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FROM THE FREEMAN'S JOURNAL.

LETTERS UPON FRENCH INFLUENCE.

No. X.

THE PEOPLE OF THE UNITED STATES.

National Intelligencer, the great political organ of the administrations of Jefferson and Madison, has manifested great apprehensions in consequence of the publication of No. VII. of these letters, and has attempted a formal refutation. In point of style too pure for the pen of a statesman, too elevated to have been written by a common paragraphist of Washington city, exhibiting, when it is considered that it is an answer to an attack which we confess was a very one, much more of the manner which usually results from the spirit of a gentleman, than any other democrat in the United States is likely to display, it is natural to ascribe the performance to the present President of the United States. But whether it be the production of Jefferson, of Mr. Madison, of Mr. Secretary, of Mr. Granger, or of Mr. Smith, Editor of the Intelligencer, is quite immaterial. It is presented to the public with all the force and pressure of an official vindication of the present administrations, now well known to be completely amalgamated and identified in respect to our foreign relations, against the charge of French influence. Although the language of these letters can never descend to the miserable insects which sometimes buzz in our ears, yet he can with credit enter into competition with the administration, and will at least take up the gauntlet which it has thrown to

us, with much candour, the perfect correctness of every fact which was stated in No. VII. administration contends that it could only be refuted by one of those facts, and that one only, which attempts to explain away. This explanation is given in the following manner.

Who is there so ignorant as not to know that the treaty of alliance between France and Spain existing, there was contained an article, which was applicable to this case? The whole world knew that in that treaty, after speaking of the relative good offices to be performed by each to the other, there was the following arti-

cle, "The required power shall likewise furnish, on demand, of the requiring power, within the space of three months from the requisition, eight thousand infantry and six thousand cavalry, a proportionable train of artillery, to be employed solely in Europe, or in defence of the colonies which the contracting powers possess in the West Indies."

This is an extract from the treaty. Under circumstances, the question said to have been asked by General Armstrong was (if asked) a pertinent one; but, having been asked, no answer could have been returned by Talleyrand consistently with truth, but that if we went with Spain, France (agreeably to her treaty) could neither doubt nor hesitate." She not but have taken part with Spain, or have refused a most solemn treaty."

Does administration mean by the whole of No. VII. Will it say that five hundred persons in the United States knew that such an article existed in that treaty (undoubtedly) extracted from the secret bureaux? The writer of these letters certainly knew of this treaty, and contemplated it as a proper subject of remark in the course of his labours. And he is by no means to be blamed that Administration has drawn his attention to it so early.

Administration must have learned from *Vattel*, in reference to the profound learning of our present Secretary of State, as displayed in his correspondence with Mr. Jackson, representative from Connecticut (Mr. Pitkin) called "a sort of text book" for our government, that it is one thing for a nation to be bound by treaty to furnish certain auxiliaries to another nation, and quite a different thing for a nation to "make a common cause," with another nation, and enter into a society of war especially with a nation which "the whole world knows" will not of its own, and to be a fact though named a province of that power that "neither doubts nor hesitates" to "take part" in its wars. Had war taken place between the United States and Spain, and had France furnished to the auxiliary force stipulated by treaty, would not, by the principles of the law of nations, have produced a war between the United States and France. Besides, the troops were employed solely in Europe, or in defence of the colonies which the contracting powers possess in the Gulf of Mexico." To a war defended on the part of the United States, or offensive on the part of Europe or the Gulf of Mexico, stipulation would not be applicable. Known as Administration did, that this article of alliance existed, and that its terms would admit of more than one construction, why did it ask the Government what would be its course in the event of a war between us and Spain? Because it wished to ascertain whether France would stop at the point indicated by the treaty, or would in

fact, acting upon the principle that there was "no Spain," make the war her own. Having ascertained—if indeed it can be said to have ascertained what it well knew already—that France would make war upon us if we made war upon Spain, and having ascertained also that France wanted money, Administration determined to buy off as one would say in common life, by paying eight millions of dollars for a boundary to that country for which it had paid fifteen millions without a boundary. This is the long and short of the whole business. The statement, therefore, that this threat on the part of France, accompanied with a gentle hint that money would be acceptable, influenced Administration to abandon the idea of honourably maintaining our rights against that power, (remember there was no Spain) influenced it to succumb to that power in a most mean and base manner, and influenced it to conceal the state of our foreign relations from the people, remains uncontradicted. Had France said, "If you go to war with Spain, we shall do no more than furnish her, agreeably to treaty, with 18000 infantry, 6000 cavalry and a proportionable train of artillery," as little of a soldier as the Commander in Chief of our Armies & Navies was, it is perhaps but common charity to believe that he would have contented himself with giving up all our claims for Spanish and French spoiliations, and with relinquishing West Florida and the immense region between the Colorado and the Rio Bravo, which countries he claimed as a part of Louisiana, in order to obtain a boundary for the "string of land" that would then be left to us. Will any man now doubt that Administration acted under the influence of a fear of France?

Administration has tacitly admitted (it could not possibly have denied) the whole of the facts stated in No. VII. It has admitted that it had known for years that France managed all the concerns of Spain; that Thomas Jefferson had been informed by his agents abroad that it was the policy of France to reserve Spain for events; that he falsely stated to Congress that it was the policy of Spain to reserve herself for events; that our Ministers had offered to relinquish all our claims for Spanish and French spoiliations; that, in asserting that France was disposed to effect a settlement between us and Spain, he was either guilty of asserting another gross falsehood, or of intimating to Congress in a most artful but most mean manner, that money must be paid to France, as her terms were "analogous" to those (pecuniary) terms which our Minister had already proposed; and that he resorted to means, superlatively base and wicked, to procure an appropriation, which was to be concealed from the people, of the money thus to be paid to France. Not a little gratified, however, with an opportunity to argue this case against the Administration, the writer will give it liberty to amend its plea.

APPENDIX—No II.

Vattel, Book iii. chap. 6.

Of the Enemy's Allies; Societies of War, Auxiliaries, and Subsidies.

§ 78. We have sufficiently spoken of treaties in general, that here we shall touch on this subject only in its particular relations to war. Treaties relating to war are of several kinds, and vary in their objects and clauses, according to the will of those who make them. Besides applying to them all that we have said of treaties in general (Book ii. ch. 12 &c.) they may also be divided into treaties real and personal, equal and unequal, &c. But also those which relate to their particular object, war, have their specific differences.

§ 79. Under this relation, alliances made for war are divided in general into defensive alliances and offensive alliances. In the former the nation engages only to defend its ally in case he be attacked; in the latter a nation joins with him for attacking, and for jointly carrying the war into another nation. Some alliances are both offensive and defensive, and an alliance is seldom offensive without being also defensive. But it is very usual for alliances to be purely defensive; and these are in general the most natural and lawful. It would be too tedious, and even of little use, to go through the detail of all the varieties in these alliances. Some are made without restriction towards and against all; in others certain states are excepted: a third are formed nominally, against such or such a nation.

§ 80. But a difference of great importance to be observed, especially in defensive alliances, is that between an intimate and complete alliance, in which we engage to make a cause common, and another in which we promise only a settled succour: the alliance making a common cause is a society of war. Every one acts with his whole force; all the allies become principals in the war; they have the same friends and the same enemies; but an alliance of this nature is more especially termed a society of war when it is offensive.

§ 81. When a sovereign, without directly taking part in the war made by another sovereign, sends him only succours of troops or ships; these are called auxiliaries. The auxiliary troops serve the prince to whom they are sent, according to their sovereign's orders. If given purely and simply without restriction, they are to serve equally on the offensive or defensive; and in the conduct

of the several operations they are to obey the prince to whose assistance they come. Yet this prince has not the free and entire disposal of them, as of his own subjects; they are granted him only for his own wars, and he has no right to transfer them as auxiliaries to a third power.

§ 83. For judging of the morality of these several treaties or alliances, of the lawfulness of them, according to the law of nations. This must be laid down as an incontestable principle: It is lawful and commendable to succour and assist every way, a nation making a just war; and even his assistance is the duty of every nation, which can give it without being wanting to itself. But he who makes an unjust war is not to be assisted in any manner. There is nothing in this which is not demonstrated by all that we have said of the common duties of nations towards each other—(Book ii. ch. 1.) To support right when we are able, is always commendable: but to assist an unjust party is to partake of his guilt, it is being no less unjust than himself.

§ 86. As it is allowable only in a just war to send succours, or to make alliances; so every alliance, every society of war; every treaty of succours previously made in the time of peace, when no particular war is intended, necessarily and of itself includes this tacit clause, that the treaty shall take place only in a just war. On any other footing the alliance could not be validly contracted.

§ 88. When alliances have thus been previously contracted, the cases in which a nation is to act, in consequence of the alliance, and in which the force of the engagements consists, are on occasion to be determined. This is what is called *casus foederis*, or case of the alliance. It consists in the concurrence of the circumstances for which the treaty has been made, whether those circumstances be expressly specified or tacitly supposed. Whatever has been promised in the treaty of alliance is due to the *casus foederis*, and not otherwise.

§ 89. As the solemn treaties cannot oblige persons to favor an unjust quarrel (Sect. 86.) the *casus foederis* never takes place in a war manifestly unjust.

§ 95. An engagement which may draw on a war is of great moment: it concerns the very safety of the state. He who in an alliance promises a subsidy or a body of auxiliaries, sometimes thinks that he risks only a sum of money, or a certain number of soldiers; whereas he often exposes himself to war, and all its calamities.—The nation against which he furnishes succours will look on him as their enemy, and should the fate of their arms prove favorable, they will carry the war into his country. But it remains to see whether such a thing can be done justly, and on what occasions. Some authors* decide in general, that whoever joins our enemy, or assists him against us with money, troops, or in any other manner whatever, becomes thereby our enemy, and gives us a right of making war against him. A cruel decision, and destructive of the tranquility of a nation! It cannot be supported by principles, and happily the practice of Europe is directly the reverse.

§ 101. But if a defensive alliance has not been made particularly against me, nor concluded at the time when I was openly declaring for war, or had already begun it, and if the allies have only stipulated in it, that each of them shall furnish a stated succour to him who shall be attacked; I cannot require that they should neglect to fulfil a solemn treaty, which they had an unquestionable right to conclude without any injury to me. The succours furnished to my enemy are the payment of a debt; they do me no wrong in discharging it, and consequently give me no just cause to make war on them—Sect. 26. Neither can I say that my safety obliges me to attack them, for I should thereby increase the number of my enemies, and instead of a slender succour which they furnished against me, should draw on myself all the united force of those nations. Therefore it is only the auxiliaries sent by them who are my enemies. These are actually joined to my enemies, and fight against me. The contrary principles tend to multiply wars and spread them without measure to the common ruin of nations. It is happy for Europe that herein agrees the true principles. A prince seldom takes upon him to complain of promised succours furnished for the defence of an ally, promised by former treaties, by treaties not made against him. In the last war the united provinces furnished the queen of Hungary with subsidies, and even troops, and France never complained against these proceedings till those troops marched into Alsatia to attack their frontiers.—Switzerland in virtue of its alliances with France, furnishes that crown with a large body of troops, and notwithstanding lives in peace with all Europe.

§ 102. The real associates of my enemy being my enemies, I have against them the same rights as against the principal enemy.—Sect. 95. And as they declare themselves such; as they first take arms against me; I may make war on them without any declaration: it is sufficiently declared by their own act. This is especially the case of those who in any manner whatever concur to

* See *Wolfe Jus. Gentium. Sect. 730, 736.*

make an offensive war against me, and it is likewise the case of all those whom we have mentioned in Sect. 96, 97, 98, 99, 100.

But it is not thus with those nations which assist my enemy in a defensive war; I cannot consider them as his associates. (Sect. 101.) If I am entitled to complain of their furnishing him with succours, this is a new difference between me and them, I may expostulate with them, and on not receiving satisfaction, prosecute my right and make war on them. But in this case there must be a previous declaration, (Sect. 51.) The instance of Manlius, who made war on the Galatians for having furnished succours to Antiochus is not to the point. Grotius censures the Roman general for beginning the war without a declaration. The Galatians in furnishing troops for an offensive war against the Romans had declared themselves enemies to Rome. Indeed as a peace had been made with Antiochus, it seems as if Manlius should not have fallen on the Galatians till orders came from Rome, and then if this expedition was considered as a fresh war, it was not only to be declared, but satisfaction should have been asked, before proceeding to hostilities.—Sect. 51. But the finishing hand was not yet put to the treaty with the king of Syria, and it concerned only him, without any mention of his adherents. Therefore Manlius undertook the expedition against the Galatians as a consequence or remainder of the war with Antiochus. This is what he himself very well observes in his speech to the senate; and he even adds, that his first measure was to try whether he could bring the Galatians to reasonable terms. Grotius more aptly cites the example of Ulysses and his companions, blaming them for attacking, without any declaration of war, the Ciconians, who during the siege of Troy sent succours to Priam. ||

† *Lib. III. Cap. iii. Sect. 10, de jure belli, et pacis.*

‡ *Tit. Liv. Lib. XXXVIII.*

|| *Grotius ubi supra, Not. 3.*

POSTSCRIPT.

Appendix No. III. which is to accompany Letter No. XI, will contain some unexampled, unparalleled, and most eccentric, as well as humiliating propositions, which were made by president Jefferson to the government of France (pretendingly to Spain) five or six years ago, and which are as yet known only to the members of the Executive and Legislative departments of the United States, and to a very few individuals in Europe. In the course of these letters we shall detail most of the propositions which Jefferson from time to time made to France. That artful man has concealed, even from Congress, the secret propositions which the French Emperor made to him, and which one of his subaltern leaders, in one of his few honest moments, declared he had no doubt were "infamous." But, strange as it may seem! Good Fortune will so have it; that we have got a very strong grasp upon a perfect clue to some of the most important of them, and we will not let go her hold. We shall also, 'in process of time,' give a sketch of the history and true character of the secret treaty between Spain and France, upon which Administration affect to repose as upon a solid ground of defence; and perhaps of other secret treaties. The Public are convinced that we do not trifle with them. We are continually receiving new information, and shall be able to afford interesting "Letters upon French Influence," for a number of years.

Criminal Conduct of some Americans.

In the latter end of March, during the month of April, and in the beginning of May, in this year, there were in Annotto Bay, on the North side of Jamaica, three American brigs three schooners and one sloop, the major number of which were from New-York. The schooners had been there a considerable length of time. The Captain of one of them, who though known to be a married man in the United States, had a *Chere ami* with him, with whom he removed to comfortable lodgings; and having landed and sold the whole of his cargo, he procured the whole of his crew to be impressed by Lt. Price, commanding the Flying Fish schooner, then cruising off that harbour, under an express agreement with Price that the wages then due the men should be left to him. The schooner he had charge of having no person on board adequate to the task of saving it, was suffered to drive on shore and be totally lost.

One of the other schooners that had been in that port a considerable length of time, had a Captain and supercargo on board, that kept in a continual state of intoxication and quarrel; exhibiting uniformly scenes of the most disgraceful kind to human nature and to themselves. When these men collected the proceeds of their cargo, they attempted to dispose of that and the vessel, but were deterred from doing it by the active interference of a gentleman that happened to arrive there, who was acquainted with the shipper; they intrigued with the man who had lost his vessel, to take him and his *Chere ami* with the proceeds of his cargo and of the wreck of the vessel to Cuba, or some other foreign dominion, and