

REPORT.

Of the Secretary of State on the transactions relative to the United States, and France, since the last communications to Congress on that subject.

Continued from our last. But these endeavours to draw Mr. Gerry into a formal negotiation are chiefly remarkable, because they were persevered in during near five months, until his constant, direct, and positive refusals to treat separately.

We have seen the envoys from the 6th of Oct. '97, the date of their first letter to the French minister, to the 24 of April, '98, when their last was delivered to him, expressing their earnest desire to enter upon and prosecute the great business of the mission: we have seen them during that long period patiently enduring neglect and indignities, to which an ardent zeal to re-establish harmony and peace could alone induce freedom to submit. We have seen them while held in suspense—either receiving nor rejected—yielding to the importunities of private agents of the French government, and hearing and discussing their propositions, inasmuch as they were in the hope that when their should be thrown to be utterly inadmissible, others founded in reason and equity, and in the usual course of diplomatic negotiations, might be brought forward. Doubtless they also wished, when their attention at the first overtures had subsided, by listening still longer to such dishonourable propositions to ascertain the true character of the French government. We have seen them, after waiting five weeks from the presentation of a copy of their letters of credence, entirely unnoticed, solicit an attention to their mission, and soliciting in vain. They denied an official hearing, they hoped, by an unusual step to excite the attention of the government: they determined to transmit to the minister, a letter representing the views of their own government, in relation with the subjects in dispute with France. This letter, dated the 17th of January, '98, was delivered the 31st January, '98. Waiting near a month without an answer, and still being anxious to hear explicitly from Mr. Talleyrand himself, before they sent their final letter, whether there were no means within their powers, of accommodating our differences with France, on just and reasonable grounds—on the 27th of February they desired "a personal interview on the subject of their mission;" and afterwards a second interview. They remark on what passed at their meetings, "that the views of France; with regard to the United States, were not essentially changed since their communications with its unofficial agents in the preceding October."

At length they received Mr. Talleyrand's letter of the 18th March, '98, in answer to their's of the 17th January. The minister's letter represented the complaints of France: as usual, charging the American government with the execution of the treaties with France—with dissimulation—insinuating that our tribunals were subject to a secret influence—holding up the British treaty as complete with evil and injury "the principal grievance of the republic"—accusing the American government of a wish to seize the first favorable occasion to consummate an intimate union with Great Britain, and suggesting that a devotion and partiality to that power have long been the principle of the conduct of the federal government.

To this letter of the French minister, the envoys sent their reply on the 3d of April. This reply and their former letter detect the sophisms and erroneous statements of the minister—expose his naked allegations—refute his arguments—repel his calumnies—and completely vindicate the fidelity, the justice, and, as a neutral power, the impartiality of the government of the United States; and, at the same time, exhibit the weighty and well founded complaints of the United States, against the French Republic.

Hitherto, instead of a desire to obtain a reconciliation, we can discover in the French government only empty professions of a desire to conciliate; while it haughtily refused to receive our envoys, and during six months disregarded their respectful and ardent solicitations to negotiate; and after one of them, whom it induced to remain in France, had declared that "he had no powers to treat separately, that the measure was impossible," then the directory expelled the other two.

If now we survey Mr. Gerry's individual correspondence, we shall find no solid evidence of any change in the disposition of the French government.

In his first letter to Mr. Gerry, Mr. Talleyrand's artifice is visible; he addresses him as "envoy extraordinary

of the United States of America, to the French republic;" and proposes to him to "resume their reciprocal communications." Mr. Gerry, apprehending the minister intended to draw him into a negotiation, repeats what he had often before declared, that for him, to treat separately was impracticable, and that he can only confer with him informally.

On the 20th of April, Mr. Gerry addresses a letter to the minister, and presses him to come forward with propositions for terminating all differences, restoring harmony, and re-establishing commerce between the two nations. He receives no answer. On the 28th he confers with the minister, who says he cannot make propositions, because he does not know the views of the United States in regard to a treaty. Mr. Gerry gives him the information. He then promises in three or four days to deliver Mr. Gerry the project of a treaty. This promise was never performed. On the 12th of May, the new instructions of March the 23d, sent by the Sophia packet, reached Mr. Gerry; he gave immediate notice to the minister that he should return to America in the Sophia, as soon as the Sophia be fitted for sea.

On the 25th of May the minister sent his principal secretary to inform Mr. Gerry that his government did not wish to break the British treaty, but expected such provisions as would indemnify France, and put her on a footing with that nation. Yet the treaty had been made by the French government, its chief pretence for those unjust and cruel depredations of American commerce which have brought distress on multitudes and ruin on many of our citizens; and occasioned a total loss of property of the United States of America probably more than twenty millions of dollars; besides subjecting our fellow citizens to insults, stripes, wounds, torture & imprisonment. And Mr. Talleyrand, in his letter of the 18th March to the envoys, declared that treaty to be "the principal grievance of the republic." But now, instead of breaking that treaty, France desires to be on an equal footing. This the United States would at any time have done, and the envoys were now explicitly instructed to do; and seven months before, all the envoys in their conversation with Mr. Bellamy, (Y) the confidential and authorized agent of the French minister, told him that he might be assured that their powers were such as authorized them to place France on equal ground with England, in any respects in which an inequality might be supposed to exist present between them, to the disadvantage of France.

The Secretary also mentioned the claims of the American citizens on the French republic; he said the latter should be unable to pay them when adjusted, and the United States would assume and pay them, France would reimburse the amount thereof. This has the semblance of candour; but on the 4th of March, when the envoys were in conference with Mr. Talleyrand, and they disclosed their principal instructions, "general Pinckney and Mr. Gerry told him they were positively forbidden to assume the debts to our own citizens, even if we were to pay the money directly to them." And doubtless it was, because the proposition was already known to be inadmissible that it was now renewed.

The Secretary and Mr. Gerry had also some unimportant conversation. And it is plain that the whole object of the secretary's visit was to amuse by keeping alive Mr. Gerry's hopes of some pacific arrangement.

On the 29th of May, Mr. Gerry had a conference with the minister; pressing on this, as on former occasions, the necessity of fixing a minister to the United States with powers to negotiate, to which, he says the minister acceded; but afterwards explained himself to mean a minister to reside here after the ratification of the talked of treaty.

Such are the proceedings of the French government, by its minister, Mr. Talleyrand, before the arrival of the printed dispatches of the envoys. We discover nothing but a proposition for treating with Mr. Gerry alone—which he had repeatedly declared to be impossible—and on terms which Mr. Gerry himself, as well as the other envoys, had long before pronounced to be utterly inadmissible, because directly repugnant to their instructions. We shall now see, by an examination of Mr. Gerry's letters and communications, that the public opinion of the envoy's dispatches, far from causing a discontinuance of negotiation with him or any change in the disposition of the French government more unfriendly to the U. States, incomparably greater zeal for negotiating was exhibited afterwards than before.

On the 30th of May, the minister announced to Mr. Gerry the publication of the Envoy's dispatches. In his letter of the 27th of June, he says this incident only "for a moment

suspended the principal object"—the negotiation with Mr. Gerry; and in his letter of June 10th, he declares, "that the French government, superior to all personalities, to all the manoeuvres of its enemies, perseveres in the intention of conciliating with sincerity all the differences which have happened between the two countries." On the 14th of June the minister sends him a plan for conducting the negotiation; for the first time states the "three points" on which he says "all negotiations between France and the United States must essentially rest," and "the drawing together those ties which the French republic and the true American have regretted to see relaxed."

On the 27th of June, the minister again writes to Mr. Gerry, and in language the most importunate, such as had never before been used, urges him not to withdraw, "when the French government superior to all resentments, and never listening to anything but justice, manifests itself anxious to conclude a solid and mutually satisfactory agreement." The minister even observes that the first of the "three points" mentioned in his preceding letter (respecting amicable declarations about mutual recriminations) might be postponed—that the mind about the examination of reciprocal damages) would doubtless experience no difficulty on either side after the second should be amicably settled. That it was to the second article they should first attend; it being to much the more important as embraced the force of all the differences between the two nations. And on the 22d of July, the minister renounces all demands of "loans and explanations on the subject of speeches," and even affects to be but that Mr. Gerry should have mentioned them; although both he and his private agents had, before, to long and so obstinately persevered in demanding them of the envoys, as the indispensable preliminaries to a negotiation. And doubtless, it is partly owing to the publications of their dispatches thereby exposing to the world these shameless demands, with the scandalous proposition of the French government, that they are now relinquished.

In adding these circumstances to the increased zeal of the French government since the publication of the dispatches, to negotiate on its differences with the United States, it is not to be understood, that they afford a shadow of evidence of a sincerity. But as professions, verbal or written, furnished the only ground on which Mr. Gerry could form his opinion that "before the arrival of the dispatches of our envoys, the minister was sincere and anxious to obtain a reconciliation," much more professions stronger and more importunate, afterwards made, afford proportionally higher evidence of insincerity. But the present seems to demonstrate that all those professions were merely ostensible. In the minister's last mentioned letter, after saying that his "second point" (to fix the meaning of the treaties between the two countries) was most important, as it embraced the source of all the differences, and that to this they should first attend—he purposely passes by the most interesting questions it involves and sends Mr. Gerry a note on the consular convention, of all possible subjects in difference the most insignificant; as it would have expired by its own limitation in two years, and an half; within which time the commerce of France, judging from its present state of annihilation, would probably not furnish a single ship to visit the ports of the United States. In his next letter, dated July 6th, he publishes his speculations on the consular convention, and sends Mr. Gerry two more notes upon it, complaining that he had not transmitted to him his opinion upon his first note, and recommending the two fall to his attention, although Mr. Gerry had repeatedly and positively declared a formal discussion, such as the minister now urged in writing. Mr. Gerry states also, that this last note of the minister on the consular convention, was sent to him six weeks after he had demanded his passport, and when his baggage was actually on board the Sophia!

In a word, the more clearly the impossibility of entering on a formal negotiation appeared, the more was it pressed by the French minister. Mr. Gerry, in his letter to Mr. Talleyrand of July 20th, as justly says pointedly exposes the boasted zeal of the minister, "You was the first, you affirm, to press seriously the negotiation; you will agree with me that the merit would have been greater, had the measure itself been feasible." Again, he says to the minister, "you frequently remind me of your exertions, (to negotiate) which I am disposed as much as possible to appreciate, regretting at the same time their circuitous direction."

From this detail of facts, the following are the necessary conclusions: That by the excessive attentions of the minister to Mr. Gerry, the French

government intended to excite the jealousy of his colleagues, to promote dissensions between them, to separate him from them, and induce him to remain in France; expecting either to seduce him to a formal negotiation of a treaty, on terms exclusively advantageous to France, and injurious and dishonourable to the U. States; or, failing in this, to hold the United States in suspense, and prevent any measures for our security—in the event of a war; while we, amused and deluded by warm but empty professions of the pacific views and wishes of France, and by "informal conferences," might wait in spiritless torpor, hoping for a peaceful result; and that by this course of proceeding—this ostentatious display of zeal to adjust differences, and restore harmony and a friendly intercourse between the United States and France, the French government intended, in case of a rupture to throw the blame on the former.

It is necessary to make a few observations on the decree of the executive directory of the 31st July, '98.

This decree was sent after Mr. Gerry to Havre, and he supposes that the official impediments, which for several days prevented his sailing, are to be ascribed to the minister's desire of sending the decree by him. The minister introduces it as "a part of the measures which he had announced to Mr. Gerry on the 22d July." In his letter of that date to Mr. Gerry, the minister says, "By information which the government has just received, it is learned that violence has been committed upon the commerce and citizens of the United States in the West Indies and on their coasts. Do it justice to believe that it needs only to know the facts, to disavow all acts contrary to the laws of the republic and its own decrees. A remedy is preparing for it, and orders will soon arrive in the West Indies, calculated to cause every thing to return within its just limits." This "remedy" is the decree of the 31st July.

The first article of the decree confines to the special agents of the directory, the right of issuing commissions to privateers, and requires those to conform themselves to all the laws relative to cruising and prizes, and especially to those of the 1st October, 1793. Although the injunction to conform to all the laws of the republic, relative to cruising, ominous as the laws most recently promulgated and best known were themselves the sources of the depredations and evils of which we complained; yet not imagining that a decree introduced with so much solemnity, of which one copy was sent to Mr. Gerry, another to the American consul general at Paris, and a third to Mr. Letombe, late consul general of France—all to be communicated to the executive of the United States and all of which have been received—could be a mere parade of words, I was disposed to conclude that the law of the 1st of October 1793, to which all cruisers were especially enjoined to conform, might contain regulations that would afford some relief from French depredations. By the favour of Mr. Letombe, I obtained a copy of that law; and to my astonishment found its object conformable to its title, "to determine the mode of dividing prizes made by the French vessels on the enemies of the republic." And the only restriction in this lengthy law of six and twenty articles, imposed on the individuals, officers and others composing the crews of their armed vessels, is, "that they shall not sell before hand the eventual shares of prizes."

The second article declares that all commissions granted by the agents of the French colonies in America to fit out vessels for cruisers of war and commerce, shall be void in thirty days after the publication of the decree in those colonies.

It has been supposed that by this regulation the agents may gather a fresh harvest of loes for new commissions; and that this would be its only effect. The agent however had before taken care of this; they had been accustomed to limit the duration of privateers' commissions; and if they continued to cruise after expiration, such privateers should have been considered as defunct of commissions, as consequently if they made any captures, as pirates: But the agents knew their interest better; they did not punish the piratical captives—they did not declare their captures void, and restore the property to the neutral owners—but declaring such captives to have no title to the captured vessels and cargoes, took the whole to themselves. A remarkable instance occurred in the last year in the case of the East India ship New-Jersey, belonging to Philadelphia, to redeem which the owners have paid to general Hedouville, special agent of the

Decree de la Convention nationale du 1 Octobre, 1793, l'an 2d republique Francaise, qui se crimine le mode de repartition des prises faites par les vaisseaux Francais sur les ennemis de la republique.

executive directory in St. Domingo, upwards two hundred thousand dollars in cash. Whether any and what portion of such prize money goes into the chest of the republic, I am not informed.

The third article declares that all agents and other deputies in the neutral possessions, appointed to decide on the validity of prizes taken by the French cruisers, and who shall be suspected of having a direct or indirect interest in the cruisers, shall be immediately recalled.

It is remarkable that this article apparently designed to correct the monstrous abuse of public officers sitting in judgment in their own causes, should be limited to such of the agents and their deputies as were appointed to reside in neutral places. I do not know that an instance of the kind exists. For although the French privateers and their prizes find asylums in the Swedish and Danish Islands, yet the papers are carried thence to Guadaloupe, and there the captured vessels receive their doom under the superintendance of another special agent of the executive directory, Victor Hugues. And even the captured American vessel I carried into the West India ports of Spain and Holland, do not there receive sentence; the sales are decided by the agents or his deputies, or other French tribunals, or established in the island of St. Domingo, frequently, if not generally, in the absence of the masters and supercargoes. The French agents and judges find no difficulty in this mode of proceeding; justice being administered with more facility and dispatch when only one of the parties is present at the trial; especially when the agents or other judges are in credit in the privateers, and thus the present decree implicitly allows, the penalty "recall" being applicable, as above suggested, to such agents only as reside in neutral places, if any such there be.

It is also remarkable, that the decree, which was to give the United States a proof of justice of the French government, (a government, Mr. Talleyrand says "never listening to any thing but justice?") and of its desire of a reconciliation with the United States, should be limited to the West Indies, when a great, if not as numerous abuses were practised by French agents and tribunals in Europe, and even in France itself, as her remote possessions. This too many of our citizens well knew. For captures and condemnations are not the less abuses, because made under the color of municipal laws and decrees which directly violate treaties, the law of nations, and the plainest principles of justice. As present I need only mention, that in a report made by Major Moun Florence, chancellor of the consulate at Paris, to general Pinckney, in December, '96, and which was laid before congress in May, '97, he states "that the tribunals of commerce in every part of France, take cognizance, in the first instance, of every matter relative to captures at sea;" and "these tribunals (he adds) are chiefly composed of merchants, and most of them are, directly or indirectly, more or less interested in the hiring out of privateers; and therefore are often concerned in the controversies they are to determine upon."

The fourth article requires the special agents of the Executive Directory at Cayenne, St. Domingo, and Guadaloupe, Rudulously to take care, that the credit and property of vessels, belonging to neutrals and allies, be scrupulously respected. We have too long witnessed the studious and scrupulous care of these gentlemen respecting the property of neutrals and allies, and experienced its ruinous consequences, and as the same laws which authorized that "care" remain in force, with a fresh injunction of a strict conformity to them, we can expect only a continuance of the same abuses.

The fifth article enjoins the special agents of the executive directory, consuls and all others invested with powers for that purpose, to cause to be arrested and punished all who shall contravene the provisions of the present decree. Unfortunately these special agents, consuls, and their deputies, are themselves the aggressors, and justify their proceedings under the laws of the republic and the decrees of the executive directory.

(To be continued.)

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