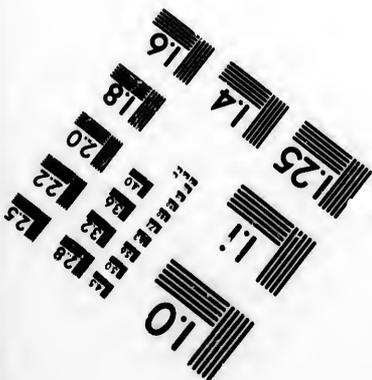
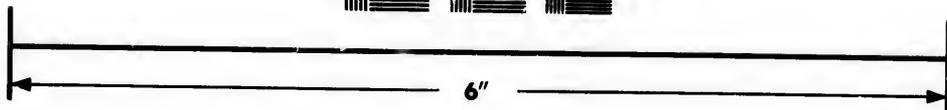
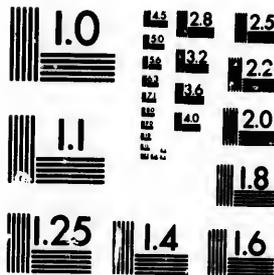


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DELIVERED DECEMBER 5, 1793.

WITH THE PAPERS THEREIN REFERRED TO.

TO WHICH ARE ADDED

THE

F R E N C H O R I G I N A L S .

PUBLISHED BY ORDER OF THE HOUSE OF REPRESENTATIVES.

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UNITED STATES, December 5th, 1793.

GENTLEMEN of the SENATE, and of the HOUSE of REPRESENTATIVES.

AS the present situation of the several nations of Europe, and especially of those with which the United States have important relations, cannot but render the state of things between them and us, matter of interesting inquiry to the legislature, and may indeed give rise to deliberations, to which they alone are competent, I have thought it my duty to communicate to them, certain correspondences, which have taken place.

The representative and executive bodies of France have manifested generally, a friendly attachment to this country, have given advantages to our commerce and navigation, and have made overtures for placing these advantages on permanent ground; a decree, however, of the National Assembly, subjecting vessels laden with provisions to be carried into their ports, and making enemy goods lawful prize in the vessel of a friend, contrary to our treaty, though revoked at one time, as to the United States, has been since extended to their vessels also, as has been recently stated to us. Representations on the subject will be immediately given in charge to our minister there, and the result shall be communicated to the legislature.

It is with extreme concern, I have to inform you, that the proceedings of the person, whom they have unfortunately appointed their minister plenipotentiary here, have breathed nothing of the friendly spirit of the nation, which sent him; their tendency, on the contrary, has been to involve us in war abroad, and discord and anarchy at home. So far as his acts, or those of his agents, have threatened our immediate commitment in the war, or flagrant insult to the authority of the laws, their effect has been counteracted by the ordinary cognizance of the laws, and by an exertion of the powers confided to me. Where their danger was not imminent, they have been borne with, from sentiments of regard to his nation; from a sense of their friendship towards us; from a conviction, that they would not suffer us to remain long exposed to the action of a person, who has so little respected our mutual dispositions; and, I will add, from a reliance on the firmness of my fellow citizens in their principles of peace and order.

In the mean time, I have respected and pursued the stipulations of our treaties, according to what I judged their true sense; and have withheld no act of friendship, which their affairs have called for, from us, and which justice to others, left us free to perform. I have gone further; rather than employ force for the restitution of certain vessels, which I deemed the United States bound to restore, I thought it more advisable to satisfy the parties, by avowing it to be my opinion, that if restitution were not made, it would be incumbent on the United States to make compensation. The papers, now communicated, will more particularly apprise you of these transactions.

The vexations and spoliation understood to have been committed on our vessels and commerce, by the cruisers and officers of some of the belligerent powers, appeared to require attention. The proofs of these, however, not having been brought forward, the description of citizens, supposed to have suffered, were notified, that on furnishing them to the executive, due measures would be taken to obtain redress of the past, and more effectual provisions against the future. Should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case.

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P A P E R S &c.

TRANSLATION.

PHILADELPHIA, May 22, 1793.

2d year of the French Republic.

*The Citizen GENET, Minister Plenipotentiary of the
French Republic, to Mr. JEFFERSON, Secretary of
State of the United States of America.*

Liquidation of the
Debt of the United
States to France.

SIR,

THE executive council of the French Republic has learnt through my predecessor, the Citizen Ternant, the readiness with which the government of the United States of America attended to the facilitation of the purchases which that minister was charged to make in the United States, on account of the French Republic; as also the acquittal of the draughts of the colonies for which imperious circumstances obliged it to provide. The executive council, sir, has charged me to express to the American government, the acknowledgment inspired by all the marks of friendship which it has given on this subject to the French nation; and to prove to it the reciprocity of our sentiments, it has determined to give at once a great movement to the commerce of France with America, in drawing henceforth from the United States the greatest part of the subsistence and stores necessary for the armies, fleets and colonies of the French Republic.

The executive council has entrusted me with the direction of these great and useful operations, and has given me particular powers comprehended in the reports, and in the resolutions now enclosed, in virtue of which I am authorized by the council and by the national treasury of France, to employ the sums of which the United States can effect the payment (towards their debt to France) or those which I can procure on my personal draughts, payable by the national treasury, in purchasing provisions, naval stores, and in fulfilling other particular services, conformably to the orders which have been given to me by the minister of the interior, of war, of the marine, and of foreign affairs.

The government of the United States is too enlightened, not to perceive the immense advantages which will result from this measure to the people of America, and I cannot doubt that, knowing the difficulties which different circumstances might oppose at this moment, to the execution of the pressing commissions which have been given to me, if it should not facilitate to us still the receipt of new sums by anticipation, it will find in its wisdom, and in the reports now enclosed, of the minister of the public contributions of France, measures proper to answer our views, and to satisfy our wants.

It does not belong to me to judge if the President of the United States, is invested with powers sufficient to accede to our request, without the concurrence of the legislative body: but I will permit myself, to observe to you, sir, that the last anticipated payments, which took place, prove it, and that this question appears equally decided, by the act of Congress, which authorises the executive power not to change the order of the reimbursements of the foreign debt of the United States, unless it shall find therein an evident advantage. Now what advantage more sensible can we offer to you, than that of discharging your debt to us with your own productions, without exporting your cash, without recurring to operations—the burthensome operation of bankers? It is furnishing you, at the same time, with the means of paying your debts, and of enriching your citizens; in short it is to raise the value of your productions, and consequently of your lands, in establishing a necessary competition between us and a nation which has in a measure resumed with a great deal of art and of sacrifices, the monopoly of your own productions. It is time, sir, that this commercial revolution, which I consider the completion of your immortal political revolution, should accomplish itself in a solid manner; and France appears to me to be the only power which can operate this incalculable good. She desires it ardently. The wise arrangements of which I have now given you an account, are the proof of it. It remains then with your government to second the views which are suggested to us by our constant friendship for our brethren the Americans, and by the desire we have to strengthen the bonds which unite us to them. It will be a pleasing duty to me, sir, to conform myself in the administration which is confided to me, to these sentiments of the French nation, for all the United States; and in order that every one of them may participate in the extension of our commercial relations, I will take care to distribute my purchases among the different states of the Union, as much as the natural productions of their soil and the nature of their commerce, will permit. I will neglect no means, moreover, in order that the modes of purchase prescribed to me, may enable, not only the American and French merchants, but also the land-holders and farmers to take advantage of the benefits which may result from our purchases.

G E N E T.

(COPY.)

American Debt,
1st Report.

TRANSLATION.

CITIZEN Genet, Minister of the French Republic to the United States of America, has been charged by the provisory executive council, to solicit the American government, for the payment of the sums remaining due to France by the said states, though all the terms stipulated for the reimbursement have not yet expired.

The provisory executive council were led to this resolution,

1. By the extensive wants of the Republic, as well in subsistence for interior consumption, as for warlike stores and provisions required for the army by sea and land.
2. From the convenience with which a part of these stores and provisions may be purchased in the different markets of the United States.
3. From the advantage which the Republic would find in making these purchases in, and with the monies arising from the American debt.
4. In fine, from the consideration that the United States might find it convenient to anticipate the reimbursements of the monies due to France, when they were to be employed within themselves in purchasing the productions of their soil.

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In consequence, the Citizen Genet has concerted with the ministers of the interior, of war, of the marine, and of foreign affairs, in order to obtain a statement of the expenses of their several departments. According to this, the funds to be disposed of by Citizen Genet, will amount to about seventeen millions of livres tournois, a sum not equal to the whole of the balance due by the United States to France.

But here two questions arise with Citizen Genet—

1st. How to arrange the matter so as that this sum shall be properly accounted for in the national treasury, through which it ought to pass ?

And supposing, secondly—That the purchases of warlike stores and provisions are indispensable, and ought to be made and expedited to France with celerity, the Minister Genet desires to know how the money can be replaced, in case the American government should refuse to anticipate the reimbursements ?

OBSERVATIONS.—1st. *On the Consistency.*

Supposing that the United States should consent to anticipate their reimbursements ; they may do so, in two ways—

By *sonantes** or bank notes for the same term ;

Or by state securities on interest, and reimbursable on a given term.

The first of these is accompanied with no difficulty. The Minister Genet will furnish his assignments or notes on the treasury of the American government, for the warlike stores and provisions, and other pressing wants, for expenses relative to the support of Consuls—for extraordinary and secret purposes of embassy—and for victualling and refitting vessels. These notes will be stamped by the department of the ministry upon the *compatibility*, of whom they will have been furnished ; the American treasury will return them into the French treasury, in payment of the debt of the United States ; when they will be passed to the credit of the said states ; and to the debit of each department of the ministry whence they issued, or whose stamp they bear, as a part of the sums allowed by the National Convention to each, for their expenses.

The method in the second place, should be the same, because the minister Genet will not accept state securities of the American government, unless he can make use of them as ready money, of which he is to assure himself before the conclusion of any transaction on either side.

Then the receipts which the Minister Genet will furnish the American government, with the stamp of the department for which their value shall have been employed, shall have the same effect with regard to this government and the French treasury, as if their value had been paid in specie.

It might happen that the state securities which the Minister Genet should receive instead of ready money, as above mentioned, may lose something of their value by depreciation, but then this loss is to be carried to the debit side of the account, which the Minister Genet will furnish, of the manner in which they shall have been employed, for the departments of the interior, of war, of the marine, and of foreign affairs.

2d. *In case the American government should not consent to any anticipation in the payment of the debt of the United States to France,*

There are but two methods to provide for this improbable contingency—if we can suppose that the United States have any interest in acknowledging the French Republic, and living on friendly terms with her.

Even admitting that we could not reckon on the good will of the United States, the situation of the finances or the excessive dearths of the metals, in comparison to notes, not permitting us to export a large sum of dollars to America, we should be obliged to make use of drafts on Europe : they must be either on London and Amsterdam, by the help of a credit to be obtained for Citizen Genet, and of which he must give information in America, or upon the national treasury of France itself,

* *Bills of Exchange.*

The English government having determined to make war on us, the first method cannot and ought not to be made use of.—It would be not only impossible to obtain a credit to the end of our operations, but it would be attended with great expence, from the low state of exchange occasioned by the war. The only resource then remaining, would be to furnish orders on the national treasury: but if these should enjoy the credit which they merit, there is reason to believe, that the Americans would still prefer them for assignments of the debt of the United States. So that it is very probable, that this means of managing the matter in America, the best the Republic is at present capable of devising, is that on which the executive council may with greatest safety rely, unless the United States would wish to render themselves hostile towards the Republic, which, from every appearance is unlikely to be the case. But it is proper we should provide for every contingency, the omission of which might cause Citizen Genet embarrassment; therefore, the minister of public contributions proposes to the provisory executive council the following

D E C I S I O N.

The national treasury will furnish Citizen Genet with a declaration in writing, authorizing him to employ agreeably to the orders of the ministers of the interior, of war, of the marine, and foreign affairs, the sums he shall receive from the government of the United States, on account of the debt due to France, or the complete balance thereof, as well principal as interest, in conformity to the instructions given to Citizen Genet, on that subject.

The national treasury will authorize the Citizen Genet to furnish or cause to be furnished upon his banker, bills of exchange drawn at two months sight, to the amount of the sums requisite for the payment of subsistence, warlike stores, and other expenses of those ministers. The said bills of exchange should be employed to make up the said payments only in case Citizen Genet should not be able to do so, either in whole or in part, with the funds arising from the American debt, which he is charged to negotiate.

And in fine, in order to induce the United States to make this reimbursement, in case they should not be able to effect it, either in whole or in part, with specie, the Citizen Genet is authorized to accept it from the American government in such state notes, bearing interest, as shall be received at par, by the persons to whom Citizen Genet may have payments to make on account of the Republic. The orders which Citizen Genet shall furnish on the treasury of the United States, in exchange for specie or state notes, shall carry in their faces the declaration of the department for which they shall have been employed: the Treasurer of the United States, after discharging their amount, shall send them to the French treasury, where they will be received as so much ready money, in discharge of the debt of the United States, and as expenditures in part of the sums allowed by the National Convention to the three departments designated in the orders.—The bills of exchange on the national treasury, shall in the same manner bear the stamp of the ministerial department, for the expense of which they have been furnished, and shall be charged by the national treasury, on account of the sum allowed by the National Convention to the said department.

The Citizen Genet shall transmit to each minister proper statements, supported with vouchers, as well of the use made of the funds agreeably to his orders, as of the manner in which he shall have procured them.

In case the Citizen Genet shall have received from the American government, bills or state securities in reimbursement of the debt of the United States, which he could not pass without some sacrifice; the loss, in that case, shall be considered as part of the expenses of purchase, transportation, or payments, confided to him.

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Should the council approve of this decision, a copy thereof shall be sent to the Citizen Genet, certified by the secretary of the council, as well as the ministers of the interior, of war, of the marine, and of foreign affairs.

Paris, the 2d January 1793.—the 2d year of the Republic.

The present *memoire* has been read and approved in the provisory executive council, the 4th of January, 1793—in the 2d year of the Republic.

The Secretary of the Council,
GROUVELLE.

(Signed) Le BRUN,
Minister for Foreign Affairs.

I hereby certify, that the foregoing is a true copy from the original in my possession.—Philadelphia, 22d May, 1793—in the second year of the Republic.

The Minister of the French Republic,
GENET.

TRANSLATION.

Extract from the registers of the deliberations of the provisory executive council, of the 4th January, 1793, in the second year of the Republic.

THE minister for foreign affairs, having informed that the citizen Genet, appointed Minister plenipotentiary, from the French Republic to the Congress of the United States of America, and that it would be necessary for the council, to decide definitively on his instructions for the fulfillment of his mission.

The draft of the same was accordingly read—the council in adopting it, declares that the copy thereof for citizen Genet shall be signed by the President, and counter-signed by the Minister for foreign affairs.

After which the executive council, wishing to determine the form in which the full powers given to citizen Genet, shall be exercised relatively to the general direction of consular business, according to the present ideas of the Minister of the marine and of foreign affairs, who have observed the necessity of a new organization of the consulates and vice-consulates in America, has considered and resolved on the following, which shall serve as instructions to Citizen Genet, for whatever may concern this part of his mission, and of which also a copy signed by the President of the council and counter-signed by the minister of the marine, shall be given him. Here follows the instruction concerning the general affairs of the consulates and vice consulates of North-America.*

The executive council then took into consideration the particular mission of Citizen Genet, Minister plenipotentiary from the Republic of France to the Congress of the United States, on the subject of negotiation relative to the reimbursement of the sums due or that may become due of the debt due by the United States to the French Republic. An account was given of the different dispositions and steps already taken for this purpose. It was observed that considering the utility of applying the product of the reimbursements which may be effected through Congress, to the purchase of warlike stores and provisions, which it may be convenient to the Republic to procure in the different markets of the United States; that the Citizen Genet, had concerted on this head with the ministers of the interior, of war, of the marine, and of foreign affairs, in order to determine the mass of the funds, confided to him for these purchases—but that several points occurred, which required to be definitively settled by the council, either as to the forms of *compatibility*, or the supplying of any deficiency in those funds, in case the Ame-

* *This instruction is deposited in the office of the Minister for foreign affairs, and a certified copy thereof has been delivered to Citizen Genet.* C.

ican government should not realize its reimbursements in proportion to the purchases made on account of the Republic.

Whereupon the provisory executive council, after having heard and discussed the reports and measures presented by the minister of contributions, agree upon the following :

1st. The Citizen Genet shall be authorized to employ, agreeably to the orders of the minister of the interior, of war, of the marine and foreign affairs, the sums which may be paid to him on account of the debt due by the United States, to France, or the whole reimbursement thereof.

2nd. In order to facilitate these reimbursements, the Citizen Genet, in case he shall not be able to obtain them in specie, may accept them in such state-notes as shall be remitted to him by the American government, and received as ready money, by the persons to whom Citizen Genet may have payments to make on account of the Republic.

3d. The orders which the Citizen Genet shall furnish upon the treasury of the United States, in exchange for their value, shall indicate the department on account of which they may be drawn. The treasury of the United States after discharging these orders, shall transmit them to the treasury of the French Republic, where they shall be considered as so much money, in discharge of the debt of the United States, and as making a part of the sums placed by the National Convention, to the disposition of the ministerial departments designated in the orders.

4th. In case the reimbursements of the United States, should not be effected in time, or a sum sufficient obtained—the Citizen Genet shall be authorized to furnish on the general banker of the national treasury, bills of exchange, at two months sight, to the amount of the sums directed to be employed by him in the payment of provisions, war-like stores and other expenses ordered by the said ministers. These bills of exchange, as well as the orders, shall be stamped with the name of the ministerial department, on account of which they shall have been furnished, in order that the national treasury may debit each, with the sum expended on its account.

5th. The Citizen Genet shall furnish each minister with a proper statement, accompanied with vouchers in support of it, as well of the application of the funds, conformably to his orders, as of the manner in which he shall have obtained them.

6th. In case the Citizen Genet shall have received from the American government, bills or state securities, (*bons d'etat*) in reimbursement of the debt of the United States, which he could not pass without some sacrifice, the loss in that case shall be considered as part of the expenses of purchases, transportation or payments confided to him.

7th. A certified extract of this deliberation, shall be given to the committee of the national treasury, to enable them to concur in expediting the above mentioned arrangements; and in order thereto, to furnish the Citizen Genet with declarations and powers sufficient to ensure the success of the important operations with which he is charged.

Duplicate conformable to the register,

(Signed) GROUVELLE,
Secretary of the Council.

I hereby certify that the foregoing is a true copy from the original in my possession,

The Minister from the French Republic, to the United States of America.

GENET.

TRANSLATION.

American Debt, *Report of the Minister of public contributions, on the liquidation of the American Debt.*
2d Report.

THE approaching departure of the Citizen Genet, on his embassy to the United States of America, requires that the provisory executive council should again take up the subject of the debt due by the United States to the Republic of France.

I have given information to Citizen Genet of the offers made by Colonel Smith of New-York, to procure to the Republic not only the reimbursement of what remains due from the United States, although not yet payable, but for the application of it, either for supplies for the army, or wheat, flour and salted provisions in augmentation of our internal supplies.

Colonel Smith has gone to England, and has left no other accounts relative to the operations he proposed to enter upon; so that all is reduced to the preliminaries of the negotiation.

These preliminaries consist of a letter from the minister of public contributions of the 7th of November last to Colonel Smith, after having been referred to the executive council.—It contains,

1st. An extract from the registers of the council, approving the offers of Colonel Smith.

2d. The account current of the United States with the French Republic, and that of the interest of the 1st of January next.

3d. Statement of the loss which the national treasury would sustain on the reimbursements which it has received from the United States of America, if they are not held accountable for the difference between the assignats which it received and the specie.

4th. An approbation of the reduction to sterling money of the sum due to the French Republic at the rate of 21s. or 1 guinea for 25 livres, 10 sous, French money, as Colonel Smith was to obtain it, which sum, consisting of the capital due, of the interest up to the 1st of January next, and the loss on payments already made, was to be paid at London.

5. The approbation of the price, and conditions on which Colonel Smith offered to furnish firelocks, deliverable at Dunkirk, agreeably to samples to be sent there by him.

I have transmitted a copy of all these papers to Citizen Genet, to whom the accounts will prove useful in negotiating the reimbursement of the debt of the United States, and the sums arising from the reimbursement for the necessities of the Republic.

The Citizen Genet will observe that the amount will have been diminished on his arrival in the United States, if we calculate the advances made by the federal treasury, on the requisition of Citizen Ternant, to satisfy the demands of cash and provisions made at Philadelphia, by the administrators of the French part of St. Domingo; advances which the federal treasury will of course count as so much of the balance due by the United States to the Republic of France.

The Citizen Genet afterwards requested instructions as well with respect to the conditions on which he should accept the reimbursement he hopes to obtain from the American government, as to the employment of the sums which shall be delivered to him.

OBSERVATIONS.

There can be no doubt but that the American government will be liberal towards France, and not reap a benefit from acquitting itself with assignats. However as a part of the debt yet unpaid, is not become due, and a law relative to the acquitment of this debt prescribes to the executive power of America, not to anticipate any payment unless upon *advantageous* terms for the United States; it appears that this ought to be fulfilled previous to the executive's entering into a negotiation.

This is at least the result of a letter written by Secretary Hamilton on the 7th of March last, to the Citizen Ternant. He observes to that Ambassador that the sums lent by France, were borrowed in Holland; that six months elapsed between the time of obtaining the money at Amsterdam, and its receipt at the treasury in America; and that the interest paid during that term was a dead loss. But this loss can have no relation to France. The interest is due to her, from the moment of the payment, and payment was made the instant that the money was lodged at Amsterdam to the disposal of the Americans.

This object does not appear then to give rise to any compensation, and without doubt the American treasury will think it proper to hold to the advantage the law requires for authorizing the anticipation of the payments, which the United States are obliged to make to France.

The law does not specify this advantage. What should it be? The employment of the money on account of the French Republic within the United States, is a very great advantage for them, and this employment arises from circumstances which probably would no longer exist, if the American treasury should refuse to anticipate reimbursements. The advantage here is real; it consists not only in a considerable exportation of American produce, which will be paid for with those anticipated reimbursements; but also in the arrangements which the American government may take by means of state notes, negotiable in America itself. — Arrangements which would relieve her from all financial operations in Europe, for the purpose of acquitting themselves even in France, where the United States are obliged to make payment.

And the employment of those sums in America, due to the French Republic, so convenient to the United States in the present circumstances, would suit the convenience of the Republic.

The minister for foreign affairs has already ordered a purchase of grain, flour, and salted provisions to the value of 3,000,000 livres on account of the American debt, and this purchase could not be paid for more advantageously than in this manner.

It would be convenient to the Republic to give for her commissions for grain, even to the amount of the balance due by the United States; nor could this be blamable, as every circumstance concurs in inviting the provisory executive council to provide the Republic with large supplies of provisions, and promptly, and whether in respect to the market or the payment, nothing could at this moment be more beneficial to America, and no money obtained easier than that with which the United States could pay us.

The sum to be disposed of, will not perhaps prove so considerable as were to be wished, considering the wants of the French colonies, which undoubtedly will have occasioned new demands to be made at Philadelphia, since those acquitted by the Citizen Ternant, of the monies remitted to him by the federal treasury, as is stated in his letter of the 9th of March.

It remains to speak of the conditions on which the American government would exonerate itself towards the Republic; — those proposed by Secretary Hamilton, in his letter of the 23d of June, 1792, to the Minister Plenipotentiary of France.

He reminds us that it has already been agreed, between the French government and the United States, warlike stores (*munitions*) furnished, and the payments made and to be made in the United States, on account of the debt due to France, should be liquidated agreeably to the intrinsic value of the metals in the two countries.

This agreement is the most equitable that could possibly be entered into, when we consider that France should be paid at her own treasury, agreeably to the above method of calculation, the expense of transportation of the metals from America to France, and the insurance. But by anticipation of reimbursement, this *bonification*, would be abandoned.

In consequence of this convention, Secretary Hamilton fixes the quantity of pure gold and pure silver contained in a *Louis* and French crown: he compares them with the quantity of the same matters contained agreeably to law in a dollar; and concludes (errors in information or calculation excepted) that a French livre is equal to eighteen $15\frac{1}{100}$ *cents* of money, equal to the hundredth part of a dollar.

It is upon this principle he proposes to convert our French livres into the dollars, which will be delivered in the United States to the French agents authorized to transact this business.

I think this reduction still more advantageous to the Republic, than the promise made by Colonel Smith, in case we should obtain anticipated reimbursements. Be it as it may, we cannot refuse it; and doubtless Secretary Hamilton takes for granted, that all the articles of the account current, between the French Republic and the United States, will be turned into dollars agreeably to this standard. This account is in the possession of Citizen Genet—it is necessary only to make it out in two columns on the debit and credit sides—to wit—an inner column for the French livres, and an outer column for the American dollars.

The account of interest should be made *without this*—fixing an epoch posterior to the 1st of January, 1793, for closing the same, after the arrival of Citizen Genet, which cannot be so early as that date.

Thus the account current, of which he is the bearer, will serve him only as a note fixing the dates and sums by which another account of capital and interest may be made out, and the conversion of each article therein, into dollars, will do away the necessity of an account of losses by exchange. The reimbursements made and not comprised in this account are to be added to it.

This brings me to the observations which I was induced to make in reply to those of Citizen Genet, relative to the liquidation and reimbursement of the American debt, and therefore propose to the council, the following

DECISION.

That the Citizen Genet, Minister Plenipotentiary of the Republic to the United States of America, be charged by the provisory executive council, to solicit from the American government the reimbursement of the balance remaining due, capital and interest, by the United States to the French Republic,

That he assign as a reason for this, the pressing necessities of the Republic, occupied in the defence of its liberty and independence, as the United States defended theirs when this sum was lent to them.

That, as a law of the United States authorises the federal government to make these reimbursements by anticipation only, in case of an advantage resulting to the United States, by so doing, the Citizen Genet, promise to the government, that the whole sum delivered to him, shall be employed in the purchase of supplies the growth of the United States, purchased and paid for within the same.

That, as the United States wish to reimburse what they owe to France, without reaping advantage therefrom in any manner, from the present state of exchange, the Citizen Genet be authorized to consent to a conversion of French livres into dollars, upon the rule fixed upon, viz—the quantity of pure gold and pure silver, contained in a *Louis*, and in a French crown, and in the American dollars, agreeably to the laws of both countries, fixing the value of those coins.

That the Citizen Genet employ the sums he shall receive from the American government, agreeably to the dispositions for that purpose made in concert between the ministers of war, of the marine, and of foreign affairs.

And that certified copies of this report, of the observations, and of the decision, shall be transmitted to the Citizen Genet, for his instructions.

Read and approved, in the provisory executive council at Paris, the 4th of January, 1793—in the 2d year of the French Republic.

M O N G E, *President.*

L E B R U N, *Minister for Foreign Affairs.*

National Treasury.

TRANSLATION.

Copy of a letter written by the Commissioners of the National Treasury, to the President of the Provisory Executive Council.

CITIZEN PRESIDENT,

WE have received the extract which the provisory executive council have addressed to us of their deliberation of the 4th of the present month, by which the Citizen Genet, minister from the Republic to the United States of America, is authorized to make use of the sums which the Congress may be able to pay of the debt due by the United States to France, or those which he may procure on his own notes, payable by the cashier of the National Treasury, in purchasing provisions and warlike stores agreeably to the orders which shall be given him by the ministers of the interior, of war, of the marine, and of foreign affairs.

To concur as far as is in our power, and according to the intentions of the executive council, in forwarding the measures pointed out in the deliberation, we have the honor to assure you, Citizen President, that whatever sum shall be sent to us in the name of Congress, of the *acquittances* or *orders* furnished by the Citizen Genet, to the treasurer of the United States, and indicating the department of the French ministry, for which he shall have issued them, we shall immediately advise the executive council thereof, in order that we may be enabled to credit the American Congress, on account of their debt, for their amount.

Should the reimbursements which Congress may make, prove insufficient to answer the different purposes required by the ministers of the Republic, and Citizen Genet, to fulfil his mission, be obliged to recur to his own notes payable at two months sight, upon Citizen Doyer, general cashier of the National treasury, we shall examine when presented, and immediately refer them to the minister, to whose department they shall relate, in order that in the interval between their examination and time of payment, the ministers may have the proper and regular authorities expedited to authorize the payment.

As our functions are unconnected in a direct manner with the ministers sent by the Republic to the different governments, we conceive that this letter answers the intentions manifested by the executive council in article 7, of their deliberations, that we should concur in the dispositions contained therein. Authenticated copies of this letter, expedited in the name of the executive council to the minister Genet, will give him sufficient assurances, for his mission, Citizen President, of all the facility which can be derived from our concurrence. We are with respect, &c.

(Signed)

By the Commissioners of the National Treasury,
LERMINA, GAUDIN, DEVAINE, DE LA FONTAINE,
SAVELETTE s. et DUTRAMBLAY.

Paris, 8 January, 1793, 2d year of the French Republic.

WE the undersigned ministers and members of the provisory executive council of the French Republic, certify that the above are the signatures of the commissioners of the national treasury of the republic, and that the letter under which they are signed, was written in consequence of the mission given by us to Citizen Genet, Minister Plenipotentiary from the Republic to the Congress of the United States, to endeavor the reimbursement of the debt due from the United States to France, and the purchase of provisions in the several markets of North America.

Done in the Provisory Executive Council at Paris, the 17th of January, 1793, in the 2d year of the French Republic.

The members composing the Provisory Executive Council,

(Signed) CLAVIERE, LE BRUN, PACHE, ROLAND, MONGE, GARAT.

I hereby certify, that the foregoing is a true copy from the original in my possession.

The Minister Plenipotentiary from the French Republic, to the United States of America.

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TRANSLATION.

PHILADELPHIA, May 23d, 1793.
2d year of the Republic.

The Citizen Genet, Minister plenipotentiary, of the French Republic, to Mr. Jefferson, Secretary of state for the United States.

SIR,

SINGLE, against innumerable hordes of tyrants and slaves, who menace her rising liberty, the French nation would have a right to reclaim the obligations imposed on the United States, by the treaties she has contracted with them, and which she has cemented with her blood; but strong in the greatness of her means, and of the power of her principles not less redoubtable to her enemies, than the victorious arm which she opposes to their rage, she comes, in the very time when the emissaries of our common enemies are making useless efforts to neutralize the gratitude,—to damp the zeal,—to weaken or cloud the view of your fellow-citizens;—she comes, I say,—that generous nation;—that faithful friend, to labour still to increase the prosperity, and add to the happiness which she is pleased to see them enjoy.

The obstacles raised with intentions hostile to liberty, by the perfidious ministers of despotism;—the obstacles whose object was to stop the rapid progress of the commerce of the Americans, and the extension of their principles, exist no more. The French Republic, seeing in them but brothers, has opened to them by the decrees now enclosed, all her ports in the two worlds;—has granted them all the favors which her own citizens enjoy in her vast possessions;—has invited them to participate the benefits of her navigation, in granting to their vessels the same rights as to her own;—and has charged me to propose to your government, to establish in a true family compact, that is in a national compact, the liberal and fraternal basis, on which she wishes to see raised the commercial and political system of two people, all whose interests are confounded.

I am invested, sir, with the powers necessary to undertake this important negotiation of which the sad annals of humanity, offer no example before the brilliant æra at length opening on it.

G E N E T.

TRANSLATION.

DECREE of the NATIONAL CONVENTION, of 19th February, 1793, 2d Year of the French Republic, relative to produce exported and imported in American vessels, to the Colonies or to France.

THE National Convention, after having heard the report of the committee of general defence—Decrees as follows:

Art. 1. That all the ports of the French Colonies be open to vessels of the United States of America.

Art. 2. That all produce exported or imported in American vessels on going out or entering in the Colonies or in France, pay the same duties as that borne by French vessels.

Art. 3. That the executive council be authorized to take proper measures that the states with whom the Republic are at war, do not reap any benefit from the advantages granted to friendly powers.

Art. 4. That the executive power, negotiate with the Congress of the United States, to obtain in favour of the French merchants, a like reduction of the duties granted by the present law to American merchants, and thereby more closely cement the benevolent ties which unite the two nations.

Art. 5. That the law of the 20th of August, 1790, be suspended; and that vessels laden with merchandize of the East-Indies, may be at liberty to land in any port of the Republic, during the war; and that those which shall be laden

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with the productions of the Isle of France, and of Bourbon, shall henceforward enjoy the same privilege.

The National Convention has suspended the law of the 15th of May, 1791. which inhibited the Americans from introducing, selling and arming their vessels in France, and from enjoying all the advantages allowed to those built in the ship-yards of the Republic.

Certified to be conformable to the decree of the National Convention of France.

The Minister Plenipotentiary of the French Republic.

G E N E T.

PHILADELPHIA, May 15th, 1793.

Mr. Jefferson, Secretary of State, to M. Ternant, Minister Plenipotentiary of France.

S I R,

HAVING received several memorials from the British minister, on subjects arising out of the present war, I take the liberty of enclosing them to you, and shall add an explanation of the determinations of the government thereon. These will serve to vindicate the principles on which it is meant to proceed, and which are to be applied with impartiality to the proceedings of both parties. They will form, therefore, as far as they go, a rule of action for them and for us.

In one of these memorials it is stated, that arms and military accoutrements are now buying up by a French agent in this country, with an intent to export them to France. We have answered that our citizens have always been free to make, vend and export arms: that it is the constant occupation and livelihood of some of them. To suppress their callings, the only means perhaps of their subsistence, because a war exists in foreign and distant countries, in which we have no concern, would scarcely be expected. It would be hard in principle and impossible in practice. The law of nations, therefore, respecting the rights of those at peace, has not required from them such an internal derangement in their occupations. It is satisfied with the external penalty pronounced in the President's proclamation, that of confiscation of such portion of these arms as shall fall into the hands of any of the belligerent powers, on their way to the ports of their enemies. To this penalty our citizens are warned that they will be abandoned, and that the purchases of arms here, may work no inequality between the parties at war, the liberty to make them will be enjoyed equally by both.

Another of these memorials, complains that the consul of France, at Charleston, has condemned as legal prize, a British vessel captured by a French frigate, observing that this judicial act is not warranted by the usage of nations, nor by the stipulations existing between the United States and France. It is true that it is not so warranted, nor yet by any law of the land, and that therefore it is a mere nullity, can be respected in no court; make no part in the title to the vessel, nor give to the purchaser any other security than what he would have had without it; that consequently it ought to give no concern to any person interested in the fate of the vessel. While we have considered this to be the proper answer, as between us and Great-Britain; between us and France, it is an act to which we cannot but be attentive. An assumption of jurisdiction by an officer of a foreign power, in cases which have not been permitted by the nation within whose limits it has been exercised, could not be deemed an act of indifference. We have not full evidence that the case has happened; but on such an hypothesis, while we should be disposed to view it

In this instance, as an error in judgment in the particular officer, we should rely, sir, that you would interpose efficaciously to prevent a repetition of the error by him; or any other of the consuls of your nation.

Our information is not perfect on the subject-matter of another of these memorials, which states that a vessel has been fitted out at Charleston, in South Carolina, and partly too with citizens of the United States, received a commission there to cruise against nations at peace with us, and has taken and sent a British vessel into this port. Without taking all these facts for granted, we have not hesitated to express our highest disapprobation of the conduct of any of our citizens, who may personally engage in committing hostilities at sea, against any of the nations, parties to the present war; to declare that if the case has happened, or that should it happen, we will exert all the means with which the laws and constitution have armed us, to discover such offenders and bring them to condign punishment. And that the like conduct shall be observed, should the like enterprizes be attempted against your nation, I am authorized to give you the most unrelied assurances. Our friendship for all the parties at war; our desire to pursue ourselves the path of peace, as the only one leading surely to prosperity, and our wish to preserve the morals of our citizens from being vitiated by courses of lawless plunder and murder, are a security that our proceedings in this respect, will be with good faith, fervor, and vigilance. The arming of men and vessels within our territory, and without consent or consultation on our part, to wage war on nations with which we are in peace; are acts, which we will not gratuitously impute to the public authority of France: they are stated indeed with positiveness in one of the memorials, but our unwillingness to believe that the French nation could be wanting in respect or friendship to us on any occasion, suspends our assent to, and conclusions upon these statements, till further evidence. There is still a further point in this memorial, to which no answer has yet been given.

The capture of the British ship *Grange*, by the French frigate, *l'Embuscade*, within the Delaware, has been the subject of a former letter to you. On full and mature consideration, the government deems the capture to have been unquestionably within its jurisdiction, and that according to the rules of neutrality, and the protection it owes to all persons while within its limits, it is bound to see that the crew be liberated, and the vessel and cargo restored to their former owners. The Attorney-General of the United States, has made a statement of the grounds of this determination, a copy of which I have the honor to enclose you. I am in consequence charged by the President of the United States, to express to you his expectation, and at the same time, his confidence that you will be pleased to take immediate and effectual measures for having the ship *Grange* and her cargo, restored to the British owners, and the persons taken on board her, set at liberty.

I am persuaded, sir, you will be sensible on mature consideration, that in forming these determinations, the government of the United States, has listened to nothing but the dictates of immutable justice: they consider the rigorous exercise of that virtue, as the surest means of preserving perfect harmony between the United States and the powers at war.

I have the honor to be,

With sentiments of great respect,

Sir,

Your most obedient and
most humble servant,

THOMAS JEFFERSON,

The Attorney-General of the United States, has the honor of submitting to the Secretary of State, his opinion concerning the seizure of the ship Grange.

THE ESSENTIAL FACTS ARE,

THAT the river Delaware takes its rise within the limits of the United States.

That in the whole of its descent to the Atlantic Ocean, it is covered on each side by the territory of the United States :

That from tide-water, to the distance of about sixty miles from the Atlantic Ocean, it is called the *river* Delaware :

That at this distance from the sea, it widens and assumes the name of the *Bay* of Delaware, which it retains to the mouth :

That its mouth is formed by the capes Henlopen and May; the former belongs to the state of Delaware in property and jurisdiction; the latter to the state of New-Jersey.

That the Delaware does not lead from the sea to the dominions of any foreign nation :

That from the establishment of the British provinces on the banks of the Delaware to the American revolution, it was deemed the peculiar navigation of the British empire :

That by the treaty of Paris on the 3d day of September, 1783, his Britannic Majesty relinquished, with the privity of France, the sovereignty of those provinces, as well as of the other provinces and colonies :

And that the Grange was arrested *in* the Delaware, *within the capes*, before she had reached the sea, after her departure from the port of Philadelphia /

It is a principle, firm in reason, supported by the civilians, and tacitly approved in the document, transmitted by the French minister, that to attack an enemy in a neutral territory is absolutely unlawful.

Hence the inquiry is reduced to this simple form, whether the place of seizure was in the territory of the United States ?

From a question originating under the foregoing circumstances, is obviously and properly excluded, every consideration of a dominion over the *sea*. The solidity of our neutral right, does not depend, in this case, on any, of the various distances, claimed on that element, by different nations, possessing the neighbouring shore. But if it did, the field would probably be found more extensive, and more favourable to our demand, than is supposed by the document, above referred to. For the *necessary* or *natural* law of nations, unchanged as it is, in this instance, by any compact or other obligation of the United States, will perhaps when combined with the treaty of Paris in 1783, justify us in attaching to our coasts an extent into the sea, beyond the reach of cannon shot.

In like manner is excluded every consideration, how far the spot of seizure was capable of being defended by the United States. For, although it will not be conceded, that this could not be done; yet will it rather appear, that the mutual rights of the states of New-Jersey and Delaware, up to the middle of the river, supercede the necessity of such an investigation.

No. The corner stone of our claim is, that the United States are proprietors of the lands on both sides of the Delaware, from its head to its entrance into the sea.

The high Ocean, *in general*, it is true, is unsusceptible of becoming property. It is a gift of nature, manifestly destined for the use of all mankind—inexhaustible in its benefits—not admitting metes and bounds. But rivers may be appropriated; because the reverse is their situation. Were they open to all the world, they would prove the inlets of perpetual disturbance and discord; would soon be rendered barren by the number of those, who would share in their products; and moreover may be defined.

"A river, considered merely as such, is the property of the people, through whose lands it flows, or of him under whose jurisdiction that people is." Grot. b. 2. c. 2. f. 12.

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"Rivers might be held in property; though neither where they rise, nor where they discharge themselves be within our territory, but they join to both, or the sea. It is sufficient for us, that the larger part of water, that is, the Seas, is shut up in our banks, and that the river, in respect of our land, is itself small and insignificant." Grot. b. 2. c. 3. f. 7, and Barbegroe, in his note subjoins, that neither of those is necessary.

"Rivers may be the property of whole states." Puff. b. 3. c. 3. f. 4.

"To render a thing, capable of being appropriated, it is not strictly necessary, that we should inclose it, or be able to inclose it within artificial bounds, or such as are different from its own substance; it is sufficient if the compass and extent of it can be any way determined. And therefore Grotius hath given himself a needless trouble, when, to prove rivers, capable of property, he useth this argument, that although they are bounded by the land at neither end, but united to the other rivers or the sea; yet it is enough, that the greater part of them, that is, their sides, are enclosed. Puff. b. 4. c. 5. f. 3.

"When a nation takes possession of a country in order to settle there, it possesses every thing included in it, as lands, lakes, rivers," &c. Vattel, b. I. c. 22. f. 266.

To this list might be added Bynkershoek and Selden. But the dissertation of the former, *de dominio maris*, cannot be quoted with advantage in detachment; and the authority of the latter *on this head* may, in the judgment of some, partake too much of affection for the hypothesis of *mare clausum*. As Selden, however, sinks in influence on this question; so must Grotius rise, who contended for the *mare liberum*; and his accurate commentator, Rotherforth, confirms his principles in the following passage, "A nation, by settling upon any tract of land, which at the time of such settlement had no other owner, acquires, in respect of all other nations, an exclusive right of full or absolute property, not only in the land, but in the waters likewise, that are included within the land, such as rivers, pools, creeks or bays. The absolute property of a nation, in what it has thus seized upon, is its right of territory, 2 Ruth. b. 2. c. 9. f. 6.

Congress too have acted on these ideas, when, in their collection-laws, they ascribe to a state the rivers, wholly within that state.

It would seem, however, that the spot of seizure is attempted to be withdrawn from the protection of these respectable authorities, as being in the Bay of Delaware, instead of the River Delaware.

Who can seriously doubt the identity of the River and Bay of Delaware? How often are different portions of the same stream denominated differently? This is sometimes accidental; sometimes for no other purpose, than to assist the intercourse between man and man, by easy distinctions of space. Are not this River and this Bay fed by the same springs from the land, and the same tides from the ocean? Are not both doubly flanked by the territory of the United States? Have any local laws at any time provided variable arrangements for the River and the Bay? Has not the jurisdiction of the contiguous states been exercised equally on both?

But suppose that the River was dried up, and the Bay alone remained, Grotius continues the argument of the 7th section, of the 3d chapter, of the 2d book above cited, in the following words:

"By this instance it seems to appear, that the property and dominion of the sea might belong to him, who is in possession of the lands on both sides, though it be open above, as a gulph, or above and below, as a strait; provided it is not so great a part of the sea, that, when compared with the lands on both sides, it cannot be supposed to be some part of them. And now, what is thus lawful to one king or people, may be also lawful to two or three, if they have a mind to take possession of a sea, thus enclosed within their lands; for 'tis in this manner, that a river, which separates two nations, has first been possessed by both, and then divided."

"The gulphs and channels, or arms of the sea are, according to the regular course, supposed to belong to the people, with whose lands they are encompassed." Puff. b. 4, c. 5, f. 8.

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Valin, in b. 5, tit. 1, p. 685, of his commentary on the marine ordonnance of France, virtually acknowledges, that particular seas may be appropriated. After reviewing the contest between Grotius and Selden, he says, "S'il (Selden) s'en fût donc tenu là, ou plutôt, s'il eût distingué l'océan des mers particulières, et même dans l'océan, l'étendue de mer, qui doit être censée appartenir aux souverains des côtes, qui en sont baignés, sa victoire eût été complète."

These remarks may be enforced by asking, what nation can be injured in its rights, by the Delaware being appropriated to the United States? And to what degree may not the United States be injured, on the contrary ground? It communicates with no foreign dominion; no foreign nation has, ever before, exacted a community of right in it, as if it were a main sea: Under the former and present governments, the exclusive jurisdiction has been asserted; by the very first collection law of the United States, passed in 1729, the county of Cape May, which includes Cape May itself, and all the waters thereof, theretofore within the jurisdiction of the state of New-Jersey, are comprehended in the district of Bridgetown; the whole of the state of Delaware, reaching to Cape Henlopen, is made one district; nay, unless these positions can be maintained, the bay of Chesapeake, which, in the same law, is so fully assumed to be within the United States, and which, for the length of the Virginia territory, is subject to the process of several counties to any extent, will become a rendezvous to all the world, without any possible control from the United States. Nor will the evil stop here. It will require but another short link in the process of reasoning, to disappropriate the mouths of some of our most important rivers. If, as Vattel inclines to think in the 274th section of his first book, the Romans were free to appropriate the Mediterranean, merely because they secured, by one single stroke, the immense range of their coast; how much stronger must the vindication of the United States be, should they adopt maxims for prohibiting foreigners from gaining, without permission, access into the heart of their country.

This inquiry might be enlarged by a minute discussion of the practice of foreign nations in such circumstances. But I pass it by; because the United States, in the commencement of their career, ought not to be precipitate in declaring their approbation of any usages, (the precise facts concerning which we may not thoroughly understand) until those usages shall have grown into principles, and are incorporated into the law of nations; and because no usage has ever been accepted, which shakes the foregoing principles.

The conclusion then is, that the Grange has been seized on neutral ground. If this be admitted, the duty arising from the illegal act, is restitution.

EDM: RANDOLPH

MAY 14, 1793.

TRANSLATION.

PHILADELPHIA, May 27th, 1793.

The 2d year of the Republic of France.

Citizen Genet Minister Plenipotentiary of the Republic of France, to Mr. Jefferson, Secretary of State of the United States.

SIR,

MY predecessor has delivered to me the letter which you wrote to him the 15th of this month, communicating to him sundry memorials of the British minister, and the decisions which the American government has taken on the complaints of this minister.

The first of these complaints which you report in your letter, Sir, is not founded in fact; I have no knowledge of the purchase of the arms in question, and at all events the reply you have made to Mr. Hammond would convince him of the nullity of his observations, if they had been dictated by good faith; but it is probable that this step has no other object but to prepare, diplomatically, pretext to the English ships of war to subject American vessels even

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under the shadow of their modest neutrality, to arbitrary visits and detentions.

The second complaint of the Envoy of George III. Sir, is founded on the sale of the prizes sent into the port of Charleston, by the Embuscade frigate, belonging to the Republic of France.

I shall call to my aid only facts and very plain reasoning in replying to Mr. Hammond's representations on this point.

The treaty of commerce of 1778, authorizes exclusively all the vessels of war French or American, armed by the two states or by individuals, to conduct freely, wherever they please the prizes they shall have made of their enemies, without being subjected either to admiralty or any other duties, without also the said vessels or the said prizes entering the ports of France or of America, being stopped or seized, or the officers of the places being permitted to take cognizance of the validity of the said prizes.

This privilege is interdicted to the enemies of either of the two nations which shall be at war, the two contracting parties having expressly engaged not to permit any foreign privateer, having a commission from a prince or power at war with one of the two nations, to arm their vessels in the ports of one of the two parties, or to sell there the prizes they shall have taken, or in any other manner to discharge the vessels, merchandizes or any part of their cargoes. These privileges which the two nations have reserved to themselves exclusively, these severe and clearly defined restrictions against their common enemies, evidently prove that in virtue of the treaties which I have cited, we alone have at present the right of bringing our prizes into the American ports, and of there doing with them as we please, as property on the validity of which the civil or judiciary officers of the United States have nothing to do, as long as the laws of the United States are not infringed. It is in order to acquire information on this important subject that the publicity of the sale of prizes authorized by the consular officers of the Republic is necessary; and if in the fulfilment of this duty prescribed by friendship, and our respect for the law of nations, the Consul of the French Republic at Charleston has made use of some formality or expression, from which it might be inferred that he arrogated to himself jurisdiction uncited by the treaties and laws of the United States; I shall take care, Sir, that this error be avoided for the future, and that all proceedings relative to the sale of our prizes, conformably to the spirit of the treaty, bear the stamp of a particular national transaction, and of the plain and real alienation of a property acquired by the laws of war, acknowledged to be legal by the officers of the French nation.

The third complaint made to your government, sir, by the English minister, is relative to the armaments which have taken place at Charleston, under the flag of the French Republic. The American government, sir, has given a new proof of its wisdom, and of its confidence in our sentiments, not blindly to admit the assertions of Mr. Hammond. In reply to this I shall still confine myself to facts. It is certain that several vessels have been armed at Charleston, that they have received from me commissions of the Republic, agreeable to the forms I have had the honor to communicate to you, and that these vessels, dispatched to sea with great celerity, have made many prizes, have condemned to inaction, by the terror which they have spread among the English, almost all the sailors and vessels of that nation, which were in the ports of the United States, and by their success have very sensibly raised the freight of American vessels; I grant that this must be displeasing to Mr. Hammond, to his court and to his friends, but that is not the matter in question.

I ought by a sincere exposition of my conduct to put you in a capacity to judge whether I have encroached on the sovereignty of the American nation, its laws and its principles of government.

The vessels armed at Charleston belong to French houses; they are commanded and manned by French citizens, or by Americans, who, at the moment they

entered the service of France, in order to defend their brothers and their friends, knew only the treaties and the laws of the United States, no article of which imposes on them the painful injunction of abandoning us in the midst of the dangers which surround us.

It is then evident, Sir, that these armaments cannot be matter of offence in the citizens of the United States; and that those who are on board of our vessels have renounced the immediate protection of their country, on taking part with us.

It is necessary however to examine whether the French houses of Charleston might arm the vessels which belonged to them. I submitted this question to the Governor of South-Carolina, before the delivery of the letters of marque to our privateers. I reminded him that liberty consisted in doing what the laws did not prohibit, that I believed no law existed which could deprive the French citizens in the ports of the United States, of the privilege of putting their vessels in a state of defence, of taking in time of war new commissions, and of serving their country by causing them to cruise out of the United States, on the vessels of their enemy.—Nor indeed were there any which gave to the government the right of submitting the particular operations of merchants to a state inquiry, and that it appeared to me that it could neither authorize nor hinder the said armaments. His opinion appeared to correspond with mine, and our vessels put to sea in spite of all the intrigues which the partizans of England put into action to oppose it.

This is the truth, Sir, this is the conduct, I dare to call it respectable, which I have followed, and I know too well the equitable sentiments of the federal government not to deliver myself to the pleasing hope of seeing it *return* from the first impressions which the reports of the Minister of England appear to have made on it.

The last point which remains to be spoken of, Sir, is relative to the capture of the English ship *Grange*, by the Embuscade frigate.

The learned conclusions of the Attorney-General of the United States, and the deliberations of the American government, have been on this subject the rule of my conduct. I have caused the prize to be given up; and although of considerable value, my brave brethren, the seamen of the Embuscade have readily concurred in a measure, which I represented to them, as a proper mean to convince the American government, of our deference and of our friendship.

The French republicans, Sir, know the duties which nations owe to one another: enlightened on the rights of man, they have just ideas of the general laws of society comprised under the common denomination of the *law of nations*, (*droit des gens*) informed with respect to the interests of their country, they know how to distinguish its enemies and its friends, and you may assure the American government, that collectively and individually, they will seize every occasion of shewing to the sovereign people of the United States, their respect for their laws, and their sincere desire to maintain with them the most perfect harmony.

G E N E T.

PHILADELPHIA, 5th June, 1793.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

S I R,

IN my letter of May 15th, to M. de Ternant, your predecessor, after stating the answers which had been given to the several memorials of the British minister, on May 8th, it was observed that a part remained still unanswered, of that which respected the fitting out armed vessels in Charleston, to cruise against nations with whom we were at peace.

In a conversation which I had afterwards the honor of holding with you, I observed that one of those armed vessels, the *Citoyen Genet*, had come into this port with a prize, that the President had thereupon, taken the case into further consi-

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deration; and after mature consultation and deliberation, was of opinion, that the arming and equipping vessels in the ports of the United States, to cruise against nations with whom they are at peace, was incompatible with the territorial sovereignty of the United States; that it made them instrumental to the annoyance of those nations, and thereby tended to compromise their peace, and that he thought it necessary as an evidence of good faith to them, as well as a proper reparation to the sovereignty of the country, that the armed vessels of this description, should depart from the ports of the United States.

The letter of the 27th instant, with which you have honored me, has been laid before the President, and that part of it, which contains your observations on this subject has been particularly attended to. The respect due to whatever comes from you, friendship for the French nation, and justice to all, have induced him to re-examine the subject, and particularly to give to your representations thereon, the consideration they deservedly claim. After fully weighing again, however, all the principles and circumstances of the case, the result appears still to be, that it is the *right* of every nation to prohibit acts of sovereignty from being exercised by any other within its limits; and the *duty* of a neutral nation to prohibit such as would injure one of the warring powers; that the granting military commissions, within the United States by any other authority than their own, is an infringement on their sovereignty, and particularly so, when granted to their own citizens, to lead them to commit acts contrary to the duties they owe their own country: that the departure of vessels, thus illegally equipped, from the ports of the United States, will be but an acknowledgment of respect, analogous to the breach of it, while it is necessary on their part, as an evidence of their faithful neutrality. On these considerations, sir, the President thinks that the United States owe it to themselves, and to the nations in their friendship, to expect this act of reparation on the part of vessels, marked in their very equipment with offence to the laws of the land, of which the law of nations makes an integral part.

The expressions of very friendly sentiment, which we have already had the satisfaction of receiving from you, leave no room to doubt that the conclusion of the President, being thus made known to you, these vessels will be permitted to give no further umbrage, by their presence in the ports of the United States.

I have the honor to be,

With sentiments of perfect esteem and respect,

Sir,

Your most obedient, and
most humble servant,

TH: JEFFERSON.

TRANSLATION.

PHILADELPHIA, 8 June, 1793.

2d year of the French Republic.

The Minister of the Republic of France, to the Secretary of State of the United States.

SIR,

I HAVE seen with pain, by your letter of the 5th of this month, that the President of the United States persists in thinking that a nation at war had not the right of giving commissions of war, to those of its vessels which may be in the ports of a neutral nation; this being, in his opinion, an act of sovereignty.

I confess to you, Sir, that this opinion appears to me contrary to the principles of natural right; to the usages of nations; to the connexions which unite us; and even to the President's proclamation.

The right of arming, Sir, for the purpose of its defence, and repelling unjust aggressions, in my opinion, may be exercised by a nation at war, in a neutral state; unless by treaty, or particular laws of this state, that right be confined to a single nation, friend or ally, and expressly interdicted to others. This is exactly the case in which we are. The United States, friends of the French, their allies and guarantees of their possessions in America, have permitted them to enter armed, and

Remain in their ports, to bring there their prizes, to repair in them, to equip in them, whilst they have expressly refused this privilege to their enemies. The intention of the United States has been to facilitate to us the means of protecting, efficaciously, our commerce, and of defending our possessions in America, so useful to our mutual prosperity; and as long as the states, assembled in Congress, shall not have determined that this solemn engagement should not be performed, no one has a right to shackle our operations, and to annul their effect, by hindering those of our marines, who may be in the American ports, to take advantage of the commissions which the French government has charged me to give them, authorizing them to defend themselves, and fulfil, if they find an opportunity, all the duties of citizens against the enemies of the state. Besides, Sir, at all times, like commissions, during a war, have been delivered to our vessels. The officers of the marine transmit them to them, in France, and the consuls, in foreign countries; and it is in virtue of this usage, which no power has ever thought of regarding as an act of sovereignty, that the executive council has sent here such commissions.

However, Sir, always animated with the desire of maintaining the good harmony which so happily subsists between our two countries, I have instructed the consuls not to grant *letters*, but to the captains, who shall obligate themselves, under oath and security, to respect the territory of the United States, and the political opinions of their President, until the representatives of the sovereign shall have confirmed or rejected them. This is all that the American government can expect from our deference; every thing that passes out of the waters of the United States, not coming within their cognizance.

It results from this note, Sir, that the commissions transmitted in virtue of the orders of the executive council of the Republic of France, to the French vessels in the ports of the United States, are merely an authority to arm themselves, founded upon the natural right and constant usage of France; that these commissions have been expedited at all times, in the like circumstances; that their distribution cannot be considered but as an act of consular administration, and not of sovereignty; and that every obstruction by the government of the United States, to the arming of French vessels, must be an attempt on the rights of man, upon which repose the independence and laws of the United States; a violation of the ties which unite the people of France and of America; and even a manifest contradiction of the system of neutrality of the President: For, in fact, if our merchant vessels, or others, are not allowed to arm themselves, when the French alone are resisting the league of all the tyrants against the liberty of the people, they will be exposed to inevitable ruin in going out of the ports of the United States, which is certainly not the intention of the people of America. Their fraternal voice has resounded from every quarter around me, and their accents are not equivocal—they are pure as the hearts of those by whom they are expressed, and the more they have touched my sensibility, the more they must interest in the happiness of America, the nation I represent;—the more I wish, Sir, that the federal government should observe, as far as in their power, the public engagements contracted by both nations; and that by this generous and prudent conduct, they will give at least to the world, the example of a true neutrality, which does not consist in the cowardly abandonment of their friends in the moment when danger menaces them, but in adhering strictly, if they can do no better, to the obligations they have contracted with them. It is by such proceedings, that they will render themselves respectable to all powers; that they will preserve their friends, and deserve to augment their number.

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TRANSLATION.

PHILADELPHIA, 1st June, 1793.

2d year of the Republic of France.

The Citizen Genet, Minister plenipotentiary of the Republic of France, with the United States, to Mr. Jefferson Secretary of state of the United States.

S I R,

I HAVE this moment been informed, that two officers in the service of the Republic of France, Citizen Gideon Henfield and John Singletary, have been arrested on board the privateer of the French Republic, the Citizen Genet, and conducted to prison. The crime laid to their charge; the crime which my mind cannot conceive, and which my pen almost refuses to state, is the serving of France, and defending with her children the common and glorious cause of liberty.

Being ignorant of any positive law, or treaty, which deprives Americans of this privilege, and authorises officers of police arbitrarily to take mariners, in the service of France, from on board their vessels, I call upon your intervention, sir, and that of the President of the United States, in order to obtain the immediate releasement of the above mentioned officers, who have acquired by the sentiments animating them, and by the act of their engagement, anterior to every act to the contrary, the right of French citizens, if they have lost that of American citizens. I renew at the same time, sir, the requisition which I made in favour of another French officer detained for the same cause, and for the same object.

G E N E T.

PHILADELPHIA, June 1st, 1793.

Mr. Jefferson, Secretary of state, to Mr. Genet, Minister plenipotentiary of France

S I R,

I HAVE to acknowledge the receipt of your note of the 27th of May, on the subject of Gideon Henfield, a citizen of the United States, engaged on board an armed vessel in the service of France. It has been laid before the President, and referred to the Attorney-General of the United States, for his opinion on the matter of law, and I have now the honor of enclosing you a copy of that opinion. Mr. Henfield appears to be in the custody of the civil magistrate, over whose proceedings the executive has no controul. The act with which he is charged, will be examined by a jury of his countrymen, in the presence of judges of learning and integrity; and if it is not contrary to the laws of the land, no doubt need be entertained that his case will issue accordingly. The forms of the law involve certain necessary delays, of which however, he will assuredly experience none but what are necessary.

I have the honor to be,

With sentiments of perfect esteem and respect,

Sir,

Your most obedient, and
most humble servant.

TH: JEFFERSON.

P. S. After writing the above, I was honored with your note on the subject of Singletary, on which it is in my power to say nothing more than in that of Henfield.

The Attorney General of the United States has the honour of submitting to the Secretary of state, the following opinion on the case of Gideon Henfield, as represented by the Minister of France.

1st. IT may well be doubted how far the Minister of France has a right to interfere. Henfield is a citizen of the United States; and it is unusual at least, that a foreign power should interfere in a question whether as a citizen, a man has been guilty of a crime? Nor can an authority be derived from Henfield being under the protection of a French Republic; because being still a citizen, he is amenable to the laws, which operate on citizens, and the very act, by which he

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is said to have been taken under such protection, is a violation of the sovereignty of the United States. If he be innocent he will be safe in the hands of his countrymen: if guilty the respect due by one nation to the decrees of another, demands that they be acquiesced in.

2d. But Hensfield is punishable, because treaties are the supreme law of the land; and by treaties with three of the powers at war with France, it is stipulated, that there shall be a peace between their subjects and the citizens of the United States.

3d. He is indictable at the common law, because his conduct comes within the description of disturbing the peace of the United States.

EDM: RANDOLPH.

May 30, 1793.

TRANSLATION.

PHILADELPHIA, 14th June, 1793.
2d year of the Republic.

The Citizen Genet, Minister of the Republic of France, to Mr. Jefferson, secretary of State of the United States.

SIR,

YOU will see by the papers hereto annexed, that in contempt of the treaties which unite the French and Americans; that in contempt of the law of nations, civil and judiciary officers of the United States, have permitted themselves to stop at Philadelphia the sale of vessels taken by an armed French Galiot, and at New-York, have opposed the sailing of a French vessel commissioned by the executive council of the Republic of France. I request you, sir, to inform the President of the United States, of these facts, to let him know that they have used his name in committing those infractions of the laws and treaties of the United States; and engage him to develop in the present circumstances, all the authority which the people of the United States have confided to him, to enforce the execution of the laws and treaties.

Not doubting, sir, the purity of the President's sentiments, I hope to obtain immediately from the aid of his good offices and energy, restitution, with damages and interest, of the French prizes arrested and seized at Philadelphia, by an incompetent judge, under an order which I ought to believe not genuine; and the like restitution, with damages and interest, of the vessels stopped and seized at New-York.

It is through the intervention of the public ministers, that affairs, of the nature which produce my present complaints and reclamations, ought to be treated. As the representative of a people, generous and confident in their friends, I have already given proofs of the sentiments with which they are animated, in causing to be restored, without examination, on the requisition of the federal government, the English ship Grange, taken by a vessel of the Republic. I shall in all my conduct shew an equal deference: but at the same time, sir, I should expect from your government all the support which I at present stand in need of, to defend in the bosom of the United States, the interests, the rights and the dignity of the French nation, which persons on whom time will do us justice, are laboring secretly to misrepresent.

GENET.

TRANSLATION.

THIS day, the 7 June, 1793, in the 2d year of the Republic of France, before us Francis Dupont, consul of the said Republic, at Philadelphia, appeared the citizen Pierre Barriere, agent ad hoc of the ship *William*, and of the brigantine *Active*, taken by the galiot the Citizen Genet, captain Johanan, who has declared, that this day, at 11 o'clock, A. M. being occupied in the sale of the cargo of the ship *William*, a deputy marshal of the court of admiralty of the United States, for the district of Pennsylvania, presented himself to him, where he was making the said sales on *Ward's* wharf, pretending that the said ship *William*, and her cargo,

were seized by the said court of admiralty, wishing, in consequence, to stop the sale, which was nevertheless continued, the appearer having conceived that the admiralty could not, in any manner whatever, meddle in this business, agreeably to the 7th article of the treaty of commerce between France and the United States. Notwithstanding, to the great prejudice of the interested in the sales, the said deputy marshal of the admiralty discouraged the bidders, and even suspended their bidding, leading them to believe that the sale of the said vessels was not valid; whence it resulted that they sold below their value. However, the sale of the cargo being made, the said agent proceeded to that of the brigantine; but as soon as he commenced, the said deputy marshal again forbid the continuance, which led several persons present into an error, supposing that the seizure extended to the brig *Active*, as well as the ship *William*; whence it resulted, that the said brigantine did not sell for more than a third of her real value, having been estimated worth £. 600. The appearer, having afterwards proceeded to the sale of the ship *William*, the said deputy marshal again, in the name of the aforesaid court of admiralty, forbid it; whence has also resulted a considerable loss to the interested in the said prize, which was struck out at only £. 500, which does not amount to one fourth of her value.—In consequence of which, the said appearer protests for all damages and interests accrued, and to accrue, against the said court of admiralty—those who have set on foot this prosecution, and generally against all those whom it may concern, being therein fully justified by the tenor of the treaties:—Of all which the said appearer has requested of us an act, and has signed with us, the day and year above written.

PIERRE BARRIERE.

FROIS. DUPONT.

Compared by us, Chancellor of the Consulate of the Republic of France, with the original deposited in the Chancery, the 8 June, 1793, 2d year of the French Republic.

J. BRE. LEMAIRE.

We, Consul of the Republic of France, at Philadelphia, certify and attest, to whom it may concern, that citizen J. Bre. Lemaire, who has signed the above extract, is our Chancellor, to whose signature faith should be given, as well in as out of judgment.

In testimony whereof, we have signed the present, and have caused to be affixed thereto the seal of the Consulate, at Philadelphia, the 8 June, 1793, 2d year of the Republic of France.

FROIS. DUPONT.

NEW-YORK, 9th June, 1793.
2d year of the French Republic.

S I R,

I HAVE just been informed, that last night a French vessel, armed for war, and ready to hoist sail, has been arrested by authority, and that even the captain has not been permitted to go on board. This strange use of public force, against the citizens of a friendly nation, who assemble here to go and defend their brethren, is a signal violation of the laws of neutrality, which I cannot impute but to a misconception, which your attention, and your equity, will not fail to rectify, as soon as you shall be informed of it.

I require, sir, the authority with which you are clothed, to cause to be rendered to Frenchmen, and allies; and I must add to freemen, of whatever nation they may be, the liberty of flying to the succour of their country. It is not in a country where Frenchmen have spilt their blood, in the cause of humanity, that they ought to find in the laws obstacles, to their following yet again the most pleasing of their propensities and to fulfil the most sacred of their duties.

HAUTERIVE,

Consul of the French Republic, New-York.

To the Governor of the state of New-York.

Consulate of
New-York.

WE Alexander Hauterive, consul of the Republic of France, to the United States, at New-York, certify that in consequence of a requisition made by us to the mayor of New-York, and to the Governor of the state of the same name, dated 9th June current, to obtain a replevy of the detention made by authority in this port, of a French vessel called the Republican, belonging to Louis Alexis Hochquet Caritat, and commanded by the Citizen Orfet. The Governor of the said state replied to us by a letter under his signature, that it was in conformity to the injunction of the President of the United States, that he had ordered a detachment of militia of this state to detain the said vessel, until the President of the United States should be informed of the circumstances of the facts, upon which we have delivered to him, an act certified and signed by us.

Done at New-York, the 10th June 1793.

2d year of the Republic of France.

HAUTERIVE,

Consul of the Republic of France at New-York.

PHILADELPHIA, June 17th, 1793.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

SIR,
I SHALL now have the honor of answering your letter of the 8th instant, and so much of that of the 14th, (both of which have been laid before the President) as relates to a vessel armed in the port of New-York, and about to depart from thence, but stopped by order of the government; and here I beg leave to premise, that the case supposed in your letter, of a vessel arming merely for her own defence, and to repel unjust aggressions, is not that in question, nor that on which I mean to answer; because, not having yet happened, as far as is known to the government, I have no instructions on the subject. The case in question, is that of a vessel armed, equipped and manned, in a port of the United States, for the purpose of committing hostilities on nations at peace with the United States.

As soon as it was perceived, that such enterprizes would be attempted, orders to prevent them, were dispatched to all the states and ports of the union. In consequence of these, the governor of New-York, receiving information that a sloop, heretofore called the Polly, now the Republican, was fitting out, arming and manning, in the port of New-York, for the express and sole purpose of cruising against certain nations with whom we are at peace, that she had taken her guns and ammunition aboard, and was on the point of departure, seized the vessel. That the governor was not mistaken in the previous indications of her object, appears by the subsequent avowal of the citizen Hauterive, consul of France at that port, who, in a letter to the governor, reclaims her, as "Un vaisseau armé en guerre et prêt à mettre à la voile," and describes her object in these expressions, † "Cet usage étrange de la force publique, contre les citoyens d'une nation amie qui se réunissent ici pour aller défendre leurs frères," and again, ‡ "Je requiers, Monsieur, l'autorité dont vous êtes revêtu, pour faire rendre à des François, à des alliés, &c. la liberté de voler au secours de leur patrie." This transaction being reported to the President, orders were immediately sent to deliver over the vessel, and the persons concerned in the enterprize, to the tribunals of the country; that if the act was of those forbidden by the law, it might be punished, if it was not forbidden, it might be so declared, and all persons prized of what they might or might not do.

This we have reason to believe is the true state of the case, and it is a repetition of that which was the subject of my letter of the 5th instant, which unadverted not

TRANSLATION of PASSAGES in LETTER to MR. GENET. 17th June 1793.

* "A vessel armed for war, and ready to put to sea."

† "This strange use of public force against the citizens of a friendly nation who are united here, in order to go in defence of their brothers."

‡ "I require, Sir, the authority with which you are vested, to cause to be rendered to Frenchmen, to allies, &c. the liberty of flying to the succour of their country."

merely on the single fact of the granting commissions of war, by one nation, within the territory of another; but on the aggregate of the facts; for it states the opinion of the President to be, that "The arming and equipping vessels in the ports of the United States, to cruise against nations with whom they are at peace, was incompatible with the sovereignty of the United States; that it made them instrumental to the annoyance of those nations, and thereby tended to commit their peace."—And this opinion is still conceived to be not contrary to the principles of natural law; the usage of nations; the engagements which unite the two people; nor the proclamation of the President, as you seem to think.

Surely not a syllable can be found in the last mentioned instrument, permitting the preparation of hostilities in the ports of the United States. Its object was to enjoin on our citizens "a friendly conduct towards all the belligerent powers;" but a preparation of hostilities, is the reverse of this.

None of the engagements in our treaties, stipulate this permission. The XVII article of that of commerce, permits the armed vessels of either party to enter the ports of the other, and to depart with their prizes freely: but the entry of an armed vessel into a port, is one act; the equipping a vessel in that port, arming her, manning her, is a different one, and not engaged by any article of the treaty.

You think, Sir, that this opinion is also contrary to the law of nature, and usage of nations. We are of opinion it is dictated by that law and usage; and this had been very maturely enquired into before it was adopted as a principle of conduct. But we will not assume the exclusive right of saying what that law and usage is. Let us appeal to enlightened and disinterested judges. None is more so than Vattel. He says, l. 3, f. 104, § "Tant qu'un peuple neutre veut jouir furement de cet état il doit monter en toutes choses une exacte impartialité entre ceux qui se font la guerre. Car s'il favorise l'un au prejudice de l'autre il ne pourra a pas se plaindre, quand celui-ci le traitera comme adhérent et associé de son ennemi. Sa neutralité seroit une neutralité frauduleuse, dont personne ne veut être la dupe.—Voyons donc en quoi consiste cette impartialité qu'un peuple neutre doit garder.

Elle se rapporte uniquement à la guerre, & comprend deux choses. 1. Ne point donner de secours quand on n'y est pas obligé; ne fournir librement ni troupes ni armes, ni munitions, ni rien de se qui sert directement à la guerre. Je dis ne point donner de secours et non pas en donner également; car il seroit absurde qu'un état secourut en même tems deux ennemis. Et puis il seroit impossible de le faire avec égalité, les mêmes choses le même nombre de troupes, la même quantité d'armes de munitions, &c. fournies er des circonstances différentes; ne forment plus des secours equivalents, &c." If the neutral power may not, consistent with its neutrality, furnish men to either party, for their aid in war, as little can either enrol them in the neutral territory, by the law of nations. Wolf, f. 1174, says || "Puisque le droit de lever des soldats est un droit de majesté qui ne peut être violé par une nation étrangère, il n'est pas permis de lever des soldats sur le territoire d'autrui sans le consentement du mai-

§ *As long as a neuter nation wishes to enjoy this situation with certainty, it ought to observe in every thing, an exact impartiality, between those who are at war. For if it favor the one to the prejudice of the other, it cannot complain when that other shall treat it as an adherent and associate of its enemy. Its neutrality would be a fraudulent one, of which none would be the dupe. Let us see then wherein consists that impartiality which a neutral people ought to observe.*

It regards war only, and comprehends two things. 1st. To give no succour when not obliged thereto; not to furnish freely, either troops, arms, ammunition or any thing which directly serves for war. I say, to give no succour and not to give it equally: for it would be absurd in a state to succour two enemies at the same time. And besides it would be impossible to do it with equality, the same things, the same number of troops, the same quantity of arms, ammunition, &c. furnished in different circumstances, are no longer equivalent succours."

|| "Since a right of raising soldiers is a right of majesty, which cannot be violated by a foreign nation, it is not permitted to raise soldiers on the territory of another, without the consent of its sovereign."

de du territoire." And Vattel, before cited, l. 3, f. 15, §. "Le droit de lever des soldats appartenant uniquement à la nation ou au souverain, personne ne peut en enrôler en pays étranger sans la permission du souverain ceux qui entreprennent d'engager des soldats en pays étranger sans la permission du souverain et en general quiconque débauche les sujets d'autrui, viole un des droits les plus sacrés du prince & de la nation. C'est le crime qu'on appelle *plagiat* ou vol d'homme. Il n'est aucun état policé qui ne le punisse très sévèrement, &c." For I chuse to refer you to the passage, rather than follow it through all its developments. The testimony of these and other writers on the law and usage of nations, with your own just reflections on them, will satisfy you that the United States, in prohibiting all the belligerent powers from equipping, arming and manning vessels of war in their ports, have exercised a right and a duty with justice, and with great moderation. By our treaties with several of the belligerent powers, which are a part of the laws of our land, we have established a stile of peace with them. But without appealing to treaties, we are at peace with them all by the laws of nature; for, by nature's law, man is at peace with man, till some aggression is committed, which, by the same law, authorises one to destroy another, as his enemy. For our citizens then to commit murders and depredations on the members of nations at peace with us, or to combine to do it, appeared to the executive, and to those whom they consulted, as much against the laws of the land as to murder or rob, or combine to murder or rob, its own citizens; and as much to require punishment, if done within their limits, where they have a territorial jurisdiction, or on the high seas, where they have a personal jurisdiction, that is to say, one which reaches their own citizens only; this being an appropriate part of each nation on an element where all have a common jurisdiction. So say our laws, as we understand them ourselves. To them the appeal is made—and whether we have construed them well or ill, the constitutional judges will decide. Till that decision shall be obtained, the government of the United States must pursue what they think right, with firmness, as is their duty. On the first attempt that was made, the President was desirous of involving in the censures of the law, as few as might be. Such of the individuals only therefore, as were citizens of the United States, were singled out for prosecution. But this second attempt being, after full knowledge of what had been done on the first, and indicating a disposition to go on in opposition to the laws, they are to take their course against all persons concerned, whether citizens or aliens; the latter, while within our jurisdiction, and enjoying the protection of the laws, being bound to obedience to them, and to avoid disturbances of our peace within, or acts which would commit it without, equally as citizens are.

I have the honor to be, with sentiments of great respect and esteem,

Sir,

Your most obedient,

And most humble servant,

TH: JEFFERSON.

PHILADELPHIA, 22d June, 1793.

2d year of the Republic.

The Citizen Genet, Minister Plenipotentiary of the Republic of France, to Mr. Jefferson, Secretary of State of the United States.

SIR,

DISCUSSIONS are short, when matters are taken upon their true principles. Let us explain ourselves as republicans. Let us not lower ourselves to the

¶ "The right of raising soldiers belonging only to the nation or its sovereign, no one can enrol them in a foreign country without the permission of the sovereign. Those who undertake to engage soldiers in a foreign country, without permission of the sovereign—and in general whomsoever corrupts the subjects of others, violates one of the most sacred rights of the prince and of the nation. It is the crime which is called *plagiat* or *men-steal*. There is no policed state which does not severely punish it.

level of ancient politics, by diplomatic subtleties. Let us be as frank in our overtures—in our declarations, as our two nations are in their affections; and by this plain and sincere conduct, arrive at the object by the shortest way.

All the reasonings, Sir, contained in the letter, which you did me the honour to write to me the 17th of this month, are extremely ingenious; but I do not hesitate to tell you, that they rest on a basis which I cannot admit. You oppose to my complaints, to my just reclamations, upon the footing of right, the private or public opinions of the President of the United States; and this Egis not appearing to you sufficient, you bring forward aphorisms of Vattel, to justify or excuse infractions committed on positive treaties. Sir, this conduct is not like ours. In arriving among you, I have, with candor, said that the French nation, cherishing the interests of the United States more than their own, occupied themselves but on their happiness, in the midst of surrounding dangers, and instead of pressing them to fulfil, towards them, all the obligations imposed on them by our treaties, by gratitude, and by provident policy; they have just granted new favours to their commerce, to partake with them the benefits of its navigation, opening to them all the ports in the two worlds; in a word, assimilating them to her own citizens.

Such amicable and disinterested proceedings, should render the federal government, Sir, industrious in seeking at least all the means of serving us as far as circumstances would permit them; but instead of waiting till Congress had taken into consideration the important subjects which should already have occupied them; until they have determined whether the war of liberty; whether the fate of France and her colonies, were indifferent objects for America; until they had decided whether it was the interest of the United States to profit, or not, of the situation in which French magnanimity places them, they have been forward, urged on by I know not what influence, to pursue another conduct. They have multiplied difficulties and embarrassments in my way. Our treaties have been unfavourably interpreted: Arbitrary orders have directed against us the action of the tribunals; indeed, my diplomatic reception excepted, I have met with nothing but disgust and obstacles in the negotiations I have been charged with.

It is not thus that the American people wish we should be treated. I cannot even suppose, and I wish to believe, that measures of this nature were not conceived in the heart of General Washington,—of that celebrated hero of liberty. I can attribute them only to extraneous impressions, over which time and truth will triumph. I request you therefore, Sir, to lay before this first magistrate of your Republic, the two inclosed protests, which have been just transmitted to me by the consuls of the Republic of France at New York and Philadelphia. You will see therein that these officers complain, that French prizes, the jurisdiction of which belongs exclusively to the consular tribunals, have been seized in these two ports, by orders of the President. I expect from the equity of the federal government, Sir, the immediate redress of these irregularities; and I venture to hope, also, that the President would be pleased to examine again the affair of the ship *Republican*, of New York, and consider whether (independent of the right which we have to fit out privateers) any of the expressions used by consul Hauterive, to reclaim the giving up of the seizure made of that vessel, proves that she has been armed for this purpose. The citizen Hauterive has clearly shewn, on the contrary, that she was armed by Frenchmen, at a time when the most religious of all duties prompted them to fly from all parts of the world to the succour of their country, and to fulfil towards her, those duties to which the Americans would be equally bound, if we had not the desire to leave to their wisdom and their honor, the umpirage of their conduct. It is incontestible, that the treaty of commerce (art. XXII) expressly authorizes our arming in the ports of the United States, and interdicts that privilege to every enemy nation. Besides this act forms but a part of our conventional compacts, and it is in them, collectively, that we ought to seek contracts of alliance and of commerce simultaneously made, if we wish to take their sense, and interpret faithfully the intentions of the people who cemented them, and of the men of genius who dictated them. If you cannot protect our commerce, and our colonies, which will, in future, contribute much more to your prosperity than to our own, at least do not arrest the

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division of our own citizens, do not expose them to a certain loss, by obliging them to go out of your ports unarmed. Do not punish the brave individuals of your nation, who arrange themselves under our banner, knowing perfectly well, that no law of the United States gives to the government the sad power of arresting their zeal by acts of rigor. The Americans are free; they are not attached to the yoke like the slaves of Russia; they may change their situation when they please, and by accepting, at this moment, the succour of their arms in the habit of trampling on tyrants, we do not commit the plagiat of which you speak. The true robbery, the true crime, would be to enchain the courage of these good citizens, of these sincere friends to the best of causes.

I am ignorant, Sir, of the constitutional judges to whom the federal government appear to have it in contemplation to refer the different questions of public right, which have arisen between us; but it appears to me, that these judges can be looked upon only as counsellors, since no particular tribunal has the right or power to interpose between two nations, whose only arbiters, when they have a sincere desire to live fraternally and amicably together, must be, in the present state of human societies, good faith and reason.

Accept, Sir, the expression of my esteem, and my respectful sentiments.

G E N E T.

T R A N S L A T I O N.

Consulate of New-York.

Protest of Citizen Hauterive, Consul of the Republic of France, at New-York, against the process and seizure of the Catharine of Halifax.

CONSIDERING that tribunals are instituted to render justice between individuals, and not to judge of the differences that may arise between governments, and still less to decide on the political relations which exist between nation and nation. That their sphere is circumscribed within the territorial limits of the state to which they belong. That there cannot be any relation of dependence between the tribunals which therein belong to two different nations.

That the consular jurisdiction is an extension, and a first degree of jurisdiction of the tribunals of commerce and of admiralty, instituted in foreign countries by the nation to which the political conventions have given the right of consulate as well as the right of recurring to the public force, to ensure the execution of the consular discussions.

That the limits of this jurisdiction depend only on the foreign government which has established it, and that this government may extend or contract it at pleasure, provided it does not attribute to it any action against the persons, the property, the police and the local jurisdiction.

That in attributing to these tribunals dependent upon it, that which belongs to another equally dependent upon it, a government does not go beyond the limits of this power.

That recently the French government hath given to the consulates of the Republic, the jurisdiction of sea-prizes, and has thus completely constituted them courts of admiralty.

That, by that it only displaces one of the branches of the judiciary power. That the geographical position of a legally established tribunal, neither alters the force, nor extent, nor independence of its jurisdiction.

That all intervention direct or indirect, as to the French prizes being formally interdicted the tribunals of the country, the admiralties of the two nations, however they may locally approach each other, are not the less separated from one another by the insurmountable barrier of political right.

That thus a French prize, remaining in a neutral port in virtue of treaties, is submitted to the consular admiralty in virtue of the right which nations have of organizing at pleasure their judicatures, is as much sheltered from the action of any other local tribunal, as if it were in a French road.

For all these reasons, we Alexander Hauterive, consul of the Republic of France, considering that the New-York district-court, has extended its jurisdiction to a French prize, the decision of which was pending in our tribunal:

That this intervention, prescribed by the treaties, not only tends to establish a clashing of jurisdiction between two tribunals, which cannot have communication together, but also to the annihilation of the consular tribunal, which is reduced to nothing as soon as the public force, which the treaties have given it the right of demanding to support its judgments; is employed against it.

That if this error of the judiciary power could be authorized by the government, we must suppose that the government has the right of interpreting, modifying or destroying the political compacts which unite the two nations, by the information and decision of the tribunals of one of these two nations.

We protest against the violation done to the rights of the nation we represent; we declare formally, that whatever may be the decisions of the tribunal, which has arrogated to itself the judgment of the prize *Catharine of Halifax*; to the injury of the consulate jurisdiction, the parties interested, who are amenable only to our tribunal, are not bound to conform to it. We declare this judgment to be null, and of no effect whatever; 1st, By the notoriety of the incompetency of the tribunal. 2d, Because it would be given in contempt of our protest. 3d, Because it would be formed on insufficient information, the principal papers to elucidate the discussion, being in our hands, never to go out of them. 4th, Because the French Republic being one of the parties, it would be necessary, in order to proceed regularly, that the judges should find in the American laws, that the French nation is amenable, in its political rights, to a private tribunal, and that they may be condemned by default.

We declare, in fine, that these rights shall remain entire, saving the requisition of damages and interest, to the parties interested, and the demand of reparation for that of the two nations, who, in the diplomatic judgment, (the only competent arbiter between friendly nations) will be acknowledged injured in its rights.

Further we declare, that the judgment of the fact is still pending in the consular tribunal of the Republic at New-York.

New-York, 21st June, 1793.

2d year of the French Republic.

Certified to be conformable to the original.

Protest of the Consul of the Republic of France, against the seizure of the ship William.

CONSIDERING that no authority on earth has either the right or the power of interposing between the French nation and her enemies. That she alone is the arbiter and judge of the offensive acts which the support of her independence obliges her to commit against the despotic governments coalized to replunge her into a state of servitude, from which, abandoned by her friends, and assailed by so many enemies, she alone has been able to liberate herself. That the court of admiralty at Philadelphia, yielding at first to illfounded reclamations, since recalling herself to the principles of the law of nations, has acknowledged its incompetency to the decision on the legality of French prizes.

That hence it evidently results, that no local authority can take upon itself the information of a discussion which arises, or may arise, between nation and nation.

That nevertheless the federal government has placed a guard on the ship *William*, taken by the French galiot the Citizen Genet, and by this matter of fact seems to declare, that previous to all discussion, it meant to interfere in the examination of the right, and in the decision of the facts.

That if the government interferes as local authority in the judgment of the facts, they deny and violate the principle expressly declared in the 17th art. of the treaty between America and France.

That if, as a power invested by the nation to communicate with foreign governments, they interfere in the examination of the right, they proceed previously by a method till this day unknown, in preceding a diplomatic discussion by an arbitrary and violent act, and by an execution purely military.

For all these reasons, we, Francis Dupont, Consul of the French Republic, at Philadelphia, formally protest against the infringement committed on the rights of the French nation by the local government of Philadelphia.

We declare, that having proceeded in a judiciary manner to the sale of the said ship, and that being accountable, in the name of the French nation, to the purchasers of the property acquired by them, we throw upon the government, who has created these obstacles to acquiring the possession, all the damages and interest.

We declare further, that in informing the minister of the French Republic of the violence opposed to the exercise of our functions, we, in his name, reserve by the present protest, the pursuit in reparation for the violation of the conventional compacts, and the outrage against the French nation in the ministry of its agents.

Done in our consulate, Philadelphia, 22d June, 1793, 2d year of the French Republic.

FROIS. DUPONT.

PHILADELPHIA, June 11th, 1793.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

SIR,

I HAD the honor of laying before the President your memorial of the 22d of May, proposing that the United States should now pay up all the future instalments of their debt to France, on condition that the sum should be invested in produce. The President having fully deliberated on the subject, I have now the honor of enclosing you a report from the treasury department, made in consequence thereof, and explaining the circumstances which prevent the United States from acceding to that proposition.

In fact, the instalments as they are settled by the convention between the two nations, far exceed the ordinary resources of the United States. To accomplish them completely and punctually, we are obliged to anticipate the revenues of future times, by loans to as great an extent as we can prudently attempt. As they are arranged however by the convention, they give us time for successive and gradual efforts. But to crowd these anticipations all into a single one, and that to be executed in the present instant, would more than hazard that state of credit, the preservation of which can alone enable us to meet the different payments at the times agreed on. To do even this, hitherto has required, in the operations of borrowing, time, prudence and patience; and these operations are still going on in all the extent they will bear. To press them beyond this, would be to defeat them both now and hereafter. We beg you to be assured, and through you to assure your nation, that among the important reasons which lead us to economise and foster our public credit, a stronger one, is the desire of preserving to ourselves the means of discharging our debt to them with punctuality and good faith, in the times and sums which have been stipulated between us. Referring to the enclosed report for a more particular development of the obstacles of the proposition, I have the honor to assure you of the sentiments of particular esteem and respect with which I am, Sir,

Your most obedient and most humble servant,

T. H. JEFFERSON.

The Secretary of the Treasury, to whom was referred a communication from the Minister Plenipotentiary of the Republic of France, on the subject of the debts of the United States, to France, respectfully makes thereupon the following Report:

THE object of this communication is to engage the United States to enter into an arrangement for discharging the residue of the debt which they owe to France, by an anticipated payment of the instalments not yet due, either in specie or bank bills of equal currency with specie, or in government bonds, bearing interest and payable at certain specified periods, upon condition that the sum advanced shall be invested in productions of the United States, for the supply of the French dominions.

With regard to the first expedient, namely, a payment in specie or bank-bills, the resources of the treasury of the United States, do not admit of its being adopted. The government has relied for the means of reimbursing its foreign debt, on new loans to be made abroad. The late events in Europe have thrown a temporary obstacle in the way of these loans, producing, consequently, an inability to make payment by anticipation of the residue of the debt hereafter to grow due.

With regard to the second expedient, that of government bonds payable at certain specified periods; this in substance, though in other forms, has repeatedly come under consideration, and has as often been declined as ineligible. Great inconveniencies to the credit of the government, tending to derange its general operations of finance, have been and must continue to be perceived in every plan which is calculated to throw suddenly upon the market, a large additional sum of its bonds. The present state of things for obvious reasons would serve to augment the evil of such a circumstance, while the existing and possible exigencies of the United States, admonish them to be particularly cautious at this juncture, of any measure which may tend to hazard or impair their credit.

These considerations greatly outweigh the advantage which is suggested as an inducement to the measure (the condition respecting which is the principle circumstance of the difference between the present and former propositions) to arise from an investment of the sum to be advanced in the products of the country; an advantage on which perhaps little stress can be laid in the present and probable state of foreign demand for these products.

The motives which dissuade from the adoption of the proposed measure, may, it is conceived, be the more readily yielded to, from the probability that the utility of it to France might not, on experiment, prove an equivalent for the sacrifices which she might have to make in the disposition of the bonds.

All which is humbly submitted.

[Signed,] ALEXANDER HAMILTON, *Sec'y of the Treasury.*

Treasury Department, June 8, 1793.

A true Copy, (Signed) TOBIAS LEAR,
Secretary to the President of the United States.

TRANSLATION.

PHILADELPHIA, 14th June, 1793.

2d year of the French Republic.

The Citizen Genet, Minister Plenipotentiary of the Republic of France, to Mr. Jefferson, Secretary of State of the United States.

SIR,

IT is the character of elevated minds, of freemen, not to expose themselves twice to a refusal. I have requested you to make known to the President of the United States, the urgent necessities of the French Republic. I have not hidden from you, that having armed near a million of soldiers, they have experienced a considerable deficiency in their produce; and that they, with their colonies, would be consigned to the horrors of famine, if the United States should not furnish them on account of their debt, a part of the subsistence, which they want. I have offered you, in virtue of my powers, to take in payment, in default of money, bills, or obligations of the state, bearing interest till the epoch fixed by our convention, for the reimbursement of your debt. I have endeavoured to convince you of the advantages which would result from this operation for the two countries, and more particularly for America, at a time when they have a superabundance of grain and flour; but observing, Sir, by the letter which you wrote to me on the 11th June, and by the report of the Secretary of the Treasury, that none of our propositions have been accepted; without entering into the financial reasons which operate this refusal, without endeavouring to

prove to you that it tends to accomplish the infernal system of the King of England, and of the other Kings his accomplices, to destroy by famine, the French republicans and liberty, I attend, on the present occasion, only to the calls of my country, and as its necessities, and those of the colonies become daily more pressing, as it has charged me to provide for them at whatever price it might be, I request you, Sir, to inform the President of the United States, that, being authorised in the name of the French Republic, to give assignments to the American merchants or farmers, in payment of the provisions they may furnish, from the want of new advances on the part of the United States, I request, in order to place me in a situation to use this power, that he prescribe to the Secretary of the Treasury to adjust with me immediately the amount of the debt of the United States, to France.

The expedient to which I am about to have recourse, will, probably, be onerous to the French Nation, but as the federal government thinks it may take on itself to place us under the necessity of employing it, without consulting Congress upon so important a matter, I am obliged to follow my instructions.

G E N E T.

PHILADELPHIA, June 19th, 1793.

Mr. Jefferson, Secretary of State, to Citizen Genet, Minister of France.

S I R,

ACCORDING to the desire expressed in your letter of the 14th instant, the President will give the instructions necessary for the settlement of the instalments of principal and interest still due from the United States to France. This is an act equally just and desirable for both parties; and although it had not been imagined that the materials for doing it were to be had here at this moment, yet we shall be pleased to find that they may. In the mean time, what is further to be done, will doubtless be the subject of further reflection and inquiry with you; and particularly the operation proposed in your letter, will be viewed under all its aspects. Among these, we think it will present itself as a measure too questionable both in principle and practicability, too deeply interesting to the credit of the United States, and too unpromising in its result, to France, to be found eligible to yourself. Finally we rest secure that what is of mutual concern, will not be done but with mutual concert.

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

*Sir, your most obedient and
most humble servant,*

TH: JEFFERSON.

T R A N S L A T I O N.

PHILADELPHIA, 15th June, 1793—2d year of the Republic.

The Citizen Genet, Minister of the Republic of France, to Mr. Jefferson, Secretary of State of the United States.

S I R,

THE Citizen Hauterive, consul of the Republic at New-York, has this moment informed me, that a discussion has arisen between him, and the government of the state in which he resides, respecting the Embuscade frigate, upon a point of right. The question is, whether in a neutral port, an armed vessel, ought to allow a truce of twenty-four hours to enemy vessels, to go out of it? The Citizen Hauterive received a formal requisition on this subject, from the governor, relative to the departure of the English packet, who without saying positively, that the local government had a right to hinder the frigates going out before the expiration of the truce of 24 hours, and that he would use such right, gave him to understand, and appeared to believe that it was universal,

The Citizen Hauterive, Sir, has confined himself to a reference of this matter to me, requesting instructions on the subject for himself and the Captain of the frigate. I enclose herein a copy of those which I have just transmitted to him. They have been drawn up on mature examination of the question; and though my opinion differs essentially from that of the Governor of New-York, I am persuaded that the President of the United States, after having taken into consideration the authorities and reasonings which have guided me in tracing to the consul of the Republic, the conduct he ought to pursue, will transmit to the Governor of New-York, orders worthy of his justice and impartiality.

GENET.

TRANSLATION.

PHILADELPHIA, June 15th, 1793.
2d year of the Republic of France.

The Citizen Genet, Minister Plenipotentiary of the Republic of France, to the Citizen Hauterive, Consul at New-York.

I HAVE read with great attention, Citizen, the report you transmitted to me on the 13th of this month, and in which, after having given an account of the discussion which has arisen between you and the Governor of New-York, relative to the frigate of the Republic, the *Embascade*, you present for my solution, in order to guide your future conduct, the following question, which gave rise to it, to wit: "Whether in a neutral port, an armed vessel belonging to a belligerent power, should allow a truce of 24 hours to enemy-vessels, desiring to go out." If it were necessary, citizen, to commence a polemic on this question, I should observe to you first, that it has been badly stated, and that not only the duration of the truce, but also the time at which it shall commence should have been defined; but this investigation is superfluous. The question which you propose to me, citizen, is long since decided by the European powers, who have regulated with each other the principles of neutrality. These principles may be found in the maritime convention of the northern powers, in the different treaties of commerce which these same powers have mutually entered into; in fine, in those which Russia has concluded with France, Austria, Portugal and the two Sicilies, and none of these entered into with the view to favor the navigation of neutral nations, have had the awkwardness to make mention of a truce to be given by the armed vessels of the powers at war, to the enemy-vessels of those powers which may be found in neutral ports.

The first of the four maxims of neutrals which almost every nation, England excepted, regards as the palladium of commerce, is that every vessel may navigate freely from port to port, on the coasts of nations at war. This right, derived from the right of nature, is necessarily reciprocal; the powers who have acceded to the principles of the neutrality, have never contested it; and I cannot tell you, citizen, how much I am surprized that the Governor of the State of New-York should take the advantage of the political opinions promulgated by the United States, to subject our vessels of war to an indefinite truce, which would be a dangerous restraint, contrary to the letter, to the spirit of our treaties, and which at most could be required from a vessel of an indifferent state, with whom neither obligation nor engagement has been contracted.

In the present state of things, citizen, all that the government of the United States can require, is that we commit no hostility against our enemies, on the territory and in the waters of the United States, and in renewing to you the order, attentively to observe that our vessels attend to this reservation, I recommend that you oppose with energy, analogous to the sentiments of friendship which we have avowed to the United States, every act or every step, which would deprive our vessels, armed or unarmed, of the liberty they ought to enjoy in the ports of the United States, in virtue of our treaties, and in virtue of

the only principles which have been diplomatically established, on the rights of neutral nations, which as I have already said being founded on the right of nature, the basis of the rights of man, implicitly comprehend reciprocity, an elementary condition of all the acts dictated by equal and impartial justice.

Let those who have another code and other titles to present to us, produce them; and in the mean while, the English of New-York, instead of unreasonably putting themselves under the protection of principles which their government has always disdained to acknowledge, and which it has violated in all wars, keep themselves quiet or run the chance of failing in the presence of our forces.

Certified conformable to the original,

GENET.

TRANSLATION.

PHILADELPHIA, 18th June, 1793.

2d year of the Republic.

The Citizen Genet, Minister of the French Republic, to Mr. Jefferson, Secretary of State for the United States.

SIR,

I HAVE examined the correspondence which has taken place between you and my predecessor, relative to the requisition of funds which he has made on the Federal Government, to pay off certain draughts of the administrators of Saint Domingo, and to procure provisions for that colony. I pay due respect Sir, to the justness of the observations which you transmitted to the Citizen Ternant, on the subject of this request. Forced from his circumspection, by the pressing instances of the administrators of St. Domingo, I conceive that this requisition must have embarrassed your government infinitely, and under this view, I feel all the obligations we owe you, for having, as you yourself expressed it, less consulted prudence than friendship, in yielding to it. You have with propriety remarked, Sir, that the decree which appropriated for the necessities of the colonies four millions from the debt of the United States to France, not being yet transmitted to the federal government, in the usual official form, should not have an application so positive, so determined as that which the commissioners of the administration of Saint Domingo had given it; and that it was probable the ministers of France had had recourse, in order to supply the wants of this colony, to operations of another nature than those which took place. In fact, Sir, the draughts for the payment of which the commissioners of Saint Domingo, pressed by imperious circumstances, have, in some degree, obliged the Citizen Ternant to demand funds of you, have neither been authorized by the National Convention, nor by the Executive Council; and I must even inform you, that I am forbidden to pay, out of the funds placed at my disposal, any other than those draughts which shall have been accepted by the consul La Forest, in virtue of orders from my predecessor. But, on my arrival here, I was informed that this consul had received orders from the Minister Plenipotentiary, to register all draughts issued by the administration of Saint Domingo, and to pay them out of the new funds which the federal government had provisionally granted, on the basis of the decree of the 26th June, although it was not officially notified. I have not thought proper Sir, to stop suddenly, the payment of these draughts, in the hope that the mode of reimbursing your debt, which you at my request, have laid before the President of the United States, would be adopted by him, and give me the means, first to honor the draughts registered by my predecessor, the payment of which had been ordered by him—2dly, to provide at the same time, for the urgent necessities of France and her colonies: But having been deceived in my expectation by motives which are not for me to examine, I find myself deprived of the advantage of conciliating all interests, and constrained to obey only the empire of circumstances,

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which prescribe me to suspend the payment of the colonial draughts, and to employ the funds destined for their acquittal, to the purchase of provisions for France and her colonies. This arrangement Sir, need not alarm either the bearers of the registered draughts, or those of the other draughts issued and not registered of the administration of Saint Domingo and other colonies of the French Republic. The nation will certainly fulfil towards them the engagements contracted by its agents. I know that they have destined particular funds for this purpose. I also know that the colonies have made contributions in kind, to fulfil their obligations, and provide themselves, for a part of their wants, and it is according to these ideas, that I have determined to have inserted, in the public papers, the inclosed information, the intention of which is to calm inquietudes of the bearers of the draughts which I am obliged to set aside, and to encourage the citizens of the United States to continue to carry succor to their brothers the French Republicans of the Antilles, whose fate depends on this generous act; without which the French colonies will be reduced by famine to put themselves under a government whose commercial principles would not assuredly be so advantageous to the United States, as those which an enlightened policy and unlimited attachment for the American people have led us to embrace.

G E N E T.

Citizen Genet Minister Plenipotentiary of the French Republic, to the Citizens of the United States.

WHEREAS several American citizens who have furnished provisions to the colonies of the French republic in the West-Indies, have received bills drawn by the administrators of the respective colonies on Citizen La Forest, late Consul General of the Republic in the United States, and lately on myself, in payment for such supplies. I inform them that these draughts will certainly be paid, the National Convention having appropriated large sums for that object. But as I am not yet authorized to discharge them, I can only in the mean while, advise the holders of such bills as have not yet been registered by Citizen La Forest, to have them recorded in the office of Citizen Dupont, Consul of the French Republic at Philadelphia, in order to ascertain the dates of their presentation; at the same time I cannot too much encourage the citizens of the United States, to continue to assist, with unremitting exertions, their republican brethren of the French West-Indies, whose existence from the liberal principles adopted by the National Convention, with regard to the colonies of the French Republic, must essentially contribute to the prosperity of the United States. The American citizens may rest assured, that the most efficacious measures have been taken as well in France as in the colonies, to protect their property in all the ports of the Republic, and to ensure to them a prompt payment for their supplies in cash or in merchandize, and at the same time to secure to them the enjoyment of those favors which the National Convention has lately granted to the citizens of the United States, which assimilate them, in respect to commercial advantages, to the citizens of France.

Philadelphia, June 17, 1793, 2d year of the French Republic.

PHILADELPHIA, June 23d, 1793.

Mr. Jefferson, Secretary of State, to Citizen Genet, Minister Plenipotentiary of France.

S I R,

I N answer to your letter of the 13th instant, on the subject of the bills drawn by the administration of St. Domingo, in favour of certain citizens of the United States, I am intrusted to inform you, that the funds therein mentioned have been so clearly understood on all hands, to be specially appropriated for the

payment of the bills, which were recognized by the former agents of France here, as to be incapable of being diverted, without disappointing the just expectations of our citizens, holders of those bills.

Indeed, the government has been so much a party, in countenancing those expectations, as, in such an event, to lie under an obligation, in point of propriety, to satisfy the parties themselves to the extent of the balance, which yet remains to be advanced.

I have the honor to be, with great and sincere esteem,
 Sir, your most obedient and
 most humble servant,
 TH: JEFFERSON.

PHILADELPHIA, June 23d, 1793:
 Mr. Jefferson, Secretary of State, to Citizen Genet, Minister Plenipotentiary of France.

SIR,
 I HAVE the honor to inform you, that in consequence of the general orders given by the President, a privateer fitted out by English subjects within the state of Georgia, to cruize against the citizens of France, has been seized by the Governor of Georgia, and such legal prosecutions are ordered, as the case will justify. I beg you to be assured, that the government will use the utmost vigilance, to see, that the laws, which forbid these enterprizes, are carried into execution.

I have the honor to be, with great and sincere esteem,
 Sir, your most obedient and
 most humble servant,
 TH: JEFFERSON.

TRANSLATION.

PHILADELPHIA, *January 25th, 1793.
 2d year of the Republic of France.

SIR,
 I LEARN with infinite pleasure, by your letter of the 23d of this month, that the government of Georgia has caused to be stopped a vessel armed in that state, for the purpose of cruising against the French, and that the persons interested in this vessel will be prosecuted.

It is to be wished, Sir, that the same watchfulness and firmness may be employed in all the states of the union; for you will observe by the enclosed reports of the consuls of the republic at Charleston, at Baltimore, at Philadelphia, and at New-York, that many enemy-vessels have been armed there, have entered armed, remained there, and have gone out from thence armed, in contempt of our treaties; whilst in virtue of instructions from the President of the United States, the French adventurers, who have been able to put themselves in a state of defence, in the ports of their allies, in order to go out without danger, and to fulfill otherwise, according to circumstances, the duties of a citizen against the enemies of the state, are pursued with rigour.

Accept, Sir, my esteem and respect,
 GENE T.

PHILADELPHIA, 25th June, 1793,
 2d year of the French Republic.

Extracts from the reports of the Consuls and Vice-Consuls of the French Republic at Charleston, Baltimore, Philadelphia and New-York, to Citizen Genet.

CHARLESTON, from the 24th May to 6th June.

A BERMUDIAN vessel has purchased 4 cannon in this port, to protect her in returning.—A Dutch vessel which entered this port without guns, has sailed with 4—English vessels have been in like manner armed here.

* An error for June.

BALTIMORE, 21st June.

AN English vessel called the *Truity*, Captain Hale, has been publicly armed as a privateer in this port, by Mr. *Hirland of this city. The Vice-Consul has complained of it to the Governour and Attorney-General of the state of Maryland.

PHILADELPHIA, 21st June, 1793.

A BERMUDIAN vessel belonging to the subjects of the King of England, mounting 12 cannon, purchased in this city, sailed on the 2d inst. There had sailed some days before, an English armed vessel of 4 guns. The consul had not been informed of them before the date of this report.

NEW-YORK, 18th June, 1793.

THE *Swallow*, an English letter of marque, commanded by Capt. Sion, armed with 8 cannon and 20 men at least, and appearing to be about 150 tons burthen, has anchored so long in this port, as to exclude the idea of her having entered in distress, though the 17th article of the treaty of commerce between France and America, formally excludes from the ports of both, the enemy vessels who shall have made prizes, and every English privateer which enters, is authorized by the English government to take, burn and destroy our vessels.

It has always remained a question, whether an armed vessel of that nation on entering, has executed those orders or not. The consul Hauterive has transmitted those observations to the Governour of the state of New-York, giving him to understand, that every vessel armed for war, and belonging to our enemies, being subject to the exclusion contained in our Conventional laws, should be obliged to go out of the port of New-York.

Other reports have come to the knowledge of Citizen Genet, by indirect channels; that several other armaments have been made by the enemies of the Republic in American ports, and that those vessels have taken on board, without opposition, a great number of tories, citizens of the United States, while some good whigs, friends of France, who have taken part in her cause on board her vessels, have been arrested and thrown into prison, whence the Citizen Genet has not yet been able to liberate them without security.

Certified conformable to the reports which have been made to me the Minister Plenipotentiary of the Republic of France.

PHILADELPHIA, June 30th, 1793.

Mr. Jefferson, Secretary of State, to Citizen Genet, Minister Plenipotentiary of France.

SIR,

I HAVE to acknowledge the receipt of your favour of the 25th instant, on the subject of vessels belonging to the enemies of France, which have procured arms within our ports, for their defence. Those from Charleston and Philadelphia have gone off before it was known to the government, and the former, indeed in the first moments of the war, and before preventive measures could be taken in so distant a port. The day after my receipt of your letter, the communications now enclosed from the Governour of Maryland came to hand, and prevented our interference on the subject of the *Truity*, Capt. Hale, a vessel loaded with flour and lumber, and bound to Barbadoes. You will perceive by the papers that the Governour of Maryland had got information that she was buying guns, and had given orders for the examination of the fact, but that she got off before the officer could get on board, having cleared out three or four days before. It appears that she was of 300 tons burthen, and had mounted 4 small guns. The case of the *Swallow* is different from any thing which has yet been presented to the President, which shall be submitted to him on his return, and no doubt will meet his earliest attention and decision.

I have the honor to be, &c.

TH: JEFFERSON.

* *Supposed Ireland.*

Extract of a letter from the Governor of Maryland, to the Secretary at War.

" MARYLAND, ANNAPOLIS, June 22, 1793.
" IN COUNCIL.

" SIR,

" **T**HE inclosed copies of a letter written by this board to the collector of the customs at the port of Baltimore, and of the answer thereto which we have just received from his deputy, will sufficiently explain the first case which has seemed to call for our interference since the receipt of your communications respecting the fitting out of fighting vessels within our jurisdiction.

" You will see, Sir, that most probably, through a step not contemplated by us, that of the officers applying to Mr. Ireland himself for the information we desired, the ship has got out of our reach. We can therefore only endeavour to be better prepared for future occurrences of this kind, which we are told may be expected at the same place."

(COPY)

IN COUNCIL, 20th June, 1793.

SIR,

A REPORT has reached this board, that a British ship, consigned to Mr. Ireland, is preparing for sea in the port of Baltimore, and is to mount 12 pieces of ordnance, which she did not bring into the country, and which as it appears to us cannot be carried from hence to any of the ports of any of the European powers at war, without a deviation from the neutrality professed by the United States, even supposing that no use is intended to be made of them by the way; but as those guns are not taken as an article of merchandise, but are according to our information mounted professedly for the defence of the vessel, we can by no means be certain that they are not also designed for offensive measures; on which supposition it would become our duty to interfere effectually, so as to prevent the departure of the ship, until the President could be made acquainted with the circumstances. Our information is at present too vague to form a sufficient ground for an immediate interference. We therefore make it our request, that you would immediately on the receipt of this letter, collect all the facts you can, with regard to the arming, loading, manning and destination of this vessel, and without loss of time, transmit to this board the result of your enquiries, in order that we may then determine whether this comes within the description of cases in which we are instructed by the executive power of the United States to interfere.

We are &c.

(Signed) THOMAS S. LEE.

To the Collector of the Customs at the port of Baltimore.

BALTIMORE, June 21, 1793.

His Excellency Thomas S. Lee, Esquire.

THE collector of the customs being absent in the country for the benefit of his health, I have the honor of receiving your excellency's communications respecting a British ship said to be preparing for sea, in an offensive situation, inconsistent with the tenor of the President's proclamation, and the neutrality of the United States.

I presume that the ship Trusty, John A. Hale, master, is the vessel alluded to; she arrived at this port from Barbadoes, on the first day of March, and cleared for the same island, on the seventeenth of the present month, her cargo consisting of flour and lumber.

Mr. Ireland informed me that she mounts four small guns, that her crew consisted of twenty men when she arrived, and that she had not more than seventeen on board when she cleared. She is upwards of three hundred tons burthen.

Vague report, however, differing from the preceding account, I determined to go on board the ship for the purpose of obtaining accurate information, but was prevented by her getting under way and proceeding down the river, on her intended voyage.

*I have the honor to be your Excellency's
very humble servant,*

(Signed,) D. DELOSIER, Deputy-Collector.

His Excellency Thomas S. Lee, Esq. Governor of Maryland.

PHILADELPHIA, June 25, 1793.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary from the Republic of France, to the United States.

S I R,

IN the absence of the President of the United States, I have consulted with the Secretaries of the Treasury and War, on the subject of the ship William, and generally of vessels suggested to be taken within the limits of the protection of the United States, by the armed vessels of your nation, concerning which I had the honor of a conversation with you yesterday, and we are so well assured of the President's way of thinking in these cases, that we undertake to say, it will be more agreeable to him, that such vessels should be detained under the orders of yourself, or of the consuls of France in the several ports, until the government of the United States shall be able to enquire into, and decide on the fact. If this arrangement should be agreeable to you, and you will be pleased to give the proper orders to the several consuls of your nation, the governors of the several states will be immediately instructed to desire the consul of the port, to detain vessels on whose behalf such suggestions shall be made, until the government shall decide on their case. It may sometimes, perhaps, happen, that such vessels are brought into ports where there is no consul of your nation resident, nor within any convenient distance. In that case, the governors would have to proceed to the act of detention themselves, at least until a consul may be called in.

I have the honor to be, with much respect, Sir,

Your most obedient, and most humble servant,

(Signed) TH: JEFFERSON.

TRANSLATION.

PHILADELPHIA, 26th June, 1793,
2d year of the French Republic.

The Citizen Genet Minister Plenipotentiary of the Republic of France, to Mr. Jefferson Secretary of State of the United States.

S I R,

THE letter which you have done me the honor to write since the departure of the President of the United States, contains dispositions worthy of your wisdom, and of the sentiments which characterize you. The arrangement which you propose, Sir, suits us in every respect: I shall communicate them to the consuls and vice-consuls of the Republic, and in recommending them to conform to them, I shall add to the instructions already given on the subject of prizes, new regulations, the rigid execution of which will prove to the federal government, that we regard it as the first of our duties to respect all the rights of sovereignty of the United States; to undertake nothing that may be disagreeable to them, and to unite all our efforts to perpetuate and to cement more and more the connections which so happily unite our two Republics.

G E N E T.

PHILADELPHIA, June 29th, 1793.
Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

SIR,

THE persons who reclaimed the ship William as taken within the limits of the protection of the United States, having thought proper to carry their claim first into the courts of admiralty, there was no power in this country which could take the vessel out of the custody of that court, till it should decide itself whether it had jurisdiction or not of the cause; having now decided that it has not jurisdiction, the same complaint is lodged with the executive.

I have the honor to enclose you the testimony whereon the complaint is founded. Should this satisfy you that it is just, you will be so good as to give orders to the consul of France at this port, to take the vessel into his custody and deliver her to the owners. Should it be over-weighed in your judgment, by any contradictory evidence, which you have, or may acquire, I will ask the favor of a communication of that evidence, and that the consul retain the vessel in his custody until the executive of the United States consider and decide finally on the subject.

I have the honor to be with much respect,

*Sir, your most obedient and
 most humble servant,*

TH: JEFFERSON.

Maryland, Saint Mary's County, ss.

BENEDICT WHEATLEY, of Saint Mary's regularly admitted and qualified as a branch pilot for the Chesapeake-Bay, and Potowmac river, being duly sworn, deposth and sayeth, that on Friday the third day of May last past, being on the look-out for inward bound vessels, fell in with the ship William, James Leggat, master, from Germany, bound to Potowmac, about nine miles to the eastward of Cape Henry, he immediately took charge of the ship as pilot, and after being on board for one hour, and running into the mouth of the bay, with a leading wind, a small schooner hove in sight, coming out from the capes, she run up along side, fired one gun, and hailed the ship; capt. Leggat hoisted his English ensign, on which he was ordered from the schooner to strike; the colours after some time was hauled down, and a boat from the schooner with a lieutenant and six or seven men, came on board and took possession of the ship, as a prize to the schooner Cincinnatus; a prize master was ordered on board, and all the hands of the ship were put on board the schooner, except the carpenter and two or three hands.

After the capture, an enquiry was made of the deponent what course would clear the middle ground. The necessary information was given, and he the deponent, after being offered a considerable reward to carry the ship to Philadelphia, declined it, and was put on board a pilot boat that came alongside at the time.

The deponent further sayeth, that he understood from the captors, that the schooner was from Charleston, South-Carolina, and commissioned at that place by the French Ambassador, lately arrived from France; that the captain, whom the deponent did not see, was said to be a Frenchman, but all the men that boarded the ship appeared to be Americans or English. She mounted four guns and carried about fifty men, he further sayeth, that at the time the ship was boarded, the distance from the ship to the light-house on Cape Henry, did not exceed five miles at the utmost. The deponent enquired what distance from the land they were authorized to take prizes, he was answered not less than nine miles, on which he replied that the ship at the time of capture was not half that distance from the light-house, on Cape Henry.

his
BENEDICT WHEATLEY,

mark.

Sworn before me the subscriber one of the justices of the peace for the county and state aforesaid, this eighteenth day of May, one thousand seven hundred and ninety-three.

M. JONES.

State of Maryland, Saint Mary's County, to wit:

These are to certify that Mordecai Jones, Esquire, before whom the within deposition was made, and who in witness thereto appears to have subscribed his name, was at the taking and subscribing the same, and now is one of the justices of the peace of the state, and for the county aforesaid, thereunto duly authorized, commissioned and sworn, and that to all certificates of probates before him made, and by him signed, due faith and credit is and ought to be given, as well in justice court as therout.

In testimony whereof I have hereunto set my hand and affixed the public seal of office for Saint Mary's county court, this twentieth day of May, annoque Domini, one thousand seven hundred and ninety-three.

TIMOTHY BOWES, Clerk of
Saint Mary's County Court.

BY this public instrument of protest be it made known and manifest unto all who shall see these presents, or hear the same read, that on the eighteenth day of May in the year of our Lord, one thousand seven hundred and ninety three, before me, Asheton Humphreys, notary and tabellion public, in and for the commonwealth of Pennsylvania, by lawful authority duly admitted and sworn, dwelling in the city of Philadelphia, in the said commonwealth, personally appeared James Legget, late master of the ship William, now in this port of Philadelphia, John Whiteside, late chief mate of the said ship, James Ramsay, second mate, and James Manson, boatswain, belonging to the said ship, and being severally sworn on the Holy Evangelists of Almighty God, did respectively depose, testify, declare, and say in manner following, that is to say, that on or about the sixteenth day of February last, they sailed in and with the said ship from Bremen, upon the river Weser, with the wind at north-east, bound on a voyage to Maryland, in North-America, and on the twenty second day of the same month, came to an anchor at Strammess, in the Orcanes, with a contrary wind, that on the twenty seventh day of March last, they sailed from Strammess aforesaid, with the wind at south-east, and on the twenty-first day of April last, the wind blowing very hard split the foresail, which obliged them to lay the ship too with the reefed main-sail, the wind being at west and by south, that on the twenty ninth day of April aforesaid, being then in the latitude thirty-six degrees thirty-six minutes north, a heavy gale of wind blowing from the south-east, split the main-top-sail, and on the third day of May instant, at two o'clock, P. M. they got a pilot on board, and at four o'clock, P. M. of the same day, the said ship being then about two miles off the light-house at Cape Henry, in five fathom water, and as near the shore as the pilot on board judged it proper to go, the privateer schooner Genet, commanded by Peter Joanna, from Charleston, fired one gun at the said ship William, and desired them to hawl down their colours and heave the ship's head to the eastward, the said light-house then bearing west north-west; that the commander of the said privateer then took out of the said ship, the said master, chief mate, second mate, boatswain, four of the seamen belonging to the said ship, and one passenger, all of whom were put on board the said privateer, and a prize master and seven people were put on board the said ship, and the said ship sent up to this port of Philadelphia, where she now lays, and these appearers, with the said privateer, arrived at this port of Philadelphia, the fourteenth day of May instant, at about four o'clock in the morning, since which they have been let one by one, alternately on shore, until this day, when all of them being on shore, they took the

opportunity, it being the first they have had, of protesting against the capture of the said ship William. Wherefore the said James Legget, John Whiteside, James Ramsay, and James Manson, for themselves, their owners, freighters, merchants, mariners, and all others interested or concerned in the said ship, or her cargo, have protested, and by these presents do solemnly protest against the capture of the said ship William, by the said privateer schooner Genet, and against all losses, costs, charges, damages, breaches of bills of lading, contracts, covenants, and agreements whatsoever, already suffered, sustained, or occasioned, or which shall or may hereafter be suffered, sustained or occasioned, by reason or means of the premises and against all incidents and consequence thereof, and persisting in the said protest, they the said master and other appearers have set their hands hereunto, the day and year first within written. Thus done and protested at Philadelphia aforesaid, the day and year aforesaid.

JAMES LEGGET,
JOHN WHITESIDE,
JAMES RAMSAY,
JAMES MANSON.

(L. S.)

Quod attestor manu et sigillo rogatus.

ASSHETON HUMPHREYS, *Notarius Publicus*, 1793.

I the within named notary, do hereby certify and attest unto all whom it doth or may concern, that the foregoing writing doth contain a just and true copy of an original protest taken and made before me the said notary, and remaining of record in my notarial office, in the city of Philadelphia, and that I have carefully compared the said copy with its original, so remaining of record in my said office, and find it exactly to agree therewith.

In testimony whereof, I have hereunto set my hand and affixed my seal of office of notary, at Philadelphia aforesaid, this twenty-third day of May, in the year of our Lord, one thousand seven hundred and ninety-three.

ASSHETON HUMPHREYS, *Notarius Publicus* 1793.

PHILADELPHIA, June 29th, 1793.

Mr. Jefferson Secretary of State, to the Minister Plenipotentiary of France.

SIR,

A COMPLAINT is lodged with the executive of the United States, that the Sans Culottes, an armed privateer of France, did, on the 8th of May last, capture the British brigantine Fanny, within the limits of the protection of the United States, and sent the said brig as a prize into this port, where she is now lying.

I have the honor to inclose you the testimony whereon the complaint is founded. Should this satisfy you that it is just, you will be so good as to give orders to the consul of France at this port, to take the vessel into his custody, and deliver her to the owners. Should it be overweighed in your judgment, by any contradictory evidence which you have, or may acquire, I will ask the favor of a communication of that evidence, and that the consul retain the vessel in his custody, until the executive of the United States shall consider and decide finally on the subject.

I have the honor to be with much respect,

Sir,

Your most obedient and most humble servant,

TH: JEFFERSON.

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Virginia, to wit,

TO all persons whom it may concern, I, John Nivison, notary public for the district of Norfolk, by lawful authority duly admitted and qualified, do hereby certify and make known, that Captain Michael Pyle, late master of the brig Fanny, David Macintosh mate, and John Mac Cattie, one of the sailors, personally appeared before me, and being duly sworn on the Holy Evangelists of Almighty God, deposed and said, that they sailed from Lucia in the Island of Jamaica, on the fourteenth day of April last, having on board a cargo of rum and sugar, and bound on a voyage to Baltimore, she being in good order for the voyage; that on the seventh day of May, at 10 P. M. being off the mouth of the Chesapeake bay, Cape-Henry, bearing, by computation, N. W. by W. distant about seven leagues, they were hailed by a schooner, and were informed that there was a pilot on board for the Chesapeake—they answered that they should not stay for a pilot till the morning—that the wind being at N. E. they steered N. N. W. sailing at the rate of four miles per hour, until half past four A. M. on the eighth, when being in eight fathom of water, Cape-Henry bearing N. W. by W. or N. W. distant as above, by computation, four or five miles, they were captured by the boat aforesaid, which to their great surprize, proved to be a French privateer, called the Sans Culottes, I. B. A. Ferry, commander, mounting four guns and two swivels, manned with 45 men—that they were deprived of the vessel and cargo aforesaid, and were detained on board the privateer until the eleventh of the same month, when they were set on shore in Lynn Haven Bay, in the state aforesaid, and that on the same day they arrived at Norfolk.

(Signed)

*Michael Pyle, master; David Macintosh, mate;
John Mac Cattie, seaman.*

Wherefore, I the said Notary Public, at the request of the said deponents, did and do now hereby solemnly protest against the privateer and her crew, for all the losses, costs, charges, damages and expences, suffered or to be suffered by any person or persons whomsoever interested or concerned in the said brig or her cargo, or any part thereof, on her voyage aforesaid, by reason of the capture by the privateer aforesaid.

In testimony whereof, I have hereto set my hand, and caused to be affixed the seal of my office, this 18th day of May, 1793.

(Seal)

JOHN NIVISON, Not. Pub.

British Consul's office, State of Virginia.

THESE are to certify, that John Nivison Esq. before whom the foregoing protest was made, is Notary Public for the district of Norfolk, in the state aforesaid, and that full faith and credit is justly due to such his attestation.

Given under my hand and seal of office at Norfolk, this 14th of May, 1793.

(Seal)

JOHN HAMILTON, Consul.

City of Philadelphia, ff.

MICHAEL PILES, master of the brigantine Fanny, of London, being duly sworn on the Holy Evangelists of Almighty God, deposed and sayeth: That he sailed from Lucia, in the island of Jamaica, on the fourteenth day of April last, bound to Baltimore, in Maryland, having a cargo of rum and sugar on board, the said brigantine being then in good condition; that on the 7th of May, at 10 o'clock, P. M. he, this deponent, being then in the said brigantine, off the mouth of the Chesapeake-Bay, Cape Henry then bearing, by computation, N. W. by W. distant about seven leagues, he was hailed by a schooner and informed there was a pilot for the Chesapeake on board, to which this deponent answered that he should not stay for a pilot till the morning; that this deponent hailed the schooner, and asked how Cape Henry bore, and what distance? and was answered from the schooner, that Cape Henry bore N. W. and by W.

twenty miles distant. That the wind being at N. E. this deponent steered N. N. W. going at the rate of about four miles an hour, until half past four o'clock, or thereabouts, A. M. on the 8th of May, when being in eight fathom water, Cape Henry, at that time, bearing N. W. by W. or N. W. distant about four or five miles, the said brigantine Fanny was captured by the said schooner, which, to the great surprize of this deponent, proved to be a privateer, having on board a commission said to have been granted by the French consul at Charleston, in South-Carolina; the said privateer, called the Sans Culottes, was commanded by J. B. A. Terry, mounted four guns and two swivels, and manned with 45 men; that this deponent, the officers and crew of the said brigantine were all put on shore, on the 11th of May, in Lynn-Haven Bay, in Virginia; that the said brigantine was sent to Philadelphia, whither this deponent came to claim the vessel and cargo; but the officers and crew of the said brigantine being destitute of friends and money, engaged themselves on board other vessels in Virginia, for the purpose of supporting themselves, and being thus dispersed, and separated from the said brigantine, he, this deponent is thereby deprived of their testimony, which he could have obtained, if they had been sent into the port of Philadelphia, with the said brigantine; and further this deponent saith not.

Taken and sworn, at the city of Philadelphia, this 24th day of June, 1793
before me,

(Copy)

JOHN BARCLAY, Alderman.
MICHAEL PILE.

TRANSLATION.

PHILADELPHIA, July 8th, 1793.

The 2d year of the French Republic.

*The Minister of the French Republic, with the United States, to Mr. Jefferson,
Secretary of State of the United States.*

SIR,

THE French armed vessel *le Vainqueur de la Bastille*, of American construction, and heretofore bearing the name of *Hector*, has sailed from Charleston, furnished with a French commission, and her old American register, which the commander, Hervieux, sent to the custom-house, after having cleared the bar of that port.

This conduct, condemnable only for its timidity, has led the custom-house of Charleston, to require the government of South-Carolina, to cause him to be arrested; and in consequence *le Vainqueur de la Bastille*, has been seized at Wilmington, together with a prize which she took in there. The laws of the United States inflict no punishment in the present case, only where there has been an intention of avoiding the duties imposed by the United States, and, as it is proved by the war-commission and by the instructions in captain Hervieux's possession, that he went out of the port of Charleston only to resist, as much as possible, the unjust attacks of our enemies; a duty which all the treaties authorize him to fulfil, and which no law of the United States, and consequently no order of the executive of these states, can forbid him to fulfil. I request you, Sir, to desire of the federal government the liberation of captain Hervieux, and of his crew of the *Vainqueur de la Bastille*, heretofore the *Hector*, and of her prize, now detained in the port of Wilmington, North-Carolina.

G E N E T.

PHILADELPHIA, 9th July, 1793.

2d year of the French Republic.

*The Citizen Genet, Minister Plenipotentiary of the French Republic, to Mr. Jefferson,
Secretary of State.*

SIR,

YOU required of me details relative to the Brigantine *la Petite Democrat*, heretofore *la Petite Sarah*, at present armed, and ready to go out of the Delaware. They are as follow:—This vessel, Sir, of English property, armed by our enemies with four cannon, and other arms, was taken by the Embuscade frigate, belonging to the Republic of France, and sent into Philadelphia. Her construction being elegant and solid, her bottom coppered, and a swift sailer, her masts and rigging being in a good condition, I have thought on the report of the captain of the Embuscade, and other enlightened mariners, that the acquisition of this vessel would be advantageous to the marine of the Republic; and this consideration, joined to the desire I had of finding employment for a great number of French marines, who were here exposed to the dangers which often attend idleness, and to misery, determined me to take her on account of the state.

I have had her repaired. I have completed her armament, with cannon which I found on board of four French vessels, and given the command of her to Citizen Amiot, ensign of the Republic, and when ready, I shall dispatch her with a commission of the Executive Council, and with my particular instructions. I should confine myself, Sir, to represent to you these facts, which require no discussion on my part, and which cannot create any difficulty on that of your government. When treaties speak, the agents of nations have but to obey. Accept, Sir, my esteem and respect.

G E N E T.

PHILADELPHIA, 9th July, 1793.

2d year of the French Republic.

*The Citizen Genet, Minister Plenipotentiary of the French Republic, to Mr. Jefferson,
Secretary of State of the United States.*

SIR,

THE Consul of the French Republic, in this state, four days ago requested the Governor of Pennsylvania to order out of the port of Philadelphia, the *Jane*, an English privateer, armed with sixteen cannon, which vessel came in the 4th of this month, without any appearance of distress.

The Governor replied to him, that he could not take any measures, in this respect, during the absence of the President of the United States. Although this reply, Sir, is accompanied with very obliging and amicable expressions, I think it my duty to observe, that according to the tenor of the XXIII article of our treaty of amity and commerce, it is not necessary to await the decision of the President, to cause this privateer to depart, not having come in here in distress, and having had time to take in more provisions than is necessary to go to the nearest port of the power under which she holds her commission, and according to different reports which I have just received, is augmenting her armament.

The treaties being considered by the American people as the most sacred laws, the local governments of the United States are bound to acknowledge them, and all the magistrates obliged to execute them without delay. I therefore request you, Sir, to present these considerations to the Governor of Pennsylvania, and induce him to fulfil, against the privateer *Jane*, the duties which our treaties impose on him.

G E N E T.

PHILADELPHIA, July 12, 1793.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

SIR,

THE President of the United States, desirous of having done what shall be strictly conformable to the treaties of the United States and laws, respecting the several representations received from yourself and the minister plenipotentiary of Great-Britain, on the subject of vessels arming or arriving within our ports, and of prizes, has determined to refer the questions arising thereon, to persons learned in the laws. As this reference will occasion some delay, he will expect from both parties, that in the mean time the *Little Sarah*, or *Little Democrat*, the ships *Jane* and *William*, in the *Delaware*, the *Citoyen Genet* and her two prizes, the *Lovely Lass* and *Prince William Henry*, and the brig *Fanny*, in the *Chesapeake*, do not depart until his ultimate determination shall be made known. You may be assured, Sir, that the delay will be as short as possible, and the object of it being to obtain the best advice possible on the sense of the laws and treaties respecting the several cases, I am persuaded you will think the delay well compensated.

I have the honor to be,

With sentiments of the most perfect esteem and respect,

Sir,

Your most obedient, and
most humble servant,

TH: JEFFERSON.

PHILADELPHIA, 9th July, 1793.

2d year of the Republic.

The Citizen Genet, Minister from the French Republic to the United States, to Mr. Jefferson, Secretary of State of the United States.

SIR,

I HAVE already frequently had the honor of conversing with you on the revolting treatment, which the English vessels of war use on the high seas towards American vessels. I have informed you of the severe visits to which they subject them, and of the seizures they make on board of them, and under the protection of the United States, of the persons and property of the French citizens.

The reports of all the navigators attest the truth of these facts, and the complaints enclosed, present new proofs. I request you, Sir, to communicate them to the President of the United States, and to be so obliging as to inform me of the measures he has taken, or those he proposes to take, to cause our enemies to respect the flag of the United States as much as we ourselves do, and to have delivered to our fellow citizens the property of which they have unjustly been deprived.

I must observe to you, Sir, that as the English will probably continue to carry off with impunity our citizens, and their property, on board of American vessels, without embarrassing themselves with the philosophical principles proclaimed by the President of the United States, the engagements we have contracted with you, placing us in the most disadvantageous position, with respect to our enemies, in depriving us of the privilege of using at every point, with regard to them, the right of reprisals, it is, as necessary for your as for our interest, that we should agree quickly to take other measures. I expect immediately, Sir, a positive answer from the federal government, on this subject; and I hope, that it will comport with the dignity and justice of the American people, who ought not to require, if they are not at present in a situation to compel the English to justice, whom they have formerly conquered, that we should expose ourselves and them longer, by a misplaced complaisance, to the insults of that nation, towards whom generous proceedings generally lead only to new outrages.

G E N E T.

Copy of a DECLARATION and PROTEST.

27th June, 1793.

This day, the 27th June, 1793, 2d year of the French Republic, past 12 o'Clock,
Afternoon,

BEFORE us, John Baptist Lemaire, Chancellor of the Consulate of the said Republic, established at Philadelphia, in the State of Pennsylvania, one of the United States of America, the undersigned, and in the presence of the witnesses hereafter named, appeared the citizen SILVAT DU CAMP, *de la Basile Clairance*, de. partment of ———, for the purpose of SAYING and DECLARING,

That having departed from the island of St. Lucie, on the 9th of May, 1793, as passenger on board the American brigantine *Columbia*, captain John Green, of this city of Philadelphia, for this port, an English privateer, the brigantine *Fanny*, captain Bloomsbury, of St. Vincent, captured the said brigantine *Columbia*, without any regard to her flag, on the 13th of the said month of May last, and conducted her into the port of Basseterre, Saint Christophers, where he arrived the same day, and where he found six or seven other American vessels, which had also been carried in there by force.

That the merchandizes that he had on board the said brigantine *Columbia*, consisted of 3 barrels of raw sugar, 7 bales of cotton, 8 casks and 8 bags of coffee, 12 pieces of handkerchief of Bearn, and about 4500 livres currency of the islands, of French and Spanish coins, the whole amounting to 21909l. 10s. 6 deniers, money of the islands, as appears by an invoice, dated the ———, of the appearer, and a bill of lading, of the same month of May, signed John Green, junior, exhibited to us by the appearer, and which, at his request, shall be annexed to these presents, after having been certified by him to be authentic, and by us compared with the original.

That the above sugar, cotton and coffee, was shipped partly on account and risk of citizen John Mercié, of Bordeaux, owner of the ship *Titus* of Bordeaux, and partly on account and risk of sundry other persons interested.

That the intention of the appearer had been, to dispose of the said sugar, cotton and coffee, on account of the above mentioned John Mercié, and of all those concerned in it, on his arrival at Philadelphia.

That on his arrival at Saint Christophers, all the merchandize already mentioned were debarked and seized by the admiralty of that place, as is proved by the certificate of E. Moore, secretary of the said admiralty, placed underneath the deposition which the said appearer had made before the English judge, Archibald Fildale, at the said island of Saint Christophers, and which he presented to us, and at his request, is hereunto annexed, to recur to, duly certified and compared according to the ordinance.

That of the whole of the above, the said appearer having required a certificate, we, the Chancellor above mentioned, have, by these presents, granted the same, to avail him as it may of right.

The said appearer expressly declaring and protesting, for all losses, and for all expences of damages and interests, against the said English privateer the brigantine *Fanny*, captain Bloomsbury, against the said admiralty of Saint Christophers, and against all others whom it may concern, for the carrying off and seizure made by them of all the said merchandizes from on board the said American brigantine *Columbia*, captain Green, in contempt of the dignity of the American nation.

Done at Philadelphia, in the Chancery of the Consulate of the French Republic, the said day, month, and year above mentioned; in the presence of the Citizens Martin, Oster and Peter Barriere, residents in this city, who have signed the same with us and the said appearer, after having read the same.

The minutes of the present remaining in the Chancery.

J. B. L E M A I R E.

Examined by us, Consul of the French Republic, at Philadelphia, this 12th July, 1793, 2d year of the Republic.

(Signed)

FROIS. DUPONT.

Certified conformable to the original.

G. E. N. E. T.

We the undersigned passengers on board the galliot, the Regulator, Captain White, bound from Feremie to Baltimore, in the state of Maryland.

DECLARE—

THAT having sailed on the night of the 21st May, 1793, we on the 23d, at three in the morning, met four French frigates, that one of them having fired a cannon, ordered us to hoist out our boat, that one of the officers came on board, examined the papers of the captain of the galliot, examined one of our passports, and then retired, testifying his regret at having detained us.

That on the 25th, about six in the morning, being under the great *Inaque*, and very close to the land, we saw a sloop who weighed anchor to the windward, bearing down upon us fired a cannon at us and hoisted an English flag, sent five armed men on board of us, who rendered an account by a trumpet, that the vessel was laden with coffee and cotton, and that there were some negro slaves on board. But at the moment there appeared two other vessels, towards which the privateer immediately steered, ordering us to anchor. These two vessels were found also to be American, and were in like manner obliged to come to anchor. A third appeared some time after, and was likewise ordered to anchor.

The privateer was employed in visiting these three vessels until four in the afternoon, during which time we were under the guard of five men, who presented themselves to us more like pirates coming to seize their prey, than as privateers who have an intention to respect a neutral flag. These men whose countenances led us to believe them capable of realizing the most sinister things, prepared us for an event which would at the same time have injured us, in making us fail in the object of our voyage: They informed us that we were to be carried into Jamaica.

At four in the afternoon, the captain of the privateer came on board of us with ten armed men, they drove all the passengers out of their state rooms, with a naked sword in one hand and a pistol in the other, appearing disposed to proceed to violence, without the least effort on the part of their captain to check them. In an instant all the effects of the passengers were ransacked. In vain did captain White present to them his papers, and endeavour to stop them, they paid no attention and scarcely looked at them. The representations of these hostile acts, rendering them still more violent, they threatened those who endeavoured to reason with them. They broke the locks of the trunks without waiting till the keys were found, they raised a part of the plank of the cabin, they rumaged the captain's trunk, they found money there, seized it and gave it to one of their people to take care of. At the same time they went to the forecabin, they broke open every thing that was locked up. They forced the partitions which separate the births. They cut open a great quantity of coffee bags.

Having however found nothing in this search, made with the greatest brutality, which falsified the assertion of captain White as to the property of the cargo, they appeared much embarrassed at the part they should take with respect to us. They in particular made offers to some of the seamen to depose against the declarations of our captain, they sent three of them on board the privateer, whom they endeavoured equally, but as unsuccessfully, to seduce.

This vexatious conduct was interrupted by night coming on. It may be conceived how we passed it, it did not to us appear probable that men who appeared to breathe nothing but pillage and robbery, would allow this opportunity to escape.

On the 26th, as soon as day appeared, captain White was called on board the privateer, where several disputes arose, in which some wished to have the vessel carried into Jamaica, others that the passengers with their effects should be put on board as prisoners, and others that the captain's trunk containing money, should be seized, others in fine, that they should seize the negro slaves, or send captain White back with a new detachment, who should continue to search the effects and vessel.

We observed among this brutal and greedy hord, a man who not only disapproved the conduct of the others, but also appeared very much opposed to the attempt which he saw them determined to commit in one way or another on neutral property. This was the surgeon of the privateer, perhaps he might have had sufficient ascendancy to hinder them from taking the vessel, but he could not doubtless obtain every thing: at eight o'clock the privateer gave orders to the detachment which guarded us, to bring off the negroes and return on board. They at the same time permitted captain White to hoist sail. He set sail in order to go and reconnoitre two vessels which were making for the entrance.

Under these circumstances, captain White, as well as the passengers, having no means of reclamation, the former against the hostile proceedings of the privateer, the latter against the carrying off the negroes, could do no otherwise than follow their destination, reserving to themselves the privileges of their respective rights against this piracy.

Several men belonging to the privateer, have given us information relative to this vessel, and the captain by the particular information of the surgeon. The vessel is called the *Joseph and Mary*, of Kingston island of Jamaica, commanded by David Harris, owners M. M. Allen and White, captain Harris appeared to us to be a weak, indecisive man, without character, having no authority over his crew, and we cannot help thinking that in this rencounter, at the mercy of a crew of fifty or sixty men, the most of whom eager for plunder, without any subordination, the vessel, our persons and our property, have been in the greatest danger.

Done on board the galliot called the *Regulator*, captain White, the 7th June, 1793.

SIMON WHITE, *Captain*.

LEWIS JEWELL, *Master*.

(Signed)

PETER NOUVEL.

CHOUQUET DE SAVAREAU,

GASTIN DE NOGERE,

G. BENTIER,

} *Passengers*.

Certified to be conformable to the original.

G E N E T.

PHILADELPHIA, 25th July, 1793.

2d year of the Republic of France.

The Citizen Genet, Minister of the Republic of France, to Mr. Jefferson, Secretary of State of the United States.

S I R,

I RECEIVE daily new complaints on the insults which the English are pleased to commit against the flag of the United States, the papers here inclosed will prove to you that the sovereignty of your country is violated with impunity, not by the legitimate exercise which we have thought proper to make of some rights granted to us by treaty, but by the spoliation, the pillage, the bad treatment exercised by our enemies in contempt of your laws, and even under shadow of the flags of your sovereignty. On all the seas an audacious piracy, pushes even in your vessels French property, and also that of the Americans when detained for our ports—your political rights are counted for nothing: in vain do the principles of neutrality establish, that friendly vessels make friendly goods: in vain, it, does

the President of the United States, endeavour, by his proclamation, to reclaim the observation of this maxim; in vain does the desire of preserving peace lead to sacrifice the interests of France to that of the moment; in vain does the thirst of riches preponderate over honour in the political balance of America: all this management, all this condescension, all this humility, end in nothing; our enemies laugh at it; and the French too confident, are punished for having believed that the American nation had a flag, that they had some respect for their laws, some conviction of their strength, and entertained some sentiment of their dignity. It is not possible, for me, sir, to paint to you, all my sensibility at this scandal, which tends to the diminution of your commerce, to the oppression of ours and to the debasement and vilification of Republics. It is for the Americans to make known their generous indignation at this outrage, and I must confine myself to demand of you a second time, to inform me of the measures which you have taken in order to obtain restitution of the property plundered from my fellow citizens, under the protection of your flag. It is from our government they have learned that the Americans were our allies, that the American nation was sovereign, and that they knew how to make themselves respected. It is then under the very sanction of the French nation that they have confided their property and persons, to the safe guard of the American flag, and on her they submit the care of causing these rights to be respected. But if our fellow citizens have been deceived, if you are not in a condition to maintain the sovereignty of your people, speak; we have guaranteed it when slaves, we shall be able to render it formidable, having become freemen.

Accept, Sir, my esteem and respect,

G E N E T.

This day the 12th of July, 1793, 2d year of the French Republic,

APPARED before us, Francis Dupont, Consul of the French Republic, at Philadelphia, in the state of Pennsylvania, the undersigned Citizen la Roussie, merchant of Bordeaux, now in the city of Philadelphia, who declared to us that having departed from St. Mark the 12th June last, in the American brigantine, the Governor Pinkney, of Charleston, captain D. Jenkins, belonging to Mr. Therick of the said place, the said vessel was stopped before the Molle on the 14th of said month, by a privateer of the colony of Saint Vincent, who after having visited them and finding nothing which could lead them to doubt the vessel's being really American property, carried them in under the sole pretext, that they had on board said vessel some French passengers; the declarer complaining that they plundered his trunk of two watches, a chain, and a medal, a golden key and thirty-two half Johannes, and other effects in linen, which places him in a cruel position, that they were carried into Providence where they remained only eleven days, at a fourth of a dollar per day, at the end of which time they were set at liberty, because the Island began to want provisions, and that they were there in too great numbers. The declarer had put on board on account of sundry persons, and to the bearer of the bill of lading, seven hogheads, twelve tierces and fifty-three sacks of coffee; eight large and four small bales of cotton, and twelve quarters of sugar, which the American captain, whom he supposes to have been gained over, as well as some others of those who were carried into the said port, declared to be French property.

In testimony whereof, the said appearer has signed the present with us, in presence of the two undersigned witnesses.

(Signed)

LA ROUSSIE, BINET OSTER, and
FROIS. LUPONT.

Certified conformable to the original.

G E N E T.

THE undersigned citizens declare, That having departed from *Cayenne* department de la Grande Ance, the 2d June last, in the American brig Ranger, captain Perkins, bound for New-York, they were visited in clearing the entrance of *Ynagué*, by an English privateer, armed by Monsieur Moz, merchant, of Nassau, Providence, who made them prisoners, and carried them into said place. The undersigned would have avoided exposing their fortunes in time of war, had they not counted on the inviolability of treaties of neutrality, which should naturally guarantee all property on board of a neutral vessel; notwithstanding this consideration was frequently urged to the privateer, he plundered us of 230,000lbs. of coffee, belonging as well to us as four other passengers of the said brig, observing that we were a good prize, according to a paper called a proclamation of General Washington, conveying, in substance, that the property of subjects of the belligerent powers might be taken on board American vessels.

In Testimony whereof, we have deposited the present declaration in the Chancery of the Consulate of the French Republic, in order to establish our right at a proper time and place.

New-York, the 30th July, 1793.
2d year of the French Republic.

Signed in original, Merles and M. Sarrazin Guel Vc. le Sieur, Boithon, and Lamarque, *par main d'emprunt.*

Certified to be conformable to the original deposited in the Chancery of the Consulate at New-York.

G E N E T.

Copy of a Letter to Citizen Genet, from Conyngham Nesbitt and Co.

PHILADELPHIA, July 26th, 1793.

SIR,
WE have just received advice, that the ship Sally, captain Griffith, loaded by us with flour, from Baltimore for Havre, is just returned to said place, after having been captured by a privateer, and carried into Guernsey or Jersey. The protests and papers will be sent us by the next post. The captain further informs, that they had also captured the ship Columbia, of Baltimore, having on board the French minister drove from Portugal.

Whenever we receive further intelligence, we shall communicate it to you.

Being, with respect, Sir,

Your's, &c.

Certifié conforme à la lettre de M. M. Conyngham Nesbitt et Co. qui est restée entre mes mains à Philadelphie, le 26 Juillet, 1793, l'an 2d.

G E N E T.

PHILADELPHIA, July 24th, 1793.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

SIR,

YOUR favor of the 9th instant, covered the information of Silvat Ducamp, Pierre Nouvel, Chouquet de Savarence, Gaston de Nogere, and G. Beutier, that being on their passage from the French West-Indies to the United States, on board merchant vessels of the United States, with slaves and merchandize of their property, these vessels were stopped by British armed vessels, and their property taken out as lawful prize.

I believe it cannot be doubted, but that by the general law of nations, the goods of a friend found in the vessel of an enemy, are free, and the goods of an enemy found in the vessel of a friend, are lawful prize. Upon this principle, I presume, the British armed vessels have taken the property of French citizens found in our vessels, in the cases abovementioned, and I confess I should be at a loss on what principle to reclaim it. It is true, that sundry nations, desirous of avoiding the

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inconveniencies of having their vessels stopped at sea, ransacked, carried into port, and detained, under pretence of having enemy goods on board, have, in many instances, introduced, by their special treaties, another principle between them, that enemy bottoms shall make enemy goods, and friendly bottoms friendly goods; a principle much less embarrassing to comierce, and equal to all parties in point of gain and loss; but this is altogether the effect of particular treaty, controlling, in special cases, the general principle of the law of nations, and therefore taking effect between such nations only as have so agreed to control it. England has generally determined to adhere to the rigorous principle, having in no instance, as far as I recollect, agreed to the modification of letting the property of the goods follow that of the vessel, except in the single one of her treaty with France. We have adopted this modification in our treaties with France, the United Netherlands and Prussia, and therefore, as to them, our vessels cover the goods of their enemies, and we lose our goods when in the vessels of their enemies. Accordingly, you will be pleased to recollect, that in the late case of Holland and Mackie, citizens of the United States, who had laden a cargo of flour on board a British vessel, which was taken by the French frigate Ambuscade, and brought into this port; when I reclaimed the cargo, it was only on the ground that they were ignorant of the declaration of war when it was shipped. You observed, however, that the 14th article of our treaty had provided that ignorance should not be pleaded beyond two months after the declaration of war, which term had elapsed, in this case, by some few days; and finding that to be the truth, though their real ignorance was equally true, I declined the reclamation, as it never was in my view to reclaim the cargo, nor in your's to offer to restore it, by questioning the rule established in our treaty, that enemy bottoms make enemy goods. With England, Spain, Portugal and Austria, we have no treaties, therefore we have nothing to oppose to their acting according to the general law of nations, that enemy goods are lawful prize, though found in the bottoms of a friend. Nor do I see that France can suffer on the whole, for though she loses her goods in our vessels, when found therein by England, Spain, Portugal or Austria, yet she gains our goods, when found in the vessels of England, Spain, Portugal, Austria, the United Netherlands or Prussia; and I believe I may safely affirm, that we have more goods afloat in the vessels of these six nations, than France has afloat in our vessels, and consequently, that France is the gainer, and we the loser, by the principle of our treaty; indeed we are losers in every direction of that principle; for when it works in our favour, it is to save the goods of our friends, when it works against us, it is to lose our own, and we shall continue to lose while the rule is only partially established. When we shall have established it with all nations, we shall be in a condition neither to gain nor lose, but shall be left exposed to vexatious searches at sea. To this condition, we are endeavouring to advance; but as it depends on the will of other nations, as well as our own, we can only obtain it when they shall be ready to concur.

I cannot therefore but flatter myself, that on revising the cases of Ducamp and others, you will perceive, that their losses result from the state of war, which has permitted their enemies to take their goods, though found in our vessels, and consequently, from circumstances over which we have no control.

The rudeness to their persons practised by their enemies, is certainly not favorable to the character of the latter. We feel for it as much as for the extension of it to our own citizens, their companions, and find in it a motive for requiring measures to be taken, which may prevent repetitions of it.

I have the honor to be, &c.

Tu: JEFFERSON.

Handwritten notes in the left margin, including the word "CITIZEN" and various numbers and symbols.

PHILADELPHIA, August 7th, 1793.

Mr. Jefferson Secretary of State, to Mr. Genet Minister Plenipotentiary of France.

SIR,

I N a letter of June 5th, I had the honor to inform you, that the President, after re-considering, at your request, the case of vessels armed within our ports, to commit hostilities on nations at peace with the United States, had finally determined, that it could not be admitted, and desired, that all those, which had been so armed, should depart from our ports. It being understood afterwards that these vessels either still remained in our ports, or had only left them to cruise on our coasts, and return again with their prizes, and that another vessel, the Little Democrat, had been since armed at Philadelphia, it was desired in my letter of the 12th of July, that such vessels with their prizes should be detained, till a determination should be had of what was to be done under these circumstances. In disregard, however of this desire, the Little Democrat went out immediately on a cruise.

I have it now in charge, to inform you that the President considers the United States, as bound, pursuant to positive assurances, given in conformity to the laws of neutrality, to effectuate the restoration of, or to make compensation for, prizes, which shall have been made, of any of the parties at war with France, subsequent to the fifth day of June last, by privateers fitted out of our ports.

That it is consequently expected, that you will cause restitution to be made of all prizes taken and brought into our ports, subsequent to the above mentioned day, by such privateers; in defect of which, the President considers it, as incumbent upon the United States, to indemnify the owners of those prizes. The indemnification to be reimbursed by the French nation.

That, besides taking efficacious measures to prevent the future fitting out privateers in the ports of the United States, they will not give asylum therein, to any which shall have been at any time so fitted out, and will cause restitution of all such prizes, as shall be hereafter brought within their ports, by any of the said privateers.

It would have been but proper respect to the authority of the country, had that been consulted before these armaments were undertaken. It would have been satisfactory, however, if their sense of them, when declared, had been duly acquiesced in. Reparation of the injury, to which the United States have been made, so involuntarily instrumental, is all which now remains, and in this your compliance cannot but be expected.

In consequence of the information given in your letter of the 4th instant, that certain citizens of St. Domingo, lately arrived in the United States, were associating for the purpose of undertaking a military expedition, from the territory of the United States, against that island, the Governor of Maryland, within which state, the expedition is understood to be preparing, is instructed to take effectual measures to prevent the same.

I have the honor to be,
With great respect,

SIR,

Your most obedient, and
most humble servant,

TH: JEFFERSON.

PHILADELPHIA, August 16th, 1793.

Mr. Jefferson, Secretary of State, to Mr. Morris, Minister Plenipotentiary of the United States with the Republic of France.

SIR,

I N my letter of June 13th, I inclosed to you the copies of several letters, which I had passed between Mr. Ternant, Mr. Genet, and myself, on the occurrences to which the present war had given rise within our ports. The object of this communication was to enable you to explain the principles on which our government was conducting itself towards the belligerent parties; principles which might not in all

cases be satisfactory to all, but were meant to be just and impartial to all. Mr. Genet had been then but a little time with us; and but a little more was necessary to develop in him a character and conduct, so unexpected, and so extraordinary, as to place us in the most distressing dilemma, between our regard for his nation, which is constant and sincere, and a regard for our laws, the authority of which must be maintained; for the peace of our country which the executive magistrate is charged to preserve; for its honour offended in the person of that magistrate; and for its character grossly traduced in the conversations and letters of this gentleman. In the course of these transactions, it has been a great comfort to us to believe, that none of them were within the intentions or expectations of his employers. These had been too recently expressed in acts which nothing could discolour, in the letters of the executive council, in the letters and decrees of the National Assembly, and in the general demeanor of the nation towards us, to ascribe to them things of so contrary a character. Our first duty, therefore, was to draw a strong line between their intentions, and the proceedings of their minister; our second, to lay those proceedings faithfully before them.

On the declaration of war between France and England, the United States being at peace with both, their situation was so new and unexperience^d by themselves, that their citizens were not, in the first instant, sensible of the new duties resulting therefrom, and of the restraints it would impose even *on their dispositions* towards the belligerent powers. Some of them imagined (and chiefly their transient sea-faring citizens) that they were free to indulge those dispositions, to take side with either party, and enrich themselves by depredations on the commerce of the other, and were meditating enterprises of this nature, as there was reason to believe. In this state of the public mind, and before it should take an erroneous direction, difficult to be set right, and dangerous to themselves and their country, the President thought it expedient, through the channel of a proclamation, to remind our fellow-citizens, that we were in a state of peace with all the belligerent powers, that in that state it was our duty neither to aid nor injure any, to exhort and warn them against acts which might contravene this duty, and particularly those of positive hostility, for the punishment of which the laws would be appealed to; and to put them on their guard also as to the risks they would run, if they should attempt to carry articles of contraband to any. This proclamation, ordered on the 19th, and signed the 22d day of April, was sent to you in my letter of the 26th of the same month.

On the day of its publication, we received through the channel of the newspapers, the first intimation that Mr. Genet had arrived on the 8th of the month at Charleston, in character of minister plenipotentiary from his nation to the United States, and soon after, that he had sent on to Philadelphia, the vessel in which he came, and would himself perform the journey by land. His landing at one of the most distant ports of the Union from his points both of departure and destination, was calculated to excite attention, and very soon afterwards we learnt that he was undertaking to authorise the fitting and arming of vessels in that port, enlisting men, foreigners and citizens, and giving them commissions to cruise and commit hostilities on nations at peace with us, that these vessels were taking and bringing prizes into our ports, that the consuls of France were assuming to hold courts of admiralty on them, to try, condemn, and authorise their sale as legal prize, and all this before Mr. Genet had presented himself, or his credentials to the President, before he was received by him, without his consent or consultation, and directly in contravention of the state of peace existing, and declared to exist in the President's proclamation, and incumbent on him to preserve till the constitutional authority should otherwise declare. These proceedings became immediately, as was naturally to be expected, the subject of complaint by the representative here of that power against whom they would chiefly operate. The British minister presented several memorials thereon, to which we gave the answer of May 15th heretofore inclosed to you, corresponding in substance with a letter of the same date, written to Mr. Ternant, the minister of France then residing here, a copy

of which I send herewith. On the next day Mr. Genet reached this place, about five or six weeks after he had arrived at Charleston, and might have been at Philadelphia, if he had steered for it directly. He was immediately presented to the President, and received by him as the minister of the Republic; and as the conduct before stated seemed to bespeak a design of forcing us into the war, without allowing us the exercise of any free will in the case, nothing could be more assuaging than his assurances to the President at his reception, which he repeated to me afterwards in conversation, and in public to the citizens of Philadelphia, in answer to an address from them, that, on account of our remote situation and other circumstances, France did not expect that we should become a party to the war, but wished to see us pursue our prosperity and happiness in peace. In a conversation a few days after, Mr. Genet told me that M. de Ternant had delivered him my letter of May 15th, he spoke something of the case of the Grange, and then of the armament at Charleston, explained the circumstances which had led him to it before he had been received by the Government, and consulted its will, expressed a hope that the President had not so absolutely decided against the measure but that he would hear what was to be said in support of it; that he would write me a letter on the subject, in which he thought he could justify it under our treaty; but that if the President should finally determine otherwise, he must submit: for that assuredly his instructions were to do what would be agreeable to us. He accordingly wrote the letter of May 27, the President took the case again into consideration, and found nothing in that letter which could shake the grounds of his former decision. My letter of June 5th, notifying this to him, his of June 8 and 14, mine of the 17th and his again of the 22d, will shew what further passed on this subject, and that he was far from retaining his disposition to acquiesce in the ultimate will of the President.

It would be tedious to pursue this and our subsequent correspondencies through all their details. Referring therefore for these to the letters themselves, which shall accompany this, I will present a summary view only of the points of difference which have arisen, and the grounds on which they rest.

Letters, June 8. If Mr. Genet asserts his right of arming in our ports, and of enlisting our citizens, and that we have no right to restrain him or punish them. Examining this question under the law of nations, founded on the general sense and usage of mankind, we have produced proofs from the most enlightened and approved writers on the subject, that a neutral nation must, in all things relating to the war, observe an exact impartiality towards the parties; that favours to one to the prejudice of the other, would import a fraudulent neutrality, of which no nation would be the dupe; that no succour should be given to either unless stipulated by treaty, in men, arms or any thing else directly serving for war; Wolf, 217. that the right of raising troops, being one of the rights of sovereignty, and consequently appertaining exclusively to the nation Vattel, 3, l. 15. itself, no foreign power or person can levy men, within its territory, without its consent; and he who does, may be rightfully and severely punished: that if the United States, have a right to refuse the permission to arm vessels and raise men within their ports and territories, they are bound by the laws of neutrality to exercise that right, and to prohibit such armaments and equipments. To these principles of the law of nations, Mr. Genet answers by calling them ' diplomatic subtleties,' and ' aphorisms of Vattel and others.' But something more than this, is necessary to disprove them: and till they are disproved, we hold it certain that the law of nations and the rules of neutrality, forbid our permitting either party to arm in our ports.

June 22. 8. But Mr. Genet says, that the 22d article of our treaty allows him expressly to arm in our ports. Why has he not quoted the very words of that article, expressly allowing it? For that would have put an end to all further question. The words of the article are, " It shall not be lawful for any foreign privateers, not belonging to subjects of the Most Christian King, nor

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citizens of the said United States, who have commissions from any prince or state in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties." Translate this from the general terms in which it here stands, into the special case produced by the present war. "Privateers not belonging to France or the United States, and having commissions from the enemies of one of them" are, in the present state of things, "British, Dutch and Spanish privateers." Substituting these then for the equivalent terms, it will stand thus, "It shall not be lawful for British, Dutch or Spanish privateers, to fit their ships in the ports of the United States." Is this an *express* permission to France to do it? Does the negative to the enemies of France, and silence as to France herself, imply an affirmative to France? Certainly not: It leaves the question, as to France, open and free to be decided according to circumstances; and if the parties had meant an affirmative stipulation, they would have provided for it expressly; they would never have left so important a point to be inferred from mere silence, or implication. Suppose they had desired to stipulate a refusal to their enemies, but nothing as to themselves; what form of expression would they have used? Certainly the one they have used; an express stipulation as to their enemies, and silence as to themselves. And such an intention corresponds not only with the words, but with the circumstances of the times. It was of value to each party to exclude its enemies from arming in the ports of the other, and could, in no case, embarrass them. They therefore stipulated so far mutually. But each might be embarrassed by permitting the other to arm in its ports. They therefore would not stipulate to permit that. Let us go back to the state of things in France when this treaty was made, and we shall find several cases, wherein France could not have permitted us to arm in her ports. Suppose a war between these states and Spain. We know, that by the treaties between France and Spain, the former could not permit the enemies of the latter to arm in her ports. It was honest in her therefore, not to deceive us by such a stipulation. Suppose a war between these states and Great-Britain. By the treaties between France and Great-Britain, in force at the signature of ours, we could not have been permitted to arm in the ports of France. She could not then have meant, in this article, to give us such a right. She has manifested the same sense of it again, in her subsequent treaty with England, made eight years after the date of ours, stipulating, in the 16th article of it, as in our 22d, that foreign privateers, *not being subjects of either crown*, should not arm against either in the ports of the other. If this had amounted to an affirmative stipulation, that the subjects of the other crown might arm in her ports *against us*, it would have been in direct contradiction to her 22d article with us. So that, to give to these negative stipulations an affirmative effect, is to render them inconsistent with each other, and with good faith: To give them only their negative and natural effect, is to reconcile them to one another, and to good faith; and is clearly to adopt the sense in which France herself has expounded them. We may justly conclude then, that the article only obliges us to refuse this right, in the present case, to Great-Britain and the other enemies of France. It does not go on to give it to France, either expressly or by implication. We may then refuse it. And since we are bound by treaty to refuse it to the one party, and are free to refuse it to the other, we are bound by the laws of neutrality, to refuse it to that other. The siding either party then, with vessels, arms or men, being unlawful by the law of nations, and not rendered lawful by the treaty, it is made a question, Whether our citizens, joining in these unlawful enterprizes, may be punished? The United States, being in a state of peace with most of the belligerent powers by treaty, and with all of them by the laws of nature, murders and robberies, committed by our citizens, within our territory, or on the high seas, on those with whom we are so at peace, are punishable, equally as if committed on our own inhabitants. If I might venture to reason a little formally, without being charged with running into "subtleties and apophorisms," I would say, that if one citizen has a right to go to war of his own authority, every citizen has the same. If every citizen has that right, then the nation (which is composed of all its citizens) has a right to go to war, by the

authority of its individual citizens. But this is not true, either on the general principles of society, or by our constitution, which gives that power to congress alone, and not to the citizens individually. Then the first position was not true; and no citizen has a right to go to war of his own authority; and for what he does without right, he ought to be punished. Indeed nothing can be more obviously absurd, than to say, that all the citizens may be at war, and yet the nation at peace. It has been pretended, indeed, that the engagement of a citizen, in an enterprise of this nature, was a divestment of the character of a citizen, and a transfer of jurisdiction over him to another sovereign. Our citizens are certainly free to divest themselves of that character, by emigration, and other acts manifesting their intention, and may then become the subjects of another power, and free to do whatever the subjects of that power may do. But the laws do not admit, that the bare commission of a crime amounts of itself to a divestment of the character of citizen, and withdraws the criminal from their coercion. They would never prescribe an illegal act among the legal modes by which a citizen might disfranchise himself; nor render treason, for instance, innocent, by giving it the force of a dissolution of the obligations of the criminal to his country. Accordingly, in the case of Henfield, a citizen of these states, charged with having engaged, in the port of Charleston, in an enterprise against nations at peace with us, and with having joined in the actual commission of hostilities, the Attorney General of the United States, in an official opinion, declared, that the act, with which he was charged, was punishable by law. The same thing has been unanimously declared by two of the circuit courts of the United States, as you will see in the charges of Chief Justice Jay, delivered at Richmond, and Judge Wilson, delivered at Philadelphia, both of which are herewith sent. Yet Mr. Genet, in the moment he lands at Charleston, is able to tell the Governor, and continues to affirm in his correspondence here, that no law of the United States authorises their government to restrain either its own citizens, or the foreigners inhabiting its territory, from warring against the enemies of France. It is true, indeed, that in the case of Henfield, the jury which tried, absolved him. But it appeared, on the trial, that the crime was not knowingly and wilfully committed; that Henfield was ignorant of the unlawfulness of his undertaking; that in the moment he was apprised of it, he shewed real contrition; that he had rendered meritorious services during the late war, and declared he would live and die an American. The jury therefore, in absolving him, did no more than the constitutional authority might have done, had they found him guilty; the constitution having provided for the pardon of offences in certain cases, and there being no case where it could have been more proper than where no offence was contemplated. Henfield therefore was still an American citizen, and Mr. Genet's reclamation of him, was as unauthorised as the first enlistment of him.

2d. Another doctrine advanced by Mr. Genet is, That our courts can take no cognizance of questions, Whether vessels held by theirs as prizes, are lawful prizes or not: That this jurisdiction belongs exclusively to their consulates here, which have been lately erected by the National Assembly, into complete courts of admiralty.

Let us consider, first, What is the extent of the jurisdiction which the consulates of France may rightfully exercise here. Every nation has of natural right, entirely and exclusively, all the jurisdiction which may be rightfully exercised in the territory it occupies. If it cedes any portion of that jurisdiction to judges appointed by another nation, the limits of their power must depend on the instrument of cession. The United States and France have, by their consular convention, given mutually to their consuls, jurisdiction in certain cases specially enumerated. But that convention gives to neither the power of establishing complete courts of admiralty within the territory of the other, nor even of deciding the particular question of prize or not prize. The consulates of France then cannot take judicial cognizance of those questions here. Of this opinion Mr. Genet was, when he wrote his letter of May 27th, wherein he premises to correct the error of the consul at Charleston, of whom,

In my letter of the 15th, I had complained, as arrogating to himself that jurisdiction, though, in his subsequent letters, he has thought proper to embark
June 14. 22. in the errors of his consuls.

But the United States, at the same time, do not pretend any right to try the validity of captures made *on the high seas* by France, or any other nation, over its enemies. These questions belong, of common usage, to the sovereign of the captor, and whenever it is necessary to determine them, resort must be had to his courts. This is the case provided for in the 17th article of the treaty, which says, that such prizes shall not be arrested, nor cognizance taken of the validity thereof; a stipulation much insisted on by Mr. Genet and the consuls, and which we never thought of infringing or questioning. As the validity of captures then, made *on the high seas*, by France over its enemies, cannot be tried within the United States by their consuls, so neither can it be by our courts. Nor is this the question between us, tho' we have been misled into it.

The real question is, Whether the United States have not a right to protect vessels within their waters, and on their coasts? The Grange was taken within the Delaware, between the shores of Jersey and of the Delaware state, and several miles above its mouth. The seizing her, was a flagrant violation of the jurisdiction of the United States. Mr. Genet, however, instead of apologising, takes great merit, in his letters, for giving her up. The William is said to have been taken within two miles of the shores of the United States. When the admiralty declared cognizance of the case, she was delivered to the French consul, according to my letter of June 25th, to be kept till the executive of the United States should examine into the case; and Mr. Genet was desired, by my letter of June 29th, to have them furnished with the evidence, on behalf of the captors, as to the place of capture. Yet, to this day, it has never been done. The brig Fanny was alleged to be taken within five miles from our shore. The Cadarine within two miles and a half. It is an essential attribute of the jurisdiction of every country, to preserve peace, and to punish acts in breach of it, and to restore property taken by force within its limits. Were the armed vessel of any nation, to cut away one of our own from the wharves of Philadelphia, and to chuse to call it a prize, would this exclude us from the right of redressing the wrong? Were it the vessel of another nation, are we not equally bound to protect it, while within our limits? Were it seized in any other waters, or on the shores of the United States, the right of redressing is still the same: And humble indeed would be our condition, were we obliged to depend, for that, on the will of a foreign consul, or on negotiation with diplomatic agents. Accordingly, this right of protection, within its waters, and to a reasonable distance on its coasts, has been acknowledged by every nation, and denied to none; and if the property seized, be yet within their power, it is their right and duty to redress the wrong themselves.—France herself has asserted the right in herself, and recognized it in us, in the 6th article of our treaty; where we mutually stipulate, that we will, *by all the means in our power*, (not by negotiation) protect and defend each other's vessels and effects, in our ports or roads, or on the seas near our countries, and recover and restore the same to the right owners. The United Netherlands, Prussia and Sweden, have recognized it also, in treaties with us; and indeed it is a standing formule, inserted in almost all the treaties of all nations, and proving the principle to be acknowledged by all nations.

How, and by what organ of the government, whether judiciary or executive, it shall be redressed, is not yet perfectly settled with us. One of the subordinate courts of admiralty, has been of opinion, in the first instance, in the case of the ship William, that it does not belong to the judiciary. Another, perhaps, may be of a contrary opinion. The question is still subjudice, and an appeal to the court, of last resort, will decide it finally. If, finally, the judiciary shall declare, that it does not belong to the civil authority, it then resorts to the executive, charged with the direction of the military force of the union, and the conduct of its affairs with foreign nations. But this is a mere question of internal arrangement, between the different department of the government, depending on the

particular diction of the laws and constitution; and it can in no wise concern a foreign nation, to which department these have delegated it.

3d. Mr. Genet, in his letter of July 9th, requires that the ship *Jane*, which he calls an English privateer, shall be immediately ordered to depart; and to justify this, he appeals to the 22d article of our treaty, which provides, that it shall not be lawful for any foreign privateer to fit their ships in our ports, to sell *what they have taken*, or purchase victuals, &c. The ship *Jane* is an English merchant vessel, which has been many years employed in the commerce between Jamaica and these states. She brought here a cargo of produce from that island, and was to take away a cargo of flour. Knowing of the war when she left Jamaica, and that our coast was lined with small French privateers, she armed for her defence, and took one of those commissions usually called Letters of Marque. She arrived here safely, without having had any rencounter of any sort. Can it be necessary to say, that a merchant-vessel is not a privateer? That though she has arms to defend herself in time of war, in the course of her regular commerce, this no more makes her a privateer, than a husbandman following his plough, in time of war, with a knife or pistol in his pocket, is thereby made a soldier? The occupation of a privateer is to attack and plunder, that of a merchant vessel is commerce and self-preservation. The article excludes the former from our ports, and from selling *what she has taken*, that is, what she has acquired by war, to shew it did not mean the merchant vessel, and what she had acquired by commerce. Were the merchant vessels, coming for our produce, forbidden to have any arms for their defence, every adventurer who has a boat, or money enough to buy one, would make her a privateer, our coasts would swarm with them, foreign vessels must cease to come, our commerce must be suppressed, our produce remain on our hands, or at least that great portion of it which we have not vessels to carry away, our ploughs must be laid aside, and agriculture suspended. This is a sacrifice no treaty could ever contemplate, and which we are not disposed to make out of mere complaisance to a false definition of the term *privateer*. Finding that the *Jane* had purchased new carriages to mount two or three additional guns, which she had brought in her hold, and that she had opened additional port-holes for them, the carriages were ordered to be relanded, the additional port-holes stopped, and her means of defence reduced to be exactly the same at her departure, as at her arrival. This was done on the general principle of allowing no party to arm within our ports.

4th. The 17th article of our treaty leaves armed vessels free to *conduct*, whithersoever they please, the ships and goods taken from their enemies, without paying any duty, and to depart and be conducted freely to the places expressed in their commissions, which the captain shall be obliged to shew. It is evident, that this article does not contemplate a freedom to sell their prizes here; but, on the contrary, a departure to some other place, always to be expressed in their commission, where their validity is to be finally adjudged. In such case, it would be as unreasonable to demand duties on the goods they had taken from an enemy, as it would be on the cargo of a merchant vessel touching in our ports for refreshment or advices. And against this the article provides. But the armed vessels of France have been also admitted to land and sell their prize goods here for consumption; in which case, it is as reasonable they should pay duties, as the goods of a merchantman, landed and sold for consumption. They have, however, demanded, and as a matter of right, to sell them free of duty; a right, they say, given by this article of the treaty, though the article does not give the right to sell at all. Where a treaty does not give the principal right of selling, the additional one of selling duty free, cannot be given; and the laws, in admitting the principal right of selling, may withhold the additional one of selling duty free. It must be observed, that our revenues are raised almost wholly on imported goods. Suppose prize goods enough should be brought in to supply our whole consumption. According to their construction, we are to lose our whole revenue. I put the extreme case, to evince more extremely the unreasonableness of the claim. Partial supplies would affect the revenue but partially. They would lessen the evil, but not the error, of

the construction. And I believe we may say with truth, that neither party had it in contemplation, when penning this article, to abandon any part of its revenue, for the encouragement of the sea robbers of the other.

5. 5th. Another source of complaint with Mr. Genet, has been, that the English take French goods out of American vessels, which he says is against the law of nations, and ought to be prevented by us. On the contrary, we suppose it to have been long an established principle of the law of nations, that the goods of a friend are free in an enemy's vessel, and an enemy's goods lawful prize in the vessel of a friend. The inconvenience of this principle, which subjects merchant-vessels to be stopped at sea, searched, ransacked, led out of their course, has induced several nations latterly to stipulate against it by treaty, and to substitute another in its stead, that free bottoms shall make free goods, and enemy bottoms, enemy goods; a rule equal to the other in point of loss and gain, but less oppressive to commerce. As far as it has been introduced, it depends on the treaties stipulating it, and forms exceptions in special cases to the general operation of the law of nations. We have introduced it into our treaties with France, Holland and Prussia; and French goods found by the two latter nations in American bottoms, are not made prize of. It is our wish to establish it with other nations. But this requires their consent also, is a work of time, and in the mean while they have a right to act on the general principle, without giving to us, or to France, cause of complaint. Nor do I see that France can lose by it on the whole. For though the losses *her* goods when found in our vessels, by the nations with whom we have no treaties, yet she gains *our* goods, when found in the vessels of the same, and all other nations: and we believe the latter must be greater than the former. It is to be lamented, indeed, that the general principle has operated so cruelly in the dreadful calamity which has lately happened in St. Domingo. The miserable fugitives, who to save their lives, had taken asylum in our vessels, with such valuable and portable things as could be gathered in the moment, out of the ashes of their houses, and wrecks of their fortunes, have been plundered of these remains by the licensed sea-rovers of their enemies. This has swelled, on this occasion, the disadvantages of the general principle that 'an enemy's goods are free prize in the vessel of a friend.' But it is one of those deplorable and unforeseen calamities to which they expose themselves who enter into a state of war, furnishing to us an awful lesson to avoid it by justice and moderation, and not a cause or encouragement to expose our towns to the same burnings and butcheries, nor of complaint because we do not.

6. 6th. In a case like the present, where the missionary of one government constructs differently from that to which he is sent, the treaties and laws which are to form a common rule of action for both, it would be unjust in either to claim an exclusive right of construction. Each nation has an equal right to expound the meaning of their common rules; and reason and usage have established, in such cases, a convenient and well understood train of proceeding. It is the right and duty of the foreign missionary to urge his own constructions, to support them with reasons which may convince, and in terms of decency and respect which may reconcile, the government of the country to a concurrence. It is the duty of that government to listen to his reasonings with attention and candor, and to yield to them when just. But if it shall still appear to them that reason and right are on their side, it follows of necessity, that, exercising the sovereign powers of the country, they have a right to proceed on their own constructions and conclusions as to whatever is to be done within their limits. The minister then refers the case to his own government, asks new instructions, and in the mean time acquiesces in the authority of the country. His government examines his constructions, abandons them, if wrong, insists on them, if right, and the case then becomes a matter of negotiation between the two nations. Mr. Genet, however, assumes a new and a bolder line of conduct. After deciding for himself ultimately, and without respect to the authority of the country, he proceeds to do, what even his sovereign could not authorize; to put himself, within the country, on a line with its government, and as co-sovereign of the territory, arms vessels, levies men, gives commissions of

war, independently of them, and in direct opposition to their orders and efforts: When the government forbids their citizens to arm and engage in the war, he undertakes to arm and engage them. When they forbid vessels to be fitted in their ports for cruising on nations with whom they are at peace, he commissions them to fit and cruise. When they forbid an unceded jurisdiction to be exercised within their territory by foreign agents, he undertakes to uphold that exercise, and to avow it openly. The privateers Citizen Genet and Sans Culottes, having been fitted out at Charleston (though without permission of the government, yet before it was forbidden) the President only required they might leave our ports, and did not interfere with their prizes. Instead, however of their quitting our ports, the Sans Culottes remains still, strengthening and equipping herself, and the Citizen Genet went out only to cruise on our coast, and to brave the authority of the country by returning into port again with her prizes. Though in the letter of June 5th, the final determination of the President was communicated, that no future armaments in our ports should be permitted, the *Vainqueur de la Bataille*, was afterwards equipped and commissioned in Charleston, the *Anti-George*, in Savannah, the *Caramagnole*, in Delaware, a schooner, and a sloop, in Boston, and the *Polly* or *Republican* was attempted to be equipped in New-York, and was the subject of reclamation by Mr. Genet, in a style which certainly did not look like relinquishing the practice. The *Little Sarah* or *Little Democrat* was armed, equipped and manned, in the port of Philadelphia, under the very eye of the government, and as if meant to insult it. Having fallen down the river, and being evidently on the point of departure for a cruise, Mr. Genet was desired, in my letter of July 12th, on the part of the President, to detain her till some inquiry and determination on the case should be had. Yet within three or four days after, she was sent out by orders from Mr. Genet himself, and is at this time cruising on our coasts, as appears by the protest of the master of one of our vessels mal-treated by her.

The government thus insulted and set at defiance by Mr. Genet, committed in its duties and engagements to others, determined still to see in these proceedings but the character of the individual; and not to believe, and it does not believe, that they are by instructions from his employers. They had assured the British Minister here that the vessels already armed in their ports should be obliged to leave them, and that no more should be armed in them. Yet more had been armed, and those before armed, had either not gone away, or gone only to return with new prizes. They now informed him that the order for departure should be enforced, and the prizes made contrary to it should be restored or compensated. The same thing was notified to Mr. Genet in my letter of August 7th; and, that he might not conclude the promise of compensation to be of no concern to him, and go on in his courses, he was reminded that it would be a fair article of account against his nation.

Mr. Genet, not content with using our force, whether we will or not, in the military line, against nations with whom we are at peace, undertakes also to direct the civil government; and particularly for the executive and legislative bodies, to pronounce what powers may, or may not be exercised by the one or the other. Thus in his letter of June 8th, he promises to respect the political opinions of the President, *till the Representatives shall have confirmed or rejected them*, as if the President had undertaken to decide what belonged to the decision of Congress. In his letter of June 14th, he says more openly that the President ought not to have taken on himself to decide on the subject of the letter, but that it was of importance enough to have consulted Congress thereon; and in that of June 22d, he tells the President, in direct terms, that Congress ought already to have been occupied on certain questions which he had been too hasty in deciding: Thus making himself, and not the President, the judge of the powers assign-

ed by the constitution to the executive, and dictating to him the occasion when he should exercise the power of convening Congress, at an earlier day than their own act had prescribed.

On the following expressions no commentary shall be made.

July 9. 'Les principes philosophiques proclamés par le Président.'*

June 22. 'Les opinions privées ou publiques de M. le Président, et cette égide ne paroissant pas suffisante.'†

June 22. 'Le gouvernement fédéral s'est empressé, poussé par je ne sais quelle influence.'‡

June 22. 'Je ne puis attribuer des démarches de cette nature qu'à des impressions étrangères dont le temps et le vérité triompheront.'||

June 25. 'On pourrroit avec acharnement, en vertu des instructions de M. le Président, les armateurs Français.'§

June 14. 'Ce refus tend à accomplir le système infernal du roi d'Angleterre, et des autres rois ses accomplices, pour faire périr par la famine les républicains Français avec la liberté.'¶

June 8. 'La lâche abandon de ses amis.'**

July 25. En vain le désir de conserver la paix fait-il sacrifier les intérêts de la France à cet intérêt du moment; en vain le soit des richesses l'emporte-t-elle sur l'honneur dans la balance politique de l'Amérique, tous ces managemens, toute cette condescendance, toute cette humilité n'aboutissent à rien; nos ennemis en rient, et les Français trop confiants sont punis pour avoir cru que la nation Américaine, avoit un pavillon, qu'elle avoit quelque egard pour ses loix, quelque conviction de ses forces, et qu'elle tenoit au sentiment de sa dignité. Il ne m'est pas possible de peindre toute ma sensibilité sur ce scandale qui tend à la diminution de votre commerce, à l'oppression du nôtre, et à l'abaissément, à l'avalissement des républicains.—Si nos concitoyens ont été trompés, si vous n'êtes point en état de soutenir la souveraineté de votre peuple, parlez; nous l'avons garantie quand nous étions esclaves, nous saurons la rendre redoutable étant devenus libres.'††

TRANSLATIONS OF THE FRENCH PASSAGES.

* 'The philosophical principles proclaimed by the President.'

† 'The opinions private or public of the President, and this Egis not appearing to you sufficient.'

‡ 'The federal government has been eager, urged by I know not what influence.'

|| 'I cannot ascribe measures of this nature, but to extraneous impressions, over which time and truth will triumph.'

§ 'They pursue with rage the French privateers by the orders of the President.'

¶ 'This refusal tends to accomplish the infernal system of the King of England and of the other Kings, his accomplices, to destroy by famine French freemen and freedom.'

** 'The cowardly abandonment of their friends.'

†† 'In vain we desire to preserve peace leads you to sacrifice the interests of France to this interest of the moment; in vain the thirst of riches preponderates against honor in the political balance of America; all this management, all these condescensions, all this humiliation, end in nothing. Our enemies laugh at it, and the French, too confident, are punished for having believed that the American nation had a flag; that it had some respect for its laws; some conviction of its force; and that it had some sentiment of its dignity. It is not possible for me to paint to you all my sensibility at this scandal, which tends to the diminution of your commerce, to the oppression of ours, and to the debasement and vilification of republics.'

'If our fellow-citizens have been deceived, if you are not in a condition to maintain the sovereignty of your people, speak: we have guaranteed it when we were slaves, we know how to render it respectable being become free.'

We draw a veil over the sensations which these expressions excite. No words can render them; but they will not escape the sensibility of a friendly and magnanimous nation, who will do us justice. We see in them neither the portrait of ourselves, nor the pencil of our friends; but an attempt to embroil both; to add still another nation to the enemies of his country, and to draw on both a reproach, which it is hoped will never stain the history of either. The written proofs, of which Mr. Genet was himself the bearer, were too unequivocal to leave a doubt that the French nation are constant in their friendship to us. The resolves of their National Convention, the letters of their Executive Council attest this truth in terms which render it necessary to seek, in some other hypothesis, the solution of Mr. Genet's machinations against our peace and friendship.

Conscious, on our part, of the same friendly and sincere dispositions, we can with truth affirm, both for our nation and government, that we have never omitted a reasonable occasion of manifesting them. For I will not consider as of that character opportunities of falling forth from our ports to way-lay, rob, and murder defenceless merchants and others, who have done us no injury, and who were coming to trade with us in the confidence of our peace and amity. The violation of all the laws of order and morality which bind mankind together, would be an unacceptable offering to a just nation. Recurring then only to recent things, after to afflicting a libel, we recollect with satisfaction that in the course of two years, by unceasing exertions, we paid up seven years arrearages and instalments of our debt to France, which the inefficacy of our first form of government had suffered to be accumulating; that pressing on still to the entire fulfilment of our engagements, we have facilitated to Mr. Genet the effect of the instalments of the present year, to enable him to send relief to his fellow-citizens in France, threatened with famine; that in the first moment of the insurrection, which threatened the colony of St. Domingo, we stepped forward to their relief with arms and money, taking freely on ourselves the risk of an unauthorized aid, when delay would have been denial; that we have received, according to our best abilities, the wretched fugitives from the catastrophe of the principal town of that colony, who, escaping from the swords and flames of civil war, threw themselves on us naked and houseless, without food or friends, money or other means, their faculties lost and absorbed in the depth of their distresses; that the exclusive admission to sell here the prizes made by France on her enemies, in the present war, though unstipulated in our treaties, and unfounded in her own practice, or in that of other nations, as we believe; the spirit manifested by the late grand jury in their proceedings against those who had aided the enemies of France with arms and implements of war; the expression of attachment to his nation, with which Mr. Genet was welcomed, on his arrival and journey from south to north, and our long forbearance under his gross usurpations and outrages of the laws and authority of our country, do not bespeak the partialities intimated in his letters. And for these things he rewards us by endeavours to excite discord and distrust, between our citizens and those whom they have entrusted with their government; between the different branches of our government; between our nation and his. But none of these things, we hope, will be found in his power. That friendship which dictates to us to bear with his conduct yet awhile, lest the interest of his nation here should suffer injury, will hasten them to replace an agent whose dispositions are such a misrepresentation of theirs, and whose continuance here is inconsistent with order, peace, respect, and that friendly correspondence which we hope will ever subsist between the two nations. His government will see too that the case is pressing. That it is impossible for two sovereign and independent authorities to be going on within our territory, at the same time, without collision. They will foresee that if Mr. Genet perseveres in his proceedings, the consequences would be so hazardous to us, the example so humiliating and pernicious, that we may be forced even to suspend his

functions before a successor can arrive to continue them. If our citizens have not already been shedding each others blood, it is not owing to the moderation of Mr. Genet, but to the forbearance of the government. It is well known that if the authority of the laws had been resorted to, to stop the Little Democrat, its officers and agents were to have been resisted by the crew of the vessel, consisting partly of American citizens. Such events are too serious, too possible, to be left to hazard, or to what is worse than hazard, the will of an agent whose designs are so mysterious. Lay the case then immediately before his government; accompany it with assurances, which cannot be stronger than true, that our friendship for the nation is constant and unabating; that, faithful to our treaties, we have fulfilled them in every point to the best of our understanding; that if in any thing, however, we have construed them amiss, we are ready to enter into candid explanations, and to do whatever we can be convinced is right; that in opposing the extravagancies of an agent, whose character they seem not sufficiently to have known, we have been urged by motives of duty to ourselves, and justice to others, which cannot but be approved by those who are just themselves; and, finally, that, after independence and self-government, there is nothing we more sincerely wish than perpetual friendship with them.

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

Dear Sir, &c.

(Signed)

TH: JEFFERSON.

Note, A copy of the preceding letter was sent enclosed by the Secretary of State, to Mr. Genet.

PHILADELPHIA, August 23d, 1793.

Mr. Jefferson Secretary of State, to Mr. Morris Minister Plenipotentiary from the United States to France.

DEAR SIR,

THE letter of the 16th instant, with its documents accompanying this, will sufficiently inform you of the transactions, which have taken place between Mr. Genet, the Minister of France, and the government here, and of the painful necessity they have brought on, of desiring his recall. The letter has been prepared, in the view of being itself, with its documents, laid before the executive of the French government. You will, therefore, be pleased to lay it before them, doing every thing which can be done on your part, to procure it a friendly and dispassionate reception and consideration. The President would indeed think it greatly unfortunate, were they to take it in any other light; and, therefore, charges you very particularly, with the care of presenting this proceeding in the most soothing view, and as the result of an unavoidable necessity on his part.

Mr. Genet, soon after his arrival, communicated the decree of the National Convention of February 15th, 1793, authorising their executive to propose a treaty with us, on liberal principles, such as might strengthen the bonds of good-will, which unite the two nations; and informed us in a letter of May 23d, that he was authorised to treat accordingly. The Senate being then in recess, and not to meet again till the fall, I apprised Mr. Genet that the participation in matters of treaty, given by the constitution to that branch of our government, would, of course, delay any definitive answer to his friendly proposition. As he was sensible of this circumstance, the matter has been understood to lie over, till the meeting of senate. You will be pleased, therefore, to explain to the executive of France, this delay, which has prevented as yet, our formal accession to their proposition to treat; to assure them, that the President will meet them, with the most friendly dispositions on the grounds of treaty proposed by the National Convention, as soon as he can do it in the forms of

the constitution, and you will, of course, suggest for this purpose, that the powers of Mr. Genet be renewed to his successor.

Since my last, which was of the 13th of June, your Nos. 25, 26, 27 of March 26th, April 4th and 5th have been received. The public papers sent herewith, will give you the current news of the country.

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

Dear Sir,

Your most obedient and most humble servant,

T. H. JEFFERSON.

NEW-YORK, September 18th, 1793.

2d year of the French Republic, *one and indivisible,*

Citizen Genet, Minister Plenipotentiary, of the French Republic with the United States, to Mr. Jefferson, Secretary of State of the United States.

SIR,

PERSUADED that the sovereignty of the United States resides essentially in the people, and its representation in the Congress; persuaded that the executive power is the only one which has been confided to the President of the United States;—persuaded that this magistrate has not the right to decide questions, the discussion of which, the constitution reserves particularly to the Congress;—persuaded that he has not the power, to bend existing treaties to circumstances, and to change their sense;—persuaded that the league formed by all the tyrants, to annihilate republican principles, founded on the rights of man, will be the object of the most serious deliberations of Congress, I had deferred, in the sole view of maintaining good harmony, between the free people of America and France, communicating to my government, before the epoch at which the representatives of the people were to assemble, the original correspondence which has taken place, in writing, between you and myself, on the political rights of France in particular;—on the interests of general liberty; and on the acts, proclamations, and decisions of the President of the United States, relative to objects which require, from their nature, the sanction of the legislative body: however, informed that the gentlemen who have been painted to me so often, as aristocrats, partisans of monarchy, partisans of England, of her constitution, and consequently enemies of the principles which all good Frenchmen have embraced, with a religious enthusiasm;—alarmed at the popularity which was reflected on the Minister of France, by the affection of the American people for the French Republic, and for the glorious cause which it defends; equally alarmed at my unshaken and incorruptible attachment to the severe maxims of democracy, were labouring to ruin me in my country, after having re-united all the efforts to calumniate me in the view of their fellow-citizens, I was going to begin to collect these afflicting materials, and I was taking measures to transmit them to France with my reports, when the denunciation which these same men have excited the President to exhibit against me, through Mr. Morris, came to my hands. Strong in the principles which have directed my conduct, sheltered from every well-founded reproach, I expected, nevertheless, to have found in it some serious allegations; but what has been my astonishment on finding, that the American people were more outraged in it than myself, that it was supposed that I exercised over them a *sovereign* influence, that it was pretended that I was making them take a part in the war of liberty, for the defence of their brethren, of their allies, against the intention of their government; that judgments favourable to our interests, rendered in the midst of the acclamations of the citizens of Philadelphia, by juries and by independant tribunals, have not been the expression of a severe justice; in short, that I was a power within another power. Such strange accusations, proving only that the American people loves and supports our principles and our cause, in spite of its numerous enemies; and that the

power which they do me the honor to attribute to me, is only that of gratitude struggling against ingratitude, of truth combating error. I will send no other justification of my conduct. I will join only in support of the opinions which I meant to profess, some writings which have been published here, such as those of *Veritas* and of *Helvidius*, &c. As to the personal outrages, as to the doubts which you insinuate on my devotion to the union of the people, I have reason to believe they will not make a great impression, when the answers shall be recurred to, which I made to the numerous addresses which your fellow-citizens deigned to present me: when it shall be recollected that placed at the age of 12 years in the bureau of foreign affairs, it was I who had the advantage of contributing to penetrate the French with the spirit of 1776 and 1777, by translating into our tongue, under the direction of my father, then head of the bureau, the greater part of your laws and of the writings of your politicians; that since that epoch, always faithful to the cause of liberty, I have rendered to the Americans, in the different employments I have had, all the services which depended on me; and that, in fine, charged to represent the French people, with the first people who have proclaimed the rights of man, knowing how far our ancient government had put libercide shackles on the commerce and on the intimacy of our two nations, I have neglected nothing to obtain, on the one hand, the liberal basis on which the new bands which the French people desire to contract with the United States, were to be negotiated, in order that on the other, the Federal Government might be sensible how urgent it was to occupy themselves promptly on the conclusion of this true family compact, which was forever to unite the political and commercial interests of two people equally objects of the hatred of all tyrants; besides, Sir, whatever may be the result of the achievement of which you have rendered yourself the generous instrument, after having made me believe that you were my friend, after having initiated me into mysteries which have inflamed my hatred against all those who aspire to an absolute power, there is an act of justice, which the American people, which the French people, which all free people are interested to reclaim; that is, that there be made a particular inquiry, in the next Congress, of the motives on which the head of the executive power of the United States, has taken on himself to demand the recall of a public minister, whom the sovereign people of the United States had received fraternally and recognized, before the diplomatic forms had been fulfilled with respect to him, at Philadelphia.

It is in the name of the French people, that I am sent to their brethren—to free and sovereign men: it is then for the representatives of the American people, and not for a single man, to exhibit against me an act of accusation, if I have merited it. A despot may singly permit himself to demand from another despot the recall of his representative, and to order his expulsion in case of refusal. This is what the Empress of Russia did with respect to myself, from Louis XVI. But in a free state it cannot be so, unless order be entirely subverted; unless the people in a moment of blindness, chuses to rivet their fetters, in making to a single individual, the abandonment of their most precious rights. I pray you, then, Sir, to place under the eyes of the President of the United States, the demand which I make in the name of equity, to lay before Congress for their discussion at the epoch when they shall be assembled by the law, if the great events which occupy the Universe, do not appear yet sufficient to hasten their convocation,—1st. All the questions relative to the political rights of France, and the United States.—2d. The different cases resulting from our state of war with the powers of whole acts of aggression I have informed you—3d. The heads of accusation which the Minister of the United States with the French Republic, is charged to exhibit against me, and against the consuls whose character is compromised and outraged, in the most scandalous manner, for having obeyed superior orders, which it was neither in their power nor in mine to re-

voke. In this expectation, Sir, I do not consider the dignity of the French nation as compromised by the extraordinary position in which I find myself; as well as the consuls, and I have to complain only of the forms you have employed.

The executive council of the French Republic had also complaints of a very different nature from those alleged against me, to exhibit against Mr. Morris; your Ambassador at Paris: but penetrated with a just sentiment of respect for the sovereignty of the American people, it recommended to me only to make confidential observations to you on the necessity of recalling this Minister plenipotentiary, accused by the public voice of facts established, but not by the representatives of the people after a regular enquiry, of having favored as much as he could, the counter revolutionary projects of Louis XVI, of communicating to him memoirs, in which he advised him not to accept the constitution; of having had no connections but with suspected persons; of having affected the greatest contempt for all those who served faithfully the cause of the people; of having been the channel of the councils which conducted La Fayette into the prisons of Prussia; of having abused the respect of the French people for the envoy of the American people, to facilitate more surely the correspondence and the conspiracies of all its enemies; of having shewn nothing but ill humour in his relations with the ministers of the French republic; of having affected in writing to them, to employ, in speaking of the executive of the United States, only the words "in the name of my court," so shocking to republican ears; of having demanded a passport the 10th August, 1792, to go into England with the Ambassador of George III; and of having said publicly, with a confidence which the present event justifies, that if the embassy of the republic should be received at Philadelphia, its existence and that of the republican consuls in America, would not be of long duration there.

I have already mentioned to you, Sir, some of these imputations; but, as I have already told you, out of respect for the sovereignty of the United States, I thought I should leave to their wisdom, the care of taking measures, the most suitable to reconcile their dignity with what their prudence might require.

Not doubting, Sir, that the justice which I require will be done me, as well as my co-operators, I ought to inform you, that I am about to have printed all my correspondence with you, all my instructions, and all those of the consuls, in order that the American people, whose esteem is dearer to me than life, may judge if I have been worthy or not of the fraternal reception which it deigned to give me; if in all my official papers I have not expressed my respect for that virtuous nation and my confidence in the purity of their sentiments; if I have insisted on a single principle, which has not been supported since, by decisions of the juries or tribunals of the country; if in acting and in expressing myself with the frankness and the energy of a republican, I have attacked the constitution; if I have refused respect to a single law: in fine, if, in reclaiming with all the firmness which was prescribed to me, the faithful execution of our treaties, I have not endeavored to encourage the federal government to employ the only means, worthy of a great people, to preserve peace and to enjoy the advantages of neutrality—an useful object, not to be obtained by timid and uncertain measures, by premature proclamations, which seem extorted by fear, by a partial impartiality, which sours your friends without satisfying your enemies, but by an attitude firm and pronounced, which apprises all the powers that the very legitimate desire of enjoying the sweets of peace, has not made you forget what is due to justice, to gratitude, and that without ceasing to be neutral, you may fulfil public engagements, contracted with your friends, in a moment when you were yourselves in danger.

I will answer more in detail, Sir, at a proper time, to your violent diatribe; but it contains one fact on which I must now give you explanations. You are made to reproach me with having indiscreetly given to my official proceedings;

a tone of colour, which has induced a belief, that they did not know, in France, either my character or my manners. I will tell you the reason, Sir: it is that a pure and warm blood runs with rapidity in my veins; that I love passionately my country; that I adore the cause of liberty; that I am always ready to sacrifice my life to it; that to me, it appears inconceivable, that all the enemies of tyranny, that all virtuous men, do not march with us to the combat; and that when I find, an injustice is done to my fellow citizens, that their interests are not espoused with the zeal which they merit, no considerations in the world, would hinder either my pen or my tongue from tracing, from expressing my pain. I will tell you then without ceremony, that I have been extremely wounded, Sir, 1st, that the President of the United States was in a hurry, before knowing what I had to transmit to him, on the part of the French Republic, to proclaim sentiments, on which decency and friendship should at least have drawn a veil. 2d. That he did not speak to me at my first audience, but of the friendship of the United States towards France, without saying a word to me; without announcing a single sentiment on our revolution; while all the towns from Charleston to Philadelphia, had made the air resound with their most ardent wishes for the French Republic. 3. That he had received and admitted to a private audience, before my arrival, Noailles and Talon, known agents of the French counter-revolutionists, who have since had intimate relations with two members of the federal government. 4th. That this first magistrate of a free people, decorated his parlour with certain medallions of Capet and his family, which served at Paris as signals of rallying. 5th. That the first complaints which were made to my predecessor on the armaments and prizes which took place at Charleston on my arrival, were in fact but a paraphrase of the notes of the English Minister. 6th. That the Secretary of War, to whom I communicated the wish of our governments of the Windward Islands, to receive promptly, some fire-arms and some cannon, which might put into a state of defence, possessions guaranteed by the United States, had the front to answer me with an ironical carelessness, that the principles established by the President, did not permit him to lend us so much as a pistol. 7th. That the Secretary of the Treasury, with whom I had a conversation on the proposition which I had made to convert almost the whole American debt, by means of an operation of finance authorized by law, into flour, rice, grain, salted provisions, and other objects of which France had the most pressing need, added to the refusal which he had already made officially of favoring this arrangement, the positive declaration, that even if it were practicable, the United States could not consent to it, because England would not fail to consider this extraordinary reimbursement furnished to a nation with which she is at war, as an act of hostility. 8th. That by instructions from the President of the United States, the American citizens who ranged themselves under the banners of France, have been prosecuted and arrested; a crime against liberty unheard of, of which a virtuous and popular jury avenged with eclat the defenders of the best of causes. 9th. That incompetent tribunals were suffered to take cognizance of facts relative to prizes which treaties interdict them expressly from doing; that on the acknowledgment of their incompetence, this property, acquired by the right of war, was taken from us, that it was thought ill of, that our consuls protested against these arbitrary acts, and that as a reward for his devotion to his duty, the one at Boston was imprisoned as a malefactor. 10th. That the President of the United States, took on himself to give to our treaties arbitrary interpretations, absolutely contrary to their true sense, and that by a series of decisions which they would have us receive as laws, he left no other indemnification to France, for the blood she spilt, for the treasure she dissipated in fighting for the independence of the United States, but the illusory advantage of bringing into their ports the prizes made on their enemies, without being able to sell them. 11th. That no answer is yet given to the notification of the decree of the National

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Convention for opening our ports in the two worlds to the American citizens, and granting the same favors to them, as to the French citizens; advantages which will cease if there be a continuance to treat us with the same injustice. 12th. That he has deferred in spite of my respectful insinuations, to convolve Congress, immediately, in order to take the true sentiments of the people, to fix the political system of the United States, and to decide whether they will break, suspend or tighten their bands with France; an honest measure which would have avoided to the federal government much contradiction and subterfuge, to the much pain and disgust, to the local governments, embarrassments, so much the greater, as they found themselves placed between treaties, which are laws and decisions of the federal government, which are not: in fine, to the tribunals, duties so much the more painful to fulfill, as they have been often under the necessity of giving judgments contrary to the intentions of the government.

It results from all these facts, sir, that I could not but be profoundly affected with the conduct of the Federal Government towards my country, a conduct so contrary to what the will of their sovereign, to what the proceedings of mine gave me reason to expect: and that if I have shewn firmness, it is because it was indispensable that my resistance should be equal to the oppression, to the injustice, which were in opposition to the interests confided to me; it is, that it was not in my character to speak as many people do, in one way, and act in another; to have an official language, and a language confidential. I have done strictly my duty; I have defended my ground, and I will suffer no precedent against any of the rights of the French people while there remains to me a breath of life; while our two republics shall not have changed the basis of their political and commercial relations, while they shall not have persuaded the American people that it is more advantageous for them to become insensibly the slaves of England, the passive tributaries of their commerce, the sport of their politics, than to remain the allies of the only power who may be interested to defend their sovereignty and their independence; to open to them their colonies, and to their riches these markets which double their value. If it be to this that tend all the machinations set in motion against the French republicans, and against their friends in the United States; if it be to attain this more conveniently, that they wish to have here, instead of a democratic ambassador, a minister of the ancient regimen, very complaisant, very mild, well disposed to pay his court to people in place, to conform himself blindly to whatsoever may flatter their views and their projects, and to prefer above all to the modest and sure society of good farmers, plain citizens, honest artisans, that of distinguished personages, who speculate so patriotically on the public funds, on the lands and paper of the state, I know not if the French republic can find for you at this day, such a man in their bosom; but in all events, sir, I can assure you, that I will press very strongly, its government, to *sacrifice me without hesitation*, if this injustice offers the least utility.

Accept my respects,

G E N E T.

NOTE. This letter was one among several others which were received at the Secretary of state's office in Philadelphia, there formed into a packet, Sept. 30, addressed to him, and forwarded by post to Virginia. By some accident of the post, they did not get on to him in Virginia, were returned to Philadelphia, and there received by him only the 2d day of December.

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PHILADELPHIA, September 5th, 1793.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great-Britain.

SIR,

I AM honored with your's of August 30th: mine of the 7th of that month assured you, that measures were taking for excluding from all further asylum in our ports, vessels armed in them, to cruise on nations with which we are at peace, and for the restoration of the prizes, the *Lovely Lass*, *Prince William Henry*, and the *Jane* of Dublin, and that should the measures for restitution fail in their effect, the President considered it as incumbent on the United States, to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, by all the means in our power, to protect and defend their vessels and effects in our ports or waters, or on the seas near our shores, and to recover, and restore the same to the right owners, when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Though we have no similar treaty with Great-Britain, it was the opinion of the President, that we should use towards that nation, the same rule, which, under this article, was to govern us with the other nations, and even to extend it to the captures made on the high seas, and brought into our ports, if done by vessels, which had been armed within them.

Having, for particular reasons, forbore to use all the means in our power, for the restitution of the three vessels mentioned in my letter of August 7th, the President thought it incumbent on the United States, to make compensation for them: and though nothing was said in that letter, of other vessels taken under like circumstances, and brought in after the 5th June, and before the date of that letter, yet, where the same forbearance had taken place, it was, and is his opinion, that compensation would be equally due.

As to prizes made under the same circumstances, and brought in after the date of that letter, the President determined, that all the means in our power should be used for their restitution. If these fail, as we should not be bound by our treaties, to make compensation to the other powers, in the analogous case, he did not mean to give an opinion, that it ought to be done to Great-Britain. But still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the President would think compensation equally incumbent on the United States.

Instructions are given to the governors of the different states, to use all the means in their power, for restoring prizes of this last description, found within their ports. Though they will, of course, take measures to be informed of them, and the general government has given them the aid of the custom-house officers, for this purpose, yet you will be sensible of the importance of multiplying the channels of their information, as far as shall depend on yourself, or any persons under your direction, in order that the governors may use the means in their power, for making restitution. Without knowledge of the capture, they cannot restore it. It will always be best to give the notice to them directly; but any information, which you shall be pleased to send to me also, at any time, shall be forwarded to them, as quickly as distance will permit.

Hence you will perceive, sir, that the President contemplates restitution or compensation, in the cases before the 7th of August, and after that date, restitution, if it can be effected by any means in our power: and that it will be important, that you should substantiate the fact, that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports is, I believe, correct.

With respect to losses by detention, waste, spoliation, sustained by vessels taken as before mentioned, between the dates of June 5th and August 7th, it is proposed, as a provisional measure, that the collector of the customs of the district, and the British consul, or any other person you please, shall appoint persons to establish

the value of the vessel and cargo, at the times of her capture and of her arrival in the port into which she is brought, according to the value in that port.

If this shall be agreeable, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly to the collectors of the customs, where the respective vessels are.

I have the honor to be, &c.

TH: JEFFERSON.

PHILADELPHIA, September 7, 1793.

SIR,

FINDING by the protests of several of the Consuls of France;—by their advertisements in the public papers, and other proceedings, and by other sufficient testimony, that they claim, and are exercising, within the United States, a general admiralty jurisdiction, and in particular, assume to try the validity of prizes, and to give sentence thereon, as judges of admiralty; and moreover, that they are undertaking to give commissions within the United States, and to enlist, or encourage the enlistment of men, natives or inhabitants of these States, to commit hostilities on nations with whom the United States are at peace, in direct opposition to the laws of the land. I have it in charge, from the President of the United States, to give notice to all the consuls and vice-consuls of France, in the United States, as I hereby do to you, that if any of them shall commit any of the acts before mentioned, or assume any jurisdiction not expressly given by the convention between France and the United States, the Exequatur of the consul so transgressing, will be immediately revoked, and his person be submitted to such prosecutions and punishments as the laws may prescribe for the case.

I have the honor to be, &c.

TH: JEFFERSON.

Citizen Francois Dupont, Consul, Philadelphia.

Citizen Moissonier, Vice Consul, Maryland.

Citizen Mangourit, Consul, Charleston.

The citizen Hauterive, Consul from the Republic of France, at New-York.

PHILADELPHIA, September 9th, 1793.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

SIR,

IN my letter of June 25th, on the subject of the ship William, and generally of vessels suggested to be taken within the limits of the protection of the United States, by the armed vessels of your nation, I undertook to assure you, it would be more agreeable to the President, that such vessels should be detained, under the orders of yourself, or the Consuls of France, than by a military guard, until the government of the United States should be able to enquire into and decide on the fact. In two separate letters, of the 29th of the same month, I had the honor to inform you of the chains, lodged with the executive, for the same ship William and the brig Larry;—to enclose you the evidence, on which they were founded, and to desire, that if you found it just, you would order the vessels to be delivered to the owners, or if overweighed, in your judgment, by any contradictory evidence which you might have or acquire, you would do me the favor to communicate that evidence, and that the Consuls of France might retain the vessels in their custody, in the mean time, until the Executive of the United States should consider and decide finally on the subject.

When that mode of proceeding was consented to for your satisfaction, it was by no means imagined it would have occasioned such delays of justice to the individuals interested. The President is still without information, either that the vessels are restored, or that you have any evidence to offer as to the place of capture. I am therefore, Sir, to repeat the request of early information on this subject, in order that if any injury has been done these interested, it may be no longer aggravated by delay.

The intention of the letter of June 27th, having been to permit such vessels to remain in the custody of the Consuls, instead of that of a military guard, (which, in the case of the ship William, appeared to have been disagreeable to you) the indulgence was, of course, to be understood, as going only to cases where the Executive might take or keep possession with a military guard, and not to interfere with the authority of the courts of justice, in any case wherein they should undertake to act. My letter of June 29th, accordingly, in the same case of the ship William, informed you, that no power in this country could take a vessel out of the custody of the courts, and that it was only because they decided not to take cognizance of that case, that it resulted to the Executive to interfere in it.

Consequently this alone put it in their power to leave the vessel in the hands of the Consul. The courts of justice exercise the sovereignty of this country, in judicial matters, are supreme in these, and liable neither to control nor opposition from any other branch of the government. We learn, however, from the enclosed paper, that the Consul of New-York, in the first instance, and yourself in a subsequent one, forbid an officer of justice to serve the process with which he was charged from his court, on the British brig William Tell, taken by a French armed vessel within a mile of our shores, as has been deposed on oath, and brought into New-York, and that you had even given orders to the French Squadron there to protect the vessel against any person who should attempt to take her from their custody. If this opposition were founded, as is there suggested, on the indulgence of the letters before cited, it was extending that to a case not within their purview; and even had it been precisely the case to which they were to be applied, is it possible to imagine you might assert it, within the body of the country, by force of arms?

I forbear to make the observations which such a measure must suggest, and cannot but believe, that a moment's reflection will evince to you the depth of the error committed in this opposition to an officer of justice, and in the means proposed to be resorted to in support of it.

I am therefore charged, to declare to you expressly, that the President expects and requires, that the officer of justice be not obstructed in freely and peaceably serving the process of his court, and that, in the mean time, the vessel and her cargo be not suffered to depart, till the judiciary, if it will undertake it, or himself, if not, shall decide whether the seizure has been made within the limits of our protection.

I have the honor to be, &c.

THOMAS JEFFERSON.

PHILADELPHIA, September 9th, 1793.

Mr. Jefferson, Secretary of State, to Mr. Hammond, Minister Plenipotentiary of Great-Britain.

SIR,

I HAVE the honor to acknowledge the receipt of your two memorials, of the 4th and 6th instant, which have been duly laid before the President of the United States.

You cannot be uninformed of the circumstances which have occasioned the French Squadron, now in New-York, to seek an asylum in the ports of the United States. Driven from those where they were on duty, by the superiority of the adverse party, in the civil war which has so unhappily afflicted the colonies of France, filled with the wretched fugitives from the same scenes of distress and desolation, without water or provisions for the shortest voyage, their vessels scarcely in a condition to keep the sea at all, they were forced to seek the nearest ports in which they could be received and supplied with necessaries. That they have ever been out again to cruise, is a fact we have never heard, and which we believe to be impossible, from the information received of their wants, and other impediments to active service. This case has been noted specially, to shew, that no inconvenience could have been produced to the trade of the other belligerent powers, by the

presence of this fleet in our harbours.—I shall now proceed to more general ground.

France, England, and all other nations, have a right to cruise on our coasts; a right, not derived from our permission, but from the law of nature. To render this more advantageous, France has secured to herself, by treaty with us (as she has alone also, by a treaty with Great-Britain in the event of a war with us or any other nation) two special rights. 1st. Admission for her prizes and privateers into our ports. This, by the XVIIIth and XXth articles, is secured to her exclusively of her enemies, as is done for her in the like case by Great-Britain, were her present war with us, instead of Great-Britain. 2d. Admission for her public vessels of war into our ports, in cases of stress of weather, pirates, enemies, or other urgent necessity, to refresh, victual, repair, &c. This is not exclusive: As we are bound by treaty to receive the public armed vessels of France, we are not bound to exclude those of her enemies, the executive have never denied the same right of asylum, in our ports, to the public armed vessels of your nation. They as well as the French, are free to come into them, in all cases of stress of weather, pirates, enemies, or other urgent necessity, and to refresh, victual, repair, &c. And so many are these urgent necessities, to vessels far from their own ports, that we have thought enquiries into the nature, as well as the degree, of their necessities which differ them higher, as endless as they would be fruitless; and therefore have refused them. And the rather, because there is a third right, secured to neither by treaty, but due to both on the principle of hospitality between friendly nations, of coming into our ports, not under the pressure of urgent necessity, but whenever their comfort or convenience induced them.—On this ground also, the two nations are on a footing.

As it has never been conceived, that either would detain their ships of war in our ports, when they were in a condition for action, we have never considered it necessary to prescribe any limits to the time of their stay. Nor can it be viewed as an injury to either party, to let their enemies lie idle in our ports, from year's end to year's end, if they chuse it. Thus then the public ships of war of both nations enjoy a perfect equality in our ports—1st, in cases of urgent necessity—2d, in cases of comfort or convenience—And 3d, in the time they chuse to continue.—And all a friendly power can ask from another is, to extend to her the same indulgences which she extends to other friendly powers. And though the admission of the prizes and privateers of France, is exclusive, yet it is the effect of treaty made long ago for valuable considerations, not with a view to the present circumstances, nor against any nation in particular, but all in general; and may, therefore, be faithfully observed, without offence to any; and we mean faithfully to observe it. The same exclusive article has been stipulated, as was before observed, by Great-Britain in her treaty with France, and indeed is to be found in the treaties between most nations.

With respect to the usurpation of admiralty jurisdiction by the consuls of France, within these states, the honor and rights of the states themselves, were sufficient motives for the Executive to take measures to prevent its continuance, as soon as they were apprised of it. They have been led, by particular considerations, to await the effect of these measures, believing they would be sufficient; but finding, at length, they were not, such orders have been lately taken, as can no longer fail to suppress this irregularity completely.

The President is daily sensible of the character of the act of opposition made to the service of legal process on the brig William Tell, and he presumes, that the representations made on that subject, to the Minister of France, will have the effect of opening a free access to the officer of justice, when he shall again present himself with the precept of his court.

I have the honor to be, &c.

TH: JEFFERSON.

PHILADELPHIA, September 9th, 1793.

Mr. Jefferson, Secretary of State, to Mr. Van Beyckel, Resident of the United Netherlands.

STR,

I HAVE the honor now to acknowledge the receipt of your memorial of the 5th instant,

You cannot be uninformed of the circumstances which have occasioned the French Squadron, now in New-York, to seek an asylum in the ports of the United States; driven from those where they were on duty, by the superiority of the adverse party in the civil war which has so unhappily afflicted the colonies of France, filled with the wretched fugitives from the same scenes of distress and desolation, without water or provisions for the shortest voyage, their vessels scarcely in a condition to keep the sea at all, they were forced to seek the nearest ports in which they could be received and supplied with necessaries. That they have ever been out again to cruise, is a fact we have never heard, and which we believe to be impossible, from the information received of their wants, and other impediments to active service. This case has been noted specially, to shew that no inconvenience can have been produced to the trade of the other belligerent powers, by the presence of this fleet in our harbours. I shall now proceed to more general ground.

France, Holland, and all other nations, have a right to cruise on our coasts; a right, not derived from our permission, but from the law of nature. To render this more advantageous, France has secured to herself, by treaty with us, two special rights—1st. Admission for her prizes and privateers into our ports. This, by the XVIIth and XXIIIrd articles of our treaty, is secured to her, exclusively of her enemies, and there is a salvo of it in her favour, in our treaty with the United Netherlands.—2d. Admission for her public vessels of war into our ports, in cases of fires of weather, pirates, enemies, or other urgent necessity, to refresh, victual, repair, &c.—This is not exclusive, and is secured also to the United Netherlands, by our treaty with them, and their public armed vessels are accordingly free to come into our ports, in all cases of weather, pirates, enemies, or other urgent necessity, and to refresh, victual, repair, &c. And so many are these urgent necessities, to vessels far from their own ports, that we have thought enquiries into the nature, as well as the degree, of the necessities which drive them hither, as endless as they would be fruitless, and therefore have not made them: And the rather, because there is a third right, secured to neither by treaty, but due to both on the principles of hospitality between friendly nations; that of coming into our ports, not under the pressure of urgent necessity, but whenever their comfort or convenience inclines them. On this ground also, the two nations are on a footing.

As it has never been conceived, that either would detain their ships of war in our ports, when they were in a condition for action, we have never conceived it necessary to prescribe any limits to the time of their stay. Nor can it be viewed as an injury to either party, to let their enemies lie idle in our ports, from year's end to year's end, if they chuse it. Thus then, the public ships of war, of both nations, enjoy a perfect equality in our ports—1st. In cases of urgent necessity—2d. In cases of comfort or convenience—And 3d. in the time they chuse to continue; and all a friendly power can ask of another is, to extend to her the same indulgencies which she extends to other friendly powers. And though the admission of the prizes and privateers of France, is exclusive, yet it is the effect of treaty, made long ago, for valuable considerations, not with a view to present circumstances, nor against any nation in particular, but all in general, and may, therefore, be faithfully observed, without offence to any; and we mean faithfully to observe it. And this has been expressly admitted, as was before observed, in our treaty with the United Netherlands.

With respect to the usurpation of admiralty jurisdiction, by the consuls of France, within these bays, the honor and rights of the states themselves, were sufficient motives for the executive to take measures to prevent its continuance, as soon as they were apprized of it. They have been led, by particular considerations, to

against the effect of these measures, believing they would be sufficient; but finding, at length, they were not, such orders have been lately taken, as can no longer fail to suppress this irregularity completely.

I have the honor to be, &c.

TH: JEFFERSON.

NEW-YORK, 6th September,
2d year of the French Republic.

The Citizen Genet, Minister Plenipotentiary from the Republic of France to the United States, to Mr. Jefferson, Secretary of State of the United States.

SIR,

I HAVE just discovered the most horrible conspiracy which has been formed against the arms of the French Republic: I have just discovered the whole clue and all the proofs of the infernal plot, which for these two months detained the French squadron in your ports, in a state of nullity;—of that plot which threatened, not only the safety of our vessels, but also that of our colonial possessions. The traitors Galbaud and Tanguy, and several other villains, not satisfied with having caused, at Saint Domingo, the spilling of the blood of an immense number of people;—not satisfied with having there caused the loss of a Milliard to the Republic, concerted here, at Baltimore, and at Philadelphia, the project of bringing our forces to concur with them in the execrable plan meditated by these men, whose crimes have caused them to flee their country, to return to St. Domingo, for the purpose of renewing there the horrors and misfortunes which they have already had committed in that place, I have been informed that the success which the colonists of this place promised to themselves was nothing less than founded, as was that, the execution of which has lately been attempted in the windward islands, upon a proposed alliance with the enemies, now at war with the republic,—the English and the Spaniards.

France, sir, in such circumstances has required in Europe of the neighbouring powers, that they oppose every preparation which may be attempted by the emigrants in their dominions against her safety. She expects from a friendly and allied government, that it will be sufficient to notify them of the plots forming against her in their own territory, in order to obtain from them all proper means to suppress them. I have effected the disarming of the vessel which was in the most alarming state of rebellion; but the instigators of it have fled, and I learn that they are spreading over the continent, where they cannot but be very injurious, as well to the tranquillity of this, as to the interest of their own country.

I therefore request the federal government to take the most speedy and efficacious measures to have them arrested, and thereby prevent them from committing the crimes which they might attempt. The governor and magistracy of New-York have issued warrants against Galbaud, Tanguy, Confidence, and Bonne; but they have each escaped the activity of the persons sent to apprehend them. The traitors fly the punishment reserved for their crimes, and doubtless will employ themselves on new means of executing the plots they have formed against France. I have positive information that they are still within the confines of the United States, and, as the warrants of New-York cannot be served out of the bounds of the state, I particularly request from the federal government against the said Galbaud, Tanguy, Confidence and Bonne, of whom I subjoin a description, orders of arrest which shall extend throughout the continent of the United States. I also request that the most strict and steady attention may be had relative to the plots I have mentioned.

May this signal act, leaving no doubt as to the sincerity of the wishes of the government of the United States, for the success of the French Republic, cause all the traitors to tremble, whom my esteem for your country has led me perhaps too much to despise, and who avail themselves of the access which the kindness

and hospitality of your nation offer them, to conspire within its very bosom, and in the circle of its most elevated personages, against France and the general freedom of nations.

G E N E T.

PHILADELPHIA, September 12, 1793.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister plenipotentiary of France.

I HAVE the honor of your letter of the 6th instant, and can assure you with real truth, of the readiness and zeal with which the executive will concur, in preventing within the limits of the United States, any preparation of hostilities against France or her colonies, as far as this can be effected by the extension of that portion of the public power, with which they are invested by the laws. Your letter requests the arrest and delivery of Tanguy, Galbaud, Confidence and Bonne, escaped from the ship Jupiter, and from the punishment of crimes committed against the republic of France, and also that necessary measures be taken, to prevent the carrying into execution, certain plots formed by them and others against their country. These two requisitions stand on different ground. The laws of this country take no notice of crimes committed out of their jurisdiction. The most atrocious offender coming within their pale, is received by them as an innocent man, and they have authorized no one to seize or deliver him. The evil of protecting malefactors of every dye, is sensibly felt here, as in other countries; but until a reformation of the criminal codes of most nations, to deliver fugitives from them, would be to become their accomplices: the former therefore is viewed as the lesser evil. When the consular convention with France was under consideration, this subject was attended to: but we could agree to go no further than is done in the IXth article of that instrument, where we agree mutually to deliver up "captains, officers, mariners, sailors, and all other persons being part of the crews of vessels." &c. unless therefore the persons before named, be part of the crew of some vessel of the French nation, no person in this country is authorized to deliver them up, but on the contrary they are under the protection of the laws. If they are part of the crew of a vessel they are to be delivered up, but then it happens that the district judge of each state, is by the law of Congress, made the competent person to execute this article of the convention, and consequently each within his own state, and no one over all the states, so that as criminals they cannot be given up, and if they be of a crew of a vessel, the act of Congress has not given authority to any one officer to send his process through all the states of the Union. The other branch of your request is more completely provided for by the laws, which authorize coercions as to expeditions formed in the territory of the United States against nations with whom they are at peace. If therefore you will be pleased to give me such information as to persons and places as may indicate to what points the vigilance of the officers is to be directed, proper measures will be immediately taken for preventing every attempt to make any hostile expedition from these states against any of the dominions of France, the stronger the proofs you can produce and the more pointed as to persons, the stronger will be the means of coercion which the laws will allow to be used.

I have not yet laid this matter before the President, who is absent from the seat of government, but to save delay which might be injurious, I have taken the liberty as the case is plain, to give you this *provisory* answer: I shall immediately communicate it to the President, and if he shall direct any thing in addition, or alteration, it shall be the subject of another letter. In the mean time I may venture to let this be considered as a ground for your proceeding.

I have the honor to be, &c.

T. JEFFERSON.

PHILADELPHIA, September 12, 1793.

Mr. Jefferson, Secretary of State, to Mr. Hamilton, Secretary of the Treasury.

S I R,

I HAVE the honor to enclose you a paper delivered me by Mr. Bournonville, on the part of the Minister of France, reclaiming against the demand of tonnage on the vessels which came hither from the West-Indies, in their late calamity—It is urged, that they were driven out of their harbours by superior force, and obliged to put to sea without water or stores, and therefore, to make the first ports where they could be relieved; which constitute, in their opinion, those circumstances of distress and necessity, which exempt vessels from the payment of tonnage. This case belongs to your department. I take the liberty, in the absence of the President, and to save time, to transmit it to you directly, for your consideration.

I have the honor to be, &c.

TH: JEFFERSON.

NEW-YORK, 24 September, 1793.

2d year of the Republic of France

Citizen Genet, Minister Plenipotentiary of the Republic of France, to Mr. Jefferson, Secretary of State of the United States.

S I R,

I AM charged to communicate to you the decree rendered by the National Convention, on the 13th of April last, by which they declare, "That the French people shall not intermeddle, in any manner, with the government of other powers, but that they will not suffer any power to intermeddle with the interior administration of the Republic, and pronouncing the penalty of death on whoever shall propose to negotiate or treat with enemy powers, who shall not have solemnly acknowledged the independence and sovereignty of the French Republic."

When the French citizens, by the example of those of America, have thought proper to establish a government founded on the rights of man, it was to be expected, that they would find enemies in all those, ambitious and eager for authority—in all the cabinets in which *Machiavellism* is honored; and when the French people, soured, fatigued with the dark machinations of their enemies, their public attacks—the insults contained in the acts of the despotic courts—of governments tending to monarchy, have thought proper to repel these perfidies, by acts marked with the stamp of loyalty, greatness, philosophy, even at the instant their vile enemies reported that they wished to annihilate all the governments—to destroy all authority—to spread trouble and confusion throughout—as if to oppose a provocation, was not a natural right; as if a great people, victim of the particular hatred of the government of another people, had not the right to retaliate their fears, to enlighten them as to their errors, and to endeavor, by these pleasant and just means, to ward off great misfortunes, even to prevent war. Be this as it may, the National Convention has thought it a duty to assure the friends of humanity, and to shut the mouths of their enemies, to proclaim the intentions of the French people, whose agents will shew, in every circumstance, that they know as well how to respect the laws of other people, as to defend those of the French nation, and to maintain their rights.

Accept my respect,

G E N E T.

MONTICELLO, IN VIRGINIA, Oct. 2, 1793.

Mr. Jefferson Secretary of State, to Mr. Genet, Minister plenipotentiary of France.

S I R,

I WAS honored, yesterday, with your letter of the 14th of September, covering the commission of the Citizen Daunery, to be Consul of the Republic of France, at Boston. I now lay the same, by letter, before the President, to obtain his Exequatur, which will be forwarded to you with the commission. The exequatur

is made exactly commensurate with the commission; but I apprehend, that neither is so with the intentions of the Executive Council, who probably did not mean to confine the functions of Mr. Dannery to the township of Boston. Should this be the case, you will be sensible of the expediency of obtaining for him, as early as possible, a new commission, defining the limits of his office, as extensively as they mean he shall exercise them, to which a new exequatur being adapted, their intentions will be fulfilled.

Satisfied that errors in the address of their commissions, proceed from a want of intimacy with our constitution; no difficulty has been made, on that account, in the case of the present commission. But it is my duty to remark to you, that, by our constitution, all foreign agents are to be addressed to the President of the United States, no other branch of the government being charged with the foreign communications. I have no doubt you will draw the attention of your government to this circumstance of form in future commissions.

I have the honor to be, &c.

TH: JEFFERSON.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA,
TO ALL WHOM IT MAY CONCERN:

THE Citizen Dannery, having produced to me his commission, as Consul for the Republic of France, at Boston, I do hereby recognize him as such, and do declare him free to exercise and enjoy such functions, powers and privileges, as are allowed to Consuls of the French Republic by the laws, treaties and conventions, in that case made and provided.

In Testimony whereof, I have caused these letters to be made patent, and the seal of the United States to be hereunto affixed.

Given under my hand, the _____ day of _____, in the year of our Lord one thousand seven hundred and ninety-three, and the Independence of the United States of America the eighteenth.

By the President,

TH: JEFFERSON.

OCTOBER 3d, 1793.

Mr. Jefferson, Secretary of State, to Mr. Duplaine, Vice Consul of France, at Boston.

SIR,

AUTHENTIC information being received, that, under colour of your office, as vice consul of the Republic of France, you have, with an armed force, opposed the course of the laws of the land, and rescued out of the hands of an officer of justice, a vessel which he had arrested by authority of a precept from his court. The President of the United States has considered it as inconsistent with the authority of the laws, and the respect which it is his office to enforce, to them that you should any longer be permitted to exercise the functions, or enjoy the privileges, of vice consul in these United States; and has therefore thought proper, by the letters patent, of which I enclose you a copy, to revoke the exequatur heretofore granted you, and to make the same public. I have the honor also, to enclose copies of the evidence whereon this measure is founded.

And to be, &c.

TH: JEFFERSON.

UNITED STATES OF AMERICA.

District of }
Massachusetts. }

THE PRESIDENT OF THE UNITED STATES OF AMERICA, &c.
TO THE MARSHAL OF OUR DISTRICT OF MASSACHUSETTS, OR HIS DEPUTY,
GREETING:

WE command you, that you replevy the goods and chattels following, viz.
A certain schooner called the Greyhound, of the burthen of forty tons, or thereabouts, whereof John Henry Hill was late master, together with her boat, rigging, tackle, apparel, and furniture whatsoever, also the cargo of said schooner, now on board the same, consisting of ninety-five thousand mackarel, in bulk, equal to four hundred barrels—The same goods and chattels belonging to Alexander Brymer and Andrew Belcher, of Halifax, in the province of Nova-Scotia, merchants, now taken and detained by Lewis Guillianme Felix Laumoine, of Boston, in said district, at Boston harbour, so called in Boston aforesaid; and them deliver unto the said Brymer and Belcher; provided the same are not taken and detained upon main process, warrant of distress, or upon execution, as the property of the said Brymer and Belcher; and summon the said Lewis, that he appear before our justices of our circuit court, next to be holden at Boston, within and for our district of Massachusetts, on the twelfth day of October next, to answer unto the said Brymer and Belcher, in a plea of replevin, for that the said Lewis, on the twenty-first day of August instant, at said Boston, unlawfully, and without any justifiable cause, took the goods and chattels of the said Brymer and Belcher as aforesaid, and them unlawfully detained to this day, to the damage of the said Brymer and Belcher, as they say, the sum of two thousand dollars: Provided, they the said Brymer and Belcher shall give bond to the said Lewis, with sufficient surety or sureties, in the sum of four thousand dollars, being twice the value of the said goods and chattels, to prosecute the said replevin to final judgment, and to pay such damages and costs as the said Lewis shall recover against him; and also to return and restore the same goods and chattels, in like good order and condition as when taken, in case such shall be the final judgment. And have you there this writ, with your doings herein, together with the bond you shall take. Witness John Jay, Esquire, at Boston, this twenty-first day of August, in the year of our Lord one thousand seven hundred and ninety-three.

A true copy,

N. G O O D A L, Clerk.

Attest,

SAML. BRADFORD, Dy. Maril.

I THOMAS AMORY, jun. deposes:

THAT on the 22d day of August, at the request of C. Gore, Esq. and Gen. Brooks, I went with the latter on board the frigate La Concorde, introduced him to the Capt. and informed Capt. Van Degen, that Gen. Brooks was marshal of this district, and waited on him relative to the schooner which Col. Bradford had attempted to replevin, but interrupted in the service of his precept by an armed force, sent by his order from on board the frigate, that Gen. Brooks wished to converse with him, and the consul on the subject when convenient—soon after the company withdrew, when Gen. Brooks in presence of the captain, consul, justice Cooper and myself, told the captain that Col. Bradford his deputy, had been interrupted in serving a precept on the schooner Greyhound, taken by the privateer, pointing to the vessel under the frigate's stern, by an armed force under his orders, and that he had waited on him to demand a surrender of the vessel to Col. Bradford his deputy marshal: when the captain expressed his dislike to the taking the Americans out of the privateer and prizes the day before, to Col. Bradford, serving the precept—that he received orders from the consul to withhold and protect, that it was his duty and he certainly should protect her—the consul said that any vessel wearing the national flag of the Republic of France, of course was entitled to his protection; when Gen. Brooks put this case, should a French

merchant-man be attached in this port by a citizen of the United States, would you consider it your duty to take that vessel under your protection against the process? The captain answered in the affirmative—the captain afterwards told me that he had written to the Governor, and that if he demanded the prize, he must of course relinquish her, forwarding the Governor's reply with copy of his letter to the minister of France. The consul then appointed to meet at his lodgings in the evening, where I accompanied Gen. Brooks, and after much conversation, the consul said, he did not wish to oppose force to the execution of our laws, that he left the frigate in a great hurry, or he should then have given orders to Capt. Van Dogen to withdraw his men out of the prize, and leave her to the controul of Col. Bradford, and that he would then do it, but should at the same time protest against the business. At that moment Mr. Jutau came into the room, and said a few words to the consul in French, the consul turned about and said he should not relinquish the vessel, when I reminded him of what he had just before promised—he said again, he was sorry for the difficulty. The marshal then said, that a great deal had passed on the subject, and he now wished a categorical answer to his demand—the general wished to know if he was to understand, that he, the consul, refused to allow Col. Bradford to take charge of the vessel, the Consul said he did not, certainly did not, wish to oppose force to the officers of law in this country. Said he wished then to write, and promised to answer, conclusively, in the morning. Friday morning, August 24, 8 o'clock. This morning Gen. Brooks and myself waited on the consul, when informed us, he had concluded to keep possession of the vessel, and Gen. Brooks informed him he should make a representation of the business to the government. I then handed the consul an open letter from C. Gore, Esq. and took leave with Gen. Brooks—a copy of which letter is hereunto annexed.

THOMAS AMORY, jun.

BOSTON September 10th, 1793.

The consul did, in my presence, read part, or the whole, of the letter referred to, and made no reply.

THOMAS AMORY, jun.

Sworn to, September 10th, 1793,

Before J. LOWELL, Judge of the District Court
of Massachusetts District.

BOSTON, 22d August, 1793.

SIR,

I HAVE been informed that the marshal of the district of Massachusetts, yesterday, in obedience to a precept from the Circuit Court of the United States, replevied a vessel in this harbour; that after he had so replevied the vessel, a number of armed men, acting by your order, and under your authority, forcibly took from him the vessel, and now resist the execution of his precept, as Attorney for the United States within the district of Massachusetts. I do demand of you that you remove the force and obstruction which you oppose to the laws of the United States.

I am, Sir,
your obedient servant.

Mr. DUPLAINTZ, Vice-Consul.

*I Rufus Greene Amory, of Boston, in Massachusetts District, of lawful age, testify
and say,*

THAT on the twenty-second day of August last, being informed that the schooner Greyhound, against which I had issued a writ of replevin, in favor of Messrs. Brymer and Belcher, returnable to the next circuit court, in said district, was taken from Col. Bradford, the deputy marshal, by some French people, I went on board the ship of war called the Concord, commanded by Capt. Van Dogen, to enquire if the said schooner was under his custody—the said captain us-

formed me that she was under his protection. I told him that the civil officer, Col. Bradford, as marshal of the district, had gone on board the said schooner to replevy her under process of law. That on the evening before, while the said marshal was on board said schooner, by virtue of his precept, some armed people went on board, and against the will of said marshal, had brought said schooner near his ship, and I asked him, if the same was done by his authority—the said Capt. Van Dogen told me, that some person had complained to him of an attempt to carry the said schooner away from her anchorage in the night time, and that to prevent the same, he had ordered some of his people on board her, and had directed her to be brought nearer to his ship—where she then was—I asked him if he would deliver the schooner to the marshal, and he said that he should not without orders from the consul of France. I asked him if the said schooner was in his custody before the marshal had entered on board her—he said that he had none of his people on board—but she came into harbour under French colours as a prize, and that the captain of her had asked his leave for anchorage where she had come to, and, as being under a French commission in public service, he had considered the said vessel under his protection.

RUFUS G. AMORY.

September 10th, Sworn to, before

J. LOWELL, Judge of the
District Court of Massachusetts District.

I the said Rufus Greene Amory, further testify, that said Capt. Van Dogen told me, that he had complained to the Governor concerning the attempt to carry away the said schooner in the night time, without his leave.

RUFUS G. AMORY.

I John Brooks, Marshal of the District of Massachusetts, do testify and say,

THAT on the twenty-second day of August last, being in Boston, and finding that Col. Samuel Bradford, deputy marshal for said district, in serving a writ of replevy upon the schooner Greyhound, had been opposed by an armed force, acting under the orders of Capt. Van Dogen, commander of the French frigate "La Concord," I went on board said frigate, to demand of the captain the restoration of the said schooner. Upon my opening to Capt. Van Dogen the object of my visit, (which was done in the presence of Mr. Duplaine, the French consul, Mr. Justice Cooper and Mr. Thomas Amory,) he discovered considerable warmth and displeasure at some Americans having been taken from on board a French vessel, as well as at the attempt of Col. Bradford to possess himself of a vessel bearing the colours of France, while under the protection of a ship of force belonging to the French Republic. As my object was to demand of Capt. Van Dogen, restoration of the schooner aforesaid, and to obtain from him a categorical answer, I avoided as much as possible the discussion of any subject irrelevant thereto; and at length obtained from him a declaration, that as he had received his orders from the French consul, for doing what he had done, and as it was his duty to obey the consul, he could not surrender the schooner. That he was an officer and must obey his orders. Immediately upon Capt. Van Dogen having made the above mentioned declaration, which was done in presence of the French consul, the latter observed to me, that he thought it a pity that any difficulty should arise about the schooner—that he believed, if he and myself were to take our papers, we could settle the whole affair in a few minutes, and proposed that I should meet him on shore in one hour. To this I agreed, and we met accordingly. The result after more than an hour's conversation at this interview, was a proposition for another the next morning at 8 o'clock. At the time aforesaid I again waited on the consul at his lodgings. Upon my entering the house, he informed me, that he had come to a determination about the schooner—that things should remain as they then were—that he should keep possession of the schooner—that I must apply to the Governor, and that if the Governor did not do something about it, he should advertise the schooner in the newspapers, and if in six days no body proved a claim to her, he should condemn her to the captors, or words to that effect.

I further testify, That, in the conversation with Capt. Van Dogen, he informed me, that by the laws of the French Republic, it was the duty of commanders of the ships of the said Republic, when in foreign ports, where there were French consuls, to obey the orders of such consuls—that the consuls were admirals, or had the power of admirals, or words to that effect. Capt. Van Dogen said this in the presence of the French consul.

I further testify, That Mr. Duplaine the French Consul told me, it had been his design to withdraw the armed force from the schooner Greyhound, and intimated to me that he would give an order to have said force withdrawn—in which case, he said, he should protest against the measures then pursuing by the government, meaning the government of the United States, but that he, the said consul, afterwards refused to withdraw said force as above said.

J. BROOKS.

Sworn to, September 10th, 1793, before

JOHN LOWELL, Judge of the
District Court of Massachusetts District.

UNITED STATES DISTRICT of MASSACHUSETTS,
September 10th, 1793.

THEN Thomas Amory, jun. Rufus Greene Amory, Nathaniel Byfield Lyde and John Brooks, Esquire, made oath to the truth of the annexed depositions, by them respectively subscribed, in the presence of Antoine Charbonnet Duplaine, and declared, that they did not recollect any other material circumstance relative to the matter in enquiry; and the annexed deposition of Samuel Bradford is transcript of his deposition taken under like circumstances. Before

JOHN LOWELL, Judge of the
District Court of Massachusetts District.

I Nathl. Byfield Lyde, of lawful age, testify and say,

THAT on the evening of the twenty-first of August instant, at the request of Samuel Bradford, Esq. marshall of Massachusetts district, I went with him on board the schooner Greyhound, laying off the end of Long-wharf in the harbor of Boston. The said Bradford went on board of said schooner, as I understood to serve a writ of replevin against the said schooner, which issued from a circuit court of said district, in behalf of Messrs. Brimmer and Belcher of Halifax, Nova-Scotia, merchants; said Bradford wanted my assistance in the service of said writ—we got on board just after nine o'clock, and saw one person on board, who appeared to be a Frenchman—Col. Bradford made known to him, he had a process against the said vessel and enquired for the master—The said Frenchman hailed a vessel which appeared to be a privateer, and a person came on board, who said, that he was prize-master of said schooner—Mr. Bradford then made known to him that he had a precept or writ of replevin, and by virtue of that he had taken possession of the schooner—The prize master then requested that he might call for Mr. Jutau, who was said to be on board the frigate Concorde, soon after which Mr. Jutau came on board with some other persons, the said marshall then made known to Mr. Jutau the purpose and authority by which he had come on board, said Jutau explained the same to those persons on board said schooner—Mr. Jutau soon after went on board the frigate; an officer and about twelve men came on board the schooner, from the frigate, all armed—The said officer soon after, ordered the schooner to be removed near to the frigate—The marshall told said officer his authority by which he had taken possession, and forbid him to move the said schooner, this removal was between ten and eleven o'clock the same evening, shortly afterwards the French consul with Mr. Jutau came on board—The marshall then informed them by what authority he came on board, and had taken possession of the schooner—The consul then informed the marshall, that he should keep possession of the schooner—the marshall then told the said consul, he would not quit the schooner—the said schooner for one or two days remained in possession of the officer and armed men, contrary to the orders and will of the said marshall, but the marshall remained on board of said schooner—I was also on board the frigate in the morn-

ing of the 22d August, with Mr. Amory, attorney to and on the part of Messrs. Brimer and Belcher, when the captain informed said Amory, he should protect and retain said schooner under his protection notwithstanding the authority and doings of said marshal, as mentioned to him by Mr. Amory, who related the same to him.

NATHL. BUD. L. Y. D. E.

Sworn to, September 10th, 1793, before

JOHN LOWELL, Judge of the
District Court of Massachusetts District.

I SAMUEL BRADFORD, Deputy Marshal of the District of Massachusetts,
DO TESTIFY AND SAY,

THAT on Wednesday, the twenty-first day of August, at about seven of the clock, P. M. I was possessed of a writ, Brimer and Belcher, plaintiffs, in replevin, vs. Laumofne, commanding me to replevy the schooner called the Greyhound; that I immediately proceeded to serve the said process, and was accompanied on board the said schooner, then lying in the harbour of Boston, by captains Lyde and Hayman.—We found only one man on board; I enquired for Mr. Laumofne, the prize-master—The Frenchman hailed the privateer Rowland, and, at my request, informed the people on board said privateer, that an American had business with Mr. Laumofne—The said Laumofne came on board, attended by the captain of the privateer—I read the precept to the prize-master, and explained to him the nature of the process, and observed, that a bond was given to support any damages that might arise from my taking possession of the schooner—I added, that I was then in possession of the schooner, and that, at a proper time, I should remove said vessel to the wharf—The prize-master observed, that Mr. Jutau was then doing business on board the frigate La Concord, and that he should send for him—to which I consented—Soon after, Mr. Jutau came on board the schooner—I then informed him of the process that I had against said schooner—read to him the writ—and observed, that I should remove the vessel as above stated—Mr. Jutau said, that I had no right or authority to serve any writ after dark—That the vessel belonged to the Republic of France, and could not be attached—and that she was under the protection of the French Republic—and he made many other observations to the same effect—I replied, that as an officer of the government of the United States, I should pursue strictly the line of my duty—Mr. Jutau left the schooner, and told the prize-master to remain on board; after he was in the boat, to return to the frigate, I requested him to inform Mr. Laumofne, that after the schooner was hauled to the wharf, I should require him to go on shore—Mr. Jutau replied, that I might inform the prize-master myself, and that I must force him from the vessel—In about half an hour after Mr. Jutau's departure on board the frigate, an officer came from thence on board the schooner, he was a Lieutenant, and I heard him inform the prize-master, that I should not remove the vessel—In about an hour after this, a body of about twelve armed men (marines) came on board the schooner, from the frigate—The lieutenant read a paper, which I suppose were orders—At about half past eleven o'clock, I addressed the lieutenant, and after observing to him, that he appeared interested in the business in which I was engaged, I assured him, that my writ was against Mr. Laumofne, and that I had nothing to say to him (the lieutenant) relative thereto, and I added, that I had taken possession of the schooner by virtue of my office, as deputy marshal, and that I should proceed to remove her—He replied, that he should obey the orders that he had received from his captain, which was, to remove the said schooner near to the frigate—The lieutenant then ordered the vessel to be removed, and we were hauled between the frigate and privateer Rowland. I told the lieutenant, that what he did, he must answer for, and I forbid him, at his peril, to remove the said schooner. I asked the said Lieutenant, if he had brought the armed force to prevent my removing the schooner; he replied in the affirmative. Finding myself opposed in the progress of serving my precept, by an armed force, I dismissed the men who were on board to give me aid in conducting the schooner to the wharf: Some time after, the lieutenant retired from the schooner, and took off his men, excepting a corporal and four, whom he

observed, he should leave on board, to take care of said schooner. At about twelve o'clock, A. M. Mr. Consul Duplaine, Mr. Jutau the chancellor, and Mr. Vancrede, in going on shore from the frigate, came on board the schooner.—We conversed on the subject—I went over the business again, and told Mr. Duplaine, that I was opposed by an armed force; but that I should not quit the vessel. The Consul said, that he should keep possession; but added, that if I went on shore, I might return on board in the morning, and that the vessel would remain in the same situation. From the conversation between Mr. Duplaine, Mr. Jutau, the lieutenant of the frigate, the prize-master, and myself, I had no doubt, but that the captain of the frigate acted under the orders of Mr. Duplaine. A guard was regularly maintained on board the schooner, from Wednesday night till about 12 o'clock, P. M. on Saturday, the 24th, when a boat from the frigate, took from the schooner the guard—The Corporal, previous to his quitting, hailed the shore, or the privateer Rowland, and a Frenchman came on board the schooner, after which the guard retired; soon after, the frigate being then under way, and having procured assistance from the town, I directed the people to weigh the anchors of the schooner, and conduct me to the wharf, where I arrived at 1 o'clock—having legally executed my precept.

I soon after saw the consul, who said, "Then, Sir, you have quitted the vessel—You have then left her, I suppose." To which I replied, that I had left her at the wharf, had executed my precept, and that I should take proper care of the said schooner—The Consul appeared surpris'd.

S A M U E L B R A D F O R D.

Boston, September 15th, 1793.

Sworn to, September 15th, 1793, before

J. I. O W E L L, Judge of the
District of Massachusetts.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED
STATES OF AMERICA,

TO ALL WHOM IT MAY CONCERN,

THE sieur Antoine Charbonnet Duplaine, heretofore having produced to me his commission as vice consul for the Republic of France, within the states of New-Hampshire, Massachusetts and Rhode-Island, and having thereon received from me an exequatur, bearing date the fifth day of June, 1793, recognizing him as such, and declaring him free to exercise and enjoy such functions, powers and privileges, as are allowed to vice consuls of the French Republic, by the laws, treaties, and conventions in that case made and provided, and the said sieur Duplaine having under color of his said office, committed sundry encroachments, and infractions on the laws of the land, and particularly, having caused a vessel to be rescued, with an armed force out of the custody of an officer of justice, who had arrested the same by process from his court; and it being therefore no longer fit, nor consistent with the respect and obedience due to the laws, that the said sieur Duplaine should be permitted to continue in the exercise and enjoyment of the said functions, privileges and powers: There are therefore to declare, that I do no longer recognize the said Antoine Charbonnet Duplaine, as vice consul of the Republic of France, in any part of these United States, nor permit him to exercise or enjoy any of the functions, powers or privileges, allowed to the vice consuls of that nation; and that I do hereby wholly revoke and annul the said exequatur heretofore given, and do declare the same to be absolutely null and void, from this day forward.

In testimony whereof, I have caused these letters to be made patent, and the seal of the United States of America to be hereunto affixed.

Given under my hand this day of in the year of
our Lord, 1793, and of the Independence of the United States
of America, the eighteenth.

G E O : W A S H I N G T O N.

By the President,

T H : J E F F E R S O N.

MONTICELLO, in Virginia, October 3, 1793.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

SIR,

IN a former letter which I had the honour of writing you, I mentioned, that information had been received, that Mr. Duplaine, vice-consul of France, at Boston, had been charged with an opposition to the laws of the land, of such a character, as, if true, would render it the duty of the President immediately to revoke the exequatur, whereby he was permitted to exercise the functions of vice-consul in these United States. The fact has been since enquired into, and I now enclose you copies of the evidence establishing it, whereby you will perceive, how inconsistent with peace and order it would be, to permit any longer the exercise of functions in these United States by a person capable of mistaking their legitimate extent, so far, as to oppose, by force of arms, the course of the laws within the body of the country. The wisdom and justice of the government of France, and their sense of the necessity, in every government, of preserving the course of the laws free and unobstructed, render us confident that they will approve this necessary arrestation of the proceedings of one of their agents; as we would certainly do in the like case, were any consul or vice-consul of ours to oppose, with an armed force, the course of their laws within their own limits. Still, however indispensable as this act has been, it is with the most lively concern the President has seen, that the evil could not be arrested otherwise than by an appeal to the authority of the country.

I have the honor to be, &c.

TH: JEFFERSON.

OCTOBER 3d, 1793.

Mr. Jefferson, Secretary of State, to Mr. Morris, Minister Plenipotentiary of the United States, to France.

DEAR SIR,

MR. Duplaine, vice-consul of France at Boston, having, by an armed force, opposed the course of the laws of this country, within the same, by rescuing out of the hands of an officer of justice, a vessel, which he had arrested by authority of a precept from his court, the President has thought it necessary to revoke the exequatur, by which he had permitted him to exercise his functions here. I enclose you copies of the act and of the evidence on which it has been founded; as also of the letters, written to him and Mr. Genet, and you are desired to communicate the same to the government of France, and to express to them the very great concern, with which the President has seen himself obliged to take a measure with one of their agents, so little in unison with the sentiments of friendship we bear to their nation, and to the respect we entertain for their authority. But conscious we should deem it an act of friendship in them, to do the like in the like case, and to prove their confidence in our justice and friendship, by instantaneously disabing from a repetition of the act, any consul or vice-consul of ours, who should once have been guilty of such an aggression on their authority, we rely on the same friendly construction, on their part, of the disagreeable measure now forced on us.

I have the honor to be, &c.

TH: JEFFERSON.

GERMANTOWN, November 5, 1793.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

SIR,

I HAVE the honour to enclose you the copy of a letter from Mr. Moissonier, consul of France, at Baltimore, to the governor of Maryland, announcing that Great-Britain is about to commence hostilities against us, and that he pur-

M

poses to collect the naval force of your republic in the Chesapeake, and to post them as a van-guard to derange the supposed designs of the enemy.

The bare suggestion of such a fact, however improbable, renders it a duty to enquire into it, and I shall consider it as a proof of your friendship to our nation, if you have it in your power, and will be pleased to communicate to me the grounds of Mr. Moissonier's assertion, or any other respectable evidence of such an intention, on the part of Great-Britain.

In the mean while, as we have reason to believe it unfounded, as they have in no instance, as yet, violated the sovereignty of our country, by any commitment of hostilities, even on their enemies within our jurisdiction, we presume with confidence that Mr. Moissonier's fears are groundless. I have it, therefore, in charge to desire you to admonish Mr. Moissonier against the parade he proposes, of stationing an advanced guard in the bay of Chesapeake, and against any hostile array, which, under the profession of defensive operations, may in fact generate those offensive. I flatter myself, Sir, that you will be so good as to join the effect of your authority to that of our government, to prevent measures on the part of this agent of your republic, which may bring on disagreeable consequences.

I have the honor to be, &c.

T. H. JEFFERSON.

BALTIMORE, October 23d.
2d year of the French Republic.

Citizen Moissonier to General Lee, Governor of the State of Maryland.

THE liberticide system which directs the European cabinets, is going to manifest itself towards the United States. England, that power to which they have been so complaisant, is getting ready to fall upon them. The preparatives are made, and I see, with pain, that no dispositions whatever are made to oppose any resistance to them.

The indifference of this state cannot exist as to our interests.—This bay contains the riches of our commerce of St. Domingo, and the only hope of the French nation. We shall become infallibly the first victims of this carelessness, if I am not able to obtain from you, Sir, that the forts which defend the entrance of the Chesapeake be put into condition.

In the meanwhile, and in pursuance of the orders of the minister, I am going to collect all the maritime forces which the republic has in this bay, to form a van guard, sufficiently formidable, and to derange, if it be possible, the projects of our common enemies.

I have the honor to be, with the most perfect consideration,

Sir, your very humble servant,

F. MOISSONIER.

TRANSLATION.

NEW-YORK, November 15, 1793.

2d year of the Republic of France.

*The Minister of the French Republic with the United States, to Mr. Jefferson,
Secretary of State of the United States.*

SIR,

I HAVE received the letter which you have done me the honor to write to me the 5th November.

The citizen Moissoniere has given to my instructions a sense more determinate than I had intended. I did not write him that England was immediately going to fall on you; but knowing by your history, by our own, and by still more particular information, all the hatred with which that government honors your and our principles; knowing the secret treaties which unite the courts leagued

against free people, confident that our success can alone suppress the projects of vengeance which are perpetually nourished in the breast of your ancient tyrant, seeing that some reverses afterwards effaced, might excite him to accelerate the execution of his designs, I prescribed to this Vice-Consul,

1st. To concert with the commander of our naval forces in the Chesapeake, to have collected at Baltimore all the commercial vessels which may be in the open and unsafe road of Norfolk.

2d. To have the armed vessels anchored, according to custom, in the advanced guard of the convoy.

3d. To establish a severe police in the road for the purpose of preventing disorder, and protecting our property from incendiary enterprizes, sufficiently familiar to our common enemy.

4th. To sound the local government of Maryland, to know whether the forts which form a part of the defence of Baltimore, could not be repaired.

Citizen Mottionier, animated by a very pure patriotism, has doubtless mixed a little warmth in this latter step; but I do not see, Sir, that he has omitted the admonition you mention, and that the measures taken for the security of the road, can compromise, in any manner, the peace of the United States. God grant that you may long enjoy, with honor, that peace so pleasant and happy. It is the very sincere wish of your friends; it is mine; but I shall not now dissemble more than I have hitherto done, that it is not the most certain object of my hopes. Before having the happiness of serving a free people, I was employed by a court, and I resided at several others. I have been seven years a head of the bureau at Versailles, under the direction of Vergennes. I have passed one year at London, two at Vienna, one at Berlin, five in Russia, and I am too well initiated in the mysteries of these cabinets, not to tremble at the fate which menaces America; if the cause of liberty should not triumph, every where, for every where where there is a throne, I warrant that you have an enemy. All the princes look upon you as our teachers; almost all consider you as rebels, who must sooner or later be chastised; almost all have sworn your ruin as well as ours, and be assured that George III has not entered into their league, but on this condition. Your expedients, your managements will not change this system, and if the ministers who reside with you, hold a different language, it is only the better to deceive you. They triumph at the security into which they have plunged you, at the very moment when their courts are insulting you in every quarter, except on your coasts, where they know we have forces; but their tone will change whilst ours shall remain invariably the same, true and sincere.

Accept my respects,

GENET.

GERMANTOWN, November 8, 1793.

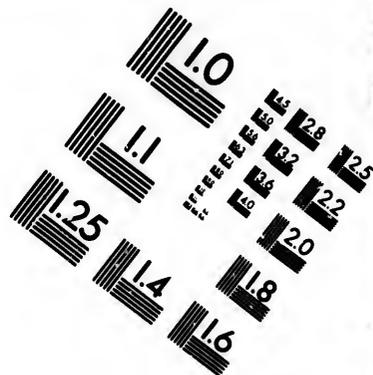
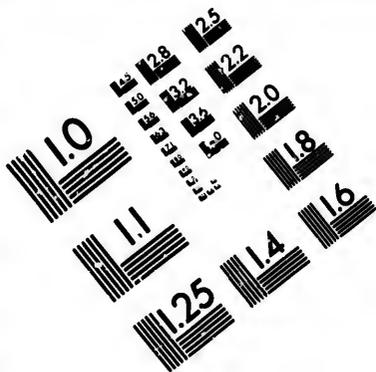
Mr. Jefferson, Secretary of State, to Mr. Genet, Minister of France.

SIR,

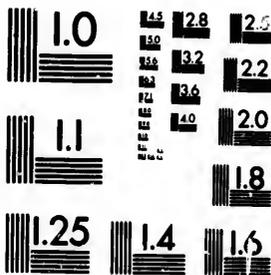
I HAVE now to acknowledge and answer your letter of September 13, wherein you desire that we may define the extent of the line of territorial protection on the coasts of the United States, observing, that governments and jurists consults, have different views on this subject.

It is certain that, heretofore, they have been much divided in opinion as to the distance from their sea-coasts to which they might reasonably claim a right of prohibiting the commitment of hostilities. The greatest distance to which any respectable assent among nations has been, at any time given, has been the extent of the human sight, estimated at upwards of 20 miles, and the smallest distance, I believe, claimed by any nation whatever, is the utmost range of a cannon ball, usually stated at one sea-league. Some intermediate distances have also been insisted on, and that of three sea-leagues, has some authority in its favor.





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The character of our coast, remarkable in considerable parts of it for admitting no vessels of size to pass near the shores, would entitle us, in reason, to as broad a margin of protected navigation, as any nation whatever. Not proposing, however, at this time, and without a respectful and friendly communication, with the powers interested in this navigation, to fix on the distance to which we may ultimately insist on the right of protection, the President gives instructions to the officers, acting under his authority, to consider those heretofore given them as restrained for the present to the distance of one sea-league, or, three geographical miles from the sea shores. This distance can admit of no opposition, as it is recognized by treaties between some of the powers with whom we are connected in commerce, and navigation, and is as little or less than is claimed by any of them on their own coasts.

Future occasions will be taken to enter into explanations with them, as to the ulterior extent to which we may reasonably carry our jurisdiction. For that of the rivers and bays of the United States, the laws of the several states are understood to have made provision, and they are, moreover, as being land-locked within the body of the United States.

Examining, by this rule, the case of the British brig *Fanny*, taken on the 8th of May last, it appears from the evidence, that the capture was made four or five miles from the land, and consequently without the line provisionally adopted by the President, as before mentioned.

I have the honor to be, &c.

TH: JEFFERSON.

GERMANTOWN, November 10, 1793.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary from the Republic of France, to the United States.

SIR,

AS in cases where vessels are reclaimed by the subjects or citizens of the belligerent powers, as having been taken within the jurisdiction of the United States, it becomes necessary to ascertain that fact, by testimony taken according to the laws of the United States, the Governors of the several states, to whom the applications will be made in the first instance, are desired immediately to notify thereof, the attorneys of their respective districts. The attorney is thereupon instructed to give notice to the principal agent of both parties, who may have come in with the prize, and also to the consuls of the nations interested, and to recommend to them, to appoint, by mutual consent, arbiters to decide whether the capture were made within the jurisdiction of the United States, as stated to you in my letter of the 8th instant, according to whose award the Governor may proceed to deliver the vessel to the one or the other party. But in case the parties, or consul shall not agree to name arbiters, then the attorney, or some person substituted by him, is to notify them of the time and place, when and where he will be, in order to take the depositions of such witnesses as they may cause to come before him, which depositions he is to transmit for the information and decision of the President.

It has been thought best to put this business into such a train, as that the examination of the fact may take place immediately and before the witnesses may have again departed from the United States, which would too frequently happen, and especially in the distant states; if it should be deferred till information is sent to the executive, and a special order awaited to take the depositions.

I take the liberty of requesting that you will be pleased to give such instructions to the consuls of your nation, as may facilitate the object of this regulation. I urge it with the more earnestness, because, as the attorneys of the districts are for the most part engaged in much business of their own, they will rarely be able to attend more than one appointment, and consequently, the party who should

fail, from negligence or other motives to produce his witnesses at the time and place appointed, might lose the benefit of their testimony altogether. This prompt procedure is the more to be insisted on, as it will enable the President, by an immediate delivery of the vessel and cargo to the party having title, to prevent the injuries consequent on long delay.

I have the honor to be, &c.

TH: JEFFERSON.

TRANSLATION.

NEW-YORK, November 14th, 1793.

2d year of the French-Republic.

The Citizen Genet, Minister Plenipotentiary from the Republic of France, to the United States, to Mr. Jefferson, Secretary of State of the United States.

SIR,

I HAVE received the Exequatur of citizen Dannery's commission as Consul, and immediately transmitted it to that public officer.

I shall present to the Executive Council of the republic, Sir, the judicious reflections which you have made on the attribution of the consular functions, which are, in fact, reduced by the commissions of our consuls, to the limits of the cities of their residence; which, certainly, is not the intention of the council. I shall also lay before them the observation you have made relatively to the address of our consular commissions, and they, in their wisdom, will adopt the alterations of which this matter appears susceptible, agreeably to the text, spirit, and basis of your constitution. However, as it is not explicit in this respect, and as the functions attributed to the President of the United States, relatively to the reception of foreign ministers, appear to be only those which are fulfilled in courts by the first ministers, for their pretended sovereigns, to verify purely and simply the powers of foreign agents accredited to their masters, and irrevocable by them when once they have been admitted. I should be glad, Sir, in order the better to fix the ideas of the French council on this interesting question, that you would have the goodness to enlighten it with your knowledge and that of your learned colleagues; which I shall faithfully transmit to my superiors.

Accept my respect,

G E N E T.

Mr. Jefferson, Secretary of State, to Citizen Genet, Minister Plenipotentiary from the Republic of France, to the United States.

GERMANTOWN, November 22, 1793.

SIR,

In my letter of October 2, I took the liberty of noticing to you, that the commission of consul to M. Dannery, ought to have been addressed to the President of the United States, he being the only channel of communication between this country and foreign nations, it is from him alone that foreign nations or their agents are to learn what is or has been the will of the nation, and whatever he communicates as such, they have a right, and are bound to consider as the expression of the nation, and no foreign agent can be allowed to question it, to interpose between him and any other branch of government, under the pretext of either's transgressing their functions, nor to make himself the umpire and final judge between them. I am, therefore, Sir, not authorized to enter into any discussions with you on the meaning of our constitution in any part of it, or to prove to you, that it has ascribed to him alone the admission or interdiction of foreign agents. I inform you of the fact by authority from the President. I had observed to you that we were persuaded, that in the case of the consul Dannery, the error in the address had proceeded from no intention in the Executive Coun-

oil of France to question the functions of the President, and therefore no difficulty was made in issuing the commission. We are still under the same persuasion. But in your letter of the 14th inst. you *personally* question the authority of the President, and in consequence of that have not addressed to him the commissions of Messrs. Pennevert and Chervi, making a point of this formality on your part, it becomes necessary to make a point of it on ours also, and I am therefore charged to return you those commissions, and to inform you that, bound to enforce respect to the order of things established by our constitution, the President will issue no Exequatur to any consul or vice-consul, not directed to him in the usual form, after the party, from whom it comes, has been apprised that such should be the address.

I have the honor to be, &c.

TH. JEFFERSON.

TRANSLATION.

NEW-YORK, 14th September, 1793,
2d year of the French Republic.

The Citizen Genet, Minister Plenipotentiary from the Republic of France to the United States, to Mr. Jefferson, Secretary of State of the United States.

SIR,

THE multiplied business, with which I have been loaded since my stay here, has not hitherto permitted me to acknowledge the receipt of your letter to me of the 5th of August; it came duly to hand, and, as the decisions it contains are only the consequence of those on which I have already made the strongest and the best founded representations, I have thought that I should leave the care of executing them to the federal government, because it is not my business, in any manner, to give the consuls of the republic orders contrary to the sense of our treaties, to prescribe to them not to conform, relative to the armaments and prizes made by our vessels, to the instructions given them by authority superior to mine, and to enjoin on them to suspend the effect of the commissions that our privateers hold from the executive council, and not from their delegate. With respect to the indemnity promised by the President of the United States to the English minister, in virtue of the principles he has established, it is not more in my power to consent to it, as, in my opinion, it is not in his to promise it. For in order to operate this new appropriation of the funds of the republic, the consent of the legislative bodies of both parties is indispensable.

However, Sir, though I have not the right to withdraw, authoritatively, the commissions of which our privateers are possessed, although I am equally unable to constrain them to submit to decisions which our treaties of alliance and commerce do not sanction, and which the decisions given by several tribunals of the United States, which even the negotiations with you, seem to contradict, yet you may be assured, that, after having supported as long as I have been able the rights and the interests of the French people, I shall neglect nothing to engage by persuasion our privateers to suspend their cruises and change their destination. The object for which we have encouraged the arming of all those little vessels, was to destroy the commerce of our enemies, and to block up their seamen in your ports, for the purpose of accelerating the return of peace by a diminution of their strength. This plan was good, and notwithstanding the obstacles opposed to it, it has so far succeeded, as to bring into our possession fifty of their vessels, and to condemn to inactivity an infinitely greater number. This object is now accomplished; superior forces will accomplish the rest, and if I have had the misfortune, by my obedience to my instructions, by my obstinacy in acknowledging only the laws and treaties of the United States, to displeasé some *Anglophobists* or *Anglomen*, I have at least the satisfaction of having rendered an important service to my country, whose present policy is entirely devoted to the war.

I am very sensible, Sir, of the measures which you have taken to frustrate the odious projects of some emigrants refugees of St. Domingo, and it were to be wished that we could expel this race entirely, as well as those of the emigrants and aristocrats of Europe, much more dangerous to the peace, liberty and independence of the United States, than all the privateers in the world.

G E N E T.

GERMANTOWN, November 22d, 1793.

Mr. Jefferson, Secretary of State, to the Minister Plenipotentiary of France.

S I R,

IN a letter which I had the honor of writing to you on the 12th of July, I informed you, that the President expected that the Jane of Dublin, the Lovely Laïs, and Prince William Henry, British vessels, taken by the armed vessel Citoyen Genet, should not depart from our ports until his ultimate determination thereon should be made known. And in a letter of the 7th August, I gave you the further information, that the President considered the United States as bound, pursuant to positive assurances, given in conformity to the laws of neutrality, to effectuate the restoration of, or to make compensation for prizes, made subsequent to the 5th day of June, by privateers fitted out of our ports; that, consequently, he expected you to cause restitution to be made of all prizes taken and brought into our ports, subsequent to the said 5th of June, by such privateers, in defect of which he considered it as incumbent on the United States to indemnify the owners of such prizes; the indemnification to be reimbursed by the French nation.

This determination involved the brig Jane of Dublin, taken by the armed vessel Citoyen Genet, on the 24th of July, the brig Lovely Laïs, taken by the same vessel, on the 4th of July, and the brig Prince William Henry, taken by the same vessel on the 28th of June, and I have it in charge to enquire of you, Sir, whether these three brigs have been given up, according to the determination of the President, and if they have not, to repeat the requisition, that they be given up to their former owners.

I have the honor to be, &c.

TH: JEFFERSON.

T R A N S L A T I O N.

NEW-YORK, 29th November, 1793.

2d year of the Republic.

The Citizen Genet, Minister Plenipotentiary of the French Republic, to Mr. Jefferson, Secretary of State of the United States.

S I R,

IT is not in my power to order the French vessels, which have received letters of marque in the ports of the United States, in virtue of our treaties, in virtue of the most precise instructions to me, to restore the prizes which they have been authorized to make on our enemies, but I have long since prescribed to all our consuls, neither to oppose nor allow to be opposed, any resistance to the moral force of the justice of the United States, if it thinks it may interfere in affairs relative to the prizes, or of the government, if it persists in the system against which I have incessantly made the best founded representations.

Neither is it in my power, Sir, to consent that the indemnities, which your government proposes to have paid to the proprietors of the said prizes, should be placed to the account of France. 1st. Because no indemnity is due but when some damage has been occasioned in the use of a right which was not possessed, whereas our treaties and my instructions prove to me, that we were fully authorized to arm in your ports. 2d. Because, according to our constitution as well as yours, the executive has not the arbitrary appropriation of the funds of

the state; and the executive council of France and their delegates, could not consent to a reimbursement of the indemnities in question, but when the legislative body shall first have renounced, under its responsibility to the people, the right which I have been expressly instructed to maintain, and afterwards have granted the sums demanded by our enemies, and which have been promised them by the President.

Accept my respect,

G E N E T.

TRANSLATION.

NEW-YORK, November 11th, 1793.

2d year of the Republic.

The Citizen Genet, Minister Plenipotentiary, of the Republic of France, to Mr. Jefferson, Secretary of State of the United States.

S I R,

THE funds which were at the disposition of the French Republic for the year 1793, being exhausted by the colonial bills drawn on them, by the considerable expense which the continuance of the vessels of the republic, in the ports of the United States occasions, by the succour which I have given to the refugees from the Cape, the supplies of all kinds which I have sent into the French colonies in America; in fine, the divers expenses of the legation and of the administration confided to me, I request the favor of you to make known to the President of the United States, that I am forced in order to face our engagements, and to relieve our most pressing necessities, to draw on the sums which will become due to France, in the years 1794, and 95, until Congress shall have taken into consideration the mode of reimbursement which I have been instructed to propose to the Federal Government; our contractors will be content with these assignments, provided they are accepted by the treasury of the United States, to be paid when they become due.

Accept my respect,

G E N E T.

TRANSLATION.

NEW-YORK, 14th November, 1793.

2d year of the French Republic.

The Citizen Genet, Minister Plenipotentiary of the French Republic, to Mr. Jefferson, Secretary of State of the United States.

S I R,

IT becomes extremely important that you should have the goodness to inform me without delay, whether I can draw, by anticipation, on the approaching reimbursements of the debt of the United States to France; our agents being informed, that the funds which were at the disposition of the republic for 1793, are exhausted, have suspended their supplies and their enterprizes, until they shall be assured that the assignments of the debt, which I may make to them in virtue of my powers, shall be paid when due. As without doubt you will form to yourself a just idea of all the branches of the service which will suffer, as long as this authority shall be withheld from me, I am persuaded, Sir, that you will zealously second me in this negotiation. Two thousand seamen and soldiers whom I support are on the eve of wanting bread. The repairs of our vessels are at a stand. The indispensable expeditions of subsistence for our colonies and France are suspended. The federal government, without advancing a single one of the payments fixed by law, can by two words signed by you or the Secretary of the Treasury, again put every thing into motion, until Congress shall have taken into consideration the general mode of reimbursement which I have been instructed to communicate to you, and which alone can put me in a

condition to supply, at least France for the next campaign, since it could not do so far this one. The long nights, the thick fogs and the heavy seas of winter will be favorable to our transports, by rendering less probable, the painful risks to which the odious principles of England expose neutral vessels, and particularly those of the United States.

Accept my respect,
G E N E T.

GERMANTOWN, November 24th, 1793.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of the French Republic.

S I R,

I LAID before the President of the United States, your two letters of the 11th and 14th instant, on the subject of new advances of money, and they were immediately referred to the Secretary of the Treasury, within whose department subjects of this nature lie. I have now the honour of enclosing you a copy of his report thereon to the President, in answer to your letters, and of adding assurances of the respect and esteem of

Sir,
Your most obedient and
most humble servant,
TH: JEFFERSON.

The Secretary of the Treasury, upon two letters from the Minister Plenipotentiary of France, to the Secretary of State, severally bearing date the 11th and 14th of November, instant, respectfully Reports to the President of the United States, as follows:

1st. THE object of these letters is to procure an engagement, that the bills which the Minister may draw upon the sums, which according to the terms respecting the contracts of the French debt, would fall due in the years 1794 and 1795, shall be accepted on the part of the United States, payable at the periods stipulated for the payments of those sums respectively.

The following considerations are submitted as militating against the proposed arrangement—

I. According to the view entertained at the Treasury, of the situation of the account between France and the United States, adjusting equitably the question of depreciation, there have already been anticipated payments to France equal, or nearly equal to the sums falling due in the course of the year 1794.

II. The provision by law for discharging the principal of the French debt, contemplates only loans. Of those, which have been hitherto made, the sum expended is not more than commensurate with a payment which is to be made on the first of June next, upon account of the capital of the Dutch debt. It is possible that a fund for this payment may be derived from another loan; but it is known to the President, that from advices recently received, full reliance cannot be placed on this resource; owing to the influence of the present state of European affairs, upon the measures of the United States for borrowing. It need not be observed that a failure in making the payment referred to, would be ruinous to the credit of the United States.

The acceptance of the bills of the Minister of France would virtually pledge the only fund, of which there is at present a certainty, for accomplishing that payment, and as this is a matter of strict obligation, directly affecting the public credit, it would not appear advisable to engage that fund for a different object, which, if the ideas of the Treasury are right, with regard to the state of our account with France, does not stand upon a similar footing.

It would be manifestly unsafe to presume upon contingencies, or to enter into engagements to be executed at distant periods, when the means of execution are uncertain.

N

But as there appears to be a difference of opinion between the Minister of France and the Treasury, with regard to the state of the account between the two countries, it is necessary that something on this head should be ascertained. With this view, the Secretary of the Treasury will proceed without delay to take arrangements of or the adjustment of the account.

ALEXANDER HAMILTON,
Secretary of the Treasury.

Treasury Department,
November 23, 1793. }

NEW-YORK, 21 November, 1793.

Mr. Clinton, Governor of New-York, to Mr. Genet, Minister Plenipotentiary of France.

SIR,

AS by your letter of the 11th instant, I am informed that the vessel therein mentioned, now repairing at the wharf in the East river, is called the Carmagnole, and that she was fitted out as a privateer, in the Delaware, I conceive it proper to transmit to you a copy of a letter which I have since received from the Secretary of war, dated the 15th instant, in answer to one from me to the President of the United States, informing him of your having withdrawn the commissions granted to certain privateers, fitted out in the ports of the United States: By which you will perceive it to be the sense of the President, that this vessel should be entirely divested of her warlike equipments, and which, from the readiness you are pleased to express to conform to the views of the Federal Government, I cannot doubt, will on the receipt hereof, be complied with, and that until this is effected you will not permit her to leave the harbour.

I am, &c.

Go: CLINTON.

NEW-YORK, 23d November, 1793.

2d year of the French Republic.

Citizen Genet, Minister plenipotentiary from the French Republic, to General Clinton, Governor of the state of New-York.

SIR,

I HAVE received the letter which you did me the honor to write me the 21st instant, as also the copy annexed to it, of a letter from the Secretary of War.

The fresh requisitions which have lately been transmitted to you respecting the schooner *Columbia*, formerly called the Carmagnole, are only a continuation of the system which has been observed towards me, from the very commencement of my mission, and which evidently appears to be calculated to baffle my zeal, to fill me with disgust, and to provoke my country to measures dictated by a just resentment, which would accomplish the wishes of those whose politics tend only to disunite America from France, the more easily to deliver the former into the power of the English.

Warned by this conjecture, which is unfortunately but too well founded, instead of proving to you as I could easily do that the orders which have been given to you, are contrary to our treaties, to the conduct of the Federal Government even towards the British nation, whose packets and a great number of merchant vessels I am well informed, have been permitted to arm for defence in their ports, to the bonds of friendship which unite the people of both Republics, and to their mutual interest, since the vessel in question is intended to serve as an advice-boat in our correspondence with the French islands, which, by our treaties, you are bound to guarantee, and in whose fate your property is no less interested than ours, I will give orders to the consul and to the French commodore of the road, to conform themselves to every thing that your wisdom may think proper to direct.

Accept, Sir, my sincere and
respectful attachment,

GENET.

NEW-YORK, 24th November, 1793.

The Governor of New-York, to the President of the United States.

SIR,

I HAVE recently received a letter from the Secretary of War, dated the 12th, and also another dated the 13th instant, in answer to mine of the 8th of September last.

On recurring to my correspondence with the minister of France, a copy of which was enclosed in that letter, it will appear, that my object was to procure the departure of the privateers *Petit Democrat* and *Carmagnole*, agreeably to your decision, communicated to me in a letter from the Secretary of War, dated the 16th of August; but as it was mentioned to be your desire, that forcible measures should not be resorted to, until every other effort had been tried. I thought it proper to submit to your consideration the measure proposed by the French minister. In the interim, the *Petit Democrat* departed from this harbour without any augmentation of her military equipments, so far, as my knowledge extends. The *Carmagnole* still remains here, and it seems is the vessel to which my letter of the 15th instant refers. I now transmit a second letter which I have written to the French minister on this subject and his answer, and have only to request to be informed whether any farther interference on my part is expected.

As I shall in a short time set out for Albany, to attend the meeting of our legislature, I take this opportunity of apprizing you of it, in order, that if any arrangements are thought necessary, which may require my personal attention, they may be concerted before my departure, as it is uncertain whether I shall return to this city before spring.

I am, with sentiments of the highest respect,
Your most obedient servant,

Go: CLINTON.

NEW-YORK, 25th November, 1793.

2d year of the Republic of France.

Citizen Genet, Minister Plenipotentiary of the Republic of France with the United States, to Mr. Jefferson, Secretary of State of the United States.

SIR,

I ASK your pardon, if my dispatches precipitate themselves with so much rapidity on you; but events announce themselves in such a manner, daily, that I am scarcely able to trace and notify them to you. My preceding dispatches have presented to you, complaints on the workings of the new emigrants, who inundate your continent. I have assayed to unmask to you, the profound and double intrigues; I have notified you of their insults to the French agents, and the personal dangers which these agents are daily exposed to, surrounded by these furies. At present, I have to inform you of facts, well characterised; and if I do not obtain justice, I shall, at least, have done my duty, and my heart and my country will have nothing to reproach me.

It is announced to me, from Baltimore, that 200 colonists are embarking, in the Chesapeake, for *Jeremie**. The Philadelphia counter-revolutionary presses advertise, that two vessels are about taking passengers for the *Mole*†. Thus, Sir, it is no longer the good offices of an ally, that France has occasion to claim of the federal government.—It is not to aid in our destruction, that I have to conjure you.—It is to intreat you, not to conspire in the loss of a colony, which you ought to defend, that my afflicting duty is confined to.

With whatever fury they have obstinately persisted to paint me, in libels, which I despise, as an enemy of the American people, and of their government, and as aspiring to involve you in the war, you know, Sir, with what moderation I have reminded

* In a vessel belonging to Mr. Zachariah Copmann.

† One is the ship *Delaware*, captain James Art, fitted out by James Shoemaker.The other is the Galliot *Betsy Hannab*, captain Donanchan, fitted out by Messieurs Reed and Soder.

you of the obligations which were imposed on you. In that also, I have a clear conscience, of having been influenced, neither by our successes, nor our misfortunes. I have only ceded to provisory acts, which, concealing a manifest contradiction under an apparent modesty, avow the inability to defend us, and usurp, at the same time, the right to let us be attacked.

I have in my possession, the proofs of a conspiracy, which broke out in September last, for the surrender of the Mole; and the original papers enclosed, prove, that it was concerted in first days of 1793, and signed then with names which were not unmasked till 7th September last. The conspirators, adroitly concealed, were urging claims on the Republic, at the moment they were treating with the English minister, to the end, that by this double intrigue, they might overthrow the true friends of the French, and conduct to its end their shameful plot. These partial threads, which discover themselves now, were only accessory portions of the conspiracy of a great traitor, celebrated in the last year, now crushed under remorse, and the contempt of the world. The French people, Sir, have baffled all these intrigues, and if ulterior proofs were wanting of their wisdom, of their firm determination to be free, and of the stability of their government, you would find them in the glorious struggle of the present campaign. Therein, amidst great reverses, signal victories, and atrocious conspiracies, the Colossus of the French people raises itself majestically, and makes their enemies tremble. These then are the friends, under whose wing America will brave the despots who divide the hatred between her and us. Those are the friends, who, among the general measures of rigor, which circumstances force from them, do not cease a moment to remember you, to except you from them. The demands, which I make of you in their name, Sir, are confined to this, that you will not suffer poignards, for their assassination, to be forged in your territory.

I pray you, in consequence, Sir, to represent to the President of the United States, 1st. That the personal safety of our consuls is threatened, at Charleston and at Baltimore, and that little activity is employed for their protection. 2d. That 200 colonial emigrants are embarking at Baltimore, and are perhaps departed to join the traitors of Jeremie—That two other vessels, armed, doubtless, by our enemies, are advertised at Philadelphia, in the counter-revolutionary gazettes, to carry passengers of the same stamp to the Mole, Saint Nicholas. That I know also, of my certain knowledge, that American vessels have, for some time, carried provisions and war stores to these two rebel places; and, in fine, that the emissaries of men, with whom some of your ministers associate, have gone to this island, which has been a long time the prey of a thousand artful conspiracies, there to negotiate insurrections, and the ruin of the commercial interests of my country; that it is on your territory, that all this is doing; that it is in your country, in fine, that exists the centre of the intriguing desolations of our ultramarine possessions.

I request you, Sir, to obtain a definitive answer, from the supreme head of the federal government, on these two objects, in order that I may, by the first opportunity, inform the French government of the steps I have taken in this respect; and of their effect.

I shall moreover take the liberty to propose to you, a measure, which I cannot adopt, but with your authority, and which would obviate the subtleties of traitors, and the coercive means which you may not possess. It is, to give orders to the armed vessels of the Republic, to stop every American vessel destined for the island of Saint Domingo, which shall not have a passport signed by me. Thus I shall prevent the introduction of enemies, which may escape your vigilance, and we shall guard your citizens from seductions and dangers. I beg of you to make known to me the intention of the President on this proposition.

Accept my respect,

G E N E T.

PHILADELPHIA, November 30, 1793.

Mr. Jefferson, Secretary of State, to Mr. Genet, Minister Plenipotentiary of France.

S I R,

I HAVE laid before the Presidents of the United States, your letter of November 25th, and have now the honor to inform you, that most of its objects, being beyond the powers of the executive, they can only manifest their dispositions; by acting on those which are within their powers. Instructions are accordingly sent to the district attorneys of the United States, residing within states wherein French consuls are established, requiring them to inform the consuls of the nature of the provisions made by the laws, for preventing, as well as punishing, injuries to their persons, and to advise and assist them in calling these provisions into activity, whenever the occasions for them shall arise.

It is not permitted, by the law; to prohibit the departure of the emigrants to St. Domingo, according to the wish you now express, any more than it was to force them away, according to that expressed by you in a former letter. Our country is open to all men, to come and go peaceably, when they chuse; and your letter does not mention, that these emigrants meant to depart armed and equipped for war. Lest, however, this should be attempted, the governors of the states of Pennsylvania and Maryland are requested to have particular attention paid to the vessels named in your letter, and to see that no military expedition be covered or permitted, under colour of the right which the passengers have to depart from these states.

Provisions not being classed among the articles of contraband, in time of war, it is possible, that American vessels may have carried them to the ports of Jeremie and La Mole, as they do to other dominions of the belligerent powers; but if they have carried arms also, these, as being contraband, might certainly have been stopped and confiscated.

In the letter of May 15, to Mr. Ternant, I mentioned, that in answer to the complaints of the British minister, against the exportation of arms from the United States, it had been observed, that the manufacture of arms was the occupation and livelihood of some of our citizens; that it ought not to be expected, that a war among other nations should produce such an internal derangement of the occupations of a nation at peace, as the suppression of a manufacture, which is the support of some of its citizens; but that if they should export these arms to nations at war, they would be abandoned to the seizure and confiscation, which the law of nations authorized to be made of them on the high seas. This letter was handed to you, and you were pleased, in yours of May 27, expressly to approve of the answer which had been given. On this occasion, therefore, we have only to declare, that the same conduct will be observed, which was announced on that.

The proposition, to permit all our vessels, destined for any port in the French West-India islands, to be stopped, unless furnished with passports from yourself, is so far beyond the powers of the executive, that it will be unnecessary to enumerate the objections to which it would be liable.

I have the honor to be, &c.

T H: J E F F E R S O N.

WARDENS-OFFICE,

PHILADELPHIA, 29th November, 1793.

Mr. Falconer, Master Warden of the Port of Philadelphia, to his Excellency Thomas Mifflin, Governor of the Commonwealth of Pennsylvania.

S I R,

IN obedience to your excellency's letter of this morning, I have seen Mr. Jacob Shoemaker, one of the owners of the ship Delaware; he informed me, that they intend their ship for Cape Nichola Mole, and expected to take a number of passengers, if they offered; but they assure me, only one person has, as yet, engaged his passage in the ship Delaware; I have requested of Mr. Shoemaker and Captain Art, that whatever Frenchmen may engage their passages, that they will

bring them to me, in order to declare the object of their voyage. I have also been with the owners of the Goillette Betsey, who are Reed and Ford; who inform, that she is not bound to Jeremie nor the Mole, but chartered by a French gentleman for Guadaloupe, to go there in order to bring off his property; some passengers are going in her for that island. You may rest assured, I will pay every attention to those vessels; and if I can discover any thing like armament, I shall give your excellency immediate notice of it.

I am your excellency's most obedient
Humble servant,

NATHANIEL FALCONER,
Master Warden of the Port of Philadelphia.

Copy.

A. J. DALLAS, Secretary.



also been
to inform
gentleman
passengers
attention
your ex-

NER,
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DEPARTMENT of STATE, to wit:

I HEREBY certify, that the preceding copies and translations, beginning with a letter of May twenty-second, one thousand seven hundred and ninety-three, and ending with one of November twenty-ninth, one thousand seven hundred and ninety-three, are from originals, or from authentic copies, in the office of the department of state.

GIVEN under my hand, this fourth day of December, one thousand seven hundred and ninety-three.

TH: JEFFERSON.



