

STATE GAZETTE OF NORTH-CAROLINA.

RANDOLPH: PRINTED BY HENRY WILLS, JOINT PRINTER TO THE STATE WITH A. HODGE.

VOL. XII.

THURSDAY, MARCH 9, 1797.

NUMB. 582

Letter to Mr. Finckney, Minister Plenipotentiary of the United States to the French Republic.

[Continued.]

MUST now advert to some others of Mr. Adet's charges against the government of the United States.

"It [the government of the United States] put in question whether it should execute the treaties, or receive the agents of the rebel and proscribed Princes." And is there anything in this unjustifiable or extraordinary? Was it easy for a nation distant as ours, to obtain promptly such accurate information as would enable it duly to estimate the varying condition of France? In 1791 the constitution framed by the constituent Assembly was accepted by Louis the 16th; it was notified to the United States in March 1792. Congress desired the President to communicate to the King of the French their congratulation on the occasion. In August 1792 the King was deposed. In September Royalty was abolished, and in January, 1793, Louis the 16th was condemned by the convention, suffered death. Was it easy to keep pace with the succession of such revolutionary events? Was it unlawful for our government under such circumstances even to deliberate? I find that information of the death of the King was received from our Minister at Paris on the 11th, 1793. The news however had not arrived in such manner as to attract the attention of government; for in April the King had determined to receive a Minister from the French Republic. And it is remarkable that this was before he knew that a Minister had arrived in the United States. This circumstance in deciding a leading question does not carry strong marks of hesitation. And there is no merit in this ready determination to acknowledge the French Republic? Had it not been acknowledged by any power on the earth? How long did France hesitate to acknowledge the Republic of the United States? A month and a half. And under what circumstances was the acknowledgement finally made? The capture of a whole British army appeared to have established our independence, and this more hereafter. — In matters of importance (and what could be more important than the declaration of a neutral and allied nation?) it is a part of wisdom to reject all deliberations on points which do not obviously present themselves? Will not prudence dictate to us to deliberate long than risk the consequences of hasty decisions?

"It made an insidious proclamation of neutrality." I have already remarked that this proclamation received the pointed approbation of Congress, and I might truly add of the great body of the citizens of the United States. And was the general object of this proclamation to preserve us in a state of peace. And was the Ministers of France declared that our government did not desire us to enter into war? And how was peace to be preserved? By an impartial neutrality. And was it not the duty of the Chief Magistrate to provide for our citizens, and to inform them that they would be deemed departures from their natural duties? This was done by the President. It declared it to be the duty, and disposition of the United States to pursue a conduct friendly and impartial towards the belligerent powers: It warned the citizens to avoid all acts which might constitute a disposition: it declared that whoever should render himself liable to punishment or forfeiture under the law, by committing or abetting hostilities against any of these powers, or by carrying on any of them articles deemed contraband, would not receive the protection of the United States against such punishment and forfeiture: and that the President had given instructions to the proper officers to prosecute all persons who should violate the law of nations

with respect to the powers at war or any of them. To what in all this can the epithet *insidious* be applied? On the contrary, is not the whole transaction stamped with candour and good-faith?

3d. "By its chicaneries, it abandoned French privateers to its courts of justice." *Abandoned them to its courts of justice!* Sir, you know many of the Judges personally, and all of them by reputation, and that their characters need no vindication from such an insinuation. They are Judges with whose administration of justice our citizens are satisfied; and we believe they may challenge the world to furnish a proof that they have not administered justice with equal impartiality to foreigners. I will only add here one remark, that the correspondences with the French Ministers formerly published joined to those now furnished you with the other documents accompanying them, will show how loudly they can complain of the proceedings in our courts, and at the same time with how little justice.

4th. "It eluded the amicable mediation of the republic, for breaking the chains of its citizens at Algiers." We did not entertain any doubt of the friendly disposition of the French Republic to aid us in this business. But what was really done we have never known. You will find herewith Mr. Fauchet's letter of June 4th, 1794, and the answer of the Secretary of State, on the 6th, to which Mr. Adet refers. The information on the subject, which Mr. Fauchet expected "in a little time from Europe," probably never arrived: at least it was never communicated to our government. There is surely in the Secretary's answer, no evidence that our government were unwilling to accept the mediation of the republic. On the contrary, we have relied upon it to aid our negotiations with the Barbary powers. Accordingly, when Col. Humphreys went from hence in 1795, clothed with powers for negotiating peace with those States, he was particularly instructed to solicit the mediation of the French Republic; and for that purpose only, he went from Lisbon to Paris, where, through our Minister, the Committee of Public Safety manifested their disposition to contribute to the success of his mission. But Col. Humphreys was at the same time authorized to depute Joseph Donaldson, Esq. (who had been appointed Consul of the United States for Tunis and Tripoli, and who went with Col. Humphreys from America) to negotiate immediately a treaty with Algiers; for in a country where a negotiation depended on so many contingencies, it was of the last importance to be ready to seize the favourable moment to effect a peace whenever it should offer. Such a moment presented on Mr. Donaldson's arrival at Algiers. He had not been there forty eight hours before the treaty was concluded. It is also a fact that it was effected without the aid of the French Consul at that place. — However, with respect to Mr. Donaldson's negotiation, we are well informed that "His not conferring with the Consul of France was not his fault; and it he had done it, that it would have injured his cause. Neither the Republic nor her Consul enjoying any credit with the Dey." But we are at the same time informed that the cause of this was transitory, and ought not to hinder us from endeavouring to engage her interest for other places and in that place for future occasions. Agreeably to this idea, the agent of the United States applied to the French Consul, Hercules, at Algiers, the last spring, to recommend a suitable person to negotiate a treaty with Tunis. The person recommended was employed, and we have been informed, had in part succeeded, and was expected to complete a treaty of peace. This information was communicated to our Minister at Paris, in a letter dated 30th of August last, from the French Minister for foreign affairs, accompanied by an extract of a letter from the Consul Hercules.

In all these transactions, far from discovering a trace of evidence to support Mr. Adet's charge, the reverse is manifestly proved.

5th. "Notwithstanding treaty stipulations,

it allowed to be arrested vessels of the state."

While we admit the fact that French vessels have been arrested, we deny that the arrests have infringed any treaty stipulations. The details in this letter and the documents referred to appear to us entirely to exculpate the government. And if neither the Executive nor our tribunals could in any wise take cognizance of captures which the French privateers called prizes then they might take our own vessels in our rivers and harbours and our citizens be without redress. But "it is an essential attribute of the jurisdiction of every country to preserve peace, to punish acts in breach of it, and to restore property taken by force within its limits. Were the armed vessels of any nation to cut away one of our own from the wharves of Philadelphia, and to chuse to call it a prize, would this exclude us from the right of redressing the wrong? Were it the vessel of another nation, are we not equally bound to protect it, while within our limits? Were it seized in any other waters or on the shores of the United States, the right of redressing is still the same: and humble indeed would be our condition were we obliged to depend for that on the will of a foreign Consul, or on negotiation with diplomatic agents."

The same reasoning will apply to captures made by illegal privateers; that is, by such as were armed and equipped in the ports of the United States; for it being by the law of nations the right of our government, and as a neutral power, its duty to prevent such armaments, it must also be its right and duty by all means in its power, to restrain the acts of such armaments done in violation of its rights and in defiance of its authority. And such were the armaments made by French people in the ports of the United States. And the most effectual means of defeating their unlawful practices was the seizing of their prizes when brought within our jurisdiction. It is very possible, indeed, that in some cases irritated subjects or public agents of nations whose property was taken by French privateers might commence vexatious prosecutions; but this is no more than happens frequently among our own citizens, and in every nation in the world; and the only restraints on the vindictive passions of men, in such cases, which the policy of free governments has imposed, are the damages which the courts compel the malicious prosecutor to pay to the injured party. If, as Mr. Adet asserts, damages have in two cases only been granted by the courts to French privateers, even when the decisions have been in their favour, it has arisen from their own conduct, or the omission of their counsel; or from accidental circumstances, which, in the opinion of the courts, furnished reasonable presumptions against them of having violated the laws, either by illegally arming in our ports or making the captures within our jurisdiction. If, on the other hand, they have, in the event of contrary decisions, been always condemned to pay damages we may venture to say, it was because they were always in the wrong. For no one will find sufficient ground to impeach the discernment or integrity of our courts.

6th. "It suffered England, by insulting its neutrality to interrupt its commerce with France."

That our commerce has been interrupted by the armed vessels of England, and sometimes with circumstances of insult, we certainly shall not attempt to deny: the universal resentment and indignation excited by those injuries, were admissions of the fact: but that the government has committed at the practice (for that Mr. Adet must have intended to insinuate by the word "suffered") all its acts most forcibly contradict. It was because of those aggressions that preparations for war were commenced; and to demand satisfaction for them was the leading object of Mr. Jay's mission to London. Satisfaction was demanded; and the arrangements agreed on for rendering it, are now in execution at London. But if by "suffered"

* Letters from the Secretary of State to Mr. Morris, August 16, 1792, State Papers, p. 62.