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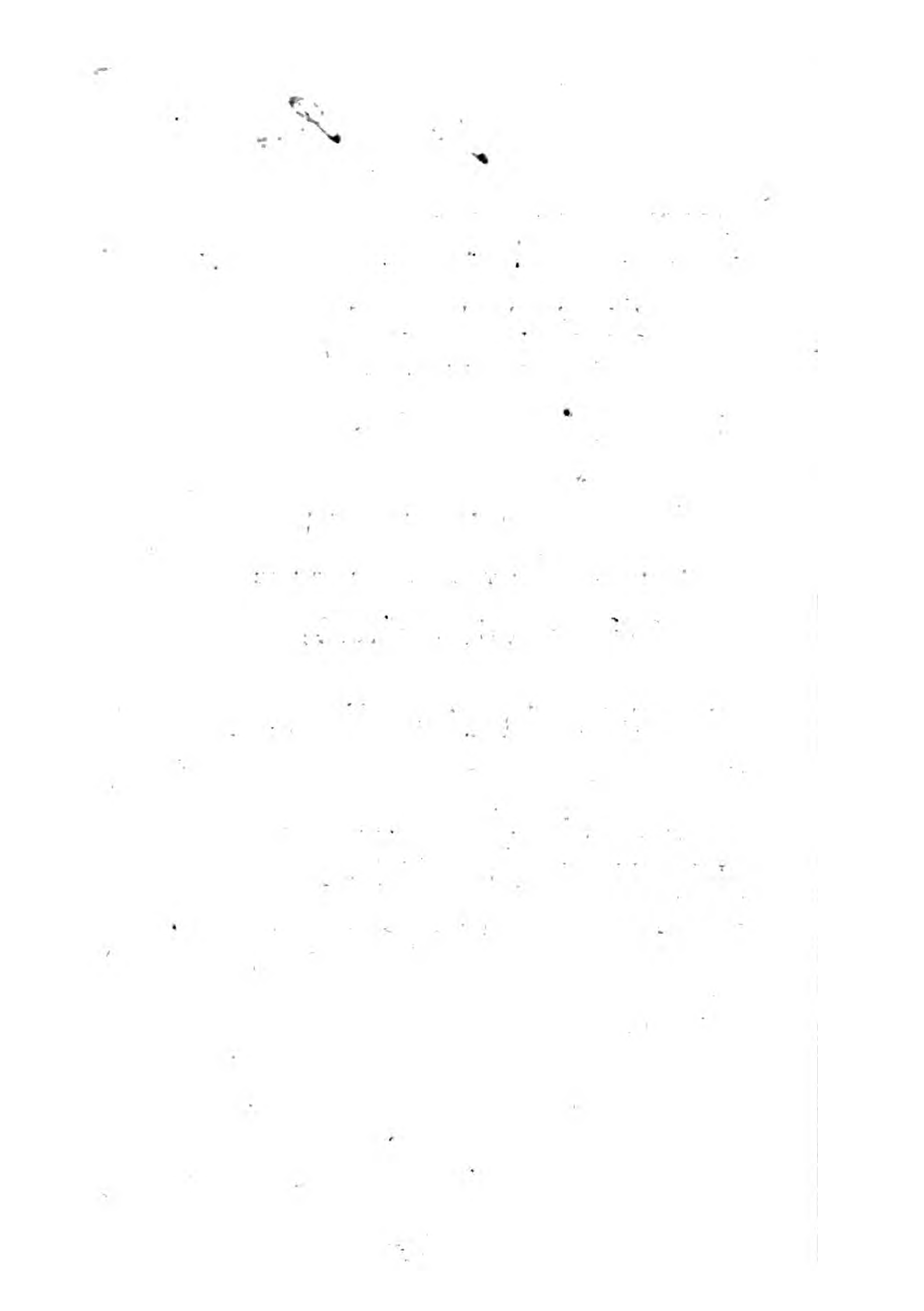
M E S S A G E
FROM THE
PRESIDENT OF THE UNITED STATES,
ACCOMPANYING
SUNDRY PAPERS
RELATIVE TO THE AFFAIRS OF THE
United States,
WITH THE
FRENCH REPUBLIC.

18th January, 1799.

Published by order of the House of Representatives.

Printed at Philadelphia

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Gentlemen of the Senate, and


Gentlemen of the House of Representatives,

THE communication relative to our affairs with France, alluded to in my address to both Houses, at the opening of the session, is contained in the sheets which accompany this. A report of the Secretary of State, containing some observations on them, will be sent to Congress on Monday.

JOHN ADAMS.

January 18, 1799. †





*Letter from the Secretary of State to Mr. Gerry, dated
June 25, 1798.*

DEPARTMENT OF STATE,

PHILADELPHIA, *June 25, 1798.*

SIR,

BY the instructions dated the 23^d of March, which, agreeably to the President's directions, I addressed to generals Pinckney and Marshall and yourself, and of which six sets were transmitted, one by a dispatch boat sent on purpose, and some of which doubtless reached you during the last month, you will have seen that it was expected that all of you would have left France long before those instructions could arrive, and which were transmitted rather from abundant caution than necessity, seeing no probability or hope existed that you would accomplish the object of your mission. The respect due to yourselves and to your country irresistibly required that you should turn your backs to a government that treated both with contempt; a contempt not diminished, but aggravated by the flattering but insidious distinction in your favor, in disparagement of men of such respectable talents, untainted honor and pure patriotism, as generals Pinckney and Marshall, and in whom their Government and their Country reposed entire confidence; and especially when the real object of that distinction was to enable the French

Government, trampling on the authority and dignity of our own, to designate an Envoy with whom they would condescend to negociate. It is therefore to be regretted that you did not concur with your colleagues in demanding passports to quit the territories of the French Republic, some time before they left Paris.

General Marshall has arrived and delivered to the President your letter of April 16th, with its inclosures; all which were, on the 21st instant, laid before Congress, accompanied by a message in which the President declares the negociation at an end, and that "he will never send another Minister to France without assurances that he will be received, respected and honored, as the representative of a great, free, powerful and independent nation."

It is presumed, that you will consider the instructions of the 23d of March, before mentioned, as an effectual recal; lest however, by any possibility, those instructions should not have reached you, and you should still be in France, I am directed by the President to transmit to you this letter, and to inform you, that you are to consider it as a positive letter of recal.

I am respectfully, Sir,

Your obedient servant,

(Signed) TIMOTHY PICKERING.

ELBRIDGE GERRY, Esq.



Mr. Gerry's communications.

Nantasket Road, 1st October, 1798.

SIR,

I HAVE the honor to inform you of my arrival here this morning, in the brigantine *Sophia*, Captain Geddes, from Havre, but last from Portsmouth in Great-Britain; and to inclose copies of my letters to yourself of the 12th and 13th of May last, No. 1 and 2; of the correspondence between Mr. Talleyrand, the French Minister of foreign affairs and myself, numbered according to the respective dates from 3 to 28 inclusively; of an arrêté inclosed in his last letter, No. 29; of my letter to Mr. Hautval and his answer, No. 30 and 31; of my letter to Mr. King, our minister at London, and an extract to Doctor Tafwell, the bearer thereof, No. 32 and 33; also the substance of a conference with the Dutch Minister, a day or two before I left Paris, No. 34; and an anonymous publication, "on the President's communication" of our dispatches, said to have issued from the French office of foreign affairs, No. 35.

When I left the United States in August 1797, the citizens in general appeared to be earnestly desirous of a reconciliation with France, on terms consistent with the honor, interest, and welfare of the two republics; these, being free from claims and controversies in regard to territory, boundaries, and many matters which embroil states; and from competitions relative to their productions, manufactures, and commerce, had a mutual and manifest interest in the renewal of their commercial and friendly intercourse with each other. Nature seemed to have entitled the United States, in their remote situation

to the peaceable pursuit of their industry, by means whereof, in its various branches, their wealth and power were rapidly increasing : and to an exemption from the conflicts of Europe ; which, involving them, would check their population, drain their resources, and ensure their poverty. On a candid investigation then of the causes of the unhappy differences between the two governments, on a disposition to correct errors, to which all governments are more or less liable, and on their mutual resolution to reciprocate justice, the success of the mission was conceived to depend ; and as this temper marked the plan of pacification adopted by the government of the United States, there was a rational prospect of success.

Soon after our arrival at Paris, the scene was changed, and the hope of a reconciliation being diminished, the necessity of harmony in the United States was proportionably increased, as the only mean for preserving their welfare and independence at home, their rights, and respectability abroad. In case of a war, there was every reason to believe, that they would be able to defend themselves against any nation, or coalition that could be formed against them ; whilst their citizens should consider the government, chosen by themselves, as the pole star of their salvation ; should rally round its standard, when raised for their defence ; should rise superior to foreign intrigues, always expert in fomenting divisions, and often aided by popular elections, legislative debates, and clashing opinions and interests ; and should promote unanimity, by toleration amongst themselves. Nevertheless, the critical state of our affairs required, that France should not be furnished with pretexts, for charging the American government, or ministers, with neglect of means for obtaining a reconciliation.

When the Minister of foreign affairs, in October last, unauthorized by the Executive Directory, as

Mr. Y. had informed the Envoys, to have any communications with them, had expressed a desire to see them in their private capacities, I was opposed to a compliance, *individually*; not from considerations of etiquette, which had no weight in my mind, but because it would infer on me, a separate agency in matters wherein I was but jointly authorized: to prevent however the imputation of a failure of the negotiation, then daily expected, to the United States, I submitted to the measure, was unsuccessful in my attempts to make it general, and was thereby subjected to a series of embarrassments.

The particular attentions of the minister to me, lest they should be invidious, were in every instance but two declined, and in one of these I yielded to importunity: preferences I viewed as a source of division.

The second conference which I held with the minister, being on the 17th of December, and his propositions to the Envoys, were published with their dispatches. Their answer which was unanimously in the negative, was delivered by me to his secretary. Mr. Y. had expected it, and expressed a surprize that the secretary had applied for it.

On the fourth of February, the minister by order of the Executive Directory, proposed that I should treat separately: the circumstances thereof, and of my refusal, are generally detailed in the correspondence inclosed.

The minister afterwards desired me by his secretary, to communicate to the other Envoys, his proposition for a loan subsequent to the war; which he soon relinquished. On this subject, our first instructions were silent; the last were explicit, and necessary to determine my judgment.

In consequence of his letter to the Envoys, of the 28th Ventose [18th of March], the minister renewed his proposition for me to treat separately; and

again received a negative answer. He then proposed that I should remain at Paris, until the sense of the government could be obtained: declaring as before, that an immediate rupture would be the consequence of my departure. To have left France under such circumstances, was a measure which I could not justify. The power of declaring war, was not intrusted with the Supreme Executive of the United States, much less with a minister; and to have thus provoked it, would in my mind have been tantamount to a declaration thereof. Indeed, to have plunged the nation into a war, suddenly, even if it was inevitable, appeared to me in other respects unwarrantable. Congress, who alone had the right to adopt this measure, might, by such a premature step, have been defeated in their previous arrangements, and subjected to other manifest inconveniencies, and the executive might have been placed on ground less advantageous for forming alliances, &c. Whereas, my detention at Paris gained time, if this was requisite; and could not procrastinate a declaration of war, if the United States were prepared for it. Other considerations had their weight. France at that time was making very formidable preparations, with a professed design, *to overthrow the British Government*: and such were the exertions and enthusiasm of her citizens, armies, and administration, as to spread a general alarm throughout Great-Britain. It was evident then to common observation, that should France succeed, she would acquire by the powerful navy and resources of Britain, such strength, as to be able to give law to Europe, and to regions more remote: and it was rational to suppose, that a coalition would be formed, of such European powers as were not in the interest or under the influence of France, to put an end to the war, by offering their mediation, and declaring their intention to oppose the power which should refuse it:

the temporizing negotiations at Rastadt had this aspect. Moreover, the internal affairs of France were in an agitated state, and threatened civil commotions. If then, on the one hand, a new coalition against France, a change in her government, or even a successful resistance on the part of Great-Britain, had happened, a favorable opportunity would have presented itself to the United States, for obtaining of her, a just and advantageous treaty; and this would have been lost, by a previous rupture in consequence of my departure. If on the other hand Great-Britain unaided had fallen, the United States would have been in a much better condition at peace, than in war with the most formidable power the world had exhibited. In such an event, they could have had but small hopes of resisting France; and it might have been deemed madness in them, even to have attempted it. For these reasons, I thought it my indispensable duty, to remain a short time at Paris.

The tenor of our instructions, the last as well as the first, shews that the government did not anticipate the proposition for treating separately, and made no provision for such an event. The French minister has uniformly insisted, that I had power to treat; because in the instrument he saw that the Envoys had a separate and joint authority. If the position could be established, it would authorize a foreign government, at pleasure, to reduce the number of a commission consisting of two or more members, and thus to deprive the constituting government of the joint abilities of its ministers; or absurdly to insist on a separate negotiation with each minister, and to choose from their several treaties, that which should best answer its purpose: besides, in case of the misconduct of ministers, their government has a right to expect information thereof, and an opportunity of substituting others in their stead; but I trust, that the arguments stated in the correspondence inclosed,

are sufficient to shew, that the power to treat did not exist; or if it did, that I was justified, under existing circumstances, in refusing to exercise it.

On the 3d of April I received the minister's note, No. 3, and apprehending that he proposed to draw me into a negociation, notwithstanding my resolution to the contrary, I sent him an answer on the 4th of April, (No. 4) to which he made no reply.

On the 20th of April, considering the unpleasant situation in which I was placed, detached from the other Envoys, destitute of power to negociate, irreconcilable to an application for it, and even to an acceptance of it, if offered, I addressed to the minister the letter No. 5, urged him to come forward with propositions for a reconciliation, and to release me from my confinement.

At our next interview, on the 28th of April, the minister informed me, that he could not comply with my proposals; not knowing the views of the United States, in regard to a treaty. To remove this obstacle, I gave the information, and in it the fullest extent to the claims of the American citizens against France, but I was silent with respect to the guaranty of the eleventh article of the treaty of alliance, and to what relates to the Barbary powers; and left it with him, in the first instance, to provide for a liberal commerce to the French colonies in the East and West Indies, and to express the views of France in regard to the proposed treaty. We afterwards conferred on the necessity of sending a French minister to the United States; and he promised to deliver me, within three or four days, the project of a treaty. On the evening of the 12th May, Mr. Humphreys arrived, and delivered me your letter of the 23d March; which, the next morning, was decyphered. Our government could not then have been apprized of the new state of affairs; but as it had signified, "that suspense was ruinous," I thought myself authorized to

give immediate information to the Minister of Foreign Affairs, that I should return to America in the *Sophia*, as soon as she could be fitted for the sea; and that it was necessary to expedite the measures we had contemplated, for affecting a treaty. The Executive Directory, as well as the Minister, had, it was said, during the three preceding weeks, been indispensably occupied by the new elections; and these being finished, they could now proceed on American affairs: had the latter required more time than I had allotted for them, I was determined to have detained the *Sophia* a short period, rather than to have defeated the proposed arrangements. This I considered as my duty; for whilst the government manifested in their instructions, a just indignation at the treatment which their Envoys had received, it evinced a disposition to peace: and as far as I could judge, the same temper now existed on the part of France.

On the 24th May, the minister sent the principal secretary of his bureau to inform me, that his government did not wish to break the British treaty; but expected in the new treaty, such provisions as would indemnify France, and put her on a footing with that nation: to this I answered, that the information gave me pleasure; that it was impossible for the United States, by violating that treaty, to become perfidious; that the treaty itself was an evidence of their good faith, inasmuch as it contained a provision, "that it should not be construed or operate, contrary to former and existing public treaties, with other sovereigns or states;" that, if in its construction or operation, France had sustained injuries, still she was sure of redress by the provisions thereof, as well as by her own treaty with the United States; and that the latter ensured to her an extension of favours, in regard to commerce and navigation, if any such had been granted to Great-Britain.

He said, there was a second point, which respected the claims of American citizens on the French Republic; that if the latter should not be able to pay them, when adjusted, and the United States would assume and pay them, France would reimburse the amount thereof. To this I answered, that the measure was impossible: but, that the claims might be adjusted, funded and made transferable by France; and be redeemed, pursuant to such stipulations, as might be agreed on between the two governments.

He then stated a third point, which respected the consular convention. I answered, that perhaps it would be best, as its duration would be short, to let it expire. But if the present war should soon terminate, and commerce revive in France, it may be well to revise it in order to prevent further disputes, respecting the evidence for apprehending deserters, the judicial officers for issuing warrants, and the mode of executing consular decisions; stating at the same time, that foreign tribunals could never be admitted within the jurisdiction of the United States. The Secretary reported the conference, and informed me the next morning, that the Minister would send me his answer, in writing, in a few days.

On the 26th May, I had a conference with the Minister, the substance of which is stated in my letter, No. 24. Having pressed on this, as well as former occasions, the necessity of sending a minister to the United States, he now readily acceded to it: this would have enabled France to relax from any stipulations, which she might have urged there, but which might be found by her minister in the United States, to endanger the treaty.

In this state were affairs on the 27th May, when I was called on by one of the city gazettes, which announced the publication of our dispatches, to deny their authenticity. Having reason to suppose, that the result of this new embarrassment, if not pacific,

would be very violent, I prepared for the event ; being obliged to abide the consequences.

On the 30th May, I received from the Minister his letter No. 6, and returned for answer No. 7. In this I repeated, what was published in our dispatches, that X. and Y. had not produced a document of any kind, for authorizing their conference with us. I was not disposed to accuse, or exculpate the French government, or Minister : the latter had disavowed the intriguers, as they were stiled, and they, in their conferences with us had declared, that they were not authorized by the government : the matter was therefore left with the public, as it had been referred to their tribunal.

On the 1st of June, the Minister sent me his letter, No. 8, and I desired to know of the bearer, why application was again made to me for the names of the intriguers, when they could be otherwise ascertained. He answered, that he believed, by the exertions of the bureau and of the police of the city, the names were discovered ; *and he mentioned them to me.* But, he added, that matters had become very serious ; that the directory expected something from me, in confirmation of this discovery ; that this was the use which would be made of my letters ; and that the Minister did not wish for any declaration from me, but what should be perfectly consistent with truth. I assured him that no extremity should produce from me any other declaration, and sent the Minister my letter, No. 10. In this I guarded against the publication, on my authority, of the names thus communicated ; and did justice to certain individuals, who being suspected, were nevertheless innocent.

On the 7th June, the publication No. 35, appeared in the Redacteur. In this, contrary to assurances received, I was made to act a very conspicuous part ; and was attacked under a thin veil of insidious compliments : the cause thereof was the detail, in the

dispatches, of my particular conferences. The next day, I prepared a letter to the Minister, for detecting the artifices, and correcting the abuses, of that curious performance. But having considered, that it might open a door to altercation and delay, if not defeat the great object in view; or produce a mere disavowal of the anonymous publication, which afterwards was made in No. 21, I suppressed the letter, and on the 10th June addressed to him No. 13. In this, availing myself of the *pacific declaration* contained in the strictures, I urged the *expedition of pacific measures*, as a requisite to their success.

On the 11th of June, I received from the Minister No. 14, in which, as he had informed my secretary, he revived the disagreeable subject of the dispatches; and he concluded, by formally demanding, whether I was in a situation to treat? Every circumstance concurred now to prove, that the dispatches had excited the resentment of the Minister against the government, as well as myself; and had changed his plan in regard to the United States.

On the 13th June, I answered that letter by No. 15, and on the 20th received a reply, No. 16. In this the Minister, in lieu of the proposed plan of a treaty, presented a general plan of negotiation: notwithstanding as he stated it, "my persevering to think my powers were inadequate," and "the most irritating provocations:" by the *first point* of this plan, a door would have been open to endless altercations, respecting the supposed abuse of the French government, by private writings, public acts of the United States, official letters, and the dispatches of the Envoys; by the *second point*, the sense of the treaties was to be fixed, and the rights flowing therefrom, were to be established; and by the *third point*, the damages of deviations from the treaties were to be examined: He then stated, that "*very general instructions*" were necessary for the negotiations; and pro-

posed that I should apply for them: *very genera indeed* must the instructions have been, to have negotiated such a plan as this; and it was impossible to view it in any other light than that of an evasion of the arrangements proposed. It was easy to have pointed out the misinterpretations and misrepresentations, as well as the impolicy of the plan; but I was under the necessity of avoiding this, or of entering into a formal negotiation. To allure me into it, was probably the object of the minister; for soon afterwards, he invited me to discuss in *writing* some articles of the *second* point. In my answer therefore of the 22d June (No. 17) I merely observed, that "if he conceived a reconciliation would be best promoted by his mode only, I sincerely wished it success."

On the 29th June, I received the minister's letter No. 19; in which, after relaxing from the *first* point of his general plan, and suggesting that the *third* would not meet with much difficulty, as soon as the *second* should be amicably adjusted, he for the first time proposed, that I should discuss in *writing*, some articles of the treaty, comprized under the *second* point. Nearly *three months* had then elapsed, since I had declared I could only *confer* with him informally on the objects of the mission; nearly *two months* since he was informed of the views of the United States in regard to a treaty, and had promised to come forward in a few days with the project thereof; and *six weeks* since I had apprized him of my intention to embark in the *Sophia*. As then a compliance with his wishes would have given a sanction not only to his departure from the plan we had agreed on for forming an arrangement; but also to the measure adopted by his Government, of accrediting at pleasure the whole or a part only of a commission; and as I had frequently demanded my passport, by letters, as well as by my secretary,

I passed in silence his proposition for discussion, *as a measure he well knew was inadmissible*, and urged in my letter of the first of July (No. 20,) in a more decided tone, the demand for the passport, &c.

On the 5th July, not having received an answer to my last, I called on the minister, to know the cause of his detaining my passport; and to give him an opportunity before my departure, of removing the obstacles to a plan of pacification. He began by observing that in a note accompanying his last letter, he had stated two points respecting the consular convention, expecting that I would discuss them, as he had done, but I had not taken any notice of them; that I had said I had no powers.— He had powers; and of consequence, I should not compromise my state, whilst he would compromise his: That I might take the discussion to the United States, and my Government might judge of it; that when my colleagues were here the government could not treat with them; that when they were sent of, it was ready to treat with me; that altho' I had no powers I might send for them; or remaining there might give my government an opportunity of sending other ministers, if I did not chuse to proceed in the business; that in this, there would be no responsibility on my part; that there were but a few points for discussion which might soon be finished; and that if a war was the consequence of my leaving the country, it would be chargeable to me. To which I replied, that the last proposition of the Directory for me to treat, was one which I had before rejected; that in April last, he knew I would only *confer* on the subjects of the mission, and made no objection to the measure; that on the 29th June, after my baggage was on board, and I was ready to embark, he first proposed a discussion in *writing*, of the articles of the treaty; that I considered this, however qualified,

as a formal mode of negotiation, which I had uniformly declined; that had he brought forward, as he had proposed, the plan of a treaty, and in it comprised the articles which I had stated, we might have passed on it expeditiously, and might have made it acceptable to both Governments; that the most important parts might have been first considered, and if not adjusted, might have precluded the necessity of passing on the rest; that in addition to the objection already stated to his mode, it commenced with the consular convention, which would soon expire; that should we agree on this, and on the lesser points of the commercial treaty, he may reserve to the last the weighty articles thereof; and failing in these, we might waste several months, by a fruitless *negociation*; that should we unite in all the points which he has suggested, his mode of discussion would require several months; that the loss of time, by these or other means, might compromit the Government of the United States, and myself likewise; that if a war should be the consequence of his departing from the plan we had agreed on, for obtaining a treaty, he would be chargeable as the cause of it. The minister said the mode he had proposed was generally adopted by France. I replied, the other was not unusual, and in the present case was preferable, if not indispensable; he observed that the notes which I had lent him, respecting the views of the United States, were informal. I answered, it was true, but that I would remove that difficulty: He then proposed the 7th July for another interview; but afterwards put it off till the ninth. On the 6th I reduced the notes to form, for constituting a part of the treaty.

On the 9th of July I called on the minister; and he enquired whether I had received his letter of that morning: I answered in the negative, and

desired to know the contents ; he replied, a discussion of two other points of the consular convention ; on which I want your opinion in writing. I informed him, that I had stated the views of the United States without discussion, and expected the same of him on the part of France ; that when this was done, I would proceed to a conference on each point, but not to an epistolary discussion ; that such a mode would require, of diligent negotiation, three months, and with his official engagements, double that time : He said, no ; that it would not require as much time as I had conceived ; that there were at most but six other points. On your side, I replied, but many on ours. He answered “ pas d'avantage,” none besides. I said that I was glad to hear it ; but to such a discussion as he proposed, I should prefer treating effectually. Some of the conversation was repeated which we had on the 7th, and I renewed my demand for the passport. He answered, that my refusal to discuss must first be given in writing, and we parted.— This is the substance of the two interviews.

On the same day, I received the letter mentioned at the interview, (No. 21) dated the 18th Messidor, (6th July) in which, speaking of his general plan in No. 16, he says “ but it is not sufficient to send these propositions to your government ; they are only the basis of discussions, necessary on each question of detail : the solution of which, we ought to find,” although, in the last mentioned number, he had said in reference to them, “ I am persuaded that you will transmit to your Government exact documents : it will be *its* province, to take the best measures for accomplishing a speedy reconciliation.” In the letter first mentioned, the Minister also observes, “ I have apprized you, that it would be inconvenient to charge with this discussion, a Minister Plenipotentiary at Philadelphia. Circum-

stances have rendered this inconvenience more serious: and I do not conceal from you, that I fear new incidents." The fact was, as I ascertained to my satisfaction, that after the arrival of the dispatches and other intelligence from the United States, the Executive Directory apprehended if a Minister was sent there, that he would not be accredited; and that overtures, or any plan unaccompanied by a Minister, would meet a similar fate.

On the 10th July, in my letter No. 22, I refused an epistolary discussion; and demanded a definitive answer to my application for a passport and other documents.

On the 15th July, I received the Minister's letter of the 24th Messidor, (the 12th July) No. 23, in which he appeals to me, for the truth of his assertion, "that if nothing had prevented me from pursuing with him, the examination of the grievances, which separate the two countries, we should have needed nothing more than their respective ratifications." Before the arrival of the dispatches of the Envoys, the Minister appeared to me sincere, and anxious to obtain a reconciliation. He had proposed by his secretary, an assumption of the debts due to American citizens; which I rejected: but he had made no other proposition of a loan whatever; and never renewed that. Indeed his views in general, as far as I could then ascertain them, were liberal in regard to a treaty: it is nevertheless impossible for me to determine whether we should have united in opinion, on every point of dispute between the republics. I had a full expectation, that by the middle of June at farthest, we should have agreed on the plan of a treaty; and that a French Minister would have been sent to America for completing it. I was likewise informed of the candidate: but after the arrival of

the dispatches, altho' the Minister, in the name of the Executive Directory, declared that they persevered in their pacific intentions, he probably for the reasons stated in explaining No. 21, abandoned the plan we had at first agreed on, substituted a general plan of negotiation, discussed some articles thereof in *writing*, and insisted, contrary to stipulations, on my answering him in the same mode. At this period, a reconciliation being quite problematical, one of his objects evidently was, to prepare materials for a manifesto, in the event of a war, to shew that it was a matter of necessity, and not of choice. He says "that after the arrival of the *Sophia*, I was disposed to depart; till that time, he had never conceived that I had a design to embark, *before we should have agreed on the definitive articles, to be ratified by my government.*" Before and after the arrival of the *Sophia*, I had announced my intention to embark early in June; conceiving that the arrangements might be made by that period. I had no design, however, of departing before they were compleated: provided, there should have been no reason to doubt of the Minister's disposition, or of the success of our endeavours, for obtaining a reconciliation. His general conduct would have been the criterion of the first, and our progress in this business, of the last point: but having abandoned our original plan, he has not given me an opportunity to judge effectually of either.

On the 20th July, I sent the Minister No. 24, and received on the 22d, his reply, No. 25. In this he declines a contest in regard to the facts stated by me in No. 24, which I was ready to support: he complains of my proposition for lopping from any future negotiation, every preliminary of a loan, and of explanations upon speeches; and refers to his letter of the 30th of Prairial, No. 16, to prove that this step was unnecessary. But altho' the first

point of his plan in that letter is silent on these demands, they might as I conceived, be hereafter revived, and were for this reason brought again into view: by these means they were effectually renounced.

The Minister, having the day before I left Paris, published his letter, No. 23, rendered necessary the publication of my answer, No. 24, and the note No. 26, as a preliminary thereto.

On the 8th of August, I received at Havre, the Minister's letter, No. 27, to which No. 28, is an answer: the former contained the arrêté No. 29; and his desire to send it by the *Sophia*, probably produced the official impediments which for several days prevented her sailing. The Minister is unwilling to admit that the arrêté was the effect of my representations: I believe there is no doubt of the fact; but it is a matter of little consequence.

No. 30 and 31, will shew that Mr. Hautval in his letter to the Minister, relative to our first interview, committed some errors, and candidly corrected them.

No. 32 and 33, require no explanation.

No. 34, will shew the object of the Dutch Minister in his conference with me, and requires no comment. I was before informed that this gentleman, if requested, would interpose his good offices; but did not think it proper to make the application.

No. 35, has already been the subject of some general remarks.

To No. 9, a verbal answer was sent by the Minister, that the letters and dispatches therein mentioned, "had never reached the government."

On the 26th of July, I left Paris; and from the best information which I could obtain relative to the disposition of the Executive Directory (for I never had any direct communication with them) they were very desirous of a reconciliation between the republics. Every impediment to my departure had been adopted by

the French Minister; and he would have prevented it, had he succeeded in his plan of an epistolary discussion: his object was, as I conceived, to gain time for ascertaining, whether the United States were then disposed to a treaty; of this he manifested doubts, being persuaded that their resentment was too great to admit of it. He seemed also to apprehend, that in consequence of the incredible exertions of Great-Britain, and the unequivocal evidence she had given of her ability to defend herself, they were inclined to avenge their injuries, by an alliance with her: and that should France come forward with overtures, or the plan of a treaty, she would fail therein, and compromise her honor. I was nevertheless of opinion, that should France be just and liberal in her measures, the government of the United States would still meet her on the ground of accommodation. My judgment was the result of their instructions; for I had never received any other official intelligence since my departure from America: I have therefore uniformly inculcated that sentiment.

Having been thus in a situation, wherein, amidst a series of events, each has been productive of fresh embarrassments, I have invariably pursued what to me appeared the honor, interest and welfare of my country, and been guided by the sense of the government, as far as I could ascertain it.

If the door is still open to peace, the establishment of it must be an happy event to the United States, as it will exempt them from calamities, which notwithstanding delusive appearances, will with short intervals probably continue for half a century, to exhaust and depopulate Europe.

But if the national pulse beats high for war, and the wise and constitutional councils of the United States shall consider it as the only safe and honorable alternative, may that Omnipotent Being, who controuls events, protect them; and may they com-

mence the war with ardor, continue it with vigour; and terminate it with glory. That this will be the issue there can be no doubt, whilst the American Republic shall choose UNION for her MOTTO; and profiting by the misfortunes of other nations, shall be convinced that *discord will insure dependence, and concord independence in war and peace.*

I shall probably when at leisure, give you some other details of less consequence, and in the interim remain Sir, with much esteem and respect,

Your very humble Servant,

E. GERRY.

TIMOTHY PICKERING, *Esq.* }
Secretary of State of the }
United States. }

[No. 1.]

Paris, 12th May, 1798.

SIR,

BEING informed that Messrs. Prince and Brownfield who expected to sail in the same ship with Gen. Marshall are yet at Bourdeaux, I embrace the only favorable opportunity which has occurred since his departure, to inclose you a copy of a note, which I received from Mr. Talleyrand, Minister of Foreign Relations, dated the 14th Germinal (April 3d.) of my answer the 4th of April, and of my letter of the 20th of the same month, being the day after Gen. Pinckney left Paris. I had intended to have sent Dr. Tazewell, who is now in my family as Secretary, with my dispatches to our government, that no time might be lost in obtaining from it such arrangements for supplying my place, as might have enabled me immediately on his return to leave France; but the measure is become unnecessary, by the prospect which I have of being able soon to em-

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bark for the United States, with the acquiescence of this government.

The decision of the Executive Directory with respect to my colleagues, after we had obtained, what we had been informed in our first conference with Mr. Bellamy was impracticable, a joint interview with the Minister of Foreign Relations, and after the latter had seemed disposed to suspend matters, until we could obtain from our Government an answer to our letters, was not less perplexing, than surprizing; and their proposition to treat with me separately, was inadmissible. It was a proposition to which I had given my negative above a month before, when made to me under an injunction of secrecy, by the Minister of Foreign Relations. I was then informed that an immediate rupture would be the result of my departure from France; and the same communication being again made, with information, that if I was determined not to negotiate separately, this government would be satisfied with my residence here, until the government of the United States could take their measures. I consented to this from public considerations solely; for every private one was opposed to it. In my embarrassed situation, not losing sight of the great object of our mission, a reconciliation with this powerful republic, I have taken a position, by which I mean to ascertain, if possible, without compromising the government of the United States or myself, the ultimate views of France with respect to them. It would have been impossible for me under existing circumstances to have consented to a separate negotiation, had the provision been made in our powers and instructions: for two of my colleagues, one from the southern, and the other from the middle states, having been sent back, I could have had no prospect of forming a treaty, which would have given general satisfaction to my country; and I could never have undertaken any negotiation, without that

prospect. It is therefore incumbent on me to declare that should the result of my present endeavours present to our government, more pleasing prospects, it is nevertheless my firm determination to proceed no further in this negotiation. The want of time and health preventing further communications at present, I have the honor to remain, Sir, with great esteem and respect,

Your most obedient and
very humble Servant,
(Signed) E. GERRY.

*To the Secretary of State of the }
United States of America. }*

[No. 2.]

Paris, 13th May, 1798.

Dr. SIR,

I HAVE the honor to inform you, that the Brigantine Sophia arrived at Havre the 11th inst. and last evening at the moment of inclosing my dispatches to you of yesterday, Mr. Humphreys delivered me your letter of instructions of the 23d of March, which shall be duly observed. The arrival of this vessel is a fortunate circumstance for me, and I shall embark in her for the United States, in lieu of taking my passage as I had proposed, in one of the American Merchantmen now in the ports of France. The ultimate views of this government, which their minister has promised in writing in a few days, shall be obtained if possible. I remain, Sir, with much esteem and respect,

Your very humble Servant.
(Signed) E. GERRY.

*To the Secretary of State of the }
United States of America. }*

[No. 3.]

(TRANSLATION.)

Exterior Relations Office.

LIBERTY.

EQUALITY.

Paris, 14th Germinal, 6th year of the French Republic, one and indivisible.

[April 3, 1798.]

The Minister of Exterior Relations,

To Mr. Gerry, Envoy Extraordinary of the United States of America to the French Republic,

I SUPPOSE, Sir, that Messrs. Pinckney and Marshall have thought it useful and proper, in consequence of the intimations, which the end of my note of the 28th of last Ventose [18th March 1798] presents, and the obstacle which their known opinions have induced to the desired reconciliation, to quit the territory of the Republic. In this supposition I have the honor to point out to you the 5th or the 7th of this decade, to resume our reciprocal communications upon the interests of the French Republic and the United States of America.

Receive, I pray you, the assurances of my perfect consideration.

(Signed) CH. MAU. TALLEYRAND,

[No. 4.]

Paris, 4th April, 1798. [Germinal 15th, an. 6.]

I HAD the honor, Citizen Minister, of receiving your letter of the 14th Germinal (the 3d inst.) and Mr. Deutrement, who delivered it, informed me, that it was intended to be shewn to general Pinckney and general Marshall.

Whilst my Colleagues and myself, to whom the Government of the United States have entrusted the affairs of the embassy, had a joint agency therein, I have carefully imparted to them

all the propositions which you have requested, and the relative conferences, and to yourself our decisions thereon; regretting at the same time, the unfortunate and embarrassing circumstances which imposed on me this disagreeable task. But as by the tenor of your letter, it is now expected that they will quit the territory of the French Republic, it will be impossible for me to be the medium of, or to take any measures which will be painful to my Colleagues, or not to afford them all the assistance in my power; and it would be moreover inconsistent with the line of conduct, which you well know, Citizen Minister, I have uniformly observed, for removing the unfavorable impressions which existed on the part of this government against them. Indeed in our last letter, there is a conditional application for passports, which as it appears to me, supercedes the necessity of a hint to them on this subject; and Gen. Marshall is waiting impatiently for an answer to that part of it which respects a letter of safe conduct, for the vessel in which he and his suite may take passage for the United States, to determine whether he shall embark from France or from Great-Britain, but the unfortunate situation of Gen. Pickney with respect to the critical state of his daughter's health, renders it utterly impossible for him to depart under existing circumstances.

You have proposed, Citizen Minister, the 5th or 7th of this decade for me to resume (reprendre) our reciprocal communications, upon the interests of the French Republic and of the United States. The reciprocal communications which we have had, were such only as I have alluded to in the beginning of this letter; unless your proposition accompanied with an injunction of secrecy, for me to treat separately, is considered in that light. To resume this subject will be unavailing, because the

measure, for the reasons which I then urged, is utterly impracticable. I can only then confer informally and unaccredited, on any subject respecting our mission, and communicate to the government of the United States the result of such conferences, being in my individual capacity unauthorized to give them an official stamp. Nevertheless every measure in my power, and in conformity with the duty I owe to my country, shall be zealously pursued to restore harmony, and cordial friendship between the two Republics. I had the honor of calling on you last evening, for the purpose of making this communication verbally; but as you were absent, to prevent misconceptions, I have thought it best to reduce it to writing.

Accept I pray you, Citizen Minister, the assurances of my perfect esteem and respect.

(Signed)

E. GERRY.

*To the Minister of foreign affairs }
of the French Republic. }*

[No. 5.]

Paris, April 20, 1798. (1 Floreal, an. 6.)

CITIZEN MINISTER,

MY colleagues having been under the necessity of departing from Paris, have left me in the most painful situation: as it respects themselves, the government and nation which I had the honor with them to represent, and my personal circumstances. The alternatives presented to my choice, were the continuance of my residence here, or an immediate rupture on my departure; I have chosen the former, prompted by every consideration of the duty I owed my country.

The object of this government in my remaining here, as announced in your official note of the 14th

Germinal, (3d April) was "to resume our reciprocal communications on the interests of the French Republic and of the United States." My answer informed you that "I could only confer informally and unaccredited, on any subject respecting our mission, and communicate to the government of the United States the result of such conferences; being in my individual capacity, unauthorized to give them an official stamp." This then I consider as the line of conduct well understood to be observed on my part; and in the present state of affairs, Citizen Minister, I flatter myself, that propositions for terminating all differences, for the restoration of harmony and friendship, and for the re-establishment of commerce between the United States and France, will be promptly made on the part of the latter; that they will be such, as corresponding with the justice and magnanimity of this great nation, and with sound policy, will ensure success; that I shall have an opportunity of soon embarking for the United States, and presenting them to my government for their consideration; and that all further depredations on our commerce, by French cruizers, will in the interim be prohibited. If in forming this arrangement I can render any services, you may be always sure of my immediate and cheerful co-operation.

Measures like these will at once extinguish those coals of discord, which kindled into a flame, must be destructive of the respective interests of the two republics; will not only restore, but increase, if possible, their former confidence; and terminate in a competition for excelling each other in mutual acts of generosity and kindness.

In any event, Citizen Minister, I flatter myself it will not be thought necessary for me to remain long in France, as the state of my family and affairs requires my immediate return to the United

States ; and as their Consul General will continue his residence here, which, pending negotiation, will answer every political purpose. I pray you, Citizen Minister, to accept the assurances of my most perfect esteem and regard.

(Signed)

E. GERRY.

*To the Minister of foreign affairs }
of the French Republic. }*

[No. 6.]

(TRANSLATION.)

*Paris, 11th Prairial, 6th year of the
Republic, one and indivisible. (May 30, 1798.)*

The Minister of Exterior Relations,

To Mr. Gerry, Envoy of the United States.

I COMMUNICATE to you, Sir, a London Gazette of the 26th of last Floreal [May 15, 1798.] You will therein find a very strange publication. I cannot observe without surprize, that intriguers have profited of the insulated condition in which the Envoys of the United States have kept themselves, to make proposals and hold conversations, the object of which was evidently to deceive you.

I pray you to make known to me immediately the names denoted by the initials W. X. Y. and Z. and that of the woman who is described as having had conversations with Mr. Pinckney upon the interests of America ; if you are averse to sending them to me in writing, be pleased to communicate them confidentially to the bearer.

I must rely upon your eagerness to enable the government to fathom those practices, of which I felicitate you on not having been the dupe, and which you must wish to see cleared up.

Accept the assurance of my perfect consideration.

(Signed)

CH. MAU. TALLEYRAND.

[No. 7.]

Paris, May 31st, 1798.

Your letter, Citizen Minister, of the 11th Prairial [30th May], and the gazette to which it refers, were delivered to me by Mr. the latter contains the whole of the informal negotiations communicated by the Envoys to their Government, and the letter states that certain intriguers have made propositions and held conversations with the Envoys, the object of which was evidently to deceive them. You have therefore desired me to communicate their names. If any of those persons were unauthorized to act, or having definite powers, have exceeded them, they certainly have abused this Government and the Envoys likewise; but I am incompetent to judge of these points, as they did not produce, to my knowledge, credentials or documents of any kind.

The publications referred to are sufficient to shew the delicate situation I am in with respect to the names of the persons, and are marked with such circumstances, as to enable you, I flatter myself, to investigate the subject without insisting on any communications on my part.

To free, however, some innocent persons from suspicions which are said to have embarrassed them, I have no objection to declare that three of the persons were foreigners, and that the fourth acted merely as a messenger and linguist.

You will observe, Citizen Minister, how extremely averse the Envoys were from such an informal mode of proceeding, by their answer of Oc-

tober the 30th, to certain propositions previously made to them; that on the first of November they agreed to put an end to such an intercourse; and that they carried into effect their resolution, notwithstanding the reiterated attempts afterwards made to defeat it. They conceived it nevertheless to be their duty to make a communication of the whole to their Government.

Accept, Citizen Minister, the assurances of my perfect esteem.

(Signed)

E. GERRY.

(Copy.)

*To the Minister of Foreign Affairs
of the French Republic.*

[No. 8.]

[TRANSLATION.]

*Paris, 13th Prairial, 6th year.
[June 1st, 1798.]*

*The Minister of Exterior Relations, to Mr. GERRY,
Envoy of the United States.*

I have received, Sir, your letter of yesterday. You inform me, 1st, that the gazette presented contains all the informal negotiations, communicated by the Envoys to their Government; 2d, that the persons referred to, have not produced, to your knowledge, any authority, any document of any kind whatever, to accredit themselves; 3d, that three of the individuals mentioned (that is to say, in the order in which I have placed them, W. X. Y.) are

foreigners, and the fourth (that is to say Z.) acted only as messenger and interpreter.

Although I perceive your repugnance to naming those individuals, I must earnestly request you to yield it to the importance of the object. Be pleased therefore, 1st, either to give me their names in writing, or communicate them confidentially to the bearer; 2d, to name the woman whom Mr. Pinckney mentions; 3d, to tell me whether any of the citizens attached to my service, and authorized by me to see the Envoys, told them a word, which had the least relation to the disgusting proposition which was made by X and Y to give any sum whatever for corrupt distribution.

Receive, Sir, the assurance of my perfect consideration.

(Signed)

CH. MAU. TALLEYRAND.

[No. 9.]

Paris, June 1st, 1798.

CITIZEN MINISTER,

Being officially informed that fundry letters for General Marshall, Mr. Murray, our Minister at the Hague, Mr. Bourne, our Consul at Amsterdam, the house of Lange and Bourne, and myself, captured in the American ship Farmer, some time since, and sent to Rotterdam, were by order of Mr. Delacroix transmitted to Paris, in pursuance of the instructions he received from this Government, and having made several unsuccessful efforts to recover

these dispatches, permit me to request your assistance for obtaining them without further delay.

Accept, Citizen Minister, the assurance of my perfect esteem and respect.

(Signed)

E. GERRY.

*To the Minister of Foreign Affairs
of the French Republic.*

[No. 10.]

Paris, June 3, 1798, Prairial 15, An. 6.

CITIZEN MINISTER,

Mr. _____ has delivered me your letter of the 13th Prairial, wherein, after recapitulating a part of mine of the 31st of May, you request me immediately to submit to the importance of the object, and 1st, to give you in writing, or communicate confidentially to him, the names of those persons designated by the letters W, X, Y, Z. 2ndly, to name the woman quoted by Mr. Pinckney. 3dly, to inform you whether any of the citizens attached to your employments, and authorized by you to see the Envoys, have said one word which had the least relation to the shocking proposition which has been made by X and Y, for us to deliver any sum whatever for a corrupt distribution.

With respect to the persons designated by X, Y, Z, I will inclose you their names under my hand and seal, on your assuring me, that they shall not be published on my authority, although the measure does not appear to me necessary for their discovery; and Z, as he informs me, has made himself known to you. But W never having spoken to me a word relative to X, or to any part of our communica-

tions, the manifest impropriety of my giving hearsay information, will, I presume, apologize for omitting it.

I cannot give you the name of any lady, for no one has made any political communications to me since my arrival in Paris.

In regard to the citizens attached to your employments, and authorized by you to see the Envoys on your official communications, I do not recollect a word from any of them, which had the least relation to the proposition made by X by Y, in their informal negotiations, to pay money for corrupt purposes.

Accept, I pray you, Citizen Minister, the assurances of my perfect esteem and respect.

(Signed) E. GERRY.

*To the Minister of Foreign Affairs
of the French Republic.*

[No. 11.]

(TRANSLATION.)

Paris, 16 Prairial, 6 Year (4th June, 1798.)

*The Minister of Exterior Relations, to Mr. GERRY,
Envoy of the United States.*

Your letter of yesterday, Sir, has just been handed to me. You may render to me in perfect confidence the names you mention to me, under your hand and seal. I assure you, that they shall not be published as coming from you.

Receive, Sir, the assurance of my perfect consideration.

(Signed)

CH. MAU. TALLEYRAND.

Paris, June 1798, Prairial 6 an.

The names of the persons designated in the communications of the Envoys Extraordinary of the United States to their government, published in the Commercial Advertiser of the 11th of April last at New-York, are as follow:

X, is Mr. _____.*

Y, is Mr. Bellamy.

Z, is Mr. Hautval.

(Signed)

E. GERRY.

*To the Minister of Foreign Affairs
of the French Republic.*

* Mr. Gerry has inserted the proper name of X, in this document, as given to Mr. Talleyrand: But the person designated by X, not having (like Y) avowed himself, the promise made by the Envoys to him and Y, "that their names should in no event be made public," is still obligatory on the Executive in respect to X, and therefore his name is here omitted.

T. PICKERING.

Paris, 10th June, 1798.

Citizen Minister,

Having been informed by my Secretary on the 7th, that you proposed to write to me the beginning of this decade, I have impatiently expected, but have not yet received your communications.

The arrival of the newspapers, containing the dispatches of the Envoys to the Government of the United States, after embarrassing and detaining me

a fortnight, has produced a publication, wherein it is declared, that this Republic "will never cease to manifest her dispositions to live in peace with America."

If this declaration really is, as it appears to be, official and expressive of the sense of this Government, and is followed by a system of policy superior to unimportant considerations, permanent friendship may be soon established between the two Republics.

When it is considered that nine months have elapsed since the arrival in Paris of the Ministers who were charged with this important negotiation, and six weeks since the departure of two of them; when this delay, and a series of the most unfortunate events, have inevitably produced alarming apprehensions on the part of the Government and citizens of the United States, that France is hostile towards them, and waits only for a favorable opportunity to evince it; when France herself, in the publication mentioned, has declared that her enemies flatter themselves with the hope of exciting in the United States a war against her; when in this belief she must be convinced, that in such a critical state of affairs, events are too rapid to admit of delay; when such is the decision and ability of this Government, in some of its most important negotiations, as to require but a few days to complete them; I flatter myself that such an arrangement on the part of this Government will speedily be made, as will manifest its amicable dispositions towards the United States, quiet the apprehensions of their Government, open on a liberal system the channels of their commerce with this country, and afford them a well grounded assurance of a speedy and happy issue to their efforts for peace.

The brigantine *Sophia*, Henry Geddes, master, in which I mean immediately to embark, is national property; but nevertheless subject, as is represented,

to detention by the embargo at Havre; I must request therefore an order for exempting her from this prohibition.

My passport and the letter of safe conduct for the vessel are not yet received.

Accept, I pray you, Citizen Minister, the assurances of my perfect consideration.

(Signed)

E. GERRY.

*To the Minister of Foreign Affairs
of the French Republic.*

[No. 14.]

(TRANSLATION.)

*Paris, 22 Prairial, 6th Year,
(10th June, 1798.)*

The Minister of Exterior Relations of the French Republic, to Mr. GERRY, Envoy of the United States.

You could hitherto have remarked, Sir, in my letters of the 11th, 13th and 16th of this month, nothing but my eagerness to fathom the dark intrigue therein referred to, and to discover its ramifications. All further explanation in this respect would be beneath the dignity of the French Government.

But I will not preserve the same silence on the intention manifested by the message of the President of the United States to the Legislature of the 14th Germinal [April 3d, 1798], by the nature of the documents adduced as pertaining to the basis of a negotiation, by the rapid publicity given to this strange collection, by the concealments made of the official communications. That intention is too well perceived in France and in America to require a development. It is sufficient to repel the rumour so injuriously spread of the hostile dispositions of France,

I will therefore refer myself to the note I addressed to the Envoys on the 20th of last Ventose [March 18, 1798]. I doubt not that they will have promptly forwarded it to the President of the United States, and I must believe that as soon as it shall be made public, it will efface from the minds of the American people the ill founded uneasinesses which they have been made to entertain. As to the French Government, superior to all the personalities, to all the manœuvres of its enemies, it perseveres in the intention of conciliating with sincerity all the differences which have happened between the two countries. I confirm it to you anew. The French Republic desires to be restored to the rights which its treaties with your Government confer upon it, and through those means, it desires to assure yours. You claim indemnities: it equally demands them: and this disposition being as sincere on the part of the Government of the United States, as it is on its part, will speedily remove all the difficulties.

It remains for me to ask you, Sir, whether you are at length in a situation to proceed towards this important object.

Receive, Sir, the assurance of my perfect consideration.

(Signed)

CH. MAU. TALLEYRAND.

[No. 15.]

Mr. GERRY, to the Minister of Foreign Affairs of the French Republic.

Paris, 13th June, 1798.

I have received, Citizen Minister, your letter of the 22d Prairial [10th June], wherein, after informing me that all further explanation respecting the dark intrigue in question, will be below the dignity of the French Government. You say, that you will not

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keep the same silence upon the intention manifested in the message of the President of the United States to the Legislature, the 14th Germinal [3d April]; in the nature of the pieces produced, as forming part of a negotiation; in the rapid publicity given to this strange collection; and in the concealment of official communications, by which, in the subsequent part of your letter, you allude to your note to the Envoys of the 28th Ventose [18th March last].

If the wishes and interest of the two Republics call loudly for an accommodation of their differences, (and of this, *the Government of France*, as well as *that of the United States*, appears to be convinced,) is not a restoration of friendship between *them*, one of the most direct means for accomplishing that desirable object? And is it not altogether neglected? The unfounded prejudices against the President of the United States, in regard to his message, will be manifest, by comparing it with his official duty, designated by the Constitution, and also by referring to the dates of your note and of his message: whereby it will appear, that the latter was but sixteen days later than the former, and that it was impossible that the President could have received your note, or concealed it from the public. The Government of the United States, pure in its principles, just in its objects, and wise in its councils, is also superior to all personalities; and I wish these may forever cease; for sure I am, that from such a source, no good, but infinite injuries, may result to the two Republics. You conceive that your note, which was duly transmitted by the Envoys to the Government, when published, will efface from the minds of the American people their unfounded inquietude. Of this I can form no judgment; but before you addressed that Note to the Envoys, the proposition therein contained had been made to me to treat separately,

and I had stated, that the measure was in itself impolitic, and as it respected myself, impossible.

I have nevertheless, contrary to my wishes and interests, complied with your subsequent proposition for remaining here to prevent a rupture. I have been happy, since, by your repeated assurances, that this Government was sincerely disposed to reconcile all differences between the two countries, and probably would soon make an arrangement adequate to the object: indeed I had great reason to hope, that I should have been furnished with a copy of it, before my leaving Paris, and I earnestly wished it, lest the disappointment which might result from my return to the United States without it, should produce unhappy effects; but the vessel in which I am to embark, being ready for sea, waits only for my arrival at Havre with the requisite documents for the voyage.

The sincerity of the disposition of the Government of the United States, to meet this Government on the ground of the existing treaties between the two countries, and to do justice to France, as well as to receive it from her, is too evident to admit for a moment of the least doubt; but I again repeat, that I have no powers to enter on the negotiation. Nevertheless, the proposed arrangement might be made by this Government, and a Minister be sent to America to complete it: as it is of little consequence to either, in which nation the negotiation is concluded, but of great importance to both that it should terminate in an immediate accommodation, and in the restoration of their friendship. I presume that in this our wishes are alike sincere and ardent, and that the magnanimous policy of his Government to persevere in the intention to reconcile with sincerity all the differences between

the two countries, will have a speedy and happy effect.

Accept, Citizen Minister, the assurances of my perfect respect.

(Signed)

E. GERRY.

[No. 16.]

(TRANSLATION.)

Paris, 30th Prairial, 6th year,
[18th June, 1798.]

The Minister of Exterior Relations, to Mr. GERRY,
Envoy of the United States.

I have received, Sir, your answer of the 27th of this month, to my letter of the 22d. You take the trouble to observe to me, that my note of the 28th Ventose [18th March, 1798], could not have made a part of the documents communicated by the President of the United States on the 14th Germinal [April 3d, 1798]. Do me the justice to believe that I have not committed this mistake.

You persist in thinking, that your powers and your instructions do not permit you to proceed to the conciliating of the differences between our two Republics. You even announce to me positively your departure for the United States, in the vessel which your Government has dispatched to Havre. I should have presumed, that after having received and transmitted to Philadelphia my note of the 28th Ventose, that one of the Envoys, whose impartial dispositions appeared to promise a reconciliation, would wait at Paris for further instructions and powers, if he had need of them. It even appears to me, that these documents cannot now be long in reaching you, provided your Government is as averse to a rupture as you assure me. The part you take tends to give room to conjecture, that the vessel arrived at

Havre, has only brought you orders, similar to the acts of which I complained on the 22d of this month.

Nevertheless, Sir, such is the sincerity of the assurances which I have given you in the name of the Executive Directory on the 28th Ventose, and which I have since repeated to you, notwithstanding the most irritating provocations, that I do not hesitate to explain myself to you, as if you were in a situation to receive my overtures.

All negotiation between France and the United States, must essentially rest upon three principal points.

1st. Frank and amicable declarations concerning certain circumstances, which malevolence has, and may yet misrepresent.

It is utterly false, notwithstanding the public and private insinuations which have been made, in private writings, and in solemn acts, that the French Government has ever sought to detach the people of the United States from the Constitution they have given to themselves. It has complained of the American Government, but to the Government itself. Justice demanded, that it should render homage to the sympathy of a free people for the cause of liberty; and it did not go farther.

The Secretary of State, Mr. Pickering, has inserted in his public letter to Mr. Pinckney (of the 16th of January, 1797), assertions against the good faith of France in the negotiations of 1782, which have no other foundations than the interested communications of the English Negotiator. It is a long time that this insidious weapon, forged by the enemies of France, has been used in the dark.

It is of importance to the two countries, to understand each other equally concerning the true value of several documents published as emanating from the French Government, and of the private

acts of certain agents, whom it has disavowed. In effect it is only by destroying all the germs of distrust, that a good understanding can re-appear and continue hereafter without being obscured.

2. Fixing the meaning of several articles of the treaties between the two countries, and the absolute enjoyment of the rights which flow from them.

Long before the war, the 9th and 12th articles of the convention of the 14th of November, 1788, the first relative to deserters, and the second relative to the jurisdiction of the Consuls, were a continual source of altercations. They have become completely null by interpretations foreign to their manifest intent. It is necessary to perfect them.

By the 6th article of the treaty of alliance, France has renounced the Bermudas, New-Brunswic, Nova-Scotia, Cape Breton, Canada; in other words, it has renounced the procuring for itself of one of the ports, which would have been so necessary for it to possess for the protection of its sugar islands. It devoted, in preference, the effort of its arms to the defence of the United States. It was understood that it should find proportionate advantages in their ports. One of these advantages is found implicitly in the 17th article of the treaty of commerce of the same day. The French ships, public and private, may freely enter into the American ports with the prizes which they may take. The ships public and private of the enemies of France, who may have taken prizes from it, shall not, on the contrary, have any asylum in those ports. Such is the literal sense, such is the intended sense. Does good faith permit a distinction between the vessels of the enemies of France, who leave their prizes without the port and those who come in with them? Can it be decided that the latter only should be excluded, without evidently violating the clause of the treaty which is

the most important to France? Can it be invalidated by subsequent engagements? Doubtless not.

In virtue of the same 17th article, no authority whatever of the United States is permitted to interfere with the prizes taken by French ships public and private. The Captains are bound only to shew their commissions, because it is necessary to be able to distinguish the pirate from authorized vessels. It is also lawful to demand the release of a prize taken within the extent of the jurisdiction, that is to say within the reach of cannon shot. But what abuse, what vexations, what odious chicanery, have flowed from the deviation from the meaning of the article? The Government of the United States has rejected the precautions suggested to remedy the evil. Experience has shewn that without those precautions the article is illusory.

The United States permitted the sale of French prizes until Prairial, 4th year [May, or June, 1796]. At this period the Supreme Court decreed the revocation of this advantage, in virtue of the 24th article of the treaty with Great-Britain. The 27th article nevertheless adds, that that treaty shall in no respect alter those which the U. States may have previously contracted. But the liberty, enjoyed by the French vessels of war of selling their prizes, is derived from the 17th and 22d articles of the treaty of commerce of the 6th February, 1778. The 17th article would be of little value, if it were confined to the right of asylum. The 22d article would be mere surplusage, if it did not declare a right for the French and an interdiction for their enemies. Great-Britain obtained a similar right only on condition that it should be without force in all cases wherein France should be interested. When the United States concluded their treaty with Holland in October, 1782, the memory of the treaty of 1778 was not yet weakened; and the exclusive privilege of the 22d article of the latter is

formally acknowledged in the 22d article of the former.

The same 22d article of the treaty of 1778 must be appealed to against the refusal given to French vessels of war to make any change of their armament in the United States. If the desire to prevent the disorders, of which the American Government complained, induced the Committee of Public Safety, in the beginning of the 2d year, to cause all original armament in the name of the Republic, in the United States, to be stopped, it did not intend that the abandonment of a doubtful pretension should carry with it that of an explicit right.

In the 23d and 24th articles, France and the United States have agreed, that the neutrality of the flag should determine that of the cargo, and have contracted the too extended catalogue of contraband merchandize. It would have been pleasing to the Republic to see in general prevalence, a system conformable with sound justice, and which it flatters itself one day to extend. But how could the obligation remain reciprocal between it and the United States, when there no longer remained a parity of situation.

The English Government has abused the liberality of France to her injury, since the commencement of 1793, and has not even spared American cargoes bound to French ports. Principles, contrary to those which influence the Republic, have been consecrated since, in the 17th and 18th articles of the treaty of London. It is doubtless a forced concession on the part of the United States, who until then made it their glory in all their treaties, to aim at the liberty of the seas; but finally, it is a concession made by them in favor of England. France ought to enjoy it, in virtue of the second article of the treaty of Paris: its regrets cannot render it insensible to its rights.

It ought, in virtue of this second article, which renders immediately common to it, every favour, accorded by the United States to any nation whatever, to claim some other parts of the treaty of London.

3. The impartial examination of the damages which have resulted from the deviation from the treaties of 1778.

The treaties which bind the two nations have been insensibly rendered insignificant by sophistical interpretations. The clearest clauses have been finally denied. The American Government has never paid regard to the successive complaints of the Ministers Plenipotentiary of the Republic. It has never admitted them to enter into conference on this subject. It has always taken upon itself to decide; although in every reciprocal contract, neither party possesses the exclusive right of interpretation. After having exhausted itself in representations, the French Government was obliged to cause its complaints to be unfolded for the last time, on the 25th Brumaire, 5th year [Nov. 15, 1796]. Stripped of the advantages which the most sacred, the most liberal treaty assured to it, it has been forced in order to bring the United States back to their obligations to France, to imitate the conduct which England pursued previously to the treaty of London.

That court moderated its measures, after its object was accomplished: the present complaints of the United States might have been prevented, if those of the French Government had been attended to. The complaints which the United States now make are, in fine, only the consequence of a state of things which has cost the French Republic and its citizens the most considerable damages. The French Government nevertheless has not ceased to offer the exact justice which it demands. It has never refused,

and never will refuse, to enter into discussion upon every proper subject.

I have given, Sir, to these three points a large development. We are very near an agreement, when we really desire it on both sides, and when we candidly admit the state of the question. You see the negotiators require very general instructions, in order to obviate the inconveniences which are prolonged even until now, I believe, to fix the meaning of our treaties, it will be proper to draw up a declaration concerning it, to be hereafter obligatory upon the two parties, and considered as making a part of the original acts; a declaration which, that it may have the force of law, should be established by the ratifications, which the constitutional forms respectively require.

The United States are placed in that happy unconnected state, which makes them, doubtless, set a particular value upon the clauses of their treaties, relative to their commerce and navigation. It is the effect of the long neutrality which they have the hope of maintaining. But France, although firmly determined, since it has become a Republic, to live in peace with all nations, cannot flatter itself with escaping the scourge which periodically torments Europe; and prudence requires that it preserve the rights which treaties secure to it, in neutral ports, in time of war. With this double view, the American negotiators digested the treaty of commerce of 1778. Although it be reciprocal upon the whole, some provisions are more specially applicable to the fixed position of the United States; and others have allusion only to the eventual position of France. The latter has made great sacrifices for the independence of the former. France has stipulated few advantages, advantages which do not in any respect injure the United States, and the lawfulness of which no foreign nation can contest. The French Republic will never renounce them.

It is now in the power of the United States to realize the dispositions which you manifest in their name. The prudence of your connexions in France has preserved you from the prejudices which it is difficult not to contract, when one is less on his guard against foreign and even domestic intrigues. I persuade myself that you will transmit to your Government only accurate documents. It will belong to it to pursue the best measures to effectuate a prompt reconciliation; and I ardently desire that they may correspond with the wish of the Executive Directory.

I continue however to think that instead of returning to the United States, it would be preferable that you should ask for the instruments necessary to the negotiation. Nothing could more accelerate the drawing together of those ties, which the French Republic and the true Americans have regretted to see relaxed. Your presence at Paris, if the powers, which must be supposed to be on the road, should soon arrive, may momentarily accomplish the object which we both ambitiously pursue.

Your departure, on the contrary, will give a new activity to the plots laid for precipitating the two countries into measures which are as repugnant to their inclination as to their interests.

The French Government being, besides, penetrated with the same sentiments, which you testify, will hereafter wait for what may be addressed to it, and with pleasure will behold you as the organ.

Accept, Sir, the assurances of my perfect consideration.

(Signed) CH. MAU. TALLEYRAND.

[No. 17.]

Paris, 22d June, 1798.

I received, Citizen Minister, on the evening of the 20th instant, your letter of the 30th Prairial

[18th of June] in answer to mine of the 13th. You say you have not made the mistake, respecting your letter of the 28th Ventose. I am not disposed to impute to you a mistake, if you have not made it; although I think that your letter will warrant the construction I gave it: be this as it may, justice requires that the President of the United States should be free from the imputation of having concealed official communications, when he had published all, which it was possible for him to have received.

You should have presumed, as you state, that after having received and transmitted to Philadelphia, your note of the 28th Ventose [the 18th of March] I would wait at Paris for instructions, and further powers, if necessary. But I had a right to expect, from what had passed between us before the arrival of the brigantine Sophia, and indeed after it, that I should have received, for the consideration of the Government of the United States, propositions on the part of this Government, for reconciling the differences and restoring friendship between the two Republics; that I should, ere this, have been on my passage to the United States; and that a French Minister would have been sent to Philadelphia to complete the negotiation.

I accordingly informed you, before the arrival of the brigantine, that I should embark for America in June; and after her arrival, that I should take my passage in her, as soon as she could be fitted for the sea.

You have stated, and developed three points, on which you conceive the negotiation between France and the United States ought essentially to rest. Your letter on this subject I will carefully communicate to my Government; and if, after the voluminous official discussions, on the part of each of the Republics, of the subjects in dispute between them, you conceive that a reconciliation will be best promoted by this mode only, I sincerely wish it success.

You say that France, in her treaty with the United States, has stipulated few advantages, which in no wise injure them, and the legality of which cannot be contested by any foreign nation: You then add, that the French Government will never renounce them.

The Government of the United States never desired of France a renunciation of any right, to which she is entitled by their existing treaties; in construing some parts of these, the two Governments have different opinions; but this is not unusual between nations; and when they are amicably disposed, and governed by the principles you have justly laid down, that neither party has the right of exclusive interpretation, they are generally successful, if direct measures fail, in adjusting their disputes by arbitration: this mode has been successfully adopted by the United States with other nations.

My connections in France, Citizen Minister, have neither preserved me from, or subjected me to prejudices. I am governed by my own principles, those you may be assured, will always prompt me, in the discharge of my duty, to present to my Government exact documents and statements of facts.

It is impossible for me to apply to the Government, for the necessary instruments to conduct the negotiation. On the other hand, should such a proposition be made to me, I should certainly, under existing circumstances, decline it. Nevertheless, I again assure you, that it will give me the greatest pleasure, if by any other means, I can contribute to a just and honourable accommodation of the differences between the two Republics.

My return to the United States, which is indispensable, cannot, as I conceive, be attended with the effect you mention; more especially as the connec-

tion between the two countries will be still kept up by their respective Consuls.

Accept, Citizen Minister, the assurances of my perfect respect.

(Signed)

E. GERRY.

*To the Minister of Foreign Affairs
of the French Republic.*

[No. 18.]

*Mr. GERRY, to the Minister of Foreign Relations
of the French Republic.*

Paris, 25th June, 1798.

CITIZEN MINISTER,

I am again under the necessity of applying for necessary documents to enable me to return to the United States; and as you cannot be insensible of the manifest disadvantages on my part resulting from the delay of them, I presume that they are now in readiness.

Accept my assurances of esteem and respect,
(Signed)

E. GERRY.

[No. 19.]

(TRANSLATION.)

Exterior Relations.

*Paris, 9th Messidor, 6th Year,
(27th June, 1798.)*

*The Minister of Exterior Relations, to Mr. GERRY,
Envoy of the United States.*

In answering, Sir, your letter of the 4th of this month [22d June, 1798]. I regret that I am obliged to recur to the first paragraph. I complained that the publications made at Philadelphia on the 19th

Germinal [8th April, 1798], did not contain all that your Government then knew. You supposed that I alluded to my note of the 28th Ventose [18th March], which could not however have reached the President. I begged you not to attribute that mistake to me. You appear to adhere to your interpretation. From respect to your sincerity, of which I cannot doubt, I will surmount my repugnance to minute digressions, and will point out to you that one of the concealments which is the most striking.

I have been furnished from the United States with the clearest proofs, supported even by articles extracted from the American papers, of the knowledge which subsisted there before *Germinal* [before the 21st of March] of the objections of the Executive Directory to any negotiation with two of the Envoys, and of its *express desire of treating with you*. In effect I early testified to you these dispositions; and the declaration on this subject inserted in my note of the 28th Ventose [18th of March] was only the official expression of a thing already comprehended as well at Philadelphia as at Paris.

For the rest, Sir, let us hereafter pass over these useless episodes, and let not our communications further bear the taint of recriminations. Those who are truly impartial, will, perhaps, discover a degree of generosity in this proposition coming from my side.

Let us seriously resume our explanations. It is for facts to prove the reality of the intentions professed on both sides. My last letter attested to you very forcibly those of the Executive Directory. You do not allow those of the President of the United States to be doubted. How then happens it, that after having received propositions, wherein every thing is combined for a frank and prompt conciliation, you in some sort shut the door against all future advance?

You seem to insinuate, that these propositions have long been delayed. They could not have been made

until after the departure of your colleagues: the first open negotiations upon the differences which subsist between the two countries take their date only since that recent period: nothing was entered upon as long as the three Envoys were present: one alone manifested a temper of reconciliation. Afterwards, some time was necessary to unite the views you suggested with the determination the Executive Directory has made, to place the respective interests in front. I did not, above all partake in your opinion concerning the utility of your carrying the overtures of the French Government personally to Philadelphia; and I never thought it advantageous to send thither a Minister Plenipotentiary from the Republic, before the happy issue of the negotiations commenced. I was, nevertheless, about to transmit the result of my reflections in the beginning of Prairial, [between the 20th and the last of May] when the incident happened, which for a moment suspended the principal object. I do not see what delay I could have prevented. I am mortified that circumstances have not rendered our progress more rapid, and it is in order to accelerate it, as well as to obviate every new casualty, that I have pressed you in my last letter to remain at Paris.

Did you not come here, Sir, to establish friendship between the two Republics, and determined to spare nothing to attain this end, as desirable to the United States as to France? Do not the full powers given to the Envoys authorize them to negotiate separately? Is it after what has passed at Philadelphia that you can withdraw yourself? Ought you to do so when the French Government, superior to all resentments, and never listening to any thing but justice, manifests itself anxious to conclude a solid and mutually satisfactory agreement? I have invited you to request promptly new powers, if you thought you stood in need of them, and they were not on their passage. You answer, that this step *is for you impossible, and that you would, besides, under existing circumstances, de-*

cline taking upon yourself the conducting of the negotiation, if it was confided to you. I cannot reconcile this language with the avowed object of your voyage to France, with your full powers, with your attachment to your country, with the assurances you do not cease to give of the sincerity of your government.

I commend these observations to you, sir. Reflect on the possible consequences of your departure, and judge for yourself, whether he who truly wishes for peace ought to consent to it.

Let us continue more and more to advance the work we have entered upon. I may almost venture to say that it is your duty. The propositions which I have made to you embrace three points.

The first will take but little time, and may be postponed.

The third will doubtless experience no difficulty on either side, after the second shall be amicably settled.

It is to the second therefore that we should first attend; and it is so much the more important, as it embraces the source of all our differences. A calm and candid discussion will successively clear up every article of them. I do not see that the voluminous discussions which have been entered into at Philadelphia have shed any light upon it. They have rather contributed to set up the passions in the seat of reason. Ours shall always be followed by a conclusion either in the cessation or admission of the right reclaimed. It is necessary, in order to effect the act declaratory of the meaning of our treaties. As to the eventual arbitrament of a third power, I do not know whether the United States have sometimes had recourse to it. The French Republic has never experienced the want of it; and I am persuaded, that on this particular occasion, it will readily come to an understanding with the United States, if they are deter-

mined to be just towards it, as it desires to be towards them.

Let us begin with the ninth article of the Consular Convention of the 14th Nov. 1788. I annex a note upon the difficulties its execution meets with in the ports of the United States. It shall be followed by similar notes, upon each of which we will endeavour to come to an agreement.

Accept, Sir, the assurances of my perfect consideration.

(Signed)

CH. MAU. TALLEYRAND

(TRANSLATION.)

Note upon the 9th article of the Convention between France and the United States of the 14th November, 1788.

The beginning of this article declares, "that the Consuls and Vice-Consuls may cause to be arrested the captains, officers, mariners, sailors, and all other persons, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said Consuls and Vice-Consuls shall address themselves to the Courts, Judges and officers *competent*." Before 1792 it frequently happened, that the Judges acting under the authority of the individual States have pretended that they were incompetent. On the 14th April, 1792, an act of Congress declared, that the District Judges, acting under the authority of the United States, should be *competent*. All the Judges of the individual States have since thought themselves justified in declining to render their aid ;

but as there are many more ports in the United States than District Judges, and as they do not even always reside at a port, the French Consuls and Vice Consuls have often been unable to hinder desertion, to the great detriment of the vessels of their nation. The Consuls of the United States do not experience those difficulties in the ports of the Republic. Reciprocity, as well as the meaning of the article, require that it should be declared, "that all the officers of justice having power to order the arrest of mariners, shall be considered competent, and as such bound to comply with the request of the Consuls, in the manner and in the cases stipulated."

The article proceeds, "and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll, that those men were part of the said crews."

The mariners have often waited till the departure of their vessel to desert, and have afterwards not only braved the authority of the Consul, but served to debauch other crews. It has often been sufficient for them to go from one port to the nearest neighbouring port, to be secure from all pursuit. The Consul being no longer able to produce the roll with ease, or not having it in his power to detach it from the vessel, where it should remain, is no longer admitted to make a claim. He in vain produces a copy of the roll made in chancery and duly authenticated: no faith is ascribed to it, notwithstanding the tenor of the 1st paragraph of the 5th article of the Convention; it is maintained that the original roll is necessary; and thus the spirit of an important stipulation is destroyed, by the ambiguity attributed to the letter. It would be requisite to declare, "that by register or ship's-roll, not only the original is understood, but every authentic copy or extract, certified to be conformable to the original, by a Judge of the country, before the departure of the vessel, and that

this extract or copy shall have, in all the ports of the respective powers, the same force with the original, for three months."

Paris, 9 Messidor, 6 year.

The Minister of Exterior Relations.

(Signed)

CH. MAU. TALLEYRAND.

[No. 20.]

Mr. GERRY, to the Minister of Foreign Affairs of the French Republic.

Paris, 1st July, 1798.

I have received, Citizen Minister, on the 11th, your letter of the 9th Messidor [27th of June]; but without an answer to mine of the 25th of June, or the documents therein demanded for my voyage to America. You say "they have furnished you from the United States with the most clear proofs, supported even by articles extracted from the American papers, of the knowledge which they had there before Germinal [20th of March] of the objections of the Executive Directory to any negotiation with two of the Envoys, and of its formal desire to treat with me." Admitting this, it does not prove to my mind, that the President of the United States had received official communications and concealed them; but it is a convincing proof, that the information of these facts must have been sent from hence to the United States, when secrecy respecting them, imposed on me previously to their communication, was strenuously insisted on.

You have made what you consider a generous proposition, that our communications should not be tinged with any more recriminations: is the subsequent part of your letter altogether free from them? My silence on the abuse offered to the Government of the United States, its Envoys in general, and myself in particular, in an anonymous, but apparently official publication of the 7th of June, must afford you unequivocal evidence that I had already adopted the measure you have proposed.

It is inconceivable to me, that being without powers to negotiate, my return to the United States, after such long notice, can be supposed in any degree to close the door to subsequent steps for a reconciliation. The door has always been, and still is open, on the part of the Government of the United States. It is impossible for any Government to exceed it, in the moderation and justice of its measures towards France, or in its perseverance and patience to execute them; but it having failed in two attempts, will not France make one effort to obtain a reconciliation between the two Republics? Consider the disagreeable predicament in which the Government of the United States has been involuntarily placed, and it is conceived you cannot fail to see the propriety and policy of this measure.

I have, in my last letter, stated to you truly what I conceived was well understood between us, respecting my return to the United States with the overtures of France, and her sending a Minister there to complete the negotiation. How we could misunderstand each other on these points is to me incomprehensible. Be this as it may, it is not very material who is to be the bearer of the propositions, if they are such as can be accepted by the United States.

You enquire, whether I am not come to establish friendship between the two Republics, and determined to spare no pains to attain this desirable object? Judge, yourself, Citizen Minister, whether I have not faithfully discharged my duty in this respect.

You ask, whether I am not authorized to treat separately? Had my colleagues relinquished their office, been recalled, or by physical means been disqualified to act, my powers would have been adequate to a separate negotiation, and I would have entered on it without delay. As matters are circumstanced, I have no such powers. You differ from me in opinion on this subject, but I must abide by my own judgment.

You declare that France, superior to all resentment, and only listening to justice, manifests a zeal to conclude a treaty solid and mutually satisfactory. Be assured, Citizen Minister, that the United States will with ardor meet such a disposition on the part of France; and that it cannot fail of success, if accompanied with a suspension of the long and ruinous depredations on our commerce, and with proper arrangements for a negotiation.

In my last letter you will perceive, that having particularly referred to the mode adopted by the United States with other nations, I could only allude to that of deciding, by commissioners, disputes which could not be adjusted by direct means. You have misconceived my intention, if you supposed it extended to the eventual arbitration of a third power.

My frequent applications for a passport, letter of safe conduct for the vessel, and her exemption from the embargo at Havre, have been altogether unnoticed. I hope you will not by the continuance of

this unusual mode of conduct, render an explanation of it immediately necessary.

Accept, Citizen Minister, the assurances of my perfect respect.

(Signed)

E. GERRY.

*To the Minister of Foreign Affairs
of the French Republic.*

[No. 21.]

(TRANSLATION.)

Ministry of Exterior Relations.	}	<i>Paris, 18 Messidor, 6 year of the French Republic (July 6, 1798.)</i>
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*The Minister of Exterior Relations, to Mr. GERRY,
Envoy of the United States.*

I have received, Sir, your answer of the 13th of this month, to my letter of the 9th. I will not conceal from you, that this kind of correspondence gives me the more pain as it injures the progress of our business.

It is clear that *before Germinal* (before 21st March) the intentions of the Executive Directory could not be known at Philadelphia, but by communication from Paris; but I attest, that they did not proceed either from the French Government, or its agents, or from any one whatever to my knowledge.

In the mean time, let us admit the gratuitous supposition that you make upon this subject. Is it therefore less true, that my overtures to treat with you were known in the United States, when it was there declared that France refused all negotiation?

You tell me, that the United States having been twice baffled in their attempts, it belongs to France to make an effort in order to effect a reconciliation between the two Republics. What name therefore do you give to the indefatigable zeal which I manifest to smooth all the difficulties, and bring about an honorable accommodation? It is a genuine effort, Sir, the merit of which might be better appreciated. What, on the other hand, are the two attempts of the United States? I know of no other mission on their part, in consequence of the declaration made at Philadelphia, on the 25th Brumaire, 5th year (Nov. 15, 1796) than that confided jointly and separately to Messrs. Pinckney, Marshall and yourself. I will not retrace the causes which have prevented the Envoys collectively from attaining the most complete success: but I will affirm that they are foreign to the French Government, and that in any state of the cause, it depends upon you to fulfil the expectation of the two countries.

You deny, Sir, that there was some generosity on my part in proposing to you to banish hereafter, from our communications, all useless episodes, and especially no longer to give a place in them to recriminations. This is another episode; but, since you force me to it, it is necessary that I should explain myself more fully. If now and then some anonymous publications, of a nature disagreeable to the American Government, have crept into the French papers, it would not become it to complain. For a long time, certain papers of the United States, the Editor of one of which is the printer of the Senate,

daily spread abroad the most atrocious calumnies, the most injurious insinuations, the most base reflections upon the French people, their institutions, their government, their legislators, the heads of their Executive, their ministers, their agents, their glorious defenders. Yes, those same warriors, who respect their enemies, receive the most ignominious appellations among a friendly people for whom many have combatted. Nay, more ; within the very walls of the National Representation of the United States, how many deeply insulting speeches have been and yet are delivered. Nothing is spared in order to endeavour to degrade the French Republic in the opinion of the American people ; and the silence of your Government leaves an open field to this torrent of invectives, whilst scarcely now and then a word of reply escapes, notwithstanding our vigilance, from the indignation of some French citizen. Is it not repeated in the United States, that the Executive Directory repels negotiations in order to wait an opportunity of carrying the war there ? This odious assertion has been credited ; and your Government, which ought to know that such a thought was never conceived, opposes no corrective to the impression which it is calculated to make. Whatever may be your opinion of it, Sir, it is generous to stifle all the sentiments which arise in abundance on reading your public papers, and even the debates of your Legislature upon the subject of France. And yet until the two Governments shall be so far reconciled as to concert the means of remedying these abuses, it is expedient that those who are to treat upon the interest of the two nations adopt a conciliatory language, and hereafter avoid what may give rise to painful recollections. I repeat to you, that it is my desire ; that I will set the example ; that I am impatient to abjure re-

proaches ; and that I insist that this point may be well understood.

This is the last time I shall yield to these digressions, which ought to be as disagreeable to you as they are to me.

You have not transmitted to me any opinion, Sir, upon the note annexed to my letter of the 9th of this month. I have delayed until now sending you the following ones. I flatter myself that the long conference which I have had with you, will have produced some modification of the resolution in which you might appear to persevere. I therefore recommend to your attention two fresh notes, one upon the twelfth article, and the other upon the sixteenth article of the convention of the 14th November, 1788. They contain every thing which it is important to explain at present, in relation to this act. We will immediately after proceed to the treaties of February, 1778. You desired that I might send you some propositions. I did so on the 30th Prairial (18th June) and you should have had them sooner, had it not been for the incident which has happened. I have therein traced the plan of the negotiation. I have therein pointed out generally the intentions of France ; I have therein entered into an engagement to discuss every proper subject ; I have assured you, that the Executive Directory would render to the United States that justice which it expects itself : I have excluded nothing which we can suggest on either side, to strengthen still more the good understanding between our two Republics.

But it is not enough to transmit these propositions to your Government ; they are only the foundation of the necessary discussions upon every question of detail of which we ought to find the solution. The reconciling of the different points upon which we will have fixed our ideas, will form the act to be

drawn up. I do not think that we could come to conclusions in any other manner. It even appears to me, that there will be an evident loss of time, if in the state of things, this discussion is adjourned. I have already given you to understand, that it would be inconvenient to give it in charge to a Minister Plenipotentiary at Philadelphia. Circumstances have rendered this inconvenience more important, and I will not conceal from you that I should fear fresh incidents.

I therefore urge you more pressingly than ever, Sir, whilst I refer to what I have already written to you on this subject, to postpone your departure, and to attend quickly to the discussions which I urge. I know that you are not of the same opinion with me, with respect to the validity of your full powers; but reflect, that in any case, you can in nothing bind your Government, which has reserved the right of ratifying.

I will add, that in the situation in which you stand, it is contrary to all usage to depart, without notifying that you have received an order therefor; that the usage on the contrary is, when a doubt is raised upon the full powers, the Envoy waits the decision of his Government, without breaking off the negotiation.

Receive, Sir, the assurance of my perfect consideration.

(Signed)

CH. MAU. TALLEYRAND.

(TRANSLATION.)

Exterior Relations.

Note upon the 12th article of the Convention between France and the United States, of the 14th November, 1788.

This article has been executed in France in its literal meaning, and in its implicit meaning: That is to say, that all the differences between the citizens of the United States in France, have been left to the decision of their Consuls, and that the sentences of the latter have been executed, when coercion was necessary, in the same manner and by the same officers of justice as the sentences of the French Tribunals.

Nothing has been changed, in this respect, since the establishment of the Republican form of Government, notwithstanding the jealousy which is peculiar to it, and which the judiciary authorities of every country possess in general.

It has been judged, as to the literal meaning, that the jurisdiction given to the Consuls of the United States over their countrymen, was not in any respect optional. The 12th article does not declare in effect that all the differences *may be* determined, &c. which would imply only a power in persons of the nation to sue before their Consuls, and a power in the latter to admit or decline. It declares formally that all differences *shall be* determined, &c. which implies a reciprocal obligation upon the persons of the nation and their Consuls. This obligation is confirmed by the last paragraph, which pronounces an absolute interdiction upon the territorial officers, civil or military, to interfere in any manner what-

ever, and consequently obliges the persons of the nation to apply to their Consuls, and the Consuls to decide their differences.

It has been judged, as to the implied meaning, that the stipulation being express, mutual and guaranteed by the public faith, included within it the engagement to give it effect. It would have been ridiculous to put the citizens of the United States in France under the necessity of referring exclusively their differences to their Consuls, and the necessity of taking them up, as the only competent judges, without intending the execution of the sentences. But this execution can proceed only from the territorial power which disposes of the force.

It has finally been judged, that this kind of jurisdiction was not in any respect repugnant to the local sovereignty, because its admission was mutually agreed upon; that it did not stand in competition with the French Tribunals, because it did not embrace objects common to them: that it did not abridge the territorial rights, because it extended only to foreigners.

There has been no reciprocity on the part of the United States, wherein this question has been viewed under a different aspect; and the French Government has constantly received complaints upon this subject. In 1792, attention seemed to be paid to the representations which it caused to be made. An act of Congress of the 14th April of that year, declares, "that in all cases wherein, by any article of the convention, the Consuls of France are entitled to aid in the execution of any order, the Marshals of the District Courts of the United States, or their deputies, should be the officers competent, and should give their aid according to the tenor of the stipulations." The same act having provided, in the preceding paragraphs for the execution of the

7th and 9th articles of the convention, that which has been just cited, is applicable only to the 12th article, the last of the three which were foreseen, and the only one wherein an order might be issued. But soon afterwards the officers designated eluded this provision.

Since that time some Courts in the United States have declared that they would not take cognizance of actions at law between Frenchmen. These actions have been sustained in other Courts, notwithstanding the remonstrances of the defendants. On the other hand the Consuls of the Republic decided in vain upon the differences submitted to their judgment. One while the justice of the country was refused by arguing from the tenor of the 12th article, at another time the Consular jurisdiction was palsied by arguing from its pretended silence, and sometimes it was entirely forgotten.

It is of pressing importance to put an end to these uncertainties, which are discouraging to the French merchants, and embarrassing to their Government, whose protection they claim.

The 12th article of the convention between France and the United States, gives to the Consuls a judiciary authority over their countrymen, to the exclusion of the respective Tribunals. This authority is not optional; it does not derogate from the rights of sovereignty of either Republic; it is founded on a reciprocal agreement; it is conformable with the principles asserted by the most enlightened writers upon public law; it meets with no opposition in France, and it ought to be faithfully facilitated in the United States.

The French Government will not insist upon a particular mode of executing the sentences of the Consuls in the United States. It asks only the ex-

press recognition of the implied meaning of the 12th article, and a promise to provide for it fully at the next session of Congress, in the manner most consonant with the forms used in the country.

Paris, 18th Messidor, 6th year.
 [July 6th, 1798.]

The Minister of Exterior Relations.

(Signed)

CH. MAU. TALLEYRAND.

(TRANSLATION.)

Exterior Relations.

Note upon the 16th article of the Convention between France and the United States, of the 14th November, 1788, and general observations.

This article declares that the convention shall be fully and completely executed during the space of 12 years, to be reckoned from the day of the exchange of the ratifications.

The exchange took place in January, 1790, and the term appointed will expire in January 1802.

It will be proper before that period, to set about the revision of the convention. Many articles require it. The French Republic will shew itself less jealous of the privileges of the Consuls, than of the

stipulations useful to its merchants and navigators. The United States will doubtless be guided by the same laudable views. Two Republics will the more readily agree on this subject, as they are founded upon the same principles.

But it is possible that on the one side or the other the parties may not be prepared at the time fixed for the intended negotiation; that more experience may be desired: or that they may not even agree as to the best system to be adopted. The French Government proposes, that it be declared, "that on account of the events which have prevented a judgment upon the effect of the present convention, it shall be prolonged for six years after the expiration of the twelve first years, if it be not renewed in the interval."

The French Government also proposes, "that in all quotations of any article of the convention, the denomination of *French citizen* be substituted for that of *subject*; and the words *French Republic* be placed in the stead of *Most Christian King, Most Christian Majesty*."

Paris, 18 Messidor, 6 Year.
(July 6th, 1798.)

The Minister of Exterior Relations,

(Signed)

CH. MAU. TALLEYRAND.

[No. 22.]

Mr. Gerry to the Minister of Foreign Affairs of the
French Republic.

Paris, 10th July, 1798.

CITIZEN MINISTER;

I RECEIVED, on the 9th instant, your letter of the 6th, being the 18th Messidor, and shall briefly reply to it.

You inform me that the communication of the intentions of the Executive Directory, sent to Philadelphia before Germinal, the 20th of March, did not proceed from the French government, its Agents, or any person whatever to your knowledge: and I affirm that it did not directly or indirectly proceed from me.

The rumor then must have been vague, and could not have merited the attention of the President of the United States; much less could it have authorized his formal communication thereof to Congress.

The two attempts of the United States to obtain a reconciliation between the republics, to which I referred in my last, were those of the mission of a Minister to efface unfavourable impressions, banish suspicions and restore cordiality between them, and afterwards of the three Envoys, whose powers were more extensive. I made no allusion to your conduct; and with respect to my own, have done every thing incumbent on me.

You complain that certain news-papers of the United States, one of which has for its editor the printer of the Senate, calumniate daily the French people, their institutions, government, legislators, and others. The Envoys in their letter to yourself, of the 3d of

April, have discussed this subject so fully as to leave nothing further necessary to be said thereon.

You also complain of some speeches of the national representation of the United States, degrading the French Republic in the opinion of the American people, and of the silence of our government thereon. The constitution of the United States expressly provides, that the Senators and Representatives, for any speech or debate in either house, shall not be questioned in any other place. So essential is the freedom of debate to each House, as to be sacredly preserved by the constitution, and to be above the controul of every other department of government. The government of the United States, on their part, pay no regard to offensive speeches in foreign legislatures; well knowing that however amicably disposed governments may be towards each other, such a mode of conduct must be productive of perpetual sources of discord between them.

And now having replied, Citizen Minister, to your observations, on these subjects, I assure you, that nothing can be more disagreeable to me than such discussions. I did not give rise to them, and here I shall terminate them.

On the 27th of June, about six weeks after I had demanded my passport, and when my baggage was on board the *Sophia*, you sent me a note containing some remarks on the Consular Convention, and expected a formal discussion of them; to this, without powers, I should not have consented at any time; I have repeatedly refused it, and must adhere to my determination.

You conclude by observing, that in my situation, which is that of an unaccredited Minister, it is contrary to all usages to depart without notifying that I have received orders therefor; and that on the contrary it is customary when a doubt arises upon full

powers, to wait the decision of the government of which one is the Envoy without breaking the negotiation. On my part there has been no doubt of a want of powers, and there has not been any negotiation; there cannot then be a rupture of it by my departure. I am to judge of the necessity of demanding my passport. I now renew my demand of it, and the other documents necessary for the voyage, and request a definite answer.

Accept, Citizen Minister, the assurances of my perfect consideration.

(Signed)

E. GERRY.

*To the Minister of Foreign Affairs
of the French Republic.*

[No. 23.]

MINISTRY OF EXTERIOR RELATIONS.

*Paris, 24 Messidor, 6 year of the French
Republic, [12th July, 1798.]*

The Minister of Exterior Relations

To Mr. Gerry, Envoy of the United States.

AS long as I could flatter myself, Sir, with fulfilling the wish of the Executive Directory, by endeavouring with you to re-establish the good understanding between the French Republic and the United States, I used my efforts, both in our conferences and in my correspondence with you, to smoothe the paths, to establish the basis, to enter on the business, and to convince you of the utility of your presence at Paris. It is in your character of Envoy of the

American government that I received you and wrote to you : it depended upon yourself to be publicly received by the Executive Directory. Without partaking in your opinion with respect to the change which the departure of Messrs. Pinckney and Marshall might produce in the full powers, wherein I have read that you have been authorized to treat *separately* ; it appeared to me that in the hypothesis even in which you placed yourself, you ought to refer the question to your government, and in the interval fix with me, by a calm and friendly discussion, all the questionable points of our differences.

This proceeding was the more natural, as setting aside the premature knowledge which your government had of the offer to treat with you, after the departure of your colleagues, my note of the 28 Ventose [18th March] which must have reached Philadelphia about the end of Floreal, [May 19th] left no more doubt upon this subject. It comprehends three objects perfectly distinct. It begins by rectifying, with the dignity which becomes the French government, the statement of grievances of the United States, drawn up by their Envoys in the inverted order of facts, on the 28 Nivose preceding, [17 January]. It next points out the reasons which prevented the negotiation from being carried on with the Envoys collectively. It finally declares solemnly the conciliatory dispositions of the Executive Directory, its express desire of renewing between the two countries the ties of their former friendship, and the intention to treat with you. A declaration so explicit was made only to furnish the President of the United States with an infallible means of accommodation. It was a pledge of peace that might be taken up. I presumed you could not be long in receiving analogous instructions, and even other powers, if they were necessary ; or that at least if you had announced to the President a

wish to return to America, another Envoy would come to consummate the happy work, which we should have had the satisfaction to prepare.

With such well grounded hopes were mingled considerations upon the inconveniencies of your departure. I have given you to understand, that notwithstanding the assurances you have given me, nobody would believe that it was owing solely to your inclination, to a thorough conviction of the invalidity of your powers, or to a wish to see the care of the negotiation confided to other hands. I have conversed with you respecting the conjectures which it would give rise to; on the means it would furnish the British cabinet, which spares nothing to draw France and the United States to extremities, from which it calculates to derive the sole profit; and on the suspicions even which the French government would be made to conceive. I endeavoured to make you see into its possible consequences. The happening of several circumstances has already retarded the reconciliation of the two republics. It may be permitted to him, who sincerely wishes for peace, to fear new ones. These views, for which I shall ever honor myself, induced me to resist, as much as I could, the desire you manifested of quitting France. You decisively insist upon it in your letter of the 22d of this month, [10th July]. The Executive Directory has consequently authorized me to send you the passports which you request, for yourself and the vessel which awaits you at Havre. You will find them enclosed.

May your return to the United States and the communication of what has passed between us, since you have solely represented your government, remove there the injurious opinion of hostile intentions on the part of France: you have often repeated to me, since you pressed your departure, that if you could not treat here as an Envoy, your good offices in the United

States should not be spared as a citizen. You have it not in your power to render to the two countries a more signal service, than by contributing to make their political and commercial relations accord with their inclination and interest. Assure your government that the Executive Directory perseveres in the intention of conciliating with sincerity the differences which have arisen between the French Republic and the United States, as soon as an opportunity for that purpose shall be sincerely presented. If it be really true, that the dispositions of your government correspond therewith, let it give a proof of it, and you may answer beforehand for the success.

You cannot dissemble, Sir, that if nothing prevented you from pursuing with me the examining and reconciling of the grievances which divide the two countries, we should not long stand in need of any thing but the respective ratifications,

Who will doubt of the sincerity of the French government, when it shall be known, that for nearly three months every pressing sollicitation came from me, and that faithful to the engagements I have made in my note of the 28 Ventose, [18th March] I have been the first seriously to press the negotiation after the departure of Messrs. Pinckney and Marshall? It will not be said, I hope, that the refusal to treat with them, is a refusal of conciliation, because this refusal was accompanied with a promise to treat with you, and your full powers presented you as separately authorized.

I shall incessantly appeal to that document, because it is the foundation of the opinion which the government must have formed; and even admitting that you were tied down by secret restrictions, I could not in my mind oppose what I did not know, on account of the credence due to the ostensible power.

Yes, Sir, when scarcely informed of the departure of Messrs. Pinckney and Marshall, I endeavoured in every conference I afterwards had with you, to demonstrate to you the urgency, the propriety and the possibility of an active negotiation. I collected your ideas; they differed from my own; I endeavoured to reconcile them, and I was about to transmit some propositions, to you, when a packet from your government arrived at Havre. You then appeared to be preparing to depart. Until then I never supposed you entertained the design of embarking before we had come to an agreement upon the definitive articles to be ratified by your government. A few days afterwards I received some dispatches from Philadelphia, the contents of which for a moment gave a new course to my correspondence with you. On the 22d Prairial, [10th June] I notified you that the dispositions of the Executive Directory were the same, and I prayed you to inform me, whether you were finally in a situation to negotiate. On the 30th Prairial, [18th June] I transmitted to you a complete plan of the negotiations. On the 9 Messidor, [27th June] I sent you my first note for discussion upon one of the points of our treaties, which are unexecuted in the United States. You declined answering it. It is necessary however to be agreed upon the details in order to arrive at the conclusions. On the 18 Messidor [6th July] I sent you two others. In vain I accompanied these documents with the most cordial invitation rapidly to run over with me this series of indispensable discussions upon all our grievances. You have not even given me an opportunity of proving what liberality the Executive Directory would use on the occasion. You never wrote in fact but for your departure. And it is the French Republic, which is accused in the United States with not wishing for peace! Perfidious instigators will insinuate that it never wished it.

I will therefore ascend to the period when the first symptoms of discontent manifested themselves, that is to say, to the arrival of the Minister Genet at Philadelphia in Prairial of the 1st year. *An universal joy burst forth in the United States at the declarations he was charged to make. He then expressed the friendly and generous intentions of the French government; which, powerful in the national energy; forbore to claim aid from its allies. Some of his measures soon afterwards gave umbrage. They were the effect of a zeal badly adapted to local circumstances, and unfortunately still worse interpreted. The President caused his complaints concerning them to be made in France at the close of the same year. The committee of public safety immediately rendered satisfaction; and other Agents arrived at Philadelphia in the beginning of Ventose, 2d year: their instructions will bear the utmost publicity: not to interfere in any party matter, to respect the government, to prompt it to maintain its neutrality with vigour, to repress all armaments which might endanger it, to maintain the rights secured to France by its treaties:—such is the substance of them: such also were the instructions given to the Minister Adet, who succeeded them in the 3d year. Surely nothing can be more pacific. Nevertheless the rights of France are insensibly forgotten; the most important clauses of its treaties are rendered insignificant; its vessels experience the most discouraging vexations; England sports with impunity with the neutrality of the United States, which to France, who is too confident in it, becomes a source of loss. A transaction clandestinely negotiated ends by consecrating, to the detriment of a friendly nation, the pretensions of its implacable enemy. After that time nothing has passed between the American government which the representations thwart, and the Ministers Plenipotentiary of the republic, who could not avoid

making them, but a correspondence gradually encreasing in asperity. The French government never interferes in them: it reposes upon the hope, that their own interest would lead the United States to perceive, that England was drawing them within its vortex. Far from taking an hostile attitude, it affects indifference in order to shew itself patient with dignity. The crowd of complaints which it receives obliges it finally to change this line of conduct. It causes its grievances to be declared on the 25th Brumaire, 5 year, [Nov. 15, 1796] and in order to produce a negotiation, too long delayed, it draws from the treaties of Paris and of London the most suitable means of hastening it. It is animated by no view of aggression, by no hostile intention. In order to obtain from the United States some degree of justice, it places them in a situation to be obliged to demand an arrangement themselves. Let us now see whether it has rejected any honorable propositions.

Mr. Pinckney had departed before the declaration of the 25 Brumaire [Nov. 15, 1796] which suspended the customary relations. He came to succeed Mr. Monroe, and like him, to explain and palliate the conduct of the United States, without any special power for the negotiation demanded by France. He could not be received, because he was not in a situation to fulfil the conditions required, upon the resumption of political connections. The President of the United States thought it his duty to call an extraordinary meeting of the Legislature. I shall not review the opening speech, nor the turn, which the debates took in that session. But I will say, that the impression, which resulted therefrom, at Paris, was unfavourable previous to the arrival of the Envoys; that this circumstance alone raised an obstacle, which ought to have been foreseen at Philadelphia; that the Envoys themselves, unwilling to comprehend the natural effect of

this kind of provocation, have contributed to render the impression more durable. It has finally however yielded to the primitive desire of a sincere reconciliation. You find a proof of it in the very expedient suggested of treating with you separately; for a government hostilely disposed would not have taken the delicate course, which guards its honour and fulfils its pacific intentions.

You have given me to understand, Sir, that it would have been well, had the Executive Directory supported the declarations which I have made to you in its name, by a change in the measures which affect the commerce of the United States.

I might answer you, that your government might have also secured its object by restoring at first the French Republic to the rights which flow from its treaties. But let us exact less rigidly and be more equitable towards each other. Although the measures of France are no more than the consequence of those of the United States, you must have remarked, that in my propositions of the 30th Prairial [18th June] the intention of the Executive Directory is, that the respective pretensions may be collaterally examined and adjusted. It intends to place, in a single act, a durable monument of the future friendship of the two Republics, and the justice which they owe to each other, and no idea of false glory enters its mind. On taking leave of you, Sir, I have supposed that I owed you a testimony of my esteem: it consists altogether in the unreservedness with which I have just spoken to you, and in the expression of the regret which your departure, under the present circumstances, gives me.

Receive the assurance of my perfect consideration.

(Signed)

CH. MAU. TALLEYRAND.

P. S. of the 27 Messidor, [July 15, 1798].

A circumstance, Sir, of infinite importance has delayed the dispatching of this letter. I do not know how it happens that at every step towards a reconciliation, a cause of irritation intervenes, and that the United States always give rise to it. Some days since different advices were successively received by the Executive Directory. It seems that hurried beyond every limit, your government no longer preserves appearances. A law of the seventh of last month authorizes it to cause every French vessel of war to be attacked which may have stopped or *intended* to stop American vessels. A resolution of the House of Representatives suspends from the 13th of this month all commercial relations with the French Republic and its possessions. Several plans of a law have been proposed for banishing the French and sequestrating French property.

The long suffering of the Executive Directory is about to manifest itself in the most unquestionable manner. Perfidy will no longer be able to throw a veil over the pacific dispositions, which it has never ceased to manifest.

It is at the very moment of this fresh provocation, which would appear to leave no honourable choice but war, that it confirms the assurances which I have given you on its behalf. In the present crisis, it confines itself to a measure of security and self preservation, by laying a temporary embargo on American vessels, with a reserve of indemnities if there be occasion for them. It is yet ready, it is as much disposed as ever, to terminate by a candid negotiation the differences which subsist between the two countries. Such is its repugnance to consider the United States as enemies, that notwithstanding their hostile

demonstrations, it means to wait until it be irresistibly forced to it by real hostilities.

Since you will depart, Sir, hasten at least to transmit to your government this solemn declaration.

(*Signed*)

CH. MAU. TALLEYRAND.

[No. 24.]

Paris, July 20, 1798.

CITIZEN MINISTER,

I RECEIVED, on the 27th Messidor, [15th July] your letter of the 24th, [the 12th of July] on which permit me to make some observations.

You alledge that, in the United States, the French Republic is accused of not wishing for peace, and to show that it was always desirous thereof, you recur to the arrival of Mr. Genet in America. Far from accusations of any kind, I wish to cultivate harmony between the two governments, as the solid basis of peace. From that epoch, to the departure from the United States of Mr. Adet, the correspondence of the Secretaries of State of the United States, with the French Ministers in America, and the American Ministers in France, contains the history to that time, of the unhappy differences between the two republics, and evinces the sincere desire of the government of the United States, amidst the inevitable embarrassments resulting from the convulsive state of Europe, to preserve harmony and friendship with the French Republic, and to perform with scrupulous attention the duties of neutrality. If, by any unfortunate events, France had sustained injuries during that term,

still the manifest disposition of the government of the United States to justice and moderation, was a sure pledge of redress.

When Mr. Monroe was recalled, a Minister was sent to supply his place, and you say, "he could not be received, because he was not in a situation to fulfil the conditions necessary for the renewal of the political connections." Had he been received, he could have applied for other powers if necessary: nothing is more usual. The application, which you have so strenuously urged on my part, must have been for the renewal of powers annulled by the act of sending away the other Envoys: surely then your arguments would have applied with much more force to the case of a Minister, whose powers were only supposed inadequate to the objects of his mission. The act of rejecting this Minister, accompanied with circumstances of high displeasure on the part of the government of the French Republic, could not fail to wound deeply the government of the United States, and to produce observations on such an important event. Let the cause and effect be buried in oblivion; the remembrance thereof cannot promote harmony. This you will readily accede to, when you consider the amicable and attentive conduct immediately adopted by the American government, in sending three Envoys Extraordinary with adequate powers to effect a reconciliation and a renewal of a commercial intercourse between the republics.

From the arrival of the Envoys at Paris to the departure of two of them, the objects of their mission were defeated, by insuperable bars arising from demands of loans, which, violating the neutrality of the United States, would have involved them in immediate war, and of procuring reparations for the observations hinted at. Towards the end of that period, after imposing on me secrecy, you stated the

embarrassments and dissatisfaction of the Executive Directory, on account of the opinions and conversations of my colleagues, its determination not to treat with them, and its desire to negotiate with me; and you added, that my departure would produce an immediate rupture. Astonished as I was at this communication, I informed you that I had no powers to treat separately; the measure was impossible; and that had my powers been adequate, a treaty made under such circumstances could never be ratified by my government. You differed from me, we reasoned on the subject, and each adhered to his opinion. I urged in vain, the unreasonableness of admitting prejudices against my colleagues, without informing them of the causes thereof; the good effect in removing these, which might result from such information, and the necessity of making known to them, all that had now passed between us. You held me to the promise of secrecy, adding, that if I would negotiate, we could soon finish a treaty; for the Executive Directory were not in the habit of spending much time about such matters. You desired another interview, in which, after a discussion of the subject, I confirmed and adhered to my determination. In this state affairs remained for some time, and I flattered myself with the hope, that failing in the proposition for negotiating with me separately, your next would be to accredit the three Envoys; in such an event the secrecy mentioned would have been proper. This expectation was strengthened by the two subsequent interviews, which they had with you; and you may judge of my surprise on the receipt of your letter of the 28th Ventose, [18th March] containing a refusal to treat with two of the Envoys, and renewing the proposition to treat with me. Finding that I was the person alluded to, and that all hopes of our being jointly accredited were at an end, I again refused in the most

positive terms, to negotiate separately : another proposition was then made, that to prevent a rupture, I should remain here till information could be sent to my government of the events. Embarrassing as such a state was, I submitted to it, rather than to bring on a war. You afterwards sent me your note of the 14th Germinal, [3d April] proposing that I should resume our reciprocal communications upon the interests of the French Republic and the United States. To this I replied on the 4th of April, " that I could only confer informally and unaccredited, on any subject respecting our mission, and communicate to the government of the United States the result of such conferences ; being in my individual capacity, unauthorized to give them an official stamp." The day after the departure from Paris of the last of my colleagues, I again addressed you, and quoting the above paragraph, informed you, that this I considered as the line of conduct well understood to be observed on my part ; to this you made no objection, verbally or by writing, and thus acquiesced in it. Had you not, I should have immediately demanded my passport.

At one of our first interviews, after that letter, you stated a difficulty in adopting the plan proposed by my letter of the 20th of April, from your not being informed of the wishes of the government of the United States, in regard to a treaty : these were so reasonable that I thought it best to communicate them to you ; and according to your own opinion, since expressed, they would require little or no time for discussion : nothing can exceed them for moderation or justice. Believing that you was seriously disposed to bring forward the plan of a treaty, for the consideration of the government of the United States, and being also convinced, that the subject thereof had been so fully discussed, and was so well understood, as not to require much time to accomplish it, I in-

formed you, that I should embark for America in June; and although you objected to it in the first instance, you afterwards appeared to be fully convinced of the necessity of it, promised to digest the plan proposed without delay, and to send it to me for examination. I conferred with you at different times, on the expediency of sending a Minister to Philadelphia to complete the negotiation; and you promised to consider of it. At length the *Sophia* arrived, and a few days afterwards, you informed me, that I might make myself quite easy, that France did not wish a war with the United States, that she had no thoughts of it, that the American affairs were before the Executive Directory, and that every thing would be arranged to my wishes. I again stated the necessity of sending a Minister to America to complete the negotiation. You said you would propose one to the Executive Directory. This I could not suppose was for the purpose you have since stated of residing there after the ratification of the treaty.

Thus were matters circumstanced until the arrival of the gazettes, containing the dispatches of the Envoys to their government, which gave more than a momentary turn to your correspondence with me. When I informed you that I should embark in the *Sophia*, as soon as she could be fitted for sea, there was still time to finish the plan of the treaty, and to send it by me, if expedient. You desired me to remain here; I told you my return was indispensable, and gave you no other reason. I thought that sufficient. You conceive it depended on me to be publicly received by the Executive Directory; but our opinions are different on this point. A government sends three Envoys to treat with another government; this rejects two of them, and proposes to treat with the third. Candour must admit, I think, that the latter cannot accept the proposal, without transferring in this in-

stance the executive authority of his government, who would only have *nominated* three Envoys, to the foreign government, who would have *appointed* one of them. You say, that if my powers were altered by the departure of my colleagues, yet on my own hypothesis, I ought to have referred the question to my government, and in the interim to have fixed with you, by a calm and amicable discussion, all the contentious points of our differences. If my government, as you repeatedly have asserted, was apprised before the 20th of March of the proposition to treat with me separately, it is evident, that it was not disposed to send me new powers; for the Sophia failed on the 28th of that month, and knowing this you still urged me to make the application. I have been always ready, and had you come forward with the project of a treaty, would have entered into a calm and amicable conference with you on every part of it; but not into a formal epistolary discussion, which was not proposed till some time after I was ready to embark, was only relative to the Consular Convention, which will soon expire, was contrary to my stipulation relative to conferences, in which you acquiesced, and would have required months to be completed.

You was the first, you affirm, to press seriously the negotiation: you will agree with me, that the merit would have been *greater*, had the measure itself been *feasible*.

You frequently remind me of your exertions which I am disposed as much as possible to appreciate, regretting at the same time their circuitous direction. On my part, I think you will be convinced, that every thing has been done which circumstances herein truly detailed, would admit.

It is with pleasure I learn, that the Executive Directory is still ready, and is as much disposed as ever

to terminate by a liberal negotiation the differences, which subsist between the two countries.

This disposition has always existed on the part of the government of the United States. A negotiation then if set on foot free from all propositions of loans and explanations of speeches, to be held if necessary in a city of some neutral nation, and providing for a decision by three or five Commissioners of all points which may not be determined by direct negotiation, would still be accompanied, in my opinion, with success: but having no authority I cannot make the proposition. A preliminary measure appears to be requisite, in which the dignity of this government is as deeply concerned, as the interest of the United States. The depredations, outrages and cruelties committed on our commerce and citizens, in the West Indies and on our coasts, by French privateers, some of which it is said have no commissions, are perhaps seldom paralleled amongst civilized nations. It is said, that this government has not been early apprized of these events, which have been a great source of irritation in the United States, and a principal cause of the repressive measures adopted by them. A recal of the commissions of the privateers and restraining them by severe penalties to the proper objects of capture, cannot fail to have a happy effect.

You claim a promise of my good offices, as a private citizen in America. These shall not be wanting, to represent truly every measure of this government, and to render successful all such as may be well adapted to effect a reconciliation. This is all that can be expected of me, and the duty which I owe to my country will require it.

And now, Citizen Minister, having given you a testimony of my esteem, such as results from a frank and candid conduct, I bid you adieu, wishing fin-

cerely a speedy renewal of amity and commerce between the two Republics.

Accept, Citizen Minister, the assurances of my perfect consideration,

(Signed)

E. GERRY.

To the Minister of Foreign Affairs of the French Republic.

[No. 25.]

[TRANSLATION.]

EXTERIOR RELATIONS.

Liberty.

Equality.

Paris, 4 Thermidor, 6 year of the French Republic, one and indivisible, [July 22, 1798.]

The Minister of Exterior Relations

To Mr. Gerry, Envoy of the United States.

ALLOW me, Sir, to confine myself to the two last paragraphs of your answer of the 2d of this month to my letter of the 24th Messidor, [July 12.] Easy as it may be to rectify those which go before, it would be to enter uselessly into the circle of digressions. It is my duty to feel what in the state of things you think due to your government; and this consideration would be alone sufficient to stop me, if I set a less value upon conciliation.

You repeat to me that the government of the United States has always been disposed to terminate amicably the differences which subsist between the two republics. This fresh assurance, at a time when

hostile demonstrations have just been made, could not but temper their effect. But let then a frank, candid, and truly amicable act speedily realize those dispositions. Far from entering into the answers of the President to the addresses which have been presented to him from different parts of the United States, whatsoever they may be, I would fain behold in his expressions nothing but a political expedient. I do not thence judge less favourably of the true intentions, which you profess in his name, and I would not have engaged you to warrant the success of the first proof, which he will render of them, if the Executive Directory, which was ready to receive you, had not made a fixed determination upon the subject. A negotiation may therefore be resumed even at Paris, where I flatter myself you have observed nothing but testimonies of esteem, and where every Envoy who shall unite your advantages cannot fail to be well received. Moreover, I know not, Sir, why you tell me that it would be requisite to lop from this negotiation every preliminary respecting a loan, and explanations on the subject of the speeches delivered. Be pleased to read over again the propositions which I transmitted to you on the 30th Prairial, [June 18;] they contain all the ideas of the French government; and you will not find in them a word which justifies your recurring to those two questions. An odious intrigue had got possession of them: the dignity of the French government could not permit this mixture; and it did not wish that views as pure as its own should be associated therewith hereafter. As to the preliminary measures, which you suggest, Sir, the government has already anticipated your desire. By information which it has just received, it indeed learns that violences have been committed upon the commerce and citizens of the United States in the West Indies, and on their coasts. Do it the justice

to believe, that it needs only to know the facts, to disavow all acts contrary to the laws of the Republic and its own decrees. A remedy is preparing for it, and orders will soon arrive in the West Indies calculated to cause every thing to return within its just limits, until an amicable arrangement between France and the United States, shall re-establish them respectively in the enjoyment of their treaties.

This period, Sir, cannot be too near at hand. I do not cease to regret, that you should refuse yourself the accelerating of it, by yielding to circumstances, persuaded as I ever am, that you were fully authorized.

Accept my wishes for your happy passage, and the assurance of my perfect consideration.

(Signed)

CH. MAU. TALLEYRAND.

[No. 26.]

Paris, July 25th, 1798.

MR. GERRY having seen in the Redacteur of this morning, the publication of a letter to him from the Minister of Foreign Affairs of the French Republic, dated the 24th Messidor, [12th of July] requests him to order a just translation of the answer dated the 20th of July, to be also published. Mr. G. being on the eve of his departure from Paris, presumes the Minister will readily comply herewith, to prevent partial and undue impressions against him in his absence.

[No. 27.]

[TRANSLATION.]

EXTERIOR RELATIONS.

Liberty.

Equality.

Paris, 16 Thermidor, 6 year of the French Republic, one and indivisible, [August 3, 1798.]

The Minister of Exterior Relations,

To Mr. Gerry, Envoy of the United States.

PRESUMING, Sir, that you have not yet embarked, I address to you a decree of the Executive Directory, wherein you will find a part of the measures, which I announced to you the fourth of this month. Its solicitude will not be confined to that. Neutrals, in general, will have reason soon to be convinced of its firm attachment to the principles to which it is desirous that all the maritime nations might agree. It depends upon the United States in particular, to cause every misunderstanding immediately to disappear between them and the French Republic.

Accept, Sir, the assurance of my perfect consideration.

(Signed)

CH. MAU. TALLEYRAND.

[No. 28.]

Havre, 8th August, 1798.

AT the moment of my embarkation, Citizen Minister, I have the honor of receiving your letter of the 16th Thermidor, [3d August] with the arrêté of

the Executive Directory of the 13th, both of which shall be communicated to the Supreme Executive of the United States, immediately after my arrival there.

Accept, Citizen Minister, the assurance of my perfect respect.

(Signed)

E. G E R R Y.

*To the Minister of Foreign Affairs
of the French Republic.*

[No. 29.]

[TRANSLATION.]

Extract from the Registers of the deliberations
of the Executive Directory.

*Paris, the 13th Thermidor, 6 year of the French Republic,
[July 31, 1798.]*

THE Executive Directory having heard the report of the Minister of Marine and the Colonies ;

Considering that information recently received from the French colonies and the continent of America leave no room to doubt, that French cruifers, or fuch as call themselves French, have infringed the laws of the republic relative to cruifing and prizes ;

Considering that foreigners and pirates have abused the latitude allowed at Cayenne, and in the West Indian Islands, to vessels fitted out for cruifing or for war and commerce, in order to cover with the French flag their extortions, and the violation of the respect due to the law of nations, and to the persons and property of allies and neutrals ;

Decrees :—

ARTICLE 1st.

Hereafter no letters of marque, authorizations or permissions to fit out vessels either for cruising, or for war and commerce, shall be issued in the colonies of America, but by the special Agents of the Directory themselves, who shall not delegate that power to any one: they shall exercise it only in favour of owners of vessels whose principles and responsibility are well known to them; and they shall be bound to conform themselves to all the laws relative to cruising and prizes, and especially to those of the 1st Oct. 1793; (O. S.)

ARTICLE 2d.

All letters of marque, authorizations or permissions granted in the colonies of America by the particular Agents of the Executive Directory, and all other Agents civil and military, under their orders, to fit out vessels either for cruising, or for war and commerce, shall be considered as not having been done, after the thirtieth day from the publication of the present decree in the said colonies.

ARTICLE 3d.

All Agents and other Deputies in the neutral possessions, appointed to decide there upon the validity of prizes taken by the French cruisers, and who shall be suspected of having a direct or indirect interest in the vessels fitted out for cruising or for war and commerce, shall be immediately recalled.

ARTICLE 4th.

The special Agents of the Executive Directory at Cayenne, Saint Domingo and Guadaloupe, shall studiously take care that the interests and property of vessels belonging to neutrals or allies, be scrupulously respected, and they shall in no case bargain for their

cargoes, but by mutual consent and to the full and entire satisfaction of the contracting parties.

ARTICLE 5th.

The said special Agents of the Executive Directory, the Commanders of all vessels of the republic, the Consuls, Vice Consuls, and all others invested with powers for that purpose, shall cause to be arrested and punished, conformably to the laws, all those who shall contravene the provisions of the present decree, which shall be printed in the Bulletin of the laws, and with the execution of which the Ministers of Foreign Relations and of the Marine and the Colonies are charged.

For a true copy, as the President of the Executive Directory,

(Signed)

MERLIN.

By the Executive Directory, as the Secretary General,

(Signed)

TREILHARD.

For a true copy,

The Minister of Exterior Relations,

CH. MAU. TALLEYRAND.

By the Minister,

The Secretary General,

(L. S.)

PAGANES.

—
[No. 30.]

Paris June 9th, 1798.

SIR,

IN your letter to the Minister of Foreign affairs of the 13th Prairial, published in the *Bien Informé* of

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this day, you have deviated in some points, not very material, from the statement communicated by the Envoys of the government of the United States respecting a conference which I had with the Minister aforesaid on the 22d of October last, *viz.* that I requested the interview, instead of the Minister, and that I met him twice on this communication, whereas I saw him but once. I wish therefore you would revise the statement referred to, and inform me, whether it is not to the best of your memory literally true; it is precisely the same, without changing a word, which we communicated to my colleagues.

I am, Sir,

With much esteem and respect,

Your very humble servant,

(Signed)

E. GERRY.

MR. HAUTEVAL.

[No. 31.]

[TRANSLATION.]

SIR,

I HAVE received the letter which you did me the honour to write to me yesterday, relative to that which I deemed it my duty to write to the Minister of Exterior Relations, on the 13th of this month, and which the government caused to be printed.

It is not at all astonishing that my memory may not have served me with precision upon a subject which passed more than six months ago, and of which I have not taken notes. I undertook merely to repeat with exactness the essential heads, which I believe I have done.

I indeed recollect, that having been together at the Minister's, and not having met with him, I left our names with his porter; that having returned there the next day alone, he expressed to me his regret at not having been at home, when you called there the day before, and charged me to tell you that he would receive you with a great deal of pleasure on a day he assigned to me: the appointment therefore proceeded from the Minister, and not from your request, as I have said in my letter; but the matter appears to me to be of little consequence.

The second error which you remind me of having committed is that of having separated into two conferences, what passed in one. On every occasion, when I have had the pleasure to see the Minister, I have always conversed with him on matters relating to the negotiations with the United States of America, the success of which, I have never ceased anxiously to desire. In my letter, I might be mistaken in some details; but you, Sir, could not, having immediately taken a written note of what had just passed between the Minister, yourself and me. I regret that I had not the pleasure to see you before I transmitted my letter to the Minister: by communicating it to you I should have rectified the two slight errors which crept into it; but I was constrained by the occasion, and was very far from thinking that it would be printed.

I shall ever be anxious to render homage to the truth, and to seize occasions of assuring you of my respectful attachment.

I have the honour to be, Sir,

Your very humble and very obedient servant,

(Signed)

L. HAUTEVAL.

Paris the 22d Prairial, 6th year, [10th June, 1798.]

To Mr. Gerry, Envoy of the
United States of America,
Rue de Vaugirard, Paris.

[No. 32.]

Paris, 16th July, 1798,

DEAR SIR,

SOME part of the last instructions of the Secretary of State of the United States to the Envoys, and to Mr. Humphreys, who brought the dispatches, induces me to think, that in the precarious state of our affairs with France, you may have conditional instructions, which may require particular information of what respects the existing state of affairs here. I have therefore thought it best to inclose in the most perfect confidence, by my secretary Mr. Tazewell, the documents necessary to attain this object, and contained in the schedule annexed, for your use only. If you have not received such instructions, your prudence will dictate the necessity of observing the most profound secrecy, pending any subsequent measures which may take place for restoring friendship between the two republics.

I shall leave Paris for Havre as soon as possible, and expect on my arrival there, to embark immediately for the United States.

Be assured that I remain,

Dear Sir,

Your friend and very humble servant,

E. GERRY.

*Mr. King, Minister Plenipotentiary
of the United States at London.*

SCHEDULE

Inclosed in a letter to Mr. King.

*Letters from Mr. Gerry to the
Minister of Foreign Affairs.*

*Letters from the Minister
to Mr. Gerry.*

No. 1.	April	4th.	No. 1.	Germinal	14	April	3d.
2.		20	2.	Prairial	11	May	30
3.	May	31	3.		13	June	1st,
4.	June	3	4.		22		10
5.	—	10	5.		30		18
6.	—	13	6.	Messidor	9		27
7.	—	22	7.		18	July	6
8.	July	1	8.		24		12
9.		10	9.	Thermidor	4		22
10.		20					

To Mr. Pickering.

No. 1.	May	12th.
2.		13

[No. 33.]

Extract of Mr. Gerry's letter to Doctor Fazewell,
as far as it relates to Mr. King, Minister of the Uni-
ted States at London.

Mignon, 27th of July, 1798.

DEAR SIR,

THE dispatches for Mr. King are to be delivered
to him by yourself; in the interim you will please not
to let them be put out of your possession or commu-
nicated to any one.

[No. 34.]

Substance of a conference with the Dutch Minister the 25th July, 1798.

Just before dinner, the Dutch Minister called on me, and said, he had received from Mr. Talleyrand, a printed copy of his letter to me, dated 24th Messidor (12th July) that the Dutch government took a friendly part in the disputes between France and the United States, and that he came to offer his services, and the mediation of his government, who had authorized and instructed him on this head.

I answered, that the conduct of Mr. Talleyrand, in publishing his letter to me, had an hostile appearance: that if a mediation could be supposed necessary, it must be offered to the government of the United States: I had no authority to accept it: that if the government of France was sincere in its declaration, made through Mr. Talleyrand its Minister, all that was wanting was to open a negotiation; for he had expressed a desire to shew by treaty how well disposed France was to put an end to these disputes; that the government of the United States was so reasonable, and just in its demands, that it could not fail to evince a good disposition to a reconciliation, that the etiquette of setting on foot a negotiation appeared at present to be the only embarrassment; more especially as the principal obstruction to a negotiation had ceased, this government having relinquished all claims of loans and reparations on account of the Presidents' speeches: that as the United States had been twice defeated in sending Ministers to Paris, the government might not be disposed to send them a third time; and that if the French government would propose some city in a neutral nation, as a place for opening a new negotiation, or which would be better, would send a Mini-

ster to the United States, I did not doubt it would succeed: that this was a mere matter of opinion; for I had no instructions on the subject; neither was I informed, whether my government had or had not formed an alliance with any other nation, as had been frequently reported. The Dutch Minister answered, that the proposal of a mediation must go to the government, and enquired in that case if I would stay at Paris: I answered no, it was not necessary; neither did I conceive the propriety of offering at this period a mediation: the proper mode of settling disputes, was, in the first instance, by treaty; if in any points this should fail, still there were other means besides the mediation of a third power, which might be adopted; but that if his government wished to make the proposition, I would carefully transmit it to the government of the United States.

He said that Mr. Talleyrand, who had stiled his letter a pacific manifesto, and had sent a printed copy to each foreign Minister, had no hostile intention in publishing it; but considered it as a friendly measure. I answered we then had different views of the subject. I then shewed the answer to that letter which the Dutch Minister read. I thought it necessary for the information of his government to make to him the communications mentioned.

[No. 35.]

[TRANSLATION.]

Upon the communications made by the President of the United States to the American Congress, on the 14th Germinal, 6 year, [April 3d, 1798.]

The American and English papers have lately re-founded with the publication of the most strange com-

munications, which the Envoys of the United States have thought it their duty to make to their government. It is with respect to those Envoys a deplorable monument of credulity and contradictions: and it is with respect to that government a provocation still more deplorable.

It is requisite by the evidence of facts and the very words of the Envoys themselves, to shew their inconceivable error. It is requisite, by the force of reason and the mere sentiment of the happiness of the two republics, to answer to the provocation so visibly suggested by the British government.

That government indeed, after so many and such ridiculous efforts against the French Republic, endeavours to organize corruption around it. Grown desperate on account of so many glorious treaties of peace, which the latter has concluded, it has flattered itself, by its peculiar perfidies, to rekindle the former wars in Europe, and to excite against it a new war in America; but all this system of British corruption shall be exposed and confounded; and the American people shall know the height of the precipice to which they are urged by the servile friends of their former oppressors.

For a long time the French Republic complained, and certainly it had a right to do so, against the execution of the most important parts of the Convention of 1788, concluded between France and the United States. The maritime hostilities were soon followed by the most aggravating injuries. It was in vain that the Republic made a sacrifice of armaments, which might compromise the American neutrality.

The most legitimate of its armaments was soon after contested. The French vessels experienced a thousand vexations. Their prizes were no longer under the protection of the treaties. The courts of justice arrogated a jurisdiction over them; lengthy

and ruinous chicaneries discouraged the captors : the French ports in the two worlds were soon declared to be blockaded by British proclamations : the vessels which departed from them were stopped on a loose suspicion of being enemies' property : those which carried provisions thither were turned back. On the other hand, the British ships of war entered the ports of the United States, after seizing French property or property claimed to be such. By degrees they became stationary there, and made of them military stations, whence they attacked both the French and the Americans in connection with France. The Republic however confined itself to appealing to its treaties with the United States, and to pressing their government to cause their own neutrality to be respected. They answered it with a treaty clandestinely negotiated and concluded with Great Britain.

Does this treaty, however, secure the neutrality of the United States? No.—It renders the presence of the English forces in their ports lawful : it gives to England rights, which, in the midst of war, ameliorate its situation to the prejudice of France : it allows the facility of again starving France and its colonies : it sacrifices the generous principles established, in favour of the liberty of the seas, in former treaties.

France makes complaints : the American government eludes, and wanders from them ; it multiplies official notes without approaching the main point of the question. Reparations are demanded : they are not made. It speaks of nothing but wrongs experienced by the United States : it skips over those which it makes France suffer. The treaty of 1778 is rendered more and more insignificant ; and the last blows are struck at the French cruisers in the American seas, by the prohibition to sell their prizes. The Republic is under the necessity, in order to manifest its too long suspended resentment, and bring about a

negotiation, to appropriate to itself the same clauses of the English treaty. At length the United States, sensible only to the disagreeable consequences which have resulted therefrom to themselves, appeared to wish a reconciliation.

Three Commissioners have been sent for that end to the French Republic: two of them, General Pinckney and Mr Marshall, manifesting against France prejudices brought from America, or imbibed from the nature of the connections which they lost no time in forming here; and the third, Mr. Gerry, announcing more impartiality, and manifesting himself more disposed to lend a favourable ear to every thing which might reconcile the two republics.

From this ill-suited union, which disclosed dispositions not very conciliatory, there must needs result and there has in fact resulted a crooked and embarrassed career on the part of those Commissioners; hence their constant aversion to do what might reconcile, their eagerness to write what might disgust.

At first they manifested a desire to be acknowledged; but explanations of some expressions evidently insulting to the Republic, which were contained in the opening speech of the President of the United States, were demanded from them as a previous condition. They did more than to refuse; they did not even comprehend this demand, and had recourse to groundless recriminations. Soon afterwards a willingness appeared to spare them the embarrassment of the disavowals; and in order to detach them from England, and to restore in a small degree the balance so strongly inclined in favour of that power by the last treaty, it was wished that an unequivocal proof of attachment to our cause which so recently was their own, might be obtained from them: it suited the finances to exchange, at that period, for specie, some Batavian inscriptions at gradual instalments: the Minister of Foreign Re-

lations gave them to understand, that their offering to purchase a certain quantity of them, would be considered as a friendly act. They said that they did not possess the power; and they shewed that they had not the will.

To come at some accommodation, some friendly explanation, frequent communications with the Minister of the exterior were necessary. The latter complained publicly that he did not see them, and they avowed that he caused them to be often informed of this reproach; but two of the Commissioners, shielding themselves under ceremony, refused to comply with the desire. Mr. Gerry at length resolved to go, spoke twice with the Minister; and whether from embarrassment in explaining himself, or fear of compromising himself, he said but little; and did not venture to decide on any thing.

In the mean time the Envoys thought themselves bound to transmit to the President of the United States a very voluminous account of their negotiation.—Of what then could this account be composed? It was necessary to fill it with the despicable manœuvres of all the intriguers, who, seeing the Commissioners charged with the most important interests, secluding themselves from the government with which they ought to treat, hastened to gather round them, and infatuated them with the idea of their credit and the opinion of their importance.

One of these intriguers appears to have grounded himself on some acquaintance, which as a foreigner having a recommendation, he had succeeded in obtaining with the Minister: another (and it is the one who is the most active) grounds himself solely upon the acquaintance which he had with the first intriguer; for he declares that he does not even know the Minister. Such moreover is the situation of the man, whoever he may be, who is placed at the head of this

department, that he is obliged to receive and listen to many persons, who are far from having any share in his confidence, and he has no means of preventing the abuse they may make, in his absence, of the most insignificant visits, of which they avail themselves, as suits their interest with men of no experience.

In the publication which the American government has made of the report of its Envoys, these persons, without being avowed, are designated each by a letter. The Minister impatient to know their names, demanded them with importunity, and finally obtained the communication which he immediately handed to the proper authority. It will be learned with pleasure that they are foreigners, and it will be readily believed, that they did justice to themselves by hastening to quit the territory of the republic. Only one of those letters, Z. designates a Frenchman, who hastened to declare himself.* The language he held is irreproachable: he is presented as having sometimes served as interpreter; but it is clearly seen that he interpreted none but honorable propositions.

As to the foreigners who are seen figuring in this negotiation, it appears that the object of their whole intrigue was to obtain from the Americans a sum of 1,200,000 livres, to be distributed for corrupt purposes. Hence begin and end all the bustle, all the conversations, all the proceedings, minutely detailed in the report of the Envoys.

It will be forever inconceivable, that men, authorized to represent the United States near the French Republic, could have been for an instant deceived by manœuvres so evidently counterfeit, and that there should exist a temptation to convert the error in this respect into bad faith.

What! Three men are sent Envoys from America to France to negotiate there a reconciliation between

* See his letter printed at the end of these reflections.

the two Republics : embarrassed in a preliminary matter, they cannot at once confer with the Minister as Commissioners ; but they have a thousand ways of seeing him as individuals, either at his own house or elsewhere ; and two of them constantly refuse all the facilities which are offered to them.

This is not all, we see them present the details of their negotiation, as if persuaded that the disgusting propositions which they say were made to them, were addressed by a man clothed with the confidence of the government, and nevertheless, in the course of their recital, they suffer an avowal to escape, that they several times suspected these clandestine communications, and that they finally decided to reject them for the future. Mr. Gerry even declares positively, that these meddlers *did not produce any authority or any documents of any kind whatever.** At the same time, they continued to decline the direct communications, which were offered to them continually by the Minister. Is not all this a labyrinth of contradictions ?

And when we examine by what a series of intermediate persons, they thought to approach the Minister, whom it was so easy to them to consult immediately, is it not rendered impossible for us to think that they have seriously adopted the consequences of their recital ?

Here it is a lady known to be connected with Mr. Pinckney, who holds with him the most innocent discourse, which has been repeated to him from one end of France to the other : *Lend us* (says she to him one day) *money in our war ; we lent it to you in yours :* and a conversation thus simple is taken up by Mr. Pinckney, who finds it necessary to write every thing and to poison every thing ; it is mysteriously sent by him to his government, as if it had any relation to the clandestine propositions made by the intriguers : thus mi-

* See, at the end, his first answer to the Minister.

nute is distrust! thus is prejudice led astray in its reasonings! In this manner are the politics of some men a pest to social intercourse!

There it is one W. whom we have not succeeded in discovering, who introduces to General Pinckney one X. a very hasty fellow, who says he is charged with a message from the Minister; who being soon afterwards pressed to answer whether he is personally known to him, is forced to say no; but that he has the propositions which he made from Y. who, he says, has connections with the Minister; and nevertheless when they want to intrust Y. with the negative answer to his proposition for the 1,200,000 livres, he declines being charged with it, and is compelled to avow, through a kind of shame, and at the risk of discrediting the part he was playing, that the proposition did not come from the Directory, nor even from the Minister; and that it came solely from him Y. who was desirous of saving the Envoys the mortification of the disavowals. If these same men have afterwards held a different language, was it not natural for the Envoys forever to mistrust their reports, and above all to endeavour to reach the source? They have not done so. How can this conduct be reconciled either with reason or good faith?

In the same report, they manifest themselves desirous of informing their government with the utmost detail, of every thing which passed in relation to their commission: and whilst with such a scrupulous care they collect so many absurdities and miserable puerilities, they are silent upon the official communications, which the persons employed in the office of Exterior Relations had with them on behalf of the Minister. It is without doubt, because those communications, agreeing with the few which the Minister himself made, were pure, upright, and calculated to do honor to the French Government. It was part of their plan to pass

them over in silence. The others so suspicious in their origin, were defamatory in their object : they had the utmost impatience to make them known.*

They had just presented a voluminous memorial setting forth their pretended grievances : they well knew, that the minister was about to address a note to them in answer, which ought to have formed one of the authentic documents of the negotiation, and which in fact was sent to them in the month of Ventose last [March 19.] They hastened to publish every thing that evidently did not come from the Minister, and which they endeavoured to impute to him, in order doubtless to weaken thereby the very different impression which must have been produced by the note, wherein every thing breathes a sincere desire to conciliate.

This group of facts presents such a tiffue of incongruities and contradictions, that the mind is lost in it. One is at a loss to specify with precision the reproaches to be made to the American Envoys. But it is very evident that they have been most strangely deceived, if they did believe, and that they are most perfidious, if they did not believe, what they relate. [In the expression of these reproaches which escape from indignation, it is requisite to hasten to except Mr. Gerry, who doubtless may have been deceived both by the foreign intriguers, and perhaps also, by his very colleagues, but to whom no suspicion of bad faith or insincerity can attach.]

Now, what could be the secret motive which caused such puerile communications to be circulated with so

* See in the 2d letter of Mr. Gerry, dated 15th Prairial [June 3, 1798] which follows these reflections, the express declaration of Mr. Gerry, that, in the course of the negotiations, he saw persons employed by the office of Exterior Relations, and the justice he does them *of never having uttered a word, which had the least relation to propositions, such as the intriguing foreigners X. and Y. appeared to have made.*

much eclat? How then can they justify the pompous affectation, by which the American people has been prepared to hear them? How can we conceive that it was hoped to render the farce more imposing by fasts and public prayers?

Doubtless a great object caused them to hazard the holding up as discoveries of the greatest importance, the incoherent prating of two intriguers, who were foreigners with respect to France. Perhaps it was supposed that the citizens of the United States would judge of the French Government by these caricatures, and that the French Government would be sensible to such a marked provocation. The effect of the outrage was calculated from the malignity of the intention, and not from the littleness of the means.

In one word, they flattered themselves with exciting indignation instead of pity. They wished for war; and they wished that insulted France might declare it against a people, whose cause she defended, and that it might be restored by her to the arms of England.

By that war, the British cabinet would gain an ally, who would labor for its interest, second its projects upon the French and Spanish colonies, and retard the moment of its humiliation: by that war too the British government would accelerate the execution of a favourite plan of which it has never lost sight.

It is known, that since it despaired of re-uniting to the triple crown, the States whose independence it was obliged to acknowledge, it aspired at least to prejudice them in favor of limited monarchy; that it endeavored to fortify, by the similarity of constitutional forms, the habits common to the English and American people; and that it took care to keep for a long time one of the sons of George III. in the vicinity of the United States. Can it then be true, that to the disgrace of the human mind, many citizens of the United States should be found who are seriously recon-

ciled to the English form of government? Can it then be true, that men, called by the public confidence to the head of the government of the United States, have written in favor of the British constitution, merely to prepare its adoption in their own country? Can it be true that a thirst for honors, greediness of wealth and a desire of perpetuating power, have already ripened this conspiracy against liberty?

If this ought to be no longer considered as a suspicion, all is explained. War is necessary in order to raise troops and obtain supplies: an unnatural war against old friends, against brothers, against republicans, is more especially necessary: it is necessary that this war should excite civil commotions, shock every idea of morality, and rouse to resistance the true sons of America: and pretences will arise in abundance for stigmatizing with sedition the honorable defenders of principles, and for substituting a monarchical in the room of a representative government.

It would be hereafter unnecessary to dissemble. Such are the criminal practices of the English cabinet. Such is the blind propensity of a government which it influences: and it is the French Republic which sacrificed the blood and fortune of its citizens in the cause of liberty; it is the French Republic that is instigated to strike the fatal blow! But superior to the influence of her resentments, she will be actuated by nothing but the happiness of the two Republics, and she will appeal to the whole universe to judge of the sincerity of the dispositions, which she has never ceased, and which she will never cease to manifest, for living in peace with America.

P. S. It is of extreme importance to lay before the public, the letters written to Mr. Gerry, Envoy of the United States, by the Minister of Exterior Relations, as soon as this strange publication came to his knowledge; and it is of equal importance to know the an-

swers given by Mr. Gerry. Both are as follow. [See the preceding numbers 6. 7. 8. 10. 11.]

Note, The names were in fact sent to the Minister, who immediately deposited them in the proper place,

[The following letter of the citizen, designated by the letter Z, it is not less essential to publish.]

13 Prairial, 6 year, [June 1, 1798.]

To the Minister of Exterior Relations.

MR. GERRY having communicated to me the letter which you yesterday wrote to him, by which you expressly desire, that he may make known to you the persons meant by the letters W. X. Y. Z. in the correspondence of the American Envoys, printed in a public paper of the United States of America, dated 12 April (O. S.)

My sensibility must be much affected on finding myself under the letter Z. acting a part in company with certain intriguers, whose plan it doubtless was to take advantage of the good faith of the American Envoys and make them their dupes. Finding myself implicated in this affair, and wishing to remove my uneasiness respecting the disagreeable impressions and the consequence which the publication of your letter to Mr. Gerry might produce, I thought it my duty to hasten to you, and pray you citizen Minister, to be pleased to declare in writing that in the conferences I had with those gentlemen, I pursued the communications which you authorized me to make to them, in the manner I shall state below.

In the beginning of last Brumaire [October 22, 1797.] having been to pay my respects to the citizen Minister of Exterior Relations, and the conversation turning upon the United States of America, he expressed to me his surprise, that none of the Americans, and especially the new Envoys ever came to his house;

that this was not the way to open a negotiation, the success of which they had more reason than we to wish; that he would receive them individually with great pleasure and particularly Mr. Gerry whom he had known at Boston. Knowing my friendly connections with Mr. Gerry, he charged me to impart to them what he had said. I accordingly waited on Mr. Gerry, who having sent for his colleagues, I communicated to them the conversation I had had with the citizen Minister.

Messrs. Pinckney and Marshall declined waiting on the Minister upon the ground of ceremony; but as the same reason did not apply to Mr. Gerry, it was agreed that he should go the next day, and that I should accompany him, Mr. Gerry at that time not being able to express himself in French. The next day we went; but not finding the minister at home, Mr. Gerry requested him to appoint a time for an interview, which was fixed for a few days after. We attended accordingly, and after the usual compliments, Mr. Gerry having expressed to the Minister his desire to see harmony and a good understanding re-established between the two republics, the Minister answered him that the Directory had made a determination not to treat with them, unless they previously made reparation for some parts of the President's speech at the opening of Congress, and gave an explanation of some others; that he could not delay, but for a few days, communicating this determination officially to them, that until then, if they had any propositions to make, which could be agreeable to the Directory, he would communicate them with alacrity: that considering the circumstance, and the services of the same kind which France had formerly rendered to the United States, the best way would be for them to offer to make a loan to France, either by taking Batavian inscriptions for the sum of fifteen or sixteen millions of florins, or in any other manner. Mr. Gerry after having replied

In a polite, but evasive manner, to the first article, added on the subject of the loan, that their powers did not extend so far, but that he would confer with his colleagues upon the subject. It is to be observed that as the Minister spoke nothing but French, I repeated in English to Mr. Gerry what he had said to him, and that although certain that he very well understood the answers of Mr. Gerry, I repeated them to him in French. We took our leave of the Minister who just received a courier, and he charged me on parting to repeat to Mr. Gerry and his colleagues what he had said to us. Accordingly I repeated to Messrs. Pinckney and Marshall, in the presence of Mr. Gerry, the conversation which we had had with the Minister.

A few days afterwards Mr. Gerry requested me to accompany him again on a visit to the Minister, and having repeated to him the extreme desire he felt to see the most perfect union re-established, between the two nations, he resorted to the insufficiency of their powers, and proposed in the name of his colleagues and himself, that one of them should immediately depart for America with the propositions which the French Government might make. The Minister answered that it would require six months to have an answer, and that it was of importance to have a speedy determination; that he was extremely desirous to have frequent communications with them individually and amicably. This course appearing to him to be the best adapted to come at the issue of a speedy negotiation, he therefore lamented that he had yet had no communication with them.

Such, Citizen Minister, as far as my memory serves me, are the particulars of the only two conferences at which I was present. I shall add that no person has had a greater desire than myself to see this negotiation succeed.

Health and respect,
(Signed)

HAUTEVAL.

Mr. Skipwith's Communications.

To the Secretary of State of the United States of America.

SIR,

I HAVE the honor to send you enclosed, the official copy of an arrête of the Executive Directory of the French Republic, concerning the French privateers in the West-Indies, which was transmitted to me by the French Minister of Foreign Affairs.

I have the honor to be

Sir,

Your most obedient humble Servant,

FULWAR SKIPWITH.

Paris, August 4th, 1798.

Hon. Col. Timothy Pickering,
Secretary of State of the
United States. }

Paris, 8th August, 1798.

SIR,

HAVING had the honor of transmitting to you, three official copies of the arrête of the Directory, of the 13th Thermidor,* concerning their privateers in the West-Indies, the present is merely to inclose you a copy of a letter which I yesterday received from the Minister of Foreign Relations, on the subject of that arrêté.

I have the honor to be,

Sir,

Your most humble Servant,

FULWAR SKIPWITH.

The Secretary of State.

* 31st July, 1798. *The arrête here referred to.*

Q

[TRANSLATION.]

Paris, 19 Thermidor, 6th year of the French Republic. [August 6, 1798.]

The Minister of Exterior Relations to Citizen Skipwith, Consul-general of the United States of America.

CITIZEN,

YOU will have seen in No. 961, of the *Redacteur*, a copy of a decree made by the Directory, in order to cause the privateers to return within the rules and limits whence they ought never to have departed.

By this measure foreign powers will be convinced that the Executive Directory, when informed of the abuses which may be directed against them, takes every pains to stop them, and to prevent their return.

You will doubtless see in the intention and the acts of the Directory, cause for feeling a security with respect to the commerce of your fellow-citizens, so long as it shall be confined within just bounds.

I wish, citizen, that for the good of the two countries, the conduct of the Federal Government may correspond with that of the Directory. In this supposition, the friendly relations of the two people would be soon re-established.

(Signed)

C. M. TALLEYRAND.

Consulate General of the United States of America.

Futwar Skipwith, Consul-General for the United States, near the French Republic, to Timothy Pickering, Esq. Secretary of State of the United States.

Paris, 22d August, 1798.

S I R,

WITH a copy of a letter I have just received from the Minister of Foreign Affairs, I have the honor, under cover hereof, to transmit to you copies of

two letters, which have been officially communicated to me, from the Minister of Marine, to all principal, civil and military officers, at the different ports of this Republic, concerning the safety and protection of American citizens in general, and those seamen in particular, who were detained, or are in confinement at those ports. Agreeably to the intimations contained in the Minister's letter to me, I have this day made application to the Minister of Police in favour of the American seamen, who, by means of one of the public authorities at L'Orient, had been arrested as Englishmen, and are at present confined at Orleans as prisoners of War. In a few days, I expect to obtain their liberation, and shall procure their passages home.

I have likewise the pleasure of forwarding to you an official copy of an arrêt  of the Directory for raising the embargo, imposed by government on all vessels belonging to the United States, in the ports of this Republic.

I deem it my duty to observe, that from informal communications, which I have recently and repeatedly had with some of the best informed individuals of the government on the subject of American vessels and property, now under trial before the different tribunals of this Republic; I have derived such informations of the present disposition and intentions of the Directory, as to be satisfied myself, that they will ere long endeavour to provoke in the legislature a revision of their maritime laws, and that such a system will be organized as will secure the most important rights of neutrality upon the seas: this pleasing event is generally expected, and will, I am persuaded, arrive before this can reach you. Though many of the late arrêt s of the Directory have certainly encouraged the tribunals in the most pernicious applications of existing laws in regard to neutral property captured and brought in for adjudication, yet it may not be unimportant to remark to you, Sir, that the Directory, however well disposed, cannot change the conduct of the tribunals in regard to American and other neutral vessels now before them, without legislative interference, and

that owing to particular circumstances, it appears evidently that some time is necessary for them to prepare and dispose that body to alter some laws and make others, which shall cause the tribunals and privateers to respect neutrals in general, and the flag of the United States in particular: but from the present manifest dispositions and endeavours of the Directory to produce that end, I am happy to add, that the tribunal of cassation, before whom appeals have been made on most of the American property condemned in France, appear disposed to procrastinate pronouncing upon them until the sentiment of the legislature shall be declared upon the laws which are operating against their success.

I have the honor to be,

S I R,

Your most humble servant,

FULWAR SKIPWITH.

[TRANSLATION.]

Liberty.

Equality.

Paris, 3d. Fructidor, 6th year of the French Republic. [August 20, 1798.]

The Minister of Foreign Relations, to Mr. Fulwar Skipwith, Consul-General of the United States to the French Republic.

I SEND you, Sir, copies of two letters written by the Minister of Marine to all the principal officers civil and military of the ports of the Republic. Their contents will prove to you the attention of the government to remedy the abuses committed against its intentions.

With respect to the persons detained in the civil prisons of Orleans, because they are not possessed of papers to prove that they are not English, and who claim to be Americans, be pleased to call upon the Minister of General Police, to whose functions belong all the measures of safe-

ty. The Minister of Marine informs me, that he has transmitted their petition to him, and I am going to write to him myself, in order to request him to admit your declaration in their favor, in the absence of other proofs.

Receive, Sir, the assurance of my consideration.

(Signed) CH. MAU. TALLEYRAND.

[TRANSLATION.]

Copy of a Circular letter, written by the Minister of Marine and the Colonies, to all the principal officers of the ports, civil and military, on the 29th Thermidor, 6 year [16 August, 1798.]

OUR political situation with regard to the United States, citizen, not having as yet undergone any change which can affect the respect due to neutral nations, I do not think I have need to remind you, that no injury should be done to the safety and liberty of the officers and crews of any American vessel found to be in order, and that the same conduct ought to be observed towards all passengers and other citizens of the United States, furnished with the necessary passports or protections. You will be pleased to use a vigilant attention, that the intentions of the government in this respect may be pursued by all those under you, and when any of them has departed from them, you will do justice upon the complaints which may be addressed to you, after ascertaining their validity,

The Minister of Marine and of the Colonies.

(Signed)

E. BRUIX.

For a true, copy,

The Minister of Exterior Relations.

(Signed)

CH. MAU. TALLEYRAND.

[TRANSLATION]

Copy of the Circular letter written by the Minister of Marine and the Colonies,—to the agents of the Marine in the ports of the Republic.

Paris, the 24th Thermidor, 6th year [11th August, 1798.]

I OBSERVE, citizen, by the correspondence of the greater part of the administrators of the ports, that the embargo recently laid upon the American vessels has occasioned the detention of the crews. The intentions of the government were very badly understood, when a measure was adopted, which, in the first place, hazards the safety of these vessels, and in the second place appears to place us in a hostile attitude with respect to the United States, whilst the acts of the government evince, on the contrary, that it desires a good understanding between the two Republics. I therefore charge you, citizen, immediately upon the receipt of this, to order the discharge of all the Americans who may have been considered as prisoners of war, in consequence of the embargo of their vessels. You will be pleased to render me a prompt account of the execution of this order.

The Minister of Marine and of the Colonies.

(Signed) E. BRUIX.

For a true copy.

The minister of Exterior Relations

(Signed)

CH. MAU. TALLEYRAND.

True and exact copies,

FULWAR SKIPWITH.