

## The Two Republics.

### Positive considerations on the subject of differences between AMERICA and FRANCE.

(FROM THE PARIS REDACTEUR.)

At a moment when the arrival at Paris of several Negotiators on the part of the United States is announced, it doubtless will be very acceptable to our readers to receive some exact statements upon the subject of the differences which have arisen between France and the United States.

The cause of the Americans against the Republic was defended in the Legislative Body by Emanuel Puffort, on the Motion of Order, upon the 2d Messidor, the 3d year. It was pleaded by some French Publicists, or by men calling themselves by this name. But a cause of this nature between two nations, can very ill be elucidated by oratorical emotion, or political pamphlets. The matter receives no light from the vehemence of the tribune or the virulence of invective. Let us lay words out of the question; let us consider things. The difficulty consists in facts, and it is with facts which we ought to be acquainted.

A Treaty of Commerce, concluded by Mr. Jay, is the source of the differences which we have to investigate.—This Treaty was concluded at London on the 1st November, 1794: it was ratified by the Senate of the United States, with the exception of one article, upon the 24th of June, 1795.—The following is in a few words the history of this Treaty;

It is well known that there exist among the Anglo-Americans two declared parties; the one consists of the merchants, and unfortunately of a majority in the Government and Legislature—this is the English party, the cultivators of land form the other party. The mass of the people is more inclined to the cause of France, and to the principles which dictated the revolution. The latter remember that to France they owe that liberty which they prize so much; the others recollect that to England they owe their existence; this at least is the motive generally understood to actuate the two parties.

It is melancholy to discover, in every age and in every country, the eternal contest occasioned by this division of the human mind, between the aristocratical and democratical spirit. The States of Greece formerly experienced these oscillations, which were also the torment of the Roman Republic. The universe seems abandoned to the system of these two principles. The good one does not always preponderate, and the United States seems to fluctuate between the two. It is well known that the French have contributed in America to the triumph of the better Genius. By a definitive treaty concluded at Paris in 1783, England recognized the independence of America. This treaty fixed the limits and some other points.

Up to the commencement of the present war, these objects had excited some differences. The troops of the King of England had not observed the lines of demarcation traced by the Treaty. The English had carried off the negroes belonging to the U. States. Some American vessels, by virtue of orders issued on the 6th Nov. 1793, had been pillaged and taken by English vessels, under pretence that they carried on traffic with the French West-India islands upon a different footing from that established before the war, &c.—The last fleet awakened the American ship-owners; they every where protested against this proceeding. In the Legislature cries of war were heard, should the grievances of America not be redressed. The Government preferred the mode of conciliation:—A Negotiator was sent to London, and the choice fell upon Mr. Jay.

The *Chiriquie* asserts, that at London Mr. Jay allowed himself to be circumvented by the Ministers, Courtiers, the Noble Lords, stammered, besides, by the complaints of imaginary grievances which the British minister rung in his ears, he forgot that he himself was sent to state the

grievances of his fellow-citizens, and that he came on purpose to procure redress. He saw no other means of extricating himself from this labyrinth but to solve the conclusion of a treaty of peace with England.

Here begins the return of the balance principle into the affairs of America. The treaty favours, in a decided manner, the interests of England, to the prejudice of France, and several other powers, such as Holland, Prussia and Sweden; and openly violates, in several important articles, the preceding treaties between France and the United States.

We here should observe, that a Treaty of Commerce, favorable to the Americans, negotiated by Franklin, Deane and Lee, had been concluded between France and the United States, along with a Treaty of Alliance, upon the 6th of Feb. 1778. These treaties of Paris, compared with that of London negotiated by Mr. Jay, give rise to a parallel, and to remarks very striking. We shall advert to the several articles of the contract which were concealed or perverted on Puffort's motion of order. At the commencement of the present war, it was proposed to renew the alliance between France and America; but America eluded this proposal: Nay, more; it endeavored to form, or rather it sought and solicited to establish, new bonds of friendship, of commerce, and intimate connection with the cabinet of London.

In 1778, the French lavished the treasures and their blood in favor of the Americans during the war with the King of Great Britain: In 1794, America concluded with the same king a most favorable treaty, at the same time that this was carrying on against the French a war at once the most violent and most unjust. At the first period, it was in France, Paris itself, that the treaties between England and the United States were negotiated—the interests of the allied nations were then stipulated in concert against that power which was then considered as the common enemy. At present, it is at London where they are conducted; without the knowledge of France. It is at Philadelphia were those insidious articles are adopted with mysterious secrecy—articles by which the interests of France are destroyed or trodden under foot.

These treaties of *diffusion*, to say no worse, must deeply affect the French.—They clearly announced to them the rupture of the alliance which subsisted between them and the Americans, although that rupture had not been written expressly in every article of the treaty negotiated by Mr. Jay. It may be asserted that it is there iterally expressed. We shall consider it article by article.

1st. The eight first occupied fixing limits. They assign round each English post boundaries traced on the territory of the United States which had nothing to do with the treaty of independence in 1783. Their boundaries, the extent of which is not determined, must people the interior of the American frontier with English Colonies. By the same articles, there is granted to the English the free navigation of the lakes and rivers traversing the United States, although the same liberty is not granted by the English on their own rivers but under restrictive clauses. The English are admitted, without any equivalent, to share the territory to the east of the Mississippi, &c. We admit that these facts seem only to concern the Americans, but they discover the spirit of kindness and of favor in which the treaty is conceived. This will be seen more clearly from the subsequent articles.

2d. The ninth article stipulates, that the subjects of England and the United States at present possessing lands in the boundary of the territory of either nation, shall enjoy all the privileges of the natives of either country, and shall not be reputed strangers. The proportion of the lands thus possessed is not specified.—Are the American Emigrants comprehended in this clause? Whether this be so or not, it follows that the United States will have in their bosoms English possessors of

lands, Englishmen through all their country. When the French, in 1778, granted to the Americans every thing they demanded, and principally an exemption from the duty of sheat, to which other foreigners dying in France were liable, at least a reservation was made of the right respecting taking measures against the excess of emigration. But here nothing is reserved; the children and grandchildren of the numerous subjects of Great-Britain may increase to infinity, and plant throughout all the dominions of the United States this shoot of Royalty. Twenty years ago the English were not so much in fashion in America, and were not so much with rather more respect than was thought that they could not be kept too far from their states, their ports, and their frontiers.

3d. The tenth article makes provision for the War that may arise between the two contracting parties. In this case, the funds which should be placed by individuals in the public banks, and the coffers of individuals, can be in no case either sequestrated or confiscated, "as it is unjust and impolitic (says the article) that debts and engagements contracted by individuals having confidence in each other should be destroyed or weakened by the national authority on account of differences subsisting between the two nations." This last paragraph is what may partly be termed *philosophy*.—We know very well how, on a late occasion, England practised this sublime theory. We know how the philosophically respected the funds of the Dutch Merchants, who were, by the way, the first and the last friends of the American People; Philosophy apart, how could the latter, who have neither fleets nor armies, think of laying aside this arm, the only arm they can employ in case they have recourse to the completion of the conduct of England. Is it not to surrender themselves to England by tying their own hands?

4thly. By the twelfth article, "the Americans bind themselves not to export from the United States, to any part of the world whatever, during the present war, and for two years after, either molasses, sugar, cocoa, coffee or cotton, whether these articles may be the produce of the French, English, or Spanish Islands." The cocoa is a produce of the Spanish possessions: The United States themselves produce cotton. The Americans are afterwards prohibited from trading to the British establishments in vessels of a larger burthen than 70 tons. But how are the Americans to transport, in such vessels, either their wood for building, or the other cumbrous product which are conveyed from their territory? If the preceding articles are to be ascribed to a concivance and a marked predilection for England, ought we not to regard the Americans as bowing the neck to the yoke of that nation? We ought, besides, to consider, which is the one of all the powers against which this article is exclusively directed. By the ninth article of the Treaty of Alliance concluded in 1778 between America and France, the former power had guaranteed to its deliverers their American possessions. It is well known that hitherto the United States have unfortunately not been able to fulfil in a direct way this article of their treaty: France has excused them; but is this a reason why they should act in a way diametrically the reverse? Now, do not their new arrangements with the British Islands tend at once to facilitate their supplies, and to render those of the French Islands more difficult? Will not the American vessels supply the English with the means to maintain themselves in the usurpation of Martinique? By the same twelfth article it is also provided, that during the present war, and for two years after, the question, whether, between the English and Americans, the neutrality of vessels shall apply to the merchandize they contain, shall be left undecided. This question has been affirmatively decided in the different treaties between America and France, between France and Holland, and between Prussia

and Sweden. The above clause is not precisely an infraction of these treaties since it does not depend on American sailors, properly speaking, to bind the English to do what they may not wish to do. It is not less evident that this article is altogether to the prejudice of the French; for it does not let result from this complacency, or perhaps from this concert with the enemies of the French republic, that the English may legally plunder the merchandize of the French in American vessels, more especially the corn which the Americans may have then pleaded to sell to the French at a time of scarcity and embarrassment; but neither the French, the Dutch, the Danes, nor the Swedes, could seize on board the same vessels merchandize belonging to the English.—It would have been more honourable in the American senate to have disavowed the treaty, on the ground of this article alone, which it could now have been advantageous for them to adopt.

5thly. By the thirteenth article, the Americans are allowed to carry on a trade with the English establishments in the East Indies; but, among other restrictions, the whole of the merchandize brought from those establishments must be landed exclusively in the ports of the United States themselves, thus then, the Americans cannot carry to Canton or to any other part of the globe, what they may ship in the English Asiatic colonies. It is thus that they destroy, by their example, as much as they can, the freedom of navigation. To those advantages they sacrificed at once both their engagements and their earlier connections.—The 14th, 15th, 16th and 17th articles, contain the regulations of their commerce, and of their new restriction.

6thly. The 18th paragraph, enumerating the merchandize which shall in future be considered as contraband, comprehends in this list the essential articles which, in the treaty with the French, as well as those with the powers above named, were considered as free merchandize. The articles are—wood for ship building, pitch, and tar copper in plates, flax, cordage, and finally, whatever is employed in the construction of vessels. Thus, then, the Americans tho't that they were enabled, according to the terms of the treaty they have entered into with France, to supply all these articles in the English marine with which they can no longer furnish France, Holland, Prussia or Sweden, according to the terms of the treaty negotiated by Mr. Jay.

7thly. The 21st article states, that the Americans can accept no commission, nor act hostilely against England, either in the armies or fleets of the enemy, and reciprocally." Mr. Jay would perhaps have rendered a more honourable service to his country, and to humanity, if he could have fallen on an efficacious mode of preventing England, by the means of pressing of seamen, from forcing American sailors to serve in her fleets.

8thly, and finally. The 24th and 25th articles are those which contain the most grievous clauses, the stipulations which are in most direct violations of the treaty of 1778. It will be necessary, in the first instance, to read the text of the article of the said treaty.

"It shall be lawful for the ships of war and privateers of either power, to convey freely, whatever they shall choose, the vessels and merchandize taken from the enemy, without being obliged to pay any duty to the officers of the admiralty, or to any other judge, whenever they shall arrive at and enter the ports of either of these powers. Prizes of this description cannot be detained or seized; the inspectors or other officers of these ports cannot inspect these prizes, or enter into any security as to their legality; but they, the vessels of war or privateers, may sail at all times, and carry their prizes to the places named in their commissions, which their commanders shall be obliged to produce. On the contrary, there shall not be given in their ports either refuge or shelter to those, whoever they may be, who shall have made captures from the