

On Thursday the 19th ult. the following communication was received from the President, by the House of Representatives of the United States, together with very voluminous documents therein referred to; which after some debate were ordered to be printed, without being read:

Gentlemen of the Senate,  
and of the House of Representatives,

At the opening of the present session of Congress, I mentioned that some circumstances of an unwelcome nature had lately occurred in relation to France; that our trade had suffered and was suffering extensive injuries in the West Indies from the cruizers and agents of the French Republic; and that communications had been received from its Minister here which indicated danger of a further disturbance of our commerce by its authority, and that were in other respects far from agreeable: but that I reserved for a special message a more particular communication on this interesting subject.—This communication I now make.

The complaint of the French Minister embraced most of the transactions of our government in relation to France, from an early period of the present war; which therefore it was necessary carefully to review. A collection has been formed of letters and papers relating to those transactions, which I now lay before you, with a letter to Mr. Pinckney, our Minister at Paris, containing an examination of the Notes of the French Minister, and such information as I thought might be useful to Mr. Pinckney in any further representations he might find necessary to be made to the French government. The immediate object of his mission was to make to that government such explanations of the principles and conduct of our own, as by manifesting our good faith might remove all jealousy and discontent, and maintain that harmony and good understanding with the French Republic which it has been my constant solicitude to preserve. A government which required only a knowledge of the truth to justify its measures, could not but be anxious to have this fully and frankly displayed.

G. WASHINGTON.

United States, Jan. 19, 1797.

The following is the letter to Mr. Pinckney, Minister Plenipotentiary of the United States at Paris, alluded to in the President's message:

Department of State, Jan. 16, 1797.

SIR,

IN my letters of the 5th and 26th ult. I sent you two notes from Mr. Adet, the Minister of the French Republic to the United States; the former dated the 27th of October, and the latter the 15th of November last; and my answer to the first. The latter note embracing numerous topics of complaint, and going as far back as the year 1793, required a particular examination of all the transactions of our government from that time to the present. The other indispensable duties of the office prevented my entering on this examination as early as I had expected; and the current business has retarded the pursuit. The result of this examination I am now, by the direction of the President of the United States, to communicate to you. This history of our affairs you will find supported by documents, many of which were delivered to you at your departure, and the residue will be herewith transmitted. The remarks and reasonings on facts you will duly appreciate; and from the whole, joined with your own observations, you will be enabled, it is believed, to vindicate the United States, and to demonstrate their impartiality as a neutral nation, their fidelity in the observation of treaties, and their friendship as an ally.

The discussion on which I am entering, will involve much repetition; for the general questions and particular cases grounded together in the Minister's last note, have been subjects of controversy and correspondence from May 1793 to this day. Some other points have indeed been contended for, which the Minister has now passed without notice. Why they are omitted I know not; for in these cases the United States were as positively charged with violating treaties as in those which he has pleased now to detail. Some of them it may be found proper to introduce, to render less imperfect the view of our relations to France.

The complaints of the French Minister against the United States, have reference to three principal subjects.

III. To the abandonment of their neutral rights to the injury of France, in not maintaining the pretended principles of the modern law of nations *That free ships make free goods*, and that timber and naval stores for the equipment and armament of vessels, are not contraband of war.

2d. To violations of our treaties with France, even in their letter.

3d. To the treaty of Amity and Commerce between the United States and Great-Britain; which he alleges, "deprives France of all the advantages stipulated in a previous treaty." A fourth complaint is truly ingenious. The fortune of war has constrained some of the belligerent powers from enemies to become her allies; and if the alleged abandonment of the rules of the modern law of nations, in its consequences, works an injury to those allies, from that moment France is also injured. Perhaps it will be in time to notice this last charge when those allies themselves complain; if the answer to the first, involving the same principle, should not render such notice altogether unnecessary.

I shall now present to your view those facts and observations which will prove, we conceive, that the Minister's complaints are without any just foundation.

Under the first charge, That we have not neutral rights, it is alleged:

1st. That the position, *that free ships make free goods*, is an established principle of the modern law of nations, and that Great-Britain by capturing French property on board our vessels, has violated our neutral rights; and that unless we compel Great-Britain to respect those rights, France will be justified in violating them.

Not to remark on the singular reasoning, that if one warring power commits an act of injustice towards a neutral and innocent nation, another warring power may lawfully commit the like injustice, we may ask what authority is adduced, to show that the modern law of nations has established the principle, *That free ships make free goods*? Vattel says positively that "effects belonging to an enemy found on board a neutral ship, are seizable by the rights of war." Agreeably to this long established rule of the law of nations, France herself, in her marine laws, has directed that the merchandizes and effects belonging to her enemies which shall be found on board neutral vessels shall be good prize. Valin remarks, however, that this regulation was peculiar to France and Spain; and that elsewhere the goods of the enemy were alone subjected to confiscation. And in the treaty of France with the city of Hamburg in 1769, it was stipulated that "all effects, provisions and merchandise whatsoever, belonging to her enemies, and found on board the vessels of Hamburg, should be confiscated."

Mr. Adet remarks, that one of his predecessors in July, 1793, applied on this subject to the government of the United States, but was unsuccessful. He must refer to Mr. Genet's letter to Mr. Jefferson, dated July 9, 1793. [The subject was resumed in terms still more extraordinary in his letter of July 25th, 1793] to which Mr. Jefferson answered on the 24th, declaring "his belief that it cannot be doubted, but that by the general law of nations, the goods of a friend found in the vessel of an enemy, are lawful prize. It is true that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, trafficked, carried into port and detained under pretence of having enemy goods on board, have in many instances, introduced by their special treaties, another principle between them, that enemy bottoms shall make enemy goods—but this is altogether the effect of particular treaty, controlling in special cases, the general principle of the law of nations and therefore taking effect between such nations only as have so agreed to controul it." And it is plain, that it was to avoid the inconveniences resulting from this general rule of the law of nations, that France and the United States stipulated in the 23d article of their commercial treaty, "That free ships should give freedom to goods; and that every thing should be deemed

free which should be found on board vessels belonging to the subjects of either of the contracting parties, and although the whole cargo or any part thereof, should appertain to the enemies of either, contraband goods being always excepted."—It is also plain that this stipulation was intended to operate (indeed it was the sole object, & otherwise could have no operation at all) when one of the parties should be at war with a nation, or nations, with whom the other should be at peace. France, therefore, has now no right to complain if the goods of her enemies find protection on board American ships, or to pretend, that in order "to preserve the balance of neutrality to its equilibrium," she may seize on such goods; the just equilibrium between her and the United States will be restored when we are at war, and she at peace, which time the goods of our enemies will find protection on board the vessels of her enemies.

2. It is alleged that we have abandoned the modern public law on contraband, and by our treaty with Great Britain granted to that power exclusively the free carriage of articles for the equipment and armament of vessels.

Here, as in the former case, the question recurs, what is the law of nations on the point in dispute? Vattel defines contraband goods to be "commodities particularly used in war, such as arms, military and naval stores, timber, horses, and even provisions in certain junctures, when there are hopes of reducing the enemy by famine." In the treaty between France and Denmark, concluded on the 23d of August, 1742—"Tobacco, clarified contraband together with resin, hemp, cordage, masts, and timber for building." Thus, on this account (Valin) there would have been no cause for complaining of the conduct of the English if they had not infringed particular treaties for or right these things are now contraband and have been so since the beginning of the century, which, however, was not the case formerly. "The modern public law of contraband," mentioned by Mr. Adet as his predecessor's, probably refers to the principles declared by the armed neutrality, during the American war. This transaction is too remarkable to be passed unnoticed.

During the war, Great Britain and the other belligerent powers, exercising the rights reserved to them by the law of nations, seized on enemies property on board neutral and of contraband goods belonging to neutrals. Eager as neutral nations be to seize the opportunity which presents, of becoming the carriers to the belligerent nations, where their mariners are wanted for military operations, it was perfectly natural that the former should desire to establish a rule that free ships should make free goods, or in other words, that neutral bottoms should protect the goods on board, whomsoever these belonged; and it is equally natural for them to desire to diminish the list of contraband. In relation to the latter, it must have been particularly interesting to the three maritime powers, from whose dominions chiefly the other maritime nations of Europe received supplies of timber and naval stores, to strike these from the list of contraband, or by some means to prevent them from capture.

(To be continued.)

STATE PAPER  
LORD MALMSBURY'S EMBASSY  
Letter addressed to the Minister for Foreign Affairs, by Lord Malmesbury, to the British Cabinet.

"The undersigned Minister Plenipotentiary of his Britannic Majesty to the Minister for Foreign Affairs, begs to inform him whether he is to consider the note which he received from him on the day evening, as the answer to the note which Lord Malmesbury delivered yesterday morning, to the Minister for Foreign Affairs, by order of his court. He begs to inform this information, that the departure of his courier may not be needlessly delayed."  
MALMSBURY

Paris, Nov. 13, 1796.  
Answer of the Minister for Foreign Affairs to the preceding letter from Lord Malmesbury.