

at different periods, and with that war ended the maritime convention. This no nation has more reason to regret than our own, as well because the principles in question respect some very valuable portions of our exports, as because our disposition and our policy preserving us in peace, such an extended liberty of commerce would prove highly advantageous to us as carriers for the powers at war.

We have seen then, that the law of nations, the marine laws of France, her own treaties as well as those of other nations, and even the system of the armed neutrality, incontestably establish these principles. That enemies goods on board neutral vessels, are rightly subjects of capture and condemnation, and that timber and other articles for the equipment and armament of ships, are contraband of war; and therefore, that the admission of these principles, in the treaty between the United States and Great-Britain, not being a grant to her of any right (for in what sense could we be said to give what she before possessed?) furnishes no just ground of offence to France. In what sense too can the United States be said to have "refused to other nations a right" which they and we voluntarily and mutually agreed to renounce? Or how, are we chargeable with "partiality in favor of England," because we do not take up arms to compel her also to renounce it?

But Mr. Adet, still resting on the idea that not to compel Great-Britain to renounce is to grant her a right, seems to imagine that we shall attempt to obviate his complaints, by saying, "France having the right, by her treaty of 1778, to enjoy all the advantages in commerce and navigation which the United States have granted to England, is not injured by the stipulations of the treaty of 1794 (with Great-Britain) relative to contraband of war; as they become common to her." But we shall say no such thing. The 2d article to which he refers has no relation to this subject. Had we granted any particular favor to Great-Britain, or to any other nation, in respect to commerce and navigation, we readily admit that by this article France would be immediately entitled to the same. But in regard to contraband of war, we have granted nothing, and therefore, under that article, France can claim nothing.

Under the influence of present and temporary interests, the very nature of the stipulations between France and the U. States on the subject of free commerce and the limitation of contraband, seems to be forgotten. They took for the basis of their treaty "the most perfect equality and reciprocity"—would they then conspire to their own hurt? would they voluntarily and mutually stipulate for injuries? or for advantages? certainly the latter; and both considered the agreement reciprocally advantageous, which secured to each, in its turn, the freedom of commerce provided by the rules, that free ships should make free goods—and that timber and naval stores should be excluded from the list of contraband.

Connected with this subject is what concerns the article of provisions. Mr. Adet says, that "after having assured to the English the carriage of naval stores, the federal government wished to assure them that of meals; in a word, it desired to have commerce only with England. Thus it stipulates by the 18th article, that the American vessels laden with grain, may be seized under the frivolous pretext, that it is extremely difficult to define the cases wherein provisions, and other articles, which are generally excepted, could be classed in the list of contraband of war."

There are so many extraordinary assertions in Mr. Adet's notes, those in the above paragraph excite no surprise. The federal government is constituted of citizens who have a common interest with their fellow-citizens of the United States. That common interest has a peculiar relation to commerce, on the freedom and extension of which the public revenue and the general prosperity of our country chiefly depend. Will it then be believed that the government wished this commerce to be restrained, particularly the commerce in meals which compose the most valuable part of our exports? Especially will it be believed that the government desired that our citizens might have commerce only with England? Let the general sense of our fellow-citizens answer these charges. Let the great mass of our commercial brethren answer, they whose enterprize traverses every sea, and explores every region of the globe, to extend their painful trade;

citizens whose commercial adventures to France and her colonies have risen annually to many millions; adventures by which many have hazarded their credit and their fortunes. Yet among all our citizens none have been more solicitous to form a commercial treaty with Britain; none more decided in approving that which has been made.

For the reasoning of our own government on this subject, I beg leave to refer you to my letter of September 12, 1795, written by the President's direction to Mr. Monroe. Therein it was attempted to show the necessity and our right of forming that treaty with Great-Britain, and I hope it will appear to you that the conclusion is there fairly drawn, that even the 18th article, as it respects provisions, would operate favorably to France.

Before the treaty with Great-Britain, her cruizers captured neutral vessels bound to France with provisions. She asserted that in certain cases, provisions were contraband of war; consequently that she might lawfully capture and confiscate such provisions. We opposed the principle and the practice. Britain insisted on her right. In this dilemma, it was agreed by the treaty, that whenever provisions, becoming contraband by the law of nations, should be captured, they should be paid for with reasonable mercantile profit. This stipulation, without admitting the principle, by securing the American merchants from loss in case of capture, would certainly tend to promote rather than to discourage adventures in provisions, to France.

But as this treaty has been the subject of serious complaint on the part of France, it is important to enquire with what foundation the complaint is made.

I might pass over the unworthy insinuations of the minister, that the treaty was entered into by us "in order to assure advantages to the English, and to furnish our own government with a reply to the claims of France, and peremptory motives for refusals to accede to them; that the true object of the negotiation was incessantly disguised under specious pretexts, and covered with the veil of dissimulation." These insinuations have been indiscreetly addressed to the people of the United States. They will gain no belief. It may, however, be useful to you to be truly informed on this subject.

The President's message to the Senate on the 16th April 1794, does not declare (as Mr. Adet asserts) "that Mr. Jay was sent to London only to obtain a redress of wrongs." The President says that Mr. Jay's mission would announce to the world "a solicitude for a friendly adjustment of our complaints," and that "going immediately from the United States, such an envoy would carry with him a full knowledge of the existing temper and sensibility of our country; and thus be taught to vindicate our rights with firmness, and to cultivate peace with sincerity." And shall the pursuit of either of these objects be denied to us? What were our complaints? The most urgent regarded the spoliations on our commerce, and the inexecution of the article of the treaty of peace respecting the posts. With the latter was connected the Indian war, with which we had been harassed for so many years; and with the former, the injury or ruin of our merchants and the consequent extensive damage to agriculture. These being the most prominent objects of the mission, were of course most observable, and most talked of; and without them the mission probably would not at that time have been contemplated. But had we no other "complaints?" Did not the impressment of our seamen, like the spoliations on our commerce, excite an universal complaint? Had we never manifested our uneasiness at Great-Britain's avoiding a commercial treaty? Was it not even a subject of complaint and reproach? Was not the inducing her to enter into such a treaty, the object of divers measures agitated in Congress? Had not a commercial treaty with Great-Britain been earnestly sought for from the conclusion of the war to the time of Mr. Jay's mission? How also could Mr. Jay, after adjusting the primary objects of his mission, better prove the sincerity of our pacific disposition and more effectually "cultivate peace," than by forming arrangements calculated to extend and protect our trade, to promote good neighbourhood and a friendly and mutually beneficial intercourse; by prescribing a previous demand of justice and satisfaction to hasty reprisals, which naturally lead to war; and by agreeing on other regulations to prevent disputes, or to adjust them when they should

arise? All these objects then, and whatever else would be the means of "cultivating peace," were clearly comprehended in the President's message.

But Mr. Adet says, "that Mr. Jay's negotiation was enveloped from its origin in the shadow of mystery." And to whom was our government bound to unveil it? To France or to her minister—Mr. Adet should answer or not have complained. And was it for this to make us a dependance on the French empire that our alliance was formed? Did we stipulate to submit the exercise of our sovereignty (if it is not a contradiction in terms) to the direction of the government of France? Let the treaty itself furnish the answer. "The essential and direct end of the present defensive alliance is to maintain effectually the liberty, sovereignty, and independence absolute and unlimited, of the said United States, as well in matters of government as of commerce." So likewise the treaty of amity and commerce in its preamble, declares that his most Christian Majesty and the United States willing to fix the rules which ought to be followed relative to the correspondence and commerce which they desire to establish between their respective countries, have taken "for the basis of their government, the most perfect equality and reciprocity"—and "serving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages." Corresponding with this declaration in our treaty of amity and commerce with France, is the declaration of the Marquis de Noailles, her ambassador at the court of London, on the 13th of March 1778, five weeks after the treaty was signed. Some passages in this declaration are so pertinent to the subject in discussion, I shall quote them at length.

"The undersigned ambassador of his most Christian Majesty, has received express orders to make the following declaration to the court of London."

"The United States of North America, who are in full possession of independence, as pronounced by them on the 4th of July 1776, having proposed to the king to consolidate by a formal convention, the connection begun to be established between the two nations, the respective plenipotentiaries have signed a treaty of friendship and commerce, designed to serve as a foundation for their mutual good correspondence."

"His majesty being determined to cultivate the good understanding subsisting between France and Great Britain, by every means compatible with his dignity, and the good of his subjects, thinks it necessary to make this proceeding known to the court of London, and to declare, at the same time, that the contracting parties have paid great attention not to stipulate any exclusive advantages in favor of the French nation, and that the United States have reserved, the liberty of treating with every nation whatever upon the same footing of equality and reciprocity." Why after all this, do we hear from Mr. Adet the complaint, that the negotiations of the British treaty were secretly conducted? In other words, that in exercising their absolute and unlimited rights of "government and commerce," the United States did not lay open to the French minister or his government, the instructions to our envoy for settling our own disputes and regulating our own commerce with Great-Britain? So far as candour and friendship required, a communication was made to the French minister. He was officially informed, "That Mr. Jay was instructed not to weaken our engagements to France." This instruction was obeyed, Mr. Jay having taken care to insert in the 25th article of the treaty this explicit stipulation, that "nothing in this treaty contained, shall be construed or operate contrary to former and existing public treaties with other sovereigns or states."

[To be continued.]

† Treaty of Alliance, Art. 2.

### JOHN CALHORN,

In addition to his former stock of Wines, has received by the late arrivals, Sherry in quarter-casks, and Tent Wines of a superior flavor, which he will sell low for Cash, by the quarter-cask.

Also a fresh assortment of Dry Goods, suitable for the ensuing season.  
February 16.