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

[Continued.]

BUT why are we so often reminded of the debt of gratitude? Is it really because we owe this gratitude—because compensation is expected to cancel it? If compensation is the object the treaty of alliance has absolved the contracting parties declare, that they are resolved to fulfil each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power, and in all circumstances, there shall be no after claim of compensation, on one side or the other, whatever may be the event of the war."

I am here naturally led to notice Mr. Adet's charge already mentioned.—That we have not offered to France the incouragements which friendship ought to have given, without compromising the government.

If Mr. Adet had specified the kind of succours which might have been offered, we could have judged the correctness of his assertion.

But is it true that we have rendered no succours to France? Read the following passages in the Secretary of State's letter of the 15th of August, 1793, to Mr. Morris. "We recollect with satisfaction, that in the course of two years, by unremitting exertions, we paid up to France, which the inefficacy of our former form of government had suffered to be accumulating; that pressing on still to the entire fulfilment of our engagements, we have facilitated to Mr. Genet the effect of the instalments of the present year, to enable him to send relief to his fellow citizens in France threatened with famine; that in the first moment of the insurrection which threatened the colony of St. Domingo, we stepped forward to their relief with arms and money, taking on ourselves the risk of an unauthorised war, when delay would have been a disaster"—"We have given the exclusive admission to all the prizes made by France on her enemies in the present war, though un stipulated in our treaties, and unfounded in her own practice in that of other nations, as we believe."

In this detail I have to add, that of all the arms and supplies received from France in the American war, amounting nearly to fifty millions of livres, the United States under the late government had been enabled to pay but two millions and an half of livres; and the present government after paying up the arrears and instalments mentioned by Mr. Jefferson, has been continually anticipating the payment of eleven millions and an half of livres; no part of which would have been due until the 2d of September, 1796, and then only one million and an half; the remainder in subsequent periods; the last not until the year 1802.

There remain yet various passages in Mr. Adet's notes on which some observations are to be made.

In my letter of the 1st of November last, in answer to Mr. Adet's note of October 27th, which he communicated the decree of the Executive Directory of the 2d of July last, bearing that the flag of the republic of France, should treat the flag of neutrals in the same manner as their shall suffer it to be treated by the English, I asked an explanation of the decree, mentioning the circumstances which excited doubts. There seemed to be sufficient ground for enquiry; had the decree referred to captures by the English, our knowledge of them would have been some guide in forming our opinion of the threatened captures by the French; but the operation of the decree was to depend on the future conduct of the English; the French were to treat the flag of neutrals as their shall suffer it to be treated by the English. As this could not be ascertained before hand, we wished to know whether the restraints then exercised by the British government were considered as of a nature to justify a denial of those rights which were pledged to us by our treaty with France?

Whether the orders had been actually given to capture the vessels of the United States? And if given, what were the precise terms of those orders? Mr. Adet in his reply, says, that I appear not to have understood either the decree of the Directory or his note which accompanied it. The meaning of the decree is certainly very obvious. The manner of executing it, was declared to depend on a contingency—the future conduct of the English. How were French cruizers in the four quarters of the world to determine what was the conduct of the English at any given time. If he could have furnished a copy of the orders actually given to French armed vessels, under the decree, we might have seen clearly what were the intentions of the Directory. If we are to take the practice of the French armed vessels and of some of the French tribunals as the true illustration of the decree, Mr. Adet's own explanation will be very defective; he has specified only two cases, the taking of English (or other enemy's) property on board American vessels and the seizure of all the goods classed as contraband in our treaty with Great Britain. In the case of contraband goods, the seizure of them is lawful only when they are destined to the ports of their enemies; and the contraband goods only are liable to confiscation. But the special agents of the Directory in the West Indies order the seizure of all vessels having on board contraband goods, no matter whether destined to an enemy's or a neutral, or even a French port; and when seized, they confine not merely to contraband articles, but all other goods and the vessel herself in which they were laden. They also assign in their decrees of confiscation another cause of capture and condemnation, that the American vessel has sailed to or from a port in possession of the English.—We are not informed that the English take any neutral vessels for this cause.—We have heard of several American vessels being captured and confiscated by the French merely because they had not a sea letter, when no doubt could have been entertained of the property being American.—Yet it is conceived that the want of a sea letter was never intended to exclude other proofs of property.

Further, ought we to have imagined that the Executive Directory intended to leave it to the discretion of every privateer and of every inferior tribunal to judge what at any time subsequent to their decree, was the actual treatment received by American vessels from the British? Ought we to have imagined that the decree, was formed in such indefinite terms on purpose to give scope for arbitrary constructions, and consequently for unlimited oppression? Ought we to have imagined what Mr. Adet himself declared to be the meaning of the decree, that the French armed vessels were not to content themselves with capturing American vessels having English or contraband goods on board, and getting such property and goods condemned by their tribunals; but if any English commanders were to practice "vexations" towards Americans, the Frenchmen were to do the same? Ought we to have imagined that the Directory intended the citizens of France should be encouraged to take revenge on their friends for the outrages of their enemies? And what is to limit these vexations? If one English commander in a hundred perverts and wantonly abuses his power, is every French officer to become his rival in dishonour? Or if we are to suffer only measure for measure (and surely the decree goes not beyond this) who is to designate the every hundredth French officer who is to be the instrument of similar oppression?

But French armed vessels are to make all these captures in violation of the treaty, and we are to suffer all these vexations in violation of reason and humanity, while we endure them from the English "Without an efficacious opposition!" And what opposition will be deemed efficacious? For all captures made by the British, contrary to the law of nations, we have, agreeable to that law, demanded satisfaction. The British have engaged to make us satisfaction; and commissioners are now sitting

to liquidate those demands? What opposition could have been more efficacious? What further opposition can be lawful?

Instead of further comments on this subject, let me present to you some passages of Mr. Adet's letter of the 14th of July.—In this letter he communicated to the Secretary of State the decree of the Committee of Public Safety of the 3d of January, 1793, repealing the 5th article of the decree of the 15th of November, 1794.† The latter violated our treaty by subjecting the property of the enemies of France on board American vessels to capture, and by adding to the list of articles contraband: It was there repealed by the former. Mr. Adet seized this occasion to make the following declaration. "You will see, Sir (said he) in both (the decree) the undigusted disposition and sincere desire of the French government religiously to observe the engagements it has contracted with its allies, and its readiness to repress infractions which have never taken place but from the impulse of circumstances.—It is amidst her triumphs that the republic loves to give this striking mark of its fidelity.—Venerable France knows no other concern than that of justice—no other diplomatic language than that of truth?"

To this truth, to this justice, to this fidelity, we now make our appeal.

From the title of Mr. Adet's complaints of the British being suffered to arm in our ports, it might be imagined the instances were numerous. None were permitted; the actual armaments were few; and are as old as the year 1793, and were represented by Mr. Genet to the Secretary of State. "What answer," asks Mr. Adet, "did the government give to the representations of the Minister of the French Republic in this respect? It said that these vessels sailed too suddenly; that it was not able to cause them to be stopped." The answer was given by the Secretary of State in different words; "Those from Charleston and Philadelphia have gone off before it was known to the government, and the former indeed in the first moments of the war, and before preventive measures could be taken in so distant a part." In the case of the *Troisy*, Capt. Hall, at Baltimore, the Governor of Maryland having been informed that she had been buying goods had given orders to examine the fact; but she got off before the officer could get on board, having cleared out three or four days before."—I have not observed that Mr. Genet ever renewed his complaints with regard to any of these vessels, whence I suppose he was satisfied with the answer as indeed he ought to have been. The two English vessels that sailed from Philadelphia escaped even the vigilance of the French Consul;—both had departed many days before he had been informed of them. This is stated by the Consul himself in his report of the 21st of June, 1793, to Mr. Genet. And yet the government is now charged by Mr. Adet with violating the treaty because it did not stop them!—Although the officers of the United States had been required to be watchful, and to report all illegal armaments in our ports, yet it was natural for the government to expect to derive information from the French Consul, who doubtless were charged by their own government to be particularly vigilant in regard to all attempts at such armaments by the enemies of the republic. Mr. Adet remarks that "some inhabitants of the United States had aided in these illegal armaments of the enemies of France," and asks, "what measures were taken against them? was any search made to discover them, to prosecute them? never"—Yet the very letter from Mr. Genet to the Secretary of State, in which and its inclosures Mr. Adet has found this subject of complaint, suggests a different conclusion. "I learnt with pleasure (says Mr. Genet) by your letter of the 7th of this month [June 1793] that the government of Georgia have caused to be stopped a vessel armed in that state, for the purpose of

* 10th Nivose 3d year.

† 25th Brumaire 3d year.

‡ State papers, p. 41. June 30, 1793.

§ State papers, p. 41.