same time to

submit to the consideration, and the justice of Congress, the claims of a large number of the King's subjects. His Majesty is sensibly touched with the deplorable situation of the commercial houses, which are thrown into the greatest embarrassment by giving credit to the United States, and to individual States, and by the depreciation of paper money. Among the number of these merchants, there are many, who, from the commencement of the revolution, have exposed their lives and their fortunes by sending to the United States, not only the articles of the first necessity, but arms, ammunition and a quantity of other objects, which have greatly facilitated the operations of Congress. Others, prevailed upon by the repeated demands of some individual States, have sent them very rich cargoes, through the firm persuasion that they would meet with no difficulty in the payment for these advances, and that people abounding so in resources as the States of America, could easily find the means to satisfy them, when peace should have re-established order and tranquillity within their borders. The paper money which was given them in payment for their advances, bore the seal of the confederation, and a solemn promise to redeem it in specie. Such a promise merited their confidence, so much the more, as their sovereign had guaranteed the Independence of the United States in the most solemn manner, and that they had reason to consider this guarantee as the pledge of the reimbursement of their advances. So far from directly realizing a paper, which they ought to believe as solid as gold and silver, they deposited more than six millions in the consular chests or in their own coffer. This paper represented the labors, the watchings and the

fortunes of a great number of individuals, who had come to the assistance of the United States in the most tempestuous times. But a combination of unforeseen circumstances has annihilated these effects, even in the hands of their possessors, and at the end of some years they see themselves spoiled of their fortunes, and almost deprived of the hope of recovering funds so legally due them.

The pretensions of the French merchants, possessors of paper money, have been carried too far in the last memorial which they have presented to Congress. The underwritten had no knowledge of this memorial until after its delivery. They there claim the re-imbusement of the paper money according to its nominal value, without regarding its depreciation. This demand is the less reasonable, as it would be too burthensome to the finances of the United States ; and as the French merchants have no right to exact such considerable benefits. But the justice of Congress will perhaps induce them to order this re-imbusement according to the scale of depreciation established several years since ; and as the acts of the deposits made in the different consular offices, certify, in an indubitable manner, the date at which this paper has been received, it would be easy to reduce this debt to its just value. Although this arrangement would be of but little advantage to the French merchants, it would be the only way to satisfy them, without prejudice to the finances of Congress.

This Assembly cannot be ignorant of the loss, which a merchant sustains from his stock laying dead for so many years. This circumstance alone, already sufficed to overwhelm the possessors of paper money, and to make

interest in their favor, but the nature of paper money is the source of this inconvenience, which neither Congress nor the foreign merchants could avoid. To diminish these losses as much as possible, and to give a new proof of confidence in the operations of the finances of the United States, a great number of French merchants have placed considerable sums of paper money in the loan offices, which Congress had opened, and for their security only received certificates, which bore, in the name of the United States, not only the promise of reimbursement, but also an interest of six per cent. This interest, however moderate for a merchant accustomed to avail himself of his whole means, might have recompensed individuals, whom the desire of contributing towards the greatest revolution which has taken place for many ages, engaged as much as a momentary advantage to undertake a new commerce. But they would pay too dear for this satisfaction, if it must be purchased at the price of their fortunes and welfare.

His Majesty cannot see with indifference, the losses sustained by his subjects. He is not ignorant that different States of the Union, have proposed to adopt partial measures to satisfy their own citizens, to the exclusion of the French creditors, but he has learned with satisfaction, that Congress has constantly recommended to the United States, to support the reputation they have acquired by so many titles, and to allow foreigners without distinction, to participate in the payment of loan office interest. The requisitions, which this Assembly addressed to the different States the 27th September last, still bear that mark of justice, which has always charac-

terized the measures of Congress. According to these requisitions, foreigners, possessors of loan office certificates, should be treated as well as the Americans themselves. Recommendations so just and so essential, cannot but conciliate more and more to this Assembly, the friendship of its allies, the confidence of European powers, and the respect of the citizens of America. The underwritten has been witness to all the steps, which it has taken to give consistency to its finances, he knows that it is firmly persuaded that the credit of the United States, their national importance, and their consideration in Europe, depend in a great measure on the punctuality, with which it will fulfill its engagements ; and that it has already perceived, that the actual delays of the reimbursements, have done a considerable detriment to American commerce, by rendering foreigners less disposed to give credits, without which this commerce cannot subsist, he hopes that it will condescend to recommend this subject, in the most serious manner, to the legislative Assemblies, and that measures, which after a long and expensive war were impracticable, will be less difficult at the time when the enjoyments of the sweets of peace, and of an independence universally acknowledged, the astonishing progress of population, and the flourishing state of navigation and agriculture have opened all the channels of industry, have brought back ease into the bosom of families, and order in the public administration. He has seen too many examples of equity in the respective States, to think that they wish to avail themselves of the inestimable advantage of sovereignty, without paying attention to the unfortunate situation of private foreigners, who

have contributed thereto with all their might, and who, at this instant, cannot recollect without pain the most memorable epoch in the annals of America.

The underwritten flatters himself with the hope, that Congress will condescend to put it in his power, to send to his Court. a satisfactory answer to the different subjects, which he takes the liberty of laying before this Assembly. He is not ignorant of the different measures, which his predecessor has already used; and he can only attribute to the importance and the difficulties in the arrangement of the finances, the delays which have attended these subjects. He takes the liberty more especially of reminding Congress of the contents of a note which M. Marbois had the honor to present to them the 16th May last, and he hopes that they will be pleased to observe that this note, as well as the preceding, have been constantly delivered by his Majesty's order.

OTTO.



FROM JOHN JAY TO MONSIEUR OTTO.

Office for Foreign Affairs, }
November 30, 1785. }

Sir,

I have received the letter which you did me the honor to write this morning, and which accompanied a note of the same date. They shall both be immediately translated and laid before Congress. The importance of the several subjects stated in it, as well as the delicate manner in which they are handled, cannot fail to excite their attention. I shall do myself the honor of communicating

to you, the result of their deliberations on those interesting affairs, and I shall always be happy to promote every measure which may tend to evince the justice and gratitude of my country.

With great esteem and consideration, &c.

JOHN JAY.



FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, December 19, 1785.

Sir,

I have the honor to address to you herewith a brevet which his Majesty has been pleased to grant to M. de la Forêt, for discharging with the United States in Congress assembled, the functions of Vice Consul General, and those of Vice Consul in the States of Pennsylvania and Delaware. These two employments have been united through the supposition that Congress would establish its residence on the banks of the Delaware. But the abode of this assembly at New York, has induced M. de Marbois to demand further orders from the Court. The Minister has answered, that the functions of the Vice Consulate of Philadelphia, having already been exercised by the younger brother of M. Marbois, when the removal of Congress had led this Consul General to New York, there was no inconvenience in leaving the brevet to subsist as it was, and to acknowledge M. de la Forêt in quality of Vice Consul General with Congress. This circumstance, sir, has deferred, for four months, the presenting of the brevet which I have the honor to address to you. I

request that you will be pleased to have it agreed to by this assembly, and send me the resolutions customary in similar cases.

I am, with respect, &c.

OTTO.

FROM JOHN JAY TO THE SIEUR DE LA FORET.

New York, January 10, 1786.

Sir,

I have the honor of returning to you, herewith enclosed, the brevet appointing you Vice Consul General of his most Christian Majesty, in the United States, and on which Congress were pleased, the 6th instant, to pass an act, of which a certified copy is also enclosed.

I have the honor to be, &c.

JOHN JAY.

Extract from the Secret Journal, January 6th, 1786.

“On a report of the Secretary to the United States of America for the Department of Foreign Affairs, to whom was referred his letter of the 29th December, enclosing a letter of the 19th of that month, from the Chargé d’Affaires of France, with a brevet of the 22d day of June, 1785, appointing the Sieur de la Forêt Vice Consul of France for the United States,

Whereas, the Sieur de la Forêt has presented to Congress a brevet from his most Christian Majesty, bearing date 22d day of June, 1785, appointing him Vice Consul General in the United States.

Resolved, That the Sieur de la Forêt be, and he hereby is received and recognized as the Vice Consul General of his most Christian Majesty in the United States; and that the said brevet be registered in the Secretary's office.

Resolved, That all the privileges, pre-eminences and authority belonging to said character and quality, are due to Sieur de la Forêt, and shall be enjoyed by him.

Ordered, That a certified copy of the above resolutions be transmitted, by the Secretary to the United States of America for the department of Foreign Affairs, to the said Sieur de la Forêt, and also to the Executive of each of the States, for their information."



FROM THE SIEUR DE LA FORET TO JOHN JAY.

Translation.

New York, January 11, 1786.

Sir,

I have the honor to advise you of the receipt of the letter which you wrote to me, yesterday, on returning my commission, and the resolutions of Congress respecting the acknowledgement of my character. I beg that you will be pleased to receive my thanks.

I am, with respect, &c.

DE LA FORET.

FROM JOHN JAY TO MONSIEUR OTTO.

Office for Foreign Affairs, }
March 6, 1786. }

Sir,

Various considerations, arising from the local and other circumstances of the United States, induce me to think that the 4th and 5th articles in the proposed convention, for regulating the intercourse between the Post Offices of France and the United States, will not be expedient. I have the honor of enclosing a plan, which being less complicated, would in my opinion be more easily executed.

It will give me pleasure to confer with you on this subject, whenever it may be convenient to you, for it is my wish that this and every other measure, interesting to both countries, may be so concerted and conducted as to promise the most satisfaction to each.

I have the honor to be, &c.

JOHN JAY.

PLAN OF A CONVENTION *between the Post Office of France, and that of the United States of America, for regulating their mutual intercourse and correspondence.*

His most Christian Majesty having authorized ——— the Director of the Post Office of France, and the United States having authorized Ebenezer Hazard, Esq. their Postmaster General, to form and conclude such convention, they have accordingly agreed upon the following articles, viz :

1st. There shall be maintained on both sides, a good, constant, and mutual correspondence for the transmission, reception, and distribution of letters, despatches and packets.

2nd. All imposts, postage and charges, which may be due on letters passing from the Post Offices of France to those of the United States, shall be paid in France, and on the other hand, all letters passing from the Post Offices of the United States to those of France, shall be paid in the United States. That is to say no French or other postage, due on letters coming from that kingdom to the United States, shall be demanded or received in the United States, nor any American postage, due on letters going from the United States to France, shall there be demanded or received. The packet postage on letters, passing by packets, to or from France and the United States, to belong to the sovereign whose packet shall carry such letters.

3rd. And as his most Christian Majesty has, in order to promote and facilitate the intercourse and correspondence between the two countries, been pleased to establish packets at L'Orient, which sail once a month from that place to New York. It is agreed, that all letters intended to be transmitted from L'Orient to New York by the said packets, shall be put up into a mail by the Post Office at L'Orient, which mail, sealed with the known and acknowledged seal of that Post Office, and directed to the Post Office at New York, shall, on its arrival at New York, be immediately delivered to the said Post Office, where the same shall be opened by the Postmaster, in the presence of the Consul or Vice Consul of France, there residing, or of the French Agent for the

said packets, and all such letters as may be found therein franked by the French Ministers, or either of the great Departments, shall be immediately delivered to the said Consul, Vice Consul or agent, to be forwarded and transmitted in such manner as he or they may think proper. And further, that whenever, and as often as the Postmaster at New York shall receive from a captain of one of the said packets, a mail so put up and directed, and being in good order, he shall give to the said captain a receipt for the same, mentioning therein the name of the captain and packet who brought it, the time when received, and that the same was in good order.

4th. That all letters intended to be transmitted from New York by one of the said packets to L'Orient, shall be put up into a mail by the Post Office at New York, which mail, sealed with the known and acknowledged seal of the said Office, and directed to the Post Office at L'Orient, shall, at the stated times, appointed for the sailing of a packet, be delivered by the said Postmaster to the captain thereof, who shall thereupon give him a receipt for the same; specifying when he received it and that it was in good order.

5th. That whenever one of the said mails shall arrive at L'Orient, and be delivered to the Postmaster there, it shall be opened in the presence of the Consul, Vice Consul, or Agent of the United States, there residing, to whom all such letters found therein as may be franked by the President of Congress or either of the Ministers of the great Departments, shall be immediately delivered, and they shall be forwarded and transmitted in any manner that the said Consul, Vice Consul, or Agent may think proper. But they, or such one of them, to whom

the said letters shall be so delivered, shall, without delay, give a proper receipt for the same to the Post Office.

6th. The director of the Post Office at L'Orient, and the Postmaster at New York, shall, with every mail, send to each other a letter of advice, specifying the number of letters enclosed in it, which said letters shall be counted on the opening of the mail, to determine whether the number received be the same with the number sent.



FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, April 18, 1786.

Sir,

I have the honor to address to you, herewith, a note which I request you to lay before Congress. It is in consequence of the pressing orders which I have received by the last packet. I make no doubt but that the importance of the objects it contains, will induce you to propose to that assembly, to take them into consideration as soon possible.

I am, with respect, &c.

OTTO.

—
Translation.

New York, April 18, 1786.

The undersigned, Chargé d'Affaires of France, has received express orders to remind Congress that a Convention relating to the functions of the respective Con-

suls, was signed between his Majesty and the United States, on the 29th July, 1784, and that the ratifications have not, as yet, been exchanged. The King being desirous that this formality should be no longer deferred, on account of the inconveniences resulting from the delay it has met with, requests that Congress will send their ratification to Mr. Jefferson as soon as possible, to be exchanged for that of his Majesty.

The undersigned takes the liberty to observe, that there has not, as yet, been any answer returned to the memorial which he had the honor to present to Congress in the name of his Majesty, the 30th of November last, of the contents of which he has received orders to remind this assembly.

OTTO.

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*Report of Secretary Jay, relative to a motion of the
Hon. W. Pinckney, &c.*

Office for Foreign Affairs, }
March 9, 1786. }

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a motion of the Hon. W. Pinckney, in the words following, viz: "That the Secretary for Foreign Affairs be directed to inform the Chargé d'Affaires of France, that Congress have received his late memorial. That the subject thereof, is under their consideration, and that they will use every endeavor in their power, to comply fully with their public engagements;" Reports,

That, in his opinion, it will always be more proper to convey what Congress may think proper to communicate to a foreign sovereign, through their own Minister, at his

Court, than through his Minister, residing at theirs. Wherefore, your Secretary thinks that a copy of the memorial in question, should be sent to Mr. Jefferson, with orders to assure his most Christian Majesty, that Congress are using their utmost endeavors to fulfil all their engagements; and, that although they regard all the public creditors with an equal eye, yet as they find themselves particularly called upon by gratitude, as well as by justice, to convince his Majesty of their regard for both, they are determined to make the stipulated payments with as much punctuality and as little delay, as circumstances not in their power to control, may permit.

Your Secretary also thinks it would be well to permit him to acquaint M. Otto with the substance of the above instruction, that he may be relieved from the anxiety which the apparent silence of Congress, on the subject, would naturally give him.

All which is submitted to the wisdom of Congress.

JOHN JAY.



THE SCHEME OF A CONVENTION *between his most Christian Majesty and the United States of North America, for defining and regulating the functions and privileges of Consuls, Vice Consuls, Agents and Commissaries.*

The most Christian King and the United States of North America having, by the 29th article of the treaty of amity and commerce concluded between them, granted mutually, the liberty of having each, in the ports of the other, Consuls, Vice Consuls, agents and commissaries,

and being willing in consequence thereof, to determine and fix in a reciprocal and permanent manner, the functions and prerogatives of the said Consuls, Vice Consuls, agents and commissaries respectively, have agreed as follows:

ARTICLE I. It shall be the duty of the Consuls of his most Christian Majesty to present their commissions in the first instance, to the United States in Congress assembled, by whom an act shall be made recognizing them as such. This act shall be delivered by the Consuls to the Supreme Executive power of the State or States to which they may be sent. Two copies of the Exequatur, that is, a public notification of the quality of the Consuls, shall thereupon issue from the Supreme Executive power, without fees or perquisites of office, and to be retained by the Consuls, the other to be published in one or more gazettes. This being done, the pre-eminences, authority and privileges, stipulated in this convention, shall be allowed to them in all places, before all tribunals, and by all persons.

ARTICLE II. The Consuls of his most Christian Majesty, and of the United States, may appoint any number of Vice Consuls within their respective departments. Upon the notification of their appointment by the Consuls, to the Supreme Executive power of the State to which they may be sent, the Exequatur shall be applied for, and delivered by the several States to them, in the same manner as to the Consuls, and thereupon all the pre-eminences, authority and privileges stipulated in this convention in favor of Vice Consuls, shall be allowed in all places, before all tribunals, and by all persons.

ARTICLE III. Consuls and Vice Consuls shall be sub-

jects or citizens of the power appointing them, and interdicted from all traffic or commerce for their own or others benefit.

ARTICLE IV. Consuls may also appoint any number of agents within their departments, who may be of their own nation or not, at pleasure. They shall receive a commission from the Consul appointing. They shall not assume any pre-eminence, authority or privilege herein granted to Consuls or Vice Consuls, nor exact any fees or reward under any pretence whatever. But they shall confine themselves wholly to the assistance of merchants, mariners and vessels, and giving information respecting them to the nearest Consul or Vice Consul.

ARTICLE V. There may be attached to the Consulate, at the will of the Consuls, within their departments, any number of persons. Neither the papers nor houses of Consuls or Vice Consuls shall be searched. Consuls and Vice Consuls shall enjoy full and entire immunities for their persons and be exempt from personal service, public offices, finding quarters for soldiers, militia duty, watch ward, guardianship, attorneyship, committeeship, and from all duties, taxes and imposts whatsoever on moveable property ; but shall be liable in respect of real and landed property in the same manner as the subjects or citizens of the country. The arms of his most Christian Majesty or of the United States, as the case may be, shall be placed upon the outer door of their house, and being so placed, shall entitle the house to the exemptions aforesaid. But no asylum shall be thereby obtained for malefactors or criminals, who shall be delivered up immediately on demand. The same privileges and immunities, as those granted in this fifth article, to Consuls and

Vice Consuls, shall be granted to persons attached to the consulate and living under the same roof with the Consuls or Vice Consuls, provided approbation shall be given of their number and appointment by the Supreme Executive power of the State to which they may belong.

ARTICLE VI. Consuls, and Vice Consuls in places where there are no Consuls, may have a chapel in their houses for the celebration of divine service according to their religious profession. And his most Christian Majesty and the United States shall cause particular care to be taken that no obstacle or hindrance be thrown in the way of the funeral obsequies or ceremonies observed towards the deceased of either nation.

ARTICLE VII. In all cases in which it may be necessary that the Consuls, or Vice Consuls, should perform any judicial or official act, the public bodies or the persons in public authority who shall require such act, shall either inform them thereof in writing or send a military or civil officer with a verbal message respecting it: And the Consuls or Vice Consuls shall, on their part, readily and bona fide do whatsoever may be demanded of them on these occasions.

ARTICLE VIII. The Consuls and Vice Consuls respectively, may establish a chancery, as a depositary of the Consular acts and deliberations, of effects left by the dead, or saved from shipwreck, of testaments, obligations, contracts, and all other acts or things done by or between people of their nation. They may appoint the officers of the chancery, administer to them an oath of office, entrust to them the keeping of the seal, and the right of affixing the same to commissions, judgments and other consular acts, and empower them to discharge the functions of notaries and registers.

ARTICLE IX. The Consuls and Vice Consuls respectively, shall have the exclusive right of receiving in their chancery, or on board of vessels of their nation, all the declarations and other acts which the captains, masters, seamen, passengers or merchants of their nation shall think proper to make or lodge therein; and last wills and testaments, and copies of any acts duly authenticated by the Consuls or Vice Consuls, and under the seal of their consulate, shall receive full faith and credit in all courts of justice, as well in France as in the United States. They shall also have the exclusive right of inventoring the effects of those of their nation, who may die within their consulate, liquidating their accounts and selling their moveable property. They shall call to their assistance in this business, two merchants of their own nation, and of their own choice, and cause to be deposited in the chancery, the effects and papers of the deceased of their own nation, without being interrupted therein by any officer, military, judicial, or of the police. But neither the Consuls nor Vice Consuls shall deliver the effects of the deceased, or the produce of the sales, over to the heir or lawful successor, or his representative or attorney, until all the debts which the deceased shall have contracted by judgment, act or bill, shall be discharged. The signature or hand writing and genuineness thereof, being first certified by two merchants of the same nation with the deceased, and of reputation. In all other cases, payment of no debt shall be made, unless the creditor shall first enter into a bond, with one sufficient surety at least, who is a resident on the spot, for the return of all moneys unduly received, as well the principal as interest and costs. The surety shall not

be bound beyond one year in time of peace, and two years in time of war. If, however, within those terms, the creditor shall call upon the lawful representative or successor to the property of the deceased, by a proper legal process, and prove his title to the money so received, the surety shall stand discharged.

ARTICLE X. The Consuls and Vice Consuls respectively, shall receive the declarations,* *consulats* or other consular acts of all captains, and masters of their respective nations, for damages received at sea, by leakage or the throwing of goods overboard. And all *consulats*, or other consular acts, made by them in foreign ports for accidents during the voyage, shall be lodged in the chancery aforesaid. If a subject of France and a citizen of the United States be jointly interested in the cargo, the damage shall be settled by the tribunals of the country, not by the Consuls or Vice Consuls. But where subjects or citizens of their own nation, are alone interested, the Consul or Vice Consul shall then choose experienced persons of their respective nations, to settle the same.

ARTICLE XI. In every case of a wreck, the nearest Consul or Vice Consul, may exercise his discretion in saving the vessel wrecked, with her cargo and appurtenances, and in storing and securing what is saved; and may also take an inventory thereof. In this business, no officers of the customs, of justice, of the police, or naval officer, shall interfere, but upon application made to them for their assistance; in which case they shall exert themselves in the most effectual manner. To prevent all clashing of jurisdictions in case of shipwreck, it is agreed, that where there shall be no Consul or Vice Consul,

* Protests.

or they may be more distant from the place of the accident, than the judge of the country having authority in such cases, this judge shall immediately proceed to the exercise of his authority according to law ; but shall retire upon the coming of a Consul or Vice Consul, into whose hands he shall put the whole business, rendering an account of his transactions, and receiving from the Consul or Vice Consul, reimbursements for all expenses. Whatsoever is saved shall be lodged in the nearest custom house or naval office ; or where there is no custom house or naval office, in the nearest place of security, with an inventory, prepared by the Consul or Vice Consul, or, in their absence, by the judge of the country as aforesaid. Upon the order of the nearest Consul or Vice Consul, and without any fees or perquisites for storage, when lodged in public stores, the owner may reclaim the property so saved, in person or by attorney, and may either re-export the same, free from all duties of exportation, or sell it in the country, if goods of such a quality be not prohibited. In this latter case, of a sale of unprohibited goods, there shall be an abatement of the duties on importation, in proportion to the damages sustained by the shipwreck, to be determined by the account taken by the Consul, Vice Consul, or judge of the country, or any other competent officer at the time of the accident.

ARTICLE XII. The Consuls and Vice Consuls shall have on board of the vessels of their respective nations, all power and jurisdiction in matters of a civil nature. They shall have the power of causing the laws, regulations and ordinances of their respective nations, concerning navigation, to be observed on board of their said vessels. For this purpose they shall freely, and without any molestation

or hindrance from any officer or other person, visit the said vessels. They may cause to be arrested and sequestered, every vessel carrying the flag of their respective nations, and even send them back to France or the United States, as the case may be, as well as arrest any captain, master, seaman or passenger, of their respective nations. They may cause to be arrested and detained in the country, sailors and deserters of their respective nations, or cause them to be transported therefrom. It shall be a sufficient evidence of the sailors and deserters belonging to their respective nations, if their names appear in the register of the vessels, or the roll of their crew. Proof being thus made concerning sailors and deserters, all tribunals, judges, and officers whatsoever, shall be interdicted and disabled from taking cognizance in any manner of complaints exhibited by such sailors or deserters. But they shall be delivered up to an order signed by the Consuls or Vice Consuls, without being detained, engaged, or withdrawn in any manner. That these powers, vested in Consuls and Vice Consuls, may be completely executed, all persons in authority shall assist them, and upon a simple requisition made by the Consuls or Vice Consuls in writing, shall cause to be kept in prison at the disposal and cost of the Consuls or Vice Consuls, the sailors and deserters so arrested, until an opportunity shall be presented of sending them out of the country.

ARTICLE XIII. All offences committed in France, by a citizen of the United States, against a subject of his most Christian Majesty, shall be enquired into and punished according to the laws of France; and those committed in any one of the United States, by a subject of his most

Christian Majesty, against a citizen of the United States, shall be enquired into, and punished according to the laws of such State; but offences committed in France, by a citizen of the United States, against a citizen of the United States; or committed in any one of the United States, by a subject of his most Christian Majesty, against a subject of his most Christian Majesty, shall be subject to the jurisdiction of the Consuls and Vice Consuls of France, or of the United States, as the case may be.

ARTICLE XIV. All differences and disputes between the subjects of his most Christian Majesty, in the United States, or between the citizens of the United States, in France, and all differences and disputes concerning commerce between the subjects of his most Christian Majesty, one party being resident in France or elsewhere, and another in the United States, or between the citizens of the United States, one party being resident in the United States or elsewhere, and another in France, shall be heard, tried and decided on by the Consuls or Vice Consuls of their respective nations, either by referring the same to arbitration, or by making a decree summarily, and without costs. No officer, civil or military, shall intermeddle or interpose herein in any respect. Appeals shall be carried to such courts as have been, or may be appointed by his most Christian Majesty and the United States respectively. No disputes or differences between a subject of his most Christian Majesty, and a citizen of the United States, shall be determined or taken up in any manner by the Consuls or Vice Consuls, but shall be decided by the courts of the country in which the defendant shall be found.

ARTICLE XV. The advantages to commerce having

caused the erection of certain tribunals in France, and particular forms, for the speedy determination of commercial matters, the merchants of the United States shall enjoy the benefits of those establishments in France: and the United States, in Congress assembled, will recommend to the Legislatures of the several States, to establish equal advantages in the speedy decision of causes in favor of French merchants in matters of the same nature.

ARTICLE XVI. The subjects of his most Christian Majesty, and the citizens of the United States, shall be exempt from all personal services in the place of their residence, either in France or the United States, as the case may be. Whensoever any person in France, or the United States, as the case may be, shall claim any privilege or exemption as a subject of his most Christian Majesty, or of the United States, before any Judge, tribunal, or officer whatsoever, a certificate of the Consul or Vice Consul of the district, containing his name, surname, and the place of his residence, and the affidavit of the person claiming such privilege or exemption, that he is a subject of his most Christian Majesty, or of the United States, as the case may be, shall be sufficient evidence thereof, unless the contrary shall manifestly appear.

ARTICLE XVII. Conformably to the 3rd and 4th articles of the treaty of amity and commerce between his most Christian Majesty and the United States, if any other nation, by virtue of any Convention whatsoever, shall receive greater indulgence either in France or in the United States, with regard to consular powers, privileges or authority, the Consuls, Vice Consuls, Agents and Commissaries of France, and of the United States, as the case may be, shall participate therein.

CONVENTION between his most Christian Majesty and the Thirteen United States of North America, for the purpose of determining and fixing the functions and prerogatives of their respective Consuls, Vice Consuls, Agents and Commissaries.

His Majesty the Most Christian King, and the thirteen United States of North America, having, by the 29th article of the treaty of amity and commerce, concluded between them, mutually granted the liberty of having, in their respective States and ports, Consuls, Vice Consuls, Agents and Commissaries, and being willing in consequence thereof, to determine and fix, in a reciprocal and permanent manner, the functions and prerogatives of the said Consuls, Vice Consuls, Agents and Commissaries, his most Christian Majesty has nominated the Sieur Charles Gravier, Count of Vergennes, Baron of Welferding, &c. Counsellor of the King in all his Councils, Commander of his Orders, head of the Royal Council of Finances, Counsellor of the state of the Sword, Minister and Secretary of State, and of his Commands and Finances; and the United States, the Sieur Benjamin Franklin, their Minister Plenipotentiary to his most Christian Majesty; who, after having communicated to each other their respective full powers, agreed upon what follows:

ARTICLE I. The Consuls and Vice Consuls, nominated by his most Christian Majesty and the United States, shall be bound to present their commissions on their arrival in the respective States, according to the form which shall be there established. There shall be delivered to them, without any charges, the Exequatur

necessary for the exercise of their functions; and on the exhibition they shall make of the said Exequatur, the Governors, Commanders, heads of Justice, public bodies, tribunals, and other officers having authority in the ports and places of their consulates, shall cause them to enjoy as soon as possible and without difficulty, the pre-eminences, authority and privileges reciprocally granted, without exacting from the said Consuls and Vice Consuls any duty, under any pretext whatever.

ARTICLE II. The respective Consuls shall have power to establish Vice Consuls in the different ports and places of their departments, where necessity shall require. There shall be delivered to them likewise, the Exequatur necessary to the exercise of their functions, in the form pointed out by the preceding article, and on the exhibition which they shall make of the said Exequatur, they shall be admitted and acknowledged in the terms and according to the powers, authority and privileges stipulated by the 1st, 4th and 5th articles of the present convention.

ARTICLE III. The respective Consuls and Vice Consuls may establish agents in the different ports and places of their departments where necessity shall require. These agents may be chosen among the merchants, either national or foreign, and furnished with a commission from one of the said Consuls: It shall be their business respectively, to render to their respective merchants, navigators and vessels, all possible service, and to inform the nearest Consul or Vice Consul of the wants of the said merchants, navigators and vessels, without the said agents otherwise participating in the immunities, rights and privileges attributed to the Consuls

and Vice Consuls, and without power to exact from the said merchants any duty or emolument whatever under any pretext whatsoever.

ARTICLE IV. The Consuls and Vice Consuls, the officers of the consulate, and in general all persons attached to the consular function, shall enjoy respectively, a full and entire immunity for their persons, their papers, and their houses. The list of the said persons shall be approved and inspected by the executive power of the place of their residence.

They shall be exempt from all personal service and public offices, from soldiers' billets, militia, *watchguard*, *guardianship* and *trusteeship*, as well as from all duties, taxes, impositions and charges whatsoever, except *the real estates* of which they may be proprietors, which shall be subject to the taxes imposed on the estates of all other individuals.

They shall place over the outward door of their house the arms of their sovereign without, that this mark of distinction shall give to the said house the right of asylum for any malefactor or criminal, so that in case it should happen that any malefactor or criminal takes refuge there, he shall instantly be delivered up on the first requisition and without difficulty.

ARTICLE V. Generally, in all cases whatever, which concern the police or administration of justice, where it may be necessary to have a juridical declaration from the said Consuls and Vice Consuls, respectively, the governors, commandants, chief justice, public bodies, tribunals, or other officers whatever of their respective residence there, having authority, shall be bound to inform them of it, by writing to them, or sending to them, a military or

civil officer to let them know, either the object which is proposed, or the necessity there is for going to them to demand from them this declaration; and the said Consuls and Vice Consuls shall be bound on their part to comply faithfully with what shall be desired of them on these occasions.

ARTICLE VI. The Consuls and Vice Consuls respectively may establish a chancery, where shall be deposited the consular acts and deliberations, all effects left by deceased persons, or saved from shipwreck, as well as testaments, obligations, contracts, and in general all the acts and proceedings done between, or by persons of their nation.

They may in consequence appoint for the *business* of the said chancery capable persons, receive them, administer an oath to them, give to them the keeping of the seal, and the right of sealing commissions, judgments and other acts of the consulate, as well as there to discharge the functions of notaries and registers.

ARTICLE VII. The Consuls and Vice Consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels, the declarations and all the other acts which the captains, masters, seamen, passengers, and merchants of their nation would make there, even their testaments, and other dispositions of last will; and the copies of the said acts, duly authenticated by the said Consuls or Vice Consuls, and under the seal of their consulate, shall receive faith in law in all the tribunals of France and the United States.

They shall have also, and exclusively the right to inventory, liquidate, and proceed to the sale of the moveable effects of the estates left by subjects of their nation,

who shall die within the extent of their consulate: They shall proceed therein with the assistance of two merchants of their said nation, of their own choosing, and shall deposit in their chancery, the effects and papers of the said estates, and no officer, military or civil, or of the police of the country, shall trouble them, or interfere therein, in any manner whatsoever: But the said Consuls and Vice Consuls shall not deliver up the same, and their product to the lawful heirs or *their attorneys*, until they shall have discharged all the debts which the deceased shall have contracted in the country, by judgment, by acts or by notes, the writing and signing of which shall be known and certified by two principal merchants of the nation of the said deceased, and in all other cases the payment of debts cannot be ordered but on the creditors giving sufficient and local security to repay the sums unduly received, principal, interest, and costs; which securities however shall remain duly discharged after a year in time of peace, and two years in time of war, if the demand in discharge cannot be formed before these delays against the heirs which shall present themselves.

ARTICLE VIII. The respective Consuls and Vice Consuls shall receive the declarations, "*consulats*," and other consular acts from all captains and masters of their respective nations, on account of average, losses sustained at sea, by leakage, or throwing merchandize overboard, and these captains and masters shall leave in the chancery of the said Consuls and Vice Consuls, the "*consulats*," and other consular acts which they may have had made in other ports on account of the accidents which may have happened to them on their voyage. If a subject of his most Christian Majesty, and a citizen of the

United States are interested in the said cargo the average shall be fixed by the tribunals of the country and not by the Consuls or Vice Consuls; and the tribunals shall admit the acts and declarations, if any should have been passed before the said Consuls and Vice Consuls; but when only the subjects of their own nation, or foreigners shall be interested, the respective Consuls or Vice Consuls, and in case of their absence or distance, their agents furnished with their commission, shall officially nominate skilful persons of their said nation to regulate the damages and averages.

ARTICLE IX. In case by storm or other accidents, French ships or vessels shall *run ashore* on the coasts of the United States, and the ships and vessels of the United States shall *run ashore* on the coasts of France, the Consul or Vice Consul nearest to the place of shipwreck, shall do whatever he may judge proper, as well for the purpose of saving the said ship or vessel, its cargo and appurtenances, as for the storing and security of the effects and merchandize saved. He may take an inventory, without any officers military, of the custom house, justices, or the police of the country interfering, otherwise than to facilitate to the Consuls, Vice Consuls, captain and crew of the vessel shipwrecked or run ashore, all the assistance and favor which they shall ask, either for the celerity and security of the salvage and effects saved, or to prevent all disturbances.

To prevent even any kind of dispute and discussion in the said cases of shipwreck—It has been agreed, that where no Consul or Vice Consul shall be found to attend to the salvage, or that the residence of the said Consul or Vice Consul (he not being at the place of shipwreck)

shall be further distant from the said place than that of the competent territorial judge, the latter shall immediately there proceed therein with all the celerity, safety and precautions prescribed by the respective laws; but the said territorial judge shall retire on the coming of the Consul or Vice Consul, and shall resign to him the procedures by him done, the expences of which the Consul or Vice Consul shall cause to be reimbursed to him.

The merchandize and effects saved, shall be deposited in the custom house or other nearest place of safety, with the inventory of them, which shall be made by the Consul or Vice Consul, or, in their absence, by the judge, who shall have had cognizance thereof, and the said merchandizes and effects shall be afterwards delivered, after levying therefrom the costs, and without form of process to the proprietors, who, being furnished with a *replevy* from the nearest Consul or Vice Consul, shall reclaim them by themselves, or by their attorneys, either for the purpose of re-exporting the merchandizes, and in that case, they shall pay no kind of duties of exportation; or for the purpose of selling them in the country, if they are not prohibited; and in this latter case, the said merchandizes being averaged, there shall be granted them an abatement of the entrance duties proportioned to the damage sustained, which shall be ascertained by *the verbal process* formed at the time of the shipwreck, or of the vessels running ashore.

ARTICLE X. The Consuls and Vice Consuls shall have on board of the vessel of their respective nations, full power and jurisdiction in matters civil. They shall cause to be executed the respective laws, ordinances and rules, concerning navigation, on board of the said vessels,

and for this purpose they shall go there without being interrupted by any officer or other person whatsoever.

They may cause to be *arrested* every vessel carrying the flag of their respective nation; they may sequester them, and even send them back respectively, from the United States to France, or from France to the United States; they may cause to be arrested, without difficulty, every captain, master, sailor or passenger of their said respective nation.

They may cause to be arrested, or detained in the country, the sailors and deserters of their respective nations, or send them back or transport them out of the country.

It shall be a sufficient proof that the sailors and deserters belong to one of the respective nations, that their names be written in the ship's register, or inserted in the roll of the crew.

One and the other of these proofs concerning sailors and deserters being thus given, no tribunals, judges or officers whatsoever, shall, in any manner whatever, take cognizance of the complaints which the said sailors and deserters may make, but they shall, on the contrary, be delivered up on an order signed by the Consul or Vice Consul, without its being in any one's power, in any manner to detain, engage or withdraw them. And to attain to the complete execution of the arrangements contained in this article, all persons having authority shall be bound to assist the said Consuls or Vice Consuls, and on a simple requisition signed by them, they shall cause to be detained and guarded in prison at the disposal and expense of the said Consuls and Vice Consuls, the said sailors and deserters, until they shall have an opportunity to send them out of the country.

ARTICLE XI. In cases where the respective subjects shall have committed any crime, they shall be amenable to the judges of the country.

ARTICLE XII. All differences and suits between the subjects of his most Christian Majesty settled in the United States, or between the citizens and subjects of the United States settled in France, and all differences and suits concerning commerce, between the subjects of his most Christian Majesty, and one of the parties residing in France or elsewhere, and the other in the United States, or between the citizens and subjects of the United States, one of the parties residing in the United States or elsewhere, and the other in France, shall be determined by the respective Consuls, either by a reference to arbitration, or by a summary judgment and without costs.

No officer, civil or military, shall interfere or take any part whatever in the affair: Appeals shall be carried before the tribunals of France or the United States, to whom it may appertain to take cognizance thereof. The Consuls or Vice Consuls shall not take cognizance of disputes or differences, which shall arise betwixt a subject of his most Christian Majesty and a citizen of the United States; but the said disputes shall be brought before the tribunals to which the defendant shall be amenable.

ARTICLE XIII. The general utility of commerce having caused to be established in France, tribunals and particular forms to accelerate the decision of commercial affairs, the merchants of the United States shall enjoy the benefit of these establishments in France, and the Congress of the United States shall recommend to the Legislatures of the different States to provide equivalent

advantages in favor of the French merchants, for the prompt despatch and decision of affairs of the same nature.

ARTICLE XIV. The subjects of his most Christian Majesty, and those of the United States, who shall prove that they belong to the body of their respective nations, by the certificate of the Consul or Vice Consul of the districts, mentioning their names, surnames and place of their settlement, as inscribed in the registers of the consulate, shall not lose, for any cause whatever, in the respective domains and States, the quality of subjects of the country of which they originally were, conformably to the 11th article of the treaty of amity and commerce, of the 6th February, 1778, of which the present article shall serve as an interpretation in case of necessity, and the said subjects respectively shall enjoy, in consequence, exemption from all personal service in the place of their settlement.

ARTICLE XV. If any other nation acquires, by virtue of any Convention whatever, either in France or in the United States, a treatment more favorable with respect to the consular pre-eminences, powers, authority and privileges, the Consuls, Vice Consuls, and agents of his most Christian Majesty, or the United States, reciprocally shall participate therein, agreeable to the terms stipulated therein, agreeable to the terms stipulated by the 2d, 3d and 4th articles of the treaty of amity and commerce, concluded between his most Christian Majesty and the United States.

ARTICLE XVI. The ratification of the present Convention shall be given in proper form, and exchanged on both sides, within the space of six months, or sooner if possible.

In faith whereof, we, the underwritten Ministers Plenipotentiaries of his most Christian Majesty and the United States of North America, have signed the present Convention, and have thereto affixed the seal of our arms.

Done at Versailles, the 29th July, one thousand seven hundred and eighty four.

GRAVIER DE VERGENNES,
B. FRANKLIN.

Faithfully translated from the original, by
JOHN PINTARD.



Report of Secretary Jay, respecting French and American Consuls.

Office for Foreign Affairs, }
July 4, 1786. }

The Secretary of the United States, for the Department of Foreign Affairs, to whom was referred a copy of the Convention respecting French and American Consuls, reports,

That the Convention, of which the abovementioned is a copy, having been formally executed by French and American Plenipotentiaries, nothing is wanting to perfect that compact but the ratifications specified in the 16th article.

The only question, therefore, that remains to be decided is, whether Congress ought to ratify this Convention.

To decide this question properly it appears necessary,

1st. To recur to the powers and instructions given to their Minister on this subject, and enquire whether he has

pursued them essentially, and 2nd, whether, in case of deviations, they are of such a nature as to justify a refusal to ratify.

It is to be observed that, on the 25th January, 1782, Congress Resolved, that the Minister Plenipotentiary of the United States at the Court of Versailles be, and is hereby authorized and *instructed*, to enter into a Convention with his most Christian Majesty, on the part of the United States, for the establishment of consular powers and privileges, according to the scheme hereunto subjoined, unless it shall be deemed by his most Christian Majesty, more expedient that the same should be executed in the United States.

That the said Minister Plenipotentiary *use his discretion* as to the *words or arrangement* of the Convention, confining himself to the *matter* thereof in all respects, except as to so much of the 6th article as relates to the erection of a chapel, taking care that reciprocal provision be made for the recognition of the Consuls and Vice Consuls of the United States, and for the admission of persons attached to the consulate to the privileges stipulated in the 5th article, in a manner most conducive to expedition and freest from difficulty.

This is the only instruction, as well as the only authority, given on the subject to the American Minister, that your Secretary finds.

SCHEME TITLE.

Convention between his most Christian Majesty and the *United States of North America*, for defining and regulating the functions and privileges of Consuls, Vice Consuls, agents, and commissaries.

CONVENTION TITLE.

Convention between his most Christian Majesty and the *THIRTEEN United States of North America*, for the purpose of determining and fixing the functions and prerogatives of their respective Consuls, Vice Consuls, agents, and commissaries.

The style of the Confederacy being "The United States of America," the scheme and the Convention are both erroneous so far as they both add the word "North". But the title of the Convention departs essentially from that of the scheme, inasmuch as it limits the compact to the *thirteen* United States of America, and consequently *excludes* from it all such other States as might, before the ratification of it, or in future, be created by, or become parties to, the Confederacy; whereas, the words in the title of the scheme *United States of North America*, would, if used, have comprehended them all.

SCHEME.

ARTICLE I. It shall be the duty of the Consuls of his most Christian Majesty, *to present their commissions in the first instance to the United States, in Congress assembled*, by whom an act shall be made, recognizing them as such. This act shall be delivered by the Consuls to the Supreme Executive power of the State or States, to which they may be sent.

Two copies of the *Exequatur* (that is, a public notification of the quality of the Consuls) shall thereupon issue from the Supreme Executive power, without fees or perquisites of office; one to be retained by the Consuls, the other to be published in one or more gazettes. This being done, the pre-eminences, &c. shall be allowed to them, &c.

CONVENTION.

ARTICLE I. The Consuls and Vice Consuls, nominated by his most Christian Majesty and the United States, shall be bound *to present their commissions on their arrival in the respective States, according to the form which shall be there established*. There shall be delivered to them, without any charges, the *Exequatur* necessary for the exercise of their functions; and, on the exhibition they shall make of the *Exequatur*, the Governor, &c. having authority in the ports and places of their consulates, shall cause them to enjoy, as soon as possible, and without difficulty, the pre-eminences, &c.

The Scheme expressly directs that their commissions shall, in the first instance, be *presented to Congress*, but the Convention, by omitting this, seems to intend something else. It indeed directs that they shall *present their commissions on their arrival in the respective*

States, according to the form, "qui s'y trouvera établie," which shall be there found established, but whether established by the State or by Congress, is undecided.

The second articles in both appear to be alike in substance.

SCHEME.

ARTICLE III. Consuls or Vice Consuls shall be subjects or citizens of the power appointing them, and interdicted from all traffic or commerce for their own, or another's benefit.

CONVENTION.

This article is wholly omitted in the Convention, and that omission is an essential, though perhaps not in itself, a very important deviation from the Scheme.

The fourth article in the Scheme, and the third in the Convention, respecting agents, differ essentially only in this, that the former has these words: "*Nor exact any fees or reward under any pretence whatever,*" whereas the latter seems to limit that prohibition by these words: "*and without power to exact from the said merchants any duty or emoluments whatever, under any pretext whatsoever.*"

The fifth article in the Scheme, and the fourth article in the Convention, have no material difference.

SCHEME.

ARTICLE VI. Consuls, (and Vice Consuls in places where there are no Consuls) may have a chapel in their houses, for the celebration of Divine service, according to their religious profession; and his most Christian Majesty and the United States shall cause particular care to be taken, that no obstacle or hindrance be thrown in the way of the funeral obsequies or ceremonies observed towards the deceased of either nation.

CONVENTION.

This article is omitted in the Convention. By the instruction given to the Minister, that matter seems to have been left to his discretion. The omission, however, appears important to your Secretary, from this consideration, that although the Catholic religion may be freely and publicly professed and exercised in the United States, yet the Protestant religion has no legal toleration in France. This omission, therefore, is a departure from the line of reciprocity.

The seventh article in the Scheme, and the fifth in the Convention, are much alike.

The eighth article in the Scheme, and the sixth in the Convention, are similar.

The ninth article in the Scheme, and the seventh in the Convention, also correspond.

SCHEME.

Extract from the tenth article
on average.

If a subject of France, and a citizen of the United States, be jointly interested in the cargo, the damage shall be settled by the tribunals of the country, not by the Consuls or Vice Consuls.

But where subjects, citizens of their own nation are alone interested, the Consul or Vice Consul shall then choose experienced persons of their respective nations to settle the same.

CONVENTION.

Extract from the eighth article
on average.

If a subject of his most Christian Majesty, and a citizen of the United States, are interested in the said cargo, the average shall be fixed by the tribunals of the country, and not by the Consuls or Vice Consuls, and *the tribunals shall admit the acts and declarations, if any should have been passed before the said Consuls and Vice Consuls.*

But when only the subjects of their own nation or foreigners shall be interested, the respective Consuls or Vice Consuls, and in case of their absence or distance, their agents, furnished with their commission, shall officially nominate skilful persons of their said nation to regulate the damages and averages.

The Convention here appears to differ materially from the Scheme in *three* respects, 1st. as it provides for the

admission in evidence by our tribunals, of acts and declarations passed before Consuls and Vice Consuls respecting the matter in controversy, and consequently opens a door to *ex parte* affidavits. 2nd. The Scheme confines the jurisdiction of Consuls and Vice Consuls to cases where none but their own people are concerned ; whereas the Convention extends it to *foreigners*. 3rd. The Scheme authorizes none but Consuls or Vice Consuls to appoint persons to settle the damages in question ; but the Convention makes an ulterior provision, and authorizes their agents *ex officio* to do it in certain cases.

The eleventh article in the Scheme, and the ninth in the Convention, are not materially different.

SCHEME.

Extract from 12th Article.

They (Consuls and Vice Consuls) may cause to be arrested and sequestered, every vessel carrying the flag of their respective nations. They may cause to be arrested and detained in the country, sailors and deserters of their respective nations or cause them to be transported therefrom.

CONVENTION.

Extract from 10th Article,

They may cause to be arrested every vessel carrying the flag of their respective nations, they may sequester them and *even send them back* respectively from the United States to France, or from France to the United States. They may cause to be arrested without difficulty every *captain, master, sailor or passenger* of their said respective nations. They may cause to be arrested and detained in the country the sailors and deserters of their respective nations, or send them back or transport them out of the country.

These articles differ in these respects. The Scheme does not authorize the Consuls to *send vessels* back; but the Convention does. The Scheme does not authorize them to arrest *captains and masters* of vessels; but the Convention does. The Scheme does not authorize them to arrest *passengers*; but the Convention does.

SCHEME.
13th Article.

All offences committed in France by a citizen of the United States against a subject of his most Christian Majesty, shall be inquired into and punished according to the laws of France; those committed in any one of the United States by a subject of his most Christian Majesty, against a citizen of the United States, shall be inquired into and punished according to the laws of such State. But offences committed in France by a citizen of the United States against a citizen of the United States, or committed in any one of the United States by a subject of his most Christian Majesty against a subject of his most Christian Majesty, shall be subject to the jurisdiction of the Consuls and Vice Consuls of France, or the United States as the case may be.

CONVENTION,
11th Article.

In cases where the respective subjects shall have committed any crime, they shall be amenable to the judges of the country.

These two articles differ in this, that the one in the Scheme gives cognizance of certain offences to the Consuls and Vice Consuls, but the one in the Convention gives that cognizance to the Judges of the country.

The 14th article in the Scheme, and the 12th in the Convention, differ only in this, that the former refers certain offences, disputes and differences, to the jurisdiction of the Consuls and Vice Consuls; whereas the latter is silent as to offences, and omits making any mention of them.

The 15th article in the Scheme, and the 13th in the Convention, are alike.

SCHEME.
16th Article.

The subjects of his most Christian Majesty and the citizens of the United States shall be exempt from all personal services in the place of their residence,

CONVENTION.
14th Article.

The subjects of his most Christian Majesty, and those of the United States, who shall prove that they belong to the body of their respective nations, by the

either in France or the United States, as the case may be; whenever any person in France or the United States, as the case may be, shall claim any privilege or exemption of a subject of his most Christian Majesty, or of the United States, before any judge, tribunal or officer whatsoever, a certificate of the Consul or Vice Consul of the district, containing his name, surname, and the place of his residence, and the affidavit of the person claiming such privilege or exemption, that he is a subject of his most Christian Majesty, or of the United States, as the case may be, shall be sufficient evidence thereof, unless the contrary shall manifestly appear.

certificate of the Consul or Vice Consul of the district, mentioning their names, surnames and place of their settlement as inscribed in the registers of the consulate, shall not lose, *for any cause whatever*, in the respective domains and States, *the quality of subjects of the country of which they originally were*, conformably to the 11th article of the treaty of amity and commerce of the 6th February, 1778, of which the present article shall serve as an interpretation in case of necessity, and the said subjects respectively, shall enjoy, in consequence, *exemption* from all personal services in the place of their settlement.

These two articles vary from each other essentially; *first*, in that the certificate of the Consul is, by the Convention, made the sole and exclusive proof of nationality; whereas, the Scheme requires also the affidavit of the party, and makes that joint evidence conclusive only in cases where *the contrary shall not manifestly appear*. *Secondly*, in that the Convention declares that persons having such certificates *shall not lose, for any cause whatever, the quality of subjects of the country of which they originally were*; whereas, the Scheme, by not giving such operation to those certificates, leaves such persons within the reach of naturalization. *Thirdly*, in that the Convention makes this article auxiliary to the 6th article of the treaty, by declaring that it shall serve as an interpretation in case of necessity—whereas, the Scheme does not constitute any connexion between this article and the treaty.

There is no difference between the 17th article in the Scheme, and the 15th in the Convention, except that the

former refers only to the 3rd and 4th articles of the treaty—whereas, the latter refers to the 2nd, 3rd and 4th.

The Convention contains an article, viz: the 16th, which provides for the exchange of ratifications; but there is no such article in the Scheme.

It appeared proper to your Secretary, thus particularly to state the principal variances between the Scheme and the Convention, that Congress may the more easily judge how far they correspond. The deviations in question, though different in degrees of importance, yet seem to be alike in this, that they depart from the *matter* of the Scheme, and not merely from the wording or arrangement of it.

As sovereigns treat and act with each other by their Ministers, it becomes essential that the acts of those Ministers should not be obligatory until after they have ratified, it being reasonable that the sovereigns should have an opportunity of judging whether their powers have not been exceeded, and whether their instructions have been pursued. A refusal to ratify can, therefore, be warranted only by the one, or the other of these principles, viz: either that their Ministers have exceeded the powers delegated by their commission, or departed from the instructions given them, to limit and regulate the exercise and use of those powers, which are commonly expressed in very general terms.

Hence it becomes important that the sovereign refusing to ratify, should be in capacity to show clearly what the powers and instructions given, were; and also that the treaty or Convention, in question, is not conformable thereto.

In the present case, there can be no difficulty, because all the power and authority delegated to the American Minister, rest entirely on the resolution of the 25th January, 1782, which, in a few words, so blends his authority and his instructions, that he could not communicate to the French Minister the one without the other.

Where an open and general commission is given, accompanied by private and particular instructions, the one may be shown and the other reserved. And though a departure from such instructions is good cause to refuse a ratification, yet more difficulties attend such cases than the present, because the other party being ignorant of the instructions, and relying on the full powers treat in full confidence and expectation that the proceedings will be ratified. But as the French Minister, in this instance, knew exactly how far the American Minister could go, and said plainly that he was not to depart from the *matter* of the Scheme, which accompanied and was referred to in his powers and instruction, they could, in case of essential deviations, only expect a ratification *de gratia*, and not *de jure*; and, consequently, can have no reason to be dissatisfied in case it should be declined.

Thus much appeared necessary to observe, in order to shew that Congress have a right to refuse the ratification in question; but whether it would be politic and expedient to do it, are questions which must be entirely referred to the wisdom of Congress. Your Secretary, however, in order fully to comply with what he conceives to have been the intention of Congress in referring the Convention to him, will now proceed to state the several objections to which, in his opinion, it is liable.

The Convention appears well calculated to answer

several purposes ; but the most important of them are such as America has no interest in promoting. They are these :

1st. To provide against infractions of the French and American laws of trade.

2nd. To prevent the people of one country from migrating to the other.

3rd. To establish in each other's country an influential corps of officers, under one chief, to promote mercantile and political views.

The *first* of these objects is clearly evinced by the tenth article.

The *second* of these objects, though less explicitly, is still sufficiently evident, from the fourteenth article.

The *third* of these objects, as it respects mercantile views, is apparent from the general tenor of the Convention ; and it appears plain to your Secretary, that a Minister near Congress, Consuls so placed as to include every part of the country in one consulate or other, Vice Consuls in the principal ports, and agents in the less important ones, constitute a corps so coherent, so capable of acting jointly and secretly, and so ready to obey the orders of their chief, that it cannot fail of being influential, in two very important political respects, first, in acquiring and communicating intelligence ; and secondly, in disseminating and impressing such advices, sentiments and opinions of men and measures as it may be deemed expedient to diffuse and encourage. These being the *three* great purposes which the Convention is calculated to answer ; the next question which naturally occurs, is, whether the United States have any such purposes to answer, by establishing such a corps in France.

As to the first, we have no laws for the regulation of our commerce with France, or any of her dominions, and consequently we want no provisions or guards against the infraction of such laws.

As to the second, we have not the most distant reason to apprehend or fear that our people will leave us and migrate, either to the kingdom of France, or to any of its territories; and consequently every restriction or guard against it must be superfluous and useless.

As to the third, France being a country in whose government the people do not participate; where nothing can be printed without previous license, or said without being known, and if disliked followed with inconveniencies, such a corps would there be very inefficient for political purposes. Where the people are perfectly unimportant, every measure to influence their opinions must be equally so. For political purposes, therefore, we do not want any such corps in France. As to assisting our merchants, and such other matters as properly belong to Consuls, they would answer all those purposes just as well without these extraordinary powers as with them.

Hence, it is clear to your Secretary, that the three great purposes which the Convention is calculated to answer, are such, as the United States have no interest in promoting. Whether France has any such purposes to answer in the United States, and how far this Convention may facilitate the pursuit of them, are questions which the discernment of Congress renders it unnecessary for your Secretary to discuss.

Your Secretary also considers this Convention as greatly deficient in reciprocity, inasmuch as by it we are

to admit French Consuls into all our ports and places without exception; whereas, no provision is made for the admission of ours into any of the ports, places, and dominions of his most Christian Majesty, except the kingdom of France only.

He also thinks that the omission of the article securing to Consuls the right of worshipping in their own way in chapels in their own houses, is a deviation from reciprocity, especially as that liberty is not only permitted but established here. But independent of these general circumstances and considerations, your Secretary thinks the Convention is liable to several strong and particular objections.

When these States assumed a place among the nations of the earth, they agreed upon and published to the world, the style and title by which they were to be known and called, and your Secretary does not conceive that other nations are more at liberty to alter that style than the United States are to alter the title of his most Christian, most Catholic, or any other Majesty in Europe. He therefore thinks that no act should be ratified by Congress, until every error of this kind is corrected. Though these matters are very unimportant in themselves, yet they become so as precedent, one little liberty unchecked often smoothing the way for a greater.

The Convention directs the Consuls, on their arrival in the respective States, to present their commissions according to the forms which shall be there found established; although the word *respective* here used, relates to the two countries and not to the individual States of which our confederacy is composed; yet it still is doubt-

ful whether the form alluded to is to be established by Congress, or the State to which they may be sent, and at which they may arrive. The like remarks apply to the case of Vice Consuls mentioned in the second article.

In countries where the laws alone govern, it should, in the opinion of your Secretary, be an invariable maxim not to permit any civil power to be exercised in it but by the citizens of the country, legally and constitutionally authorized thereto; and that as few persons as possible should be exempt in any respect from the jurisdiction of the laws.

In his opinion, therefore, none but the immediate representatives of Sovereigns ought to have such exemptions. A Consul is not of that description. According to the law of nations, Ambassadors must be received; but that law does not extend to Consuls, and, therefore, every nation may admit them on their own terms. It is not easy to assign a good reason for granting them a full and entire immunity for their persons, papers, houses and servants, other than such as the free citizens of the country enjoy. As they are protected by the laws, they should be subject to them.

But the Convention goes much further—it grants this immunity not only to Consuls and also to Vice Consuls, but also to all their different officers, and in general, to all persons attached to the consulate. Various abuses, difficult to detect, and still more difficult to correct, would naturally attend such extensive exemption from the process and jurisdiction of our laws, which can only proceed in one open, plain, direct path, without the aid of those *detours* and expedients well known and daily practised in absolute governments.

The 5th article respecting calling upon them for evidence seems to be an unnecessary departure from our laws. Why should Consuls and Vice Consuls be called upon to give evidence in a manner less formal and less coercive than the first and highest officers of our government are?

The 6th and 7th articles establishing consular and vice consular chanceries create an *imperium in imperio*, which in several respects must clash with the internal policy of these States, and with which it is not clear that Congress can authorize any persons to interfere, such as,

1st. Their officers shall discharge the functions of notaries. If by notaries be intended such as are known in this country, they are public officers that can only be appointed in the manner prescribed by the governments of the different States.

2nd. All effects left by deceased persons of their nation are to be deposited there and they are to have the *exclusive* right to inventory, liquidate and sell the moveable effects, &c. so left. So that with respect to these matters, not only the executors of the deceased are to be excluded, but our judge of probates is to lose his jurisdiction. And yet consular copies of such wills and acts, though unknown to our laws, are to be admitted as evidence in our courts.

3rd. If a Frenchman having many goods in possession and many debts to pay, should die, his creditors, according to this system, are to have no other dependence for payment, but the integrity of the Consul or Vice Consul, who alone can take possession of his goods. No action can be brought against these officers, nor any process touch any thing in their houses. So that our courts

are so far to lose their jurisdiction and American creditors in effect their right of action.

4th. Notes given by Frenchmen dying here, are put on another footing from notes given by our citizens with respect to evidence. For the Convention demands that the *writing and signing* of them shall be known and certified by *two principal merchants of his nation*, which very materially alters our law on that subject.

From these and other circumstances, it appears that this Convention will make a strong line of separation between French and American inhabitants in this country.

The 10th article needs no comment. It gives to Consuls as complete jurisdiction over French vessels in our harbors as any of the King's officers could exercise over them in the harbors of France. One circumstance, however, is very striking, and merits much attention, viz: their power to *arrest passengers*, which, doubtless, will be the case whenever passengers shall attempt to come here in a manner, and for purposes not consistent with the ordinances against emigration; and the power to arrest also the captains and masters is, doubtless, intended to punish neglect of those ordinances, and to render them very circumspect in their conduct relative to passengers and cargoes.

How far the power of arresting and re-exporting sailors and deserters may operate on emigrants, is not difficult to foresee, as the Consuls are to be the only judges, and our Courts are excluded from hearing the complaints of any persons whom the Consuls may describe by those appellations.

The 14th article makes the certificate of a Consul

conclusive proof of a man's being a Frenchman, and declares, that he who shall make *such proof* shall not lose, *for any cause whatever*, the quality of a subject.

That the manifestation of so important a fact should depend wholly on such a certificate, that no counter proof should be offered and prevail, is really to make the consular chancery a court of record (and that not only for judicial acts, but also for facts,) against whose records, and even the copies of them, there can be no averment. This does not comport with the genius and spirit, either of our constitutions or our laws; both of which secure to every inhabitant and citizen the inestimable privilege of offering, in our tribunals, every species of legal evidence that may tend to elucidate the merits of the cause before them. But this is not the only objection to which this article is liable—one much more interesting is obvious.

Where such certificates appear, the person named in them is not to lose, *for any cause whatever*, the quality of subject, so that even legal naturalization is not to operate as a cause. That this is the true construction of that clause, is evident, from its expressly referring to the 11th article of the treaty, and declaring that it shall serve as *an interpretation* thereof. Let us recur to that article.

After stating the privileges which persons of the two nations shall enjoy in each other's country, it thus proceeds:

“ But it is, at the same time agreed that its contents
 “ shall not affect the laws made, *or that may be made*
 “ *hereafter in France*, against emigration, which shall
 “ remain in all their force and vigor; and the United
 “ States, on their part, or any of them, shall be at liberty

“ to enact such laws relative to that matter, as to them
“ shall seem proper.”

Now let us collect into one point of view, the different parts of the system from their dispersed situation in the treaty, and in the articles of this Convention, and see how it will operate.

The King has a right to make what laws he may think proper, respecting navigation and emigration.

Suppose a law, directing that every passenger shall, on his arrival in America, immediately report himself to the Consul or Vice Consul nearest the place of his arrival, to the end that his name and description be entered in the consular registers.

The 10th article of the Convention declares that they shall cause to be executed the respective laws or ordinances and rules concerning navigation on board the said vessels, and that they may cause every passenger to be arrested. Hence it will happen that every passenger will be noted and described in their books, before such passenger can obtain naturalization. And if he should afterwards obtain it, the 14th article renders it avoidable by ordaining that “ They who
“ shall prove they belong to the body of their respec-
“ tive nations, by the certificate of the Consul or Vice
“ Consul of the district, mentioning their names, surnames
“ and place of their settlement, *as inscribed in the regis-*
“ *ters of the consulate*, shall not lose, *for any cause what-*
“ *ever*, in the respective States and domains, *the quality*
“ *of subjects of the country of which they originally*
“ *were.*”

And the same article proceeds to declare, what is really not the fact: that this is conformable to the 11th article of

the treaty; and as if conscious that the said article does not admit of such construction, it adds that it shall serve as an interpretation of it. That is, that it shall be so construed in future—that the 11th article does no more than declare the right of the King to make what laws he pleases against emigration, but there is nothing in it which says, or seems to say, that his subjects producing the beforementioned certificates, *shall not, for any cause whatever, lose that quality* in our country.

Although the true policy of America does not require, but on the contrary militates against such Conventions: and although your Secretary is of opinion that the Convention, as it now stands, ought not to be ratified, yet as Congress have proceeded so far in the present instance, he thinks that instructions should be sent to their Minister at Versailles, to state their objections to the present form, and to assure the King of the readiness of Congress to ratify a Convention made agreeable to the Scheme beforementioned, provided an article be added to limit its duration to eight or ten years, in order that practice and experience may enable them to judge more accurately of its merits, than can ever be done of mere theoretical establishments, however apparently expedient.

All of which is submitted to the wisdom of Congress.

JOHN JAY.

REPORT OF SECRETARY JAY TO CONGRESS.

Office for Foreign Affairs, }
August 18, 1786. }

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred back his report of 4th July, 1786, on the consular convention between France and the United States: Reports,

That in his opinion a copy of *that report* should be transmitted to the Minister Plenipotentiary of the United States at Paris, in order that he may thereby become fully informed of the objections to which the convention is liable.

That a certified copy of *the act of Congress* of the 25th day of January, 1782, authorizing and directing the honorable Doctor Franklin to conclude a consular convention, be also sent to him.

That a certified copy of *the Scheme*, of such Convention, referred to in the above act of Congress, be also sent to him.

That he be instructed to communicate the said act of Congress, and the said Scheme, to his most Christian Majesty, and to point out to him, the instances in which the Convention deviates from the said Scheme.

That he be also instructed to propose to his Majesty that the said Convention be so amended, as perfectly to correspond with the Scheme in every part where a deviation from the same is not permitted by the said act. And further that he represent to his Majesty, the desire of Congress to make the said convention *probationary*, by adding a clause for limiting its duration to eight or ten years.

That he assure his Majesty of the determination of Congress to observe, on all occasions, the highest respect for candor and good faith in all their proceedings, and that on receiving the Convention so amended, and with such a clause, they will immediately ratify it.

Your Secretary thinks it should also be resolved that the honorable Thomas Jefferson, Esq. the Minister Plenipotentiary of the United States at the court of Versailles, be and he is hereby authorized and directed, to conclude and sign, on the part of the United States, with the Minister of his most Christian Majesty having equal powers, a Convention for the regulation of their respective Consuls conformably to the Scheme abovementioned, in every respect except where deviations from it are permitted by the said act of Congress of the 25th day of January, 1782, and with a clause limiting the duration of the said Convention to any term of years not exceeding ten.

Your Secretary thinks he should be directed to write the following letter to Mr. Jefferson.

Sir,

I have the honor of transmitting to you herewith enclosed the following papers, viz :

No. 1. A copy of the consular Convention signed by the French and American Plenipotentiaries.

No. 2. A copy of the act of Congress under which the American Plenipotentiary signed the same.

No. 3. A copy of the scheme of a Convention, mentioned and referred to in the said act.

No. 4. A copy of a report on the said Convention.

No. 5. A copy of an act of Congress containing in-

structions and giving authorities to you on the subject of the said Convention.

These papers will possess you fully of the whole business. I am persuaded that it will appear to you as it does to Congress, to be a delicate one ; and to require delicate management.

The original Scheme of the Convention is far from being exceptionable, but a former Congress having agreed to it, it would be improper now to recede ; and therefore Congress are content to ratify a Convention made conformable to that scheme, and to their act of the 25th day of January, 1782, provided a clause limiting its duration be added.

It will be proper therefore to press on the court, *only* such objections to the Convention as arise from its departure from the Scheme. On making an accurate comparison, such departure will appear manifest to his Majesty ; and there is reason to expect from his candor, that he will readily consent to remove the objections occasioned by it.

As it certainly is wise to try the merits of institutions entirely new, by actual experience, before nations adopt them forever, the propriety of rendering this Convention probationary in the first instance, is unquestionable. Congress cannot therefore presume that his most Christian Majesty will object to a clause for limiting its duration. The design of this Convention being for mutual and reciprocal benefit and convenience, it would be doing injustice to his Majesty, to suppose that he would wish to provide for its existing longer than it should prove useful and satisfactory. If after the experience of a few years it should be found to answer the purposes in-

tended by it, both parties will have sufficient inducements to renew it, either in its present form or with such alterations and amendments as time, experience, and other circumstances may indicate.

All which is submitted to the wisdom of Congress,
JOHN JAY.



FROM MONSIEUR DE LA FORET TO JOHN JAY.

Translation.

New York, 23, 1786.

Monsieur De la Forêt has the honor to present his respects to the honorable Mr. Jay, and to enclose to him an extract of a letter which he received by the last packet.



Extract of a letter from the Mareschal De Castries, of the 11th August, 1786, to M. De la Forêt.

“The United States must have seen our readiness to lend our good offices to their agents, sent to the Regencies of Barbary. But the present system of that of Algiers, and the personal character of the Dey, give occasion to fear that they have not the success that we have desired.”

*Extract of a letter from Mareschal De Castries to M.
De la Forêt.*

Versailles, January 22, 1786.

“ The King has expressly recommended to his Consuls General and Chargé d’Affaires at Algiers and Morocco, the persons and negotiations of the Consuls whom Congress has sent to treat of peace with those powers—but our endeavors will be fruitless, if the conditions required should not be complied with; and it would be to deceive ones-self to expect that any consideration could induce the Emperor of Morocco, and particularly the Regency of Algiers, to forego the advantages presented to them by the interest which the Americans have in living at peace with them. It will belong to their agents to obtain *good*, or to speak more properly, the least *burthensome* conditions, and no doubts should be entertained in America, of the services which we are pressing, to render them to that effect.”



FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, }
April 24, 1786. }

Sir,

I received from M. De la Forêt, the enclosed extract from a letter of M. De Castries, to which I have added a translation.

With great respect, &c.

JOHN JAY.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, June 27, 1786.

Sir,

On the occasion of the letter which I had the honor to write to you, on the 28th April last, you were pleased to promise me verbally to solicit with Congress the ratification of our consular Convention, as soon as there should be nine States represented. All the members of this assembly with whom I have conversed, have assured me that the delay which this ratification has experienced was principally owing to this : that Congress had not received a copy of this Convention until long after its signature, and that since that time this assembly has never found itself sufficiently numerous to take it into consideration. I have transmitted this answer to my Court, and Mr. Jefferson has received analagous instructions to inform the Minister of the reasons of the long silence of Congress respecting an object on which the Plenipotentiaries of the two nations had solemnly agreed. Since that period the Congress have not only been found complete, but they have ratified the treaty of commerce with Prussia, although the signature of that treaty was a good deal more recent than that of the consular Convention.

The United States being again sufficiently represented, I beg the favor of you to submit this affair to their consideration. Whatever may be their resolution in this respect, it is to be desired to facilitate the business with which the respective Consuls are charged, that they may

be informed of the extent of their powers, and that they may know, in a clear and precise manner, the limits which their sovereigns have assigned to their authority.

I am, &c.

OTTO.



FROM JOHN JAY TO MONSIEUR OTTO.

Office for Foreign Affairs, }
July 3, 1786. }

Sir,

On returning to town, yesterday, I received the letter which you did me the honor to write on the 27th of last month.

I well remember our conversation on the subject of your letter of the 18th April last; that I informed you Mr. Jefferson would be instructed to explain the reasons of the delay which had retarded the decision on the consular Convention, and that I promised you to do whatever depended on me to bring that matter to a speedy conclusion.

Your letter of the 18th April was received the 19th; it was transmitted by me, to Congress, the 21st; it was referred to me the 25th; I reported on it the 28th; and Mr. Jefferson's instructions were sent in my letter to him of the 5th May last.

Your letter, now before me, shall, (as soon as it can be translated,) be transmitted to his Excellency the President of Congress, and whatever answer they may be pleased to direct me to convey to you, shall, without delay, be communicated.

I flatter myself that Mr. Jefferson will find no difficulty

in assigning very satisfactory reasons, to his most Christian Majesty, for the delays in question; and I am persuaded that Congress will proceed to consider and terminate this affair with as much despatch as circumstances may permit.

I have the honor to be, &c.

JOHN JAY.



FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, July 6, 1786.

Sir,

I did not receive the letter which you did me the honor to write to me the 3rd of this month, until my arrival here. I beg you to accept my thanks for the particulars which you have been so kind as to communicate respecting the ratification of our consular Convention.

I have likewise received, sir, the information which you were pleased to give me, of the ceremony that took place the 4th inst. although I had no notice of this till after my return to New York. I had intended to pay my respects on an occasion so solemn as that of the anniversary of American Independence, but unfortunately the Elizabeth-town boat had sailed sooner than I expected. I purpose to present my excuses to-day to his Excellency the President of Congress, and I hope, sir, that you will be persuaded that, from principles of duty and sentiment, I am warmly interested in whatever regards the United States.

I left Governor Livingston and his family in perfect health, they charged me with a thousand tender compliments to you and Mrs. Jay.

I am with respect &c.

OTTO.

FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, }
October 9, 1786. }

Sir,

I take the earliest opportunity of informing your Excellency that Mr. Remsen, on reading the printed Scheme of a consular Convention, observed, that it did not exactly correspond with the copy in this office. This circumstance led him to compare it with the original Scheme in the Secretary's office. As the discovery of this omission rescues the 10th article of the Convention from the charge of essential deviations from the 12th in the Scheme, and as it shows the latter to be equally liable, with the former, to the objections made against it in my report, I think it my duty to enclose a note of this variation, between the original Scheme and the copy in this office, that Congress may have an opportunity of making any further order that they may think proper on on the subject.

I confess that the *Scheme* now appears to me more ineligible than I before thought it, though I am still of opinion, that the only prudent way of getting over this unpleasant business, is to conclude a Convention similar even to the Scheme as it *now* appears to be, and render its inconveniences temporary by an article limiting its duration.

With great respect and esteem, I have the honor to be,
&c.

JOHN JAY.

P. S. The French packet will sail the 15th instant.

Note of the difference between the 12th article of the Scheme of the Convention, entered into in the year 1782, on the Journal belonging to the Office for Foreign Affairs, and the said article in the original Scheme, recorded in the Secret Journal in the Secretary's Office :

12th Article as in the original Scheme.

They, (Consuls, and Vice Consuls,) may cause to be arrested and sequestered, every vessel carrying the flag of their respective nations, *and even send them back to France or the United States as the case may be, as well as arrest any captain, master, seaman, or passenger of their respective nations.* They may cause to be arrested, and detained in the country, sailors, and deserters of their respective nations, or cause them to be transported therefrom.

12th Article as in the Office Copy.

They, (Consuls, and Vice Consuls,) may cause to be arrested and sequestered, every vessel carrying the flag of their respective nations. They may cause to be arrested and detained in the country, sailors, and deserters of their respective nations, *or cause them to be transported therefrom.*

The *scored (italicized)* lines shew where the copy which Mr. Jay used when he made his report on the consular Convention deviates from the original.

N. B. There were in that copy several other variations from the original, to the number of twenty in the whole, all of which are now corrected, but as none of them, except the above mentioned, materially affect Mr. Jay's Report, it is not thought necessary to enumerate them in this note.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, October 9, 1786.

Sir,

I take the liberty to request of you a communication of the resolution, which Congress have taken concerning the consular Convention. As that resolution has been taken in consequence of a note, which I have had the honor to send to the United States, by order of his Majesty, it appears proper that I transmit to my court the determination, which that Assembly has been pleased to take. I shall be much obliged to you for this new proof of your goodness.

I am, with respect, &c.

OTTO.



FROM JOHN JAY TO MONSIEUR OTTO.

Office for Foreign Affairs, }
October 12, 1786. }

Sir,

On receiving the letter you did me the honor to write on the 9th instant, I immediately communicated it to Congress, and in obedience to their order, I have now the honor of informing you, "that as their communications to his most Christian Majesty, will be officially made by their Minister, resident at his court, they do not think it necessary to accept your polite offer of conveying any they may direct concerning the consular Convention."

I have the honor to be, &c.

JOHN JAY.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, October 23, 1786.

Sir,

I have the honor to address to you a letter which his Majesty charges me to present to the United States assembled in Congress, to acquaint them with the birth of a princess. The new assurances of affection entertained in that letter, cannot fail of being agreeable to the United States. They correspond so well with all the orders I have received, since I have had the honor to manage the affairs of the King in America, that I have reason to think myself happy to have been charged with transmitting them.

I have the honor to be, &c.

OTTO.



FROM THE KING OF FRANCE TO CONGRESS.

Translation.

To our very dear great Friends and Allies, the President and Members of the General Congress of the United States of North America,

Very dear great Friends and Allies, we are well convinced; that you will participate in the satisfaction we derive from the happy delivery of the Queen, our very dear spouse, of a princess. The entire confidence we place in the sentiments, of which we flatter ourselves you will renew the evidence on this occasion, answer to you for the desire we shall always have to give you more and more proofs of our affection, and of our constant

friendship for you ; wherefore, we pray God to keep you *very dear great Friends and Allies*, in his holy protection. Written at Versailles, the 9th July, 1786.

Your good Friend and Ally.

LOUIS.

GRAVIER DE VERGENNES.



FROM JOHN JAY TO MONSIEUR OTTO.

New York, December 18, 1786.

Sir,

The letter from his most Christian Majesty to Congress, which I had the honor of receiving, enclosed with yours to me of the 23rd October, was immediately laid before Congress. The absence of the members occasioned by their annual election and other circumstances, did not admit of conveying their answer by the last packet. As soon as a sufficient number of States shall be represented, I am persuaded they will be happy to embrace the earliest opportunity of congratulating his Majesty on the birth of the Princess, and assuring him of the pleasure they derive from that and every other event that can add to the happiness of himself and family.

I have the honor to be, &c.

JOHN JAY.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, December 21, 1786.

Sir,

I have received the letter which you did me the honor to write on the 18th of this month. However long may be the delay attending the answer which Congress purpose to make to the letter of the King, his Majesty will never have room to doubt the sincerity of the sentiments of which that assembly have so often given him proofs, and of which you are pleased to give me fresh assurances.

Several members of Congress having inquired of me, with a degree of earnestness, whether the news concerning the pretended exchange with Spain, in the Southern part of this continent was well founded, I cannot answer that question better than by communicating to you the following passage, in a despatch from the Count De Vergennes, of the 25th August last. "The exchange
" of Louisiana for a French possession in the West In-
" dies, has never been in question. And if any thing
" should be again said of it, you will be pleased to deny
" it formally."

I am, with respect, &c.

OTTO.

FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, October 23, 1786.

Sir,

I have the honor to address to you, the subjoined extract of the despatch from M. the Count De Vergennes, of which I had the honor to speak to you. The gazettes mentioned in this extract contain many articles, by which it is insinuated that we have a great interest to excite the Barbary powers against the United States. The licentiousness of the public papers might be prejudicial to the good correspondence which so happily subsists between the two nations, if the reports of the public officers did not make known the true sentiments and moderation of the respective powers.

I have the honor to be, &c.

OTTO.



Extract of a letter from Monsieur the Count De Vergennes to Monsieur Otto, of August 25, 1786.

Translation.

“ You can assure the Congress that the King will seize with eagerness all occasions to facilitate their good intelligence with the Barbary powers. This assembly without doubt have been informed of the support, that his Majesty affords to the American commissioners, who negotiate at Algiers and at Morocco; the treaty which has been recently signed with this last power, and which will probably be published in America, will be the best refutation of the suspicions which many public papers are willing to inspire against our system of policy. ”

FROM JOHN JAY TO MONSIEUR OTTO.

New York, November 2, 1786.

Sir,

Permit me to introduce to you the bearer, Colonel Talbot, a gentleman greatly distinguished by gallant actions during the late war. He has two sons whom he wishes to educate for the sea, and to place on board a French vessel, under the orders and direction of some officer of merit. Various reasons induce him to prefer one of the King's packets. He is desirous to know whether his sons could be received on board, and if so, requests to be favored with your advice on the occasion.

It is natural to presume that young Americans, brought up under French officers, will have a predilection for the French nation, and I am persuaded that you concur with me in wishing to promote the most friendly intercourse and connexion between our two countries.

I have the honor to be, &c.

JOHN JAY.



FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, November 3, 1786.

Sir,

I received the letter which you did me the honor to write me recommending the sons of Mr. Talbot, a distinguished officer in the service of the United States. I instantly conferred with M. de la Forêt on the subject, who is particularly charged with every thing relating to

the Marine. It appears that since the new ordinance, there will be certain difficulties to surmount, either because there is no regulation as to the admission of strangers into the King's service, or because this ordinance expressly fixes the age of sixteen for volunteers. We flatter ourselves however that we shall be able to second your views respecting Mr. Talbot's sons, and though it is impossible to fix them immediately on board his Majesty's packets, we will ask permission from the Minister directly, which must however occasion a delay of five or six months.

I entirely coincide, sir, with your remarks in support of your request. It is essential to facilitate more and more, the connexions between the two nations, and nothing can more contribute towards this, than reciprocally to admit the subjects of each nation into sea or land service.

I am, &c.

OTTO.



FROM MONSIEUR OTTO TO JOHN JAY.

Translation.

New York, May 20, 1787.

Sir,

I have the honor to send you herewith a copy of a letter from the Count de Montmorin, accompanied with another letter written to him by the Marshal de Castries on the subject of Colonel Talbot's request. It is with the greatest satisfaction I find that the new Minister is no less disposed, than Count de Vergennes was, to render himself agreeable to the United States by every good office, and

that he is particularly disposed to be serviceable to such of your fellow citizens as have the advantage of being countenanced by you.

I have already advised with Colonel Talbot as to the least expensive mode of sending his sons to France, and I hope that he will be perfectly satisfied with our measures on that head.

I am, &c.

OTTO.

FROM THE COUNT DE MONTMORIN TO MONSIEUR OTTO.

Translation.

Versailles, March 21, 1787.

Sir,

You addressed a letter the 4th of November to the Count de Vergennes from Mr. Jay, who supported with his recommendation Colonel Talbot's desire of entering his two sons on board his Majesty's navy in quality of volunteers. The Marshal de Castries to whom I communicated this request sent me the answer of which you have a copy herewith, you will be pleased to communicate it to Mr. Jay. He will assuredly see with satisfaction that the dispositions of the Marshal de Castries are as he wishes.

FROM THE MARSHAL DE CASTRIES TO THE COUNT DE MONTMORIN.

Versailles, February 26, 1787.

The services which Colonel Talbot, an American Colonel, rendered to one of our squadrons during the last war, lead me to second his wishes to procure a berth for

two of his sons in his Majesty's navy. These young people can come to one of the ports in France, and when I shall be informed of their arrival, I will give orders for their being employed in the capacity of volunteers of the third class, relieving them on account of a particular regard for the friendly power whose subjects they are, and on account of the attachment their father has shewn to France, from the previous formalities and conditions prescribed by the ordinance for arriving to this grade. I beg that you will let Colonel Talbot know of this disposition through Mr. Otto, Chargé d'Affaires for France to the United States.



FROM THE COUNT DE MOUSTIER TO JOHN JAY.

Translation.

New York, February 4, 1788.

Sir,

My health being considerably re-established, I have the pleasure of addressing to you the annexed copy of my letter of credence in quality of Minister Plenipotentiary, of his Majesty, to the Congress of the United States. I request the favor of you to communicate it to that assembly, to the end that they may fix a day which shall appear to them the most convenient to give me a public audience.

I greatly regret, sir, that the fatigues of a long voyage have retarded the request which I have the honor now to make to you. I dare to flatter myself that the United States will not be the less convinced of the zeal which animates me, and of the sincerity of the assurances of friendship which I shall give them, in the name of his Majesty.

I ought to suppose, sir, that on this occasion the same ceremonial will be followed which was observed at the reception of my predecessors, but as I have not received any official communication on this subject, I request the favor of you, previously, to communicate to me the intentions of Congress.

I have the honor to be, &c.

THE COUNT DE MOUSTIER.



REPORT OF JOHN JAY TO CONGRESS.

Office for Foreign Affairs, }
February 12, 1788. }

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter of the 4th instant, from the Count de Moustier, enclosing a copy of his letter of credence, requesting that a day be fixed for his *public* audience, and intimating an expectation that the ceremonial will be the same as in the cases of his predecessors, Reports,

That in his opinion it would be proper to name as early a day as may consist with the convenience of Congress, for receiving the Count.

That he has perused and considered the ceremonials heretofore used on such occasions, and that they appear to him to put much less distinction between an Ambassador and a Minister, than the laws and actual practice of civilized nations have established.

That considering the past and present state of American affairs, he thinks it might not be so advisable to correct mistakes relative to matters of ceremony and etiquette

at this period, as when the proposed plan of Government shall begin to operate. He, therefore, is of the opinion that it would be best to receive this Minister in the same manner as his predecessor, and the Dutch Minister were received.

All which is submitted to the wisdom of Congress.

JOHN JAY.



FROM THE COUNT DE MOUSTIER TO JOHN JAY.

Translation.

New York, February 4, 1788.

Sir,

I have the honor of addressing to you the annexed copy of a letter of the recall of the Chevalier de la Luzerne, my predecessor, with a letter which that Minister has written, by order of his Majesty, to the President of Congress, to take leave. I hope the expressions of friendship and affection contained in those pieces will be agreeable to the United States.

I have the honor to be, &c.

THE COUNT DE MOUSTIER.



FROM THE KING OF FRANCE TO THE CONGRESS OF THE
UNITED STATES.

Translation.

Very dear great Friends and Allies,

The Chevalier de la Luzerne having terminated the time which we had fixed for his residence with you, in quality of our Minister Plenipotentiary, we have ordered

him to take leave of you by writing. The prudent and enlightened conduct which he constantly observed, during the course of his mission, add to the proofs which he had before given us of his zeal for our service. We are persuaded he will equally, to our satisfaction, acquit himself of the order we have given him to assure you, in terms the most expressive, of our affection, and of our sincere friendship for you. He cannot, too strongly, paint to you the lively interest which we take in the prosperity of the United States, in general, and in that of each of them in particular. On this we pray God that he will have you, very dear great Friends and Allies, in his holy keeping.

Done at Versailles, the 30th Sept. 1787.

Your good Friend and Ally.

LOUIS.

COUNT DE MONTMORIN.



FROM THE CHEVALIER DE LA LUZERNE TO THE PRESIDENT OF CONGRESS.

Translation.

Paris, 1787.

The King having thought proper to destine me to another service than that of Minister Plenipotentiary near Congress, I have the honor of addressing to you my letter of recall, and of requesting that it may be presented to that assembly.

The advantage which I enjoyed for six years, of negotiating upon the greatest and most important affairs with Congress, an intimate knowledge of those great

statesmen and patriots, who successively composed that illustrious body, are sure guarantees of the respect and admiration which I entertain for them.

I shall never forget that the most pleasing moments of my life, have been those, when charged with the management of the interests of the two great allies, I have been so fortunate as to see constantly, the most perfect confidence and harmony prevail. Prosperity as well as adversity have served to bind still closer the ties of our union, founded on justice ; and what has perhaps never happened before in an alliance of this nature, not for a single moment has a coolness or uneasiness existed ; but it has been crowned by the most brilliant, the most glorious, and the most useful of revolutions. Never shall I forget the marks of personal confidence, which I have received from Congress on various occasions. Absent from them, I console myself with the reflection, that my successor, by his zeal and talents, will easily place my feeble services in oblivion.

Condescend, sir, to be the interpreter of my sentiments to that illustrious assembly over which you preside, my unceasing prayers shall henceforth be offered up for a nation, whose firmness and patriotism have caused the admiration of the universe.

Accept, sir, individually, &c.

DE LA LUZERNE.

REPORT OF JOHN JAY ON THE LETTER OF THE CHE-
VALIER DE LA LUZERNE.

Office for Foreign Affairs, }
March 13, 1788. }

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred a letter of the — day of — 1787, from the Chevalier de la Luzerne to his Excellency the President of Congress, Reports :

That in his opinion it would be proper that he should write to the Chevalier a letter of the following tenor :

Sir,

His Excellency the President laid before Congress, your letter of recall, together with the one that enclosed it ; and I have the honor, in obedience to their orders, to assure you, that had you resumed your former *place* near them, you would have received fresh and continued marks of that esteem with which the manner in which you fulfilled the duties of it, very early impressed them. They have heard with pleasure, of the recent and honorable proof which the King has given you of his confidence ; and as your attachment and services to this country will always be remembered, so you will always have the best wishes of Congress, that success and prosperity may attend you to every station, to which your distinguished merit and talents may induce the King to call you.

All which is submitted to the wisdom of Congress.

JOHN JAY.

Office for Foreign Affairs, }
May 30, 1788. }

The Secretary of the United States for the Department of Foreign Affairs, to whom was referred two letters from his most Christian Majesty, dated the 30th September last : Reports,

That in his opinion the following answers to them would be proper, viz :

Great and beloved Friend and Ally,

The conduct of your Majesty's Minister, the Chevalier de la Luzerne, during his residence with us, was commendable and satisfactory, and it gives us pleasure to assure you, that we entertain a high opinion of his merit. The manner in which, by his Majesty's order, he has taken leave of us, manifests his attention to your dignity and interests, and affords strong evidence of his attachment to the prosperity and happiness of these States. We pray God to have you our great and beloved Friend and Ally, in his holy keeping.

Written at New York, the — day of — by your good friends, the United States of America in Congress assembled.

Great and beloved Friend and Ally,

The choice you have been pleased to make of the Count de Moustier to succeed the Chevalier de la Luzerne is perfectly agreeable to us. We flatter ourselves that he will with equal zeal and ability with his predecessor endeavor to promote and reconcile the essential interests of both countries, and study to preserve and in-

crease the mutual attachment and intercourse which happily subsists between them.

We receive with great pleasure the kind and explicit assurances of friendship contained in your Majesty's letter of the 30th September last ; a long series of important good offices have afforded us ample proofs of it, and we cannot omit this occasion of conveying to you our sincere acknowledgments for the recent marks exhibited in the commercial favors you have lately been pleased to confer on the United States. We pray God to have you, our great and beloved Friend and Ally, in his holy keeping.

Written at New York, the — day of — by your good friends, the United States of America in Congress assembled.

All which is submitted to the wisdom of Congress.

JOHN JAY.



FROM THE COUNT DE MOUSTIER TO JOHN JAY.

Translation.

Tuesday, February 19, 1788.

The Count De Moustier having just received an invitation from the President of Congress, to dine with him on Tuesday the 19th, presumes it means this very day ; which he has also accidentally heard has been fixed on by Congress for his audience. As it is not to be supposed that he can be instructed on this head, but through Mr. Jay, and by his answer to the letter which he had the honor of writing him the 4th instant, he requests that he will be pleased to communicate to him the resolution of Congress, that he may regulate himself

accordingly. Fearing lest he should receive information too late, he may not be able to obtain certain *éclaircissements* that may be necessary for him and which he cannot be acquainted with.



FROM JOHN JAY TO THE COUNT DE MOUSTIER.

Office for Foreign Affairs, }
February 19, 1788. }

Sir,

On receiving the letter which you did me the honor to write on the 4th instant, I immediately communicated it, together with the paper it enclosed, to Congress; I have now the pleasure to inform you that they have been pleased to order that you be received and admitted to a public audience on Tuesday the 26th of this month, at twelve o'clock; and that the ceremonial be such as you will find detailed in the paper herewith enclosed.

I have the honor to be, &c.

JOHN JAY.



Extract from the Journal.

February 14, 1788.

“ The Secretary for Foreign affairs having transmitted to Congress, a letter from the Count De Moustier, together with a copy of a letter of credence, by which it appears that his most Christian Majesty has appointed the Count to succeed the Chevalier de la Luzerne in quality of his Minister Plenipotentiary to the United

States of America ; and the said Minister having requested that this may be communicated to Congress, that they may fix a day which shall appear to them the most convenient, to give him a public audience.

Resolved, That the said Count de Moustier be received as Minister Plenipotentiary, from his most Christian Majesty, and that agreeably to his request, he be admitted to a public audience, on Tuesday the 26th of the present month, in the room where Congress assembles.

Ordered, That the Secretary for Foreign Affairs inform the honorable the Minister of the United Netherlands, and his Catholic Majesty's Encargado de Negocios of the public audience to be given to the honorable the Minister Plenipotentiary of his most Christian Majesty."



FROM THE COUNT DE MOUSTIER TO JOHN JAY.

Translation.

New York, February 20, 1788.

Sir,

I have received the letter which you did me the honor to write me, informing me of the resolution which Congress have been pleased to take the 14th of this month, relative to my public audience.

In consequence of the mode prescribed by the ceremonial, which you have taken the trouble to communicate to me, I enclose, herewith, the speech which I propose to make at the time of my reception.

I have the honor to be, &c.

LE COUNT DE MOUSTIER.

SPEECH OF THE COUNT DE MOUSTIER.

Gentlemen of Congress,

The relations of friendship and affection which subsist between the King, my master, and the United States, have been established on a basis which cannot but daily acquire a new degree of solidity. It is satisfactory to be mutually convinced that an alliance, formed for obtaining a glorious peace, after efforts directed by the greatest wisdom and sustained with admirable constancy, must always be conformable to the common interests, and that it is a fruitful source of infinite advantages to both nations, whose mutual confidence and intercourse will increase in proportion as they become better known to each other.

The King, who was the first to connect himself with the United States, as a sovereign power, to second their efforts and favor their interests, has never ceased, since that memorable period, to turn his attention to the means of proving to them his affection. This sentiment directs the prayers which his Majesty forms for their prosperity. Their success will always interest him sensibly, and there is reason to hope for it, from the wisdom of the measures which they will adopt.

To this solemn assurance of interest and attachment on the part of the King, to the unanimous sentiment of the nation, and to the fervent wishes of a great number of my countrymen, who have had the advantage to be associated in the military toils and success of the United States, permit me to add those which I, in particular, entertain for the growth and glory of these States. I at length enjoy the satisfaction of having it in my power here to testify the profound veneration with which I have been con-

stantly penetrated for a people who have been able to fix, from their birth, the attention of the most considerable powers in Europe, and whose courage and patriotism have astonished all nations. My happiness will be complete, gentlemen, if I succeed, by my zeal and most constant cares, to merit your esteem, your confidence and your approbation.

The task which I have to accomplish appears to me to be the more difficult, as in succeeding a Minister who held a place near you, Gentlemen, with which I am now honored, I am far from enjoying the advantages which he derived from his talents, his knowledge, and those circumstances which placed him in the most intimate relations with you. I will endeavor to resemble him at least, by the greatest attention to promote and give success to whatever may contribute to the satisfaction, the glory, and the prosperity of the United States.

THE COUNT DE MOUSTIER.



REPORT OF JOHN JAY TO CONGRESS.

Office for Foreign Affairs, }
February 21, 1788. }

The Secretary of the United States for the Department of Foreign Affairs, having received a copy of the Speech which Count de Moustier purposes to make on Tuesday the 26th February instant, reported the following answer to it, viz :

Sir,

It will always give us pleasure to acknowledge the friendship and important good offices which we have ex-

perienced from his most Christian Majesty, and your generous nation; and we flatter ourselves that the same principles of magnanimity and regard to mutual convenience, which dictated the connexions between us, will continue to operate, and to render them still more extensive in their benefits to the two countries.

We consider the alliance as involving engagements highly interesting to both parties, and we are persuaded that they will be observed with entire and mutual good faith.

We are happy in being so explicitly assured of the continuance of his Majesty's friendship and attachment, and in this opportunity of expressing the high sense we entertain of their sincerity and value. It is with real satisfaction, sir, that we receive you as Minister Plenipotentiary; especially as your character gives us reason to expect that the harmony and interests of both nations will not be less promoted by your talents, candor, and liberality, than they were by those which distinguished your predecessor, and recommended him to our esteem and regard.

All which is submitted to the wisdom of Congress.

JOHN JAY.



FROM THE COUNT DE MOUSTIER TO JOHN JAY.

Translation.

New York, May 28, 1788.

Sir,

I have the honor to send you herewith, a note, which, considering the importance of its contents, I must request

you will immediately lay before Congress, so that that assembly may have time to take it into consideration before the departure of the packet, which is fixed for the 10th of next month, and to send Mr. Jefferson such instructions as they may judge proper.

I have the honor to be, &c.

THE COUNT DE MOUSTIER.

NOTE.

Translation.

The undersigned Minister Plenipotentiary of France has the honor of informing the United States in Congress assembled, that he has received an order from his court to demand the delivery of a French captain, who has been guilty of a crime, the punishment of which is equally interesting to every commercial nation.

Joseph Marie Anne Ferrier, a native of Cette in Languedoc, commanding the Brig *David*, was despatched from the Cape, in the Island of St. Domingo, for Nantz, the 1st. July 1787, with a cargo of one hundred thousand pounds weight of coffee belonging to different persons. Under pretence of some leaks which were discovered in his vessel, he directed his course for Norfolk in Virginia, where he arrived the 26th of the same month.

The Sieur Oster, the King's Vice Consul, having gone on board to visit the vessel and appoint inspectors, in order to prove her condition, in conformity with his Majesty's ordinances, found from the depositions of some passengers, that the said Ferrier had not intended to go to France, as he had only taken in provisions for fifteen days; that the evening before he left the Cape, he clan-

destinely sold a part of his cargo ; that in order for a pretext to stop at Virginia, and there sell his vessel, he had several leaks made on purpose in the hold, by which means 12,000 lbs. of coffee were damaged, which the *Sieur Oster* was obliged to order to be sold at auction ; that he had wickedly thrown overboard, an anchor of 750 lbs., a large cable of 120 fathoms, some topmasts, and other things belonging to his brig. In short, to conceal his misdemeanors, he kept at sea a false journal, which he signed himself, and caused his mate and crew to do the same, in order to make it appear that he had been obliged to renounce his voyage to Nantz and stop at the Chesapeake.

Captain Ferrier being informed of these depositions, and fearing the consequences of his crime, deserted with his mate and the other accomplices, but he was taken by the inhabitants and brought back to the *Sieur Oster*, who sent him prisoner on board the French ship the *Jason*, after permission obtained from the Mayor of Norfolk. The culprit underwent an examination on the 6th December, and confessed the crime of which he was accused. The process being finished, the *Sieur Oster* called an assembly of the merchants belonging to his nation, in which it was resolved that Ferrier should be sent to Nantz to be judged by the officers of the admiralty. He wrote at the same time to the Governor of Virginia, giving him an account of all these particulars and requesting the consent of the Council to send the said Ferrier to France, in the vessel which he had commanded. He received no answer to this letter, which was dated the 2nd October, copy of which (No. 1.) is annexed : but on the 7th November, a sheriff went on board the

French ship with a writ to arrest the said Ferrier as a debtor for £50 to a *Frenchman*, resident in Norfolk. The criminal was accordingly liberated after giving bail to appear at the first county court. The *Sieur Oster* wrote a second time to the Governor complaining of this irregular procedure, and reclaiming not only the captain, but the other criminals. He received no answer but the ones annexed, (No. 2, 3.)

After these particulars, the undersigned has the honor to represent, that it is very surprising, that notwithstanding the official information which had been given the 2nd October, concerning the crimes of which Captain Ferrier had been convicted, he should be liberated the 7th November under pretence of a civil action of 50 pounds; that condemned in irons, on board a French vessel, by the Consul of his nation, and with the consent of the Mayor of Norfolk, he was taken away on a suit brought by a *Frenchman*, who ought to have acknowledged the jurisdiction and authority of his Consul, but who very likely, was in concert with the criminal to effect his escape; in short, that the magistrates have facilitated this escape, without any regard to the complaints which were made by his Majesty's Vice Consul, a conduct the more extraordinary as by a law of 1779, the State of Virginia authorizes the Consuls of powers which have acknowledged the independence of the United States, to claim the deserters from the vessels of their nations, to judge differences between their subjects agreeably to the laws of the country, and to execute their sentences, provided, they do not pronounce corporal punishment. It was in consequence of this law that the *Sieur Oster* obtained full and entire satisfaction in August, 1784, in a case similar to the one in question.

But even, were this Vice Consul unsupported by any particular law, he might found his claim on the common rights of nations, on the mutual ties between allied powers, on the treaty of commerce, and the consular convention, which was the consequence of it, on the procedure which took place in a similar case in 1784, on the reciprocity invariably established in France, on the interests of every commercial nation, that a crime of this nature should not remain unpunished: in short, on the dignity of Virginia, which would be particularly exposed, if one could suspect that State of encouraging and protecting villains, proscribed by the laws of every civilized nation.

In consequence of these observations, the undersigned Minister has received orders to claim the criminal, and if by a connivance, which is not very likely, and which would be very wide of the principles of justice and moderation which Virginia has so often displayed, Captain Ferrier has found means of escaping, he demands to be informed of the motives that determined the magistrates to pay no respect to the well founded and pressing claims of the Vice Consul of France, and to elude not only the law, which was passed in 1779, but the principles which form the basis of every consular establishment, which are formally adopted by the Convention between his Majesty and the United States, signed by the respective Plenipotentiaries, and which have been hitherto religiously observed in the Kingdom with respect to the citizens of the United States.

The undersigned, Minister, has the honor of reminding, on this occasion, the United States in Congress assembled, agreeably to an express order received from his

court, of the necessity of concluding as speedily as possible, the last formalities which may have been neglected, in order to give every suitable effect to the aforesaid convention, and to represent to them, the propriety of giving definitive instructions on this head, to their Minister Plenipotentiary near his Majesty.

The interest which the King has always taken in the prosperity of the commerce between the Kingdom and the United States, is manifested on every occasion too evidently, for his Majesty not to expect on their part, every necessary step to secure a perfect reciprocity, the only solid basis, on which the advantages granted by his Majesty to the commerce of the United States can exist.

THE COUNT DE MOUSTIER.

New York, May 28, 1788.



COPY OF THE FIRST LETTER WRITTEN BY MONSIEUR
OSTER, THE KING'S VICE CONSUL, TO MR. RANDOLPH,
GOVERNOR OF VIRGINIA,—REFERRED TO AS NO 1.

Translation.

Norfolk, October 2, 1787.

Sir,

I have the honor to inform your Excellency, that on the 26th July last, there entered this port, the brig *David*, Captain Joseph Marie Anne Ferrier, of the city of Cette, in Languedoc, under pretence of distress, and that on examination of the conduct of the captain by myself, he being now in my power, as also from the depositions made in my presence, it appears, and is proved,

That Captain Ferrier sailed the first July last, from the Cape for Nantz, with a cargo on freight, of above one hundred thousand pounds weight of coffee, belonging to different persons ;

That he had but fifteen days provision for his passage, which evidently proves that it was not his intention to go to the place of his destination ;

That the evening before his departure from the cape, whilst in the road, he sold and clandestinely delivered in the night, a great part of his cargo ;

That a few days after, he also sold at sea, another part of his cargo to a captain of a sloop, which followed him, and with whom he had agreed at the cape ;

That to accomplish this collusion, he, together with his mate, named *Bastard*, corrupted the crew, and forced a passenger to participate in his robbery ;

That to excuse his stopping, and to cause damage, in order to oblige his vessel to be sold, he made two leaks, one in the hold, and the other in the gun room, which occasioned forty inches water, and damaged twelve thousand pounds of coffee ; which I ordered to be sold at public sale, in order to avoid a total loss ;

That in order to give a better appearance to his fraudulent and affected stopping, he wickedly threw into the sea, an anchor of seven hundred and fifty pounds, a large cable of one hundred and twenty fathoms, top-masts, yards, and a quantity of other things belonging to his brig.

And in short, to cover his misconduct with some show of speciousness, he kept at sea two journals, the one true, the other false, and he also fabricated a false verbal process, which he dared to affirm as true, and signed it,

and caused it to be signed by his crew, with intent to prove that he had been obliged to renounce his voyage to Nantz, and to put in wherever he could.

All these facts being authentically proved, I propose, sir, with your Excellency's consent, to send the criminal to France, in his own vessel, with the instructions of his process agreeably to the ordinances, to be judged according to the exigency of the case, by the officers of the admiralty of Nantz, where the vessel will be discharged.

As the sending of him away ought immediately to take place, as also the punishment of his crime being necessary for the support of good order and the public confidence, I hope that your Excellency and the honorable Council will approve of the same, and that you will be pleased, sir, to acknowledge as soon as possible the receipt of this letter.

The following persons, having been Captain Ferrier's accomplices, viz : Joseph Bastard, Joseph Grance, Louis Borniche, Jean Marie Jouy, Noel Kequelay, Jean Aubert, Jean La Pierre, Jean Jacques and Jean Claude Martel, all composing the crew of the brig David, from which they have deserted, and the duty of my office compelling me to seize all the abettors if possible, I must request your Excellency to grant me the necessary order, or warrant, for the purpose of apprehending them, by means of constables or other officers of justice belonging to the State. If nothing, as I conceive, prevents the granting of this order to me, I must earnestly request, sir, that you will be kind enough to send it to me as soon as it shall be made out. It will particularly serve to justify my diligence.

I have the honor to be, &c.

COPY OF THE SECOND LETTER FROM MONSIEUR OSTER,
THE VICE CONSUL OF FRANCE, TO THE GOVERNOR OF
VIRGINIA.—No. 2.

Translation.

Norfolk, November 11, 1787.

Sir,

The 2nd of last month, I had the honor of giving you an account of the motives which determined me to act with severity against a French captain named Joseph Marie Anne Ferrier; and as this criminal had accomplices, that it was my duty to search them out; I, at the same time, requested that your Excellency would be pleased to grant me the necessary orders to claim them, and arrest them in whatever district of the State they might be found.

My letter to your Excellency, on this subject, being still unanswered—not knowing whether the Honorable Council have any reasons why they should not grant my request—and it being necessary, on this occasion, to justify my conduct, I once more take the liberty, sir, to request that you will be so good as to grant me the order mentioned in my aforesaid letter, and if there is no objection against its being made out for me, I beg that you will include, therein, captain Ferrier, who was taken from his prison by surprise, and liberated, the 7th instant, by virtue of a simple writ, obtained by a person called Breton, on an ill founded claim for fifty pounds.

This surprise having happened on board a French vessel, and through a frivolous pretext, it cannot be dissembled that it is absolutely contrary to good order—to the confidence and security of commerce, which nations,

closely united by solemn treaties, are interested in supporting and encouraging in their respective possessions. It is accordingly, in consequence of these principles that, in quality of his Majesty's Vice Consul in the republic of Virginia, I take the first opportunity of complaining to your Excellency on this subject, and of claiming, in the strongest terms, your good offices and authority, that, on such occasions in future, measures may be adopted as will not counteract the functions entrusted to me, respecting the French subjects, depending on my vice consulate; and particularly, such as are criminal and within my power, as was Captain Ferrier.

Agreeably to all publications on the subject of the rights of nations allied in a double point of view, such as France and the United States happily are, Captain Ferrier ought never to have been entirely withdrawn from under my dependence. As a criminal, and publicly acknowledged such, the sheriff who took him, instead of giving him his liberty with bail, and without any particular reason, ought to have held him a prisoner in the prison of the country, and to have kept him there until he had satisfied his engagements, and afterwards returned him to me. This officer should the rather have acted in this manner, as he knew that I had obtained permission from the chief Magistrate in Norfolk, to apprehend the criminal.

This opinion, which arises from the principles of that justice which nations ought to cultivate, and which is the basis of all society, as well as the safest bond of commerce, I am persuaded that your Excellency will think so likewise, and grant, that without this virtue, which ought to be respected, human society would degenerate to a band of ruffians.

Such, sir, are the reasons on which I found the claim which I take the liberty of now making on your authority and influence, in order to prevent, in future, through frivolous pretexts, that the law respecting debtors be not used in favor of French transgressors, who shall be found amenable to the ordinances of his Majesty, without infringing those of the republic over which you, with so much wisdom, preside.

I have the honor, &c.



FROM GOVERNOR RANDOLPH TO MONSIEUR OSTER, VICE
CONSUL OF FRANCE.

Richmond, November 22, 1787.

Sir,

As soon as the Council had decided on your application of the 2nd ultimo, for aid in the execution of your authority upon a French subject, charged with an offence against the laws of France, I did myself the honor, *by a private hand*, of informing you of the result. I now find, by your letter of the 11th instant, received late last evening, that my letter had not reached you. I therefore, now repeat, that it is the opinion of the Executive, that they cannot interfere or lend assistance in the case which you mentioned. This opinion proceeds not from any disinclination to support the consular power, but from the *fixed principle* of our Government, that no authority can be exercised by any body of men, to whom it has not been duly delegated. The only law existing on this subject, is one passed in 1780, and of which you have a full knowledge. I must, therefore, refer you to it, and

doubt not that you will discover from thence, that it would not justify us in granting the process which you wish.



Extract of a law of the State of Virginia, entitled an act for the protection and encouragement of the commerce of such powers as have acknowledged the independence of the United States of America. October, 1779.

“ It shall be lawful for the said Consul to take cognizance of all differences, controversies and litigations arising between subjects or citizens of his own State only, and finally to determine and compose them according to such rules or laws as he shall think fit, and such determinations to carry into execution. And where he shall require aid for executing the same, it shall be lawful for the Governor with the advice of the Council of State, using their discretion therein, to order any sheriff within his own county or any military officer whatsoever, to execute or to aid and assist in executing any such determination; *provided the same does not extend to life or limb of the offender.* Where any sailor, seaman or marine, belonging to any vessel of such State, within this Commonwealth, shall desert or be found wandering from his vessel, it shall be lawful for the master of such vessel to reclaim such sailor, seaman or marine, notwithstanding they may in the meanwhile have been naturalized in this commonwealth; and any justice of the peace to whom the master shall apply, shall grant his warrant for taking and conveying such sailor, seaman or marine from

constable to constable to the said vessel, or *on application from the Consul, the Governor, with the advice of the Council of State, may issue such orders to any sheriff, constable, or military officer, who shall yield due obedience thereto.*"



FROM JOHN JAY TO THE MINISTER PLENIPOTENTIARY
OF FRANCE.

New York, May 29, 1788.

Sir,

I have received the letter you did me the honor to write yesterday. As soon as the papers which accompanied it, can be translated, they shall be laid before Congress, and nothing on my part shall be omitted to expedite the business they respect.

I have the honor to be, &c.

JOHN JAY.



REPORT OF JOHN JAY TO CONGRESS.

Office for Foreign Affairs, }
June 6, 1788. }

The Secretary of the United States, for the Department of Foreign Affairs, to whom was referred a note from the Minister Plenipotentiary of France, dated the 28th May with the paper that accompanied it: Reports,

That this note, for the facts and reasons therein set forth, contains a requisition that Joseph Marie Anne Ferrier, a Frenchman now in the commonwealth of Virginia, be

delivered to the orders of his most Christian Majesty; and this note also urges Congress to ratify the consular convention, heretofore concluded in behalf of the two countries by their respective Ministers.

With respect to the *requisition*, your Secretary is of opinion, as the facts and circumstances alleged in the note are so stated as at least to imply a complaint against the Executive of Virginia, that a copy of the said note, and of the papers which accompanied it should, previous to any other steps or measures, be transmitted to his Excellency the Governor of that commonwealth, and that he be requested to communicate to Congress, such information on the subject as may appear to him proper and necessary.

With respect to the consular convention, it does not seem necessary that any further communication relative to it be made to the Minister, than that instructions on that head have been given to Mr. Jefferson.

All which is submitted to the wisdom of Congress,

JOHN JAY.



FROM JOHN JAY TO THE GOVERNOR OF VIRGINIA.

Office for Foreign Affairs, }
June 13, 1788. }

Sir,

In pursuance of the orders of Congress, I have the honor of transmitting to your Excellency herewith enclosed, copies of a note from the Minister of France, dated the 28th ultimo, and of the papers which accompanied it, to the end that you may communicate to Con-

gress the necessary information on the subject. I am also directed to signify to your Excellency, that it is the sense of Congress, that Joseph Marie Anne Ferrier, mentioned in the said note, ought to be apprehended in order to be dealt with according to the nature of the case.

With sentiments of esteem and respect, &c.

JOHN JAY.



*Extract from the Secret Journal of Foreign Affairs,
June 13th, 1788.*

“ The Committee, consisting of Mr. Hamilton, Mr. Dane, Mr. Dayton, Mr. Otis, and Mr. Carrington, to whom was referred a report of the Secretary for Foreign Affairs on a note from the Minister Plenipotentiary of France, of the 28th May: Report,

That it appears by the said note and the papers which accompany it, that the person mentioned therein, to wit: Joseph Marie Anne Ferrier, commander of the brig David, is, in substance, charged with betraying his trust, and running away with a cargo of coffee; that the execution of his design is alleged to have been begun at the Cape, continued by certain acts on the high seas, and completed in the Commonwealth of Virginia: Whereupon,

Resolved, That the Secretary for Foreign Affairs be, and he is hereby directed, to transmit the said note of the Minister Plenipotentiary of France, of the 28th May last, to the Executive of the Commonwealth of Virginia, to the end that the said Executive may communicate to Congress the necessary information on the sub-

ject ; and also to signify to the said Executive, that it is the sense of Congress, that the said Joseph Marie Anne Ferrier ought to be apprehended, in order to be dealt with according to the nature of the case ; and that the said Secretary be, and is hereby directed, to inform the said Minister Plenipotentiary, that instructions have already been given to the Minister of the United States at the Court of France, concerning the consular convention referred to in his note."



FROM THE COUNT DE MOUSTIER TO JOHN JAY.

Translation.

New York, August 11, 1788.

Sir,

I have the honor to inform you that I am on the point of setting out on a journey, the duration of which I cannot foresee ; and that during my absence, M. Otto will be charged with the affairs of his Majesty, as he was before my arrival in America. I request the favor of you to inform the Congress of it, and to give full confidence to the communications which he may make in that capacity ; I have no doubt he will continue to merit the good opinion which that assembly may have already received of his zeal.

I have the honor to be, &c.

THE COUNT DE MOUSTIER.

FROM JOHN JAY TO THE COUNT DE MOUSTIER.

Office for Foreign Affairs, }
August 12, 1788. }

Sir,

I have received and communicated to Congress, the letter which you did me the honor to write on the 11th instant, and with the best wishes that your proposed journey may conduce to your health and your pleasure.

I am, with great respect, &c.

JOHN JAY.



FROM JOHN JAY TO THE COUNT DE MOUSTIER.

Office for Foreign Affairs, }
October 16, 1788. }

Sir,

Agreeably to my engagement, I have now, the honor of transmitting to you, herewith enclosed, copies of the two letters from his Excellency the Governor of Virginia, of the 30th June, and 2nd July, and of the papers referred to in the letter relative to the case of Ferrier.

With great respect, &c.

JOHN JAY.



FROM GOVERNOR RANDOLPH TO JOHN JAY.

Richmond, June 30, 1788.

Sir,

Your favor of the 13th June, came to hand the night before last only. I could not answer it without advising with the Council of State, which did not assemble until

to-day. It is our purpose to give the Count de Moustier every satisfactory information in our power; and, therefore, have adjourned the further consideration of his note until Wednesday. But in the meantime I cannot help expressing a wish that the consular Convention, to which the Minister alludes, had been communicated to us, if it existed. If we have contravened that compact, we have erred unknowingly; this being the first time that we have ever heard of its completion.

I have the honor, &c.

EDM: RANDOLPH.



FROM GOVERNOR RANDOLPH TO JOHN JAY.

Richmond, July 2, 1788.

Sir,

The Executive of Virginia have reviewed every instance of their intercourse with the representatives and subjects of his most Christian Majesty. But after the most accurate and unbiassed inquiry, they are yet unable to discover in what respect their friendship for the great ally of the United States has justly been brought into suspicion. Judge then, sir, how much their sensibility has been roused, when they read the note of the Count de Moustier, concerning Joseph Marie Anne Ferrier, intimating, in terms poignant though polite, that positive laws, the common rights of nations, mutual ties between allied powers, the treaty of commerce, a consular Convention, and an established precedent, had been violated, to cover from punishment an enemy to human society. They will not, however, refuse an explanation of the motives by which they have been influenced.

It is still the firm opinion of the Executive, that it transcended their powers to gratify M. Oster in his request of the 2nd of October, and of the 11th November, 1787. Our constitution describes their functions to consist in "*The exercise of the Executive powers of Government, according to the laws of the Commonwealth*"; and forbids them, "*under any pretence, to exercise any power or prerogative by virtue of any law, statute or custom of England*"—thus excluding implied powers. Our bill of rights too, particularly, warns us in favor of liberty, by declaring that "*no man shall be deprived of it, except by the law of the land, or the judgment of his peers.*"

In no other law, than that of October, 1779, (see No. 1) do we find even a glimpse of the authority, the exertion of which has been solicited by the Vice Consul. But even under that act, the Governor cannot order any sheriff or military officer whatsoever, to arrest for an offence against the laws of France; and, therefore, could not command the arrest of Joseph Marie Anne Ferrier, in order that he might be transported, for such a crime, to France for trial. Nay, its context and language confine the interposition of the Executive to *determinations* of differences, controversies, and litigations arising between subjects, or citizens of a foreign State, not extending to life or limb; and to the taking and conveying of a sailor, seaman or marine, to his vessel.

Could "*the mutual ties between allied powers,*" permit an unlimited indulgence of our respect to the wishes of his most Christian Majesty or his Minister, we might, perhaps, have yielded to the importunities of M. Oster. But in the use of official discretion, we are bound to discard considerations not warranted by duty. We are

bound to deny every obligation not arising from the law of nations, the treaty of commerce or some consular Convention.

We shall not question the right of the Minister to demand Ferrier under the law of nations; although it is not, perhaps, indisputably certain, that in every nation in Europe, a demand of such a culprit would be obeyed. Nor shall we discuss the idea of an allegiance, unalterably due from him to his Christian Majesty; and a perpetual amenability to his edicts; although the genius of our Government seems not to distinguish, in the present case, with regard to *personal protection*, between foreigners owing a temporary fidelity, commensurate only with their stay in our country, and established citizens; still less are we inclined to deny the power of Congress to enforce a surrender of Ferrier, although we are yet to learn in what page of the Confederation it is *expressly* delegated to them. But we rather grant, for the sake of avoiding every appearance of equivocation, that these positions correspond, in truth, with the sentiments and pretensions of the Minister. Even with this powerful train of concessions, it will not follow that the Executive of Virginia, possessing certain defined powers under a constitution, can usurp others, upon no other or better ground, than that there is a national right, for the protection of which no constitutional or legislative provision has yet been made.

That the admission of Consuls is stipulated in the treaty of commerce, is true: but it is equally well founded, that not being public Ministers, they enjoy no immunities or authorities, (except a certain degree of inviolability in their persons,) which are not marked out by

treaty or custom, and that none such are marked out by the treaty of commerce. "Custom then, (we are taught " by a celebrated civilian,) is to be the rule ; for a prince " receiving a Consul without express conditions, is supposed to receive him on the footing of custom." The existence of an American custom, on the subject of Consuls, is to us unknown; nay, the possibility of its existence, so recently after the birth of the American Government, and in derogation of State constitutions, is not, perhaps, free from doubt. Believing too, that the French customs, with regard to Consuls, are not conformable with the genius of Virginia, and have never, in a single example, been announced by Congress, as conformable with *their* views; recollecting, that for the specification of consular functions, which, according to the treaty of commerce, were to be settled by particular agreements, a Convention was begun in the year 1781, between Congress and his Christian Majesty, and never having heard of its completion, we cannot acknowledge the sufficiency of the Minister's complaint on this head.

We have said, sir, that the completion of the convention, if it has taken place, has not been promulged to us. This fact will acquit us of a designed infraction of it.

The Minister recurs to a precedent, an extract from which is now sent. But neither that nor any other act, which appears on our files, has authorized any officer of Virginia to assist the Vice Consul in arresting for an *offence* against the laws of France. If aid has been given in a case wherein such an offence was an ingredient, we must have proceeded on imperfect information. See No. 2.

The foregoing observations are intended, as an an-

swer, to Mr. Oster's letter of the 2nd of October 1787. In a great measure, it will serve as a reply to that of November the 11th 1787, by shewing the defect of our authority, to restore Ferrier to his custody. But we beg leave to subjoin, that if the act of the public officer, in withdrawing Ferrier from the Jason, was unlawful, it belonged to the Judiciary, not the Executive, to declare it so: That if it was lawful, the Executive could not wrest him from the hands of that officer; especially as Mr. Oster might have reclaimed him, after his discharge; and caused a mulct to be imposed on the Sheriff, if that discharge was improper.

It is our sincere hope, that this explanation may prove satisfactory to the Minister of his Christian Majesty. But should we be disappointed, we have a thorough persuasion, that the relief sought by Mr. Oster, was far beyond the scope of our powers.

I have the honor to be, &c.

EDM: RANDOLPH.



Referred to as No. 1, in Mr. Randolph's letter.

An act for the protection and encouragement of the commerce of nations acknowledging the independence of the United States of America.

“1. For preserving friendship and harmony with those nations, who have or shall hereafter acknowledge the independence of the United States of America; speedily determining disputes wherein their subjects or citizens are parties, protecting and encouraging their commerce within this Commonwealth: Be it enacted by the Gene-

ral Assembly, that it shall be lawful for the Governor, with the advice of the Council of State, to receive and admit, from time to time, a Consul or Consuls, appointed by any such State to be resident within this Commonwealth; such Consul if he were not a citizen of this Commonwealth at the time of receiving his appointment, shall be deemed a subject or citizen of the State from which he was appointed, and shall be exempted from all personal services required by the laws of this Commonwealth from its own citizens; and if he shall do any act, which by the laws of this Commonwealth would subject him to criminal prosecution, it shall be lawful for the Governor, with the advice of the Council of State, in their discretion, either before the prosecution instituted, or in any stage thereof, to remand such Consul to his Sovereign or State for punishment, and for that purpose to command him to be delivered by any civil officer in whose custody he may be. It shall be lawful for the said Consul to take cognizance of all differences, controversies, and litigations, arising between subjects or citizens of his own State only, and finally, to determine and compose them according to such rules or laws as he shall think fit, and such determinations to carry into execution. And where he shall require aid for executing the same, it shall be lawful for the Governor, with the advice of the Council of State, using their discretion therein, to order any sheriff within his own County, or any military officer whatsoever, to execute, or to aid and assist in executing any such determination; provided the same does not extend to life or limb of the offender.

Where any sailor, seaman, or marine, belonging to

any vessel of such State within this Commonwealth shall desert, or be found wandering from his vessel, it shall be lawful for the master of such vessel to reclaim such sailor, seaman, or marine, notwithstanding such sailor, seaman, or marine, may in the mean time have been naturalized in this Commonwealth. And any Justice of the Peace to whom the master shall apply, shall grant his warrant for taking and conveying such sailor, seaman, or marine, from constable to constable to the said vessel, or on application from the Consul, the Governor, with the advice of the Council of State, may issue such orders to any sheriff, constable or military officer, who shall yield due obedience thereto. And be it further enacted, that any suit commenced in the High Court of Chancery, or General Court, by or against any subject or citizen of such State, shall be heard or tried in the term to which the process shall be returned regularly executed, or so soon afterwards as may be, and to this end, subsequent process to compel appearance may be returnable to any day of a term, and rules to bring the matter in dispute to speedy issue may be given to expire at any shorter time than what is prescribed in ordinary cases. If such suit be commenced in a Court of a County, City, or borough, it may without any other reason, on the motion or petition of either party, be removed by writ of *certiorari*, and the hearing or trial thereof shall be accelerated by like means, as if it had originated in the Court to which it shall be removed. And the Court of Appeals, High Court of Chancery, or General Court, shall determine every such suit brought before them, by writ of error or appeal, with all the ex-

petition which the necessary forms of their proceedings will allow.

An extract from the laws of Virginia truly copied.

Attest,

SAM. COLEMAN, A. C. C.



In Council, August 21, 1784.

“His Excellency having laid before the board, a letter from the Sieur Oster, Vice Consul of his most Christian Majesty in this State, relative to the conduct of Messrs. Hallot and Amowrouk of the Amiable Louisa, the property of a French subject, enclosing the sentence of a consular Court on their conduct, and representing that Mr. Hallot, whilst the said cause was depending, took the oath of allegiance to this State, and requiring the aid of government in carrying the said sentence into execution.

The board advise that his Excellency according to an act of Assembly “for the protection and encouragement of the commerce of nations, acknowledging the independence of the United States of America,” issue his order to all sheriffs and military officers within this State, notwithstanding Mr. Hallot has taken the oath of allegiance to this commonwealth, requiring them to aid and assist in executing the said sentence, provided the same does not extend to the life or limb of the offenders.”

Extract from the journals,

A. BLAIR, C. C.

FROM THE COUNT DE MOUSTIER TO JOHN JAY.

Translation.

New York, October 18, 1788.

Sir,

In conformity with our agreement, I have the honor of enclosing to you a sketch of our conversation, respecting Mr. Randolph's answer, which you have been pleased to communicate to me. It is far from satisfactory, although it is drawn up with considerable address. There is certainly, an irregularity in the conduct with respect to Captain Ferrier. I wait the decision of Congress, to inform my court thereof.

I have the honor to be, &c.

THE COUNT DE MOUSTIER.



*Sketch of the Count de Moustier's conversation with
Mr. Jay.*

The Minister Plenipotentiary of France observes with much pain, that the interpretations given to the laws of nations, to the treaty of commerce between the King and the United States, to a particular law of the State of Virginia, respecting the privileges and functions of Consuls, and the ignorance in a particular State of the convention signed by the respective Plenipotentiaries, on a subject which has been treated in *the name of all*, according to the only usual form for all their important acts, which have established the connexions and engagements formed between his Majesty and the United States, have prevented attention being paid to the demand made

in the King's name by his Minister Plenipotentiary to the Congress of the United States, for a satisfaction not only interesting to a nation that is particularly allied with them, but to all nations in general, as it respects a crime that is acknowledged to militate against the rights of nations, a right that is imprescriptible, and not to be effaced by any other positive law of any civilized State whatever.

It appears proper to extend some secondary remarks on the answers, which have been communicated to the Count de Moustier, without touching the grounds of the question, and which are reduced to the following positions:

1st. The crime which Captain Ferrier is guilty of is a kind of piracy, which is not, as is attempted to be insinuated, punishable only by the *laws of France*, but which is severely censured by the laws of all commercial nations, and the prosecution of which is prescribed by the rights of nations.

2dly. If by the law, a copy of which is joined to Mr. Randolph's letter, a sailor simply *deserting* can be claimed by the Consul, much more so ought a captain who *deserts with his crew*, after having sold, for his own benefit, the cargo entrusted to him. This explanation is evidently conformable to the spirit of this law, which has for its object, *the protection and encouragement of the commerce of such nations as have acknowledged the independence of the United States*.

3dly. The Mayor of Norfolk having consented to the seizure of Captain Ferrier, on the claim of his Majesty's Vice Consul, he has acknowledged that the proceedings of this Vice Consul was not contrary to the law of Vir-

ginia. Moreover, this Captain was arrested and brought to the Vice Consul, by the very inhabitants of the country. The same measure, therefore, has been alternately regarded as *legal* and *illegal*.

Without entering into any further discussion respecting the extent of the power of Congress, or of the Executive Council of Virginia, as to the case in question, the Count De Moustier will not send the answer which has been communicated to him, until he has received the decision of Congress. He has, therefore, the honor to request that Mr. Jay will inform that assembly of his sentiments respecting the Governor of Virginia's answer, and to explain more particularly, the desire he has of acquainting his Court with a satisfactory issue to an affair, alike interesting to the commerce of the Kingdom, and the external consideration of Virginia.

If circumstances did not promise a happy revolution in the actual organization of the United States, and that the principles that have been adopted in Virginia, with respect to Captain Ferrier, should serve as a basis for the commercial politics of the other States, which have hitherto followed very different maxims, the consequences would be, that no nation could safely navigate and trade in their ports, and that foreign Captains might, under the protection of the law, dispose of cargoes which have been entrusted to them, and might enjoy with impunity the fruit of their crimes, in spite of the claims of their owners; and notwithstanding the demands of the Minister Plenipotentiary, of a power closely connected with the United States.

FROM JOHN JAY TO THE PRESIDENT OF CONGRESS.

Office for Foreign Affairs, }
September 19, 1788. }

Sir,

The absence of the Minister of France (with whom it appeared to me expedient, previously to converse on the subject of the letters of the 30th June and 2nd July, from his Excellency the Governor of Virginia,) induced me to postpone reporting on them.

He arrived yesterday, and I have seen him this morning. He is preparing to go immediately to Boston, and prefers leaving this affair in its present state until his return.

The delay will not, in my opinion, be inconvenient, and therefore I took the liberty of consenting to it.

With great respect, &c.

JOHN JAY.



FROM JOHN JAY TO THE GOVERNOR OF VIRGINIA.

Office for Foreign Affairs, }
September 24, 1788. }

Sir,

I have had the honor of receiving and communicating to Congress your letters of the 30th June and 2nd July last. The receipt of them should have been sooner acknowledged, had I not flattered myself with being shortly enabled to give you some information on the subject. My attendance in the Convention of this State, and Count de Moustier's excursion to Albany, &c. left me

no opportunity of discussing these matters with him. He returned last week ; but the very day afterwards set out for Boston. I saw him just before his departure and mentioned the affair to him. He was satisfied that it should be left in the state it was until his return.

The consular Convention mentioned by your Excellency never was ratified, and consequently cannot as yet have operation in the United States. The foreign Consuls here have no other authority than that which they may derive from the laws of nations, and the acts of particular States. The propriety of these acts appears to me to be questionable, especially as national objects should be regulated by national laws; When the Count returns, I promise myself the pleasure of writing to you more at large on this subject.

I have the honor to be, &c.

JOHN JAY.



REPORT OF SECRETARY JAY ON THE OBLIGATION TO
RATIFY THE CONSULAR CONVENTION WITH FRANCE.

Office for Foreign Affairs, }
July 25, 1789. }

The Secretary of the United States for the Department of Foreign Affairs, under the former Congress, in pursuance of the following resolution, viz :

In Senate, July 22, 1789.

Whereas a Convention referred this day to the Senate, has reference to a Convention pending between the most Christian King and the United States, "previous to the adoption of our present constitution."

“ *Resolved*, That the Secretary of Foreign Affairs
“ under the former Congress, be requested to peruse the
“ said Convention, and to give his opinion how far he
“ conceives the faith of the United States to be engaged,
“ either by former agreed stipulations, or negotiations
“ entered into by our Minister at the Court of Versailles,
“ to ratify in its present sense or form, the Convention
“ now referred to the Senate.

“SAMUEL A. OTIS, Secretary.”

Reports, That he has compared the two Conventions
of 1784 and 1788.

That the copies of them received from Mr. Jefferson,
and now before the Senate, are so printed and their varia-
tions so clearly marked as that he cannot contrast them
in a manner better calculated for an easy and accurate
comparison.

That in his opinion there exist in the Convention of
1788, no variations from the original Scheme sent to Dr.
Franklin in 1782, nor from the Convention of 1784, but
such as render it less ineligible than either of the other
two.

That although he apprehends that this Convention
will prove more inconvenient than beneficial to the United
States, yet he thinks that the circumstances under which
it was formed, render its being ratified by them indis-
pensable.

The circumstances alluded to are these :

The original scheme of 1782, however exceptionable,
was framed and agreed to by Congress.

The Convention of 1784, was modelled by that
Scheme, but in certain instances deviated from it ; but
both of them were to be perpetual in their duration.

On account of those deviations, Congress refused to ratify it; but promised to ratify one corresponding with the Scheme, provided its duration was limited to eight or ten years; but they afterwards extended it to twelve.

By an instruction to Mr. Jefferson, of the 3rd October, 1786, he was, among other things, directed to propose to the King, “that the said Convention be so amended
“as perfectly to correspond with the Scheme in every
“part where a deviation from the same is not permitted
“by the said act; (of 1782) and further, that he represent to his Majesty the desire of Congress to make
“the said Convention probationary, by adding a clause
“for limiting its duration to eight or ten years. That
“he assure his Majesty of the determination of Congress, to observe on all occasions the highest respect
“for candor and good faith in all their proceedings, and
“that on receiving the Convention so amended, and
“with such a clause they will immediately ratify it.”

In the letter which accompanied these instructions is the following paragraph:

“The original scheme of the Convention is far from
“being unexceptionable, but a former Congress having
“agreed to it, it would be improper now to recede; and,
“therefore, Congress are content to ratify a Convention, made conformable to that Scheme, and to their
“act of 25th January, 1782, provided a clause limiting
“its duration, be added.

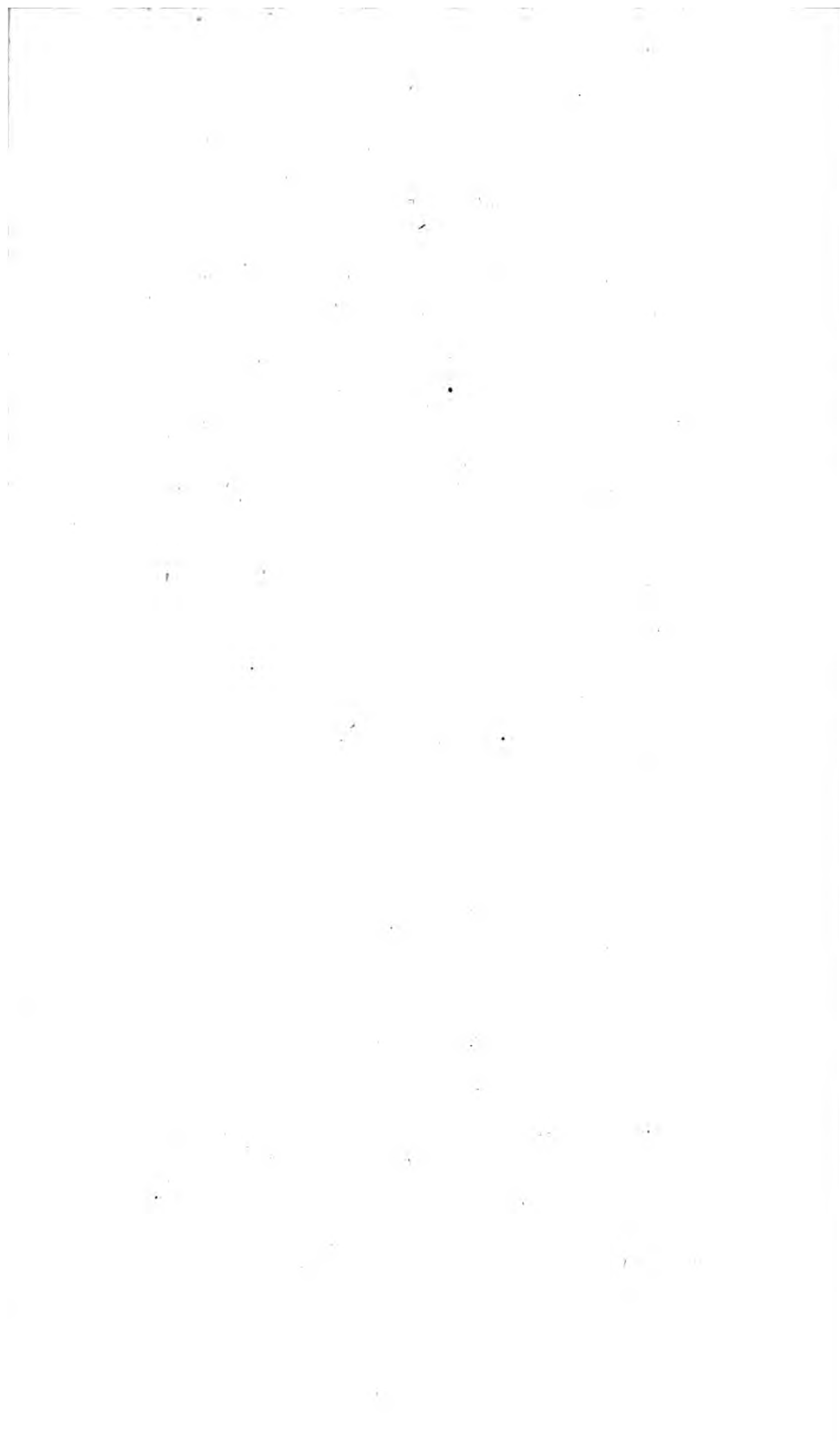
On 27th July, 1787, Congress gave to Mr. Jefferson a commission in general terms to negotiate and conclude with his most Christian Majesty, a Convention for regulating the privileges, &c. of their respective Consuls. In one of the letters then written to him, is this paragraph:

“ Congress confide fully in your talents and discretion,
“ and they will ratify any Convention that is not liable
“ to more objections than the one already in part con-
“ cluded ; provided, that an article limiting its duration
“ to a term not exceeding twelve years, be inserted.

As the Convention in question is free from several objections, to which the one of 1784 was liable, and is in every respect preferable to it, and as it contains a clause limiting its duration to twelve years, it seems to follow as a necessary consequence, that the United States ought to ratify it.

All which is submitted to the wisdom of the Senate.

JOHN JAY.



THE
CORRESPONDENCE
OF
GENERAL THE MARQUIS
DE LA FAYETTE.

FROM LAFAYETTE TO THE PRESIDENT OF CONGRESS.

Paris, December 26th, 1783.

Sir,

Having received no commands from Congress by the last packet, I must, however, trespass upon their time to give them a few hints respecting American commerce. I have of course directed them to Mr. Morris; and although Dr. Franklin (the other Ministers being in England) will give you political intelligence, I cannot help adding, that by a refined piece of cunning, the King of England has got Mr. Fox out of the Ministry. After having entangled him by a success in the House of Commons, he found means to stop him short in the House of Lords; in consequence of which Mr. Fox has been dismissed. Mr. Pitt, and the last of the Temples called in, and the new administration (Lord North being also out) necessitates the calling of a new Parliament.

The affairs between Russia and the Ottoman Empire are still negotiating, and although in my opinion war cannot be much deferred in that quarter, there is no proba-

bility of its taking place so soon as next summer. The Emperor is in Italy, upon which some say he has also got an eye, and there he will meet with the King of Sweden. There is no change in the French Ministry, since M. de Calonne has succeeded to M. de Omillon, and Baron de Breteuil to M. Amelot, both of whom are more sensible than their predecessors.

Unless I have some commands from Congress to execute in Europe, I shall in the spring embark for America, and present them with the personal homage of one, whose happiness is to feel himself forever a zealous member in the service of the United States.

With the utmost regard, and affectionate attachmènt, I have the honor to be, &c.

LAFAYETTE.



FROM THE MARQUIS DE LA FAYETTE TO ROBERT MORRIS.

Paris, December 26, 1783.

Sir,

Although I have not by this opportunity, been honored with any commands from Congress, I beg their permission to acquaint them, through you, with the measures respecting commerce, which it has been both my duty and my inclination to pursue.

On my return from Spain, I heard that Bayonne and Dunkirk were the two ports pointed out for American trade. L'Orient is out of the question; and although it was wished for by the Minister and Consul of the United States, their having no positive orders from Congress, seemed to them sufficient reason to forbear a timely application.

As I was a private man, I thought I might make it myself, and every difficulty I met with the better convinced me of the importance there was in getting that harbor. It was at last fixed upon *in lieu* of Bayonne, and I was permitted to let it be known to Mr. Barclay. But M. de Omillon being over burthened with the duties of his place, an enormous time was lost in giving the affair an official and complete conclusion.

Monsieur de Calonne having got into place, I have applied to him, as I do to every Minister that has something to do with American affairs. Enclosed you will find answers from him, and I hope our next conference will finish the affair of L'Orient. It has much pleased me to hear from Colonel Gouvion, that your opinion respecting its conveniency coincided with mine. But since it has been decided we should obtain L'Orient, I have made an application for an addition of free ports. Because the more that are got, the better it will be. Dunkirk, L'Orient, Bayonne and Marseilles, will be a very proper chain. Bayonne, with the country around it, opens a good contraband trade with the Spaniards.

Upon the receipt of your letter, September 30th, Mr. Franklin sent it to me, requesting I would make what use of it I thought proper. I had extracts of it translated, which I intend taking with me to Versailles. Your opinion will have great weight in the affair, because of the confidence Europeans have in your abilities, and the respect which is paid here to your character.

The ideas upon commerce that are met with in this country, are far from being always right; to persuade people into their own interest, is sometimes as difficult a matter as it would be to obtain a sacrifice. But the Min-

istry and the people are wishing for intimate connexions with America, upon a liberal policy; one of the impediments is, that the trade in France is subject to many inconveniences, which, by little and little, will be removed; and the other, that the merchants here, and the farming interest about Bordeaux, oppose any foreign trade with the West Indies.

Those oppositions I have been every day combating in the best manner I could; and at last have determined to present several heads, by way of memorial, which I will commence in conversation. It is entirely in the capacity of a Frenchman that I write, and wish as little appearance of partiality as I could; the reason is obvious; and I have sent a copy of my memorial to every one of the Ministers. With it I enclose M. de Calonne's answers, and a copy of an old letter from M. de Vergennes, which you must have got long ago. Should you think the memorial worth reading to Congress, or any committee, I must beg it will not go elsewhere, as I do not wish its being propagated.

In every thing I do, I need not say that I will ask for directions from the Ministers of Congress; and I very much wish to see them treating the matter directly with this Government. I the more desire it, as I know the intentions of Congress only from hearsay, and cannot move a step in cases where their name is to be made use of with the Ministry.

With the highest regard, I have the honor to be, &c.

LAFAYETTE.

While I am reading over this memorial, I beg leave to observe, it was intended to point out the inconveniences in the French trade; it was therefore my object, on the one hand, to present them in their worst point of view, and on the other to overlook the advantages which that commerce has over other nations. It would have been wrong in me not to observe that this memorial is not intended to give a stated account of the affair, but to obtain favorable alterations upon particular points.

LAFAYETTE.

OBSERVATIONS of the Marquis de la Fayette, addressed to the Count De Vergennes, on the Commerce of the United States, with France and the French Colonies.

Whilst sacrificing her treasures, and the blood of her citizens, in the last war, France had a right to anticipate great advantages. There are some advantages which no faults can take away, and while she has recovered her consideration, her rival has lost a part of its commerce, an immense territory, a great number of its subjects, which Europe was eager to increase. France has besides done more, she has secured herself against a ruin which seemed sure and near at hand. It is evident to all who are acquainted with the new world, that on the eve of the declaration of Independence, England could have secured our American possessions. But although it was our duty to look with favor upon this revolution on account of advantages acquired, and evils avoided by it, although the main point at issue be a doubt, whether this new

created power acquired by the United States, which is now independent and peaceable, would be better situated by a reunion with our rivals: there are yet some advantages which appeared secured to us, but which, I see with regret, we have lost.

During the animosity caused by the war, it would have been more easy for us to form commercial ties; but if we have now competitors, we still have some advantages over them. Not that I think commerce appears to me a matter of sentiment. Americans love France; they are generous and grateful; and when they are accused of carrying to excess their hatred, (as for instance, in regard to reprisals, or the refugees) it would be too absurd to accuse them of being attached to England. But all merchants look up to gain; and although the policy of the United States be very favorable to us, yet mercantile interest is impartial. Its influence will go, it must be confessed, farther yet; it will gradually take the lead in councils over which merchants have a great influence. Rivals of the British in our manufactures as well as in our commerce, by the same means it is, that at some future day our political rivalry will be decided.

When I speak of our advantages I only mean to say, that in the first attempt we will find them in the favorable disposition of the Americans; but nature has given us exclusive ones; and with little trouble we might obtain still more of them; and instead of repelling this commerce it would be easier to bring the greatest portion of it towards us. Every delay, every error on our part, becomes a sure gain for England; for, in the last resort, if America does not favor us, it will be fa-

vorable to others ; and if this truth is not worth some sacrifices, at least it is worth a prompt and very serious attention.

Being early engaged in that revolution, I regret the loss of the least advantages which my country might, by proper attention, have derived from it. I would cherish every thing that may draw closer an alliance which is natural, and required by common interest. Had I the experience of a merchant, I would write on the subject of the commerce with the United States. I can have no pretensions of that kind, and if my reflections or my information have given me some ideas on commercial affairs, they are too imperfect to induce me to venture to write a memorial on that subject. What I have learned or thought, I have told to the Ministers of the King, and it is in obedience to their order that I offer a few notes on this interesting subject.

The commerce of the Kingdom, and that of the Colonies, although divided by the departments, cannot, in relation with the United States, be separated. On the examination of the first part, we see on the one side raw materials, and on the other, manufactured articles, which promise great profits in the exchange. If this truth requires an example, I will instance the extensive commerce in flaxseed, which the late colonies carried on with Ireland. From the sowing of the seed until America received bleached linens, Ireland gained every thing by its culture. Without injuring commerce, our fine cloths, our silks of all kinds, our linens, our fancy articles, &c. will find a considerable sale ; but it may yet be increased by care, and while manufactures, not in such great demand, will suit the American taste,

(for I have seen that in Boston, the roundness of the heads of our nails was an objection to them, and that the Irish way of folding linens had an influence on the sale of them,) others might lessen their prices by simplifying their manufacture, and some might gain by adopting the English plan, which consists in employing each person to the manufacture only of a single article, and by applying to each article the degree of power absolutely necessary.

It is a singular fact, that when the raw materials are cheaper and better in our colonies, the cotton goods of Rouen should be, since the peace, dearer than those of Manchester. The price of our labor, the good taste and the intelligence which distinguish us, all give us hopes that we can, in our goods, imitate, and even excel other nations.

Besides forming commercial ties and making our manufactures known, we ought also to facilitate their exportation. I understand that the Americans desire that they may be put on the same footing on their continent, that they are upon, in our islands. They object to that unnatural system of internal customs. They complain, that from the moment when the goods leave the manufacturer, until they are shipped, without opening the packages, formalities aggravated by their uncertainty, and numberless difficulties must be encountered, and from which the French merchants are not exempt. These vexations lead to smuggling and fraud. They are intolerable for a foreigner not acquainted with our language and customs. The English manufacturers give longer credit, a consideration well worthy of notice. As to our wines and our brandies, they give us an exclusive advantage

over England. The taste for French wines increases every day, they are asked for at the north, and are necessary in the warm climates. Nothing short of the destruction of this commerce would allow Portugal, the Azores, or even Madeira, to come in competition with us.

Here is then a new source of wealth, which gives life to our productions and our manufactures ; it would be wrong to stop it, and it is easier to increase it. With regard to that part of the new world producing raw materials, but no rich metals, we ought, for the purpose of paying our workmen, to follow the example of Ireland, that is, encourage their planters. Whilst their furs are sent back to them in the shape of hats, muffs, &c. whilst we make use of their excellent iron and their timber, we return them hence, ships with their sails and rigging, as they did formerly from England ; but it is also necessary that their rice, indigo and tobacco should find in France an advantageous market. Their indigo, not as fine as ours, is employed for a particular purpose. American rice is preferred to that from the east, should even that trade be secured to us. The most essential article is tobacco ; but that trade is destroyed by the Farmers General. If there be a nation favorable to the importation of codfish, we must remember that it is the principal article of exchange of New England. In a word, if we wish the Americans to buy of us, we must multiply their means of selling. Far from fulfilling this object, our actual system has driven away their commerce. The difficulty occasioned by regulations, is more injurious than high prices. The farmers of the revenue, can only create obstructions, they never decide. Time, so precious

to merchants, is consumed by the least obstacle, as if it were the most important affair. The decisions of the company, so long delayed, vary arbitrarily on every occasion. On entering a French port, the merchants waver between the fear of making a declaration less than the real value, which carries after it confiscation, and that of an exaggerated one, which makes them pay for what they have not.

The error is still more injurious in the cargoes of tobacco, for if an error is made to the disadvantage of the importer, he is accused of smuggling and this absurd measure is suspended only by a provisional order.

In re-exporting their merchandize, the Americans are desirous of recovering the duties they have paid, a facility which to them appears very important to commerce. The trade of tobacco is entirely lost to France. Since the peace two vessels only have, I believe, arrived, and they were the result of an old contract; all the others go to England and Holland, where the manufacturers buy their cargoes. A cargo after having been nine months in France, the Farmers General not being willing to buy it, or allow it to be carried to Marseilles, where it was wanted by the Italians, was at last taken to Amsterdam. Good tobacco is at present sold in Philadelphia from 50 to 60 shillings the hundred: in France the charges raise its cost to 54 livres of our money; and while it brings only nine sous in our ports, it yields sixteen sous in London and Amsterdam. But without entering into details, in which I might be mistaken, it is clear that a direct trade is the best for the purchase of this production, and for the sake of our manufactures, and that foreigners to obtain possession of this trade will do any thing, and even

suffer a momentary loss ; and unless the patriotism of the Farmers General be enlightened, the allurements of a transitory gain, or the attachment to old usages, will work to the disadvantage of our mercantile and political interests.

For a long time past, these abuses have restricted our commerce, they have been very troublesome to our citizens, and all acknowledge that they counterbalance our natural advantages over other nations. I do not pretend to give new ideas, I only point out those which are obvious to the Americans. Neither does it now belong to me to offer remedies ; but the example of foreign nations proves that there are some. I shall only mention free ports, which have been too long neglected. The treaty promises two of them ; Marseilles and Dunkirk were always so. When peace took place, I represented that L'Orient would suit the Americans; that port was selected and I was ordered to assert it, and to announce a formal declaration, which has not yet appeared.

The conclusion of this business and the addition of Bayonne, forming a line of four ports, would be sufficient for the commerce of the United States. It would, perhaps, be better for us that all the ports of France should be free : but without indulging myself in a strange idea, and not willing to insist on L'Orient and Bayonne, I will only add that these dispositions should be made in concert with the Ministers of Congress, and their Consul in France.

Whatever may be the importations from America, France is nevertheless so fortunate as to have the balance of exportation in her favor. It is then necessary to find means of payment for this excess, and the commerce of

the United States with our islands, can only furnish it. Were I even profoundly versed in these matters, I should hesitate to give an opinion on so important a question. The French merchants do not agree in this case with the French inhabitants of the colonies. The *pro* and *con* can be sustained. But after conversing with persons better informed than I am, the following ideas on the American commerce have struck me.

As soon as that interest should be in opposition to our commerce it ought to be null in the eyes of the government; but it is not so with our agriculturists, our manufacturers in France, and our citizens in the colonies. The sale of our productions, and the prosperity which results from it, will counter-balance the advantages given to merchants, and will combine in securing the public good. Eighteen years have not elapsed, since the chamber of commerce was opposed to any communication between the colonies and foreigners. Since that time they have become more liberal on some articles, they even now agree, that it is better to bring our salt provisions from America, than from Ireland. It was with much difficulty that an *entrepôt* could be established at St. Lucia and at the St. Nicola mole. There are among merchants a diversity of opinions, and all these reflections give me reason to hope for a conciliatory system, where national interest will accord with that of individuals.

In taking the salt meat of Ireland, we had the refuse of the English, and the difference in the price and quality is not to be compared. If the salt fish of America is carried to the colonies, ours will find a better market in Europe. Competition can be established by moderate

duties, but as long as the sustenance of negroes is subject to prohibitory laws, they will be less numerous, badly fed, they will work less, and die sooner; and since we have slaves, we ought at least to listen to the voice of interest and humanity. The revenue of the King, the consumption of manufactures, the cultivation of our colonies, will increase in proportion to the freedom given to trade. Are not the inhabitants of the colonies the best judges of the food necessary for their slaves, or do we fear that they will give them too much? Besides codfish and salt provisions, they will at the same time receive live stock, lumber, &c. which have always been furnished by the American continent. I must observe here, that an *entrepôt* requires a coasting trade, which is inconvenient and expensive; and if we expect any help from the Spaniards, I will add that their commerce consists only in goats, and the hides of their wild cattle, which the want of fodder does not allow them to raise otherwise. Margarita is the only Island which has pasture grounds; but we cannot depend upon it, as that Island will soon adopt the same cultivation with our colonies. Americans, driven away by us, will encourage the Spaniards, who require always to be paid in British manufactures. The neglect of the custom house guards, makes smuggling easy. Although that indolent people may make promises, we ought not to depend on any thing that requires their personal exertions; but timber suitable for house and ship building, staves, spars for masts, yards, &c. and finally, salt provisions, which we must get from the United States; all these are objects in which the Spaniards cannot compete.

It is impossible for me to doubt that fish, salt provisions,

&c. and all the abovementioned articles, will be admitted in our colonies.

Flour offers a greater difficulty, which I pretend not to solve. The inhabitants of the colonies say, that the question on the exportation of grain being yet doubtful, we ought not to be too positive as to its exportation to the Islands ; that negroes do not make much use of flour, and that if the grain seller loses, the consumer, and consequently the French workman, will gain by it ; that fields will be transformed into vineyards ; that the importation into the interior of the kingdom, offers an opening for it, and that American flour is carried every day to the ports of Europe, (France having some time received it,) it would be cruel to stop the increase of the colonies, by giving exclusive privileges which commonly benefit individuals only.

Rum, molasses and French manufactures, will be carried from the Islands to the United States ; but they insist on the sugar trade, at least for their own consumption. If they cannot get it of us or of the English, they will encourage its production to our disadvantage, either in Brazil or the Spanish colonies. If they obtain that liberty in the British Islands, they will form there, commercial ties which we ought to dread. The improvement of our Islands ought to be a subject of interest to us ; St. Lucia, for instance, is considered as a grave yard ; but might be made a flourishing Island. If the increase of a hostile possession be arrested, will not a great injury they been done to it ? And since the French commerce is not sufficient for our colonies, why not give the surplus to our allied consumers ? In selecting certain Islands or ports, and limiting the quantity of sugar exported in each ves-

sel, or by requiring bonds for a declaration of this article to be made to the French Consuls in the United States, could not means be devised so that this commerce should not exceed the wants of the continent, and that the Americans should not derive the advantage of carrying our sugars to Europe? We apprehend difficulties in the execution of such regulations, but as much can be said of all restrictions. If these last do not cause sufficient embarrassments, to call for an entire freedom, why should we feel compelled to adopt a general prohibition?

It is besides reasonable to make some experiments, but we must not begin with those, which, by causing the loss of a trade little known to us, would occasion useless regrets. When this commerce has been examined in its differing bearings, there is one point remaining which deserves consideration. The United States possessing superabundant productions, and the Islands having wants in common with them, which bring them together; it is to be feared that the refusal of an honest freedom will lead them to a general license. If every thing is forbidden to them, the Americans, as well as the inhabitants of the colonies, will break all laws; but the assurance of a lawful profit, will drive away smuggling, which brings vexations, animosities, wastes the King's revenue, destroys all arrangements in favor of our commerce, and loosens the political ties.

If it be just to give only the surplus of our commerce to our dearest allies, if they are only to be employed for its prosperity, or that of our cultivators, our workmen and our colonies, for the advantage of the mother country, we should undoubtedly be very wrong to sacrifice the great interest of our navigation. That of the

colonies, it is said, destroys more sailors than it makes, and generally, the Americans do not expect for their own a very rapid increase. It is true, that at this time they hasten towards the interior of the country, whither they are attracted by the rich lands, which requires cultivators. That navigation, besides, will be dearer than is expected. If timber is cheap, it is not so with workmanship, and the rigging is principally imported from Europe. Their sailors are better paid and fed, and their ships do not last as long as ours. If, say the Americans, ships are constructed at a cheaper rate, the French will buy some of them, and they will become French property. They affirm, that as several other nations navigate at a cheaper rate, we ought not to fear them on that account.

If I have ventured to give some ideas on the American trade, I have been encouraged by the Ministers of the King and still more so by my love and attachment for the United States. These motives, which I have a right to offer, should be an excuse for pretensions on matters which I understand but little; this I have not to reproach myself with. I confess that the least merchant knows more than I do, and if some of my ideas appear just, they should have the greater weight; inasmuch as they are offered by one ignorant of the matter, they do not show to advantage. I do not offer a memorial, I only put together notes which have been required of me, upon some known facts, or some opinions from Americans, which my private relations have enabled me to hear. Whilst we facilitate our exportation, for the prosperity of our commerce, of our manufactories, and for the purpose of securing a payment, we favor Ameri-

can importation: it will be necessary that in fostering our navigation, the interest of our merchants be combined, with that of our manufactures and of our colonies, for the good of the kingdom. The Ministers of the King will know better than myself how to effect these objects; but there are two reflections which do not require much knowledge. The first is, that in losing time, we do ourselves an irreparable injury: the second is, that it is very important, that the Minister of the United States, and their Consul, also other American Envoys now in France, should be consulted, as their talents and knowledge render their advice important, and their opinions will have much influence on the disposition of the people of the United States.



FROM THE MARQUIS DE LA FAYETTE TO ROBERT MORRIS.

Paris, January 10, 1784.

Sir,

On the 26th of last month I had the honor to address you a letter, enclosing some observations from me to the French Ministry, and answers from them to me, and also giving you an account of some measures, which in my private capacity I thought it my duty to undertake. I have been much encouraged, by your verbal opinion to Colonel Gouvion respecting L'Orient, which I had taken upon myself to recommend for a free port. A duplicate of my despatches, December the 26th, is going in this packet, whereby you may see, that in the private applications I make, Congress cannot by any means be in the least committed.

Since my last letter I have had some conferences with

the Ministry enforcing what I had presented in the memorial. Enclosed you will find an original official letter from M. De Calonne, the Minister of Finance, wherein the affair of the free ports is finally settled, and some other parts of my observations are answered. I beg leave to submit to Congress the propriety of its being published in the newspapers, and for the facility of a translation, I enclose a fair copy made out in a more legible hand.

LAFAYETTE.



FROM ROBERT MORRIS TO JOHN JAY.

Office of Finance }
September 30, 1784. }

Sir,

I do myself the honor to enclose, for the inspection of Congress, a copy of a letter of the 14th of last month, from the Marquis de la Fayette; and with it I send the originals which were delivered by him to me. The unexampled attention to every American interest, which this gentleman has exhibited, cannot fail to excite the strongest emotions in his favor; and we must, at the same time, admire the judgment which he has shewn in the manner of his applications, as well as the industry in selecting materials. There can be little doubt that his interest at his own Court, must always prove beneficial to this country, while the same cordiality shall continue, which now subsists between him and the venerable Plenipotentiary now resident at Passy.

I shall not hazard opinions upon the matters which have employed the attention of Monsieur de la Fayette, as a negotiator from this country to that which gave him

birth. It would be intruding sentiments which will suggest themselves. But while I feel the delicacy and perhaps danger of asking from France the modification or abolition of particular duties, thereby establishing a precedent for similar requests on her part, I hope Congress will pardon a wish prompted by the general interests of commerce; that the statement of all those duties might be translated and published for the government of those who may form expeditions to those different parts now opened to us.

I have the honor to be, &c.

ROBERT MORRIS.



FROM THE MARQUIS DE LA FAYETTE TO ROBERT MORRIS.

Philadelphia, August 14, 1784.

Sir,

Enclosed you will find some letters from M. de Calonne, and also one from the Marshal de Castries, with a return of duties now paid in the French free ports. The whole of which I have the honor to lay before you, and shall be happy in any commands you may have for me on these important matters.

I have the honor to be, &c.

LA FAYETTE.



FROM THE MARQUIS DE LA FAYETTE TO M. DE CALONNE.

Paris, January 31, 1784.

Sir,

In our last conversation, I submitted to you some questions of American merchants, of which you took a

note ; and your favorable disposition for the American commerce and the quick decisions it produces, have reanimated my hopes. Whilst the English parties are disputing, we may repair the delays, of which you have so sensibly felt the inconvenience.

The four free ports are granted ; and you destine the public buildings there, to serve as magazines for the Americans ; it were much to be wished that neither of the four ports may be deprived of this advantage, and the compensation for the use of these magazines should be as low as possible ; but what ought particularly to be fixed, is a list of the fees of office, of anchorage, and of the admiralty. All these fees or duties, which in fact are always collected in a vague and troublesome manner, are not so useful to the King as inconvenient to the individual, and if it is of moment to fix them as low as possible, it will I believe, be still of more importance, to make a sacrifice of them altogether.

Seeing the difficulties which would attend a commerce with France, Messrs. Wadsworth & Carter, very rich Americans, had given up all ideas of the kind. I shewed them your letter, and they determined to make the experiment ; they bought silks and other articles to send by a vessel, which was to sail from L'Orient, but the demesnes of Monsieur laying on the road they were obliged, either to pay the duties, which would have eat up all the profits, or to take a circuitous route (as they did,) and thereby lose the opportunity and increase the expense.

These gentlemen wish to send to America forty thousand bottles of champagne, and it would be convenient to ship them at Brest, where one of their vessels will

stop on its return from England. They ask if they should meet with difficulties, and what duties they shall be obliged to pay for the entrance and clearance of their vessel.

Mr. Nesbit, merchant at L'Orient, informs me that Mr. Pignon told him Virginia tobacco is to be taken at 45, and Maryland tobacco at 40; he is forced to lose on what he has already received, but his friends have given him orders that their tobacco shall go from America to foreign ports. This monopoly of tobacco is a great misfortune for the commerce of America, but since the Farmers General must buy it, I cannot conceive what views they can have in discouraging the Americans from bringing it directly here, when the same quality sells at a higher price in the other ports of Europe.

Messrs. Wadsworth and Carter, of whom the whole army of M. de Rochambeau can speak to you, have made an observation to me which is very just: that England diminishes the duties on the articles of export to America, and if France did the same, for example on looking-glasses and all that branch of the glass manufacture, they would have the advantage over the English manufactures.

When I receive your answer to these observations, I will acquaint the American merchants with all that concerns them; they are re-animated by your activity and decision, and it is very opportunely you have stepped in, to turn the current which carried the whole of the American commerce to England.

I am, &c.

LAFAYETTE.

FROM THE MARQUIS DE LA FAYETTE TO M. DE CALONNE.

Paris, February 10, 1784.

Sir,

Being on the point of writing to America, I could wish my accounts to continue favorable. After opening of free ports, it would be finishing your work to fix, or perhaps to abolish, the duties of the admiralty, of anchorage, pilotage, and other obstructions to commerce, which I had the honor to mention to you in my former letter. It would be of importance to assure the Americans of a market for their tobacco; I have forwarded some complaints to you, and I foresee bad consequences from the commission given by the Farmers of Virginia tobacco. At present it is brought from the Ukraine, and in general instead of buying that of America, the Farmers take the other at a low price, and of a very bad quality. You have been so generous with respect to free ports, that it would be indiscreet to give a new idea of that kind; but many of the Americans have told me, that if privileges were granted to the Havre, it would give a superiority to the manufactures of Normandy, and facilitate the vent of the articles fabricated at Paris. Vessels loaded in England, tempted by the commodiousness and the vicinity of the port, would call and take in some French productions.

The observations I have the honor to make to you, sir, must be attributed to my desire not to forget any American representations. Accept the homage of my gratitude, and of the respect, with which I am, &c.

LAFAYETTE.

FROM THE MARQUIS DE LA FAYETTE TO M. DE CALONNE.

Translation.

Paris, February 26, 1784.

Sir,

Monsieur, the Comptroller General, will find herewith, the statement he was so good as to lend me, and to fulfil his intentions, I submit to him the opinion of the American merchants I have consulted. The duties payable in the free ports are less burthensome from their amount than from their multiplicity ; to abolish them entirely, would perhaps be difficult, but they might be at first lessened and afterwards united under one denomination, to be paid at so much for a vessel of three masts, so much for one of two masts, and so on, without troubling themselves about the tonnage. This method will deprive no one of their dues, for the subdivision of the profits can be made by those who claim them. It will prevent the exactions and impositions to which strangers may be liable, will take away all embarrassments of that kind, of which the Americans complain, and will much surpass the English method.

This being done, two statements should be made out and sent, one of the old duties, and the other of the new regulation, should be inserted in all the American papers.

An opportunity soon offers for America, and if M. the Comptroller General, will be so good as to decide on this point, and some others in my letters, I will with great eagerness, fulfil his views in communicating his resolution. If it will be convenient for him to receive

me either Saturday at Paris, or Sunday at Versailles, before or after the Council, I shall be happy in waiting on him.

I am, &c.

LAFAYETTE.



FROM THE MARQUIS DE LA FAYETTE TO M. DE CALONNE.

Translation.

Paris, March 5, 1784.

Sir,

In conformity to the desire of M. the Comptroller General, I waited on M. De Chardon, and though he had been bled twice, he was so good as to occupy himself with our affairs ; he did not think the business could be done without having new and more particular statements ; however, from the account he was to render to-day, I hope to receive the letters which will encourage the Americans with respect to the two Departments.

Besides this letter which the Comptroller General has promised me, I take the liberty to mention that it is now a month since they have received the information at New York, of the four free ports ; consequently, vessels may be expected every day, and as nothing remains to be done but a simple formality, it were to be wished that it was finished as soon as possible. I have even detained the American officer, in the hope that the Sunday's journey to Versailles will put it in my power to send the printed copy.

In conversing with the Americans on the importation

of their flour into the Islands, one of them mentioned that we might take measures to have the returns made in part, in wines, or goods of our manufacture. This engagement of contracting with the Americans, may be joined with the excellent idea which M. the Comptroller General, as well as the Count D'Estaing, gave me, of a moderate duty subject to drawback.

I have the honor to be, &c.

LAFAYETTE.



FROM M. DE CALONNE TO THE MARQUIS DE LA FAYETTE.

Translation.

Versailles, March 8, 1784.

Sir,

I have examined with much attention, the representations which you have done me the honor to make to me, on the duties payable by American vessels in the four free ports, which his Majesty has assigned them. You complain of these duties being too high, of their multiplicity and of the facility they will give to bad people to deceive strangers, not acquainted with the French language and the customs of the place. You require the suppression of the greater part of them, and that those which are left should be reduced under one single head, payable according to the vessels being of one, two or three masts, &c. thereby avoiding the detail, which would take place if the duty was laid on according to the tonnage.

I must in the first place, observe that the duties payable by American vessels in the ports of France, are the same as for other foreign vessels, and do not exceed the

duties exacted by the English. But you represent that the Americans are not acquainted with the nature and quality of the duties payable in France on their vessels as well as all others. On this subject I can propose nothing for his Majesty's decision before I have verified to certainty in what these duties consist, for whose profit they are levied, and under what title they are established. To come at this knowledge, I have engaged his Majesty to issue orders to the Admiralty of the four free ports, to furnish without delay, an account certified by them, of all duties whatever, payable by American vessels, both on their arrival and departure. When this account comes to hand, I shall lay the result before his Majesty, and then will be the moment to propose to him to take measures, as well to diminish the duties as much as possible, as to unite under one denomination all which may be left, and make them payable according to the size of the vessel. This will also, afford me an opportunity of proving to the United States, the favorable disposition of our court in every thing which interests them. You may be assured I have let no opportunity escape, and the determination that his Majesty has just taken, on my report, to suppress all duties on the exportation of our brandies, is a further proof of the attention given to every part of our commerce with the United States. I flatter myself that you will do justice to the desire I have to prove to you the sentiments, of &c.

DE CALONNE.

FROM M. DE CALONNE TO THE MARQUIS DE LA FAYETTE.

Translation.

Paris, May 17, 1784.

Sir,

It has not been possible to obtain the printed copies of the act, relative to the free ports, so quick as you desired. I have the honor to send you twenty-four copies. It has appeared necessary to fix a term when the act should take effect at L'Orient and Bayonne, that the Farmers General might have time to form separate establishments, between the places which are free and those subject to duties; but you need be under no apprehension that any thing will result therefrom, contrary to my letter of the 9th January last, which you have sent to America; or that any expeditions which may have been made in consequence, will meet any difficulties in either of the free ports. I have provided against this by particular orders, and every proper measure is taken, that vessels which sailed within three or four months from America, and which, on their arrival, shall declare they were laden in consequence of what I wrote and you announced, shall immediately enjoy all the advantages of a free port.

I have read with great attention, the memorial of M. de Coulteux, on tobacco. He is very reasonable, but the facts are not admitted. It is alleged, for example, that an American vessel, which was made to pay the expenses of putting into L'Orient uselessly, afterwards; carried her cargo elsewhere, and will not return. This fact is not agreed to. The packet St. Mary was cited, but the verification of the fact has proved its falsi-

ty, and so with respect to another vessel which had put into the mouth of the Loire.

With respect to the two propositions which terminate the memorial, the first to order the Farmers General not to buy tobacco, but in France or America; and the second, to form a magazine in the Port of L'Orient, where the merchant may lodge his tobacco until he can sell it to his greatest advantage—they are susceptible of no difficulty, nor have I had any trouble to get the Farmers General to consent to them. You may, therefore, sir, obviate any uneasiness, the United States may have conceived with respect to their commerce with France. It being the intention of the King to remove every obstacle.

I have the honor to be, &c.

DE CALONNE.



FROM M. DE CALONNE TO THE MARQUIS DE LA FAYETTE.

Translation.

Versailles, June 11, 1784.

Sir,

I have collected together, as I informed you, a list of the different duties payable to the Admiral, to the officers of the Admiralty, to the cities, or to particular noblemen, by vessels of the United States, in the ports of Marseilles, Dunkirk, Bayonne, and L'Orient, on their arrival and departure. These duties are brought together in a tabular form which shows, at the same time, the title of each receipt, and the law which authorizes it. I have the honor to send it to you, that you may communicate it to the

United States, and they may mark, in the column of observations, the demands they have to make with respect to each kind of duty. Till this is done, it will be impossible to propose to his Majesty, either the suppression, the modification, or the uniting under one head the different duties, since the United States themselves are not acquainted with them, and it is indispensable that the amount and nature of each duty should be perfectly known to them. So soon as the answer of the United States comes to hand, I shall lose no time in laying it before his Majesty, and I hope you will do me the justice to believe that the desire of obliging you is increased by that of being useful to the United States.

I have the honor to be, &c.

DE CALONNE.



FROM M. DE CALONNE TO THE MARQUIS DE LA FAYETTE.

Translation.

Paris, June 16, 1784.

Sir,

Mr. Chardon has just communicated to me, the letter you wrote him this morning, in which you demand that the duties payable by American vessels in the ports of Marseilles, Dunkirk, Bayonne and L'Orient, should be united under one head, payable at so much per vessel of one, two or three masts. You mention, also, your desire to take with you to the United States, a decision on the suppression or modification of these duties. Notwithstanding the pleasure I should take in doing any thing agreeable to the United States, and in showing you, per-

sonally, how much concern I take in whatever interests you, it is impossible for me to propose it to his Majesty before your departure. The duties payable by the United States belong to the Admiral, to officers of the Admiralty, and to particular cities, and noblemen—both one and the other would be apt to lay claims of indemnity for the privation or reduction of their duties, and you will agree that it would not be just to reduce them, or even to suspend them, without hearing the parties interested. The same may be urged against reducing the whole of the duties to one denomination, payable at so much per vessel, according to the number of its masts.

It will then be necessary, sir, that the United States, after examining the statement of the duties, which I had the honor to address you, should establish, with precision, the demands they have to make with respect to each duty. On receipt of this, and not before, I can lay the whole before his Majesty, and the United States may be persuaded, they will find his Majesty disposed, on every occasion, to give proofs of the friendship which ought to exist between him and the United States, and which will be founded on equity and justice.

I have the honor to be &c.

DE CALONNE.

P. S. The operation you desire must, whatever attention is paid to it, necessarily take up a space of three or four months. It will be doing in your absence, and you shall be informed of the result. I send back the statement of the duties as they now exist. It will be proper you should have it.

FROM THE MARSHAL DE CASTRIES TO THE MARQUIS DE
LA FAYETTE.

Translation.

Versailles, June 17, 1784.

Sir,

The regulation of the commerce between the United States and our colonies, cannot be finished before your departure. All that you said to me in favor of your system is present in my ideas; but it will be impossible for us to give that degree of liberty which you desire. All that I can foresee is, that there will be a free port for the Americans in each colony, that every thing which was formerly received will meet no difficulty, and that the duties will be as moderate as possible.

With respect to the regulations concerning the flour and sugar, I cannot as yet, fix any thing. The interest of our own commerce demands some consideration, and I will treat fully on these subjects with Mr. Franklin, and the Consul General of the United States.

I have the honor to be, &c.

DE CASTRIES.



FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Mount Vernon, November 25, 1784.

Sir,

Although I hope in a few days to have the pleasure of seeing you, I must beg leave to mention a matter, which has not a little hurt my feelings. You probably know that on my way, passing through New York, and particularly

on my visit to Albany, it was intimated my presence at the Indian treaty, would be of some use to the public. At Fort Schuyler I was desired to speak to the Indians, which I did, and the Commissioners had the papers filled up with their other transactions. But copies were taken, which was thought then a matter of no consequence. The enclosed letter from Mr. St. John, and the gazette that accompanied it, will show you that from the most obliging and humble motives in the world, he attempted to translate and print such incorrect parts of the relation, as he had been able to come at. Had his kind intentions only given him an instant to reflect, he might have seen the impropriety of that measure, but in the meanwhile, it looks as if it had my consent ; and such deviation is it from the manner in which our servants of the United States ever did business, that out of respect for Congress; for the Commissioners, and myself, I could not rest easy until the matter should be fully explained. Enclosed is my letter to the French Consul, which, after you have taken out such extracts as you think proper, I beg you will seal up and send by the bearer. Indeed, my dear Sir, upon your friendship I depend to have this little circumstance officially laid before Congress, and should these letters be worth their reading, it will be, I hope, a satisfactory explanation of the affair.

In the first days of next month, I shall have the pleasure to meet you at Trenton, and at that time will have the opportunity of conversing with you on several subjects. No answer from you ever came to hand.

I have the honor to be, &c.

LAFAYETTE.

FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Versailles, February 8, 1785.

Sir,

After thirty days passage, I was safely landed at Brest, and am so lately arrived in Paris, that I had better refer you to your ministerial intelligence. In consequence of Austrian demands upon the Dutch, and the gun these have fired at ———— forty thousand men were sent to the Low Countries by the Emperor, and a second division was in motion the same way, when France gave orders for two armies to be got in readiness, the one probably, in Flanders, and the other in Alsace. Holland is gathering some troops, the greater number purchased in Germany, and will have at the utmost, thirty thousand men in the field. Count de Maillebois, an old and able French General, has been demanded by them. Russia seems friendly to the Emperor; and although the Stadtholder is a friend to the King of Prussia, while the patriots are wholly attached to France, yet Prussia will, no doubt, side in politics with France, and the Stadtholder will command his own country's troops.

A grand plan is spoken of, whereby the Emperor would endeavor to obtain Bavaria, and in return, give the Low Countries to the Palatine House; a bargain which betters and increases the Imperial forces. Under these circumstances, negotiations cannot but be very interesting. Although the freedom of Holland, and the protection of the German Princes, are very proper objects for France to support, yet a war with the Emperor must be peculiarly disagreeable to the court. It will certainly be avoided, if consistent with the liberties of Holland, with faith, and

dignity ; and, upon the whole, I am strongly of opinion, that no war will take place, at least for this year. The appearance of things, however, is still warlike enough to have made it proper for me to be arrived at the time I did ; an idea, I confess, the more necessary for the situation of my mind, as I most heartily lamented the shortness of this visit to America, and the obligation I had been under to give up favorite plans, and break off more agreeable arrangements. The officers of the regiments under marching orders, Colonels excepted, have joined their corps. But I hope matters will be compromised ; and such at least, is my private opinion ; but even they, who know more than I do on the subject, would, perhaps, find it difficult to form a precise one.

The Ministers of Congress will, no doubt, inform you of the situation of their negotiations in Europe. You will have seen M. de Castine's compliance with engagements. He had taken a letter to me, which Mr. Morris laid before Congress. Nothing new was granted, and although the suspended decisions about flour and sugars were favorable to them, the French merchants have complained of what has been obtained. In every country, mercantile prejudices wear off by little and little.

I beg, my dear Sir, you will forgive the hurry in which I write. Be pleased to remember me to all our friends.

I have the honor to be, &c.

LAFAYETTE.

FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, March 19, 1785.

Sir,

I have been honored with your letter of January, the 19th, and am happy to hear that federal ideas are thriving in America. The more I see, hear, and think in Europe, the more I wish for every measure that can ensure to the United States, dignity, power, and public confidence. Your three Ministers being in Paris, they will, of course acquaint you with the present state of America, and also of European politics. Great Britain perseveres in her ill-humor: Spain in her ill-understood policy. On my arrival, I repeated what I had written; namely, the idea of getting New Orleans, or at least to advise the Spaniards to make it a free port. The former is impossible. As to the second, I had no positive answer; but I am sure my opinion was not thrown away. However I confess it is difficult to make converts of a Spanish cabinet. You know them better than I do.

Negotiations in Europe, are still going on, and there is every reason to hope this will be terminated without bloodshed. Enclosed you will find a declaration, which has been published officially in some measure, in the *Leyden Gazette*. Count de Maillebois is now in Holland, where they are raising troops, and where parties run very high. In the meanwhile, the Emperor had another plan in view, of which I wrote to you in my last letters; it was to exchange his dominions in the Low Countries for the Electorate of Bavaria. But, fortunately for all the members of the empire, the Duke of Deux Ponts, nephew and heir to the Elector has firmly opposed it. A report

has been spread that the Emperor had intended to surprise Maestricht. But although matters are not yet finally settled, I am pretty certain there will not be this year any Dutch war, nor Bavarian war, both of which could not fail to involve France. It is, however, difficult to be decided in an opinion upon a matter, which the ideas of one man may derange.

You speak to me of the introduction of flour in the West Indies. My wishes and my efforts are not unknown to you. But such clamors have been raised by the merchants against what we lately have obtained, that our efforts now, must be directed towards holding it fast. These people are encouraged by the narrow politics of England, who, say they, have all the trade of America. I have appointed a conference with the Duc de la Vauguyon, who is setting out for Spain, and I will tell him every thing I know respecting the Mississippi.

Your Ministers will, probably write to you respecting the Algerine business. What information I can collect will be presented to them.

I have the honor, &c.

LAFAYETTE.



FROM JOHN JAY TO THE MARQUIS DE LA FAYETTE.

Office for Foreign Affairs, }
July 15, 1785. }

Sir,

Accept my thanks for your interesting letter of the 19th March, which was immediately communicated to Congress. I consider it as a new proof of that constant and

useful attention to our affairs, from which the United States so often derived both pleasure and advantage. Let me request the continuance of your correspondence, and be assured that it will always give me pleasure to communicate to you such intelligence respecting American occurrences as may appear interesting.

Don Diego de Gardoqui is arrived, and has been received so much in the spirit of friendship, that I hope his master and himself will be well pleased. Our negotiations with him will soon commence, and I sincerely wish that the issue of them may be satisfactory to both countries. To prepare for war, and yet be tenacious of peace with all the world, is, I think, our true interest. I wish M. Gardoqui's instructions may be sufficiently extensive to admit of a settlement of our boundaries, &c. on principles which alone, can create and perpetuate cordiality.

The British show no disposition to evacuate our frontier posts. What their real designs are, can at present, be only inferred and conjectured from appearances; and present appearances induce a suspicion that they mean to hold them. The letters we expect from Mr. Adams will probably remove all doubts on that head. It is certain that they pay great attention to the Indians, and give great encouragement to emigrants from us. Their expectations from the latter circumstance will fail them. I wish that every acre of ground they hold in America was settled by natives of the United States. They would transplant their love of liberty, their spirit of enterprize, and their attachment to republicanism, into countries in which it is our interest that such plants should be propagated and flourish. In time they will bear fruit.

The commercial class of our people sensibly feel the

restraints on our trade, and look up to Congress for a remedy ; good will come out of evil. These discontents nourish federal ideas. As trade diminishes, agriculture must suffer, and hence it will happen that our yeomen will become as desirous of increasing the powers of Congress as our merchants now are. All foreign restrictions, exclusions, and unneighborly ordinances, will tend to press us together, and strengthen our bonds of union.

I send you herewith, a number of gazettes, from which you will discern something of the spirit which prevails.

Congress go on doing business with great concord, temper and harmony. I enclose a copy of the ordinance for regulating the Land Office. They are now on the subject of Requisitions, and I flatter myself that as the highest respect for good faith prevails in the House, that exertions will be made by the States, to preserve the public credit.

Governor Livingston was appointed for the Hague ; but declining that place, Governor Rutledge has been elected for it. His answer has not reached us.

When, my dear sir, will your Court send us a Minister ? Our having one at Versailles, affords reason to expect one from thence. The report of Monsieur de Moustier's coming over in that capacity, dies away ; from the little I saw of him at Paris, I am inclined to think he would be an agreeable as well as an able Minister.

Mrs. Jay joins me in requesting the favor of you to present our compliments to the Marchioness.

With great esteem and regard, &c.

JOHN JAY.

FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, April 18, 1785

Sir,

Having been requested by some persons in this Court, to lay before Congress the case of an orphan lady, who has a sum of money in the continental funds, I think it is more proper to address this letter to you, as it is connected with the Department of Foreign Affairs. The young lady's mother was Miss Stonestreet, by her family name, and her father was a Mr. Thomas, merchant of Martinico. Her guardian, the Sieur de Poisson, town Major of the city of Quesnoy, will apply to Congress by means of M. de Marbois, who is the proper channel for that business. But after I had said, that the justice of Congress, and the principles of the American Government, made a recommendation an useless thing, I could not refuse this letter, unless I had seemed to entertain a doubt of the good effect the case of this orphan will certainly have in her behalf, provided her demands are well grounded.

With affectionate regard, I have the honor to be, &c.

LAFAYETTE.



FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, April 18, 1785.

Sir,

This letter will be delivered by M. Barré, a French officer, who has served on board our continental ships of war, and whose sufferings in that capacity, have been explained in the petition I did myself the honor to send to

you to Trenton. He has requested me to give him this line of introduction, and seems to me to have behaved very well in his expeditions.

With the highest and most affectionate regard, I have the honor to be, &c.

LAFAYETTE.



FROM THE CHEVALIER BARRE TO JOHN JAY.

Translation.

L'Orient, June 29, 1785.

Sir,

An unfortunate event has prevented my having the honor of presenting to you, myself, the letter from the Marquis de la Fayette, which he sent me from Paris, for the purpose of reminding you of a memorial which he presented the last time he was at Trenton. He has assured me, that you were informed of the event, which places me in the condition to claim your good offices with Congress, for a recompense for my services in the unfortunate events which befel me under the American flag. If you have condescended to consider my memorial, you will have seen the frightful detail of the torments which I suffered at that time, and I hope that you will pay regard thereto—my acknowledgements shall be eternal. I have sent herewith, the letter of the Marquis de la Fayette. His protection, added to my services, will surely merit your kindness. At the time of my last voyage to America, I had reasons to expect the cross of *Cincinnati*, and a grade in the American marine. As I have served in the quality of ensign on board of two frigates in the

service of Congress, in this capacity I dare hope that my demand will be granted to me.

I have the honor of being, with respect, &c.

BARRE.

P. S. M. Deveau, an officer on board the packet, is the person who has the honor to deliver you this letter. If you have the goodness to do any thing for me, I beg of you to send the same to the Marquis de la Fayette, and to advise me thereof.

This is my address: M. the Chevalier Barré, officer of the Marine, at the Hotel of M. Merenard, L'Orient.

MEMORIAL FROM THE CHEVALIER BARRE TO THE PRESIDENT OF CONGRESS.

Translation.

Sir,

The Sieur Barré lieutenant of a frigate in the service of France, has the honor to represent to your Excellency, that he was taken by Sir James Luttrell, commanding the Mediator, a ship of fifty guns, in an American frigate of twenty-eight nine pounders, commanded by the Sieur Gregory, lieutenant of a vessel in the service of Congress. The Sieur Barré was ensign on board this frigate, and claims the protection of Congress, that he may have a brevet, and be advanced in the American marine. The cruelty with which he was treated by the English will surely operate in his favor; and he is certain that the gentlemen are acquainted with the affair, the recital of which he subjoins.

The Mediator came up with us on the 12th Decem-

ber, 1782, at nine o'clock in the morning, we being then to leeward of her, in company with the *Menagere*, a vessel armed *en flute* belonging to the King of France, on her way to America. The *Menagere* left us after firing the first shot, making a signal for safety; the *Sieur Gregory* would not attempt to escape, but held out as long as he could: however, two shots between wind and water, and the inequality of force, obliged us to strike to avoid being sunk; the ships boats came immediately on board, and their people treated us exceedingly ill, killed two of our men, and made us embark without allowing us to take the smallest part of our effects. When we arrived on board the ship the captain put us in the boatswain's store-room, and kept us there until night, at midnight we were ordered upon deck, and were sent into the gunner's room. Until this time, nothing appeared to presage the unfortunate event, which caused my detention for five months.

The next day, about ten o'clock in the evening, after every body had gone to bed, an eighteen pounder was fired off, near the place where I was ordered to sleep. The explosion was terrible, the port was carried away, the side planks were burst off, and the several cabins near were overturned, the alarm was universal, and I was instantly accused of firing off the cannon as a signal for raising the sailors who were on board, prisoners, to surprise the ship. I was obliged to defend my life against twenty assailants, and prevent, by a steady countenance, the whole effect of their rage; I could no longer resist, and was obliged to yield; captain Gregory and myself were dragged by the hair and driven with blows of the sword into the captain's cabin, where we under-

went a frightful examination, and putting his feet on our necks, the swords to our breasts, and our feet before a glowing fire, but not being able to draw any discovery from us, he resolved to tie us hand and feet, and ordered us on the quarter deck, and then put a rope round our ancles and balls to our feet, in short, every thing was prepared for the most frightful punishment. Having no proof of what we were accused, he concluded to put our hands and feet in irons, and made us remain at the door of his cabin for seventeen days, and at his arrival at Plymouth he sent us to a dungeon in the same situation, where we remained twenty days, from whence we were taken, because having no proof we could not be convicted. We were enlarged and put into the American prison with our sailors, and we still continued three months and a half in the same distress, having nothing but what we had on at the time of action. In short, the 12th June, 1783, we were sent away in a flag to France, and I conducted the Americans from Roscour to Nantz, where they found a consul belonging to their nation. I conceive, therefore, gentlemen, that I have a right to ask your kindness in advancing me in your marine, and giving me rank ; whatever you may do for me, shall be an obligation on my part towards you, should any accident occasion new troubles to derange the order, your Excellencies have established.

FROM JOHN JAY TO THE MARQUIS DE LA FAYETTE.

New York, September 16, 1785.

Sir,

I have been honored with your letter of the 18th April last, together with one from M. Barré, respecting his case. These papers are now before Congress. I shall do myself the honor to inform you of the result, and am, with great esteem and regard, dear sir, &c.

JOHN JAY.



FROM JOHN JAY TO THE MARQUIS DE LA FAYETTE.

New York, October 21, 1785.

Sir,

The intèrest which you have benevolently taken in the case of M. Barré, renders it proper that I should inform you of the result of his application. This will be best done by sending you a copy of my letter to him on the subject, and you will find it herewith enclosed.

Monsieur Barré speaks of his serving as an ensign, on board an American frigate, commanded by M. Gregory, and being taken by the Mediator, captain Luttrell.

The enclosed copy of a letter from Mr. Hardy to Secretary Thompson, places that matter in a different light from the one in which M. Barré represents it; for it seems from thence, that instead of an American frigate, she was a private armed French vessel.

I have the honor to be, &c.

JOHN JAY.

FROM MR. HARDY TO SECRETARY THOMPSON.

Treasury Office, }
September 13, 1785. }

Sir,

Agreeable to your request, I shall do myself the honor to give you such information respecting Mr. Stephen Gregory, as the length of the time past and my memory will admit of.

Before I proceed further, it may not be improper to inform you, that Mr. Gregory was a lieutenant on board the Confederacy frigate, in the service of the United States, in which ship I had also the honor of bearing the rank of captain of marines. In the month of April, 1781, we were captured on the coast and brought into this port, from whence we were sent prisoners to England. We escaped at different periods, and happily met again in Nantes. At which place Mr. Gregory, in the month of April or May, 1782, was appointed to the command of a merchant ship, then lying at Bayonne, called the Alexander, belonging to M. Beaumarchais, merchant in Paris, by his partner, (I think,) a Mr. Francis, then at Nantes; from whence he proceeded and took command of her. On his route from Bayonne to Bordeaux, in the month of October following, with several vessels under his convoy, he fell in with and engaged an enemy's cruiser; his ship was considerably damaged in the action, which obliged him to put into Rochelle. Whether from that ship's being so much disabled, or what other circumstance, I cannot recollect, but Mr. Gregory was turned over to another ship of twenty guns, at Bordeaux, her name I do not recollect, and as I always understood in

the same employ. From that port, he sailed in the latter end of the year 1782, in company with the *Menagere* of thirty-six guns, and the *Iphigine*, a new ship, mounting twenty-four guns, built at Nantes whilst I was there, (both in the same employ) and two or three others, bound for Cape Francois. Before they got out of the Bay of Biscay, they fell in with the *Mediator*, an English forty gun ship, and unfortunately, after an action in which Gregory's ship suffered considerably, he was captured, together with the *Menagere*.

A particular detail of this capture, and Mr. Gregory's attempt to rise and take the *Mediator*, whilst he was a prisoner on board of her, you will find by a letter from captain Luttrell to the Admiralty, published in the Philadelphia papers the beginning of the year 1783.

From the foregoing circumstances, and my intimacy with Mr. Gregory, together with the frequent communication that was kept up between us, by letters, before he sailed, (some of which I have preserved,) I have every reason to conclude that Mr. Gregory, at that time, was in private French service, though bearing an American commission.

Should this information answer the desired purposes, I shall be happy in giving it, and equally ready in rendering any further that may be in my power.

I am, with the utmost respect, &c.

JOSEPH HARDY.

FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, May 11, 1785.

Sir,

This opportunity being very safe, Congress will have been fully informed by their Minister and the bearer, Mr. John Adams' son, who is himself very well fit to give them proper intelligence.

The appearances of a war are more and more remote. Politicians, however, look towards the Ottoman Empire. The Emperor is restless. The Empress of Russia is ambitious ; the King of Prussia is old ; a King of the Romans is to be elected ; an arrangement for Bavaria ; a reason or a pretence, an interest or a whim might set fire to combustible matters ; but it is not expected for the present.

As it seems to me that favors granted to American importations are the best services that can be rendered to American trade, I wish it had been possible to obtain a total abolition of duties upon whale oil. But in this moment government are taken up with a scheme to revive that fishery in France. It was therefore necessary to follow a round about course, and Mr. Adams is charged with some private proposals, which may be advantageous.

In a few days I intend visiting Nismes, Montpellier, and Rochelle, which are manufacturing and trading towns. I hope my little journey may not be quite useless ; after which I shall go to Berlin and Silesia, to Vienna and Bohemia, where the King of Prussia, and the Emperor, at several periods of the summer, have grand manœuvres executed by their troops. Should I in those visits find the least opportunity to gratify my zeal for the United States,

I should think myself more happy than I can expect, and as much so as your patriotic heart can feel.

With the most sincere regard and affection I have the honor to be, &c.

LAFAYETTE.



FROM THE MARQUIS DE LA FAYETTE TO THOMAS
JEFFERSON.

Translation.

Vienna, September 4, 1785.

Sir,

This letter will be delivered to you by a private courier of M. De Noailles, who has been in my family, and who, I am sure, will take proper care of my despatches.

Since I had the pleasure to see you, I have been at the Prussian court and the Prussian camps, with which I was much pleased, and now am at Vienna, with an intention soon to return to Potsdam, where there will be a great deal of manœuvring.

The kind reception I met with in every part of my journey, has given me the means to hear and to speak much on the affairs of America. I find the misrepresentations of Great Britain have not been fruitless. The strength of the Union, the powers of Congress, the dispositions of the people, and the principles of trade, are points upon which I have had many opportunities to give the lie to false assertions of newspapers, and to set to rights the false ideas of misinformed people.

It is useless to observe I wish the good measures now

in contemplation, may be soon executed ; but in the meanwhile, I more than ever wish we may, in newspapers, counteract the uncandid accounts that are sometimes given.

On the first day I saw the King of Prussia, he spoke with me on the present situation of American affairs.

The Marquis De Tuchesiny, his friend, paid me a visit in the afternoon, wherein I introduced the subject of the treaty of commerce between his Majesty and the United States. Since which the King has, sometimes, at dinner, put his questions to me, on the resources, the Union, and the future existence of America ; and I do not think they would have been so properly answered by the Duke of York or Lord Cornwallis, who were two of the guests. I fancy I may have still more particular opportunities to know his opinions, and to introduce my ideas.

On the day before yesterday I arrived at Vienna, and yesterday morning waited on the Emperor. The misrepresentations about America, the good measures, that had been, and were to be taken, the necessity to improve this moment, and come early into liberal treaties, that would open the door to American importations, in order to pay for Austrian goods. Such were the points to which I directed, and sometimes forced the conversation. It was a great object with him to know if the Americans would be their own carriers.

The same day, in the evening, Prince Kaunitz, the Prime Minister, very willingly came into the subject of American trade, which I had brought about in a private conference—that carrying trade was again the topic ; I advised them to send Consuls to settle partnerships in

America, as no trade could last, but what was mixed and reciprocal. I detailed out the objects of American exportations, as I had done to the Emperor. Why then (said Prince Kaunitz) don't they make advances to us? I answered, advances had been made, and more, in my opinion, than were necessary, but they had not been listened to in that time, and for the present, that I had heard something as if an answer was expected from the Emperor. He said the demand had been an indirect one. At last I concluded the conversation with telling him that I knew nothing of particulars, but had heard Congress, the people and their ministers in Europe, express a desire to be upon a very friendly footing with the Emperor; that as a friend I advised him to lose no time, and he knew very well no treaty could go on without reciprocity. I therefore thought the first measure was to open the Italian ports, for the salt fish of America. From our conversation, I am apt to think he may order his Ministers to talk with you or Mr. Adams, and I wished to write you what had passed between us, wherein I spoke as a man, who, being ignorant of particulars, could only offer an humble advice to his Imperial Majesty, but upon the whole I don't think you will have a very great trade this way.

As I think these hints may be agreeable to our friend Mr. Adams, I beg you will send the letter by a safe hand, as opportunities often offer. There is such a distance between Congress and myself, that I will leave to you to trouble them with the news of my German tour.

Adieu, my dear sir, my compliments to Humphreys, Mr. Short, and our other friends at Paris.

Most respectfully, &c.

LAFAYETTE.

FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Vienna, September 6, 1785.

Sir,

The enclosed is a memorial in behalf of M. d'Argaynarats, who has been recommended to me by persons of the most respectable character. It seems M. d'Argaynarat's situation is very particular, and the distress of himself and family very urgent. As in the number of petitions that may be received, it is not possible for Congress to be acquainted with the family affairs of individuals, I hope it is not improper for me to lay before them this particular case ; and while it is officially presented by others, not to withhold my certificate of the accounts, which respectable characters have given me about M. d'Argaynarat's present distresses.

With the highest and most affectionate regard, I have the honor to be, &c.

LAFAYETTE.



MEMORIAL OF THE SIEUR D'ARGAYNARATS.

Translation.

The Sieur D'Argaynarats, at the same time attached to the military state, and engaged in commerce at St. Jean de Luz, desirous to concur with all his feeble power towards the liberty of the United States of America, freighted a ship in 1778, to send them different merchandizes and warlike stores ; among others, twenty pieces of cannon.

His ship arrived safely at Salem, where all his merchandizes and stores were sold by a Mr. La Fitte, merchant ;

but there was only remitted, for their amount, one hundred forty-three thousand six hundred sixteen dollars in paper money, of the old continental emission, which were deposited in the Consul General's office, at Boston, the 26th March, 1782; the *Sieur D'Argaynarats* having no news thereof till that time. This paper still remains there, so that he has not touched a single farthing of the proceeds of the said merchandizes and stores.

The risks which he has run in sending those provisions, the distressing and cruel situation in which this affair involves him, lead him to hope, that the United States will be pleased to distinguish him amongst the other merchants.

The value of the said stores and merchandizes formed the whole of his fortune.

He has a wife and six children whom he has brought up in habits of industry and virtue, and who, by this event, are involved in absolute indigence, and the entire want of the first necessities of life. This cruel situation, which has no example, is the motive which has determined this application. The interest which the French Minister will be pleased to take therein, gives him the assurance that the United States will relieve an unfortunate father, who, carried away by his zeal, has sacrificed for them his subsistence and that of his whole family.

There is not a single person among the holders of similar paper money, whose case can any way be like his own. Should, however, the United States fear that by ordering payment to him, they may give reason for their other creditors, after this example, to demand theirs, he at least flatters himself that they will be pleased to provide for his just indemnification, by some indirect means, whatever they may be.

FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, February 11, 1786.

Sir,

I have not for a long time had the honor to address you, either in public or private letters. This has been owing to a tour I made through several parts of Europe, and to a derangement in the packets, which, to my great concern, I found to have taken place during my absence.

In the course of a journey to Prussia, Silesia, the Austrian dominions, and back again to Berlin, I could not but have many opportunities to improve myself by the inspection of famous fields of battle, the conversation of the greatest Generals, and the sight of excellent troops ; those of Prussia particularly exceeding my expectations. I had occasions not less numerous to lament the folly of nations, who can bear a despotic government, and to pay a new tribute of respect and attachment to the constitutional principles we had the happiness to establish. Wherever I went, America was of course a topic in the conversation. Her efforts during the contest are universally admired ; and in the transactions which have so gloriously taken place, there is a large field of enthusiasm for the soldier, of wonder and applause for the politician , and to the philosopher and the philanthropist, they are a matter of unspeakable delight, and I could say of admiration. Those sentiments I had the pleasure to find generally diffused. But to my great sorrow, (and I will the more candidly tell it in this letter, as it can hurt none more than it hurts myself,) I did not find that every remark equally turned to the advantage of my pride, and of that satisfaction I feel in the admiration of the world, for the United States.

In countries so far distant, under constitutions so foreign to republican notions, the affairs of America cannot be thoroughly understood, and such inconveniences as we lament ourselves are greatly exaggerated by her enemies.

It would require almost a volume to relate how many mistaken ideas I had the opportunity to set to rights. And as it has been painful for me to hear, so it is now disagreeable to mention the bad effect which the want of federal union, and of effective arrangements for the finances and commerce of a general establishment of militia have had on the minds of European nations. It is foolishly thought by some, that democratical constitutions, will not, cannot, last, that the States will quarrel with each other, that a King, or at least a nobility, are indispensable for the prosperity of a nation. But I would not attend to those absurdities, as they are answered by the smallest particle of unprejudiced common sense, and will, I trust, be forever destroyed by the example of America. But it was impossible for me to feel so much unconcerned, when those points were insisted upon, for which I could not but acknowledge within myself there was some ground ; although it was so unfairly broached upon by the enemies of the United States. It is an object with the European governments to check and discourage the spirit of emigration, which, I hope, will increase among the Germans, with a more perfect knowledge of the situation of America. And while I was enjoying the admiration and respect of those parts of the world for the character of the United States ; while I was obliged to hear some remarks, which, although they were exaggerated, did not seem to me quite destitute of a foundation, I heartily addressed my prayers to heaven, that by her known wisdom, patriotism, and liberality of

principles, as well as firmness of conduct, America may preserve the consequence she has so well acquired, and continue to command the admiration of the world.

What I now have the honor to write, is the result of conversations with the principal characters in the countries I have visited ; and particularly the Austrian and Prussian Ministers, the Emperor, Duke of Brunswick, Prince Henry, a man equally great and virtuous, the Prince Royal, and the King of Prussia. With the last I have often dined in the company of the Duke of York, second son to his Britannic Majesty, when American affairs, past and present were brought on the carpet, and sometimes in a manner not a little embarrassing for an English Prince. My stay at Vienna was short, but I had a very long conference with the Emperor, in which we spoke much of the American trade, and I found he had imbibed British prejudices. The next day Prince de Kaunitz introduced the same subject to me, and expressed some astonishment, that the United States did not make advances towards the Emperor. I answered advances had been made formerly, and more than were necessary on the part of America, whom there was as much occasion to court, as for her to seek for alliances. But that my attachment to his Imperial Majesty made me wish he would address, on that business the Ministers of Congress, now at Paris and London, through the medium of his Ambassadors. I added, that the best measure to be taken immediately, was to open the Italian ports to American fish. But I do not think the United States will ever find a very extensive commercial benefit, in her treaties with that Court.

In every thing that concerns France, my respected friend Mr. Jefferson will give you sufficient information.

The affair of American commerce, wears a better prospect than it has hitherto done ; so far at least, that a committee has been appointed to hear, what we have to say on the trade between this Kingdom and the United States.

The King of Prussia is very unwell, and cannot live many months. His nephew is an honest, firm, military man. From the Emperor's temper a war could be feared ; But our system is so pacific, and it will be so difficult for England to involve us in a quarrel without acting a part, which she has no interest to do, that I do not think the tranquillity of Europe will be deranged. Holland is checking Stadtholderian influence, but no further. The King of Naples and his father are quarrelling on account of a Minister's leaning to the House of Bourbon, and being devoted to other powers, whom the son wants to keep. I had lately an opportunity to know, that the last revolt in Peru has cost a hundred thousand lives ; but from the same account I find that those people are far remote from the ideas which lead to a sensible revolution.

I have the honor to be, &c.

LAFAYETTE.



FROM JOHN JAY TO THE MARQUIS DE LA FAYETTE.

New York, June 16, 1786.

Sir,

During your absence from France, I omitted being so regular in my correspondence, as I should otherwise have been.

I have been honored with your letters of the 18th April, and 6th September in the last year, and with one of 11th February last; they were all communicated to Congress.

The account of your German excursion is concise and interesting; the sentiments and opinions respecting the United States and American affairs, which you found there prevailing, appear to me very natural. Successful revolutions and victorious arms, have always a degree of splendor about them, which shines at a great distance, and excites admiration, whether well or ill founded. Few have been at the pains of examining, and understanding the merits of the case between Britain and us, and nine-tenths of that few have taken their sides, less from conviction and opinion of right, than from some of the many other more common and more stimulating motives, which usually govern the declarations, and conduct of the mass of mankind. It is equally natural that reports to our disadvantage, composed of such proportions of truth and falsehood, as might render them probable and palatable, should be generally diffused and believed. There are very few States, and very few Ministers in them, who think it convenient to magnify America, either by word or deed. Politicians, like critics, are often more disposed to censure, than to commend the works of others, and patriotic manœuvres, *pro bono publico*, like pious frauds, *pro salute animarum*, were never uncommon. As there is, and always was, and will be, an actual though involuntary coalition between the men of too much art, and the men of too little; so they who, either officially or from choice, fabricate opinions for other people's use, will always find many to receive and be influenced by

them. Thus errors proceeding from the invention of designing men, are very frequently adopted and cherished by others, who mistake them for truths. It must be easy for the maritime nations to make the rest of Europe believe almost what they please of this country, for some years yet to come; and I shall be much mistaken, if Fame should soon do us justice, especially as her trumpet is in many places employed and hired for other purposes.

Whence it happens I know not, but so the fact is, that I have scarcely met with six foreigners in the course of my life, who really understood American affairs. The cause of truth will probably be little indebted to their memoirs and representations; and when I consider what mistakes are committed by writers on American subjects, I suspect the histories of other countries, contain but very imperfect accounts of them.

I can easily conceive, that at the German Courts you visited, you have done us service; because I know how able, as well as how willing, you are to do it. I wish all who speak and write of us, were equally well informed and well disposed. It is a common remark in this country, that wherever you go, you do us good; for my part, I give you credit, not merely for doing us good, but also for doing it uniformly, constantly, and upon system.

Do you recollect your letter of 2nd March, 1783, containing what passed between you and Count de Florida Blanca, respecting our western limits? I communicated that part of it, some months ago, to M. Gardoqui, in opposition to his pretensions and claims. He lately told me you had mistaken the Count, for that he never meant to convey to you any thing like a dereliction of those claims; which, by the bye, are too extensive to be admit-

ted. In a word, they do not mean to be restricted to the limits established between Britain and us. Why should people, who have so much more territory than they know what to do with, be so solicitous to acquire more?

The moneys due by the United States to subjects of France, have given occasion to applications by M. de Marbois, and to reports on them by the Board of Treasury, which are now under the consideration of Congress. You, my dear sir, are not unacquainted with the state of our finances, nor with the difficulties resulting from the inefficiency of our Federal Government. Time and more experience, must and will cure these evils; when or how is less certain, and can only be conjectured.

I had the honor last summer, of writing a letter to the Marchioness, in answer to one she was so obliging as to favor me with. Did it ever come to hand? Mrs. Jay writes to her by this conveyance. We, and many others, are pleased with the expectation of seeing you both here, and with the opportunity we shall then have of personally assuring you of our esteem and attachment.

I am, dear sir, &c.

JOHN JAY.



FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, October 28, 1786.

Sir,

Owing to several circumstances, and particularly to a journey I have made through some garrison towns, your favor of June 16th has reached me very lately. That there should remain the least doubt with M. Gardoqui

respecting the adoption of the English limits, is a matter of amazement to me. The original letter having been sent, I herewith enclose a copy, with a few observations. I think its presentation to M. Gardoqui, will the better convince him, as he knows Count De Florida Blanca's respect for his own word of honor. And may I be allowed to add, that the more this letter is known, the better it will impress the public with ideas favorable to the Spaniards; and the Spaniards, with a sense of engagements, which men of honor cannot trifle with.

As to the navigation of the Mississippi, you know better than I, what are the strong prejudices of that Court against it. But we both know equally well, that in a little time we must have the navigation one way or other, which I hope Spain may at last understand.

It has been said in some newspapers, that the Floridas should be given up to France; But nothing has come to our knowledge, which gives the least ground for an idea of that kind. As Mr. Jefferson sends you a letter relative to commerce, which improves the condition of the treaty with England, whereby she has no claims on the favors enjoyed by the United States, although she is to be treated like the other most favored nations, and as M. Dumas is writing on Dutch affairs, I will only beg leave to inform you, that the appointment of the convention has had already a good effect in Europe, and that great benefit will be derived on this side on the water also, from the commercial and federal measures, which it is my happiness to hear are now under consideration.

Although there may be a diversity of opinions, whether a peace must be purchased at any rate from the Barbary Powers, or a war must be carried on against them until

they come to proper terms, there can in no mind be any doubt about the advantages of a third measure, which is a confederacy of six or seven powers, each of them giving a small quota, and the reunion of which would ensure a constant and sufficient number of cruisers against those pirates, and after they are brought to terms, would guard against the breaking of a peace, which the powers would mutually guaranty to each other. Portugal, Tuscany, Naples, Venice and Genoa, are now at war with those regencies. I would like at the same time to have the armament so managed as to use American flour, fish and naval stores. This plan is not as yet very well digested in my head, but I beg leave to submit to Congress the propriety of empowering their Ministers, to stipulate for such an arrangement.

I have the honor to be, &c.

LAFAYETTE.

P. S. In case Congress have no particular orders for me, (if they had I should be most happy to wait on them, either as a soldier in their armies, or in any other manner,) I may perhaps accept the invitation of the Empress of Russia, to be presented to her next spring in her new dominions of the Crimea, which excite my curiosity. Should any thing turn out, that may employ me as a servant of the United States, I hope they know my zeal.



FROM JOHN JAY TO THE MARQUIS DE LA FAYETTE.

New York, February 16, 1787.

Sir,

Congress being again convened, I have communicated to them, the letter you did me the honor to write on the

28th October last. The paper it enclosed had been laid before M. Gardoqui, and made known to his Court; but it seems the Count de Florida Blanca does not consider it in the same point of light that we do, viz : as a conclusive approbation of, and consent to, the limits fixed by our treaty with Britain. On the contrary, he extends the claims of Spain, higher up the river. That and the navigation of the river, present serious points of opposition between us. I think with you that Spain deviates from the line of true policy, respecting those objects; but in this, as in other cases, it is often more easy to perceive errors than to correct them.

You have heard long before this, that the Convention you allude to miscarried. Another is now in contemplation, and some of the States have delegated distinguished characters to represent them at it. Whether all or how many of the States will adopt that measure is uncertain, the people being divided in sentiment, respecting the expediency of it.

Our frontiers yet enjoy peace, but whether owing to the season of the year, or the pacific disposition of the Indians, is problematical.

The insurrection in Massachusetts appears to be suppressed; but time only can discover whether that suppression is radical or temporary. The public papers herewith enclosed, will give you the details.

What plan or system Congress will adopt relative to the hostile Barbary States, is not yet decided. The one you suggest has advantages. The great question I think, is, whether we shall wage war, or pay tribute? I, for my part, prefer war, and consequently, am ready for every proper plan of uniting and multiplying their enemies.

Mrs. Jay joins with me in requesting the favor of you to present our compliments, and best wishes to the Marchioness.

I have the honor to be, &c.

JOHN JAY.



FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris February 7, 1787.

Sir,

This letter goes in the first packet from Havre, a change advantageous both to passengers and correspondents, and through the hands of Colonel Franks, whose good conduct at Morocco has entitled him to a share of that respect, which has been deservedly paid to the American Embassy. Mr. Barclay's refusal of the presents, has been a matter of wonder to every African, and I dare say to some Europeans, whose accounts do full justice to him.

To Mr Jefferson's despatches I refer for useful intelligence. The affairs of Holland do not make a progress towards conciliation. It seems that the King of Prussia will not find himself the better for counteracting in many points, the line of conduct of his deceased uncle. A treaty of commerce is signed between France and Russia. The Empress has set out on her journey towards the Crimea. She had permitted my waiting on her; but I am detained by the assembly of Notables, an event not very common, neither expected, which does honor to the King and his Ministry, and will, I trust, be productive of public good.

I have had the honor to send copies of my old correspondence with the Count de Florida Blanca. The enclosed one will supply any accident, that may have befallen the others. We are told that the unhappy disturbances in New England have subsided. To us they do not appear so dangerous as to Europeans ; but sufficiently so to give us a great deal of concern. May all Americans know the blessings of their own constitutions, and from comparison judge, that if they are to correct, it would be madness in them to destroy.

I hope the convention at Philadelphia will answer the essential and urgent purposes of the confederation, commerce, and the establishment of a uniform and republican militia. Each State has within itself the means fully sufficient to set right the opinions of mistaken citizens, and those means seem to me principally founded on the good sense, knowledge and patriotic liberality of the people. Every wrong measure of theirs would hurt, not only the consequence of the United States; but also the cause of liberty in all parts of the world.

With the most sincere regard and attachment, I have the honor to be, &c.

LAFAYETTE.



FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, May 30, 1787.

Sir,

Had I been sooner acquainted with Mr. Forrest's departure I would have given you more particular accounts of the latter part of our session, but have only

time to enclose the speeches that were made by the heads of the several departments. Not that such etiquette speeches are in any way interesting on the other side of the Atlantic; but because you will in the same book find that of the Archbishop of Toulouse, wherein he gives the King's answer to the several demands of the Bureau. You will see, that if the madness and corruption of the late administration have laid us under a necessity to acknowledge that, after all other means would be exhausted, taxes must be employed to fill up the vacancy, yet we have gained not a little by the convocation of the Assembly. A more equal repartition of taxes, including the clergy, who hitherto had escaped them, and the powerful ones among the noblesse, who were not very exact; Provincial Assemblies on an elective principle, which, by the bye, are big with happy, very happy consequences, that will come to light as we go on; economy to the amount of forty millions at least; the destruction of interior custom houses; a modification of the *Gabelle*;* an annual publication of the account of the finances; the printing of all pensions, gifts, &c.; more proper arrangements within some departments; and a more general instruction, habit of thinking on public affairs, &c. &c. are the good effects of this assembly, which, although it was not national, since we were not representatives, behaved with great propriety and patriotism.

On the last day of our session, I had the happiness to carry two motions in my Bureau, which were, I may almost say, unanimously agreed to; the one in favor of the Protestant citizens of France, the other for an ex-

* Imposts.

amination of the laws, particularly the criminal ones. Enclosed is the resolve framed by the Bureau, which Count D'Artois, our President, presented to the King, and was graciously received. I was the more pleased with it, as some step of the kind, with respect to the Protestants, which had been tried in the Parliament of Paris, had not the proper success. So far are we from religious freedom, that even in asking for tolerance, we must measure our expressions. I was more liberally supported, by a learned and virtuous prelate, the Bishop of Langres, who spoke admirably on the religious motion I had introduced. You will see that the Bureau clogged it with many compliments to the Roman creed, to appease the priests and devotees.

I cannot express to you, my dear sir, what my feelings have been, whenever the unpaid interest of the American debt has been spoken of, in the examination of the accounts. May the convention be the happy epocha of federal, energetic, patriotic measures! May the friends of America rejoice! May her enemies be humbled, and her censors silenced at the news of her noble exertions in the continuance of those principles, which have placed her so high, in the annals of history, and among the nations of the earth.

The Archbishop of Toulouse is the ablest, and one of the most honest men, that could be put at the head of the administration. He will be the prime influencer in every thing, and we may depend upon him, as a man equally enlightened and liberal.

I beg you will present my respectful compliments, and those of Madame de la Fayette to Mrs. Jay. Remember me to General Knox, Colonel Hamilton, Colo-

nel Wadsworth, the Chancellor, Mr. Madison, Doctor Cochran, the Governor, in a word, to all friends.

Please send the enclosed printed speeches, and copied resolves of the Bureau, to Mr. Otto, who must be very desirous of getting them.

Most respectfully and affectionately yours,

LAFAYETTE.



FROM THE MARQUIS DE LA FAYETTE TO JOHN JAY.

Paris, October 15, 1787.

Sir,

The present state of politics having been laid before Congress, I shall the less intrude on their time with repetitions, as the late transactions in Holland, have nothing pleasing to dwell upon. That the republican party have been disunited in many respects, and blinded in the choice of a General, that our cabinet have been treacherously deceived, are true, but insufficient apologies. The Ottomans, roused by England, will probably pay for their folly with one half of their Empire. It now lies with England, whether a maritime war is to break out, which must involve the continent, and connect France with the two Imperial Courts. France is sincere in her politics and moderate in her pretensions, as it is the ardent wish of the King, Ministers, and nation, to devote themselves to internal improvements. But the affairs of Holland, those in the east, the giddiness of the King of Prussia's head, and British rancor for the assistance given to America, are causes of war, which, notwithstanding the disposition of the Ministry, may, probably, be blown up in Great Britain.

It is natural for a citizen and servant of the United States, to consider what effect a maritime war would have upon them ; and I am happy to find in their indulgence and long experienced confidence, every encouragement to offer my opinion.

A co-operation against a proud and rancorous enemy, would equally please my politics as a Frenchman, my feelings as an American, and my views as an individual. I was nine years ago honored by the choice of Congress, to command an army into Canada, and never have I ceased to enjoy the prospect of its enfranchisement. A successful war too, might divide the fisheries between France and America. But are not the United States so circumstanced for the present, as to render a war too expensive for them, and too dangerous to their commerce ?

Convinced as I am, that it is the case, I think myself bound in duty, and love for them, not to indulge my ambition further than a neutrality useful to them and favorable to their allies. Every American harbor will offer a shelter for the French ships, a market for their prizes, and all the conveniences of repair and victualling ; all which being consistent with treaties, gives no ground of complaint. Although the trade is going on between England and America, it does not hinder the French colonies from being supplied with all their wants. Privateering itself, if under French colors, does no harm ; and so may the United States enrich themselves with a free trade with both nations, at the same time that they maintain their own tranquillity and help their allies. And should they be forced into a war, I would wish at least it might be delayed as long as possible, and postponed, for obvious reasons to the last campaign.

It is to be confessed, that France might lay some claims on more decisive measures, but sensible as she is of the unavoidable situation of affairs in America, I have reasons to believe, she would not hurry her into a war, and will be satisfied with such a friendly, helping neutrality.

But I consider the present time as a proper one to obtain the restoration of the forts, and, perhaps the navigation of the Mississippi, two points, which I confess I could never submit to the idea of giving up. The one is ours* by the laws of nations, the other by the laws of nature ; and may I be permitted to add, that either concession would be inconsistent with the character of the United States.

Mr. Jefferson gives an account of the measure taken, respecting the commerce between this kingdom and America. I wish that affair had been terminated in time for the departure of Count de Moustier, a gentleman whose personal character, will, I trust, deserve the confidence and approbation of Congress.

We are anxiously waiting for the result of the Convention at Philadelphia, as an event which, being engrafted in the present dispositions of the people, will, probably, add a lustre and a proper weight to the affairs of America in Europe ; and while it ensures internal happiness and prosperity, will baffle the insidious wishes, and annihilate the absurd reports of her enemies.

The next month is the appointed time for the session of all Provincial Assemblies, an establishment, which will be productive of the best consequences.

*It must be remembered, that in these letters, General Lafayette always speaks of himself as an American.

The liberty I have taken in expressing my opinion on an event not certain; but not improbable, cannot be referred, I am sure, to any principles of vanity or self-sufficiency; but to the gratitude so well grounded, and the zeal, which shall ever rank me among the most devoted servants of the United States.

With every sentiment, &c.

LAFAYETTE.



FROM JOHN JAY TO THE MARQUIS DE LA FAYETTE.

New York, April 26, 1788.

Sir,

Since last Fall I have enjoyed so little health, that it has not been in my power to be so punctual in my correspondence as I wished. I have had the pleasure of receiving and communicating to Congress, your favor of the 15th October last. The apprehensions you then entertained, have been removed by the subsequent arrangements between France and Britain. For my part, I wish they may continue at peace, as well because war always brings distress upon great numbers, as because the present state of our affairs is not accommodated to the circumstances and consequences, which such a war would produce.

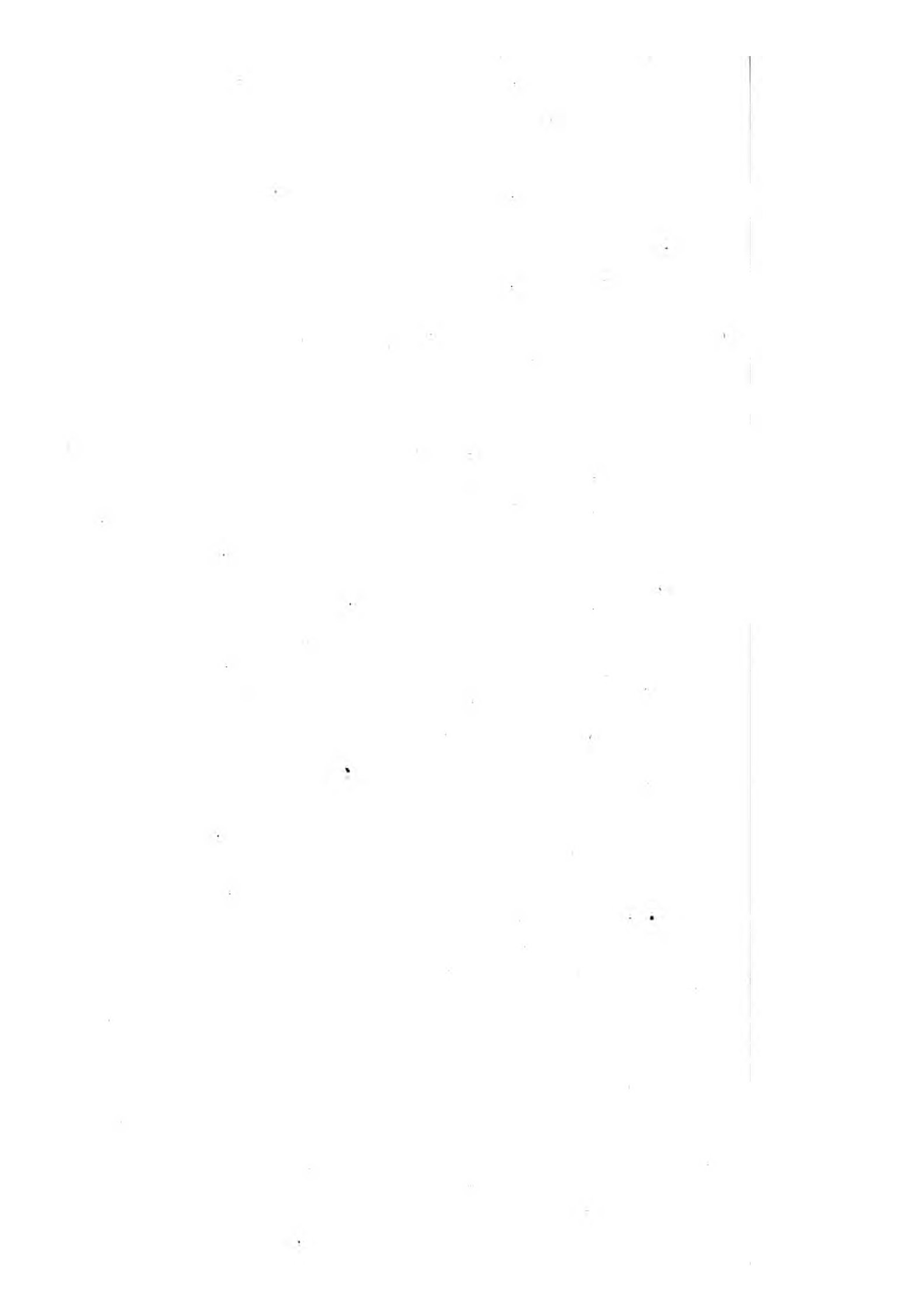
You have doubtless seen the plan of Government recommended by the late Convention at Philadelphia. Six States have adopted it. What the others will do is not certain. It is the subject of animated discussions among the people. In this State the opposition is considerable. A few months more will decide that great question.

The late commercial regulations of France, relative to this country, are certainly very acceptable; but my private opinion is, that much more is yet to be done, before the interests of France and America will be properly provided for. I fear the prejudices and partial views of your people will restrain the Court from going all the lengths which true policy seems to dictate; nor can I answer for opinions on this side of the water. I will tell you very candidly, what I think on the subject. It is this: that your people should have all the commercial privileges of American citizens, and our people all the commercial privileges of French subjects. I have not at present, health or leisure to explain the reasons on which this opinion rests; nor is it necessary, for I am persuaded that few of them will escape your observation.

Mr. Jefferson's letters mention your constant attention, and attachment to the interests of this country, and how much he and we are indebted to your friendly aid and exertions.

With very sincere esteem and regard, I have the honor to be, &c.

JOHN JAY.



THE
CORRESPONDENCE
OF
THOMAS BARCLAY.

FROM ROBERT MORRIS TO THOMAS BARCLAY.

Office of Finance,
December 5, 1782. }

Sir,

On the 28th May last, the United States in Congress assembled, Resolved that a commissioner be appointed to liquidate, and finally settle the accounts of all the servants of the United States, who have been entrusted with the expenditure of public moneys in Europe. On the 29th of July last, it was resolved that the resolution of the 28th May be considered; and on motion it was ordered, that the said resolution be committed. On the 18th of November last, on the report of a committee to whom, upon a reconsideration, the resolution of the 28th May last was referred; it was resolved, that a commissioner be appointed by Congress, with full power and authority to liquidate, and finally to settle the accounts of all the servants of the United States in Europe, and to commence and prosecute such suits, causes and actions, as may be necessary for that purpose, or for the recovery of any property of the said United States, in the hands of any per-

son or persons whatever. That the said commissioner be authorized, to appoint one or two clerks, with such allowance as he may think reasonable; and that the said commissioner, and clerks respectively, take an oath before some person duly authorized to administer an oath, faithfully to execute the trust reposed in them respectively. On the same day you were elected the commissioner, it was resolved, that Congress would hereafter make adequate provision for the said commissioner, according to the nature and extent of the services which he shall perform. And on the 20th of November last, it was resolved, that the Superintendent of Finance be directed to instruct the commissioner for settling the public accounts in Europe, to take proper measures for adjusting, without delay, the accounts of M. de Beaumarchais or Roderique Hortales and company, and to report such settlement to Congress, that order may be taken for the payment of the balance, if any shall be justly due; and that in the meantime no farther remittances or payments be made to M. de Beaumarchais, or Roderique Hortales and company, by virtue of any former resolutions of Congress.

Enclosed herein, you will find a commission authorizing you to act in this business, and I shall now endeavor to give you such explanations and directions, as may be necessary for the accomplishment of it, consistently with the views and intentions of the United States in Congress. You will undoubtedly remark, that no sum is fixed upon as the compensation for this duty, the reason of which is apparent, namely: that until the completion of it, neither the nature nor extent can perfectly be known. This might, perhaps, have induced a monthly or annual stipend to any other commissioner; but as your other duties

may, and probably will, occupy a part of your time and attention, which must nevertheless, be indeterminate, so it follows that no points could properly be assumed, by which the reasonable extent of such a stipend could be known. I have every reason to believe, that it is the intention of Congress, to make a generous allowance for the performance of this service, and I am persuaded, that by attention, assiduity and the faithful exertion of your talents and abilities, you will merit their regard.

The appointment of your clerks, as well as the ascertaining their number and reward, are left to your discretion; you will, on this occasion, consult the principles of true economy, which dictate the employing as many persons, as are capable of performing the service, and no more; the taking care that those employed are capable of performing the business committed to them; and the obtaining such a number of such persons, on the cheapest terms for which they can be procured. But the worst economy in the world, is to employ improper men. That you may be enabled to form a judgment of the talents necessary to a clerk, you will observe that Congress, in their ordinance of the 11th of September, 1781, for regulating the Treasury and adjusting the public accounts, ordained and declared, that the clerks, the number of whom should be regulated by the Superintendent of Finance, should be appointed by the Comptroller. That it should be their duty respectively, to examine all accounts, which should be committed to them by the Comptroller, to correct all errors, and note in writing what may appear exceptionable, either as to the propriety of the charges, or the validity of the vouchers, and transmit the accounts, with his remarks, to the Auditor. And that the

party for himself, and the clerk, on behalf of the public, should be heard before the Auditor. From the nature of the commission entrusted to you, it follows that you must both commit the account to the clerk, and afterwards audit it, as well as finally determine on and adjust it, which last is done here by the Comptroller, except in cases where the appointment of a commissioner has been necessary, with authority similar to yours. It is to be apprehended that the accounts will, in many instances, be exhibited to you informally, and as it is not only useful in the first settling of complicated accounts, to adhere to settled forms, but absolutely necessary to the clear and easy understanding of them after they are settled; so it will frequently become necessary to have the accounts restated, and all the vouchers to them numbered by your clerks. And although your own care and attention will always be requisite, to detect and discover errors and frauds, yet so much will depend on the accuracy and abilities of the clerks in these investigations, that I cannot too strongly recommend to your attention the choice of able accountants for that purpose.

With respect to the accounts of M. de Beaumarchais, much has been said, and therefore I might dispense perhaps, with saying any thing, but as I have reason to believe that whatever may be the character of the persons concerned, either for abilities or integrity, the business which has passed through their hands has not been well done. I must desire that these accounts undergo your strictest scrutiny. You will probably find some other large accounts which merit alike attention. In every such case, the observations made here will be equally applicable. You are too well acquainted with mercantile

business not to know when, and how, and what commissions, are chargeable on a transaction. I believe that knowledge and information on this subject will be found very necessary. They will be indispensable, should it be attempted to charge several commissions on the same thing, whether it be done openly, as such, or covertly, as brokerage, factorage, and the like; or still more covertly, by an increase of the original price. Hence, therefore, it will be found necessary to consider the original prices, and it is much to be lamented, that samples of the articles cannot be laid before you, because many have been received, of a quality not only base, but despicable. It is not possible at this distance of time and place to ascertain by whom such articles were purchased, and indeed, many of those which have been shipped have never arrived. Under such circumstances, it becomes your duty to require proof of the quality of such articles as appear charged to the United States; and the idea will naturally suggest itself, that the character of the party making the charge will influence the necessity of such proof, just as the validity of the proof itself will be influenced by the character of the witnesses. Had these transactions been merely confined to the purchase and delivery of goods, they might, perhaps, easily have been investigated; but they extend themselves to many other things, among which is the transportation and expenses incident to it. Under this head two objects present themselves immediately to view: first, whether due care was taken in the modes of transportation adopted; and, secondly, whether the expense has been reasonable or exorbitant. With respect to the latter, it will certainly be your duty to

correct improper or exorbitant charges; but in the former case your conduct must be directed by circumstances in their nature so various, as to admit of no prescribed rule, and, therefore, I can only recommend it to you to consult the interests of the United States, as far as the principles of justice will permit. I know it is unnecessary to tell you that the delivery of goods purchased and transported, should be shewn before the charges are admitted; but I must desire that the evidence on this subject may be so clear and plain, as to enable us to call the receivers of them to account. Cases will doubtless occur of loss by the accidents of the sea and by enemies, these also should be clearly proved, and the causes, as much as possible, investigated.

Your commission will entitle you to aid and protection, in the execution of the duties committed to you; and you will make the necessary applications on that subject to the proper persons, whenever circumstances shall require. A primary object will be, to discover what sums have at any time or times been paid, to the use of the United States. These can, I suppose, be discovered, and the names of the persons to whom they have been paid; although it is possible, that in certain cases the persons by whom they have been paid will not be known to you. The first account you form will be a general one, under the title of loans and subsidies obtained in Europe, on account of the United States. The debit of this account you may leave in blank; but the credit side will consist of the sums paid to the use of the United States, and the persons to whom they were paid. Every of these persons will of course be

debited in particular accounts for the respective sums so credited. These sums then, they are to account for, and where they have paid them over to others, such payments are again to be accounted for, until they are traced to a final appropriation, which will be of articles purchased for, or services rendered to, the United States. In the course of this investigation; however, it may happen, that in some case of payment by one to another, the receiver shall not account properly, on which the question will arise, how far the payment is to operate a discharge to the party, by whom it was made. This question admits of so many modifications, according to the varieties of possible circumstances, that no provision can be made, which will be applicable to all. I have, therefore, thought it best to enclose, for your perusal the instructions on this subject to the commissioners appointed for settling the old accounts of the Civil Departments. You will govern yourself by the spirit of these instructions, according to circumstances as they arise.

I have already observed that the final appropriation of moneys must be traced to articles purchased, and services rendered; but such a general distinction would not be sufficiently clear in the stating of accounts; you will place this final appropriation, therefore, under one or other of these following general heads.

1st. Salaries and expenses of public Ministers, Commissioners and Agents. In this account you will charge all monies advanced to any public servants of the United States, in Europe, on account of their salaries or expenses.

2nd. Clothier General's Department. In this ac-

count you will charge every article of clothing which may have been purchased.

3rd. Commissary of Military Stores Department. In this account you will charge all arms, ammunition and the like.

4th. Quarter-Master General's Department. In this you will charge tents, sheet tin for camp kettles, and other articles properly belonging to that Department.

5th. Marine Department. In this you will charge all moneys expended in building, or buying ships of war, and fitting them out, with the incidental charges, also naval stores purchased for the United States, and the like.

6th. Hospital Department. In this you will charge all instruments, medicines, &c. &c. appertaining to that Department.

7th. Merchandise General. In this you will charge such articles of stores, as do not fall within the second, third, fourth, fifth and sixth heads, if any such there be; and also any articles which you shall be doubtful as to the account they ought to be carried to.

8th. Transport Service. In this you will charge the purchase, freight, hire, insurance and the like, of ships or vessels, for the purpose of bringing any articles to America.

9th. Contingent Service. In this you will charge the expense of land transportations, expresses, storeage, wharfage and other like articles; also, all those things which do not fall properly under some other general head.

10th. Prisoners and Americans in Europe. In this

you will charge all monies paid for, or to American prisoners, or other Americans, taking care so to designate and specify these charges and the parties, that those who are able may be called on for re-payment. The names and usual places of abode, will, as far as they are attainable, be of importance.

11th. Foreign Officers. In this you will charge all sums advanced, or paid to foreign officers coming to, or returning from America.

12th. Interest of Debts. In this you will charge all sums paid on the interest, bills of exchange, issued from the several loan offices, and any other interest moneys which may have been paid.

13th. Bills of Exchange. In this you will charge all sums paid on bills of exchange, drawn by order of Congress.

It is not improbable that, in the course of your business, you may find it necessary to raise some other such general accounts, and, if so, you will raise them accordingly. You will take care to attend strictly to the propriety of all charges made, and to the validity of the vouchers by which they are supported. You will examine very particularly into the accounts of armed vessels, fitted out in Europe, on account of the United States, especially of those wherein any individuals shall appear to have been interested. And you will bring those persons to account into whose hands any prizes, or moneys for the sales of prizes, may have come, so that justice may be done as well to the public, as to the captors concerned therein.

Whenever you finally settle an account, you will take care to be possessed of the several vouchers, which,

together with the account, are to be kept in your Consular office until further orders; but you will transmit quadruplicate copies of the several general accounts, by safe conveyances, as soon as possible.



FROM THOMAS BARCLAY TO ROBERT MORRIS.

L'Orient, February 9, 1783.

Sir,

I had the honor to address you on the 27th, since which I received your favor of the 5th December, covering a commission from Congress, empowering me to examine and settle all the public accounts in Europe. This is a very arduous undertaking, and will require a great deal of industry and attention. All I can at present say, is that I shall endeavor to acquit myself in the best manner my abilities will permit me, assuring you that I shall think myself very happy, if I can be made serviceable to my country. I am perfectly satisfied with the determination of Congress respecting the payments intended for my trouble, and I acknowledge very sincerely the great honor their confidence has done me.

I shall pay due regard to the plan you have sketched out for me, and I hope you will occasionally give me such hints and instructions, as you think will strengthen me in the pursuit of this great object. I shall not detain you at present, longer than to tell you, I had a letter a few days ago from Mr. Grand at Paris, informing me the ratification of the preliminaries were arrived from England, and those from Holland either on the way or would soon follow.

I have the honor to be, &c.

THOMAS BARCLAY.

FROM THOMAS BARCLAY TO ROBERT MORRIS.

Auteuil, near Paris, July 20, 1733.

Sir,

Foreseeing that, in the course of the settlement of the public accounts, I should be under the necessity of making frequent application to Doctor Franklin for explanation, I have taken a house near Passy, where I shall remain for the sole purpose of executing the commands of Congress. Agreeably to the powers communicated to me, I have chosen Mr. Matthew Ridley, a gentleman of unblemished reputation and uniform attachment to America, to associate with me in the undertaking, and we shall lose no time in proceeding to do every thing in our power, to answer the end of our appointment. At present we have several of Mr. Grand's accounts before us, which must serve as a foundation for the settlement of all others, but we wait for his vouchers, which have been hitherto detained through the indisposition of a clerk.

As M. de Beaumarchais does not choose to settle his accounts in Europe, but has sent them out for the immediate inspection of Congress, it will be unnecessary to say much relating to them. He has stated his reasons in a letter addressed to Congress, which he has shewn to me, and I do not recollect any thing in it which I have occasion to remark, but a misapprehension of M. de Beaumarchais, when he says that Mr. Ridley and myself approved of his appealing to Congress, for neither of us in the smallest degree, directly or indirectly, approved or disapproved of the measure. Our business with M. de Beaumarchais was very simple, it was either to investigate his accounts minutely, or to have nothing to do with

them. I have read several letters from Mr. Deane to him, copies of which, M. de Francy takes to America, certified that they were compared with the originals; he also takes a certificate that two persons, who have witnessed some papers for M. de Beaumarchais, are notaries appointed by authority; but none of these papers will, in the least, verify any of the charges made in the accounts. The principal inquiries necessary to be made, seem to be the propriety of the charge of insurance, which will alone amount to a million of livres, the reasonableness of the prices charged for each article, and the commission for transacting the business.

The settlement of the public accounts in Europe, will be a work of considerable time and expense, though my endeavors to get through them, as soon as possible, shall not be wanting.

I have the honor to be, &c.

THOMAS BARCLAY.



FROM MONSIEUR LE VAIGNEUR TO THE PRESIDENT OF
CONGRESS.

Translation.

Sir,

I have the honor to enclose to your Excellency, a letter from M. de Beaumarchais, which I request you will be pleased to read and lay before Congress. M. de Francy was at first to have been the bearer of it; but a consumptive disorder under which he has labored, for more than two years, has hindered him from setting off, at the very moment the ship was going to sail, and I had just

time to embark in his place, in order to carry on, together with Messieurs Monbos, Latil, and Co. of Baltimore, the affairs which had been entrusted to him.

We would sooner have addressed ourselves to your Excellency, if the removal of Congress to Annapolis, (which took place about the time of my arrival,) and the multitude of public business, which we supposed that they had to despatch, had not made us fear their not being able to give their attention to private concerns. We now hope that that sovereign body will be pleased to honor M. de Beaumarchais with an answer, and we take the liberty of soliciting it in his behalf.

It would be impossible for me to add any thing to the force of his reasoning ; I shall only take the liberty to sum up, in a few words, his present demands, in order to fix, with more precision, the two points, on which the determination of the honorable Congress ought to bear.

1st. If M. de Beaumarchais chooses to abide by the settlement of his accounts made by Mr. Deane, it is not that he wishes Congress to give a blind assent to what that commissioner has signed, nor does he seek to elude their minutest discussion; he has on the contrary annexed to them those pieces, which may serve to justify them, and on which, even new accounts might be established, if the form of the former could be attained without injuring M. de Beaumarchais' interests: but he abides by the accounts closed by Mr. Deane, because they have been closed since the month of April, 1781, when there was nothing to ascertain that that agent, who till then had been competent to effect all the purchases, had ceased to be so to regulate accounts, which he alone could properly regulate, since he alone knew the nature and could as-

certain the value of M. Beaumarchais' operations. From that same year, 1781, M. de Francy had determined to return to America, in order to terminate the object of his commission. Supposing then that the unhappy state of his health had not been an obstacle to his return, and that he had then presented himself there with the accounts of M. de Beaumarchais, closed by Mr. Deane, it is to be believed, that Congress would not have declined receiving them, although they might have had them examined and verified afterwards. It would have been the same thing in 1782, if M. de la Couche who commanded the *Aigle*, and who had been pleased to take charge of these accounts, had not had the misfortune to lose his frigate. Thus Mr. Barclay's orders, which were received and notified only in 1783, may well extend to the settlement of accounts, not yet regulated; but not to those which have been closed for about two years and would have been laid before Congress two years ago, but for the unlucky circumstances, which have constantly prevented it. M. de Beaumarchais has never known any body but Mr. Deane, in all the outfittings he has made to the continent of America; he never treated but on the faith of that agent, and has never been acquainted with any act of Congress taking from him the power of settling the accounts of those very same outfittings, which he himself had ordered in the name of the United States. He has then the most powerful motives to abide solely by the account approved and certified by Mr. Deane, and begs that the honorable the Congress of the United States, will please to acknowledge the same.

2nd. Whatever may be the opinion and determination of Congress upon this subject, it is an incontestible truth

that the United States are still indebted in considerable sums to M. de Beaumarchais. No remittances have been made him since the year 1780, when M. de Francy brought him bills of exchange, he did not choose to solicit new ones as long as the war lasted; but now that peace and liberty have crowned the noble labors of the Americans, he dares flatter himself that his claims will be hearkened to. The presentation of his accounts has already experienced long delays; new ones may arise before the balance which remains due to him be finally settled; during that interval, his necessities are encreasing, and his operations slackening. The ship *Comte d'Estaing*, which he has sent to the Continent with the sole hope of obtaining remittances, is obliged to return to Europe in ballast; the want of his funds may at last throw him into the greatest distress. M. de Beaumarchais therefore earnestly requests Congress, to grant him a good sum on account of what they owe him, until his accounts are finally adjusted and determined.

He only demands a sum on account, in order to give Congress the necessary time to discuss the remainder; and in case Congress cannot give him ready money or produce, he will be satisfied with draughts on the American Ministers in France, similar to those which he received in 1780, part at six and twelve months, part at eighteen months, or even two years sight, in order to give a greater facility to raise the funds at the various terms. This proposition is too just and too moderate, not to be well received, and I beg your Excellency will support it with Congress.

I refer as to every thing else, to the letter itself of M. de Beaumarchais, to which he expects an answer by

the return of his ship Comte d'Estaing, which will sail in the beginning of June. This answer must be very easy to give by the above exposition of his demands, which reduces them to two principal objects, about which Congress are requested to give an immediate determination. It cannot be but a favorable one, considering the goodness of the cause of M. de Beaumarchais, and the acknowledged equity of the Areopagus before whom he supports it.

I am, &c.

LE VAIGNEUR.



FROM MONSIEUR DE BEAUMARCHAIS TO CONGRESS.

Translation.

To his Excellency the President and Honorable Members of Congress of the Thirteen United States.

Gentlemen,

Mr. Barclay, your Consul General in France, and his respectable associate Mr. Ridley, have done me the honor to communicate the order and powers which Mr. Barclay has from you, for regulating all the accounts, which may concern the United States of America.

In consequence, they very politely desired me to lay before them all my accounts, in order, they said, to accelerate my re-imbusement, which thenceforth would not take place, but after a settlement by Mr. Barclay, of all my advances and receipts, relative to Congress.

I gave for answer, to Messrs. Barclay and Ridley, that all the accounts of my advances to Congress, had been discussed, regulated and closed in April, 1781, by Mr.

Silas Deane, the only one of your agents, with whom I treated in Europe; who, with me, gentlemen, entered into engagements in your name, and who obtained from me all the advances I made for Congress.

I shewed Messrs. Barclay and Ridley the settlement of Mr. Silas Deane, with the vouchers which supported it. I informed them that the accounts of the sums received from Congress in cash and merchandize, in part of my supplies, were the only ones which had not been settled, because they had come to my hands at different times, and even the greatest part after the adjustment by Mr. Silas Deane. I proposed to submit them to these gentlemen, and I begged, for this part of my accounts, that speedy settlement, which they had the goodness to offer me for the whole.

Mr. Barclay, gentlemen, has been pleased to inform me that, according to the letter and spirit of his commission, he could not thus separate matters, and that he must regulate anew all my accounts, as if they had not been done by another, otherwise he could take no partial cognizance of any of them. That he was not instructed to acknowledge any settlement made by Mr. Silas Deane, unknown without doubt in America. And without paying regard to it, he asked, if I was willing to lay before him the whole of my accounts with the States, to discuss, regulate, and proceed to their liquidation.

I will most willingly submit to your examination, sir, said I, the account balanced by Mr. Deane, not to take from my title the force which, to his settlement, made more than two years ago, so justly belongs; but in order that you may make to the Honorable Congress your observations on this account, and its settlement. For

this purpose, sir, I shall furnish you with all the vouchers, as I wish for nothing more than to make evident to yourself the exactness and justice of the arrangement of Mr. Silas Deane.

Then delivering, with perfect confidence, to Mr. Barclay, the original of my account closed by Mr. Deane, and which he kept as long as he thought proper, I added: My correspondence with Mr. Deane, agent of Congress, sir, which I here lay before you, along with my general account, will prove to you that Mr. Deane alone could undertake the regulation of it; because having accompanied me through every stage of my operations, he alone was able to judge of the trouble and cares they occasioned to me—form a just idea of the difficulties I had to overcome—and recollect the obstacles of every kind which I had to remove. Their reading will convince you, that he who saw me scattering gold profusely as I went along, (the only means I had of rendering my way practicable,) was the person who could rightly judge of the sums I have expended in the service of your country, and consequently the only proper person to regulate my accounts. They were not the accounts of an ordinary merchant, to whom orders had been sent, while his funds were either assured or remitted beforehand; but those of the indefatigable friend of a virtuous and oppressed people, for whom he sacrificed his time, his health, his own fortune and that of his friends, with no other security for returns, but the bare word and powers of this agent of Congress.

Without laying aside the politeness and regard which Messrs. Barclay and Ridley have not ceased to shew me, Mr. Barclay observed, gentlemen, that he did not believe

that in April, 1781, Mr. Silas Deane was still invested with necessary powers, for regulating an account such as mine.

My answer, which was quite plain, and which I now submit to you, gentlemen, was, that before Mr. Deane's departure in 1778, all my accounts were ready and verified by him; and nothing remained on his part, but to give them his final sanction, make three copies, and sign them; when he departed secretly to embark at Toulon with the Count D'Estaing. That upon his return to France, he came to finish with me what had been left imperfect, assuring me he was sent back to Europe, for the sole purpose of regulating all the accounts of supplies, with which he had been charged for America, and particularly mine; without having for his country any other public employment. Such was my answer to Mr. Barclay. I also added, that no act, letter or explanation on the part of Congress, having then come to instruct me whether Mr. Deane had, or had not ceased to have the power of regulating affairs, which were entered upon solely by himself, I had no reason to refuse credit to the continuance of his commission, and lay before him my accounts, with so much the more security on my part, that in his settlement of 1781, his constant signature was Silas Deane, agent of Congress for the said purchases and supplies in Europe.

That since this settlement was concluded, of which I have made exact and certified copies, and sent them to every person interested in my affairs with America, all the subsequent payments and transactions which have taken place between us, have been upon the footing of that settlement; and, in short, I had neither liberty or

power to submit it now, but for the purpose of verification upon proper vouchers, not to destroy or alter it, so as to affect the validity which it receives from all the formalities, which could render it authentic and perfect, before all the tribunals of Europe.

Besides, said I to your Consul General, have you the power, sir, to allow me those sums for which I neither ought nor was able to procure a discharge, having thrown them away by handfulls, for the service of the United States? Have you power, also, to allow me the losses which I have been forced to suffer on bills of exchange, absolutely without credit in Europe, which I was obliged to negotiate at a heavy loss, to save myself from ruin, being unable to wait a term of three years, for the payment of advances made above six years before. Mr. Deane could regulate the insurances at the rate they then were, because he was witness to the dreadful uneasiness of all my co-partners, when they observed none of these remittances to arrive, which he had taught them so long to expect. He might, he was even obliged to give his advice to Congress, on the commission suitable to be paid me, because he had observed the extraordinary labors, pains and disinterested cares of him, who, without previously making any stipulation for his generous advances, consented to become the factor of the United States, solely because it was agreeable to them.

Again, if differences should arise between us, on the subject in debate between us, must we not at last refer them to the determination of Congress, and will, whatever is said here, exempt me from sending my agent to America, in order to conclude with the supreme power, upon the terms and conditions of the payments to be

made me? Let us then come to a point, either verify my account, which is settled upon vouchers, without destroying it, or agree, that I immediately send my agent to Philadelphia to humbly present to the Congress my equitable demands, this account, and all the vouchers which justify it.

Mr. Barclay, gentlemen, as well as Mr. Ridley, struck with the force of my reasons, have concluded that I should address myself to Congress themselves, and send to the Continent, by M. De Francy these accounts, with their vouchers. Since, in fact, the first question on which we were divided in opinion, (viz. if the settlement made by Mr. Silas Deane in 1781, was valid or not,) could only be decided by that body, and then my agent, M. De Francy, will lay before them, the just motives of the opposition by my company, to the destruction of the only authentic title, which we possess in Europe for our debts upon America.

This point being fixed, I begged these gentlemen to sign and certify, that the copies of the papers in support of my accounts regulated by Mr. Deane, were conformable to the originals, which I presented to them, and wished to retain in France, being afraid to expose them to the dangers of the sea.

Messrs. Barclay and Ridley have preferred, even desired, that these copies be certified by a notary of Paris, and afterwards authenticated by the city magistrates. But we did not foresee, gentlemen, that by a system of our finance establishment, the copies of any accounts cannot be attested by a notary public, without being subject to a particular duty called *Droit du contrôle*, which is always proportionable to the sums contained in

the accounts, and this would have cost me, above twenty thousand livres. I resolved upon procuring, from as many of those who had supplied me, as I could find in Paris, duplicates of their general accounts, and accounts current with me. They went before a notary to certify the truth of these accounts and sign them, the instrument which attests them, well authenticated, with an original duplicate of each account, will be delivered to you by M. De Francy. He will also present you with similar duplicates from those, who were absent from Paris, also certified by notaries, or magistrates of the places where they reside.

However, gentlemen, I will be permitted to enter seriously upon the principles of this great affair before an august body, who are always subsisting; but often composed of new members, to whom the nature of my demands and the justice of my complaints, are not sufficiently known, if I may judge by the terms of the resolves of Congress, 20 November, 1782, which have been shewn me by Mr. Barclay, your Consul General.

These claims, gentlemen, do not deviate from the profound respect which I profess for the honorable Congress, before whom I now have the honor to support them: they are on the contrary the strongest proof of the great value, I set upon the esteem and opinion of a brave people, for whose sake I have sacrificed my all, and the greater the disparity there is, between a simple individual of Europe, and the illustrious nation whom you represent, so much the more the great efforts and numerous toils of that man to promote your service, have a right to your esteem, I may add to your gratitude: you cannot, I am sure, refuse a candid hearing to the first Euro-

pean, who generously stepped forth to your assistance. Every citizen of the thirteen States was bound to sacrifice to the common cause, to his country, his life, property and abilities. But I, gentlemen, a stranger to your pretensions, and to your contest, born a French citizen, enjoying a quiet life in my own country, devoted myself for yours: ought I to have expected the disgrace I have now incurred of claiming rights too much forgotten, and troubling you with my sad complaints?

Call to mind, gentlemen, those unhappy times, when borne down by the war and British persecution, you sent secret emissaries to all the powers of Europe, that time, when you applied to the great commercial houses of the different powers, without obtaining any succors. Then I alone, gentlemen, the subject of a monarchy, and without any other incitement than my love for the liberty of mankind, and my respect for the virtuous efforts, which entitled you to them, I had been laboring for two years to procure you friends in Europe, by every means, which persuasion and argument could furnish.

A single public paper was proper, to give our nation liberal and just notions of your rights, and the wrong done to you by Britain. This was *Le Courier de L'Europe*. It was I, gentlemen, who solicited, who obtained its admission into France; in which there was great difficulty. It was I, who composed the first articles, which were there read in favor of your cause, and who established the justice of it, upon principles since adopted by all sensible people in Europe.

It was I, who found out your friends and secret agents in England, at the risk of my person, who promised them my cares and efforts, with our Ministers, who in fact

returned to plead strongly for you in France, and remind those powerful persons (who knew it better than myself, but whom your situation and the policy and youth of the King rendered then wavering and circumspect,) that the separation of England and America was the greatest interest, which could occupy the French Government.

It was I, who first solicited the necessary succors for your situation, in a memorial, where I strongly maintained the extent of the rights of neutrality, and made application of my principles to present circumstances, and the possibility of making use of them, in order to assist you; but which could only obtain a bare connivance, and even that very limited and confined, for the animated zeal of a company of merchants, which I formed, whose measures not only were unsupported, but their efforts punished, upon becoming in the least public. See upon this subject, gentlemen, my correspondence in cyphers with one of your private agents, Mr. Arthur Lee, then in England, which will be laid before you.

At that very time, your acknowledged agent, Mr. Silas Deane, arrived in France; but alone, without money, without credit, or knowledge of any person, and even unable to speak French. I met with him at Bordeaux; my regard for your great undertakings attached him soon to my person. He implored my zeal and support, and coming to Paris he disclosed his powers and embarrassment. In vain did he address himself to Ministers; he returned to me, knowing my courage and frankness, and at last began with me to solicit a plan and to carry on the supplies which I have repeatedly made you, and which have been productive of nothing, but pain and disappointment.

But what bargain, gentlemen, do you think that this agent made with me? His application to us was by the most earnest entreaties, which we considered as orders. His promises were our only security of payment, but he held out to us the noble reward, of being forever reckoned among the best friends of America, and the temptation was too strong to be resisted.

Nobody then, gentlemen, accosted me in your name, without loading me with encomiums, even excessive; every thing which could swell the pride, or flatter the vanity of an ordinary man, was offered to me. Above all, said they, you will forever be cherished by a virtuous people, as one of the first supporters of their liberty. My respect for the cause which they pleaded, and which you supported so nobly with your arms, warming my heart and mind, much more than their discourses. I gave myself up entirely to your service, and regarding nothing else, I became the agent, the apostle, and martyr of your cause in Europe. Read my answer to the English Manifesto of Gibbons, in which I was called the instrument of the perfidy of our Ministers. But above all, read attentively my correspondence with Mr. Deane; it will give you an idea of my labors, my efforts, my disappointments, and indefatigable activity in your service. It will show what a single man could do for you—a man who now blushes to have to justify, before your assembly, his conduct and generous proceedings.

Surely, gentlemen, had I been only an ordinary merchant, greedy to increase his substance from your distresses, is there a single advantage, which I could not then have exacted and demanded from you.

I could have fixed the profits which my avidity would

have prompted me to impose, and would have obtained them. Far from me these vile motives and mercenary precautions. From a Frenchman, that I was, I became an American merchant, a politician, and a writer. I imparted my warmth to honest, but timid minds, and formed a society, under a name unknown; I gathered together merchandize and warlike stores, in all our ports, always under fictitious names. Your agent was to have provided vessels to transport them to America, but not one could he find; and it was still I who, with double zeal and labor, succeeded in procuring them for him, at Marseilles, Nantes and Havre, paying, out of my own pocket, two-thirds of the freight in advance, and finding surety for the remainder.

The most severe orders thwarted every where my operations. What I could not accomplish in open day was executed in the night. If Government caused my vessels to be unloaded in one port, I sent them secretly to reload at a distance in the road. Were they stopped under their proper names, I changed them immediately, or made pretended sales, and put them anew under fictitious commissions. Were obligations in writing exacted from the captains, to go no where but to the West India Islands, powerful gratifications on my part made them yield again to my wishes. Were they sent to prison on their return for disobedience, I then doubled their gratifications to keep their zeal from cooling, and consoled them with gold for the rigor of our government. Voyages, messengers, agents, presents, rewards, no expense was spared. One time, by reason of an unexpected counter order, which stopped the departure of one of my vessels, I hurried by land to Havre, twenty-

one pieces of cannon, which if they had come from Paris by water would have retarded us ten days.

Thus I scattered money every where, to surmount the obstacles which constantly came in the way, and thinking it injurious to the nation which I served, to doubt of her gratitude, being fraught with the generous sentiments which actuated myself, I regarded as straw the money I distributed for her, happy in the power at such a price to procure her speedy assistance.

And when your agent, gentlemen, admired, encouraged these sacrifices, in boasting of the obligations his country was forever laid under to me, I was far from imagining that this nation, after obtaining her freedom, instead of acquitting herself towards me of the engagements made on her behalf, should send new agents to sift minutely every article of my account, already regulated, oblige me after seven years patience and suffering, to submit to the injurious discussion, to the minute calculation of every object of my advances, and forgetting my character and services, at last treat me as a petty trader, who thinks himself too happy, in receiving a commission and money to purchase rags in Europe.

By what inconceivable subversion of every principle, gentlemen, have I then experienced from the time of my supplies to this day, nothing but ingratitude, injustice and hardships in every thing which relates to your service?

Not only have the returns so solemnly promised, which should have arrived in Europe within one year at farthest, never appeared in our ports, but when my own vessels, at the expense of millions, have brought me from the continent trifling quantities of merchandize, I must be obliged, in order to have them, to enter into disputes

with your agents in Europe, who took possession of them by authority, under pretence of their necessity. To wrest them from me, has it not been scandalously carried so far, as to go to law with me, and have I not been forced to betake myself to menaces, to complain to our Ministers, to France, to America, to all Europe.

If the astonishment of this recital leads you to think, gentlemen, that I am imposing, see upon the return of the Amphitrite, Amelia, and Theresa, my letter to your agents in France, the one I wrote to the Count De Vergennes, the answer of that wise Minister, and his reproaches for the vivacity of my expressions, although he acknowledged kindly all the justice of my resentment and complaints.

The strongest and most just anger, gentlemen, could thus of itself alter my disposition and style with your agents, and ought, perhaps, to excuse the sharpness of it. But compare, gentlemen, that pointed letter with those I had the honor to write to yourselves in 1776, full of nothing but that ardent zeal, which made me espouse your cause. In reading them, gentlemen, conceive if possible my grief and amazement, at having never received from you any answer, and to have been three years in searching for, without finding, a solution of that incredible problem.

In truth, gentlemen, I was ignorant that every one seeking to draw to himself the merit of what I alone had performed, deceived you shamefully with regard to me. According to these intriguers, I was but an obscure fantastic being, who served as a cloak to cover the generous acts, which each of them boasted to have been the means of obtaining gratuitously from the King.

and while I was undoing myself by loans, payments, interest and hazardous operations, in order to ward off my ruin in waiting for your returns, which never came to hand ; they thought it was too much honor on the continent to make use of my supplies, without being at the trouble of acknowledging even their receipt.

So many outrages, gentlemen, your obstinate silence, the want of returns, which Mr. Deane excused, as he was able on account of the unhappiness of the times, have at last obliged me to send you an agent, to whom I have promised the commission of two and a half per cent on all my payments, which is placed to your account. This is M. De Francy who has again the honor to lay before you my claims.

By him I have been informed of the horrible, unworthy, and miserable conduct of all those, who wanted to prejudice you against me.

It is to his care I owe the tardy acknowledgement which you at length made of my debt, and the bills of exchange which you sent me in 1779, payable at three years date, for what had been advanced above six years, and should have been paid in six months.

Finally, it was with him that in 1781, my accounts were regulated by Mr. Silas Deane, and was interpreter for him in 1776, when we did not speak the same language.

I send him now, gentlemen, to present you with this letter, to call upon your justice, to lay before you my accounts of every kind in your affairs, to obtain the liquidation, and to receive payment. I expect from you, gentlemen, honorable treatment, and such as my zeal and conduct towards you have given me a right to depend

upon; and as the acquittance of a debt of honor is no reward for such services as mine, when you have done me this justice, I demand from you, gentlemen, public marks of your esteem. Let them be the noble recompense of my exertions for you in Europe, where I have not ceased, for eight years, to solicit our Ministers, by repeated memorials, on the political and commercial interests of your new republic. These wise Ministers are still existing to bear me an exalted testimony. They have been more than once astonished at the constant activity of my zeal, for they were not ignorant of the heavy subjects of complaint, which I had to make against those, whom I served so warmly. Give me then, gentlemen, my due, and distinguishing the zealous friend who relieved your necessities, from those whom your misfortunes have enriched, do not lengthen out my sufferings by referring to other judges a settlement, which I will not receive but from yourselves.

If I should have the misfortune not to obtain that honorable justice, in return for so many proofs of attachment; stung with vexation, and mortally wounded, what then remains for me to do. Must I, gentlemen, shaking the dust off my feet, upon all my American connexions, demand justice at the bar of Europe, by publishing what I have done, advanced, suffered, and kept secret to this moment, for the support of your cause and maintenance of your honor.

You will not reduce me, gentlemen, to that horrible extremity. My heart, my conduct, and your equity, assure me of it.

Ye Representatives of a noble and free nation, rivals of the most haughty sovereigns, the friends and the allies

of my King, you are sensible that it is just, honorable and without danger to your glory, to recollect that an individual of Europe has had the courage to espouse your interests, when every one disdained them; and that he dared to send you, at the risk of his health, of his fortune, and of his life, the first generous succors, you received from our continent.

I am, with the most profound respect, gentlemen, your very humble and very obedient servant.

CARON DE BEAUMARCHAIS.

Formerly known in America as the firm of
Roderique Hortales & Co.



FROM THOMAS BARCLAY TO ROBERT R. LIVINGSTON.

Auteuil, near Passy, September 14, 1783.

Sir,

To the copy of what I had the honor of writing to you the 20th July, which accompanies this letter, I beg leave to inform you that the Marquis de la Fayette, who is now in Lorrain, thought proper, sometime ago, to consult me on the propriety of his immediately embarking for America. He seemed much at loss upon the subject, as on the one hand he supposed that his presence, with the army, might be of some service; and on the other, that he might be very useful here, as the Court of France seems determined on adopting some commercial regulations, respecting the trade to be carried on between the United States and their West India colonies. Upon considering the matter, I did not hesitate to give the Marquis my opinion that it would be best for him to re-

main in France, either until he received the commands of Congress to return, or until the necessity of his going to America would be more apparent. He seems to have adopted this opinion, for he not only requested that I would communicate what passed to Congress, but has written to me from Nancy, to put me in mind of it; and therefore, his desire that I would do it, will be my apology for troubling you about the matter. The Marshal de Castries has been so obliging as to converse with a few Americans on the subject of the intended regulations. The hints which he let fall, came very short of my wishes, and therefore I shall endeavor, before any thing is done, to procure a consultation between him and the American Ministers at this Court. He proposes seeing me sometime hence upon this business, when I shall refer him finally, to Mr. Franklin, Mr. Adams and Mr. Jay, to whom I will communicate my sentiments in the meantime. I believe it is intended to make L'Orient a free port, but I know nothing officially about it. My next will give you some particular information; meantime I have the honor to be, sir, &c.

THOMAS BARCLAY.

FROM THOMAS BARCLAY TO THE PRESIDENT OF CONGRESS.

L'Orient, September 17, 1784,

Sir,

I have the honor to inform your Excellency that an express arrived here yesterday from Paris with letters from the agents who were employed to adjust the privile-

ges and immunities of this place, with information that his Majesty's *arrêt* of the 14th May last would be renewed in every particular, except that the manufacturing of tobacco will not be permitted. In this case the Port and town will be equally free, and the new *arrêt* is expected in a few days.

Some months ago, Lieutenant Colonel Franks arrived in France, with very strong recommendations from several of the most respectable merchants of Philadelphia, and from Mr. Livingston, the late Secretary for Foreign Affairs. His object was the Vice Consulship of Marseilles; but the office was filled by Mr. Etienne Cathalan of that place, who is a gentleman of character and ability; I declined making any alteration, though Colonel Franks informed me, that Congress were making such regulations in the consular department as would not admit that office being filled by any other than a citizen of the United States. A copy of these regulations having been transmitted to me by his Excellency Doctor Franklin, and Mr Franks having renewed his application, I do not think myself at liberty longer to decline it, and therefore I shall give him a commission for the execution of the office. I have thought it proper to apprise you of this appointment, and remain with the greatest respect, &c.

THOMAS BARCLAY.

FROM ROBERT MORRIS TO THE PRESIDENT OF CONGRESS.

Office of Finance, }
March 8, 1784. }

Sir,

I do myself the honor to enclose to your Excellency, for the inspection of the United States, in Congress, the copy of a letter of the 23rd of last October, from Thomas Barclay, Esq. which did not come to hand until this morning.

With proper respect, &c.

ROBERT MORRIS.



FROM THOMAS BARCLAY TO ROBERT MORRIS.

L'Orient, October 23, 1783.

Sir,

Enclosed is the account of the sales of the ship Duc de Lauzun, balanced by the payment being remitted to Mr. Grand, on account of the United States, forty thousand two hundred and fifty eight livres. This sale would have been made long ago, but I was obliged to postpone it twice, from the bad prospect of selling her. I was once in hopes that Government would have purchased her for a packet-boat; but the Mareschal de Castries, to whom I offered her, declined it. Mr. Ridley and myself have been for sometime at work on the public accounts, and will continue our best endeavors to arrange them. They are mixed and perplexed a good deal, much inquiry and explanation is necessary, and the work will be tedious. I do not expect to be able to exhibit any thing satisfactory for a considerable time; and if I can, by the month

of October next, make a tolerable settlement, I shall think myself happy.

Give me leave just to take notice of two accounts, which are in a state of suspense, and concerning which, applications probably have been made to Congress. The one is that claimed by Messrs. Schweighauser & Dobré, of Nantz, for supplies furnished the Alliance; there is no doubt but the ship received all the articles charged, for I have examined the vouchers; but the Court of France had taken upon itself the outfit at that time; Doctor Franklin had absolutely prohibited Mr. Schweighauser from furnishing any thing; Mr. Schweighauser confirmed these orders from Nantz to his house of Puchelberg & Co. here, who, contrary to the instructions of their principal, fitted out the Alliance, and continue to claim from the United States an expense which, if they had not forced their services, would have been furnished by the Court of France, agreeably to the arrangement of Mr. de Sartine the Marine Minister. There are, however, a few articles that ought to be paid for, which I have offered to settle with Mr. Dobré, Mr. Schweighauser being dead. For this demand, the public stores in the arsenal at Nantz are under attachment; and were so several months without my knowing it; when I took some arrangements for the transporting a part to America, and was refused them. I believe, however, that this attachment will be taken off by the time I return to Nantz, as I am informed that the Mareschal de Castries has written to this place on the subject, and has recommended the removal of it. The other account which I allude to, is that of Messrs. John de Neufville & Son, of Amsterdam. When I was at that place, those gentlemen produced an account, on which they claimed a considerable

balance from the United States. At that time I had no commands from Congress to liquidate any of the public accounts; but with the concurrence of Messrs. de Neufville, I wrote to Doctor Franklin, recommending it to him to permit me finally to settle this one by an arbitration of two or more persons, to be indifferently chosen at Amsterdam, to which Mr. Franklin readily consented. I remained at Amsterdam on purpose for this answer, but when it came Messrs. de Neufvilles, altered their minds and refused to submit the matter to any persons. I write the fact simply without any observations; but I thought the accounts merited an investigation. And my only motive for now giving you the trouble of these particulars, is to show you that there were no obstructions thrown in the way, by the servants of Congress, to a settlement in Holland.

The Underwriters on the Elizabeth, have an action depending in England, and insist on my waiting the determination. I expect a suit at law with them.

Mr. Franklin is making out a copy of his bill book—Mr. Jay has written to Madrid concerning his—and Mr. Adams has furnished his; in which, from an inspection I have made, there appears one bill to have been twice paid. I shall give you a more particular statement when I have been enabled to compare the bills, which are in the hands of Fizeaux Grand & Co. of Amsterdam, with the account. The Polacre Caprice, Joachim la Douarin, master, from Rochfort to Philadelphia, with the remainder of the public stores that lay there, will proceed as soon as possible, and the bills of lading will be forwarded you from thence by Mr. Zachariah Loreilhe.

I have the honor to be, &c.

THOS. BARCLAY.

FROM THOMAS BARCLAY TO THE PRESIDENT OF CONGRESS.

L'Orient, November 15, 1784.

Sir,

I have the honor to enclose you two letters, one of which was sent to my care by Mr. Adams, the other from Mr. Dumas at the Hague, together with one addressed to Mr. Van Berckel.

You will doubtless have information in these letters, that the Emperor is marching forty-five thousand troops to the Low Countries, and that the Imperial and Dutch Ministers are withdrawn, from the Courts of each other. This seems to be the only news at present of any consequence. The town and port of L'Orient are now free to the vessels of every nation, and open for the reception and sale of any article of commerce, save manufactured tobacco and the private trade from India, the last continuing under the late prohibition.

I beg leave to assure you, that I am with great respect, &c.

THOMAS BARCLAY.



FROM JOHN JAY TO THOMAS BARCLAY.

Office for Foreign Affairs, }
April 15, 1785. }

Sir,

I have the honor of sending you herewith enclosed, four copies of "a statement of the duties payable by vessels of the United States of America in the ports of

Marseilles, Bayonne, L'Orient and Dunkirk." I think it would be well to inform yourself and me, whether Spain pays exactly the same duties.

I also, send by this opportunity, a copy of it to Mr. Jefferson, whom Congress has been pleased to appoint their Minister Plenipotentiary at the Court of Versailles, in the room of Doctor Franklin, who, at his request, has leave to return.

The Treasury Department is again organized. Mr. Osgood and Mr. Walter Livingston, two of the Commissioners lately appointed, having accepted and proceeded to do business. Mr. Gervais, of South Carolina, who had also been appointed, declining to serve, others have been put in nomination, and a third Commissioner will soon be elected.

I shall be happy to receive from you, such information from time to time, as you may think useful or interesting. Be pleased to make my compliments to Mrs. Barclay, and believe me to be,

Dear Sir, with great esteem, &c.

JOHN JAY.



FROM THOMAS BARCLAY TO JOHN JAY.

L'Orient, April 17, 1785.

Sir,

I must entreat the favor of you to lay a request, which I make through you, before Congress; and beg you will favor me with an answer as soon as convenient.

It is for permission to return to America, where the state of my private affairs very much requires my pre-

sence for a short time, and where I may, personally, be able to communicate the particulars of those transactions that have passed through my hands, since I had the honor of being a servant of the public. Added to these considerations, there are some arrangements necessary to be made in the consular department, and it would be a favorable opportunity for me to take the commands of Congress on that subject.

I have the honor to be, &c.

THOMAS BARCLAY.



FROM JOHN JAY TO THOMAS BARCLAY.

Office for Foreign Affairs, }
July 15, 1785. }

Sir,

I have now the pleasure of enclosing a copy of an act of Congress, granting you the permission requested in your letter of the 17th April last, to return to this country in the fall, and pass the winter in it. This letter will be accompanied by a packet of newspapers, which will inform you of the most recent occurrences here. Governor Rutledge is appointed Minister to the Hague, and we hope it will be agreeable to him to accept that place; but his answer has not yet reached us. As yet, we have no advices of Mr. Adams' being in London, though we have reason to think that he must have gone there long before this time. Doctor Franklin is probably on his way here; if not, be pleased to inform me

of it, by the next packet, for I omit writing to him, only from an apprehension that my letters would arrive in his absence.

I am, &c.

JOHN JAY.



FROM THOMAS BARCLAY TO JOHN JAY.

Paris, August 7, 1785.

Sir,

Having just heard of a ship bound from Amsterdam to America, I take the chance of reaching her by this post, to inform you that I have received a letter from Bordeaux, with advices that the Algerines have declared war with the United States, and are fitting out several vessels to cruise against them. I have this matter confirmed from L'Orient, and therefore, though possibly it may not prove true, I think it my duty to mention it to you, submitting to your judgment, what use you will make of the report, or whether, it will be proper to mention it at all, until it is confirmed, or contradicted; which shall be, as soon as I get any further information. I would forward you the original intelligence, but I sent it to Mr. Jefferson, and cannot recover it in time for the post in Holland.

A few days ago, I received your letter, with the enclosures relative to the expenses of the free ports; and will send you the papers you want, as soon as they can be completed.

I remain, &c.

THOMAS BARCLAY.

FROM MR. FOULANGE TO THE DIRECTORS OF COMMERCE
OF THE PROVINCE OF GUYENNE.

Translation.

Toulon, July 14, 1785.

Gentlemen,

Mr. de Ligondes, who has just arrived from Algiers, on board of the frigate *Minerva*, of which he is commander, informs me that that regency was arming eight vessels (xebecs and barques) of from eighteen to thirty-four guns, destined to cruise from Cape St. Vincent to the Azores, for the purpose of capturing vessels of the United States, against whom they have declared war. I hasten, gentlemen, to give you notice of this, not only on account of the interest which your place may have, in those vessels, but also that you will have the goodness to make it known to the American captains. The Algerines have another division of four vessels, but they are too small to cause uneasiness.

I have the honor, &c.



FROM JOHN JAY TO THOMAS BARCLAY.

Office for Foreign Affairs, }
August 3, 1785. }

Sir,

In my letter to you of the 15th ultimo, by the French packet, I had the pleasure of enclosing the copy of an act of Congress, (of which I now send a duplicate,) permitting you to come here in the Fall, and return early in the Spring.

I have now the honor of transmitting to you herewith enclosed, a copy of another act of Congress of the 18th ultimo, calling for an abstract of the settlement you have made of the accounts of the United States, and others, who have been entrusted with the expenditures of public moneys in Europe.

With sincere esteem and regard, I am, &c.

JOHN JAY.

Extract from the Journal of Congress, July 18, 1785.

“On motion of Mr. McHenry,

Ordered, That T. Barclay, Commissioner for Accounts in Europe, report to Congress an abstract of the settlement he has made, of the accounts of the servants of the United States, and others, who have been entrusted with the expenditure of public moneys in Europe.”

FROM THOMAS BARCLAY TO JOHN JAY.

Paris, October 11, 1785.

Sir,

I am favored with your letter covering a resolution of Congress, that I shall furnish an abstract of the public accounts which I have settled.

I shall leave Paris in about ten days, before which time, I expect to be able to send out some that are now arranging, together with the abstract desired, and my own account with the United States. In the meantime

I have the honor to be, &c.

THOMAS BARCLAY.

FROM THOMAS BARCLAY TO JOHN JAY.

Cadiz, May 14, 1786.

Sir,

Before my departure from Paris, I had the pleasure of receiving a letter from you, desiring me to send you an account of the expenses, which are paid at the four free ports in France, by American and Spanish vessels. It was my intention, after collecting these papers, to send them out to you under one view; but I have been disappointed in procuring them, for reasons that I cannot well explain, because I am not entirely master of them.

That from Mr. Francis Coffin of Dunkirk has got to St. Germain, where my papers and family are, and I have directed Mr. Frederick Ast to forward you three copies of it.

Mr. Etienne Cathalan of Marseilles wrote me, that he made various applications there without success, and that a great backwardness appeared both in the Spanish Consuls, and in the custom-house officers to give it to him. I have again requested his attention to the subject.

At L'Orient I met with the same obstacle; was repeatedly promised the papers, and my stay there being short, Mr. Zachariah Loreilhe undertook to send it to you.

Enclosed you have that from Bayonne, in which the charges of Spanish and American ships are the same, and amount to 150 livres 12 sols. There is one article in all the ports of France, which appears to me a grievance, and which I wish our ships could get clear of; I mean that of brokerage, a charge for little or no service, from 40 to 80 livres on each vessel. What I think much wanted, is a permission for the Americans to do their business

themselves, and not to be obliged to pay a broker, whether he is employed or not.

The charge for this article at L'Orient would by this time, have been 100 or 120 livres, owing to the encroachment of the broker, had I not opposed him, and even suffered an action at law to be brought against me. In all your commands, I beg you will believe me, with great respect, dear Sir,

Your very obedient humble servant,
THOS. BARCLAY.



CHARGES AT THE PORT OF BAYONNE.

	<i>Liv.</i>	<i>s.</i>	<i>d.</i>
Entry at the bar, where a boat must be taken, - - - - -	16	6	0
Another boat must be taken to come up the harbor, - - - - -	13	6	0
And if any more boats are employed, which are optional, the same price for each.			
Brokerage for doing the ship's business, entering and clearing her, - -	40	0	0
Charges of Admiralty and passports, -	82	0	0
<i>Livres,</i>	151	12	0

PARTICULARS of Port charges at Dunkirk, on a French or Spanish vessel, of the burthen of one hundred tons from a coasting voyage, viz:

			<i>Liv.</i>	<i>s.</i>	<i>d.</i>
Assistance of a boat inwards,	-	-	9	0	0
Pilotage inwards, at 3s. per ton,	-	-	15	0	0
Report of the Admiralty,	-	-	4	0	6
Hire of skeeds when employed,	-	-	3	0	0
Gauger's fees for measuring,	-	-	1	10	0
Admiral's passport,	-	-	2	8	9
Registering the same, key-master's fees,					
searchers, &c.	-	-	6	17	6
Ballast, 20 tons at 12s. per ton,	-	-	12	0	0
Pilotage outwards at 2s. per ton,	-	-	10	0	0
Broker's and Interpreter's fees	-	-	40	0	0
			Liv.	103	16 9

N. B. When an anchor and cable is left in the roads, 6s. per ton, on the burthen of the ships, is paid for salvage. The French and Spanish ships pay no bank pilotage.

PARTICULARS of Port charges at Dunkirk, on a foreign ship of the burthen of one hundred tons, from a coasting voyage, (i. e.) English, Dutch, Danes, Swedes, Americans and others, viz :

			<i>Liv.</i>	<i>s.</i>	<i>d.</i>
Assistance of a boat inwards,	-	-	9	0	0
Pilotage inwards, 5s. per ton,	-	-	25	0	0
Report of the Admiralty,	-	-	4	0	9
Hire of Skeeds when employed,	-	-	3	0	0

Gauger's fees for measuring the ship, -	3	0	0
Anchorage, at 3s. per ton,	15		
6s. per livre on do.	4	10	
	—	19	10 0
Admiral's passport, - - - -	2	8	9
Registering the same, key-master's			
fees, searchers, &c. - - -	6	17	6
Ballast, 20 tons at 12s. per ton, - -	12	0	0
Pilotage outwards, at 4s. per ton, - -	20	0	0
Broker's and Interpreter's fees for assist-			
ing the master in his report at the			
Admiralty, Custom and Navy Of-			
fices, proving his clearances, and			
assisting in all his transactions,	40	0	0
	Liv.	144	16 9

N. B. When an anchor and cable is left in the roads, 3s. per ton is paid on the burthen of foreign vessels for salvage, such vessels pay for bank pilotage 4s. per ton over and above, the in and outward pilotage mentioned in the above account, when the masters take a pilot to carry them through the banks.

The report of a vessel from a long voyage called *long cours*, is 12*liv.* 10s. 6*d.* instead of 4*liv.*

The Admiral's passport for a long voyage is 12*liv.* 8s. 9*d.* and the registering the same, key-master's fees, searchers, &c. is 15*liv.* 7s. 6*d.* instead of 6*liv.* 17s. 6*d.*

