

STATE GAZETTE OF NORTH-CAROLINA.

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AUTHENTIC.

Translation of a Note from the Minister of the French Republic, to the Secretary of State of the United States.

LEGATION OF PHILADELPHIA.

(Continued from our last.)

WHAT was the undersigned Minister plenipotentiary able to obtain in the affair of the Collis and of the Vengeance? Nothing. The government of the United States must have been however by the claims which the Minister of the Republic addressed to it, and by the number of facts, of which it has had the knowledge, how much the execution of the law of the President and of the law of the 5th of June, 1794, was contrary to the 17th article of the treaty; how much the agency of individuals who ought not to have any cognizance of the validity or invalidity of the provisions of that article, and to determine the Republic of the advantage which it derives from her. In fact, was it not evident, when the powers of war with the Republic were in full vigour, in virtue of the law of the 5th of June, 1794, of causing to be arrested the persons and their prizes, of detaining them in the ports of the United States, of ruining them by considerable costs, by the excessive expenses which they occasioned them, they drew from the Republic an immense advantage, to the detriment of France. Doubtless it was of interest to them that sometimes the privateers should be in the last resort, if they were the privateer for a length of time, and that they be that means sheltered from their pursuers by the commerce of the enemy of France. The neutrality of the United States in this case, together to their advantage, and the refusal of the government on seeing this state of things, not to respect to its neutrality and to solicit of the Congress the means of executing the duties of the former with the opinion of the latter.

The government very well knew how to follow the law of the 5th of June, 1794, when it was to bear on France alone, when it was to the tribunals a right which had been accorded, and which enables them to decide upon why, on seeing the inconveniences of the law, has it not endeavoured to remedy it? Should it wait to be solicited on this point? Should it not anticipate all claims, and on those were presented by the ministers of the Republic, should it not do justice?

But, if the government had been in a position to have pretended to be, it would not have adopted that slow and circuitous mode to be favourable to the enemies of France, for deciding the cases relative to its neutrality; it would have preferred the measures proposed by the Minister of the Republic; these measures, in fact, they were in conformity with the law of neutrality and the interests of the Republic.

The federal government had decided questions which interested its neutrality, upon information furnished by the State Governors and agents of the Republic; the prizes which were in the hands of the French Consul, and this decision took place; the stipulations of the 17th article of the treaty of 1778, were violated, and the government at the same time violated the obligations of duty and justice.

Now would it say, that it had not this power. Notwithstanding the law of the 5th of June, 1794, giving to the tribunals the right of cognizance of cases in which neutrality had been violated, did not the President on the 11th of June, 1794, decide that the ship *William*, taken out of the mouth of the waters of the United States, should be delivered to the captors; and on the 3d July, 1794, did he not decide that the *Primo* had been taken in the waters of the United States, and that of course she should be given up to the owners? In these cases the President not only decided on matters, the cognizance of which had been assigned to the tribunals, but likewise gave a retrospective effect to his own decision upon the protecting law of the United States, which was not no-

tified to the Minister of the Republic till the 8th of November, 1793.

Not satisfied with permitting the 17th article of the treaty to be violated by its agents and tribunals, the federal government also suffered the English to avail themselves of advantages interdicted to them by that article. They armed in the ports of the United States, brought in, and repaired their prizes, and in a word found in them a certain asylum.

Thus the English privateer *Trusty*, Capt. Hall, was armed at Baltimore to cruise against the French, and sailed notwithstanding the complaints of the Consul of the Republic. At Charleston, one Bermudian vessel, several English vessels and one Dutch vessel, from the 14th of May, to the 6th of June, 1793, took in cannon for their defence, and sailed without opposition.

What answer did the government give to the representations of the Minister of the French Republic in this respect? He said that these vessels sailed so suddenly, it was not able to have them arrested. But the treaty was not the less violated. Some inhabitants of the United States had aided in these illegal armaments? What measures were taken against them? Was any search made to discover them, to prosecute them? Never, and yet the government of the United States, no sooner learned that, in consequence of an implied stipulation which the treaty of Versailles seemed to contain, the French were arming in the ports of the United States, than the most energetic orders were sent for stopping these armaments. Even citizens of the United States were imprisoned upon suspicion that they had participated in them. The minister cannot omit citing here the following passage of a letter from the Secretary of State, Edmund Randolph, to Mr. Hammond, dated 2d of June, 1794. "On a suggestion that citizens of the United States had taken a part in the act, (he speaks of the armaments in the United States) one who was delinquent, was instantly committed to prison for prosecution; one or two others have been since named and committed in like manner, and should it appear, that there were still others, no measures would be spared to bring them to justice." What more could the American government do in favour of the English, if they had a similar treaty to that with France, and had been sole possessors of the advantages assured to her by positive stipulations?

However in contempt of these very stipulations, the *Argonaut*, an English ship of war, in January, 1795, conducted into Linnhaven bay, the French Corvette *L'Esperance*, which she had taken upon the coast; she there had her repaired, in order to launch her on a cruise. Letters were in consequence written by the Secretary of State to the Governor of Virginia and Mr. Hammond. What was the result? Nothing. On the 29th of May, 1795, the federal government had not yet done any thing positive as to the acts which produced the complaint of the Minister of the Republic. The Secretary of State announced, "that these facts shall be examined, and that if they are verified the federal government will not be in the rear of its obligations." To that has the reparation demanded by the Republic been limited.

What are we to think of these delays, when we see the officers of the government acting with so much activity against the French, on the slightest opinion that they have violated the treaty—when in his letter of the 29th of April, 1795, the Secretary of State answers the complaints of the English Minister—"We have received no intelligence of the particular facts to which you refer; but to prevent all unnecessary circuitry, in first enquiring into them and next transmitting to this city the result, the proper instructions will be given to act, without farther directions." How did the federal government conduct towards the autumn of 1794? The English frigate *Ferfishore* took the privateer *La Montagne* into the port of Norfolk. The French vice consul claimed the execution of the treaty, of the Governor of Virginia: The Governor answered him, that he would have the necessary investigation made,

and would afterwards take the proper measures. The predecessor of the undersigned then interposed with the federal government; and the Secretary of State assured him, that he wrote to the Governor of Virginia to have justice rendered. But this justice was limited to investigations made with such slowness, that five months after, this affair was not finished; and on the 24th of Feb. 1795, the Secretary of State contented himself with sending to the predecessor of the undersigned, the dispatches of the Lieutenant Governor, dated 10th October, 1794, by which he announces, that he ordered the commandant of the militia of Norfolk to make the necessary enquiries for enabling the Executive of Virginia, to render the Republic the justice it had a right to expect. The result of these enquiries is not known. However, the fact about which the Minister Faucher complained to the Secretary of State was notorious, and painful researches were not necessary to convince himself of it. Do we not find in this proceeding a formal desire to elude the treaties, and to favour the English?

If the government of the United States had wished to maintain itself in that impartiality which its duties prescribed, if it had wished freely to execute the treaties, it would not have waited, every time that the English infringed them, for the Minister to solicit its justice: Should it not have given instructions so precise, that the Governors of the states and subaltern officers of the federal government might know what duties they had to fulfil, in order to maintain the execution of treaties? Why have the most energetic orders (such as the Secretary of State, Randolph, mentions) been given, when the support of the neutrality inviolate in favour of the English, came in question? Why have the measures taken by the federal government operated with so much slowness when France was interested? Why, in fine, have the multiplied claims of her ministers never produced the redress of the grievances of which they complained?

When the predecessor of the undersigned Minister Plenipotentiary claimed the execution of the 17th article of the treaty interdicting the entry into the American ports of English vessels, which should have made prizes upon the French, when he cited this simple and formal stipulation, "On the contrary, neither asylum or refuge shall be given in the port, or harbours of France or of the United States, to vessels which shall have made prizes of the French or Americans; and should they be obliged to enter by tempest or danger of the sea, all proper means shall be used to make them depart as soon as possible;" the Secretary of State in order to avoid shutting the American ports against the English interpreted this article in their favour. "But it would be uncandid to conceal from you the construction which we have hitherto deemed the true one. The first part of the 17th article relates to French ships of war and privateers entering our ports with their prizes; the second contracts the situation of the enemies of France, by forbidding such as shall have made prize of the French, intimating from this connection of the

(See the last page.)