

AUTHENTIC.  
THE SECRETARY OF STATE'S  
LETTER  
OF JULY 23d to the  
BRITISH MINISTER,  
[CONCLUDED.]

IN the form of government, yet prevailing in Rhode Island, the same partitions between legislative, and judicial functions which have been established by most other of the states, do not exist. Hence, as I am informed, the instances are many in which the assembly have exercised judiciary powers, and submitted recommendations to the courts. It was no violation therefore of rule, that they requested the judges to confer with the officers.

The judges, when assembled were at liberty to consider themselves, and did consider themselves, as engaged in judicial duties. If instead of commanding strict process to be executed they employed persuasion; if in the endeavor to reconcile the captain, their sensations gave nerve to their expressions, are these offensive transgressions of form?

There were some complaints, made to the judges, which, I venture to presume, were deemed by you too frivolous to be specified, as such. Yet a general view of the circumstances of that day will wipe away even these. It was the day, on which the people of the state generally attend the assembly. This gathered into the town of Newport a great number; and, added to the report, that the liberty of several fellow-citizens was at stake, brought to the spot an anxious concourse. The governor says that it was "too great to be accommodated on the stairway or in the lobby, and that it is very natural to suppose that there was some crowding." But "the British officers being in the front of the crowd, he is inclined to believe that they experienced much less inconvenience than many of the citizens who were nearer the center." He cannot admit that this inconvenience, whatsoever it might be, proceeded in any degree from the resentment of the inhabitants, but ascribes it entirely to the hurry of the occasion.

It is however insisted, that the officers were forcibly detained prisoners "by virtue of the act of assembly, until the vessel was searched." They had returned into the room, before what had passed had been communicated to the assembly: they continued in the room, when it was voted that they should remain on shore. Whether this vote was intended to be mandatory to the officers, or to intimate a line of conduct to the judges; or whether the officers after it had passed, expressed a wish to quit the shore, is immaterial. A detention of the officers, according to the practice recognized in the state, might have been ordered by the legislature or judges. But the vote assigned the subject to the judiciary; the captain and lieutenant were to remain on shore, not indefinitely, nor yet till the vessel was searched; but until an investigation of the complaint should be had before the Judicial Authority.

Nor was the ship searched. The committee were to go on board, on condition that the captain assented thereto: it was not proposed, that they should go on board alone, but in company with the British Vice-Consul; and they were to request of the commanding officer on board, an examination of the crew. When the captain heard of the resolution, he agreed, that the gentleman should give a letter to the men were shown, the people were called up and no decorum was infringed. The whole was the effect of the captain's approbation, which was not rendered less valid by his being under the operation of legal authority: the governor informs me, that after these things were done, he "conversed freely with the officers on the subject; that they seemed perfectly reconciled; the captain observing, that he wished the Americans would in future take certificates with them: that it was difficult to distinguish an American from a British seaman: that he had had the command of the ship but a very short time: that the Americans were on board, when he took the command; and he pleaded that, in excuse for denying, that he had any on board."

Under whatsoever aspect therefore this case is contemplated; but especially when it is now notorious, that several American citizens were on board impelled; who were within the protection of their country, and might soon have been carried out of it, and com-

peled to fight against their sacred obligations: the unparalleled insult is, is so far from being proved, that the legislative and judges who have been selected for condemnation, have acted upon sound principle, the law of Rhode-Island, and the law of nations.

II. The complaint against the French privateers at New-York, which had been illegally fitted out in the river Delaware is, that they have not been dismantled, but have remained during the whole winter in the port of New-York armed and were in a condition to proceed immediately to sea. It is acknowledged, that our assurances, in answer to your remonstrances, were ample; but our fulfillment of those assurances is called in question. The first step on our part was to issue adequate orders; the second to cause them to be executed.

From the date of the President's Proclamation to the breaking out of the unhappy malady in Philadelphia, the Executive was almost daily occupied in arrangements correspondent with an impartial conduct. A system of rules was prepared; and the Governors of the several states were urged most strenuously in their capacity of commanders in chief of the militia to suppress all practices, which should violate them. Steady in the pursuit of the same object, in a few days after the formation of those rules the Secretary at War wrote to the Governors against the fitting out of privateers in our ports, in the following words: "The Executive, after trying other measures in vain to prevent a continuance of the practice, finds itself at length constrained to resort to means more decisive than have been hitherto employed. To avoid therefore a further infraction of our rights, and a further commitment of our peace, the President of the United States after mature deliberation has decided that no armed vessel which has been or shall be originally fitted in any port of the United States as a cruiser or privateer, by either of the parties at war is to have asylum in any of the ports of the United States."

"I am directed to inform your excellency of this decision and to request that in case any vessel, within the foregoing description, should arrive in any port or harbor in the state of that you would cause her to be ordered to depart immediately, and in case of her refusal that you would take effectual measures to oblige her to depart. It is at the same time the desire of the President, that force may not be resorted to until every proper effort has been previously made to procure the early departure without it." At the close of this letter Le Petit Democrat, and La Carmagnole are expressly named as two of the privateers comprehended in the foregoing injunction.

The Collector of the port of New-York having represented to the Governor, that these vessels were within the harbour, and the former Minister of the French Republic being then in the city of New-York, the Governor states to him in writing; that he thought proper to address him on the subject, previous to any other measure, from a confidence that the commanding officers would receive his directions to carry them out immediately. He answered, that the captains had surrendered the commissions, constituting those vessels privateers; and that thereafter they would be employed as packet boats only.

As soon as the officers of government had reassembled in November last, it appeared, that Governor Clinton had remonstrated with the then Minister of the French Republic upon a military equipment of La Carmagnole in the port of New-York. The collector of the port should not leave the wharf until a satisfactory inquiry should be made. A series of letters followed from the Secretary at War, one circular to the Governor of New-York; requiring that the illicit privateers should not be permitted to repair in any manner, but on the condition of their divesting themselves of all warlike apparatus: that it was the object to withdraw the commissions only of Le Petit Democrat and La Carmagnole; and that it was the conclusive decision of the President, that the former should be reduced to her original force, which she bore when captured by the Ambuscade, and the latter be wholly deprived of her offensive qualities, or be denied an asylum. On the 8th ultimo, Governor Clinton assures the Secretary of War, that soon after the 24th of November, 1793, he set out for Albany, from whence he did not return until the beginning of April; that it was not in his power to give information concerning the vessels from his own actual knowledge during the period of his absence; but before he left home Le Petit Democrat had departed the port without any augmentation of her mili-

tary equipments within his knowledge: that on his return he found both her and Le Carmagnole in this harbor: that the Consul of the French Republic affirmed that they were divested of their commissions as privateers and of their men and military equipments, surrendered by the original owners to the French Republic; then fitted and manned from their vessels of war as packets or advice boats, and detained in port for that service only, without being suffered to cruise or engage in any military enterprise. Innocent, however, as they have been, while they remained idle, orders are again issued against the continuance of any undue equipment.

In the whole course of this proceeding, we cannot discover the necessity of one exculpatory remark. But why need I dwell on these minutiae? How many vessels, taken by illicit privateers, have been restored to the belligerent parties? How many of those privateers compelled to relinquish their military force? Can it be accounted for that the United States should have a partiality for these two privateers rather than others?

III. The rage, Sir, at which our correspondence in relation to the embargo has arrived, is, that you absolve our government from an express permission to the sailing of the French convoy; but argue an implied one, from the neglecting to employ any coercive means.

The embargo was the creature of our own policy; affecting our citizens, equally with foreigners; and being thus equal to all, we were not restrained by the rights of any foreign nation, from imposing it.

In its execution the means were the same to all the world. If they have happened to be inefficacious with respect to the vessels of one belligerent party, it was not so intended; they might have been also inefficacious with respect to the vessels of another. If the coercive means, to which you refer, be Forts or a Navy, the insinuation of neglect is fully answered; because at that time, we were not provided with them.

If the want of them be the ground of your observation, we are yet to learn, that it has been customary for one nation to complain, that the harbors of another are not as well defended, or its ships as numerous, as may accord with its own exigencies. Or can it be supposed (I confess I cannot suppose) that you meant to convey an idea of impropriety in laying an embargo, until the United States could have secured it against violation without exception of place from New-Hampshire to Georgia inclusive?

As on such an occasion, neglect of any sort would be disapproved by the government, the collector of Norfolk has been interrogated; and it is not hesitated to state his information without reserve. He received notice of the embargo by express on the 30th of March, and immediately acquainted Admiral Vanstabile with it. The Admiral sent an officer to the collector to enquire, whether his fleet, then laying in Hampton road, was considered by him as embargoed. The collector answered, that ships of war were not; and that the Admiral would decide for himself with respect to other ships, by referring to the resolve itself. Whether the Collector imagined, that Hampton road, which is a broad water of many miles in length, and many miles in breadth, and between which and the Capes of Virginia, there is no custom-house, was not a port within the construction of the resolution of embargo; how far such an opinion, if entertained, be tenable; whether the Collector ought not to have spoken in more decisive terms to the admiral; and whether the admiral ought not to have inquired, upon which the government will act with sincerity and faith, in regard both to their own officers and others. But even if our own officers have erred, or have been negligent, or others should have broken through the embargo by force, government cannot be involved in suspicion, when it disavows and inquires, and asserts its rights.

The snow Venus indeed is added, as a further example of neglect. These are the facts as transmitted from General Matthews. She was lying in Norfolk harbor, laden with flour for the French government. On the 7th of April admiral Vanstabile directed Mr. John Cooper to order her and see her under way, and should she disobey to force her to proceed. Col. Wilson, the commandant of the county of Norfolk having informed the Captain of the Venus, that being under the convoy he had a right to come down and join the fleet of Messrs. White, Whittle, & Co. her owners, on the 9th of April made a representation of the case to General Matthews; laying that they were determined to seek redress from another quarter. Gen. Matthews immediately dispatched Captain Calvert to Admiral

Vanstabile, to request restitution of the Venus, the taking her off being deemed by him to be a contravention of the embargo. Captain Calvert reported, that the Admiral denied any design to violate the laws of the United States, and desired him to inform General Matthews that the snow should be delivered up at any time to his order. The owners were then called upon to adopt measures for the security of their property. It is notorious that the snow remained at Norfolk from the 17th or 18th of April, until the month of June was considerably advanced, and the embargo had expired. From these transactions "in the only port, to which you alluded," together with the cases of the Berry, and other vessels, which I have noticed elsewhere, "You conceive yourself fully justified in having adverted to the conduct which has been observed by this government, or the officers acting under its authority, towards the powers, combined against France in the enforcement of the embargo."

For the government, Sir, I can add nothing, to strong in its import, as the language of all its acts. As to its officers, more cannot be exacted, than what is already undertaken. But what injury has the combined powers sustained from the Venus? None. She did not fail during the existence of the embargo. What from the detention of their vessels? If they had any confined in our ports whose cargoes were necessary for the purposes of war, their adversaries had probably as many in the same predicament.

IV. In your letter of the 22d of May, the aggressions of the state of Vermont are said to be unexpressed and continued. To my inference from your silence for upwards of nineteen months, that the original dissatisfaction had probably ceased, you repeat upon "authentic intimation" from Lord Dorchester, that the encroachments had not ceased; and you subjoin that "in the course of fifty days" (the interval between your first letter to me upon this subject and my answer) "such evidence might have been obtained from the highest public authority of Vermont (the governor) as would have either confirmed or contradicted the facts you had specified." This evidence is now at hand. After acknowledging my letter to him inclosing yours of the 10th of March, he proceeds thus: "The letters you refer me to, written by your predecessor, in consequence of complaints exhibited to him by the British minister, urging the prevention of all movements, which might tend to disturb the harmony, subsisting between the United States and Great Britain, I can with truth say, have been strictly adhered to by the government and the citizens of this state; in every requisition."

His next is an observation of pointed regret at these complaints; and he then goes on thus: "Before the reception of the abovementioned letters, written by your predecessor, I had forwarded a particular statement with affidavits, relative to the complaints in said letters exhibited, directed to the President of the United States, to which I beg leave to refer you; by which statement and affidavits is most manifestly made to appear, that British subjects were the first innovators, and that British subjects had less cause of complaint than those of the United States. No just cause of complaint hath ever come to my knowledge, of any abuses done or committed by any citizens of this or the United States, to British subjects, in consequence of the arrangements being made on garrisons, territories, or jurisdictions, which British subjects have ever made any serious pretensions to in this quarter," after a remark, relating to those, who pretend "personal grievances" and a suspicion, that the situation of the British garrisons within the United States is not generally understood at a distance.

The remaining passages of his letter are the following. "Therefore in order to understand the force of the complaints it is necessary to premise that the only British garrison now established within the limits of Vermont is at a place called Dutchman's Point, composed of only about twelve men situate on the north end of the north Hero twelve miles south of the latitude line—This garrison does not pretend to hold or keep jurisdiction over any land within this state other than a few acres on which their garrison is situated—And indeed citizens of this State are settled quite in the neighborhood of the said garrison on every direction, and they are intimate with each other without any difficulty to my knowledge.

"That part of the tract of land called Caldwell's manor, which lies within the bounds of this State hath long since been chartered as a town by the name of Alburgh—And the inhabitants thereof are incorporated as citizens with all the privileges of other towns within this State and have long since been in the peaceable possession of the same. With regard to the recent instance of misdemeanor committed on the officers of the crown by the capture of a small party (said to be made) on British subjects in pursuing a deserter before Dutchman's Point as complained of by Mr. Hammond—The circumstances which probably gave rise to the assertion are as follows, to wit: four men armed and in the common dress of citizens of this State appeared sometime last winter in the town of Sheldon alias Hungerford, within this State (a place about 20 miles distant from any place ever known or pretended to be claimed by the British subjects) in disturbance of the peace—there made a violent assault on the body of one John McAllister, then being in peace of God and the State in consequence whereof and in defence of the public peace the said four men were taken into custody by a constable, and agreeable to the civil laws of this State convicted of breaking the peace and accordingly fined—It is said they were British subjects, which I am willing to admit—But that they had any authority as such from the British nation to break the peace of this State within the known and acknowledged bound of the same did not appear from any credentials which they produced nor does it yet appear—But the contrary I believe to be true, therefore as persons under the common protection of this government they have been holden to respond for their breach of that protection according to the civil law.

"From the above statement it is conceived that Mr. Hammond's complaint of the said capture before Dutchman's Point is ill founded and unjust. Of this you may be assured that every attention hath been paid by me to prevent all movements which tend to thwart the friendly negotiations now taking place between the two powers; and have the pleasure to say, that nothing hath hitherto transpired wherein I can think myself or any of the citizens of this state culpable.

"And of this you may be further assured, that every precaution and means within my power will still be used to insure the continuation of all good harmony between citizens of the two governments."

This communication from the Governor of Vermont leaves no room for a comment on my part; although to contrast it sentence by sentence, with the representations, which have occasioned it, would afford grounds more and more striking to apprehend, that the Governor-General of Quebec has been mistaken. It is a solution of the nineteen months silence. I confess it, without dilating on it, to your own judgment. But, Sir, on closing this letter, the origin and progress of our controversy forced themselves upon the mind. It has not been our fashion to trouble his Britannic Majesty's ministry, nor yet his minister here, with every trivial circumstance of discontent; but when an officer, distinguished as Lord Dorchester is, and fresh from the Councils of his King, attempted to rouse the Savages against us; when in a short time afterwards, the Governor of Upper Canada was reported and believed to have invaded our territory—we felt, we required explanations in the style of an injured people. Our right thus to inquire was questioned; but the speech of Lord Dorchester was not denied, nor the invasion of Governor Simcoe, farther than that it was not known to have actually occurred. We rely on the expectation of learning, Sir, through you, the truth of this matter; but the delay, in being informed, is truly painful, since we have just received intelligence, that "the post taken by Governor Simcoe at the rapids of the Miami is yet possessed by two companies which it is said, are immediately to be reinforced by some troops from Niagara."

Although the outlines only of charges against us were drawn, to be filled up in due season, yet we, demonstrating our love of peace and strengthened by the consciousness of an honor, which in the observance of impartiality, has never been surpassed by any nation upon earth; have not scrupled to enter into an immediate answer. Instead of wishing to outweigh your remonstrances by a comparison with the magnitude of ours; with the excitement of the Indians, the seizure of our lands, and the catalogue of distress, which spoliation and vexation have brought upon our merchants and husbandmen; we have laid them aside, to confront accusations, which you yourself in your letter of the 7th of June denominated "merely collateral." In what they have terminated, it is not for me to judge. But had they remained, not diminished in the degree in which they were first stated, the ardor for war must have been violent indeed if these circumstances could have caused it to burst forth.

Sir, It is a duty confirmed by the instructions under which I act, to cultivate peace with all nations; it is a duty which I never have forgotten. I trust therefore, that notwithstanding those conclusions, which may be made, from some remarks perhaps unintentionally escaping in your cor-

name of Alburgh—And the inhabitants thereof are incorporated as citizens with all the privileges of other towns within this State and have long since been in the peaceable possession of the same. With regard to the recent instance of misdemeanor committed on the officers of the crown by the capture of a small party (said to be made) on British subjects in pursuing a deserter before Dutchman's Point as complained of by Mr. Hammond—The circumstances which probably gave rise to the assertion are as follows, to wit: four men armed and in the common dress of citizens of this State appeared sometime last winter in the town of Sheldon alias Hungerford, within this State (a place about 20 miles distant from any place ever known or pretended to be claimed by the British subjects) in disturbance of the peace—there made a violent assault on the body of one John McAllister, then being in peace of God and the State in consequence whereof and in defence of the public peace the said four men were taken into custody by a constable, and agreeable to the civil laws of this State convicted of breaking the peace and accordingly fined—It is said they were British subjects, which I am willing to admit—But that they had any authority as such from the British nation to break the peace of this State within the known and acknowledged bound of the same did not appear from any credentials which they produced nor does it yet appear—But the contrary I believe to be true, therefore as persons under the common protection of this government they have been holden to respond for their breach of that protection according to the civil law.

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