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OBSERVATIONS

ON THE

DISPUTE

BETWEEN THE

United States and France,

ADDRESSED

By **ROBERT GOODLOE HARPER, Esq.**

ONE OF THE REPRESENTATIVES IN CONGRESS

FOR THE STATE OF SOUTH CAROLINA,

TO HIS CONSTITUENTS, IN MAY, 1797.

The Profits of this Pamphlet are devoted to the Benefit of the Philanthropic Society, by the EDITOR.

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1798.



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And it ought to be known, that the Editor had, in the first instance, actually offered the American copy to Mr. Stockdale, to publish for his own benefit; but apprehensive *then* of the risk, he rejected it,—*now* finding it to have such an extensive sale and call, he is, for the sake of a little paltry profit to himself, violating the confidence reposed in him by the Editor, when he agreed to sell it for the benefit of the Society.

PREFACE.

THE extensive sale which the following Pamphlet has experienced in this country, having occasioned a call for another Edition, it has been imagined that a few preliminary observations, with regard to the Author, as well as to the work itself, would not be unacceptable to the English reader.

Mr. HARPER is a lawyer of eminence in South Carolina, and was in the year 1795, elected one of its representatives in Congress. That State having suffered more than the other parts of the American Union, by the operations of the contending armies during the latter period of the American war, it was natural that Mr. HARPER, in common with his fellow-citizens of South Carolina, should retain much of the animosity against Great Britain, which that contest had excited.

In addition to this general sentiment, the rules which this country had laid down, at the beginning of the present war, respecting the commerce of France and her colonies, although strictly conformable to the law and practice of nations, and to the conduct observed in all former wars, had been greatly misrepresented by the activity of the partizans of the French in America. So general an impression had indeed been produced on this subject, that the orders of the British government to its cruizers were commonly considered, even among the best informed Americans, not only as unprecedented and unjust in themselves, but also as being in their object particularly directed against the commerce of the United States, although they were

in fact no more than the consequences of principles recognized and acted upon in all maritime wars for more than two centuries past.

It was probably under such impressions as these, that the greater part of the Delegates, chosen at that time to the Congress of the United States, arrived at Philadelphia. It was generally understood that among these, the prepossessions of Mr. HARPER were such as would probably render him one of the most active opponents of the Treaty, signed by Lord Grenville and Mr. Jay, in 1794. It would be too long to enter here into a detail of the motives that actuated different parties in America, which, in 1796, supported or opposed this Treaty, framed with the view of reconciling all subsisting differences, of removing the causes of dispute to which the hasty and inaccurate stipulations of the Treaty of Peace of 1783 had given rise, and of establishing permanent friendship between two countries which have so many natural bonds of union. It is sufficient to observe that Mr. HARPER, being, on examination and full discussion, convinced of the justice and liberality of the principles on which that agreement had been founded, and satisfied with the measures taken for removing the subjects of former dissention, and for preventing future disputes, became one of the most strenuous supporters of the Treaty in the House of Representatives, and vindicated his conduct on that occasion, in an Address to his constituents, which he shortly afterwards published.

The same conviction governed his opinion with regard to the differences subsisting between the United States and France. Many of the causes of complaint on the part of America against

that power were anterior in date to those which had been alledged against Great Britain, and they were aggravated by the additional circumstance of their being in direct violation of the Treaty concluded between the United States and France, in 1778. Great Britain had, on fair representation made to her, treated with America for the removal of every cause of complaint, and had actually concluded for that purpose an agreement of mutual liberality and reciprocal benefit. France pursued a line directly opposite to this, and entirely conformable to those principles of injustice, and violence towards foreign countries, which form so striking a feature in the system of Jacobin government. Remonstrances on this subject had, from time to time, been made by the American government to the different parties which so rapidly succeeded each other in the administration of public affairs in France. In answer to these, the language of France was occasionally varied according to the circumstances of the moment, and the successes or defeats of her armies in Europe. But no real prospect of redress was in fact ever held out on any other terms than that the United States should consent to join France in a war against Great Britain, which America justly considered as wholly unprovoked and offensive, on the part of France, and defensive on that of Great Britain.—All hope of carrying this point was at once precluded by the signature and completion of the Treaty between Great Britain and America; which, although it contained a reserve for the full execution of all former engagements between America and France, was calculated to maintain a lasting peace and friendship between the British and American governments. The rage occasioned by this disappointment soon induced the rulers of France to throw aside the flimsy veil with which they, and their predecessors, had en-

deavoured to cover their proceedings towards the United States, and accordingly, Mr. Adet, the last of three French Ministers in America, who had each attempted, sometimes to cajole, and sometimes to bully the American government into a war with England, withdrew from America, after having delivered to that government a note couched in the usual terms of insolence and outrage, which France adopts towards all other countries. And this Paper, on the very day on which he had presented it, he published and disseminated throughout the United States.

The grounds of complaint advanced in this Note, the appointment of an Envoy Extraordinary sent to Paris to treat for the maintenance of peace, the refusal of the directory to receive that minister, his subsequent dismissal from Paris, are detailed in Mr. HARPER'S Pamphlet—and the line of conduct, which America ought in such circumstances to pursue, is discussed with singular ability and judgment.

Of the merit of this work the best testimony is afforded by the favorable reception of the *first* Edition of it here, and by the terms of approbation in which it has been spoken of in the two Houses of Parliament.

As a subject of curiosity alone, it must be interesting to an English reader, to learn the causes which are tending rapidly to produce hostilities between France and America—a country originally the most favorable to the French Revolution, and one whose avowed neutrality was long the favorite theme of praise with the British Opposition, while its real partiality to our enemies was matter of regret to those who espoused more warmly

the cause of their own country. But this Pamphlet creates a higher interest, when it shews that the system of French policy is the same in America as in Europe. That the principles which it pursues are uniform and unvarying, that its internal interference and intrigues in the affairs of other countries have not been confined to England, or Holland, to Germany, Italy, or Switzerland, but that insurrection and anarchy are universally the instruments which it seeks to employ, for the purpose of rendering all other nations subservient to its power. In a third point of view, this Publication is also an object of attention to the people of Great Britain, since it contains the unbiassed decision of an inhabitant of another country, far removed from the contentions of our local politics, pronouncing upon the evidence which was before him, and which he has submitted to his Readers *, that France was the aggressor in the present war †, a fact against which no argument has ever been brought, but which continues to be denied by hardy, though unsupported

* See Page 93, of this Pamphlet. The Note there contained is in the original Edition, and is particularly deserving the attention of every Englishman.

† If the Reader is desirous of obtaining any farther proof, not only of this fact, but of the determination of Great Britain and Holland to avoid the war as long as possible, he may refer to Bouillé's Memoirs, chap. 12. which contains some very interesting details relative to the pretended Treaty of Pilnitz, which now appears never to have existed. He should particularly remark the express declaration of the Emperor Leopold, that England was resolved to maintain an exact neutrality towards France, and a letter of the late King of Sweden, stating, that it would be a great point gained if the powers then coalesced against France could even be assured of that neutrality: The doubt expressed by the King of Sweden on this point probably referred to an insidious report made at that time to the Convention by Vaublanc, in the name of the Diplomatic Committee, in which he insinuates (evidently on the authority of M. Talleyrand, the present Minister of Foreign Affairs in France) that England was at that period disposed to join with France against the rest of Europe—an assertion equally groundless with those which M. Talleyrand is now every day repeating, that England had then joined those Powers against France.

assertion, both in Parliament and through the medium of the press.

While this Edition was preparing, a circumstance has occurred, which must bring the contest between the United States and France to an immediate issue, and which fully evinces the propriety of the precautions that Mr. HARPER has pointed out to his countrymen. A decree has been passed in France, declaring that any neutral vessel, having on board any articles, either the production or manufacture of the British dominions, *though the property of neutral subjects*, should be condemned, together with its whole cargo, as lawful prize, if captured by any French cruisers. This truly piratical act, unexampled in the history of the civilized world, attacks the commerce of every neutral power, but it strikes at the very existence of that of the United States ; since it is scarcely possible, according to the present course of its trade, to freight a vessel of that country for any commercial voyage, whether, in the first instance, homeward or outward bound, the cargoes of which shall not in part comprehend some article of the production or manufacture of the British dominions in the four quarters of the world. The necessary consequence, therefore, must be, either that the United States must totally abandon their commerce and navigation, or must have recourse to the same means of preserving their rank and station, and even their existence, as an independent country, to which Great Britain has been driven, by similar measures, and for the same object.

London, January 24, 1798.

OBSERVATIONS, &c.

IT will be recollected, my fellow-citizens, that while I have claimed, as one of the representatives of the American people, the right of acting according to my own judgment, on all questions which concern their general interests, I have always deemed it my duty to you, from whom I received the appointment, to make you acquainted not only with my opinion and conduct on every important measure, but also with the reasons by which I have been guided.

This duty I am now about to fulfil in a case of the highest importance. Having, on two former occasions, declared to you in the most unreserved manner, my opinion respecting the differences which have unfortunately arisen between this country and France, I am now about to explain the reasons whereon that opinion is founded.

After stating some considerations which have induced me to believe that the charges alledged against us by France, are wholly unfounded, I shall endeavour to place her conduct and views respecting this country in their true light, and to develop the general system of policy towards other nations, which she appears to be pursuing. This part of the subject I apprehend will be found deserving of particular attention; for without taking into view her general plan of foreign policy, it will be extremely difficult to discern the principles whereby her conduct towards ourselves is directed.

And permit me, fellow-citizens, to introduce my remarks on this subject, by a declaration to the truth whereof most of you can bear witness. Permit me to declare, that while France appeared to be engaged in a struggle for liberty and national independence, no heart beat higher than mine with affection for her cause. I joined with enthusiasm in the general exultation of my country for

her victories, mourned for her disasters, and wished to draw a veil over her crimes, her follies, and her excesses. Even her crimes appeared only as mistakes in my eyes, and her most enormous atrocities as natural, and perhaps necessary consequences of the violent external and internal struggles wherein she was engaged: I called them the crimes of the revolution, not of France, and I pardoned them. Where I could not pardon, I excused them, I palliated. I considered her as fighting in the cause of freedom and humanity, and an end so excellent afforded much consolation for the means which she often employed.

This end we have now seen her most fully attain. We have seen her repel all her enemies, and establish her independence upon the firmest and most formidable basis. We have seen her, instead of being crushed herself, threatening to crush all the surrounding states; annexing some to herself, reducing others to an absolute subserviency to her will, and making deep inroads on the power of the rest; we have seen her, after various revolutions at home, adopt at length the government for which she contended, the government of her own free choice.

Why then, instead of confining herself to her own defence, has she become the assailant? Why does she refuse that peace which her enemies have over and over proposed, and whereby she would be left in possession of very large acquisitions? Why, after renouncing repeatedly, and in the most formal manner, all idea of conquest, does she still press on to new conquests, and proudly refuse even to treat for peace, unless all that she has seized be first confirmed to her, and all that she has lost be first restored?*

Why does she compel all those states, whose counsels she can influence or controul, to join her in the war?

* It is on this ground that she has twice repulsed the advances of England and Austria; she has expressly refused the basis of *mutual restitution*, and declared that she would not hear any proposal resting on it. This amounts to saying, All that I have taken I will keep, and all that you have taken you shall give up, and then I will hear what you have to say.

Why does she endeavour to excite the Russians and the Turks against Austria, which offers and even solicits peace on terms highly advantageous to her? Why does she attempt to bribe Prussia with a part of the spoils of Austria, to assist her in reducing it under her power? Why does she strive to arm every neutral state against the commerce of the English, and to exclude their ships from every port? Why does she declare that she will never lay down her arms until she has broken and destroyed the maritime strength of England?

It is that she has formed a plan of aggrandizement at the expence of all her neighbours: That after the example of the Romans, those ferocious and systematic destroyers of mankind, she has resolved to make all Europe, and finally the whole world, bend beneath her yoke; a resolution in the accomplishment whereof she pursues the Roman policy, of dividing to destroy; of bribing one nation with the spoils of another; of inticing the stronger to inaction, reducing the weak to submission, and by the resources of the one, and the connivance of the other, breaking the strength of those whose power she dreads, and whose policy she cannot deceive.

And is this a project, my fellow-citizens, in which we ought to wish her success? Is it desirable that the balance of power, whereby the great nations of Europe have heretofore been mutually checked, and in some degree confined within the limits of justice and moderation, should be wholly destroyed, to make way for one uncontrouled and despotic master, whose power being unchecked, must, from the very constitution of human nature, be constantly abused? Is this a plan which deserves the good wishes of this country? Shall we be more safe when Europe shall have been reduced under the uncontrouled influence of France, than while her power is checked and balanced by that of other nations, who will be induced by the desire of preserving that balance to shield us from her aggressions? I believe that every principle of sound policy will answer in the negative.

Had France, however, been content to pursue her projects of ambition in Europe, and leave us in peace,

though we might have wished, for the good of humanity, to see them defeated, yet a due regard to our own interests, and even to those of the civilized world, would have forbidden us to join in the attempt: For although we should certainly be exposed to temporary evils by the preponderance of her power, yet our strength increases with a rapidity, which must place us, in a very short time, beyond the reach of danger or dread; and may also enable us to preserve the liberties of mankind, by forming a counterpoise and a check to the ambition of France, after they shall be lost in Europe. This strength would be greatly diminished, and its increase long retarded by a premature exertion. To remain in peace, therefore, amidst the present conflict of empires, was a duty to ourselves, to posterity, and to the human race.

This wise policy, the result of deep foresight, and of an enlightened regard to the interests of this country and of humanity, was early adopted by our government. But France did not thus judge, nor so determine. She early saw in this country a powerful instrument for promoting her ambition, and she early formed a resolution to use it. Hence her efforts to gain the controul of our affairs; Hence her unceasing endeavours to excite jealousies against the government, and divisions among the people, to blow up our animosities against England, and foment our ancient discontents. Hence those unfounded pretensions which we saw her first minister set up; pretensions which, if admitted, must have placed the affairs of this country entirely under his controul. Hence did we see him, when the government refused to yield to these pretensions, treating it with insult and outrage, and threatening to appeal from its decisions to the people. We saw him arm and commission privateers in our ports, against the express orders of our government, and send them to sea in contempt of its authority. We saw him attempt to levy an army in our country, for the purpose of invading nations with whom we were in peace. We saw him make a formal complaint against the President for refusing to convene Congress at his instance.

All this he did in the avowed pursuit of the object of

his instructions, which, to use their own words, enjoined him, "to excite to the utmost the zeal of the Americans, "and induce them, if possible, to make a common cause "with France."*

When he was recalled on our complaining of his conduct, our warm and partial regard for France induced us to hope, and even to believe, that the system was relinquished with the change of the minister.

We soon however found our mistake; we found that not the object, but the mode of pursuing it had been changed; and that instead of threats and blustering, whereby it was perceived that the plan was counteracted instead of being promoted, an artful insidious course was adopted, more dangerous because more deceptive.

With this change in the form, the principles and substance of Genet's system were invariably pursued by his successors: The same attempts to drive us from our neutrality, under the pretence of preserving it, were renewed and incessantly repeated: His most inadmissible pretensions, those pretensions, so incompatible with our sovereignty, so repugnant to our system of impartial neutrality, were renewed and incessantly urged; and the steady refusal of our Government to yield to them, with its firm resolution to persist in conducting our affairs in the manner which it conceived most conducive to our interests, and most consonant with justice towards other nations, have been made the ground of proceedings on the part of France, the most insulting and injurious. The French Government has at length made that appeal to the people of America, which her Ministers formerly threatened. It has explained its pretensions, stated its complaints, and detailed its injuries. In revenge for those injuries, as it informs us, it has broken the treaty between the two countries, let loose its ships of war and privateers to pillage and maltreat our citizens, and has insultingly driven from its territory a Minister sent expressly to explain and conciliate. It has declared that it

* See the instructions to Mr. Genet, published by himself on the 20th of December, 1793.

will hear nothing from us, until the injuries of which it complains are redressed ; or, in other words, that we must submit to the terms which it shall think proper to prescribe, before it will deign to negotiate, or even to converse on the points in dispute. It has informed us that it is "terrible to its enemies"; reminded us, as it has very frequently done before, that we are indebted to it for our independence ; and promised "that when we bring back our Government to its true principles, we shall again be regarded as friends and allies."

It has said in effect, "you, Americans, whom we redeemed from slavery, when you were about to sink again under the yoke of your former masters, and who for that reason ought to become in all things subserviant to us, have instituted a government, which, in the management of your affairs, has presumed to judge for itself, and refused to be guided by our directions. As a friendly admonition of our just displeasure, we take your vessels, confiscate your property, and throw your citizens into dungeons and prison-ships; for we are terrible to our enemies." But as soon as you shall reclaim your government from its errors, and teach it to conform to our will, you shall again be received into favor. In the mean time, having signified to you our pleasure, we expect silent and submissive compliance. We will hear nothing from you, or from this government which has given us offence, until you repent and amend. The rod, under which you now smart, shall still be extended over you, till you kiss it and return to your duty. Then indeed will we hold out the sceptre of forgiveness; for though 'terrible to our enemies,' we are generous to our friends." This is the plain language of their conduct, the true interpretation of their words.

And is America so low, so fallen, that she must tamely and submissively kiss this rod? Has that spirit which twenty years ago, when she had not half her present population, not a tenth part of her present wealth, no government, no bond of union among her

different parts, no experience of her strength, no establishments of national defence, no name, no existence as a people, which then impelled her to resist the haughty pretensions and tyrannical encroachments of Britain, in the zenith of her power and elated by her recent triumph over the arms of France: Is that spirit so totally extinguished, that she must crouch at the feet of this haughty, this ambitious republic, and by abject submission, purchase a precarious, a dishonourable quiet? Americans of 76, ye who fought at Bunker's Hill, at Bennington, at Quebec, at Saratoga, at Monmouth, at Guilford, King's Mountain, Eutaw and the Cowpens; companions of Warren, of Montgomery, of Gates, of Mercer, of Morgan, of Wayne, of Green and of Washington, where have ye retired? Has your courage rusted with your swords; or is the soil which gave you birth, no longer capable of nourishing Patriots and Heroes? Shall your country, that country which notwithstanding the insulting taunts of this proud republic, your arms rescued from the oppression of a tyrannical parent, shall it reap no other fruit from your toils and your blood, than to be reduced under the obedience of an unjust and ambitious neighbour, who in return for benefits always gratefully acknowledged, though conferred because they were useful to herself, and with which for four years past she has never ceased to upbraid us, claims a surrender of our interests and our rights, and the direction of our affairs? I hear you with one voice answer, NO. "The sons of America," I hear you cry "should her wise and moderate endeavours to preserve her rights by peaceable means still prove unsuccessful, will again at her call beat their plowshares into swords, and the proud and insolent aggressor shall soon be convinced, that a brave and just people, though long patient under injuries from those whom it once loved, will rouse at last, and desirous of peace will remember that it must sometimes be preserved by war."

The American people, then, my fellow-citizens, and you as part of them, are called upon to decide between their own government and that of another nation; to

decide whether their affairs shall be conducted by those whom they have selected for that purpose from among themselves, or by the agents of a foreign power: Whether that power under pretence of a treaty, which it asserts an exclusive right to expound, and claims the privilege of violating as often as its operation shall be found disadvantageous*, and of the law of nations, which it has publicly professed to disregard†, shall snatch the reins of our government from the hands in which we have placed them? Whether, in fine, they will give their confidence to men of their own choice, having the same interests with themselves, or to strangers and foreigners, charged with the interests of another country, and always seeking to promote them at our expence? Can the decision be difficult!

And what are these pretensions, which France enforces by the plunder of our merchants, and the imprisonment of our citizens? What are those injuries which she avenges by insulting our government and our country, and whereof, with a more than magisterial haughtiness, she declares that the redress shall precede all explanation?

She complains of our treaty with Great Britain, of

* See Mr. Adet's note of October 27, 1796; where this right is expressly asserted.

† See the letter of M. Tilly, French Charge des Affairs at Genoa, to the Secretary of State of that republic, dated July, 24, 1794: Debret's State Papers, vol. 2, p. 347—In a controversy between them, the Genoese Secretary relied on the law of nations: M. Tilly replied, "that he did not acknowledge as public rights, (*Droits publics*, which ought to have been translated "*public laws*) papers drawn up under the authority of kings." It was to ascertain and establish the true public law, he said, that the French had taken up arms, "until this work of theirs, he adds, "shall be completed, their ministers, resident in foreign states, "are bound provisionally to make the French name respected, by "conducting themselves conformably to reason and justice, which "are the only basis of true public rights:" Of this *reason and justice* the French themselves were to be the judges, and under this pretence, they were to controul and set aside the established law of nations.

This was pretty much of a piece with the declaration of Mr. Genet, who thanked God that he had long since forgotten what was contained in the *worm-eaten volumes of Vattel, Grotius, and Puffendorf.*

the construction which we have put on some articles of her own treaties with us, of our refusal to form a new and more comprehensive treaty with her; of a backwardness, which she says, has appeared on our part, to accept her assistance in our negotiation with Algiers, and of violations of our neutrality, which, she alledges, we have authorized, or winked at in favor of England. Of the British treaty she complains, "that it is a violation of the treaty concluded with France in 1778, and equivalent to a treaty of alliance with Great Britain." She declares that in this treaty "the United States have knowingly and evidently sacrificed their connections with the republic, and the most essential and least contested prerogatives of the neutrality."

But in this treaty the rights of France are expressly secured; for in the twenty-fifth article, it is provided, that, "nothing in the treaty contained shall be construed, or operate, contrary to former and existing public treaties with other sovereigns or states." How then can this treaty infringe the rights of France, or violate the treaty subsisting between her and this country?

But she replies, it makes concessions to Great Britain of important rights; admitting this to be true, France could not complain; for those rights would immediately become common to her: It being expressly stipulated in the second article of her treaty with us "that neither of the parties shall grant any particular favor to other nations, in respect of commerce or navigation, which shall not immediately become common to the other party, who shall enjoy the same favor freely, if the concession is freely made, or on allowing the same compensation, if the concession was conditional;" each party, therefore, may make concessions to other nations. There is nothing in the treaty which forbids it; and if it should be done, the other party cannot complain; It, however, becomes entitled to the benefit of the concession.

But what right have we conceded to the British by the late treaty? France charges us with having conceded to them the right to take the goods of their enemies

out of our neutral ships ; the right to consider various articles as contraband, which are not so by the law of nations ; and the right, in some cases, to consider even provisions as contraband.

As to the right of taking enemies' goods out of neutral vessels, it is not a right conceded to Britain by the treaty ; the treaty says not one word about it, except that it shall hereafter become the subject of negotiation ; and, that if vessels, in the mean time, shall be stopped on that account, they shall be released with as little delay and inconvenience as possible : It is a right, indisputably given by the law of nations ; and which Britain, though we urged her to the utmost of our power, refused to surrender at present ; the exercise of it being of the greatest importance to her in the present war : She, however, intimated that, hereafter it might perhaps be relinquished. It was then agreed that things should remain, for the present, on the footing whereon the law of nations has placed them, and that hereafter negotiations shall take place on the subject. Does this look like conceding a right ? What more could we do ; could we make war with Britain, to compel the relinquishment of this right ? This, no doubt, was what France wished ; it has been the object of all her intrigues, all her threats, and all her complaints ; but our government wisely took a different resolution.

That this right was given to Britain by the law of nations, we have the express authority of Mr. Jefferson, of every writer on this subject, and of France herself.

Mr. Jefferson, in his letter to Mr. Genet of July 23, 1794, says, “ I believe it cannot be doubted, that by
 “ the general law of nations, the goods of a friend found
 “ in the vessels of an enemy are free, and *the goods of an*
 “ *enemy found in the vessels of a friend, are lawful prize.*
 “ Upon this principle, I presume, the British vessels
 “ have taken the property of French citizens found in
 “ our vessels ; and I confess I should be at a loss on
 “ what principle to reclaim it. It is true, that sundry na-
 “ tions, desirous of avoiding the inconvenience of having
 “ their vessels stopt at sea, &c. have, in many instances

“ introduced, by their special treaties, another principle
 “ between them, that enemy-bottoms shall make enemy-
 “ goods, and friendly bottoms friendly goods; *but this*
 “ *is altogether the effect of particular treaties, controul-*
 “ *ing, in special cases, the general principles of the law*
 “ *of nations.* England has generally determined to ad-
 “ here to the rigorous principle”—Afterwards, in his
 letter of August 16th, 1793, to our minister in Paris on
 the subject of Mr. Genet’s conduct, he says, “ We
 “ suppose it to have been long an established princi-
 “ ple of the law of nations, that the goods of a friend
 “ are free in an enemy’s vessel, and *the goods of an*
 “ *enemy lawful prize in the vessels of a friend.* We
 “ have established a contrary principle, that free ships
 “ shall make free goods, in our treaties with France, Hol-
 “ land, and Prussia; it is our wish to establish it with
 “ other nations; but this requires their consent also,
 “ and is a work of time. *In the mean time they have a*
 “ *right to act on the general principle, (that enemies’*
 “ *goods are prize on board of neutral ships) without*
 “ *giving us or France cause of complaint.*”

So say all the most respectable writers on the law of
 nations, with Vattel at their head, whose works, though
 treated with contempt by Mr. Genet, and called, “ worm-
 “ eaten volumes,” are acknowledged as authority by all
 the nations of Europe.

France, however, has sufficiently proved, not only
 by her declarations, but by her conduct, that she pays
 no regard to the writers on the Law of Nations, or to
 the law itself; but perhaps she will permit her own
 laws and public acts to be relied on as authority.

By her treaty with this country in 1778, she ex-
 pressly relinquished the right of taking enemies’ goods
 out of neutral vessels: she did the same thing by her
 treaty with England in 1786; but why should she re-
 linquish this right, if she did not believe herself to have
 possessed it? How could she possess it but by virtue
 of the law of nations? That she did believe herself to
 possess it, is most evident, from her Marine Laws, in
 one of which, passed in the year 1744, and in force

when this treaty was made; it is provided, "that if
 "there are found on board of neutral vessels, of what-
 "ever nation they may be, merchandises belonging
 "to the enemies of his majesty, (which is the same as of
 "France) they shall be good prize, even though they
 "be not of the growth or manufacture of the enemies'
 "country."

If then it be not permitted by the law of nations, to take enemies' goods out of neutral vessels, the standing marine regulations of France, which remained of force from 1744 to 1778, little less than half a century, were a plain and direct infringement of that law.

And yet France alledges that, we have conceded to Great Britain the right to take the goods of her enemies out of our neutral vessels!

She even pretends that, the law of nations is altered in this respect, by what she calls the principles of the modern law, introduced by the armed neutrality; and this modern law of nations she says we have abandoned.

But what is this armed neutrality, by which the law of nations is said to have been altered? What is this modern law of nations, by which the former system is said to have been superseded?

During the American war, the Empress of Russia published a declaration of the principles on which she would protect her subjects in carrying on commerce. One of these principles was, "that free ships should
 "make free goods." She invited the neutral powers to join with her in this declaration, and ordered her fleet to arm in support of it. Several of them did join, particularly Denmark, Sweden, and the other northern powers, and they entered into a convention to support each other. This is what was called "the armed neutrality," which being no more than a partial agreement among certain states, in the nature of a treaty, could make no alteration in the general law of nations. It could only, like any other treaty, modify that law with respect to the contracting parties themselves.

Yet this agreement, thus partial in its extent, and violated since by its authors themselves, is the modern

law of nations, for the establishment and defence of which, the United States are required by France to engage, against the most obvious dictates of prudence, in a quarrel with the greatest maritime power on earth.

If the charge of conceding to Britain the right to take the goods of France out of our vessels, a right which the law of nations gives her, and which, far from conceding, we did all in our power to prevail on her to relinquish, has appeared to be wholly untrue; that which relates to contraband, is equally void of foundation.

By the law of nations, there are certain goods which neutral nations cannot carry to one power at war, without their being good prize, if taken by the other; these goods are called *contraband*; they include, according to the best writers on the law of nations, " commodities particularly used in war; such as *arms*, military and " *naval stores*, *ship-timber*, *horses*, and even provisions " in certain junctures;" and the prohibitions rests on this principle, that a nation engaged in war, has a right, as a natural means of defence, to prevent its enemy, as far as it can, from being supplied with those things which are peculiarly of use in carrying on the war; but though the law of nations enumerates the articles which shall be considered generally as contraband, and specifies the particular cases, in which even other articles may be added to the list; yet in this respect, as in all others, its operation, as to particular states, is liable to be restricted and modified by treaties between them. Two states, for instance, have a right by the law of nations, to consider naval stores as contraband, and each to prevent the other from carrying them to its enemy, as far as this can be effected by capture and condemnation; but these two states may agree mutually, to relinquish this right; and may make a treaty for that purpose; this treaty does not alter the law of nations, as to others; any more than an agreement between two men, that neither of them should go along such a road, would prevent other people from using it: It only restricts the operation of the law as to themselves.

Treaties of this kind are very usual among nations : In some of them naval stores are agreed to be contraband ; in others, not. In our treaty with France, made in the year 1778, the right to consider ship-timber and naval stores as contraband is mutually relinquished. When we came to treat on this subject with Great Britain, we were anxious to prevail on her to relinquish it also ; but she refused : She insisted on her right by the law of nations, and we had no means of compelling her to recede ; naval stores and ship-timber, therefore, notwithstanding our efforts to get them excepted, continue to be contraband between us and Great Britain, as they were before the treaty.

And yet one of the accusations of France against the United States, and against the treaty, is, this it has ceded to Britain the right of considering naval stores as contraband ! We are charged with giving to Britain, what she had before, and what we strove in vain to make her relinquish !

But, says France, if ship-timber and naval stores were contraband before, why mention them in the treaty ? Because it is useful, that the rules whereby the conduct of nations towards each other is to be regulated, should become as public, as precise, as little doubtful as possible : Any merchant can read a treaty, though every one does not find leisure or opportunity to study the law of nations ; for this reason, and a very good one it is, the enumeration was made.

The last accusation of France against this treaty is, “ That it concedes to Britain the right of considering even provisions as contraband ; and thereby becomes manifestly injurious to France, whose supplies from this country. it permits Britain to cut off.” This charge, is, if possible, even more void of foundation than the former.

The part of the treaty complained of, is the second clause of the 18th article ; which, instead of being a concession by us to Britain, is a very valuable concession by her to us ; and far from offering any injury to France, must, when it affects her at all, operate very

much to her advantage ; to prove this, nothing more is necessary than simply to recite the clause ; which is in the following words :

“ And whereas the difficulty of agreeing on the precise cases, in which alone provisions and other articles not generally contraband, may be considered as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise. It is further agreed, that whenever any such articles, so becoming contraband, *according to the existing laws of nations*, shall, *for that reason*, be seized, the same shall not be *confiscated*, but the owners thereof, shall be speedily and completely indemnified ; and the captors, or in their default, the government under whose authority they act, shall pay to the masters or owners of such vessels, the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.”

To what cases do the regulation in this clause apply ? To such, and such only, where provisions, &c. may be regarded as contraband *by the existing law of nations* ; are there any such cases ? No maxim in the law of nations is clearer or better established, than that there are such ; and if there are not, then it is manifest that the article is perfectly harmless. And when provisions, &c. are seized in such cases, what is to be done with them ? Instead of being confiscated, as they might be by the law of nations, they are to be paid for with a mercantile profit, freight, and damages for the detention : In which case is the risk to the merchant least ? Certainly in the latter, where his goods, if taken, are not, as in the former, to be condemned as prize, but paid for with profit and charges : Which regulation, that of the treaty, or that of the law of nations, is the most beneficial to France ? Certainly that of the treaty ; for where the risk is the least, the merchant will be most inclined to send her provisions : And on what account was this regulation adopted ? To prevent those *misunderstandings* which might arise between us and Britain, from the difficulty

of ascertaining the cases in which provisions are made contraband by the law of nations.

And yet France alledges that, we have ceded to Britain the right of considering provisions as contraband! And yet this article so just in itself, so liberal on the part of Britain, so beneficial to us, and so useful to France herself, has been laid hold of by her, as a ground of quarrel! Whence can proceed her displeasure at this article? The true cause of it is to be found in the word "misunderstandings." The tendency of this article, to prevent "misunderstandings" between this country and Britain, has given umbrage to France; those misunderstandings which it has been her unceasing endeavour to foment, and her constant hope to blow up into a quarrel.

Hence too her anger at the treaty: Hence those objections so manifestly unfounded; those flimsy pretexts, which throw so thin a veil over her real motives. She saw many causes of difference existing between this country and England; she saw those causes aggravated by ancient resentments, and recent injuries; and she looked, with confident and eager expectation, to the moment, which she thought fast approaching, when these differences should produce an open rupture: then should we become her associates in the war; then would our commerce be cut off from her rival; then, like Holland and Belgium, should we have been placed under the controul of her agents, our ports possessed by her ships, our towns seized by her troops, our country pillaged to replenish her armies, and our resources exhausted to supply her treasury. If we escaped the necessity of surrendering to her, as Holland has been compelled to do, important parts of our territory, as the price of what she would not have failed to call "her protection," we should have had much reason to rejoice in our good fortune.

These prospects, which she regarded as so certain, and contemplated with so much pleasure, were blasted by the treaty. By it she saw our differences composed, a mutual spirit of justice and conciliation restored, and

the foundation of a friendly and beneficial intercourse solidly laid; hence, her efforts to prevent its conclusion; hence, her disappointment and rage at its final accomplishment

Thus manifestly unfounded, fellow-citizens, thus plainly destitute of even plausible appearances, are the ostensible objections; thus unfriendly and mischievous to us are the real motives from which the French government declares, "that she regards this treaty as a violation of that between her and this country, as equivalent to an alliance with Great Britain, and as a wilful and evident sacrifice on the part of the United States, of their connections with France and of the most essential and least contested rights of neutrality."

Let us examine her next charge, the charge of having put a wrong and injuries construction on some articles of her treaties with us.

Under this head she complains, that contrary to the 17th article of the treaty of commerce, we have suffered our courts of justice to take cognizance of prizes brought into our ports by her armed ships; that in violation of the same article, British ships of war, which have made prize of her vessels, have been allowed shelter in our harbours! That we have suffered British ships to arm in our ports; that we have prevented the sale of her prizes, which, she contends, is permitted by the treaty: That a provision of the consular convention, which makes part of the treaties, has been rendered ineffectual by our neglect to pass laws for enabling the French consuls to enforce their decrees; that our judges and magistrates, in contempt of the fifth article of this consular convention, have required the masters of French ships, applying for warrants against absconding sailors, to produce in evidence the original roll of their crews instead of the copy, whereby the power given to French consuls of causing the arrest of sailors who desert, has been greatly impeded: And finally, that contrary to the 19th article of the treaty of com-

merce, we suffered a public ship of war, belonging to France, to be arrested in one of our ports, for acts done on the high seas.

It is not of the decision of prize causes made by our courts that France complains; it is the right to decide for which she contests. She alleges, that by the treaty of 1778, article the 17th, our courts are prohibited, in all cases whatsoever, from taking cognizance of captures made under colour of a French commission. This is the true point of dispute. If the courts be thus prohibited, their decisions, however upright and legal in themselves, must be improper. If, on the contrary, they have a right, notwithstanding the treaty, to take cognizance in certain cases, of prizes made under pretence of French commissions, they must be the judges when those cases occur, and no complaint can be admitted against their decisions.

I have said, "under the pretence and colour of a French commission;" because, if the allegation of the French government be well founded, our courts are precluded in all cases where any thing called a French commission is produced; they can take no cognizance; can enquire into nothing; consequently they cannot even enquire whether the commission be true or forged; whether the vessel be in fact a privateer or a pirate.

To admit this pretension, would be to admit in the words of Mr. Jefferson,* "that any armed vessel of any nation, might cut away our own ships, or those of persons coming to trade with us, from the wharves of Philadelphia, Charleston, or New York, and by calling them prizes, prevent our courts from redressing the wrong." Can it be conceived, that any nation would cede such a right by treaty? The stipulations on this subject between us and France are mutual. Can it be conceived, that France has intended to cede, or now would permit such a right to us? We know perfectly well that she would not.

* See his letter of August 1793, to Mr. Morris at Paris.

The 17th article of our treaty with France indeed stipulates, that the prizes made on its enemies by one party shall not "be arrested or seized when they come to enter the ports of the other; nor shall the searchers or other officers of such ports search such prizes, or make any examination concerning their lawfulness." But we contend that the prizes here intended are prizes made on the high seas, without the jurisdiction of either party; and not by its people, or by vessels equipt or armed in its ports. We contend that notwithstanding this stipulation, we have a right to protect our own vessels and those of our neighbours, within our territories, and the jurisdiction of our laws; that we have a right to prevent vessels from being armed and fitted in our ports for cruising against nations with whom we are at peace, and to restrain our citizens from carrying on war against those nations under a foreign commission. These rights we contend, we ought to enforce, by restoring property taken in contempt of them whenever it comes within our power. This, and this alone, our courts have done. In these three cases alone have they taken property from French captors, and restored it to the owners: Where it was taken, either within, the jurisdiction of our laws; by our own citizens, under French commissions; or by vessels fitted out, armed, or equipped for war in our ports.

Of this France complains. Her Minister had armed and commissioned privateers in our ports; her armed vessels had seized ships, not only within a league of our coast, to which distance, by the Law of Nations, the jurisdiction of every country extends, but even in the Delaware: Our citizens had taken French commissions, and under them made prize of vessels belonging to nations at peace with us. When prizes, made in either of these three cases, were brought into our ports, the courts interfered, and after trials, in which the facts were proved, restored the property to the former owners. It is by this interference, so necessary for maintaining our neutrality and the inde-

pendence of our government, that France alledges we have broken the treaty.

But this interference is justified not only by necessity, but by the Law of Nations, and their universal practice. To these, however, France has shewn that she pays very little regard; and to discuss the points would lead to too great a length. But fortunately, we are saved the trouble, she has herself decided the question in our favor. Her own laws now in force, and her own practice at this moment, support our interpretation of the treaty. Let us now hear France against herself: Her laws against her complaints.

A Commentary on the marine Laws of France, drawn up by an officer* of the government, and first published under its authority 1776, says, “ that as far
“ as the distance of two leagues, the sea, according to
“ the rule universally acknowledged, is under the do-
“ minion of the sovereign of the neighbouring coast;
“ the effect of which dominion is, that within it every
“ sovereign has a right to *protect foreign commerce*, as
“ well as to secure it own territories from insult.” How is foreign commerce to be protected within our dominion? Certainly, by restoring property taken there. In extending our dominion only one league from the coast, we have gone only half as far as France goes herself; and yet she accuses us of breaking the treaty, because we do not suffer her privateers to take vessels on our shores, and even in our rivers.

The marine Ordinances of France, which are now in force, and which her commissions to privateers require to be observed, “ prohibit all her subjects from taking
“ commissions from foreign kings, princes or states, to
“ arm vessels of war, or to cruise at sea under their
“ colours, without express permission, under pain of
“ being treated at pirates.” “ These rules,” says the Commentary, “ have no exception; they extend to all
“ commissions from friends or allies, as well as neu-
“ trals, and include all Frenchmen, whether they dwell

* Valin.

“ in France or in foreign countries; for Frenchmen
 “ are not less Frenchmen for having gone to live in
 “ foreign parts.”*

Thus, what has been long practised and is now established in France, we have done, and no more; and yet she complains. We have forbidden our citizens to take commissions from her, against nations with whom we are at peace; and, as the only method of enforcing this prohibition, we have restored property taken in contempt of it; and, in all this, we have precisely practised her own rules. Yet she charges us with breaking the treaty.

The whole scope and tenour of her laws forbids vessels under foreign commissions from arming in her ports, against nations in peace with her. This we have also forbidden, after her example; and we have enforced the prohibition, by stopping and disarming the vessels when in our power, and by restoring the property which they had taken and brought into our country. And this France alleges as a breach of the treaty.

She next accuses us of another infraction, in suffering ships of war of her enemies, which have made prizes on her citizens, to find an asylum in our ports.

The treaty in article 17th provides, that, “ no shelter or refuge shall be given in the ports of either party, to such as shall have made prize of the subjects, people or property of the other; and the 22d article forbids “ foreign privateers in enmity with one party, to sell or exchange their ships or prizes, in the “ the ports of the other.”

Now it is clear, that nothing, is expressly forbidden here, but the sale or exchange of prizes, and the entrance of ships that had taken prizes; the prizes themselves, according to the literal construction, might be sent in, though not sold; and this would have been a great advantage to the captors: This advantage the United States supposed that the treaty did not intend to give to the enemies of France.

* See Valin, vol. 2, page 276.

Beside, if no British ship of war which had ever taken a French prize, could be admitted into our ports, how was the facts to be established ; the British might deny the fact : Could we take it for granted, because asserted by the French ; or must we in every case, before we could send off the vessel, institute a suit to decide whether at any time, or in any part of the world, she had taken a French prize ? This, it is evident, would have been a subject of endless and vexatious contention.

Our government, therefore adopted a construction more beneficial to France, more conformable to the spirit of the treaty, and much easier of execution. Instead of admitting prizes made on France by her enemies, and excluding all vessels which were charged with having made them, it resolved to exclude the prizes in all cases, and to admit all ships of war, except such as might attempt to come in *with their prizes* ; those were to be, and have been excluded.

France complains of this construction, and calls it a breach of the treaty : She does not recollect that if we were to adopt her construction, and follow the letter of the article, we should do her a much greater injury, by admitting all the prizes which her enemies might think fit to send in.

Another breach of the treaty with which she charges us, is, that we have permitted British ships to arm for war in our ports.

This charge is directly contrary to the fact ; the strictest orders have always existed against such armaments ; and every attempt to make them has been prevented as soon as known to the government ; two or three instances have been mentioned, in which vessels armed went out, before the government, or even the French minister or consuls, had information of it. But what could be done after the vessels were gone ? Had they returned, they would have been seized ; and their prizes, had they come within our power, would have been restored to the owners. But neither of those cases happened ; and I would ask

again, what could be done after the vessels were gone? Go to war, France would have said, to revenge the injury: This was her aim, and this she did say; over and over, though not in express words. But if acts like this had been a proper reason for going to war, we ought to have attacked France herself long ago; for she has attempted ten armaments, where the English have attempted one: And several of them, moreover, her minister sent to sea, against the express orders of the government, and in contempt of its authority.

As to the sale of her prizes in our ports, for preventing which she charges us with another infraction of the treaty, she has by the treaty no such right: There is not one word said about her prizes; except that she may bring them in and carry them away. This she says, is the same thing as a permission to sell; but common sense, and the plain meaning of words, say otherwise. Her own laws, also say otherwise; which, notwithstanding this treaty with us, expressly forbid the sale of foreign prizes in her ports.

We did indeed, for a time, permit the sale of her prizes in this country, as a matter of special favor; but we soon found this permission productive of many ill effects; our sea ports having become the resort and station of privateers, whose crews are generally amongst the most profligate of mankind, were converted into scenes of riot; many disorders took place, our citizens were drawn off from their regular industry, and by the introduction of goods, under pretence of prize, frauds on the revenue began to be practised. The permission, therefore, was very properly revoked; the only subject of regret is, that it ever was granted.

The consular convention comes next into view; this convention makes part of the treaties between us and France, and she alledges that we have infringed it in two points.

The 12th article provides, that the consuls of France and the United States, shall possess the power of deciding, respectively, all differences which may arise between the people of one country in the territories of

the other. We have never hindered the French consuls from deciding all such controversies between French citizens; but the French government has lately found out, that we have passed no law to enable those consuls to enforce their decisions. It might be asked, why has this matter rested in silence so long? Why has nothing been heard of this complaint till now; although the fact complained of has existed for more than eight years? We might remark on the extraordinary and unprecedented nature of the complaint itself; whereby, contrary to universal usage, and the first principles of national sovereignty, a government is required to put compulsory process into the hands of persons not amenable to its laws, for the purpose of enforcing decisions not under the controul of its judiciary authority: But it will be sufficient to observe, that France herself has never passed, or been required by us to pass, any such laws as she demands from us; and that it most evidently appears, from the convention itself, that no such laws were ever intended to take place in either country, since the decrees of the consuls are to be enforced against the parties by their own governments respectively; to whose courts the right of appeal, and of course the power of reversing, confirming, and executing the decrees, is expressly and solely reserved.

Another article of this convention authorises the consuls of each nation respectively, to cause the deserting sailors of their nation to be arrested and delivered to the captains, on application to a magistrate of the country, and the production of proof. The French government has lately found out, that our magistrates when applied to for the arrest of their sailors, require the original articles to be produced. Those articles contain the agreement of the sailors, and are signed by them. They remain on board the ship, and are the only authentic document by which any dispute between the captain and sailors can be decided. It is an invariable and most excellent maxim of our laws, that no copy of a paper can be produced in evidence,

especially where life or liberty is to be effected by it, unless the paper itself be proved to be destroyed, or in the power of the other party. In conformity to this maxim, our magistrates very properly require, that the original articles themselves should be produced to prove that a man belongs to the ship, before they arrest him for deserting from it*; of this the French government, after eight years silence, has at length be-
thought itself to complain. It calls this a breach of the consular convention, and alledges that copies of the articles certified from the consul's office, ought to be received; although it is most evident, from the slightest view of the consular convention, that the copies whereof it speaks, are wholly of a different kind, and to be used for a different purpose.

I have explained these two points thus particularly, not from a belief that they are of the least weight or importance, even in the eyes of France herself; but to shew with what eagerness she catches at the most futile accusations against this country.

The last accusation under the head of breaking treaties, is, if possible, more extraordinary than any of the former. France accuses us of having broken the 19th article of the treaty, by permitting a public ship of war belonging to the republic to be arrested in one of our ports for an act done on the high seas. Would it be believed that this ship, arrested by process of the courts, at the instance of a citizen, and for a most reprehensible act, had been actually released by the interference of the executive, on the expressed ground, that being a public ship of war, she was protected by the treaty? Yet such is the fact. Complaint being made of her arrest by the French minister, the executive directed the attorney-general to file the necessary proceedings in the court for obtaining her release. He did so, and after hearing the case she was released; but as the forms of the court, the priority of other business,

* The convention itself also expressly requires, that the original roll, or register, should be produced.

and the course of proceedings, did not admit of a decision so speedy as Mr. Adet desired, he refused to accept the vessel after she was released, and declared that he would abandon her to the government, and claim damages. These damages have never been refused, nor even demanded; and yet because the President would not undertake, at the instance of a foreign minister, to over-rule the courts of justice, whose independence is expressly secured by the constitution, because he would not, with a strong hand, arrest their proceedings, and in open defiance of the constitution and the laws, wrest from their hands the object of their deliberations, we are accused of having broken our treaty with France; We are charged with an arrest, which instead of sanctioning, we caused to be removed; we are charged with breaking a treaty by an act which we redressed!

Such are the grounds whercon for four years together, and in terms the most disrespectful, we have been unceasingly charged with violation of treaties!

But we have refused, she says, to enter into a new and more extensive treaty with her. She says, that under "the most frivolous pretexts*," we have evaded all her advances to a new negotiation. This also is an accusation against us, made by the minister Genet, and which Mr. Adet has renewed and enforced.

But had we not a right, without offending France, to decline a new treaty if we thought it would not suit us? We already had a treaty; was it a ground of quarrel that we were satisfied with it? Why was a new treaty proposed? For our benefit; if so we were the proper judges how far it was beneficial. For the benefit of France? In that case we certainly had a right to decide, how far the advantage which she desired was compatible with our own interests. Who ever heard that to decline an advantageous bargain ourselves, or to refuse one to another person, was a cause of offence?

* See Mr. Adet's note.

The truth, however is, that we did not decline this negotiation ; we did not wish it indeed, but our government was willing to hear what France had to say on the subject, and frequently expressed its willingness.— The proposition was first made by Mr. Genet, in May, 1793 ; but Mr. Jefferson, at that time secretary of state, informed him, that the business could not be entered on immediately, because the senate was not in session. He renewed the subject the September following ; but before that time he had behaved so much amiss, that the government had requested his recall, and did not think fit to communicate with him, except on matters of immediate and pressing necessity ; it, therefore, politely waved the business, with an assurance “ that it should be considered, with all the respect and interest which its object necessarily required.”

His successor, Mr. Fauchet never mentioned the new negotiation ; the next that we heard of it was from Mr. Adet, in June, 1795. The President immediately met his advances, and directed the secretary of state to enter on the negotiation without delay. He informed Mr. Adet of this, and proposed a mode of proceeding ; Mr. Adet promised to enter on the business, but he postponed it from time to time, on the plea of indisposition or business, and it was finally *dropt by himself.*

And yet Mr. Adet says, “ that his offers to treat were evaded, under the most frivolous pretexts.”

But although our government was willing, and even desirous to hear what France had to propose on the subject of a new treaty, it could not have agreed to one on the terms which she held out, without sacrificing the best interests of this country.

Those terms are to be found in Mr. Genet’s instructions, by which Mr. Adet, when pressed on the subject, declared that he also was to be guided ; and from those instructions it appears undeniably, that our joining France in the war, engaging to defend her islands, and forming an alliance offensive and defensive, were to be essential conditions of the new treaty ; an

extension of commercial privileges with the islands, was the lure thrown out to us.

The instructions begin with declaring, “ that the
 “ executive council have highly approved the overtures
 “ made to a former minister, by the American go-
 “ vernment, on the means of renewing and consolida-
 “ ting the commercial treaties between the two coun-
 “ tries, and are disposed to set on foot a new negotia-
 “ tion on those foundations—that they do not know
 “ but that such a treaty admits a latitude *still more ex-*
 “ *tensive* in becoming a *national agreement*, in which
 “ two great nations shall suspend (that is, according
 “ to the French expression, shall closely unite) their
 “ *political* and commercial interests, and establish a
 “ mutual understanding to *befriend the empire of liberty*
 “ *wherever it can be embraced, to guarantee the sovereignty*
 “ *of the people, and to punish those powers who still*
 “ *keep up an exclusive colonial and commercial system,*
 “ by declaring that their vessels shall not be received
 “ in the ports of the contracting parties.” “ Such a
 “ pact, they add, will quickly contribute to the general
 “ emancipation of the new world.”

This “ general emancipation of the new world,” we know was to include the liberation of the slaves, whom this very French government soon after set free in its islands.

“ Besides the advantages,” continue the instructions,
 “ which humanity in general will draw from the suc-
 “ cess of such a negotiation, *we* (the French) have at
 “ this moment, a *particular interest* in taking steps to
 “ act efficaciously against England and Spain, if, as
 “ every thing announces, those powers should attack
 “ us. In this situation of affairs, we ought to *excite,*
 “ *by all possible means, the zeal of the Americans,* who
 “ are as much interested as ourselves in disconcerting
 “ the destructive projects of George III. the execu-
 “ tive council has room to believe, that these reasons,
 “ in addition to the *great commercial advantages,* which
 “ we are disposed to concede to the United States, will
 “ determine their government to adhere to all that

“ citizen Genet shall propose to them on our part—
 “ and the executive charges him, *in expectation that the*
 “ *American government will finally make a common cause*
 “ *with us, to take such steps as exigencies may require.*”

Hence it manifestly appears, that we were to make a *common cause* with France, for her interest, against Great Britain and Spain, and that *commercial advantages* were to be our wages. Subsequent parts of the instructions are still more explicit.

“ The Executive Council recommends it, especially
 “ to Citizen Genet, to sound early the disposition of
 “ the American Government, and to make it (the gua-
 “ rantee of their islands) a condition *sine qua non* of
 “ their free commerce with the West Indies, so es-
 “ sential to the United States. It nearly concerns the
 “ peace and prosperity of the French Nation, that a
 “ people, whose resources increase beyond all calcu-
 “ lation, and whom nature has placed so near our rich
 “ colonies, should be interested, by their own engage-
 “ ments, in the preservation of these Islands. Citizen
 “ Genet will find the less difficulty in making this pro-
 “ position relished in the United States, as the great
 “ trade which will be the reward of it, will *indemnify*
 “ *them ultimately* for the *sacrifices* which they may make
 “ in the outset; and we shall immediately put ourselves
 “ in a condition to fulfil our engagements, by sending
 “ to the American ports a sufficient force to put them
 “ beyond insult, and to facilitate their intercourse with
 “ the Islands and with France.”

I have been the more full and particular in citing these instructions, because they not only prove, incontestibly, what were to be the conditions of the new treaty proposed to us by France, but also that her project from the beginning of the war, was to draw us into it.— We shall presently see that although she recalled Mr. Genet, she neither disapproved his measures nor abandoned this project.

That the refusal of our government to enter into a new treaty on these terms, should have been matter of displeasure and vexation to France, is perfectly natural;

because it disconcerted one of her most favourite schemes; but none of its measures have either merited or received, more warmly or more universally, the approbation and thanks of this country.

And yet France has made it one of her charges against us, that we have evaded this new treaty “under the most frivolous pretexts!”

She has gone further. She has accused us of having “eluded her friendly offers of assistance in our negotiations with Algiers.”

Here again I would ask, whether we had not a right to decline her mediation in this business, if we thought fit? Are we to make no treaties without not only consulting France, but employing also her assistance? Should one of my neighbours offer to interfere in composing a difference between me and another, surely I might decline his interference without giving him cause of offence? He might think it very unfriendly, or very unwise: but surely it would not authorize him to quarrel with me.

The truth however is, that far from “eluding” this friendly offer of France, we shewed the utmost readiness, and even inclination, to avail ourselves of it to the utmost. Our minister in Portugal, to whom the Algerine negotiation was entrusted, went first to Paris, “in order to engage the assistance of the French government;” in the mean time he sent an agent immediately to Algiers to pave the way; and as the Algerines are known to be a very fickle, capricious people, difficult to be managed, and capable of being dealt with at particular times only, he furnished this agent with proper powers, that he might avail himself of any favorable moment which should chance to offer; such a moment did offer very soon after his arrival: He seized it and concluded a treaty, disagreeable indeed, but far better than none, and more favorable than Algiers has lately, if ever, made with any other country.

Ought he to have lost this moment in waiting for the assistance of France? Before the orders from France

could arrive, the opportunity might have passed away, never to return.

Besides; our agent, who concluded the treaty, declares that neither France, nor her consul had the least interest with the Algerine government at that time. It was for this reason, he says, that he did not request the assistance of the French consul; which would have only injured the cause. But he applied for this assistance in negotiating with the other Barbary States, where the French were supposed to possess influence.

So much for this complaint: The bitterness with which it is urged gives some ground to suspect that her anger does not arise from our having made a treaty without her assistance, but from our having made one at all; and, that her interference was intended to prevent, not to promote the objects. It is very difficult to believe that the freedom of our flag, and the extension of our commerce, in the Mediterranean, can be desirable objects to her, or to any other commercial power.

She charges us further, with having authorized, or permitted, various infractions of our neutrality by the English, or in their favor.

One of these infractions is the impressment of our seamen by British ships of war: We have not adopted, she says, or at least *have not made known to her*, any efficacious measures for repelling this violence, whereby her enemies are suffered to support and increase their maritime forces from among our citizens.

In the first place, we have adopted such measures as we judged most efficacious for this purpose; and those measures being public, were known to France. Our government has, at all times, resisted the impressment of our seamen, by every means short of hostility; and early in the year 1796, before this complaint was made, Congress passed an act, for the sole purpose of protecting and relieving American seamen from impressment. These measures, indeed, were not such as France wished, and probably hoped to see adopted;

for they were calculated to produce the effect *without hostility*: But they were such as our own government to whom, and not to France, we have entrusted the protection of our citizens, considered as the most advisable.

As to our not having informed France of these measures, it is not true; she did not need information of a public law which was printed in the newspapers; and she knew that other measures were pursued, though she said that they were not *efficacious*; we well know what she means by *efficacious* measures; but on this point, we, and not France, were the proper judges.

And let me be permitted to ask, what obligation we were under to inform France of our measures? Is she to prescribe to us in what manner our citizens are to be protected? If under pretence that the *inefficacious* manner in which we conduct our affairs operates to her injury, she may direct and controul us, there is an end of our independence. This complaint is of a piece with that of Mr. Genet against the president, "for refusing to convene Congress at his instance."

We have also, she says, restrained our citizens from receiving commissions from her, or serving on board of her armed vessels.

We have indeed done so, and it was our duty; a duty enjoined by our own peace and safety, and by the impartial justice which we wished to observe towards other nations. We never objected to our citizens going to France, and engaging in her service, which many of them did; but we objected to their receiving commissions from her in her own country, or entering on board of her privateers, to rob those who were coming peaceably to trade with us. This was conformable to prudence, as well as justice; and it was, moreover, what we had stipulated with her to do, and to the utmost of our power had done, in the case of her enemies.

It is worth while to remark the inconsistency of these two complaints. She first quarrels with us because we could not prevent, in her own words, "the marine of England from being augmented by our

* seamen:" And in the same breath, she accuses us of infringing the laws of neutrality, by prohibiting our seamen to serve in her privateers! We forbid both; and as far as we could, we prevented both; but unfortunately, it was not always in our power to prevent either; and yet she quarrels with us, for not preventing, even by hostility, in the case of her enemies, the same thing, which she also quarrels with us, for having attempted to prevent in her own case! Such is the justice, moderation, and impartiality of France,

We are also charged with permitting the English to violate our neutrality, by capturing French property on board of our ships; and even American property when bound to, or from the ports of France.

As to the capture of French property on board of our ships, it has already appeared to be a right which Britain possesses by the Laws of Neutrality. How then can the permission of its exercise be a breach of them? But we never did willingly permit its exercise. We acquiesced in it indeed, because we knew that the right existed, which the English, notwithstanding all our endeavours, could not be induced to relinquish. Had it been in our power to induce her, we most certainly would have done so; for, of all things, next to keeping out of the war, it was what we most desired; and what would most effectually have promoted our interests.

But France says, that our measures for this purpose were not *efficacious*; and when she says so, we well know what she means. The instructions to Mr. Genet, and the whole tenour of her conduct, leave no doubt on that point.

With respect to the capture of American property, bound to or from French ports, we were so far from *permitting* it, that after remonstrating in the firmest manner, though not in terms of outrage and insult, we demanded satisfaction, and armed to enforce it; and had not the measure been discontinued, and reparation agreed on, there is no doubt that war would have been the consequence. That we accepted this reparation, that

we did not fall into her views, *by making war in the first instance*, is the true cause of offence which we have given to France.

Another breach of neutrality with which she charges us, is "That we suffered the British to declare her Islands in a state of blockade!"

But I would ask, how we were to prevent this declaration? Or how we were bound to prevent it, had we been able? France does not pretend that we were bound by treaty; the treaty of alliance, indeed, stipulates for a guarantee of her islands; but the treaty of alliance was purely defensive, not offensive; and it being perfectly certain, that she was the aggressor in the war with England, the guarantee in this instance could not operate. But we were bound, she says, by the laws of neutrality. How! can the laws of neutrality oblige us to defend the possessions of our neighbours? This would amount to saying that, Neutrality required us to enter into the war.

We know that by the law of nations, provisions cannot be carried to a blockaded place. The British declared, "that certain French islands were blockaded, " and that all persons attempting to carry provisions to " them, should be dealt with *according to the law of " nations.*" While they adhered to this declaration, and " dealt with us *according to the law of nations,*" we had no right to complain; whenever, under colour of the declaration, they infringed the law of nations, they have engaged to make réparation, and are pursuing the most effectual measures for fulfilling the engagement.

In the mean time, as these blockaded islands were prevented from receiving provisions, France suffered an injury; but it was an injury which we could not prevent; for we had no fleet to drive away the English ships which formed the blockade. Even had we possessed a fleet, it would not have been incumbent on us to engage in a war, merely to save one of our neighbours from an inconvenience. We also suffered an injury; reparation for which we demanded, and are to receive.

Her next complaint, with which the long catalogue is terminated, rests on an outrage offered to Mr. Fauchet, a former French minister, by a British ship of war in the waters of the United States; and which, she says, we have suffered to pass with impunity.

The outrage offered to Mr. Fauchet, was an attempt to seize his person and papers, on board of a vessel in which he had taken his passage from New York to Rhode-Island. The attempt was made by a British ship of war, lying near Newport, in Rhode-Island. The vessel was stopped, and the trunks of Mr. Fauchet's attendants were searched; he and his papers escaped; because, having been informed of the design, he went ashore, and proceeded to Newport by land: Perceiving that they had missed their prey, the British party released the vessel and those on board.

When the President heard of this daring insult to our country, he felt and expressed a proper indignation; but as he received the information from one party only, prudence no less than justice, required that before he acted, he should hear the other side. He accordingly directed enquiries to be made; having fully ascertained the facts, he ordered the British man of war to depart immediately from our harbours, and directed that in case of her disobedience for more than forty-eight hours, all intercourse between her and the country would be cut off. Our minister at London was instructed to complain against the captain, and demand his punishment; this was done, but the Captain, with his ship, was in Nova Scotia, from whence he went to the West Indies. He lately returned to England, and as soon as it was known, the minister was ordered to renew his demand.

What could we do more? We could not seize him on board of his ship to punish him? We could not follow him to Nova Scotia, the West Indies, or England, to punish him. If the British government should neglect to punish him, shall we declare war against them to revenge this injury? Even France perhaps might allow that this would be to buy vengeance at too dear a rate.

This is what France “calls suffering the insult to her minister to pass with impunity!” And yet much greater lenity was exercised, when her consul at Boston, with an armed force, rescued a vessel from the officers of justice; and when one of Mr. Genet’s illegal privateers resisted the custom-house officers, and the militia sent by the President to arrest her in the Delaware, and proceeded to sea in defiance of his authority.

Such, my fellow-citizens, is a true picture of French grievances! Such are the injuries for which we have been subjected, during four years, to the importunate and insulting remonstrances of three successive ministers; for which we have been accused of making “an *insidious* proclamation of neutrality,” of “sacrificing France to her enemies, and *prostituting* our own rights to Great Britain,” of permitting “by a *perfidious complaisance*, the English to violate rights which our *honour* and interests required us to defend,” of “presenting to England under the cloak of neutrality, a poignard to cut the throats of our faithful allies,” of “partaking in the tyrannical and *murderous* rage of Great Britain, and joining with her to plunge France into the horrors of famine,* and of “covering our proceedings with the veil of *dissimulation*.”

For such injuries, it is, that we have been insultingly told of the “cold impartiality of our government,” of our “inability to maintain our treaties,”† of having “abandoned our neutral situation through an *excessive complaisance* for England,” of “amusing the French by *specious correspondences* to cloak our own inactivity,” of making “forced constructions of our treaties, and endeavouring to throw a veil over the measures of the English government,” and that the respectable and heretofore unimpeached proceedings of our courts, have been termed “unjust chicaneries.”†

* See Mr. Adet’s notes, and his letter of Sept. 29, 1795.

† See Mr. Fauchet’s letters of May 2, and June 8, 1795. It is obvious, that his expressions, though more guarded than those of his successor, convey the same offensive and insulting meaning.

These are the injuries, on account whereof the President has been contemptuously charged with promulgating *philosophical principles*; the expression applied by France to that proclamation of neutrality, which she, on another occasion, terms *insidious*, but which has received the sanction of both Houses of Congress, and the universal approbation of the American people: That the government has been accused of acting “under an “*unknown* influence, and of being guided by *foreign* “impressions;” that we have been upbraided with “a “cowardly abandonment of our friends;” that we have been told “that we had no flag, no regard for our laws, “no reliance in our strength, and no sentiment of national dignity;” that France, by the mouth of her ministers, has said to us, “If we have been deceived, if “you are not able to maintain the sovereignty of your “people, speak; we supported it while we were slaves, “and we shall know how to render it respectable, now “that we are become free.”*

It is in fine, for such injuries as these, that our treaty with France has been expressly violated, that swarms of privateers have been let loose upon our commerce, that our property to the amount of many millions of dollars has been plundered, that hundreds of our ships have been seized and condemned, multitudes of our sailors thrown into jails and prison ships, that our seamen, who may be found in British ships of war, although brought there by *compulsion*, are declared liable to be condemned as pirates;† and to fill up the measures of outrage, that a messenger of peace and conciliation, a minister expressly, “sent to explain our conduct, to remove misunderstandings, and restore harmony,” has been contemptuously driven away, without a reception or a hearing!

Having taken this view of the injuries complained of by France, permit me now, fellow-citizens, to make

* Those are the words of Mr. Genet, in his letter of July 25, 1793. See also his letters of June 8 and 22, and of July 9, in the same year.

† This is by a late decree of the Directory.

some remarks on her pretensions; permit me to trace a little the consequences of a compliance with her demands; the nature and extent of the terms to which she requires us to submit.

This submission, it must be remembered, is to precede any explanation on our part, or even the reception of a minister. The directory told General Pinckney, through Mr. Munro, that France would receive no minister plenipotentiary from the United States, till all the injuries whereof she had complained, and of which she had a right to expect redress, should first fully receive it.

The first of these injuries is the British treaty, which she declares to be a violation of her's, and a departure in us from the principles of neutrality. This injury must be redressed; therefore the treaty, though sanctioned by every branch of the government, and executed in part, must be broken: The posts which have been given up under it, must be redelivered; the prospects of reimbursement for their losses which it affords to our merchants must be renounced, and the commissioners now employed in deciding on their claims, must be recalled. In fine, our whole dispute with Great Britain must be renewed under circumstances of the highest aggravation, and we must be left to settle it by a new treaty under the direction of France, or by a war in her alliance.

Without all this it is most evident, that the injuries of which France complains under this treaty, cannot be redressed; and she requires them to be redressed before she will even hear our explanation.

She next complains against the decision of our courts. The constructions put upon our treaties and upon the law of nations by our courts, she complains of as injuries, which, like the others, must be redressed before she will listen to us.

Therefore the decisions of our courts, wherever she complains of them, and that is in every case where they have been adverse to her claims, must be reversed. How is this to be done? Those decisions have been carried by appeals into the supreme courts of the Union,

and there confirmed. The judicial power is independent of the legislative and executive by the express terms of our constitution, which, to render the courts more completely independent, provides that the judges shall not be displaced, like other officers, at the pleasure of the president, but shall hold their places till turned out by impeachment. In the mean time there is no power in the government by which their decisions can be altered. France, however, informs us, that they must be altered before she will listen to us.

It is plain, therefore, that in order to satisfy her, we must violate our constitution in its most valuable part, the independence of the judicial power.

And this is not all, we must place these courts hereafter under the controul of her minister, and restrain them from taking cognizance of any causes which he may pronounce improper for their interference; for France complains not only of the decisions of our courts, but of their creating delay to her privateers by taking cognizance of cases which have finally been decided in her favor.

Therefore our courts having issued process to bring a cause before them on the complaint of our citizens, must dismiss it on the orders of a French minister. Should they refuse to dismiss it, what then is to be done? The executive must interfere with a strong hand and over rule them, and this not from his own judgment, but at the instance of a French minister. Thus the public force of our country must be placed in the hands of a foreign agent, to be employed in compelling our courts of justice to submit to his orders.

This is the very lowest stage of dependence and degradation; and it is manifest, that this must be done before the demands of France can be satisfied; for there is no other method of preventing that interference of our courts whereof she complains as one of her greatest injuries.

The legislature must also share in this degradation. It must be compelled to repeal one of its laws; for one of them, the act of June 5, 1794, unfortunately con-

firm the principles which had been adopted by our courts, and by the executive. This act accordingly is placed by France in the catalogue of her injuries, and must be repealed.

Therefore the legislature must hereafter ask France what laws it shall enact, and what being already enacted, it shall suffer to remain: For it is evident, that if she can insist on the repeal of one law on the pretence of its being injurious to her interests, or contrary to her rights, she may equally object to the continuance or the passing of any other, there being none to which this pretence may not be extended.*

When these obnoxious decisions and laws shall be removed, then will France enter into the exercise of those rights, which through them have hitherto, as she alleges, been unjustly withheld from her. She will give commissions to our citizens in our own ports to privateer against her enemies with whom we are at peace. These privateers, if they please, will capture vessels on our coasts, in our rivers, and even at our wharves and our courts will be prevented from giving redress. She will arm vessels in our ports, and if they can proceed to sea by stealth, or in despite of the President's authority, as they have heretofore done, neither they nor their prizes on their return into port, can be questioned by the courts. She will sell her prizes in our country, whereby our harbours will again become a station for her privateers, our towns over-run by their

* France has taken care to give us an example of the manner in which it may be extended, and in which she would exercise this right, were we weak enough to concede it. We had indulged her with the privilege, not granted by the treaty, of selling her prizes in our ports. Finding afterwards that the indulgence had been abused, and operated in a manner very prejudicial to ourselves, a bill was brought into the House of Representatives last year to prevent it in future; this bill passed with little opposition. Mr. Adet immediately entered a formal complaint against it, *as a breach of the treaty*, and concluded with expressing his hopes, "that the government would take the necessary measures for preventing the effects of a law contrary to treaties, and the duties of a neutral nation."

See his letter of May 18, 1796, to the Secretary of State.

crews, our police insulted and disturbed, our regular commerce interrupted, and our revenue defrauded. She will even arm and equip vessels for war in our ports, for the prohibition against it rests at present on that law of June 5, 1794, whereof she requires the repeal; and should British ships of war enter our harbours, she will alledge that they have at some time or other made prize on her citizens, and we without waiting to examine the truth of her allegation, must compel them to depart.

All this is the plain and necessary consequence of complying with her demands.

Having proceeded thus far, we must go on to declare war against England, or at least to exclude her commerce from our ports, for the prevention and avengement of what France tells us are infractions of our neutrality and insults to our honour. France tells us, that we have heretofore submitted to these insults, and winked at these infractions; that our measures to repel or redress them, have been *inefficacious*, and the inconvenience which she suffers from this inefficacy, is numbered among the greatest of her injuries.

It has already been seen, that these infractions and insults consist chiefly in the capture of French property in our vessels, that it is in the exercise of a right which we acknowledge, and the law of nations clearly supports. They also consist in part of real injuries, whereof we have complained, and for which the authors have engaged to make, and are now making ample satisfaction. These two descriptions include the whole list of "infractions and insults." But if it were otherwise; if as France asserts, all the acts complained of were really infractions, and we had failed to obtain satisfaction, still it is evident that the measures which we have adopted for that purpose, were the most efficacious in our power short of hostility, or what would have immediately led to it. Since, therefore, she requires us to adopt more efficacious measures, such as shall satisfy her and remove the evil, it manifestly appears, that nothing short of hostility, or measures that must speedily end it, would content her.

Therefore we must make war on Great Britain, contrary to our own inclination, and to what, in our judgment the best interests of our country require.

When we shall have done all this, when we shall have broken our treaties, repealed our laws, and in contempt of our constitution, reversed the most solemn decisions of our courts ; when we shall have placed the judicial power of our country under the controul of a French minister, and abandoned the whole system of our foreign policy, so wise and adopted after so much deliberation ; when we shall have placed our ports, our rivers, and our commerce, at the mercy of French privateers, and engaged in a war with the enemies of France, to compel the surrender of an acknowledged right, because its exercise happens to be inconvenient to her ; when we shall have done all this, what will be gained ? Will France then restrain her privateers, restore our property, and respect our few remaining rights ? No ! She promises no such thing ; she requires all this to be done as a preliminary, and when it is done, she will then hear what we have to say, and will signify to us her further pleasure.

And are the people of America, who once generously resolved to maintain their independence, or die in the last ditch, are you my fellow-citizens, whose blood has often flowed in the cause of your country, prepared for this ? Are you prepared to lay your country prostrate at the feet of France ? Are you prepared to put your courts under the controul of her agents, violate your constitution at her orders, and tamely allow her minister under the pretence of watching over the execution of a treaty, and of enforcing the laws of neutrality, to over-rule the legislature, dictate to the President, and assume the absolute direction of your affairs ? If you be thus prepared, which I will never believe till I see it, I freely, nay proudly, declare to you that I am not, and that my voice shall never sanction this surrender of our rights and independence. Sooner would I see every ship sunk, every town in ashes, and devastation once more spread from one end of our coast to the other.

With the loss of these things we might retain our soil, our hands, our courage, our independent spirit, and our constitution; and we should be a nation still. Industry would again give us ships and towns; again might commerce gladden our ports, and agriculture smile over our land; and our children possessing in peace and honour, the blessings which with so many sacrifices, we had purchased, might proudly look on our graves, and say, These were our fathers! But independence once lost, is most rarely regained: Such is the condition of our nature, that a nation once fallen, once reduced under a foreign rule, most rarely rises again; and where its fall proceeds, as in our case it must, not from its want of means, but its want of courage to use them, from its pusillanimity, its intrinsic weakness of character, it is destined never more to shake off the yoke.

But it may be said, is not this picture exaggerated? Can it be supposed that France, even should we yield to her present demands, would attempt to push thus far her abuse of our concessions?

Let us enquire of the Dutch, let us ask the Belgians, they can give us some useful information; and from their example, we may learn that the oppressions of France always keep pace with the weakness, the credulity, and the submissive spirit of those with whom she has to deal. Let us ask the Swiss; from them we may receive a lesson equally important, that the only means of setting bounds to her unjust and haughty pretensions, is a firm and manly opposition.

In the winter of 1794, the French armies having over-run Belgium, and being favored by the intense cold, which covered the rivers with ice, marched into Holland. On the 20th of January, a few days after their arrival, the French commissioners with the army, published a proclamation, in which they told the Dutch, "In the midst of war, we consider you as our friends
" and allies; it is under this name that we enter your
" country, we seek not to terrify, but to inspire you
" with confidence. It is but a few years since a tyrant-

“ nic conqueror prescribed you laws ; we abolish them,
 “ and restore your freedom ”

“ We come not to make you slaves, the French na-
 “ tion shall preserve to you your independence.”

“ Personal safety shall be secured, and property
 “ protected.”

All this was very friendly, and the Dutch very good naturedly believed it, more especially as the French generals, when they were approaching the country, had constantly repeated the same thing. They, however, soon found their mistake.

Seven days after this first proclamation, the same commissioners, having now been admitted into all the towns with their troops, and obtained complete possession of the country, published a second, in which they “ formally invited” the Dutch Government to furnish the army, within one month, with the following supplies : viz. 200,000 quintals of wheat ; 500,000 rations of hay ; 200,000 rations of straw ; 500,000 bushels of corn ; 150,000 pair of shoes ; 20,000 pair of boots ; 20,000 coats and waistcoats ; 40,000 pair of breeches ; 150,000 pair of pantaloons ; 200,000 shirts ; and 50,000 hats ; and besides all this 12,000 oxen, to be delivered in two months. This requisition they call “ their *amicable* intentions,” which they flatter themselves the citizens and the government will shew equal zeal to second, and in the execution whereof, they hope that “ the slow forms of ordinary administration, and all “ doubts about the want of authority, which might “ impede the operation, will be carefully set aside ; and they give the Dutch to understand, that in case the articles were not furnished, they should be exacted by force.

It was now too late to hesitate ; the French had crossed the rivers, their army was in the country, and the Dutch had opened their gates to these “ restorers “ of their liberty ; they were therefore obliged in- “ stantly to comply, and on the same day they address- ed a proclamation to the people, informing them of the demand, and directing them to furnish their re-

spective proportions. In this proclamation, they remind the people of the "absolute necessity of furnishing the supplies, without the smallest delay, and of the distress to which they must expose themselves if they manifest the least unwillingness, or even procrastination."

This, however, was only the commencement; they subsisted their armies in Holland during the winter, took every thing they wanted, and paid in depreciated assignats at par; and finally they forced the Dutch to form an offensive and defensive alliance with them against England for ever. The treaty was signed on the 15th May, 1795. It obliges the Dutch to cede to France, "as indemnities" two of their most important frontier towns, with the adjoining territories, and one of their provinces; to admit French garrisons, in case of war, in that quarter, into three others of their strongest frontier towns, to admit a French garrison both in peace and war, into one of their principal sea-ports; to give France the free navigation of one of their principal rivers; to employ half their forces in carrying on the present campaign, under the command of French generals; and finally, to pay France, as a further indemnification for the expences of the war, one hundred millions of livres, equal to twenty-five millions of dollars, in cash or bills of exchange on foreign countries.

In addition to this it has lately appeared from the statements made to the Dutch government by a committee of finance, that for fourteen months then past, the Dutch had paid two millions of dollars per month, amounting in the whole to twenty-eight millions, for the support of the French armies. To these two sums add the value of the first contribution which was exacted in kind, and they amount at the least to fifty-five millions of dollars, two-thirds of the whole expences of our revolution; of this enormous sum have the Dutch been plundered by France, under the name of amity and alliance, in less than two years, and in addition to the immense amount of assignats they have

been forced to receive, to the surrender of a whole province, of their five strongest frontier towns, and of a principal sea-port, and to the employment of one half of their troops in the service of France.

In return for all this, the French have driven away the Stadtholder and changed the government. They have not suffered the Dutch, however, to adopt one to their own mind. A convention was called for that purpose, a great majority of which was in favor of a federal republic. The minority having opposed this plan in vain, sent two of their members to Paris to obtain the interference of the French government. The French government did interfere, and the majority was forced to yield. The plan of government, which this great majority had favoured, was now rejected, and a different form, more suitable to the views of France, was imposed on the nation.*

The Dutch have also obtained in addition to all these proofs of amity, an offensive and defensive war with France against England, in which they have already lost all their rich possessions in the East Indies, the Cape of Good Hope, a great part of their fleet, and the remains of their trade.

The *easy conditions* granted to the Dutch were complained of in the French convention, and it was alledged, that the commissioners had not drawn from Holland all the advantages which the republic had a right to expect. The commissioners justified themselves by alledging that it would have been *impolitic* to demand harder conditions *at first*, because in that case, the Dutch might have been driven to *resistance*.†

Thus we see openly avowed and approved, the sys-

* The names of the deputies who went to France, are Van Vicerede and Hoofe. They afterwards published a letter, in which they avow the affair and boast of it. See Gazette of the United States, April 25, 1797.

† See the report made to the national convention by Carnot, February 18th, 1795, in which this whole affair is stated, and the means of resistance that Holland might have used, had she been assailed under any other appearances than those of "fraternity," are ably pointed out.

tem of coaxing a nation into their power, under the pretence of rendering it services, and then plundering and oppressing it without bounds of remorse, under pretence of receiving a reward for those services: And this by a government which has talked to us of our *perfidious neutrality!*

Without entering into so minute a detail respecting Belgium, it will be sufficient to state, that the French entered this unfortunate country under repeated and solemn promises of protection and freedom; no sooner had they obtained possession by the success of their arms and the favor of the inhabitants, who were foolish enough to confide in their promises, than they put every article of property which could be of use to their armies into requisition, and compelled the people to receive payment in depreciated assignats at par. They next levied immense pecuniary contributions on all the towns; they ordered measures to be taken for compelling the people to exchange their money for assignats at par.* They placed the country under the government of military commissioners: Finding that a majority of the conventions, which they had assembled under the pretence of making the people free, were adverse to their views, they dissolved these conventions by force, though freely chosen by the people, and this for the express purpose, to use the words of one of their commissioners, † in the account of his proceedings, “of raising up the *minority*, and destroying or counterbalancing the power of an *anti partriotic majority*.”

Having thus afforded “liberty and protection” to the Belgians, having thus “broken their chains, and released them from the yoke of their ancient tyrants,” they proceeded to sieze and confiscate, for their own use, the whole property of the clergy in Belgium, to the amount of more than two hundred and fifty millions of dollars.

* See the decree of December 15, 1792, and the instructions to the commissioners, dated January 8, 1793.

† Publicola Chausaid.

The military government and contributions levied at the point of the bayonet, still go on in this *liberated* country, for the gazettes have lately informed us of parties of horse being sent to seize the provisions of such farmers as neglected to bring them in at the orders of the commissioners.

It may also be useful to consider the example of Italy, to the people of which, the French when they invaded it, also promised liberty; they even carried on for some time the farce of a convention, at which General Buonaparte sent one of his officers with a detachment of troops to preside. Having, by these means, inticed these simple people to assist them against their own government, they have lately in their treaty with the Pope stipulated, that these provinces which belonged to him, shall not be made free, but *be ceded to France*. In the mean time they plundered the churches and the cities, stript the country, to which they had promised freedom, of its wealth by enormous contributions, and compelled the militia to join their armies. Besides the territory which they compelled the Pope to relinquish, they exacted from him upwards of six millions of dollars, and many of his most valuable effects and forced him to receive a French garrison into one of his sea-port towns.

Thus it is that France deals with countries which she can intice or compel into her grasp. Let us see how she acts towards such as are willing and able to resist.

The Swiss being neighbours to France, and having resolved, according to their usual policy, to remain neuter, in the present war, she early began as she has done in our case, to claim the right of directing their affairs under the pretence of enforcing the observance of *treaties*, and of the laws of *neutrality*. The Swiss, as we have done, for a long time, bore with her through a love of peace, but still, though in the mildest terms, repelled her pretensions. Emboldened by this moderation on their part, and by seeming compliances into which they had been led by their anxiety to avoid a

quarrel, she increased in her demands, and at length formally required them to drive from their territory the numerous French emigrants who had taken refuge there, and were residing peaceably under the protection of their laws. The asylum granted by them to these unfortunate exiles, deprived of their all, and hunted by the implacable vengeance of France from country to country, was declared by her to be "a breach of neutrality." The Swiss resolved not to yield this essential point of their sovereignty, but unwilling to refuse directly, for some time evaded the matter; France persisted, called their evasions, "outrageous and ridiculous delay;" asked them how they "dared to hold a conduct so reprehensible," and demanded, *without delay*, "a frank and amicable" explanation, which might dispel her doubts and restore "their state to her sentiments of good will."*

The Swiss made a firm reply, marked, however, with great moderation, and shewing a wish still to evade the question, rather than give a direct and pointed refusal.

But this did not satisfy France: she returned to the charge. Her minister tells the Swiss, "I conceive it my duty, agreeable to my INSTRUCTIONS, to request formally from you, that you will banish from your territory all descriptions of those strangers so dangerous to the tranquility of France and of Switzerland, as well those whom a *false pity* has hither tolerated, as those who may hereafter take refuge there. They cannot any longer prolong their stay there, without injuring that confidence which ought to subsist between two nations, one of which cannot grant an asylum to (the enemies of) the other, without essentially affecting the duties of neutrality. The directory *demand*s and *expects* from your friendship, that listening only to your true and solid interests, you will drive from among you the emigrants and

* See the letter of Barthelemi, the French minister, to the Canton of Basil, May 9, 1796.

“ French priests.—Your wisdom will appreciate
 “ the *extreme and pressing* importance of this re-
 “ quest.”*

The Swiss, however, were resolved to judge themselves of what “ their true and solid interests” required; and finding that moderation only invited new insults, and that there was nothing left for them but to submit, or firmly and plainly assert their rights, they replied that they themselves were the judges of the interests of their country; that they were desirous of avoiding offence to France, and had given none, that those emigrants and priests were peaceable exiles, whose misfortunes as well as their virtues and good conduct, gave them a claim to the asylum, which they had received in the Swiss territory: That far from plotting against the interests of France, as she had alledged, these exiles were honestly and peaceably labouring for their bread: That they had received in Switzerland the rights of hospitality, which no duty of a neutral nation forbid it to grant, and that in these rights the Swiss were resolved, at all hazards, to protect them.†

This reply put an end to the dispute; France perceiving that the Swiss were resolved not to yield, and that, considering their warlike character and the situation of their country, an attempt to force them would be attended with hazard and difficulty, she wisely determined to give up the point. The emigrants remained; and after all this blustering, she left the Swiss quietly to manage their own affairs.

From these various examples, my fellow-citizens, we may learn the consequences to be expected from submission, and from resistance; we may learn that to make the concessions now demanded, would only embolden her in new requisitions, to be constantly extended in proportion as we should betray a disposition to yield; whereas the true and only method of repelling or preventing aggression, is to shew by our conduct

* See Barthelemi’s letter of June 25, 1796.

† See their reply in the Gazette of the United States of September 21, 1796.

that we are resolved, at all hazards, to maintain the exclusive and uncontroled direction of our own affairs. Before she will desist from her attempts, we must convince her that in this resolution we are firm and united. Till then, she will continue to require from us, as she now does, the sacrifice of our interests and self-government at the shrine of her own ambition.

And what are the titles whereby she claims this sacrifice? She claims it from our justice, and our gratitude.

Her claims on our justice rest upon the stipulations of treaties, and the duties of neutrality. These have already been examined, and it has appeared how far they are from supporting her pretensions.

But our gratitude, we are told, forms a stronger tie, and rests on foundations still more sacred. She proudly holds up to our view her assistance in our struggle for independence; her commercial benefits, conferred in the present war; and the religious punctuality wherewith, as she asserts her stipulations in the treaty with us have been fulfilled. On these is founded, according to her, a debt of gratitude, which nothing less than our independence can pay.

Again and again has she reminded us that to her we are indebted for the possession of our freedom: Again and again has she recalled her services to our recollection, and upbraided us with our ingratitude: Again and again has she repeated her claim to unbounded compliance with her wishes, as the return for her assistance. These pretensions at first were urged with some decree of modesty. The instructions to Mr. Genet go no further than to alledge "that the French nation contributed to acquire our independence, as the just price whereof we ought to submit to engagements which might appear burthensome." But Mr. Genet soon afterward told us, "that France had established our freedom, and that gratitude required us to yield to his demands." Mr. Adet declares that France "wrought and guaranteed our independence, at a time when, as the price of it she might have granted us conditions less liberal." And at the

conclusion of that long list of complaints, which are founded on pretensions so inadmissible and extravagant, he declares that our Government, in refusing to yield to them "has set aside the duties of Gratitude, " as if ingratitude was a duty of Governments."

To crown the whole, the directory, in a public speech to our late minister at Paris, expressed their hope, "that the Americans, proud of their liberty, " would never forget that they *owe it to France.*"

In the affairs of private life it is a rule that, to be upbraided with benefits received very much impairs the obligation they create; and, that to demand a reward for what was conferred as a favor, changes the obligations of gratitude into a debt by contract. The debt in this case must be weighed in the scale of strict justice, or measured by the extent of precise stipulations.

As to stipulations, there are none which can warrant the demands of France; for in that very treaty whereby the assistance so boasted of was furnished, it is expressly declared, "that each party being resolved " to fulfil on its own part, the clauses and conditions " of the present treaty of alliance, according to its " own power and circumstances, there shall be no " after claim of compensation on the one side or the " other." The only benefit stipulated for France, was our guarantee of her islands; but this stipulation, which was to take effect only when France should be engaged in a *defensive* war, does not operate in this case; because in the present war she is clearly the aggressor: And of this she is so sensible, that amidst all her extravagant demands, she has never called on us for the fulfilment of the guarantee.

A reward claimed for services on the principles of justice, must be regulated by two considerations; what the services were fairly worth, and what the parties at the time may be supposed to have tacitly contemplated as the price. But can any possible service be worth our independence; nothing less than which France demands? Ought we in justice to make her this return,

even if, as she pretends, she had bestowed this independence? Can it be supposed, that when the services were rendered, she ever expected, or we would ever have consented, that this should be considered as their price? What in that case should we have gained by our seven years struggle, by the destruction of our property, by the devastation of our country, by the long toils and the blood of our citizens, and by our debt of seventy millions of dollars? We should have gained not freedom, but a change of masters; and whether a change for the better, let Holland, Belgium, and Italy bear witness.

But is it true that France gave us independence? Let us appeal to dates and to her own assertions for an answer to the question.

Let us ask at what time she concluded this alliance, to which she says we are indebted for our success? At what time she rendered this assistance, by which she so confidently affirms, that our independence was maintained? It was in the year 1778, after we had supported the war three years by our own forces; after we had captured Burgoyne's army; after the English, convinced of their inability to subdue us, had offered us every thing we asked, except independence: It was after we having declared our independence, and fully assured of being able to support it, had unanimously refused to listen to their offers.

Before these events, and while the contest was yet doubtful, she had constantly refused to form an alliance, or to grant us assistance. She allowed us indeed to purchase arms and ammunition from her merchants, but for these we paid, and with these we were furnished by the merchants of other nations also.

This is the testimony of dates and facts; testimony written on the plains of Saratoga, and behind the breast works of Bunker's Hill.

But what is the testimony of her own declarations?

After the treaties of alliance and commerce became known to England, she published a manifesto in justification of the war, which, on account of those treaties

she had resolved to wage against France. The French court gave a public answer to this manifesto, in which it vindicated its own conduct, and justified the treaties, on the express ground, that the United States had already not only declared, but *established* their independence, when the treaties were concluded. The answer asserts, "that the capture of Burgoyne over-
 " threw the plan which England had laid for the
 " reduction of her colonies;" that " England had
 " become *unable* to subdue her colonies;" that " on
 " the 6th of February, 1778, the date of the treaties,
 " the Americans were in the *full and public* possession
 " of their independence: That the colonies had estab-
 " lished their independence, not only by a solemn
 " declaration, *but also in fact*, and had supported it
 " against *all the efforts* of the mother country;" that
 " England had displayed her power to chastise the
 " Americans, and reduce them by conquest, but that
 " the result of all her efforts had been to *demonstrate*
 " to America, to Europe, and to England herself, her
 " impotency, and the *impossibility* of her *ever* bringing
 " the Americans again under the yoke."

And yet we are now told by France, that she gave us our independence!

Assistance indeed she did give us, though not our independence; and all the world knows how fondly, how proudly, we have always acknowledged the obligation. All the world knows with what religious reverence, with what heartfelt gratitude, we have shut our eyes to the motive, while we looked only at the act. All the world knows how much delighted we have been to forget that France was an interested associate, and to regard her only as a generous, a magnanimous benefactor. With what pain it is that we find ourselves obliged, by her reiterated reproaches, to abandon this voluntary, this pleasing delusion? With what pain do we see ourselves compelled, by her taunting recalls to our recollection of services which she says we have forgotten, to draw aside the veil, and expose

to the world and to ourselves, the objects for which we always knew that those services were rendered!

Her objects were to exhaust and divide the British empire, by fomenting and supporting the quarrel between the colonies and the mother country; and then to gratify her resentment and exalt her own power, by seizing the moment of weakness, to humble and reduce her most formidable and her most dreaded rival. To effect this object, she did not wish the colonies to become independent, but to be reduced, after a long struggle: Because, in that case, both their resources and those of England would be the most completely exhausted. For the proof of this position, we appeal once more to her own testimony.

Nothing is better known than that the pride of France never received so deep a wound as at the peace of 1763. It was by that peace, that after a war, in which her power in the four quarters of the globe had sunk under the arms of Britain, guided at that time by the genius of the elder Pitt, she found herself obliged to subscribe to terms which her statesmen, her warriors, and her writers, have never ceased to reprobate and lament. She tried every means to recruit her strength; sought to fortify herself every where by new alliances; and waited with impatience, for the moment when circumstances might enable her to renew the combat, with better omens of success. This moment she saw approach in the quarrel which broke out in 1775, between Great Britain and her colonies: And she immediately took into consideration how the opportunity might best be improved. This was the subject of her most anxious care, of the most profound deliberations of her wisest statesmen.

The result of these deliberations may be seen in a piece drawn up in April 1776, by Mr. Turgot, at that time one of the ministers of Lewis the sixteenth, and intitled, "Reflections upon the manner in which France and Spain ought to regard the consequences of the quarrel between Great Britain and her colonies," In this piece, which Mr. Turgot declares to

be entirely conformable to the opinions of Mr. de Vergennes, it is declared, that the event the “ most desirable for the interests of the two crowns (France and Spain) would be the reduction of the colonies again under the yoke of England.” The reason assigned for this opinion is extremely striking, and unveils most completely the system of the French policy. “ If the colonies should not be reduced till after the ruin of all their resources, England would lose the advantages which she has hitherto drawn from them, not only for the augmentation of her commerce in time of peace, but in the use of their forces in time of war. If, on the contrary, the colonies should be subdued without the destruction of their wealth and their population, they would preserve also their courage and their desire of independence, and England would be compelled to employ part of her forces in preventing a new revolt.”

Thus we see that these generous benefactors desired nothing so much as the destruction of all our resources, and even of our population, by a tedious and bloody contest; and then our final reduction under the yoke of our former masters.

To effect this plan, to enable us to make this long resistance, by which our wealth and population were to be destroyed, Mr. Turgot advises, “ that France should furnish us, by means of the merchants, with the warlike stores, and even with the money, which we might be in need of; but without abandoning her own neutrality, or affording any direct assistance.” This he said was by all means to be avoided; because it would involve France in the war; who, without remaining in peace herself, could not reap all the expected advantages from the weak and ruined state whereto England and the colonies would be reduced by the struggle.

Another reason, and in his opinion a decisive one, for avoiding war, or even the appearance of it, he declares to be “ the tendency which the one or the other would have to bring about a reconciliation between

“ the colonies and the mother country, and thus expose
 “ France to the danger which she most dreaded ;” that
 is, the danger of their speedy reunion, with undiminished forces.

And finally, the better to accomplish this plan, he recommends the adoption of measures “ for obtaining
 “ exact information of all that passed in the colonies ;
 “ without, however, giving room to suspect that France
 “ had there any direct or authorised agent.”*

The tendency of this plan to weaken and reduce the power of England is easily seen ; but I cannot find in it the least trace of good faith, or good will, towards the colonies ; much less of a wish to promote their prosperity, or establish their independence. The very contrary indeed is expressly declared.

That this plan, contrived by Turgot and Vergennes, was afterwards adopted by the French government, is perfectly well known ; not only from the power which those two ministers then, and for a long time after enjoyed in France, but from the conduct of the government and its express declarations. In March, 1784, we find M. de Vergennes, in a memoir addressed to Louis the sixteenth, on the conduct observed by the French government towards other powers, reminding him, “ that his majesty, provoked by the violence
 “ and injustice of England, had employed himself
 “ seriously about the means,” of doing what ? Of establishing the independence of the colonies ? No : But † “ of repressing the pride and ambition of that
 “ enterprizing nation, and of preventing the revolution
 “ which had broken out in North America, from
 “ turning to the prejudice of France ; for *which view* a
 “ negotiation had already been commenced with the
 “ United States, when the unexpected death of the

* This piece of Mr. Turgot was found, with many other secret state-papers, in the Cabinet of Louis sixteenth, and after his death was published by the Convention.

† This memoir of M. de Vergennes, was another of the pieces found among the private papers of Louis the sixteenth.

“ Elector of Bavaria, called his attention to the affairs
“ of Germany.”

Thus when the king and his minister come to talk over the matter in private, where men tell the truth without disguise, they explain the true motives of their conduct. We find that they were actuated not by good will to the Americans, but by resentment against England; not by a wish to promote the advantage of America, but to repress the pride and ambition of England; and that it was for this view, and not to secure our independence, that the negotiation was commenced.

It is indeed perfectly well known that until they heard of the capture of Burgoyne, and the conciliatory offers of England, the French government treated all our advances with the greatest indifference; and to use their own words in their answer to the English manifesto, “ had all times manifested a dislike to any engagement
“ with the colonies;” this was entirely conformable to her policy of avoiding the war, while Britain and the colonies should go on to exhaust each other by a long struggle, and afford her an opportunity of attacking them both afterwards with entire forces. But when Burgoyne was taken, and the English offered us all we asked, except independence, then France, for fear we should accede, and lest that reunion which she so much dreaded, should take place, immediately departed from her former policy, and concluded a treaty with us, on terms far more favorable than those which we had before solicited in vain.

Her reasons for doing so are very fully and strongly expressed in the following extract from her answer to the British manifesto :

“ It is sufficient for the justification of his majesty,
“ that the colonies, which form a nation considerable
“ for the number of their inhabitants, as well as for the
“ extent of their dominions, have *established their in-*
“ *dependence*, not only by a solemn declaration, *but*
“ *also in fact*, and have supported it against the efforts
“ of their mother country; such was in effect the situ-
“ ation of the United States, *when his majesty began to*

“ *negociate with them.* His majesty had full liberty of
 “ considering them as independent, or as subjects of
 “ Great Britain; and he chose the first part, because
 “ *his safety, the interest of his people invariable policy,*
 “ and above all, the secret projects of the court of Lon-
 “ don, imperiously laid him under the necessity.”

The answer then asserts, that the alliance formed un-
 der the pressure of this *imperious necessity*, was, “ even-
 “ tual, and purely defensive; not to take effect unless
 “ France should be attacked by the court of London
 “ before the cessation of hostilities with the colonies.”

Thus we find that this boasted alliance, to which we
 have been so often and so insultingly told that we owe our
 independence, was not resolved on by France, till after
 she knew that our independence was *in fact* established;
 was dictated by imperious necessity, and a regard to the
safety and interests of France; and was not to take effect
 unless she would be attacked by our enemies!

And lest the evidence of circumstances and the pointed
 declarations of the former government of France on
 this subject should be doubted, the republic has also
 added its testimony. The executive council, in its
 instructions to Mr. Genet, declares, “ that the ministers
 “ of Louis the sixteenth thought it right for France to
 “ hinder the United States from taking that political
 “ stability of which they were capable; because they
 “ would soon acquire a strength which it was probable
 “ they would be eager to abuse. The same Machi-
 “ velian policy,” continues the instructions, “ influ-
 “ enced the operations of the war for independence;
 “ the same duplicity reigned over the negotiations for
 “ peace;” and, in fact, we know that the French govern-
 ment thwarted these negotiations to the utmost of its
 power, and strove to render the conditions of the peace,
 which it had in vain striven to prevent, as disadvantage-
 ous to us as possible, by depriving us of the fisheries, the
 western country, and the navigation of the Mississippi.
 This was conformable to their system of keeping us at
 war as long as possible, and leaving us at the end of it,
 as weak as possible.

Surely, therefore, it may be expected that we shall at length cease to be told of the disinterested generosity of France in establishing our independence, and of our ingratitude to her on that account.

Does her claim to our gratitude for commercial favours during the present war rest on a foundation? She has, indeed, opened her West India ports to us; and of this we have been again and again reminded. But at what time was it done? At the time when she had resolved to give up her commerce, and convert all her ships into privateers for the purpose of destroying that of England.

As the productions of her colonies were of indispensable use to her, it was infinitely her interest that we should become the carriers of them; more especially as we were the only neutral power whose local situation and number of ships could enable it to effect the object.

She hoped also, to obtain another very desirable object. It was well known to her that England claimed a right to take the goods of her enemies on board of neutral vessels. When we should engage in this carrying trade between France and her colonies, we should of course become exposed to infinite vexations from the exercise of this right. The profits of the trade would tempt us on one hand, while the vexations would provoke us on the other; and by this double operation the great object of bringing us into the war would be very much promoted. France also would be furnished with that pretext which we find her now using, for insisting on us to employ what she calls *efficacious means* in causing her property on board of our ships to be respected by England. If we should succeed, the property would go free, and that would be a great benefit; if we should fail, we should nevertheless be involved in the war, and that would be a greater still.

The sweets of this commerce too, it was hoped, would entice us into an alliance offensive and defensive, for the purpose of securing it; and accordingly we find that when Mr. Genet was instructed to draw us into such an alliance, this was the bait which he was ordered to employ.

Thus it is manifest, that what we are now upbraided with as a generous and useful indulgence, was in fact a most dangerous snare, from which great good fortune and the prudence of our government, joined to its unshaken firmness, could alone have enabled us to escape.

She rests her claim to our gratitude, in the last place, on the respect which she has paid to our interests and our wishes, and the punctuality wherewith she has fulfilled her duties towards us.

One instance of her attention to our wishes is, the recall of Mr. Genet, in which she now asserts, that, "listening only to the complaints of the American government, she immediately gave the most ample satisfaction.*"

We, however, perfectly well know, that this recall proceeded not from complaisance to us, but from the fall of the Brissotine party, to which Mr. Genet belonged, and by which he was sent here. Robespierre, who then came in power, not only drove all the men of that party from their employments, but destroyed as many of them as he could catch. But that France never abandoned the system which Genet had pursued, is most evident from the present measures, in which we see that system avowed and enforced. It is also evident from the whole correspondence of his two successors, which though not always quite as offensive in expression as that of Genet, was no less exceptionable in principle and substance. Indeed that appeal to the people, the mere threat of which was considered as the most offensive and outrageous of all Genet's proceedings, has actually been made by one of his successors in the most formal manner, and by express orders of the French government.

Another instance is, that France, on the application of our minister, repealed, as far as respected us, one of her decrees which was injurious to the commerce of neutral states. This repeal, it is true, did take place;

* See Mr. Adet's note.

but unfortunately, the repealing law itself was repealed three days afterwards, through the influence of some French privateers, which had taken a very rich American ship; and the first decree was left for many months to operate in a manner the most injurious to our commerce.

This leads to the question, how far France has intitled herself to particular favor from us by her punctual observance of treaties? For this also is one of the merits, whereof, in the midst of her reproaches, she has repeatedly reminded us. Her ministers have repeatedly told us of "the religious punctuality with which the French Republic keeps her engagements with a nation to whom she has not ceased to testify her attachment."* Let us see how punctual this observance has been, and what are the proofs of this attachment.

On the 9th of May, 1793, before the British commenced their spoliations on our commerce, the national convention of France passed a decree, authorising her "ships of war and privateers, to capture all neutral vessels loaded, in whole or in part, with merchandizes belonging to enemies, or with provisions belonging to neutrals, but bound to enemies' ports."

This was prior by one month to the first orders of the British government, under which our provisions, destined for French ports, were made prize. Thus did France set the example of those very measures, against which, even while she continued to pursue them herself, she so violently exclaimed as soon as they were imitated by the British, and to compel the recall whereof she has so often told us, that our honor and our good faith to her required us to make war against England!

This decree of May 9, 1793, being a plain and direct violation of our treaty with France,† our mini-

* See Mr. Fauchet's letter of May 23, 1795, and Mr. Genet's correspondence throughout.

† Which declares, that free ships between us and her shall make free goods.

ster at Paris complained; and, on the 23d of the same month, a new decree was passed, declaring that the former should not extend to American vessels; and thus plainly confessing its injustice. The second decree, however, was repealed only two days after it passed; and the first remained in force against our commerce. Our minister again complained, and on the first of July, the convention again decreed, that the decree of May the ninth should not extend to American vessels. This was a second acknowledgement of its injustice; and yet twenty-seven days afterwards, it was again enforced against our commerce by the repeal of the last decree for restricting it; and then it remained in force until January the fourth, 1795.

During this period a very considerable number of our vessels were carried into French ports by her privateers and ships of war. It also became a practice to seize cargoes sent into her ports by our merchants, and employ them for public use, without paying for them. Her agents also purchased considerable quantities of provisions from our citizens, and drew bills for payment on the government of France, or on her minister in this country, which in many instances were not paid. Those agents frequently made contracts also with our citizens for supplies of provisions, which, when the provisions arrived, they refused to fulfil. The privateers and ships of war of France frequently committed spoliations at sea on such of our vessels as did not come within the decree of May 9, 1793; and finally, an embargo was laid on our vessels in Bourdeaux, and continued during the greater part of the years 1793 and 1794, whereby one hundred and three of our vessels were detained, and our merchants sustained very great injury.

There were many cases of all these descriptions, and each of them was a plain infraction of the treaty, the law of nations, or the rights of neutrality. Many of them included a breach of all three; and the whole number amounted to one hundred and seventy, ex-

clusive of those for detention by the embargo at Bourdeaux.

Our government, however, did not imitate that of France, by directing our ministers to importune and insult it, to raise an outcry in the country, or threaten the government with an appeal to the people. It sent an agent to Paris with instructions to attend to those claims, and endeavour to obtain indemnification.

Let us hear this agent's account of the manner in which the French government respected the rights of its allies, and fulfilled the stipulations of treaties.

The agent, Mr. Skipwirth, in a letter addressed to the American minister at Paris, and dated October 1794, writes thus:

“ At your request I now lay before you a statement
 “ of the innumerable embarrassments which our com-
 “ merce has for a long time, and continues still to la-
 “ bour under, in the different ports of the French
 “ Republic. It is evident, if their government does
 “ not soon remedy the incessant abuses and vexations
 “ practised daily upon our merchants, vessels, cap-
 “ tains, and crews, the trade of the United States
 “ with France must cease. I cannot give you an
 “ ample detail of all the inconveniencies and oppressi-
 “ ons which have been thrown upon our commerce;
 “ many of the consuls and their agents to whom you
 “ have written to forward such documents to my office
 “ not having yet done it; besides, it would take vo-
 “ lumes to expose them at full length.

“ From the communications, however, already re-
 “ ceived from the different ports, and from the inform-
 “ ation I have collected from the captains present, I
 “ can assure you that there are near *three hundred sail*
 “ of American vessels now in the ports of France, all of
 “ which have suffered, or are suffering more or less
 “ difficulty and delay. The hardships of which I have
 “ chiefly to complain, and out of which there grows
 “ incalculable evils, may be developed under four
 “ general heads.

“ 1st. The capture, *indiscriminately*, of our vessels at sea, by the vessels of war of the republic.

“ 2d. The impossibility of Americans selling their cargoes, and receiving payment in the ports to which they are conducted, or of their own accord arrive.

“ 3d. The difficulties and procrastination which they find in their transactions with the boards of marine and commerce.

“ 4th. The non-compliance, or heretofore delay, in fulfilling the contracts made by the agents of the French Republic in America for provisions.

“ The seizure of our vessels at sea, often gives rise to the most serious and well-founded complaints.—

“ The stripping them of their officers and crews, who are generally replaced by boys and inexperienced

“ hands, in order to be conducted to ports, exposes them to much injury, and sometimes to total loss;

“ the confinement of our sailors taken out of those vessels; the seals upon their cargoes; and, above all,

“ the sending the papers to the commissioners of marine at Paris, involves the most unwarrantable hardships and delays; and, indeed, I am sorry to add,

“ that *all* our vessels experience some of those difficulties; and, indeed, such as arrive with cargoes

“ on account of the Republic, months elapsing before the captains can get their clearances and papers;

“ many of which are often lost or mislaid.

“ As to the second head, the agents of the commission of commerce at the different ports having no

“ power to treat directly for cargoes, it follows that they must write to the commission at Paris for

“ orders; and after one or two months fruitless correspondence, it often happens that the captains are

“ obliged to come up to Paris, where, being ignorant of forms and language, they have to encounter a

“ thousand difficulties.

“ It would be too tedious to mention all the inconveniences resulting from the third general com-

“ complaint. In the first place, The delays at the commis-
 “ sion of marine are incredible. The captains, whose
 “ vessels are brought into ports by the armed vessels
 “ of the Republic, cannot withdraw their papers from
 “ the hands of the marine agents, but are forced to
 “ Paris to solicit, time after time, of the marine, re-
 “ port upon them to the committee of Public Safety.
 “ The cruel delays attending this will be illustrated in
 “ the examples annexed. The report being made be-
 “ fore it can reach the latter body, it must have the
 “ signature of the commissaries, and go through other
 “ formalities; and, when it receives the sanction of the
 “ committee of safety, it has to travel nearly the same
 “ road back. Judge, Sir, of the tedious delay attend-
 “ ing this; indeed you will see cases where the poor
 “ captains have been many months in arriving at the
 “ above point; and I myself, after having pressed se-
 “ veral reclamations for weeks past, have not been able
 “ yet to bring one to that issue.

“ To sell to the commission of commerce is still
 “ more difficult. When a bargain is concluded with
 “ them, an order is issued to the keepers of the pub-
 “ lic magazines, to receive the cargo sold; who often
 “ pretend that there is no room to receive it; and fre-
 “ quently they keep the captains waiting weeks before
 “ their convenience or whim will induce them to receive
 “ it. This point gained, application must then be
 “ made at Paris to the commission of commerce for
 “ payment; who refer the captain to their board of
 “ agency. They make a report to the comptability
 “ (the accountant’s department) of the same commis-
 “ sion, from whence it must go to the committee of
 “ finance, then to the committee of public safety, from
 “ whence it returns to the comptability. This laby-
 “ rinth of perplexity of course throws the captain
 “ into the hands of an agent, who preys upon his
 “ distress; and when all these forms are fulfilled, it is
 “ not always that he can touch his money.

“ If, in the first instance, the commission will not
 “ purchase his cargo on the terms he asks, they tell

" him he may depart ; but on returning to his vessel,
 " he is most commonly prevented from sailing by the
 " agents at the ports. If it is mutually agreed that
 " merchandise shall be taken in exchange, the diffi-
 " culties become greater. If assignats, with permis-
 " sion to export wines and brandy, the captain finds
 " himself taken in ; for the agents will put those very
 " articles in requisition. If the commission tells the
 " captain that they do not want his cargo, and that he
 " may sell to individuals, he finds that he cannot ex-
 " port the proceeds without giving security to import
 " afterwards to the same amount in articles of the first
 " necessity, such as provisions, &c. If the captain is
 " so unfortunate as to have to treat with the agents
 " of the commission, he is sure to feel their impositi-
 " on. They frequently refuse to confirm their own
 " agreements. In short, after every sort of delay
 " and vexation, should the captain claim an indemnity,
 " he has to wade through double the difficulties here-
 " tofore stated, and perhaps after all to leave his busi-
 " ness incomplete in the hands of an agent.

" The 4th and last general complaint is of a delicate
 " and important import. Mr. Fauchet, the French
 " minister, has made considerable purchases of provi-
 " sions in America in the name and for account of
 " the French republic. One house has engaged to
 " furnish 20,000 barrels of flour. Thirteen vessels
 " loaded with these provisions have already arrived,
 " and in vain have I demanded of the commission of
 " commerce their answer respecting the payment of
 " these contracts ; except that, in the commencement,
 " they assured me the committee of Finance had or-
 " dered the payment of three cargoes at Bordeaux ;
 " but, to my surprize, I found two days after, that
 " no report had been made to the commission of that
 " committee."

Thus far the agent. He then proceeds to state twen-
 ty-four particular instances of oppression, by way of
 illustration, and gives a list of one hundred and seventy
 cases which he had then brought forward. To this he

adds a list of one hundred and three vessels detained by the embargo at Bordeaux.

Let it be remembered, that all this took place in the years 1793 and 1794, previous to the existence of the British treaty, which France has since made the pretext of her outrages, and at the very time when she was boasting to us of the "religious punctuality" with which she fulfilled the engagements of her treaty, and the duties of a neutral and allied power. While she was quarrelling with us for the detention of a few privateers and their prizes, whose whole number at the utmost did not exceed twenty, she had three hundred of our vessels in her ports, subject to "incessant vexations, abuses, and oppressions," and a great part of which had been carried in by her cruisers, contrary to the law of nations, and in express violation of our treaty. While her ministers were insulting our government, because it did not take what they chose to call *efficacious* measures, to prevent the capture of our vessels at sea by the British, and the impress of our seamen, her ships of war were seizing our vessels at sea indiscriminately, stripping them of their officers and crews, confining our sailors, and leaving the ships to the care of boys and inexperienced hands. While she was complaining, in the bitterest and most offensive terms, of delays in our courts, the citizens of the United States, even such as had gone to her ports under the faith of express contracts with her minister, were obliged, in the prosecution of their claims, "to encounter a thousand difficulties," to submit to every arbitrary imposition, to suffer "every sort of delay and vexation," and, finally to give up the pursuit and leave their business in the hands of an agent.

And yet France upbraids us with her favors and our ingratitude! And yet she reproachfully boasts of "the religious punctuality wherewith she fulfils her engagements with a people, to whom she has never ceased to testify her attachment!"

Such, my fellow-citizens, being the claims of France, and such the foundations on which they rest, such

being the inadmissible nature and alarming extent of her pretensions, it remains for me to present you with a concise view of the measures whereby she is now attempting to enforce them.

These measures commenced with a formal statement of her complaints presented to our minister at Paris on the 9th of March, 1796. It was answered by the minister and transmitted to the government here immediately after. The complaints and the answers to them were the same in substance with those already explained.

On the 3d of July, 1796, she passed a decree, directing her privateers and ships of war to treat the vessels of neutrals in the same manner in which those neutrals shall suffer their vessels to be treated by the English. This decree was notified to our government by the French minister at Philadelphia, on the 27th of October, 1796.

This decree goes expressly upon the principle, equally unjust and absurd, that if neutral states receive an injury from one party which they are unable to repel, the other requires a right to inflict it likewise. As it respects the United States it goes much further, and avows another principle no less repugnant to every idea of justice and good faith. Britain possesses, by the law of nations, a right to take the goods of her enemies found on board of our ships. This right France relinquished expressly by the treaty with us; but, because Britain continues to exercise it, notwithstanding our endeavours to obtain her relinquishment, France declares by this decree, that she will exercise it also, in express violation of the treaty. The reason assigned for it by her minister is, "that since Britain continued to exercise this right, France could find only a real disadvantage in the articles of her treaty with us, whereby she had resigned it:" Thus expressly avowing the principle, that she has a right to refuse the performance of a solemn engagement whenever she may think its operations disadvantageous to herself.

The minister says, that he has no doubt that we would acknowledge the justice of this measure, and that he would order his note to be printed for the purpose of making known publicly the motives whereby the French government has been guided in adopting the measure. In this he kept his word, and the note was published.

On the 15th of November, 1796, the French minister, performing, to use his own words, "a duty painful but sacred," signified to us "the resolutions of a government terrible to its enemies, but generous to its allies;" this note, which he also published, contains the whole list of complaints urged against us by France, and announces that his functions as minister were from that time to cease. This suspension, however, he tells us, must not be regarded as a rupture between the two nations, but as a "mark of just displeasure on the part of France, to continue till our government should return to sentiments and measures more conformable to the interests of the alliance, and to the sworn friendship between the two nations;" and, after reminding us, in very inflammatory terms, of the cruelties of the English, and the *generous assistance* of France, he concludes with an assurance "that when our government shall return to *itself*, we shall again find in the French faithful friends and generous allies."

Such is the scope of that famous manifesto, wherein Mr. Genet's threat of an appeal to the American people against their government, was carried into execution!

Other measures, in the mean time, had been adopted in pursuance of this system. On the 1st of August, 1796, the special agents of the Executive Directory in the West Indies, issued a decree, authorizing the capture and condemnation of all vessels loaded with contraband goods. The pretext for this decree was, that some of the United States, especially Virginia, had fitted out vessels loaded with contraband articles for the English, contrary to the law of nations; which, as

the decree affirms, forbids neutrals to carry contraband goods to the enemy.

This, however, in the first place, is not true. The law of nations does not forbid neutrals to carry contraband goods to the powers at war; it provides only, that if those goods, taken by the enemy of that power to which they are going, they may be made prize. Neutrals, therefore, may lawfully send contraband articles to any or all the powers at war; but they are sent under the risk of capture and condemnation by the opposite party.

This had been admitted by Mr. Adet; for although he complained at first of our supplying the English with horses, which by the French treaty are contraband, yet this explanation having been given, he omitted the complaint in his manifesto.

In the next place, by the law of nations, and the express terms of the French treaty the contraband goods alone are to be condemned, but neither the ships which carry them, nor the rest of the cargo. This decree, however, makes both the ships and the whole cargo liable to condemnation; and, consequently, is a direct and formal violation of the law of nations, and the treaty between us and France. The decree does not say expressly, that the rest of the cargo shall be condemned; but it is understood in that manner by the French agents in the West Indies, and in that manner executed.

The law of nations and the treaty, moreover, make contraband goods liable to condemnation in the single case only where being sent to one party at war, they are taken by the other. But this decree subjects them to capture in all cases, whether bound to French or English ports, and with them the ships and cargoes.

On the 27th of November, 1796, the French commissioners at Cape François passed a decree authorizing the armed ships and privateers of France to capture all American vessels *bound to or from English ports*. This decree was founded on the act of the Directory, declaring that France would treat neutrals as they suffered

themselves to be treated by the English; but this act, iniquitous as it was, did not justify the decree; for at the time of passing the one and the other, the orders of the British for the capture of neutral vessels bound to French ports has long ceased to exist.

It is to be observed, moreover, that those orders never went as far as this decree.

The first, those of June 8th, 1793, directed "all vessels laden wholly, or in part, with *corn, flour, or meal*, and bound to any port in France, or occupied by the arms of France, to be brought in, and the corn, flour, or meal, to be purchased and paid for with freight." But the decree orders all American vessels, whatever may be their lading, bound to or from British ports to be captured.

The orders of the 6th of November, 1793, directed all ships laden with goods, *the produce of any colony belonging to France*, or carrying *provisions or other supplies* for the use of *such colony*, to be brought in for adjudication. Even this falls short of the decree; which directs all American vessels, bound to or from British ports, and *however laden*, to be captured.

On the 8th of January, 1794, these obnoxious orders of November 6th were repealed, and instead of them, it was ordered that all ships of the following description should be brought in for adjudication. 1st. Ships with their cargoes laden with the produce of the French islands, and bound directly from thence to any port in Europe. 2d. Ships with their cargoes laden with French property, being the produce of those islands, and bound to any place. 3d. Ships attempting to enter any blockaded port in those islands; and 4th. Ships bound to any port there, and laden, in whole or in part, with naval or military stores. These last orders, though extremely outrageous, and a clear infraction of the law of nations, still fell far short of the French decree, which consigns to capture all our vessels indiscriminately bound to or from any British port in America, Europe, or elsewhere. They, as well as the preceding ones, have all been long ago countermanded, and the British have

engaged to make compensation for the acts done under them.

These orders were further distinguished from the French decree in question by another equally important circumstance. They extend to *all neutral* vessels alike; whereas the decree is confined solely to *American* vessels; which proves, that it is not, like the British orders, a measure of general policy towards all neutral states, but of particular resentment and hostility against us. It is, moreover, in direct violation of a treaty, which was not the case with the British orders. The British too had some provocation, and made us no professions of friendship. We had celebrated their defeats, and those of their allies, by universal rejoicings; and had shewn their enemies every mark of public good will, and private affection. The direct contrary of all this took place towards France, and yet she has treated us abundantly worse.

This decree, however, of the commissioners at Cape François, unjust and injurious as it is, falls short of one since adopted by the French agents at Guadaloupe. On the first of February, 1797, they decreed, that all neutral vessels bound to any port in the West Indies, which had been delivered up to the English and was occupied and defended by the Emigrants, and all neutral vessels cleared out for the West Indies *generally*, should be liable to capture and condemnation.

The French government has never publicly confirmed and acknowledged these decrees; but it has never disapproved, much less countermanded them: And they are carried into execution with every circumstance of insult and injury. The vessels taken are sent into one port, their papers into another, and the captains and crews into a third. When brought to trial, nothing is heard in favor of the owners; and, indeed, as the papers and captains are sent to another place, there is often no person to make a defence, nor any means of supporting it. Vessels bound to neutral, and even French ports, are often taken and condemned: Copies of the condemnation are generally refused: The captains and

crews are sometimes beaten, always left destitute of subsistence, and generally confined, as prisoners of war, in dungeons or on board of prison-ships; where a miserable and scanty allowance of the worst food scarcely suffices to prolong their sufferings.

The number of ships taken, as far as has yet been ascertained, is above two hundred and fifty: There is no accurate amount either of the value of property, or the number of seamen.

These are some of the marks of "just displeasure," whereby France reminds us that she is "terrible to her enemies," and admonishes our government "to return to itself," to conform to her orders!

In the mean time, as soon as the President was informed by the dispatches from our Minister at Paris, which have been already mentioned, that the French government expressed serious discontent at the measures we had pursued, he resolved to send a new Minister, for the express and special purpose, as his credentials declared, "of banishing suspicions, effacing unfavorable impressions, and restoring harmony." General Pinckney was selected for this purpose, not only on account of his talents and great respectability of character, but also for his known good will to France, and warm attachment to her cause. He sailed from Charleston in August, 1796, and having stopped at Philadelphia for his instructions, arrived at Paris in December following, and laid his credentials before the Directory.

The Directory, however, refused to receive him as Minister, and informed his predecessor, whose letters of recall had been presented at the same time, *that they had determined not to receive another Minister Plenipotentiary from the United States till after the redress of grievances demanded from the American government, and which France had a right to expect.* This was saying, in plain and express terms, "we will hear nothing from you, till you have first submitted to our will as already made known to you."

They even refused him cards of hospitality, by which alone, according to their laws, his person could be

protected from arrest ; and told him, verbally, through his secretary, that they expected him to leave the country. They went so far as to intimate, that if he did not depart he should be arrested. With becoming firmness and dignity, however, he declared that he would rely on the protection of the Law of Nations, and must remain at his post, till he had received a written order to leave it, whereby he might be justified to his own government. This order they persisted in refusing, till they heard of Buonaparte's last victory in Italy. The day after that intelligence arrived, which was towards the last of January, General Pinckney received a written order to quit France. He immediately went to Holland, where he now remains waiting for new instructions.

Thus has France not only refused to listen to our explanations till we submit implicitly to her will, but driven from her territory with ignominy and insult, a minister sent like a messenger of peace, for the express purpose of " removing unfavorable impressions, and restoring harmony."

This, to use the language of the President in his late manly and patriotic speech to Congress, " is to treat us neither as allies, nor as friends, nor as a sovereign state."

Pursuing still the same system, the Directory, on the 2d of March last, published a decree, whereby our treaty with France is expressly violated in two important points, under pretence of assimilating it to that with Britain: And it is further declared, " that every American who shall hold a commission from the enemies of France, as well as every seaman of that nation, composing the crew of the ships or vessels (of those enemies I suppose) shall by *this fact alone* be declared piratical, and treated as such, without suffering the party to establish, that the act was the consequence of threats or violence."

This last regulation, worthy in bloodiness and injustice, of a country whose citizens have butchered two hundred and fifty thousand women, carried infants

to be drowned stuck on the points of spears, and chopped off the hands of mothers stretched out for mercy to their tender babes*, is sheltered under the pretext of a stipulation in the British treaty, which provides that such Americans as take commissions from the enemies of Britain, to *privateer* against her subjects, may, if taken by them, be treated as pirates. Our treaty with France contains precisely the same stipulations; so also do those with Holland, Prussia, and Sweden. It is found in almost every treaty, and means no more in our case, than that if our citizens take commissions from a foreign power to *privateer* against people with whom we are at peace, and should fall into their hands, we will not interfere in their behalf. It extends only to our own citizens, not to those of France; to such as take *commissions* to *privateer*, not to sailors, even on board of privateers, nor to persons having commissions in public ships of war; not to punishment which we engage to inflict, but to such as those who take our citizens in these unlawful pursuits may inflict, without our interposing for its prevention.

And in revenge for this wise, equitable, and almost universal arrangement, which, though it now offends France by preventing in some degree our seamen from augmenting her marine, she herself entered into with us long before we made it with Great Britain; the French government has declared not that in case of our being engaged in war, her citizens shall not take commissions

* It has been proved, by judicial proceedings, that acts of this kind took place at Nantz, under the authority of the agents of the Convention. Others, equal in cruelty, happened in various other places, particularly at Lyons, Avignon, Laval, Samur, Arles, &c.

It is computed that in the year 1795, 2,000,000 of persons had been massacred in France during the revolution; of those 250,000 were women, 230,000 children, and 24,000 ministers of the Gospel! This computation, which amounts to nearly one-tenth of the whole population of France, does not include any who were killed in arms.

See a work called, "The Cruelties of the Jacobins," published in Paris in 1795.

from us to privateer against our enemies, which would be the utmost extent of just retaliation, but that she will treat as pirates all such of our citizens, whether with or without commissions, as shall be found on board of her enemies' vessels, whether public ships of war or privateers; and, with a thirst of vengeance, as inhuman as it is unjust, she adds that they shall experience this treatment for the simple fact of being on board, though brought there by *threats*, or even by *force*!

Thus, if an American seaman has the misfortune of being impressed by a British ship, he is liable to be hanged for it by France! Such is the conduct of a nation which perpetually proclaims its own justice and magnanimity, and boasts of "being generous to its allies."

This decree, it might have been supposed, would fill up the measure of unprovoked and insolent aggression. But, No! Not content with acting thus towards us herself, France has endeavoured to excite the Dutch and Spaniards against us likewise. The poor humiliated dependent Dutch, afraid to refuse, begged off for a while, and were excused. Her attempts, however, in all appearance, have been renewed; and, as she has 25,000 troops in their country, there is little probability of their being able to hold out. As for Spain, she has come into the measure; her minister has lately presented a memorial containing the complaints of his Catholic majesty: These complaints are, for the most part, an echo to those of France. There is one, however, peculiar to Spain, the manifest and even ridiculous futility of which, may be taken as an example of all the rest. Spain has been made to complain of the British treaty as an infraction of that concluded lately with her; notwithstanding this British treaty was prior in ratification by more than ten months.

Thus, in case we are driven to a war with France, are those two nations to be compelled to join her, as they have done in that against Great Britain. Their fate in both will no doubt be the same. It will be out of their spoils that we also, like Britain, shall take our

indemnification ; and this affords a complete and most useful example of the arbitrary and selfish conduct of France towards those powers whom she can frighten or seduce into her measures. She compels them to form an alliance, for which they pay with most of their wealth and a part of their territories ; and then she forces them to join her in wars, wherein, having no possible interest, all their resources are sacrificed to promote her ambition or revenge. This is the fate she intended for us, had she been able to draw us into her snares. This was the *common cause* with her, wherein Genet was instructed to engage us ; this was the meaning of those *efficacious measures* against Britain, about which his two successors never ceased to declaim.

That her object, from the beginning, has been to draw us into the war, is manifest, not only from the instructions to Genet and the correspondence of his successors, but also from the measures themselves, which she wished us to adopt, from the plan of aggrandizement we see her pursuing in Europe, and from her uniform conduct towards other countries.

As to Mr. Genet's instructions, they are full and explicit ; they go directly to the object, and point out, not unskilfully, the means whereby it was to be effected. This nobody has denied ; but some have been of opinion, that when he was recalled, the system was abandoned.

If so, whence those reiterated complaints by his successors, that we had not adopted *efficacious measures* to make our neutrality respected by Britain, and to compel a relinquishment on her part, of rights which we acknowledged her to possess ? What more efficacious measures, than those which we had pursued, were in our power, short of hostility, or of what must have produced it ? Why did Mr. Fauchet on the 2d of May, 1795,* say to the secretary of state, " I hope, therefore, Sir, that the executive of the United States will not rest satisfied under its treaty with

* See his letter of that date.

“ England, since every thing proves that *that mean is insufficient?*” What did he mean by our not “resting satisfied” under the treaty? What could we do if resolved “not to rest satisfied with the treaty,” but employ coercive means to extort what, according to him, the treaty had been found insufficient to obtain? Why after informing us,* “that the history of our neutrality would prove it to have been a prey to the arbitrary conduct of Great Britain,” did he assert the “necessity of an *energetic and vigorous reaction* on our part, and a solemn reparation, which by giving to America what her *honour required*, would have manifested towards the French Republic the inclinations and intentions of our government?” We had already done what we thought sufficient, or in our power, for protecting our neutrality; what then, beside hostility, could have been meant by an *energetic and vigorous reaction?* Why did he recall† *specially* to our attention “the *energetic* and liberal execution of our treaty with France, and the support of our neutrality upon a respectable footing?” We have already put it on the most respectable footing, in our power by every means short of war? Why then talk to us of *energetic* measures, and a “respectable footing,” unless something more was to be done, and some further means to be used? Why did Mr. Adet in his note of September 29th, 1795, tell us that “he had no doubt but that we would *oblige* England to cease from violating the rights of nations.” Whence the clamour, still fresh in every one’s recollection, against the proclamation of neutrality, which this minister has branded as insidious, but which having no possible object but the preservation of peace, could not have given offence unless war had been desired? Why did he make it a ground of complaint afterwards, “that we had not compelled England to respect our neutrality;” that is, according to him, to relinquish the right of taking enemies’ goods out of neutral ships? Was it not manifest, and well known to this minister,

* In his letter of June 8th, 1795.

† In the same letter.

that we had done every thing in our power to accomplish those objects, except attacking England? How were we to *oblige* her to desist from violating the *rights of nations*, but by war?

If in fine the system of Mr. Genet, whereof an alliance offensive and defensive was manifestly a part, had been relinquished at his recall, why were all his pretensions renewed and enforced on the 15th of November, 1796, by the manifesto of Mr. Adet?

The measures themselves, which France required us to adopt, leave no doubt about her objects. In the first place, that we should compel Britain to relinquish the right of taking enemies' goods on board of neutral ships. This right she knew that Britain had always refused to relinquish in time of war; even in the American war, when she stood alone against the United States, France, Spain, and Holland; and when Russia, Sweden, Denmark, Prussia, and the Hanse towns, had formed an association to repel the right. She had never, of late years at least, renounced it, even in peace, except to France herself in 1786; and then she received very great equivalents. For us, therefore, to insist on her relinquishment of this right, during such a war as the present, wherein her very existence is staked on the support of her maritime superiority, and the extent of her commerce, France well knew would be a vain attempt, which, if persevered in, must infallibly end in war. On this point, therefore, she insisted with unwearied and importunate perseverance; and made it the grand hinge of all her complaints.

So, also, as to the impress of seamen: She well knew that Britain claimed the right of impressing such of our seamen as having been her subjects at the conclusion of the revolution war, had since that time come to settle in this country. This was a right liable to abuse indeed, and very much abused, but too important to England, in a maritime war, to be relinquished. This France well knew, and accordingly she required us to compel the relinquishment; an attempt to effect which must of necessity have brought on a quarrel.

She further required us to admit a construction of the treaty with her, whereby she would have been permitted to arm vessels, enlist crews, and sell prizes in our ports, capture British vessels within our jurisdiction, and exclude every British ship of war from our harbours. To this partiality, so advantageous to her, and so hurtful to her enemy, and in no wise intended by the treaty, she well knew that Britain would not patiently submit; for the latter had already begun to complain. Had we, in compliance with the importunate and clamorous demands of France, adopted this system, there is no doubt that Britain would have opposed it; For a proud and angry rival is not apt to see, without discontent, favors injurious to itself gratuitously accorded to its opponent. Hence abundant matter for a quarrel must have arisen. All this France knew, and she urged the demand with increasing earnestness.

These were the leading measures required of us by France, and they all had an obvious and necessary tendency to bring about a war: A tendency whereof it was impossible for her to be ignorant. Hence the eagerness with which she pursued them, and her vexation and resentment at seeing them defeated. The same tendency, though not in all cases equally strong, may be perceived in all her other steps.

But it will be impossible to understand fully the views of France in this country, without attending a little to her projects in Europe.

It is perfectly well known, that she long since formed, and still pursues with the most steady perseverance, a system of aggrandizement in Europe, for ensuring the success of which, it is absolutely essential that the maritime power of England should be reduced. Germany opposed barriers to her by land, which were also to be removed. Accordingly Germany was to be divided, and a maritime coalition formed against England. Of this coalition, the United States were to form an important part; for though we had no navy, it was known that we had the means of speedily forming one; and that when once engaged in the war

we should be obliged to exert them. The great number of our merchant ships, in the mean time, the skill, numbers, and enterprising character of our seamen, the abundance of provisions and naval stores in our country, the convenience of our harbours, and above all our vicinity to the West Indies, where the commerce and navy of England are most easily susceptible of a deep and deadly wound, would have rendered us a most important ally in a maritime war against that power. To cut off our commerce with her at the same time, the importance whereof to her, though certainly great, has been far over-rated by France, would greatly aid the blow.

Accordingly we find that as soon as the republic and the power of the Jacobin leaders were established, and before the war with England commenced, Mr. Genet was sent out with express instructions to bring about this alliance; and I have been assured by a gentleman, who about that time acted a considerable part in the Convention, but has since visited America, that this maritime coalition was early devised, and that "nothing was wanting to its completion but the consent of the United States." "That consent," he added, with an air of resentment which four years have not been able to allay, "*was applied for and was refused.*"

In this refusal, and in that proclamation of neutrality against which the ministers of France have never ceased to cry out, from Genet who said "it was a breach of the treaty," to Adet who brands it as "insidious," was laid the foundation of our present quarrel with France. She did not, however, begin the quarrel immediately; for she still entertained hopes of drawing us gradually into the war by fomenting our ancient differences with England, and prevailing on us, under the pretext of fulfilling our obligations by treaty and the laws of neutrality, to adopt measures which her antagonist would not have failed, and justly too, to consider as hostile. When she saw these efforts constantly baffled by the firm prudence of our govern-

ment, and all her hopes of a quarrel finally extinguished by the treaty with Britain, she then suffered her resentment to blaze out in the measures which she now pursues.

In the mean time, the plan went on in Europe, and was pursued with varying success, but undeviating perseverance: Nor did it receive the least check or alteration from the frequent changes of government in France. Various factions wished to rule at home, and in their struggles for power, slaughtered each other without remorse or forbearance: But they all had the same object as to their neighbours; and that object was aggrandizement to France at their expence.

They began with Germany, which being nearest to them, it was necessary first to cripple. They considered it likewise as the most vulnerable, by the two weapons wherewith they meant to assail all Europe. Those weapons were *division and insurrection*. Mr. Fauchet, in his intercepted dispatch, has informed us, that France had an eye to the use that might be made of them here also.

Germany is composed of a great number of independent powers, some of them very inconsiderable, and all held very loosely together by a kind of league, at the head of which is the Emperor. Austria, which composes the peculiar dominions of the Emperor, is by far the most powerful of the German states, and possessed also of very extensive dominions out of Germany, especially in Italy and Belgium. Prussia comes next, which, though formerly inconsiderable, was raised by the talents and long reign of the late king to a very high pitch of power and importance. This power regards itself as the rival of Austria, against which it entertains a jealousy mixt with resentment and dread. These two great powers mutually balance and controul each other in the affairs of Germany; and the smaller states adhere some to the one, and some to the other, as general policy or particular motives may happen to dictate.

It is easy to see how abundantly the seeds of divi-

sion are sown in this system. These were also circumstances which seemed to favor the plan of exciting insurrection.

All the governments of Germany, except a few towns, were arbitrary in their form; and some of them very oppressive in their practice: And although the apparent vices of these governments were greatly corrected by mild customs and fixt laws for the security of person and property, which could not easily be violated; yet there, as in all other countries where a vast population, and its certain consequence, great inequality of conditions, have taken place, there were great numbers, who possessing little, and obliged to gain their subsistence by constant labour, would naturally look with an eye of discontent on the wealth and privileges of the superior classes. It was by this description of people that France meant to work. It was by exciting them to insurrection, that the persons who then directed her affairs had enslaved their own country, after overturning a government established by free and general consent; and it was by the same engine that they intended to subjugate Germany; having first subverted and trampled under foot those governments whereby her force had been united and directed.

Those who had nothing were to be the instruments abroad, as they had been at home; and they were to be set to work by pointing to the plunder of those who had something. Their exertions were to be aided by large bodies of French troops drawn to the frontiers, and held in readiness to profit by circumstances. To repel some small assemblages of French emigrants, whom the Emperor himself had compelled to disperse, was the pretext for these armaments; meanwhile every expedient of fraud and dissimulation was used to lull the vigilance of the German states, and enflame their resentments and jealousies against each other.*

* The French carried this dissimulation so far, as to assure the Emperor, that they abhorred the idea of exciting commotions; and when England afterwards complained of their measures for this purpose, they assured her, that those measures were not

The king of Prussia, however, and the Emperor, threatened alike by this common and formidable danger,

meant to affect her, but were *exclusively intended against Austria and Prussia!* See the correspondence.

Nothing can be more incontestable than the position, that France was the aggressor in the present war. Any one, who will read the correspondence between the courts of France and Vienna, will find, that before the Austrians and Prussians began to arm, or took any hostile measures of any kind, France threatened and alarmed Germany, and the Low Countries, by great military preparations on their frontiers. This was not denied by France; but she justified it under various pretexts. One was, the necessity of repelling the emigrants. But the forces collected were ten, perhaps twenty times more numerous than the emigrants who were collecting in arms. The Emperor had, moreover, forbidden them to assemble in arms on his territory. He had actually compelled them to disperse; and had induced the German princes in the neighbourhood of France to adopt the same system. Some small corps of emigrants did, notwithstanding, remain in arms in different places, but not on the Emperor's territories; and they were too inconsiderable to give any alarm to France. Another pretext was, the convention of Pilnitz; but this convention was in its very nature defensive and eventual. It was an agreement between the Emperor and king of Prussia, that if either of them should experience those attacks from France wherewith they were threatened, they would assist each other; and, moreover, that they would protect the king of France from personal violence. They did not arm in support of this convention; and, as soon as the king gave his assent to the constitution, and declared himself free, they suspended the convention by a public declaration. Another pretext was, that the Emperor had sent additional troops into some of his frontier dominions, and had directed one of his generals to march to the assistance of a certain German prince, should he be attacked. But the Emperor had a right, and was also bound, to assist the German states if attacked; and, as to the additional troops, they did not exceed four thousand, the usual compliment of recruits sent annually to his peace establishment in that quarter; while France had drawn a large army to the same quarter. These facts were stated on the part of Austria in the correspondence, and not denied by France. A fourth pretext was, that the Emperor gave protection to the emigrants; but he gave them an asylum only and hospitality, with an express prohibition to arm on his territories. France demanded of him to reduce his troops, while she expressly refused to reduce hers, to drive away the emigrants, and to abandon the convention of Pilnitz; and because he refused to comply with these demands, she declared war against him. The same happened with respect to Prussia.

resolved to suspend their animosities, and unite in measures for the common defence. France required them

The French minister who was at Vienna, when the war broke out, declared it as his opinion, *that the system of the Emperor was pacific*. Mr. De Lessarts, who was minister for foreign affairs in France at the same time, and who carried on the correspondence which preceded the war against Austria and Prussia, wrote a letter afterwards to Mr. Neckar, in which he declares, "that it was clear to demonstration, that they (the Austrians and Prussians) were unwilling to make war against France; that it was evident from unanswerable proof, that France provoked them to hostilities, and set all Europe against her." See Neckar's Address to the French people in behalf of Louis the sixteenth, wherein this letter from De Lessarts is cited.

The testimony of Brissot to the same point, will perhaps be thought worthy by some of more credit. When accusing the French king in the Convention of want of fidelity to the nation, he charged him with *unwillingness to attack Austria*, and exclaimed, "we," meaning himself and his party, "compelled him to declare war, in order to put him to the test." After the king was dethroned, Brissot justified the war, and took the credit of it to himself and his friends. "Without the war," says he in his gazette of September 22d, 1792, "the revolution of the 10th of August would never have taken place; without the war, France would never have been a republic;" and, in his Address to his Constituents, page 56, he declares, "that the war with Austria was forced on France by outrages and threats, and that to ensure success she was *obliged to begin it*." It has already appeared what these "outrages and threats" were; and we have the testimony of Brissot himself, that it was not by them that the war with Austria was rendered necessary, though they were used as the pretexts. It was to bring about the revolution of the 10th of August; to give the Brissotine party arms, wherewith they might destroy the king and constitution, and afterwards rule the nation under pretence of establishing a republic. In the mean time, it being clear that every man's testimony is good against himself, we must believe on that of Brissot, that he and his party *began the war against Austria*.

As to Holland, they declared war against her, without ceremony or pretence; except that, seeing her frontiers approached by war, she had taken some precautions purely defensive. They even violated her acknowledged rights before she began those precautions.

With respect to England, it is perfectly certain that France was the aggressor; besides the facts and papers which speak for themselves, the point is established by the positive testimony of three French writers, all well informed, and two of whom acted a very considerable part in the revolution and in the war,

to relinquish those measures, to disarm while she was increasing her force on their frontiers; and when they refused, she immediately declared war against them. Her minister at Vienna, at that time declared, that the Emperor was disposed for peace. Her minister for foreign affairs declared the same thing; and a proof of it is, that * three months elapsed after this declaration, before the Austrians and Prussians were able to

These are Calonne, Brissot, and Dumourier; all of whom affirm that France attacked England. Brissot was a leading member of the Convention at that time, and when he was afterwards brought to the block, one of the charges against him was his having been the author of the attack. He replied, that Robespierre's party were the authors of it: But he did not say that France was not the aggressor, which would have been a complete justification. On the contrary, he asserted that France was the aggressor most unwisely, and that Robespierre's party had induced her to become so. In his Appeal to his Constituents, he says the same thing over and over: In this Appeal, page 47, he expressly asserts, that England *did not begin to arm till three months after France*. He also says, page 60, "that a determination had been made to "brave all Europe."

In October, 1792, the Convention, as appears by the same authority, had ordered formidable naval equipments to be made *in expectation of a war with the maritime powers*. This was previous to most, if not all, of those acts on the part of England, which France made the grounds of her declaration of war.

Dumourier loudly charges the Convention with having driven England into the war, which he repeatedly declares might easily have been avoided.

See his Life, 3d vol. containing the history of his campaigns.

It must at the same time be admitted, that although the combined powers were attacked and driven into the war in their own defence, yet, when they found themselves engaged in it, and began to entertain prospects of success, they also began to form projects of aggrandizement at the expence of France. It is also highly probable that most of the powerful governments became very little averse from war, when they found reason to suppose that France, by her internal commotions, and the universal indignation which the execution of the king and the murders at Paris had excited against her, had become an easy prey. It is not, however, the less true, that France began the war, particularly against Holland and England, which for a long time shewed every appearance of desiring peace.

* The declaration of war was April 20th, 1792. The Duke of Brunswick did not begin his march from Coblantz till July 27th, 1792.

collect an army on the frontiers of France sufficient for offensive operations.

The Emperor's dominions in Belgium, being at a great distance from his other territories, and in the close neighbourhood of France, were exposed to an immediate and easy attack. They were also thought more obnoxious to the weapon of *insurrection* than any other country; for though they enjoyed the freest constitution of any people on the Continent of Europe, except the Swiss and Dutch, some invasions of their rights, attempted by a former Emperor, had planted deep the seeds of discontent and distrust. These attempts had been given up by Austria; but the jealousy and resentment inspired by them, were far from being extinguished. These sparks it was the care of France to fan by emissaries and promises; and, when her armies entered the country, they were preceded by declarations that they came as the friends of the people, to assist them in breaking the chains of their ancient tyrants.

We have already seen what kind of friendship it was which they had for the Belgians, and how the chains of this deluded people have been broken. They have been plundered of every thing they possessed to replenish the treasury of France, drained of all their resources to support her armies, and are now subject to a military government.

England for a while was let alone: It was not the season yet for attacking her, till Austria and Prussia should be exhausted, Holland subjugated, and Belgium annexed to France. The maritime coalition, moreover, had not yet been formed; consequently the plan against England was not yet ripe. Correspondence in the mean time was kept up with the revolutionists in England and Ireland; open encouragement was held out to them, and their deputations had public audiences from the French convention.

The British government was alarmed at these measures. It also took umbrage at the proceedings in Belgium, and the attacks made on Holland, with which last it was in alliance. It complained of these

attacks, and of the decrees whereby the Convention had made a formal promise of support to the insurgents of every country. The Convention justified the attacks on Holland, and assured England that the decrees had been misunderstood; that they meant nothing at which any government ought to be offended, and were only to be executed in cases where a whole people, having resolved to change their government, should call for the assistance of France. On the same day when these assurances were made, the Convention sent commissioners into Belgium to execute those decrees, with instructions to "treat as enemies all persons *and even whole countries*, which should refuse to alter their governments according to her will."

England in the mean time, justly considering these explanations as deceptive and unsatisfactory, went on with her preparations for the defence of herself and her ally. France required her to desist; and when she refused, and sent away a minister who employed himself in exciting sedition, war was declared against her. This war many of the politicians of France condemned *because it was declared too soon*: And yet they confessed that France had begun to arm for it three months before England.*

* If any are in doubt of all this, or ignorant of it, they are requested to read the correspondences between France and Austria, those between England and France, the speeches and reports of Brissot, and his Address to his Constituents, and the relation published by Chaussard, one of the commissioners for executing the decrees in Belgium, wherein he gives an account of his own proceedings, and explains the plans of the Convention. The reply to Brissot's Address by Camille Desmoulins, in behalf of the Robespierrian party, should also be consulted; and Necker's Address to the French in behalf of Louis the sixteenth. Brissot, in one of his letters, declares, "we, the French, must set fire to the four corners of Europe." Camille Desmoulins, in his reply, asserts, "that to *disorganize Europe* was one of the sublime vocations of the Convention." Brissot, in his address, asks "what did enlightened Republicans wish before the 10th of August? (the day when the king was dethroned.) Men who

In the course of the war, means were found to detach the king of Prussia, by working on his avarice,

“wished for liberty not only for their own country, but for all Europe? They believed that they could generally establish it, by exciting the governed against the governors, and letting the people see the facility and advantage of such insurrections.” But Chaussard explains himself, and develops the system, most fully. “No doubt” says he, “it was the interest of France to raise and secure by conquest the trade of the Belgic provinces, so cramp by that of Holland; and thence to threaten and alarm the United Provinces, to place our assignats on the very desks of their counting houses, there to ruin the bank of England, and in short, to complete the revolution of the money system. It was the interest of France to monopolize, as it were, these vast implements of trade, these manufactories of national prosperity. It was the interest of France to weaken her mortal enemy (the Emperor) to cramp his efforts to aggrandize herself with his spoils: In short, to mutilate the Colossus of Austria, by rending from him these fertile provinces of Belgium, for obtaining and securing the possession of which, he has, for ages, been lavish of gold, of blood, and of intrigues.”

Thus also it was the interest of France to mutilate the Colossus of England, by rending from him the colonies in America. And yet she tells us, and the Belgians, of her *disinterested services* in giving our independence.

“England and Prussia,” continues Chaussard, in the words of a speech which had been delivered in the Convention, and approved of by it, “know very well that France had the greatest interest to substitute a popular and representative government for the aristocratic and degenerate one that actually exists in Holland; that with the forces of that country, France would irrecoverably destroy the trade of England, and by means of her navy soon command the Baltic; that all that would be wanting would be the renewal in that part of the North, of an alliance of situation then become necessary; and, that an intimate union between France and Holland being once formed, the supremacy of the English trade, both in the East and West Indies, would rapidly disappear; while Prussia on her side would irrecoverably lose, sooner or later, all her possessions in Westphalia.”

Here the plan stands confessed. The Emperor was to be stripped in Belgium, and the king of Prussia in Westphalia. The bank of England was to be ruined by operations in Holland, and a popular government substituted in that country, in order to place its forces under the direction of France; and with these forces, aided by her own, France was to destroy, irrecoverably, the trade of England in Europe, and make its supremacy both in the East and West Indies rapidly disappear. And all this was to be effected, by setting fire to the four corners of Europe, and

exciting his ancient rivalship and resentment against the House of Austria, and tempting him with the prospect of a share in its spoils. The price of this defection lay long concealed in the secret articles of the treaty of peace; and the king of Prussia remained quiet, being kept in awe by the Empress of Russia, who threatened him in case he should make any attempts against the House of Austria, or the Germanic body.

The Empress, however, being lately dead, and her successor having adopted some measures, from which it was thought that weakness of character and incapacity might be inferred, if not a disposition favorable to the views of France, the secret articles have come

exciting the people every where to insurrection against the government. It must be confessed that a project so atrocious in its end, and so abominable in its means, has never been conceived before, not even by the Romans.

While all this was going on, the Convention, in order to hoodwink England, was making to her the most solemn assurances of pacific intentions. It even carried its dissimulation to the almost incredible length of requesting the mediation of England to bring about a peace with Prussia and the Emperor.

A further and a very strong confirmation of these points is found in the date of the instructions to Genet, the manifest object of which was to bring the United States into a war against Great Britain. These instructions were signed January 3d, 1793; the supplementary instructions, January 17th, 1793; Mr. Chauvelin was ordered to quit England, January 24th, 1793; and war was declared against England, February 1st, 1793. If this dismissal was the occasion of the war, as France alledged, why those instructions before the dismissal? Had France been disposed for peace, as she alledged, would she, on account of this dismissal, have declared war within six days after it took place?

And yet there are men, men too of talents and information, who remain blind to all this! Who, while France was openly forming projects of empire against all her neighbours, and openly pressing forward their execution, by every mean of artifice and force, believed that she was injured and attacked, because in the face of her own acts she said so! From a late pamphlet, published by Mr. Erskine, and containing an ingenious and plausible apology for the English opposition, it appears, that he and his friends in Parliament, who certainly have high pretensions to ability and information, are still persisting in this error of regarding only the *declarations* of France, and wholly overlooking her *actions*.

to light, and the king of Prussia has assumed a very threatening tone and aspect towards Austria. The Emperor of Russia, however, it is said, has given him to understand that he must be quiet, or expect an attack from the whole force of the Russian empire. Thus much it is certain, that his hostile movements have abated; and thus the plan of turning the force of Germany against itself, has once more been defeated.

Belgium has in the mean time been over-run, and Holland has been subdued, partly by force and partly by division: For France, openly and avowedly, raised up and supported a party against the government in the bosom of the country, which was powerfully instrumental in promoting her views. Spain also, too feeble and spiritless to defend itself, sunk under the arms of France, and has been compelled to join her in the war.

In this situation, France, finding her schemes opposed only by the vast maritime power of England, and the unbroken courage and constancy of Austria, formed the resolution of destroying the commerce of England, thereby to cut off her pecuniary resources, and sap the foundation of her naval strength. This plan rendered the co-operation of the United States more important to her than ever; for she considers us as one of England's best customers, and consequently as the nation which contributes most to the support of her commerce, her manufactures, and her wealth. Our situation too in the neighbourhood of the West Indies, our abundance of provisions and of warlike and naval stores, and the great number of our ships and seamen, would enable us to be very hurtful to England in war, as well as very useful in peace. By such a war, indeed, we should suffer greatly; but that is no part of the care of France.

Accordingly she has unceasingly renewed, and pressed with greater and greater eagerness, her indirect attempts to bring us into the war. Foreseeing that her hopes of success would be greatly lessened, if not wholly destroyed by the treaty, she opposed it

with all her might, and in all its stages. Even the unconstitutional opposition to it in the House of Representatives, she aided by every means in her power. Finding all her attempts finally frustrated, her vexation and ill humour no longer knew any bounds, and she resolved to try different means for effecting what she had in vain essayed to bring about by intrigue.

This is the true spring of her conduct, that her anger at the British treaty does not arise from any of its particular provisions, but from its general tendency to preserve peace between this country and Great Britain, is proved in the most manifest manner by the conduct she pursues at this moment towards other neutral nations who have made no treaties with England. She has long threatened Portugal with invasion by the Spaniards, unless she would shut her ports against the English. She has lately required Hamburgh and Bremen to break off all commerce with England, and, on their refusal, has recalled her minister from Hamburgh. She has made the same demand on Denmark; and even required the Danes to block up the mouth of the Elbe, a river not in their territories, against the English. We have not heard the pretext for these demands, which Denmark has pointedly refused; but no doubt they were founded on the French construction of *the laws of neutrality*; the same laws whereby, according to France, the Swiss were bound to drive the emigrants from their territories, and we to permit her to raise armies, equip ships of war, and sell prizes in ours.

That such is the real project of France and the true source of her anger at the British treaty, is further proved by the testimony of General Pinckney, who, having travelled through a great part of France, and continued near two months in Paris, had the best means of penetrating their views. In his letter from Paris, February 1st, 1797, he says, “ I most ardently wish
 “ that we would banish all party distinctions and foreign
 “ influence; and think and act only as Americans—for
 “ all parties in this country (France) unite in thinking
 “ that we ought to act *as if we were altogether their*

“ *dependents*, and indebted to them solely, and not to
 “ our exertions, for our liberty and independence.
 “ Hence, our treaty with Great Britain is here generally
 “ execrated; and our having *any kind of commercial*
 “ *connexion* with that country, *even if the treaty had*
 “ *not been made*, would, I believe, have been disliked.
 “ They wish to destroy the trade of England, and they
 “ look upon us as one of her best customers; *and to*
 “ *obtain their object they care not what we suffer.*”

This is the testimony of a man remarkable for the warmth of his good wishes towards France, and who, if he did not dislike the British treaty, certainly never said a word in its favor. From his testimony, as well as evidence of their own conduct, it manifestly appears, that their dislike to the treaty does not proceed, as they pretend, from any stipulations in it injurious to them, but from its tendency to preserve an amicable intercourse between us and England.

The united force of all these considerations, drawn from the instructions to the ministers of France in this country, and their conduct here, from the plain and direct tendency of the measures which she wished us to adopt, from the nature of her plans in Europe, and from her recent conduct towards the neighbouring powers, establish, in the most incontrovertible manner, the opinion, that her object always has been to draw us into the war. This point is still further confirmed by another event. It has been proposed through the Dutch, to our minister at Holland, as appears by his letter of November 4th, 1796, that we should make *common cause* with France and Holland against England, in order to compel her to relinquish the right of taking her enemies' goods on board of neutral ships, and “ to restore peace to the two hemispheres.”

This leads us to enquire what are the motives of her present conduct; and give us also the clue whereby they may be discovered.

It is impossible to suppose that the measures lately adopted by France can mean no more than retaliation for the injuries which she pretends to have received.

Admitting those injuries to have taken place, and many of them she knows never did take place, admitting all her pretensions to be well founded, and many of them she knows not to be well founded, still those injuries and pretensions could never have authorized her present proceedings. The detention of a few privateers, and the restoration of a few prizes by our courts, even if illegal as she pretends; the privileges said to be ceded to Britain, even had they been ceded; the prohibition to arm vessels and sell prizes in our ports, had she possessed a right to do so; the suffering a few British ships of war to violate our neutrality, even had we suffered it; more especially considering that all these pretended injuries were much more than counterbalanced by real ones from her; could never have occasioned, much less authorized, the universal capture and condemnation of our property, the imprisonment, and in many cases which may occur, the death of our citizens, and the expulsion from her territory of a minister sent to conciliate. Some other cause must be sought for aggressions such as these.

Still less can it be believed that mere anger and vexation at the disappointment of her views, could have given rise to them. They may, and no doubt have been much aggravated by this cause, but it could not have produced them.

Nor can it, in my opinion, be supposed, that a design to drive us into a serious quarrel with her, can have given birth to these measures. She too well knows the consequences of such a quarrel to herself, and its necessary effect in counteracting her most favorite scheme, to force it upon us. Her most favorite scheme is to undermine the naval power of England, by destroying the commerce whereby it is nourished and supported. Hence, her requisitions to Denmark, and the Hanse Towns; hence the precipitation wherewith she forced Holland and Spain into the war against England; hence her threats to Portugal; hence the violence wherewith in contempt of every right and every engagement she seized Leghorn, a neutral port, in which England car-

ried on an extensive trade ; hence her oppressions at Genoa ; and hence her unwearied efforts to work up the discontents between us and Britain into an open rupture. The direct and even the avowed object of all these measures has been to sap the very foundations of the English power, by excluding its commerce from every port. But France well knows that a quarrel between her and this country would of necessity bring us nearer to England. She knows that having then a common interest with England against her, this common interest would beget an union of means, and a co-operation of measures. She knows that our commerce, armed for its own defence, would float safely into the ports of England, under convoy of the British flag. She knows that Britain would gain our ports as stations for her ships, would be permitted to recruit her marine among our seamen, and to draw supplies of all sorts from our country, while she herself would be excluded from all these advantages. She knows that as a consequence of these united measures, her colonies, and those of Spain and Holland, which she justly considers as her own, would be instantly deprived of all supplies, and must sink under the arms of the two countries. She knows that the American market, already so great, and increasing with a rapidity so incalculable, must in that case be secured almost exclusively to England, and wholly shut to herself and her associates. She knows that by a war with her we should be compelled to call forth our resources for the formation of a marine, which would place us in a situation to be still less in fear of her power or in need of her assistance. She knows, in fine, that a war against her, in which we must co-operate with England, would have a powerful tendency to restore that union of interests, of means, and of good-will between the two countries, which, for half a century past, has been the object of her jealousy and dread, and, which she has undertaken two wars to break. Her policy, as profound as it is atrocious, will not be confined to the present time only, but looks forward to the period, not a remote one, when the United States must,

in the necessary course of nature, become the most numerous, the most opulent, and the most powerful nation on earth.

I cannot, therefore, be persuaded, that France intends to quarrel seriously with this country. To think so I must suppose that her counsels are guided by passion and not policy; of which I have perceived no appearance. I have observed much wickedness in her plans, but no folly. I have observed a determination in her to oppress where she thought it advantageous, and to deceive where she could not oppress; to drive or seduce every nation into her measures in order to crush, by their assistance, those whose powers she dreaded, and on whose vigilance she could not impose; in fine, to sacrifice without remorse, to her ambition, all those whom she found weak enough to become her instruments under the name of allies; but I have not observed a neglect of the means whereby her schemes were to be promoted, much less a system of measures calculated to defeat them: And I firmly believe, that nothing could so obviously and strongly tend to defeat her schemes against England as that close union of measures and interests between the two countries, which a quarrel between us and herself must produce.

The very anxiety which she has discovered to place the vast weight of this country in her own scale, is a security that she does not intend to throw it into the scale of her adversary.

Her measures, therefore, I believe, have a different and indeed an opposite object. Having failed to seduce, she now is attempting to drive us into her schemes. The means which she employs for effecting this purpose, though most unjust and atrocious, are wise according to the information on which she acts. By this information she has been wholly deceived: We know that she has been deceived, in what manner and to what extent; and this knowledge gives us the true key to her present conduct.

In the first place, she has been deceived by the mea-

asures of our government. She has seen in them a moderation and forbearance, a desire of peace, and a patience under her numberless acts of insult and injury, which she has construed into a mean, spiritless, and submissive disposition. Having no idea herself of justice, good faith, or moderation, she cannot conceive of them in others; and the acts which they produce, she attributes to avarice, weakness, or fear.

To the same motives has she imputed the spirit of peace and conciliation which our government has displayed towards England.

She has been deceived by the conduct of that party in our government, whereby the measures of which she complains have been opposed. Observing that this party had always expressed very warm good-will to her, and a strong attachment to her cause, and had advocated a system of measures much more conformable to her views, than that which was finally adopted, she took up an opinion that they were actuated, not by a desire to promote what they believed to be the good of their own country, but a blind devotion to her interests. She believed, and still does believe, this to be a French party, ready to go all lengths in assisting her projects, and sufficiently powerful, if not to direct the government according to her will, at least to prevent it from taking effective measures against her. It must be confessed, and a painful confession it is, that there are some individuals whose conduct has given too much reason for this opinion; but it is also most certain, that France has fallen into an utter mistake about the views and principles of this description of our fellow-citizens in general. They, like the rest, advocated certain measures, not because they were thought desirable to any foreign power, but from a belief that they were calculated to promote the good of this country: And France, should she push her experiment, will find, that however the Americans may differ in opinion about the best method of conducting their own affairs, there will be but one mind and one

spirit among them on the question of repelling foreign aggression and foreign interference.

France has also been deceived by the conduct of the people in this country. At the commencement of her revolution she saw them every where display the strongest proofs of attachment to her cause, and good wishes for her success. She saw her minister, on his arrival in the country, received with the warmest cordiality. She heard the whole American people exultingly hail the birth of a new republic, in a nation which they fondly called their ally and friend; and to which they were proud to acknowledge their obligations and their gratitude. Far from ascribing these generous effusions to their true source, she regarded them as proofs of a blind and slavish attachment to her interests; and when she saw the government repel her attempts, and steadily refuse to come into her measures, she supposed that it acted in opposition to the wishes of the people, by whom, in case of a struggle, it would not be supported.

She had observed, also, a strong and universal resentment, excited throughout this country, by the aggressions of England; and this she construed into a deadly and lasting hatred to the British nation, which would at all times incline the people to war with it, and render any co-operation or union of measures between the two countries, difficult, if not impossible.

In these two points, she mistakes as widely as in the former. We were delighted with the French revolution, because we thought that it would bestow liberty and happiness on a great people. We felt affection to France, because we considered her as our ally and our friend. We felt grateful for her assistance, because it had been highly useful to us. But when these services are made the pretence for the most inadmissible demands; when, instead of an ally and a friend, we find her a proud and unjust assailant, we feel a resentment proportioned to the injury, and strengthened by the reflection, that this injury comes from a quarter, where we had given friendship and expected to receive it.

So, with respect to England, when her injuries ceased,

and an honorable reparation was agreed to, we thought our resentment ought also to cease.

In these mistakes there can be no doubt that France has been greatly fortified by her emissaries in this country, and by some of our citizens both here and in Europe. They have confirmed her in the idea, to adopt the expression of General Pinckney, in his letter of December 20th, 1796, "that our government acts upon principles opposed to the sentiments of a large majority of our people; that we are a people divided by party, the mere creatures of foreign influence, and regardless of our national character, honor and interest."

Believing, therefore, that the government, torn by party, is too feeble to resist her; that thwarted in its operations by the affections, the sentiments, and the wishes of the people, it will be unable to oppose any effectual exertions against her attacks; that a powerful party in the government, and a great majority of the people, will take part with her against the government itself, or at least will withhold from it all effectual support; that the people, wholly immersed in the pursuits of gain, have lost that martial spirit wher by they were distinguished in the late war, and will submit to any indignities or injuries, rather than risk their persons and wealth in a contest; she has come to a resolution to attack and pillage us, to mal-treat us in every manner, and to refuse all intercourse with us, in the firm persuasion that the government, however unwillingly, will be obliged to yield; and that we shall submit to her terms as the price of her forbearance.

These terms, in substance and necessary effect, are a rupture with Britain, and the exclusion of her commerce from our ports; and such a construction with the treaty of France as shall permit her to arm vessels, inlist crews, and sell prizes in our country, free from the interference of our courts of justice.

Should she even fail in this, still she has no doubt that we, from our desire of peace, will always be ready to make an accommodation, and to relinquish

our claim to indemnity as the price of deliverance from further aggression. In the meantime she will accomplish, she thinks, two very important objects; she will wound the commerce of England through our sides; and, by plundering us, she will not only acquire some aid to her treasury, but also give employment and support to great numbers of her people. A third object, and of no small importance, will be the destruction, in part, of our resources; whereby we should be rendered more dependant on her as allies, and less formidable as enemies.

Such, in my opinion, my fellow-citizens, are the objects of France in her present measures towards this country; and I am firmly persuaded, that the only method of inducing her to abandon those measures, is to convince her, by our conduct, that they will not be effectual: To convince her by firm, united, and vigorous measures, that her opinions, respecting us, are erroneous; and, that we are determined, at all hazards, and under any possible sacrifice, to maintain our rights, repel unjust attacks, and seek reparation for injuries wantonly committed: That we are not a feeble, pusillanimous, or divided people, opposed to our own government, and ready to acquiesce in, or aid the interference of foreigners in our affairs. We ought to shew them, at the same time, that while we are resolved to repel injury, we are willing to make every reasonable advance towards a just accommodation: That while we prepare firmly and vigorously for war, we are desirous of cultivating peace, as long as any hope of preserving it remains: That although we mean to appeal firmly to the sword, if driven to that extremity, we shall make the appeal with reluctance and regret.

This is the system recommended by the President, in his Speech to both Houses, at the opening of Congress. He declares his resolution to make another attempt to negotiate, and recommends that this attempt should be fortified and seconded by serious preparations at home. This will give weight to our complaints;

and, should redress be refused, will place us in a situation to meet the unfavorable event with energy and success. I perfectly concur in these sentiments, and shall give my voice for supporting them in the House in the most efficacious manner. The subject is now under discussion, and I have reason to believe, that the system recommended by the President will be adopted.

This system is exactly conformable to that which was formerly adopted respecting Britain. When Britain, after repeated remonstrances on our part, continued her depredations on our commerce, though in so doing she broke no treaty, though she did not recall her minister or drive away ours, we resolved to prepare for resistance, but in the meantime to make another attempt by negotiation; and, fortunately, the attempt was successful. Britain gave up her measures, and agreed to make restitution for the past. Should France be induced to act in the same manner, we shall once more have the satisfaction of seeing our rights vindicated by that union of moderation and firmness which has heretofore redounded so much to the honor and advantage of our country. Should she refuse, and war prove necessary, the recollection that we have done all in our power to avoid it, will enable us to support the struggle with unanimity and fortitude.

Should the system recommended by the President be adopted, it is impossible to foresee what particular measures of preparation will be preferred. As to the person to be sent to France, there can be no doubt that it will be General Pinckney. The firmness, good sense, and moderation which he displayed while in Paris, reflect honor on himself and the country, and have received universal approbation here. It is agreed by all parties, that our honor and interests can be nowhere safer than in his hands.

Such, my fellow-citizens, is the system of measures towards France, which, in my opinion, ought to be adopted. I am persuaded that they intend not to make war upon us, but to scourge and frighten us into sub-

mission: and, that the only possible method of making them desist from the attempt, is to convince them, not merely by declarations, but by effectual preparations for war, that we are not frightened, and will not submit to be scourged. When they understand this, I am fully persuaded that they will abandon their project. Our negotiation, I believe, will be successful; but the foundations of success must be laid in the House of Representatives; and those foundations must be vigorous and effectual preparations for war. We must consider ourselves as in the presence of a bully, who can be prevented from striking us in no manner but by shewing him that we are able and resolved to return the blow.

Should I, however, mistake in all this, still the same system will be right. Should the views of France be different from what I have supposed; "should the plan " of French aggrandizement," to borrow the words of an eloquent speaker in the House of Representatives, "require America to be driven into the war, war we shall " have, in spite of all our peaceable endeavours to " avert it; and, in that case, the sooner we set about " serious preparations, the better we shall be able to " repel and retort the attack."

Thus, in either case, our course must be the same. Whether France intends to make war upon us, to bully us, or, under pretence of "just displeasure," to continue her depredations on us for the purpose of injuring England, as long as we will submit to them, still our wisdom lies in speedy and effectual preparation

Should any ask what are the sacrifices we must incur by a war, and what are our means of becoming formidable to France? I would answer, that, as to sacrifices, the greatest we can make is that of our rights and independence; that war is an evil always to be avoided, but infinitely less than national degradation, and submission to the will of a foreign power; that every possible loss of property and lives may be repaired by time and industry, if we preserve our honor and our government; but, that these once lost, can never be re-

stored: in fine, that a nation, which weighs its purse against its rights, never fails in the end to lose both the one and the other.

To shew that we will submit to injuries for fear of loss, amounts to bribing foreign nations, with our own money, to insult and attack us.

I would answer that, we magnanimously resolved to resist the power of Britain more than twenty years ago, when our resources were infinitely less than at present, and our situation for employing them far more disadvantageous; and that this resolution created the means of resistance. I would answer that, we possess a population probably little short of six millions; a country abounding with every thing necessary for the subsistence and arming of troops; more ships and sailors than any nation on earth except England; an extensive revenue, not felt by the people, and capable of very great increase, without oppression; an union among ourselves, cemented by habit, mutual interest, and affection; a martial spirit and enterprize, which so gloriously displayed itself in the war for our independence; experienced officers formed in that war, and still ready to bleed for their country; a wise government possessing our confidence, and capable of uniting and directing our exertions; in a word, that steady persevering courage, that lofty unconquerable spirit of independence, wherein the true strength of nations consists, more than in population, in wealth, in fleets, in armies, or in generals; and which, wherever it exists, finds all other means or makes them.

I would answer that, we still possess WASHINGTON, the Hero and Patriot, who conducted us with so much glory through our former struggle, and whose martial figure, which age has rendered more venerable, without impairing its strength, would again be seen at the head of our armies.

I would answer that, with not half our numbers, few of our other advantages, and in a situation far more contiguous and more exposed, the Swiss have courageously and successfully maintained their rights, and

preserved their tranquility, by those measures which we now recommend, by proving to all parties, that though desirous of peace they were prepared for war; were prepared to place heir houses, their families, and the bones of their fathers, under the protection of their swords, and to stake the last drop of their blood on the success of the contest.

I would answer that, if driven into a war we can buy at a price, cheap to ourselves, the full co-operation of the British navy; that our numerous merchant ships can speedily be converted into ships of war; that, by withholding supplies from France and her allies in the West Indies we can most effectually aid the operations of her enemies; that Britain, being thus enabled, to call home a great part of her present force in the West Indies, will encrease still more her internal safety, and the superiority of her navy in Europe; and, that New Orleans and the Floridas must fall into our hands, whereby we shall secure the navigation of the Mississipi, free ourselves from a troublesome neighbour, and obtain complete controul over the Southern Indians.

I would answer, in fine, in the words of a celebrated writer, "that where courage is not wanting, all other means will be found or created."

I might conclude this long address, my fellow citizens, by an exhortation to summon up your fortitude, and prepare bravely to meet the attacks which may be made on our country. The subject supplies ample materials for an appeal to all the feelings which distinguish the Patriot and the Hero. But I know it is not necessary. The men who fought at King's Mountain and the Cowpens, do not need an exhortation, to bleed for their country, should she be forced to call for their assistance: And I know that, in case of that awful event, which we so anxiously desire to avert, America will again find the sons of Ninety-six District among the bravest of her defenders.

POSTSCRIPT.

THE following Note by the *Editor*, refers to the words “Denmark and Sweden,” in page 16, line 31.

This is a very common but a complete and total mistake. Denmark and Sweden did, indeed, at the period referred to, arm at the instigation of the Empress of Russia, and in that manner formed a part of what was termed the *armed neutrality*; but neither of those powers have ever attempted to maintain the principle of *free ships, free goods*, against Great Britain; nor could they do so, without an express violation of their antient and still subsisting Treaties with her, which, like all other maritime Treaties, are in direct contradiction to this new and wholly unfounded claim, which is now abandoned even by Russia itself. —See particularly, the Treaty of 1670, between Great Britain and Denmark, article 20—the Convention between the same powers concluded in 1780, and article 12, of the Treaty between Great Britain and Sweden, concluded in 1661.