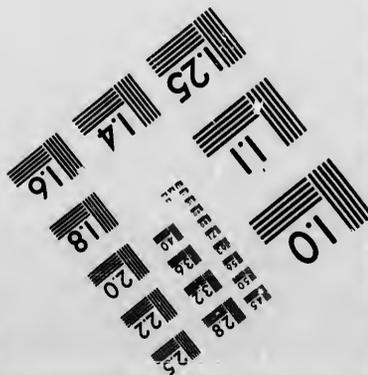
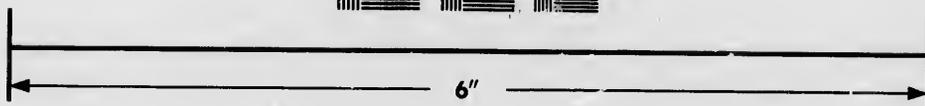
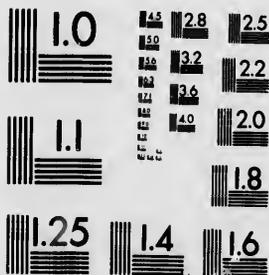


**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

2.5
2.2
2.0
1.8
1.6
1.4
1.2
1.0
0.8
0.6
0.5
0.4
0.3
0.2

**CIHM/ICMH
Microfiche
Series.**

**CIHM/ICMH
Collection de
microfiches.**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

1.0
0.8
0.6
0.5
0.4
0.3
0.2

© 1986

The copy filmed here has been reproduced thanks to the generosity of:

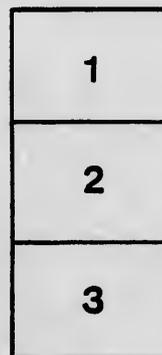
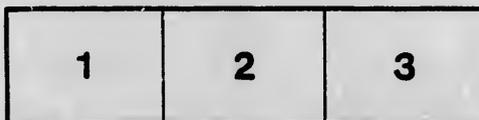
Archives of Ontario
Toronto

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol \rightarrow (meaning "CONTINUED"), or the symbol ∇ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagram illustrates the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

Archives of Ontario
Toronto

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole \rightarrow signifie "A SUIVRE", le symbole ∇ signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.

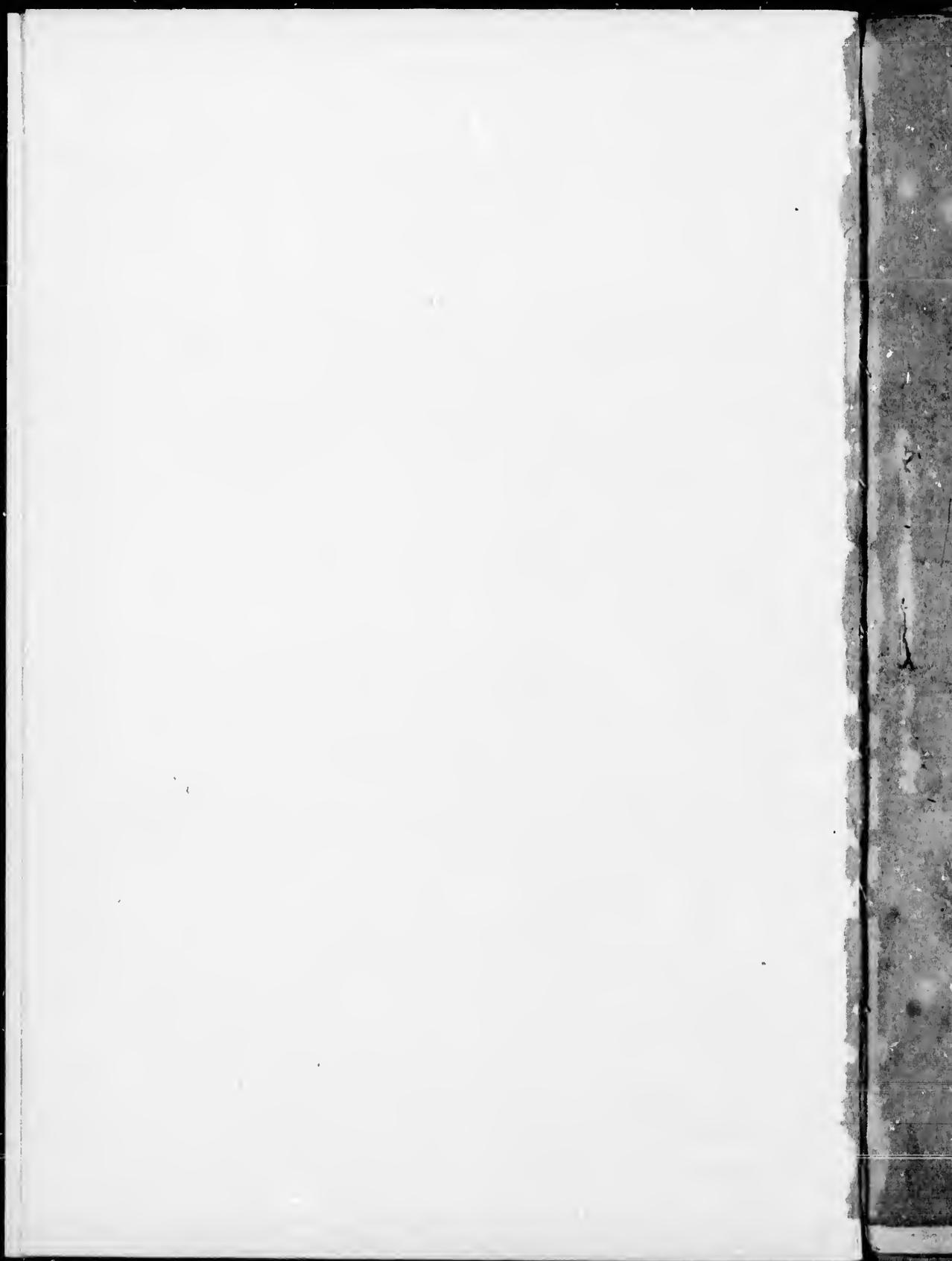
ails
du
odifier
une
image

errata
to

pelure,
on à



32X



J. Malton

SKETCH
OF THE
PRESENT STATE
OF OUR
Political Relations
WITH THE
United States of North-America.

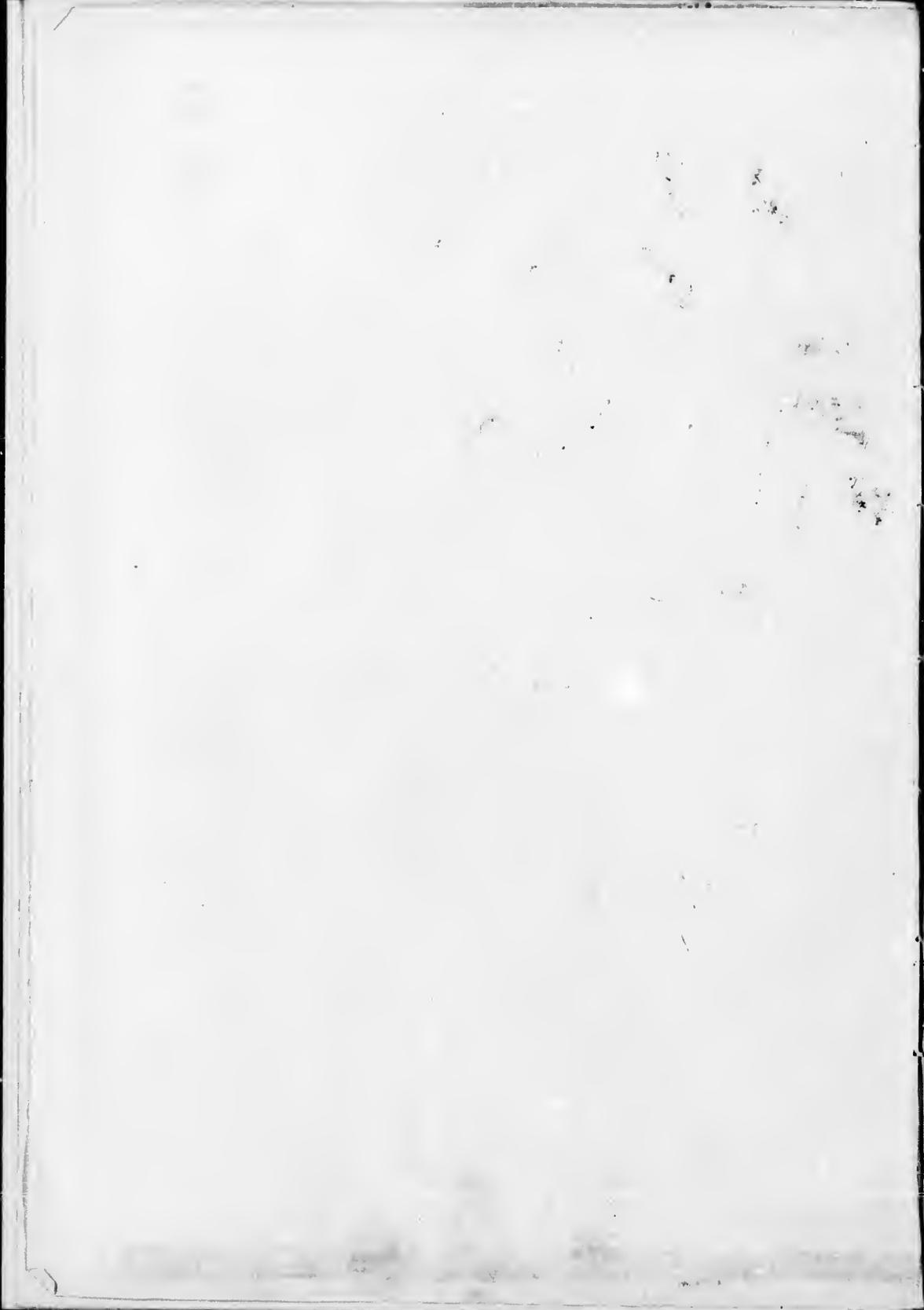
By JOSEPH FAUCHET,
EX-MINISTER OF THE
FRENCH REPUBLIC
AT PHILADELPHIA.

TRANSLATED BY THE EDITOR OF THE AURORA.

PHILADELPHIA:

Printed by BENJ. FRANKLIN BACHE, No. 112, Market-Street.

M,DCCCXVII.



v
k
t
c
t
T
h
f
t
j
t
g
Y
o
h
f
n
P
cl
ta
de
w
e

A SKETCH,^(a) &c.

POLITICAL events have, like the phenomena of nature, their successive changes and their progression. The art of observing the one and the other, of watching their developments, of calculating their issue, constituted the science of the natural philosopher and of the statesman. The latter is never so profound as when he joins to the calculation of the different changes the power of directing, of subduing and of making inevitable inconveniencies bend to his views, or of neutralizing them by wise precautions. All those who were enabled by their situation to pay some attention to our relations with America, have foreseen the crisis of which we are now witnesses: In fact, the course of events has necessarily brought it on, and nothing has delayed its approach, but the indifference and the apathy, into which the affairs of Europe had plunged our government, with regard to that nation.

Much has been written and much said on this subject. The only result I have been able to draw from all that has been done in this respect is, that the public took some interest in it; and it is partly this consideration that has determined me to offer some ideas on that subject. I have, perhaps, some right to do this. The nature of the functions I discharged near the American government; my personal situation, which places me beyond the reach of all suspicion, either of ambitious views, or of partiality for the executive; the silence which I have hitherto preserved, a silence which best suited my situation and the times; the indirect allusions of which my administration has been the object, all engage me

(a) It is to be remarked, that this pamphlet appeared in Paris before the 4th of September; which gives a stronger character of impartiality to the animadversions which it contains upon Pastoret, Segur and Co. who, it has been endeavoured to persuade the citizens of the United States were our friends; but who, in fact, were only the partisans of our administration.

Note of the Translator.

to take up the pen, with the thorough conviction that I shall use it without timidity and without passion.

Factions! Why should I bring them into a discussion like this? Do the personal connections I have had demand it? These connections have been as impartial on my side, as they ever were on the part of any of my predecessors, and from this impartiality must have sprung a reciprocal regard which ought to have left in my breast no resentment to satisfy. I defy calumny to contradict these assertions.

The President Washington granted me that esteem which he could not refuse to a man incapable of harmonizing with the open or secret enemies of his country. I have, in critical times, and during a state of things, the unfavourable reflected impressions of which it was difficult to withstand in foreign countries, enjoyed as much respect as ever a Minister of France enjoyed. As to the attacks, open or masked, of which I may have been the object, they have no longer power to irritate me. I know too well of what value opinions are in times like those we live in. The spirit of party creates and destroys reputations; the most profligate debauchees, [*princes* *not*] of the court of Charles II. are extolled as prodigies of honor and virtue, by the writers of their party. A man who is enlightened enough to form an opinion, resolute enough to maintain it, should share its fate; it would be as cowardly on his part to shun this, as on the part of a soldier to sculk from the danger of the corps in which he is embodied.

An orator who possesses a reputation proportioned to the importance † which his party attaches to him, has taken the liberty to cast upon my predecessor near the United States, a censure which he seems to have intended to extend to me. He knows neither what relates to me personally, nor to my administration; his speech is all of a piece; he has drawn his reflections on men, and his arguments on things, from the same sources. I may, perhaps, in the course of this essay, convince him that he has been imposed upon with respect to the latter; and if he thence draws the consequence, that he may have been deceived with regard to persons, I shall

† The Citizen Patriot.

congratulate myself, on account of the Citizen Genet, my predecessor, against whom he has more particularly directed his animadversions; and as that Citizen is absent, and it is possible that the opinion of the deputy of Paris may not be so indifferent to him as it is to me, I shall at least have contributed to rectify, with respect to him, the ideas of a man, who, without interest to defame him, can have none to persist in an injustice which he has committed upon truth.

Those who have taken the trouble of conferring on me the reputation of inactivity, will be astonished to see me appear in public. I should be sorry if this work were to change their opinion with regard to me; I should fear they might discover in it symptoms of that kind of activity which I prize but little; and which consists in taking advantage of one's physical powers, by appearing every where, and multiplying one's self in a manner: I shall endeavour to prove that study may be united to repose; and that a man may have thought, without having spoken much or written much.

There are circumstances in the mutual relations of nations, when their governments can no longer agree with each other, and when it becomes necessary to resort to extraordinary means of explanation, and often even to the cruel extremities of war. Our present position, in regard to the United States, seems, at the first glance, to have all the symptoms of that deplorable alternative. However, we must not be deceived by these outward appearances; great as the animosity may be which has hitherto, on both sides, marked the ministerial dispatches and manifestoes, yet there exists still a point of contact; it is the common interest, which reprobrates a rupture. By a strict analysis of the acts of both parties, it may nevertheless be seen, that moderation is on the side of the Executive Directory.

It is sufficient to read the notes which the Secretary of State, Mr. Pickering, has signed since his coming into the ministry, to be perfectly convinced that the American cabinet has, with regard to us, from the moment that the discussions began to become serious, run through all the degrees of the most marked contempt. It has

proceeded successively from an indecent levity to the tone of insult, a tone which reigns from one end to the other of the voluminous performance which has been directed to Mr. Pinckney, under the title of dispatches, and which its agents at Paris have had translated and circulated profusely. The Directory has confined itself to acting, and we shall see how far it has had a right of doing so. The notes directly exchanged at Paris breathe only coldness and calmness: Those forwarded to the United States might have been better adapted to the circumstances, the localities, and the government, in the name of which they were issued; but they do not, however, in the least deviate from decency and moderation.

Let us not deceive ourselves: Mr. Pickering, when he signed the last dispatch of June 16, 1797, foresaw that he would find defenders at Paris; he knew what Mr. Pinckney afterwards wrote him from Paris, that the new elections would give another aspect to affairs * in France; and that his manifesto would arrive opportunely to second the arrangements of some men, who waited only for that moment to break silence. (b) It is to be regretted that such are the passions at this day; that men feel no repugnance in taking a text of denunciation against the executive branch of the government, from a dispatch which bears all the characters of the deepest enmity: It is yet more to be regretted, that it should be believed possible, in such cases, to separate the subject matter of dispute from the declamatory part; and that entirely neglecting the former, which is the most important, the latter should be dwelt on without reflection, and without bounds. It was a very important question to be solved;

* Report of Mr. Pickering to the Secretary of State on his reception at Paris.

(b) The connection between our administration and the royalist party, lately overthrown in France, has long been suspected, and cannot now be doubted. Thus we see that Messrs. Pickering, & Co. carry on the same intrigues in other countries; for which they so vehemently blame, and without being able to adduce proofs of their existence, the French agents here. What a pity that Mr. Pickering cannot command an annual appropriation for secret services; we should then have our *Pis* as we have our *George*.—[Translator.]

whether a right existed of bringing forward a question of that nature? The step being once taken, it ought at least to have been supported by a thorough knowledge of the subject of discussion.

However, whatever may have been the motive of those extraordinary motions, the Directory is, nevertheless, on the eve of entering into negotiations on the different points in dispute with the cabinet of Philadelphia. It is readily perceived, what disadvantage it will have in this negotiation, after what has passed in the councils; but setting aside, for the moment, the probabilities of success which the two parties may have, it would be important to furnish those who are interested in that transaction with the means of calculating its direction and issue. Such is the object of this sketch. We shall first summarily review our grievances, and examine their weight. It would be exceeding the bounds of a work designed for the public, to give a minute detail of all the wrongs with which France reproaches the Federal Government. A very detailed account may be found in the dispatch of Mr. Pickering to Mr. Pinckney, of which mention has already been made. We shall say then, that our complaints relate in the first place to the execution and the violation of treaties. What are the treaties that unite America to France? They are well known: They consist of a treaty of alliance offensive and defensive, (c) and a treaty of Amity, Navigation and Commerce, both signed on the same day. These treaties are the first contracts which the United States signed as a nation. They establish therefore, in favour of France, rights anterior to any rights, which other nations may have afterwards acquired; agreeably to the principle of the law of nations, which gives to the oldest treaties the preference over those more recently concluded; as long as a war has not destroyed them. France has by these treaties reserved none of the advantages which the situation of the United States, might have induced her to exact. She has contented herself with recognizing the stipulations most common, and which form the basis of all treat-

(c) Mr. Fauchet is here in an error. Our treaty with France is only *defensive* and not offensive. *Translator.*

ties of that nature; and the benefit she might expect from it, proceeded less from the intrinsic value of the stipulations themselves, than from the priority which she had acquired over other states. The treaty of alliance was, without any doubt, obligatory on the Americans, notwithstanding the change that took place in our government, whatever men sold to Great Britain, and blinded by personal hatred may have written against the immortal negotiator* of that treaty. We have not required the execution of that treaty, although the *casus fœderis* has existed in its full force. This moderation on our part ought, at least, to have secured to us the enjoyment of the advantages stipulated by the other treaty, in the eventual case of the neutrality of one of the two parties.

Nothing proves more the want of caution or the excessive good-will of our negotiators for the United States, than the principles they have adopted in that treaty, relatively to the above eventual case of neutrality. It was easy to foresee, that actual reciprocity could not exist for a long time to come: For it is difficult to conceive a combination of circumstances which, involving the United States in a war of any importance, should permit France to remain neutral. However, if France did not lose sight of the object, towards which, for a century past, all her plans were directed, that of undermining the commercial preponderance of England, she ought to have used all possible circumspection, with regard to the advantage she was about giving to a flag destined to be the carrier of all the other commercial nations in time of war. She ought to have taken the greater precautions in this respect, as the similarity of manners and of language greatly favoured the abuse, which England might make of the American flag and sailors.

Forgetting those great interests, guided by the idea more generous than politic, not to depart, in any of our treaties, from the principles of neutrality, of which we proclaimed ourselves the protectors, M. de Vergennes treated upon the liberal basis of those principles. The only equivalent which seemed to be reserved for us, was the privilege of conducting our prizes and our privateers to the United States, without the local officers tak-

* Benjamin Franklin.

ing cognizance of the validity of the former; afterwards that of our ships of war being allowed to enter their ports and victual, to the exclusion of those of our enemies; which, in all possible combinations of events, was, as much as to say, those of Great Britain and her allies: This second clause contained a pointed and extraordinary favour, but it will cease to appear such by the developments which here follow:

To those who know the situation of the American continent, relative to the West Indies, the most apparently, if not the most real centre of the commerce of Europe; it will appear evident that the permission to carry our prizes to the United States, to the exclusion of England, was of great value. England was as well aware of it as we; therefore, as soon as the present war threatened to break out, she employed all possible arts to neutralize the eventual exercise of that right: Since the commencement of hostilities, she has done every thing to shackle it: And finally, as the sentiments of the American cabinet assumed an aspect more and more malevolent, she progressed towards the object which she wished to attain, that of rendering that right illusory, and even ruinous to France.

In fact, we have seen numbers of prizes stop'd in the ports of the United States, under the most frivolous pretexts, and deliver'd up to the illicit examination of the American tribunals: It is particularly in the ports of the southern states that this scandalous proceeding has been observed. These prizes detained, brought before courts whose forms are more or less expensive, have finally been restored to the captured, and often ruined the captors: Supposing that among the pretexts held up to justify so extraordinary a conduct, some were valid, the demand repeatedly made to place the captured and the captors on an equal footing, by requiring of the plaintiff, whoever he might be, a security which should shelter against a prosecution evidently unjust, ought to have been acquiesced in. The American government, after having solemnly recognised our right to carry our prizes into its ports, permitted their sale in the same ports: This second privilege, although merely gratuitous, turned to the advantage of its custom-houses, and its neutrality re-

maintained not the less inviolate; for the right to dispose of the property, was but a consequence of that of conducting that property into its ports; a consequence which, in reality, but little interests the captured. But the arts of England soon caused this favor to be considered in a different light: It was resolved to deprive us of it. To attain this object, different pretexts were devised for seizing the prize; at last the advantage was openly taken from us.

The pretexts of the federal government, for taking cognizance of French prizes, are reducible to two; capture within the limits of its jurisdiction, and capture by vessels armed within its waters. No objection has ever been made to recognizing the justice of the first principle: It would be contesting the sovereignty of a state to raise doubts on that head. The second is much less reasonable: It has been conceded only as a natural consequence of the satisfaction which was given, with respect to the privateers armed in the United States, under the minister Genet; but giving the latitude which the government of the United States contends for, was manifesting an evidence of ill-will: A privateer was accused of having been armed in the United States, had she but taken in an old musket, or opened a port-hole before that up.

However, a very great proof of conciliation was given, by proposing that all these subjects should be submitted to an amicable negotiation between the minister of France and the American government; by this means the interests of the two nations would have been secured, and the treaty which requires that *the officers of the two parties shall not take cognizance of the validity of prizes*, would have been respected. The American government rejected all these overtures: Its motive of action was a servile condescension for our enemy, and it answered all our remonstrances by saying, that when an affair was once before its tribunals it could not withdraw it, nor give us any satisfaction in that respect.

This was in general the shield which the government constantly opposed to us. To discuss the value of that quibble, it would first be necessary to examine whether we can admit it, who have a treaty; whether a government can

oppose internal laws to a political compact: Then the federal government might be asked, whether it is not the subterfuge of bad faith, even according to their own constitution? Whether its admiralty courts, by taking cognizance of matters, from which they are excluded by a solemn treaty, do not violate the clause of the constitution, which says, that treaties are the supreme law of the land, a *paramount law*, to use the expression of the English jurists.

Without suggesting to itself those doubts, the American administration has advanced with perseverance to the end marked out by its malevolence towards us; and by its predilection for Great Britain. Its tribunals, influenced by the same spirit which directed that cabinet, no longer kept within bounds; the dignity of the republic has been on an hundred occasions committed, and those who fitted out privateers ruined.

I am sensible of the just value which ought to be set upon this portion of our grievances; accordingly it is not my intention to examine the degree of favour which the fitters of privateers, such as those whose interests have been involved in the United States, deserve; no one is more conscious than I am, how little reason there is to be forward in sifting serious contention on account of concerns of privateers in general, and of those we treat of in particular. But it is with governments as with individuals: In matters of reputation as well as of interest, both are easily lost, as soon as we cease to be jealous of preserving them in all cases.

Besides, the business was to put treaties to a trial, the application of which could not till then have been called for. It was, therefore, important to watch lest constructions should supercede their literal meaning; lest departures from the treaty, upon the ground of momentary accommodation, should become the source of a number of precedents which would, without fail, be marshalled against us in future.

As to the right of entering with and victualling our ships of war in the United States, it was equally well established. The exclusion of England could not be a subject of doubt, agreeable to the terms in which the 17th article is expressed. In order not to give to that exclu-

son a character too repugnant to neutrality, it was strained to ships who should have made some prizes upon us.

The Federal government wishing to elude here, the literal sense, has entangled itself in its own interpretations. It contended that that exclusion related only to the ships entering with their prizes, and then to the prizes themselves. The English Minister, Mr. Hammond, protested, in the name of his court, against that interpretation, and it is, as yet, unknown how the American cabinet has been able to conciliate its interpretation with the contradictory interpretations of both the Ministers of France and England.

Could the wording of that article offer the least shadow of difficulty, it would be sufficient to recur to the circumstances, and to the *ensemble* of the negotiation of 1778, to remove it. Mr. de Vergennes, in order to tranquillize the United States with respect to our views, and to guard against every means of disunion and distrust, stipulated, at the desire of the American Plenipotentiary, the formal renunciation to any eventual possession by France, of any of the territories ceded to Great Britain, at the peace of '63, on the Northern continent of America. This renunciation was absolute; we lost thereby the hopes of obtaining, by war or by negotiation, a port in the Gulph of St. Laurence, or in Nova-Scotia, in order to balance the advantages which the exclusive possession of all the maritime ports of that continent gives to England.

Had the independence of the United States not secured us, in its ports, the means of counterbalancing that position of England, we ought to have thought of taking advantages of the war and of conquering for our own account. Our contrary conduct is explained by the clauses which secure to us, in the eventual case of the neutrality of the United States, the use of its ports for our squadrons; without this the whole negotiation would have been a mere folly on our part, and this cannot be maintained, knowing those who were charged to stipulate in our behalf.

The two grievances which we have just examined would not, however, have been worth entering into ser-

discussions about, if they had stood alone. If the Federal government had acted in other respects with sincerity, it would have advanced some plausible pretexts to attenuate the impropriety of its conduct upon those two points. An infant trade, destitute of every means of protection; the New World abandoned to the despotism of England, and as it were to its discretion; preserved from total subjection, by stupendous convulsions, as terrible as the dangers of which they diminished the chance; (d) the uncertainty which characterized the first events of the war; a government to settle; wounds to heal, an empty treasury, a nation without money and without an army;—such are the motives, founded on interest, which the American cabinet might have pleaded to justify, in confidential explanations, the desertion of its allies, and its partiality for England. But malevolence was the soul of its actions: Governments do not, more than individuals, square their conduct according to the external forms of a correspondence; the intention (*le sous entendu*) is always what is on both sides endeavoured to be found out. The American Executive saved us this trouble by signing with England, and in the midst of hostilities, without giving us any previous notice, while on the contrary, they were promising to do no such thing, a treaty derogatory to that of 1778, containing clauses hostile to us, and calculated for the present war.

A politician whose experience gives him the right to express an opinion upon this subject; * a member of the legislative body who has treated it without having a knowledge of it, have both justified at once the American government, on the subject of the treaty of London. Both rest their opinion on the ground, that that government had the right to make this treaty, and that it was in no manner answerable to us for its conduct. I will neither insult the one nor the other by supposing

(d) There is some obscurity in this sentence. By *New World*, we imagine the West Indies are meant; and that the writer alludes to the manumission of the blacks, thro' means of which the French government prevented the conquest of their islands; but occasioned "stupendous (internal) convulsions as terrible as the dangers of which they diminished the chance."

* *Eden* Segur the elder.

them serious in this mode of reasoning. This argument has already been successfully answered: It may besides be said, that the first of the writers in question is not ignorant, that one of the immediate consequences of an alliance is, that the allies should communicate to each other the negociations which might produce any change in their relative positions, that all nations; at least those wishing to remain above suspicion, act in this manner. This writer is too well versed in the negociations of the end of this century, and especially in those which have relation to the movements in the North, of which we have seen the *déroulement*, to lay down seriously, as a general position, that a state has the power of changing, at its pleasure and without any one's finding fault, its external relations. Circumstances might be recalled to his recollection in which he has acted on very different principles. As to the declamations which the orator (Pastoret) has recourse to upon this point, they may, without inconvenience, remain without an answer; they could only be combated by imitating them. If it was necessary to carry further the refutation of this sophism, it might be said, that if the American government had a right to negotiate the treaty, it ought not to have constantly assured us, at Philadelphia and at Paris, that there would be none concluded.

It is, however, a secondary question which we have just examined. The first and most important of all, respecting the treaty of London, is whether it wounds our interests, and if it was rightful for us to shelter ourselves from the necessary effects of that act upon us.

No one has hitherto contended that the treaty is not unfavourable to us; the principles of neutrality, which form the basis of ours, are completely sacrificed in it; contrary principles are therein recognized. To render this part of the discussion more clear, let us go back to a few principles.

The prerogative, which neutral nations enjoy in time of war, is the portion of the law of nation most subject to dispute. Neutrals having a great interest in enjoying the most extensive liberty for their commerce; belligerent powers, who have not a maritime force to give

Convoys, having an equal interest that their commerce may
 continue under a neutral flag during hostilities; it is clear
 that those two kinds of powers must, necessarily, have
 constantly endeavoured to give to the trade of neutrals
 the utmost latitude of freedom: Therefore do we see
 all the treaties concluded for a century and a half back,
 by either one or other of the two kinds of powers which
 we have designated, contain principles extremely liberal
 in this respect. Authors who have written on the law
 of nations have laid down the maxim, that enemy's pro-
 perty does not cease being so under a friendly flag, and
 consequently may be seized. The treaties of which we
 speak above, establish, on the contrary, that the friendly
 flag protects enemy's property, and places it beyond vi-
 olation; this is what is commonly called the modern
 neutrality.

Of all the powers, which by their nature are most
 frequently engaged in maritime wars, France is the one
 which has defended the last mentioned principles with
 most warmth. England, whose commerce, even in
 time of war, is always carefully protected, has shewn
 itself but little disposed to acknowledge them; often
 however she has admitted them in her treaties, either
 because she was forced so to do, or because she expect-
 ed to secure immediate advantages as an equivalent for
 this condescension; but, whatever the letter of these
 treaties may have said, she has rarely acted in conformi-
 ty to them upon this point. In practice she has always
 adhered to the ancient maxim, that the friendly flag
 does not protect enemy's property; when she has pursu-
 ed a contrary conduct, it is when she has been obliged
 to it by leagues capable of overawing her, as in
 1780.

The above is a statement, of which Mr. Pickering
 himself will not question the candour. I proceed
 France, in giving this example of her constancy in main-
 taining the modern neutrality, could not however always
 wish it to its detriment. This would happen if she alone
 admitted it in favour of the other maritime powers; for,
 in this case, her enemies might ship their property un-
 der neutral flag, which France would be obliged to re-

spect; and the enemies of France not having, with that nation, any similar treaty, the property that France might ship under that flag would enjoy no security. In this respect, the former government cannot be accused of having been guilty of such an oversight. The powers which, in their treaties with us, have stipulated in favour of these principles, have also stipulated for them with England; hence it follows, that if England was to execute her treaties with those nations, in case of their remaining neutral, we might transport our property in time of war, under their flag, as England transports hers. Hence we have more than once required that neutral powers, whose flag was insulted to our detriment, should force England to execute her treaties, and to conform herself to the same principles. This is what we did more particularly as to Holland in 1777. This demand brought about the rupture between that power and England in 1780.

America had yet no treaties in 1778; those she contracted with us were, as we have already said, her first political compacts. When recognizing in those treaties the principles of *modern neutrality* in their full scope, we could not surely expect that the United States would consent, in their posterior treaties, to contrary principles: It is particularly the nature of their stipulations with England that was calculated to embarrass us. We could not desire that that power should be at liberty to make use of their flag at its pleasure, while the same advantage should be interdicted to us.

Such, however, is the state of things which has been brought about by the treaty of London. The United States have explicitly abandoned, in that treaty, the *modern neutrality*; whence it results that England may legally plunder us under the American flag, and that we are to respect what she places under that flag.

The principles of neutrality in question, extend also to a part of the commerce of neutrals liable to many discussions; it is the subject of *contraband*. According to the ancient law of nations, all that was destined for the enemy, all that left an enemy's port was *contraband*, and more particularly articles used in naval or land arsenals and even provisions.

It is easily perceived how inconvenient and ruinous this barbarous rule must be to nations whose whole wealth consists in the exportation of those articles; hence it is the northern powers who have modified, in their treaties, this antique right. At this day the modern neutrality ranks as contraband only articles fit to be used immediately for offence or defence, and those which must be wrought before they can be used in this way are excluded. Provisions are contraband only in the case of their being carried to a blockaded and besieged place; such are also the principles of our treaty of 1778 as to contraband.

The treaty of London recognizes the ancient law of nations in this respect; that is, it makes it legal for England to seize all objects fit for ship yards, which the Americans might bring us; while we are to respect those same articles carried into England under the same flag. As to provisions it is left at her will to declare when they are contraband, that is seizable, when going to France or to our colonies, upon American vessels.

This difference, surely, is striking, and yet this is what the citizen Passoret finds scarcely worthy of slight animadversion. The disadvantages of our position are palpable with two treaties so dissimilar. Have we no legal means of re-acting against such a state of things, and of placing ourselves precisely on the footing on which England finds herself standing by her treaty?

There were only two means of doing it. First, by calling forth a legislative decision, which should suspend the clauses of our treaty of 1778, which recognize a doctrine contrary to that which is found in the treaty of London. Second, by a mere executive act, it was in our power to take advantage of the 2d article of the treaty of 1778, which guarantees to us all the advantages of navigation and commerce which might be granted to other powers,—and place, by means of this article, the republic upon the same footing as England. This is the road which the directory has preferred. It is the most proper, and is strictly constitutional. The other would have given, perhaps, a firmer basis to its system of reprisals, and would have prevented much clamour.

It is here that to each should be strictly given what is his due. The directory, or rather the ministers of the directory have shewn, in this business, some irresolution, and a defective knowledge of the subject they had to handle. It cannot be conceived how it was possible to pass the resolve of the 14th Messidor, IVth year, which orders the cruisers of the republic to act towards neutrals, as the English conduct themselves towards them. It is not right to give orders to the armed force to act, in circumstances so delicate, according to a system of which the principle only is laid down to them, and of which the cabinet alone possesses the detail. Did the privateers know how the English conducted themselves towards neutrals? Were they acquainted with the decisions of the admiralty courts of London? In a word, that resolve was a text which the directory should have given for development to an intelligent minister, and if it was to be made public, it should only have issued as a warning declaration to the neutral powers, as has been done frequently in preceding wars.

The decree of the 12th Ventose, which was passed afterwards, goes more directly towards the object; but strikes beyond it. The minister of justice, whose department, by the by, had nothing to do with the business, should have confined himself to means absolutely co-ordinate to the principal object, and not suffer himself to be led away by the insinuations of ignorance or interest, which have forced from him clauses that are incorporated in wise and moderate system of reprisals, only as they give it an odious shade. The minister who has drawn up that decree will readily perceive which article I mean to speak of. He ought especially not to have taken, according to the letter, the article relative to pirates, which is, in the treaty of London, a common clause, and imitated from a similar article in ours. To sum up, I say of that resolve, that the directory did their duty, but that the ministers have missed doing theirs. This resolve, such as it stands, becomes the source of a crowd of vexatory proceedings, which are only detrimental to the end, and throw much embarrassment in the negotiation which is about being opened.

The decree, such as it ought to have been, would have excited no complaint from the American government; or if that government had made any, they would have been answered by producing the treaty of London. But now they complain, that we go further than that treaty itself, and it is difficult to answer this objection.

These acknowledgments will appear strange to that species of men, who consider the nature of the subject which I comment on as their exclusive property, and who consider the ardent friends of liberty as beings guided by passion, and beyond all moderation.

I write without the intention of making myself friends among them, and my only view is to furnish data to impartial and enlightened men: I neither seek applause nor fear blame. There are, besides, so few situations in which one can speak the truth, that it is necessary to seize with avidity the occasion of publishing it when it presents itself.

We have examined our grievances, and weighed the measures of reprisals taken by the government. I might, in support of my opinions, have cited fragments of the speeches delivered on this subject in the late extraordinary session of congress; but this would lead to useless prolixity. I invite the citizen Pastoret to read those speeches: He may find in them a model for discussions of this kind, and he will learn how these subjects are handled in a legislative body. There remains for me to say something of the circumstances, political and moral, which have prepared, ripened, and accelerated the present crisis, and throw together some ideas on the means of terminating the differences.

It is a very singular political phenomenon at first view, to see France ready to draw the sword with America, her pupil, twenty years after having raised her, or at least after having contributed to raise her to the rank of nations. But this event ceases to surprize, when we see Lewis XIV in a contest with that Holland which Henry IV. and Lewis XIII assisted in raising triumphant out of an unequal contest with the house of Austria; and that same house of Braganca, which owed to us the throne of Portugal, detatched itself from us immediately on the peace of the Pyrennes.

Whence then arises that fatality which has produced the proverb, that nations and governments are ungrateful? Is the fault to be attributed to the benefactor, or to the protected? The three events which have above claimed our attention will explain this enigma. Requiring too much on the part of he who confers the obligation; on the part of the obliged, a stubbornness of conduct which arises from the perpetual suspicion that its independence is menaced, for the very reason, that some foundation might be supposed to exist for such pretensions: These are the two principles which, with the clashing of interests, contribute to break alliances founded on eminent services. These are the elements which become the basis of the intrigue of powers, which have an interest to separate the two allies. (c)

However, going from the general to the particular, we don't perceive that France is to be reproached with respect to the United States, as their benefactor. I take up the treaty of 1778; I see in it no exclusive advantage in our favor, and I am far from considering the French negotiators criminal on this account. I run over the reports of the two allies during the war, from '78, when we began to co-operate, to '82: I see nothing in them that looks like a superior, arrogating to himself a controul over a subordinate power. The negotiation of peace heaps the measure to this generosity: The independence of America was made the *sine qua non* of peace. This preliminary fixed, the allies negotiated separately their interests, so that there could not be room for even the slightest complaints. Mr. Jay* has tried, it is true,

(c) Taleyrand Perigord, the present French minister of foreign affairs, appears, by a publication which was given with his name, shortly after his arrival in France, to have had more correct notions on this subject. The influence which our commercial connections with England have upon our politics, is the chief cause of the alienation of our administration from France and predilection for Britain. And this cause will operate until the French can rival the British with their manufactures in our market; or until the agricultural part of our nation determine no longer to draw their politics with their merchandize from our commercial cities.

Translator.

* One of the American plenipotentiaries at Paris; the same who signed the treaty with England in 1794.

to raise clouds over this negotiation, and has accused our cabinet: Already in 1783 he meditated to ground on these accusations, a system of detraction and calumny, directed against the deserved influence which the war gave us in America. From that time his confidential tools have not ceased to retail the same calumnies; until at last the federal government has judged fit to introduce them in its manifesto of the 16th January last. But these vain attempts will be baffled by the facts which contradict loudly our detractors. The peace of '83 does not prove that France has counteracted the interests of America: It proves only (and this incident is due to Mr. Jay) that the Americans infringed the agreement which the allies had made, of not signing one without the others. (f) Is France to be criminated for having been unwilling to divide with the United States her Newfoundland fisheries? Is she culpable for not having sustained against Spain, her ancient ally, pretensions tending to her detriment and supported by Mr. Jay, for the sole end, perhaps, of having a pretext for complaint? If Mr. Oswald, empowered to treat with the Americans, in the name of Great Britain, did raise doubts of the sincerity of France in the negotiations, are we rather to believe that France was perfidious, than retort these suspicions upon Mr. Oswald and upon his masters?*

It is easy at this day to understand in this fabulous narration what belongs to its author: His jealousy against Franklin; the stings which his pride had felt at Madrid: The excentricities of those two passions which naturally disturbed the mind of Mr. Jay, by raising a thousand phantoms, are the ingredients of which his hatred for us is made up, and constitute the qualifications which have rendered him worthy of signing the treaty of London. From this it is easy to bring to its true stand-

(f) If France had taken umbrage at this step, which it appears was prompted by Mr. Jay, what would have been the situation of the United States? It gave her good reason for breaking with us;—she might have patched up her peace with England, and have left us to maintain a second struggle with that power, and singly.

Translator.

* See answer of Mr. Pickering to Mr. Pinkney.

ard that part of the manifesto of the 16th January, which develops our pretended perfidy from the very outset of our alliance; and the clue of the ridiculous artifice, by means of which Mr. Pickering, prompted by Mr. Jay, has hoped to deceive the Americans on the subject of our complaints, is easily discovered.

I own, that since the beginning of the revolution, we are liable to some reproaches. The National Convention, at the beginning of its session, wished to acquire the good will of the Federal government, by accusing our former government of perfidy. These assertions, founded on presumption and contradicted by facts, ought never to be uttered by a government succeeding another. It was wrong to record the same idea and the same error in the instructions of the Minister Genet, which have been made public in the United States; and Genet was still more in the wrong to issue that publication; but the proclamations of the Convention, or the instructions of the Minister can never convince in opposition to facts which one word is sufficient to restore to perfect purity.

I also grant, that carried away by the torrent of circumstances; sowered by an opposition which he justly attributed to a secret ill-will; thrown out of the bounds of moderation by the dangers of his country, and more anxious to arrive at his end, than studious to combat the pretexes on which the Federal government leaned to counteract him,—Genet committed faults; carried the praise-worthy firmness of a minister beyond what his position permitted; and substituted, sometimes, to the manly pride which becomes an agent attached to his country, the language of indignation, which is never successfully used in diplomatic affairs. I grant, that biased by example, and sowered by the same circumstances*, our consuls sometimes passed the bounds of strict propriety, and beyond the sphere of their authority. But could this justify the hostile system which we daily perceived developing itself? Has not the French govern-

* I do not pretend to judge the Consuls without appeal; their motives were as pure as their patriotism: It gratifies me to pay them here the tribute of my esteem; and I must openly express my surprise at the government permitting their zeal and their talents to remain in inactivity, while:—*sed superant, &c.*

ment even in the midst of the greatest political storms, shewn remarkable eagerness to redress the founded grievances which have been presented to them? Has not then the denunciation of Genet by Robespierre at the Jacobin club; the cruel orders directed against that Minister, and which have deprived the Republic of one of its sincerest friends, been able to extinguish the flames of resentment? Have not the committees of Public Safety of the 2d and of the 3d year respected the neutrality guaranteed to the United States by the treaty of 1778, as religiously as famine, and the savage war carried on against us, permitted? Was it not at the moment when the means of satisfying some complaints, made by the Minister Mr. Monroe, were under discussion at Paris, that Mr. Jay signed in London the treaty which was to strike a blow at our honor and our interests, so sure as to give Mr. Pitt the occasion, at the opening of the next session of Parliament, to make it a subject of triumph? Let the partizans of the Federal government answer these questions, and then we may cease to believe that a leaver of hatred had possession of its mind, and that it seized with eagerness the opportunities which afforded a plausible pretext of putting aside the mask.

Every thing proves, in fact, that hatred as much as the consciousness of weakness guided the American administration in its conduct towards us. General Washington ceased to view our revolution with a favourable eye, as soon as he saw La Fayette and the king struck, whom he delighted in calling the protector and father of his people. All the individuals who composed his council, except Mr. Jefferson, all those who had the right, by their reputation and their former services, to influence his conduct through their correspondence, excepting the Moultries, the Livingstons, the Clintons and the Samuel Adams, all were united against us and strengthened him in his hostile intentions.* It is the general opinion

* Let us attend to a Member of Congress from Virginia, on the subject of this marked hatred of a certain class of men for France, and the extraordinary insinuations which the British faction throw out against the friends to principles and of liberty, of being under foreign influence. "I hear calumny attacking the amendment which I propose; and because its tendency is to conciliate, accusing me of being under French influence: Strange phantom, which is used to depre-

that Mr. Talon came to Philadelphia on a confidential mission from the pretender: He was admitted to a very particular audience with the President, before the arrival of the Minister Genet at Philadelphia. To the insinuations of that envoy must be attributed the series of questions upon which General Washington required the opinion of his Ministers, and which chance fatal to the President, has stripped of the veil of secrecy which ought forever to have concealed them: Mr. Hamilton was the soul of the system of enmity; and the writings with which he filled the papers, under the signature of *Pacificus*, were, according to all likelihood, the justification and development of the opinions which he expressed in council.

What was to be expected from an administration so evidently ill-disposed against the infant Republic? All that has been seen to have followed: A wavering neutrality, abandoned to the influence of England; some concessions, for a while, extorted by the unequivocal good will of the nation; but in fact, contradicted by acts marked with the stamp of malevolence; a great eagerness to secure the advantages which circumstances and a few errors of our agents offered, in order to bring to consummation the favourite project of drawing closer to England, and preparing the triumph of that power.

But let facts be brought forward; let any improper connection be specified between a single Member of this assembly and a foreign power; let the traitors, if there are any, be pointed out; and let them be punished. I was accused of being strongly attached to France. The history of that attachment is quite natural. When I first took my seat in this house, France was menaced on all sides with dismemberment; as a silent to Liberty; as the Chimes of a free State, could I help experiencing an emotion of sympathy for a people to whom tyrant, contended the rights of self-government? Was I not to feel it the more, as I had seen my own country in a similar situation? Is it unknown at this day, that the plan of the cabinet of St. James, was to attack us, if the coalition had triumphed? Another reason impressed me strongly with this attachment for France. When I arrived in Philadelphia, what was my astonishment to find a total indifference as to the events of Europe! I own this indifference shocked me; I own that I shuddered when I perceived it was founded on an antipathy; but little distressed against republican forms. A natural irresistible feeling impelled me to oppose this torrent, and I thought it my duty openly to express contrary opinions. — *Speech of Mr. Nicholas, sitting of the 27th May 1792.*

The only obstacle in the way of that project was the marked attachment of the nation, for our cause. Consequently the administration has omitted nothing for five years back, to depreciate our character in the public opinion. The newspapers which are known to be under its influence, are filled with invectives and personalities against this Republic and against its agents. The government of the Republic, at every period, and under every system, to the very latest dates, has seen those Gazettes, covered with calumny and treated in the most abusive manner. If the *Redacteur* [a French paper under the influence of the Directory] had contained against the Federal government the hundredth part of what is daily to be found in the *Gazette of the United States*, against the Directory, the Legislative body, and in general against the Republic, long ago some deputies, forward with good reason perhaps, would have made a motion calling the Directory to an account on the subject. A writer, publicly known to be in the pay of the British legation, publishes periodically in Philadelphia, the most atrocious libels against us*, and it is almost certain that this libeller is encouraged by all those who compose the administration.

Such a system could not long have escaped the animadversion of the French government, had not a multitude of cares rivetted its attention in Europe, and without the contradictory accounts of the different individuals employed in this branch of our foreign affairs, who added, by their various stories, to the embarrassment created by circumstances. Every thing was abandoned to the conflicting passions of some men, or else to the most absolute chance; and our government meddled not in the direction of our political relations, with that power, except by a sentiment of good will, which when unaccompanied with an active vigilance, degenerates, in the eyes of foreigners, into a good nature of which they abuse with scorn. This apathy was carried to such a length, that Citizen Adet, who arrived while the Senate was deliberating upon the treaty of London, appeared struck with astonishment to learn that there was a treaty

* His name is Gebbel, and he writes under the name of Peter Forc-Epic.

with England on the carpet. It is, no doubt, to the profound silence of our government on this subject, when he left Paris, that we must attribute the passive line of conduct he has held in circumstances so important. Genet had given the alarm on the real intentions of the administration; but his conduct, his passions, rendered his reports suspected, and other passions, interested in a contrary direction, have made promises which have only ended in prolonging our security. As soon as the constitutional government was settled, and that the Directory was in a situation to follow any system as to external affairs, it could not be long without perceiving how we had been the dupes of America. The treaty of London had completely opened all eyes: The material change which was openly effected in the neutrality of the United States, by virtue of that treaty,* has put the seal of duplicity and of falshood on the assurances so often repeated, that the treaty should make no change in the state of things which existed prior to that treaty. The United States, on the first intelligence of our awakening, took for hostilities the ending of our excessive and patient toleration. General Washington, seeing the end of his political career darkened by clouds which announced a serious discontent on the part of the Republic, sought, by a measure equally unjust and impolitic, to escape its odium: He recalled Mr. Monroe, who has been guilty of the wrong, according to his view of things, of being attached to the principles of our revolution, and of being the open enemy to British influence, as well as to the system which that influence had caused to be adopted. He believed it in his power to throw upon Mr. Monroe, and upon his party, all the blame arising from the actual state of things, by accusing him, as it were, of having caused it. The result of this false step has been to leave the Directory abandoned, without any counterpoise, to its suspicions; this event has confirmed and encreased them, and our measures have become more decisive. Far from explaining our conduct as it was natural by the system

* The French minister was notified, after the exchange of ratifications, that we should no longer enjoy the advantage, which till then had been granted us, to sell in the American ports our English prizes.

which had been pursued heretofore, topics of recrimination have been sought for, and if possible to bring about a rupture. It was easy to sower the mercantile classes, by presenting them with the spectacle of the losses which our reprisals must have occasioned; and to irritate, at the same time, the minds of the rest of the nation, our conduct has been represented to them as the consequence of a system long matured by France, for usurping in the United States an absolute influence. General Washington had sketched out the phantom of this plan in the address which preceded his retirement. Mr. Adams completed it, and even coloured it with more warmth than could have been supposed to belong to him at first; so that at this day the merchants have been made to believe that we wish to ruin them, and declare war against them, and the people that we wish to enslave their government.

The Executive Directory after having, by vigorous measures, caused the French nation to be respected, and sheltered our interests from the attacks directed against them by the Federal government, ought to neglect nothing to destroy these false impressions, by which we should be soon reduced, at Philadelphia, to play a part unworthy of the republic: It ought to trace out for its agents a line of conduct which shall shelter us equally from the suspicion of an improper interference in their internal affairs, and of an indifference which provokes contempt. All the delusions which the administration attach to our name, should vanish before this open conduct. We have so much to gain by conciliating the esteem of a nation where the public opinion, notwithstanding the intrigue of a foreign power, has yet preserved the remains of independence, not to try this system which must in the long run triumph over prejudice.

The United States are generally either too little regarded, or esteemed much beyond their importance. Both extremes are the result of different judgments upon the morals of that nation. Some see in them only a collection of Jews, busy in deceiving each other; while others, carried away by an enthusiasm as little founded, find there, compared to Europe, models of wisdom and of virtue.

But these contrary opinions are formed on a basis to which the statesman ought not always to allow much importance; the national manners ought not to be considered as an infallible datum to judge the people. Independently of what these manners may have either praise worthy or blameable in America, there is an incontestible truth, at which we must stop, to make of it the ground work of a system to be pursued respecting that power; it is the importance to which the United States are called. That importance is so much the more certain, that the developments which must bring it about, will not be checked by any of the obstacles which would oppose it, if the United States were so situated as to be liable to be involved in the dissensions of Europe. It is vainly attempted to attribute to circumstances, the progress which the United States have made, since the adoption of their new constitution, a period when the internal troubles of France and the misfortune of its colonies began. Independently of these accidental causes, the United States, by the extent of their territory, the nature of their population, their character and activity, and by the situation of their coasts, are evidently called to exercise, in North America, a considerable influence. The power which shall know how to conciliate them will find in them an interesting friend, and their neutrality will perhaps be not less to be courted than their alliance.

France has a strong interest to preserve a good understanding with America. It is less the situation of her West Indies, which command it, than the position of Spain, which might run the greatest dangers by the combined efforts of England and the United States. Whatever may be the ascendancy which commerce has given to England in the whole extent of those states, we shall always be able to oppose successfully all political ties which that power might wish to establish with them. If we may judge by the actual state of the commerce between the United States and Great Britain, one might be led to believe, that the first are a colony of the latter, or fear lest they should once again become so. This is the opinion which the minister of foreign affairs brought with him from Philadelphia, and, for having expressed this opinion, he has deservedly drawn upon himself the

disfavor of the partisans of England. This opinion, and the frankness with which it has been published, does so much the more honor to the minister, as he might, with some foundation, have been supposed to entertain quite another one, by taking into calculation the effect of the intimacies he had formed in the United States. However, he would be wrong if he thence concluded that it is right to leave the United States to themselves, and treat them with the contempt, this opinion, which is not without some truth, inspires. There are means of opposing this impulse, which the commercial preponderance gives to England, and even to rival, not without some success, the latter.

What conclusion shall we draw from all that precedes? That the United States and the Republic are, in truth, in a position which must inspire fears of a rupture. France, especially, has very strong motives to adhere to the resentments which form the basis of her conduct lately. The United States have nothing but strained and precarious pretences to found their reprimands upon; but the two people are irresistibly drawn towards each other by a correspondence of interests, and by the secret but energetic force of a similarity of principles. These two motives for reunion ought to act with great weight upon the two cabinets, and check, on both sides, the passions and pride which might tend to embarrass the reconciliation. Whatever warmth the Britannic party has shewn in its declamations in congress; when restored to the calm of reflection, and interrogated when their political aversions sleep, they must see, if they possess yet a remnant of national feeling, that England cannot have with the United States an identity of interest; that sooner or later her destructive ascendancy would dictate laws to them; that America, far from having any interest in diminishing the weight of the counterpoise which we oppose to the maritime dominion of England, must, on the contrary, desire to see us combat, with some success, that rival of all that prosper.

We, on our side, have a great interest in favoring the development of the maritime resources of America, in order to diminish the English power, by taking from it all that does not rest upon their own capital. The

United States have nothing to wish with respect to extension of territory. The deceitful lure which England could hold out to them, by promising them our spoils, or those of Spain, would be ruinous to them in its result, whatever might be the success of the combination which this lure might produce. Every thing, therefore, prompts them to negotiate candidly, and to draw closer to us. Let Mr. Adams, especially, feel the importance of the part he has to act; let him forget little dislikes which years ought to have cooled, and which his station does not permit him to listen to. The President of the United States ought not to avenge the imaginary injuries which the American plenipotentiary may have received in 1782. There is no longer need of recalling little rivalries, now without object, since the cotemporaries sleep in the silent tomb. Whatever may be said of his character, and of his enmity towards us, we have every thing to hope from the rectitude of his judgment; but let him keep at a distance those men who will continually rekindle in his bosom the fire of passions, which it is important for them to perpetuate; let him take the pen himself and draw up the instructions of his commissioners. If he gives up the task to the hand which has traced the manifesto of the 16th January, he imprudently risks the most important interests of his country. The republic, after having forced all open enmities to fall at her feet, and all fraudulent neutralities to make reparation, cannot sacrifice its reputation nor its treasures, when she is to treat upon a state of things which bears every character of hostility.

On our side, let us forget the wrongs of an administration, the chief of which had more weakness than malevolence: Our successes have avenged us sufficiently on our hidden enemies and coward friends. Let us make the sacrifice of our resentments, however just they may be, to our evident interests. The present crisis, checked in time, will have a salutary effect: If prolonged, with the circumstances which have accompanied it hitherto, it would perpetuate painful recollections, and would perhaps become the germ of a national hatred, which would not have any of those real or imaginary ad-

vantages which make those hatreds sometimes to be considered as a political engine.

The sentiments I profess were always those of my heart; they were the basis of my conduct while I resided in the United States. I am perfectly convinced, that they will find their true value when they shall reach there, and will contribute to dissipate prejudices which unfortunate circumstances, or inimical arts may have scattered and fomented, with respect to me, with men who testified for me an esteem, which I shall always consider it an honor to deserve.

Fruelidor, 4th Year.

E R R A T A.

Page 6th, first note, for *Pickering* read *Pinckney*.

