

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

[Continued.]

It eluded all the advances made by the republic for renewing the treaty of commerce upon a more favourable footing to both nations; it excused itself on the most frivolous pretexts; whilst it anticipated Great-Britain, by soliciting a treaty in which prostituting its neutrality, it sacrificed France to her enemies; or rather looking upon her as obliterated from the map of the world, it forgot the services she had rendered, and threw aside the duty of gratitude, as if ingratitude were a government duty. Of the advances referred to, the first were made by Mr. Genet. These you will see in the printed correspondence between him and Mr. Jefferson. Mr. Genet's letter is dated the 1st of May, 1793, in which he informed the government that he was authorized to propose a treaty on a "liberal and fraternal basis." Mr. Jefferson's letter to Mr. Morris, our Minister at Paris, dated the 23d of August, 1793, assigns the reason for postponing the negotiation. "The senate (says he) being then in recess, and not to meet again till the fall, I apprised Mr. Genet that the participation in matters of treaty, given by the constitution to that branch of our government, would of course delay any definitive answer to his friendly proposition. As he was sensible of this circumstance, the matter has been understood to lie over till the meeting of the senate." Congress were not to meet until December; consequently there was no necessity of precipitating the business. But with the best dispositions to form new commercial arrangements mutually more beneficial than those of the treaty of 1778, the unwarrantable conduct of Mr. Genet, from the moment he landed in Charleston until the date of his letter on the subject of the negotiation, was sufficient to excite caution in the American government. It had there violated the sovereignty of the United States. "By authorizing the fitting and arming of vessels in that port, enlisting men, women and foreigners, and giving them commissions to cruise and commit hostilities on nations at peace with us," and with whom we had extensive commercial connections. "These privateers were taking and bringing prizes into our ports, and the Consuls of France were assuming to hold courts of admiralty on them, to try, condemn and authorize their sale as legal prize." Never did the government really desirous of forming new and more advantageous commercial treaty with France, instructed the Minister of the United States at Paris to manifest the same to the Executive of France, and to suggest for this purpose that the powers of Mr. Genet be renewed to his successor. It is true that in his letter, dated the 30th of September, Mr. Genet had renewed the proposition of negotiating a commercial treaty; but how was it possible for the government to undertake a negotiation with that Minister after "The correspondence which had taken place between the Executive and him" (a correspondence on his part replete with insults) "and the acts which he had thought proper to do and to countenance in opposition to the laws of the land?" After the government had instructed our Minister at Paris to desire Mr. Genet's recall; and to desire the government of France "The necessity of their having a representative here disposed to respect the laws and authority of the country, and to do the best for their interests which these would permit;" "and when it was only an anxious regard for those interests, and a desire that they might not suffer, which induced the Executive in the mean time to receive his communications in writing, and to admit the continuance of his instructions so long as they should be retained within the limits of the law, as stated in the papers, p. 68. Letter to Mr. Morris, August 16th, 1793. See papers, p. 58. See papers, p. 68.

"therefore announced to him, or should be of the tenor usually observed towards independent nations by the representative of a friendly power residing with them?" Under such circumstances, what answer could the Executive return to Mr. Genet more proper, and more marked with attention to France, than that his letter "would be considered with all the respect and interest which its object necessarily required?"

It is probable that the powers to negotiate a commercial treaty were not renewed to Mr. Genet's successor; certainly they were not communicated to our government.

We now come to the fresh overtures of a commercial negotiation made by Mr. Adet.

The first notices of them are found in memoranda of facts dated the 27th and 29th of June 1795, and subscribed by the Secretary of State. By these it appears, that on the 13th of June Mr. Adet arrived at Philadelphia. On the 15th Mr. Faucher introduced him to the Secretary of State;—on the 16th Mr. Adet informed the Secretary that he should the next day send him some act of the French government, relative to commerce; but it was not sent. On the 22d of June Mr. Adet was reminded of the promised communication. He said it was copying, and gave reason to suppose that he should forward it on that day; but on that day nothing was received.

On the 29th of June, 1795, Mr. Adet had an interview with the Secretary of State: He observed that he brought with him the commercial decrees which Mr. Genet had formerly propounded to our government, and was instructed to negotiate a treaty of commerce upon their basis. He was asked whether he had any documents to communicate. He replied that he would send them that day. He said he had to communicate some inquietudes respecting the late treaty between the United States and Great-Britain. He observed that it was understood, that the United States had disabled themselves from entering into a new commercial treaty upon a liberal scale with France. The Secretary answered that he had determined before he came, to ask the permission of the President to communicate to him a copy of the treaty; and then he might say in what part he supposed that any impropriety with respect to France existed. The President having afterwards assented, the Secretary on the same day delivered to Mr. Adet a printed copy of the treaty on which he promised to communicate his remarks.

These remarks dated June 30th, and the Secretary's answer dated July 6th, refuting the objections they contained, I have already noticed. The subsequent proceedings will show either that those objections did not make any strong impressions on Mr. Adet's mind, or that the Secretary's answer had removed them.

On the 23th June, 1795, Mr. Adet communicated a part of of his instructions relative to "a new commercial treaty and a new consular convention to be entered into between France and the United States." The instructions imported that he was only to "prepare with the American government the means and arrangements" of these treaties, and then to communicate them to the Committee of Public Safety. The object of the new treaty was declared to be "to found the commercial relations of the two republics upon stipulations more reciprocally advantageous, and more clearly worded than that of 1778, and the object of the Consular Convention to secure the execution of the commercial treaty."

The Secretary of State answered on the 1st of July expressing the readiness of the government to open the proposed negotiation; and requested a communication of the dates of the decrees to which Mr. Adet's instruction referred.

On the 8th of July, 1795, Mr. Adet replied to the Secretary of State "that he neither knew nor possessed any other decree relative to the new negotiation to be opened between France and the United States than that of the 5th

* Mr. Adet has since corrected this date, the decree intended being dated February 19, 1795. This is already published with the State papers of that year, page 15.

"of February, 1793, communicated to us by "Citizen Genet." This letter of the 8th was received the 12th accompanied by a note of the latter date apologizing for the delay on account of sickness. On the 12th the Secretary of State had written to him, pressing him on the subject of the new negotiation.

On the 16th of July, 1795, the Secretary of State again wrote to Mr. Adet; and after informing him that as he was not clothed with any very formal authority upon this subject, the President of the United States had thought proper to place him (the Secretary of State) upon the same and no other footing,—the secretary proposed that the negotiation should be conducted in writing, unless when either thought it expedient to have an interview on any particular difficulty. And then assuring Mr. Adet that no unnecessary procrastination should be found in the Secretary of State, further proposed, that Mr. Adet should state 1st the parts of the treaty which he wished to be abolished; 2d, those parts which he wished to be corrected; and 3d, any additions which seemed to him desirable. But expressed the readiness of the Secretary to adopt any other better mode of conducting the negotiation, if such occurred to Mr. Adet.

On the 20th of July, 1795, Mr. Adet mentioning his sickness which for fifteen days had obliged him to abstain from business, replied on the subject of the negotiation in these words, "In a few days I shall have the honour of seeing you, and of taking the necessary measures in order to commence the business relative to the digesting of the new treaty and new Consular Convention."

From this detail, it must I conceive be no easy task to find any facts by which Mr. Adet's charge can be supported. What he affects to call "frivolous pretexts" are substantial reasons; and in respect to his own advances to treat, the conduct of our government manifests an eagerness to enter on the negotiation; certainly you will discover in it no disposition to elude or to procrastinate.

You will be pleased to observe, Sir, that the letter from the Secretary of State to Mr. Adet, explaining the manner in which they should proceed in the negotiation is dated the 16th of July and that Mr. Adet's answer agreeing shortly to meet the Secretary, in order to take the necessary measures for commencing the business is dated the 20th of July; yet in his note of November 15th, 1796, after having charged the government of the United States "With eluding all advances made by the republic for renewing the treaties of commerce and excusing itself on the most frivolous pretexts," after acknowledging that the President had authorized the Secretary of State to negotiate, and that the latter had explained the manner of proceeding, he asks "But at what time? When the ratification of the treaty concluded between Lord Grenville and Mr. Jay no longer permitted the undersigned to pursue that negotiation." I am sorry Sir, in this place to call your attention to dates. The British treaty was not ratified until the 14th of August, 1795; that is about a month after the plan of negotiating with Mr. Adet had been proposed to him by the Secretary of State, and twenty-five day after he had agreed to proceed in it. And if that ratification finally induced him to abandon the idea of negotiating a new treaty between France and the United States, it did not instantly produce this determination. He doubtless perceived that his own objections to the British treaty were obviated by the answer from the Secretary of State, and when he acknowledged the receipt of it, he had given up the right of judging of the treaty, whether it was good or bad. I shall (says he, in his letter of July 20th, 1795) "transmit it (the Secretary's answer) to the French government together with my observations and the treaty. In such important circumstances, it is exclusively the province of my government to judge; and I cannot permit myself to decide at all." And then immediately adds—"In a few days I shall have the honour of seeing you, and of taking the necessary measures in order to commence the business