

instead of his animosity to France, he would have discovered that however humiliating it might be to wait for a foreign logic, to admit the interpretation of an act depending on the national authority alone, yet in the case of a treaty, which is as much the treaty of a foreign nation, as it is ours; and in which foreign duties and rights are as much involved as ours, the sense of the treaty, though to be learnt from the treaty itself, is to be equally learned by both parties to it.

"The third general maxim, or principle, on the subject of interpretation [of Treaties] is: 'That neither the one nor the other of the interested or contracting powers has a right to interpret the act or treaty at its pleasure.' For if you are at liberty to give my promise what sense you please, you will have the power of obliging me to do whatever you have a mind, contrary to my intention, and beyond my real engagement: and reciprocally, if I am allowed to explain my promises as I please, I may render them vain and illusory, by giving them a sense quite different from that in which they were presented to you, and in which you must have taken them in accepting them." Vat. B. II. c. vii. §. 265.

The writer ought to have been particularly sensible of the improbability that a precipitate and *ex parte* decision of the question arising under the guaranty, could have been intended by the proclamation. He had but just gone through his undertaking, to prove that the article of guaranty like the rest of the treaty is defensive, not offensive. He had examined his books and retailed his quotations, to show that the criterion between the two kinds of war is the circumstance of priority in the attack. He could not therefore but know, that according to his own principles, the question whether the United States, were under an obligation or not to take part in the war, was a question of fact whether the first attack was made by France or her enemies. And to decide a question of fact, as well as of principle, without waiting for such representations and proofs, as the absent and interested party might have to produce would have been a proceeding contrary to the ordinary maxims of justice, and requiring circumstances of a very peculiar nature, to warrant it, towards any nation. Towards a nation which could verify her claim to more than bare justice by our own reiterated and formal acknowledgments, and which must in her present singular and interesting situation have a peculiar sensibility to marks of our friendship or alienation, the impropriety of such a proceeding would be infinitely increased, and in the same proportion the improbability of its having taken place.

There are reasons of another sort which would have been a bar to such a proceeding. It would have been as impolitic as it would have been unfair and unkind.

If France meant not to insist on the guaranty, the measure, without giving any present advantage, would have deprived the United States of a future claim which may be of importance to their safety. It would have inspired France with jealousies of a secret bias in this country toward some of her enemies, which might have left in her breast a spirit of contempt and revenge of which the effects might be felt in various ways. It must in particular have tended to inspire her with a disinclination to feed our commerce with those important advantages which it already enjoys, and those more important ones, which it anxiously contemplates. The nation that consumes more of the fruits of our soil than any other nation in the world, and supplies the only foreign raw material of extensive use in the United States would not be unnecessarily provoked by those who understand the public interest, and make it their study, as it is their interest to advance it.

I am aware that the common-place remark will be interposed, that, "commercial privileges are not worth having, when not secured by mutual interest; and never worth purchasing, because they will grow of themselves out of a mutual interest." Prudent men, who do not suffer their reason to be misled by their prejudices will view the subject in a juster light. They will reflect, that if commercial privileges are not worth purchasing, they are worth having without purchase; that in the commerce of a great nation, there are valuable privileges which may be granted or not granted, or granted either to this or that country, without any sensible influence on the interest of the nation itself; that the friendly or unfriendly disposition of a country, is always an article of moment in the calculations of a comprehensive interest; that some sacrifices of interest will be made to other motives; by nations as well as by individuals, though not with the same frequency, or in the same proportions, that more of a disinterested conduct or of a conduct founded on liberal views of interest, prevails in some nations than in others, that as far as can be seen of the influence of the revolution on the genius and the policy of France; particularly with regard to the United States, every thing is to be hoped by the latter on this subject, which one country can reasonably hope from another. In this point of view a greater error could not have been committed than in a step, that might have turned the present disposition of France to open her commerce to us as far as a liberal calculation of her interest would permit, and her friendship towards us, and confidence in our friendship towards her, could prompt, into a disposition to shut it as closely against us as the united motives of interest, of distrust, and of ill-will, could urge her.

On the supposition that France might intend to claim the guaranty, a hasty and harsh refusal before we were asked, on a ground that accused her of being the aggressor in the war against every power in the catalogue of her enemies, and

in a crisis when all her sensibility must be alive towards the United States, would have given every possible irritation to a disappointment which every motive that one nation could feel towards another, and towards itself, required to be alleviated by all the circumspection and delicacy that could be applied to the occasion.

The silence of the Executive since the accession of Spain and Portugal to the war against France throws great light on the present discussion. Had the proclamation been issued in the sense, and for the purposes ascribed to it, that is to say, as a declaration of neutrality, another would have followed, on that event. If it was the right and duty of the Government, that is, the President, to manifest to Great Britain and Holland; and to the American merchants and citizens, his sense, his disposition, and his views on the question, whether the United States were under the circumstances of the case, bound or not, to execute the clause of guaranty, and not to leave it uncertain whether the Executive did or did not believe a state of neutrality, to be consistent with our treaties, the duty as well as the right prescribed a similar manifestation to all the parties concerned after Spain and Portugal had joined the other maritime enemies of France. The opinion of the Executive with respect to a consistency or inconsistency of neutrality with treaties in the latter case could not be inferred from the proclamation in the former, because the circumstances might be different. Taking the proclamation in its proper sense, as reminding all concerned, that as the United States were at peace (that state not being affected by foreign wars, and only to be changed by the legislative authority of the country) the laws of peace were still obligatory and would be enforced, and the inference is so obvious and so applicable to all other cases whatever circumstances may distinguish them, that another proclamation would be unnecessary. Here is a new aspect of the whole subject, admonishing us in the most striking manner of the danger of the prerogative contended for and the absurdity of the distinctions and arguments employed in its favour. It would be impossible in practice, as it is in theory, to separate the power of judging and concluding, that the obligations of a treaty do not impose war from that of judging and concluding that the obligations do impose war. In certain cases, silence would proclaim the latter conclusion, as intelligibly as words could do the former. The writer indeed has himself abandoned the distinction in his VIIth paper, by declaring expressly that the object of the proclamation would have been defeated "by leaving it uncertain whether the Executive did or did not believe a state of neutrality to be consistent with our treaties."

HELVIDIUS.  
\* The writer is betrayed into an acknowledgment of this in his 7th No. where he applies his reasoning to Spain as well as to Great-Britain and Holland. He had forgotten that Spain was not included in the proclamation.

### Foreign Intelligence.

**WATERFORD, (Ireland) May 2.**  
LAST Tuesday the first stone of the bridge which is to be built over the river Suir, opposite Bridge-street, was laid by Sir John Newport, Bart. in the presence of a number of gentlemen, and a vast concourse of people. On the stone was fixed a plate of copper, on which was engraved the following inscription:

In 1793,  
A year rendered sacred to National prosperity  
By the extinction of Religious Divisions,  
The foundation of this Bridge was laid,  
At the expence of disaffected Individuals,  
Unaided by Parliamentary Grants,  
By Sir John Newport, Bart.  
Chairman of their Committee,  
Mr. Lemuel Cox, a Native of Boston,  
Architect.

**LISBON, June 24.**  
Some of your papers talk of a fleet from this country, which is to join Lord Howe, at Portsmouth.—It is true, that there are a few good vessels here, which have been lately, in some measure, prepared for sea; but they are, at present, without stores, and have not half their complement of men. Last week they went over the Bar, and had a mock engagement, but soon returned; the bowsprit of one of them war carried away.

**PARIS, June 22.**  
The wits again begin to ridicule the new constitution. Some call it the constitution of *Bentable*; others the *extempore* constitution; another calls it a *Table of Matter*. Danton compares it to the thunder, which is occasioned by clouds of anarchy heaped upon one another; and on a central battery, which fires in all directions upon the assailants.

It is reported, that 40 Revolutionary Females, of the Society of Fraternity, presented themselves on the 18th inst. at the Club of Cordeliers, to engage them to issue a request to the sections, to order all the Women at Paris to join them, Sunday next, in the Champ de Mars, to swear the death of intriguers, to guard Paris, and march against the rebels of La Vendee.

### NATIONAL CONVENTION.

TUESDAY, July 2.

Deputies from the Department of Cote-d'Or appeared at the bar, and said, "We are French Mountaineers. Your long discussions tire us and all France. You have, however, made amends by giving us a constitution, and liberty triumphs. We profess obedience to your decrees."

On the proposition of Laeroix, the following decree was passed:—

"The National Convention provisionally suspends the payment of all salaries to those who live in the districts in a state of insurrection against the National Convention, until they can prove that they are not concerned in these doings, or that they retract what they have done."

LONDON, July 16.

Declaration of the French,

Assembled under the command of General Gaston, in the Departments of Vendee, Maine, Loire, and Loire Inferieure.

Denounced by the assembly entitling itself the national convention of France, as traitors to our country, and rebels to its laws, we ought, as our duty, to declare to all loyal Frenchmen, and all the loyalists of Europe, the motives which have hitherto directed our conduct, the principles which shall for the future regulate it.

When first we assembled in February last, in the defence of our lives, of our individual safety, of our religion, of our liberty, and of our property, the greatest of crimes was committed—the head of Louis XVI. was brought to the scaffold.

From that time, nothing could be expected from the new order of things that arose up in France, under the name of republic, but confusion, robberies, and anarchy, every day gave birth to a new faction; and if these robbers sometimes appeared divided among themselves in opinion and interest, upon two principal points they terminated their difference, viz. usurpation and pillaging of property, massacring and imprisoning good citizens, who refused being accomplices in their enormities.

For more than three years the rights of persons and property have undergone in France numerous attempts; violence hindered us from the free exercise of the religion of our fore fathers. But, there remained to us a King; and though he was stripped of that part of his authority so necessary for the maintaining a great monarchy, we were still in hopes that the French people would yet acknowledge their true interests, and that order would be re-established without convulsions, and without violence.

We were deprived of this last hope when we saw our fellow citizens, truly groaning under the yoke of a small number of factions, but making no effort to liberate themselves; struck with consternation at viewing our king dragged to the place of execution; but keeping silence through terror, and not daring to arm ourselves to rescue him from the clutches of his executioners.

Under such dilemmas, what were loyal subjects to do?—either accomplices or victims was to be our portion; but we would be neither the one or the other; we have assembled, we have armed ourselves, and hitherto Heaven has crowned our efforts with success.

We are not the aggressors; our intentions are only to defend our persons and property. As men, we have the right to resist oppression; as possessors of property, we oppose its devastation; as Frenchmen, we will have a king; as Christians, we will have the religion of our fathers; as citizens, we will have fixed laws, under cover of which we may again find peace. In fine, we are weary of being the sport and victims of the factious.

This is neither the time nor place to declaim on political opinions; we have not the smallest pretension to govern France. Individual safety, property, liberty of religious worship, and a king, are what we demand; for that it is we contend; and we will not disarm till we have obtained them.

We invite all people, whatever may be their political or religious opinions, to unite themselves quickly to us; it is their most pressing interest; for every man who is not a robber is on our side;

if any citizen has not a land property to defend, all have at least their personal property, (and personal liberty is shamefully violated by our enemies) all are interested in enjoying in peace, the fruit of their labor and industry; all are interested in living securely at home, and to have their houses for an asylum—this is what we demand for our fellow citizens, as well as for ourselves.

It is the interest of all the powers of Europe to sustain and protect us; for our enemies are such as wished to overthrow every king and every throne.

It is the interest of all people to lend us help: for our enemies wished to disturb the peace, and overturn the laws of all people.

Our enemies unmercifully punish with death those of us they make prisoners of war. We declare, before all Europe and France, that we have not used, and we will not use, in this respect, death for death. The cause which we defend is that of justice and humanity; and we will never dishonor it by acts of barbarity. They threaten to crush us by numbers, and the factious announce, that they will attack us with all the forces they can assemble. We await them determined, for we have on our side our courage, and the justice of our cause. We have the God of armies, who will fight for us, the God of Clovis and of St. Louis, who did not permit formerly the French monarchy to be overthrown, and who miraculously sustained the throne of our kings, almost destroyed under Charles V. under Charles VII. and under Henry IV.

At last, if, by one of those strokes of providence, which the human mind can neither calculate nor foresee, we are overcome in the defence of a cause so just, we shall at least have the glory of dying, in fighting for our God, for our king, and for our country,—thousands will arm themselves sooner or later to avenge us, for the French people will at last be weary of their heavy yoke of anarchy; and even our defeat itself will serve to hasten the fall of our tyrants. Besides, let them not believe us so weak as we are said to be at the bar, and at the tribunal of their assembly, where they place us between victory and punishment; for they are always strong, who have no other alternative but to conquer or die.

(Signed) GASTON,  
For myself and my brave fellow soldiers.

General Quarters, near }  
Fontenay la Comte }  
25th May, 1793. }

### SPANISH STATE PAPER.

Proclamation of Gen. Ricandós, commanding the Spanish Army against France.

THE army over which the King has been pleased to give me the command does not enter France with hostile intentions. His Majesty, a constant friend of the French monarchy and nations, only proposes himself to deliver her from the horrid despotism with which she is oppressed and tyrannized by an unlawful usurper, and unruled assembly, who after having subverted and trod upon religion, laws, and the safety of public and individual property, after having committed and ordained, in cold blood, the most unheard-of murders on the most respectable and innocent persons, have filled the measure of their iniquities, by shedding the blood of their lawful and well meaning sovereign.

For these reasons, the king orders me to declare, as I do declare in his name, that all good Frenchmen who, abhorring the erroneous and perverse maxims that have produced, and are productive of an overthrow, as fatal as it is disastrous, shall declare themselves to be attached to their monarch, will find in his majesty every kind of protection and support; that the troops whom I have the honor to command, shall observe the most scrupulous discipline, and shall in no manner attack the safety nor property of any body:—That the speediest justice shall be done to every Frenchman, who shall make a well-founded complaint against any individual whatever of the Spanish army, and that the troops shall pay ready money for whatever is sold or furnished to them. On the contrary, all those who will be persecuted who persevering in false principles or deluded by the attraction of an illusory liberty, shall side with the pretended National Convention, and act against the