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WEDNESDAY, JANUARY 1, 1793

[NUMB. 383.]

For the HAMPSHIRE GAZETTE.

Mr. RUTLER,
I WAS pained on reading the production of Amicus in your paper of the 1st week: To soften the heart and inform the head of the rising generation must be the object with every friend to the community. His attempt, therefore, to affect these valuable purposes justly merits the approbation of the public: But as the plan proposed by him is not, in my opinion, a very eligible one, I will endeavor to improve upon it by leaving it to his abilities, and the profuse learning of that class of young persons for whose benefit it was designed. And my wish is, that Amicus may rise upon his sketch more than I have upon his—There will, I doubt not, be room enough: For I have not the vanity to suppose, that my scheme of improvement will even tread on the heels of perfection.

Amicus takes it for granted, that the youth for whose welfare he writes, are raised by other than a common town-school education. And with this education only, he advises them to associate for the purpose of conversing familiarly on some of the most important learned and useful sciences. Would not this be too general a less? Such topics might graduate with the genius and tradition of Amicus and his learned friends. For he, and they, are, undoubtedly, perfectly well read in the profound reasons of a Grotius and a Puffendorf—Boyle and a Newton—Locke and a Locke—Hoadley—Molheim, &c. &c. but to advise the youth be addresses (who have been sitting at the dewy drops of Perry and Webster to drink full draughts at the boundless ocean of science) in my humble opinion, is an extreme devotedness to be avoided! This, indeed, is an age, the age, for improvement; but it is not the age of imitation—and one might now with equal facility, try to tickle up the bed and talk, as to the youth in question, through their Spelling Book, and converse familiarly and understandingly, on the works of Newton, Locke, &c.

I would, therefore, propose an improvement of the plan of Amicus, that the youth who have left their town-schools, and are conveniently situated, should associate in their respective towns, and divide the grammar-school-master thereof, or some other person equally well versed in useful learning, to instruct them, two evenings in a week, to read with propriety—the Art of Thinking—Select pieces in the Preceptor—the Oration of Cicero and Demosthenes in English—Xenophon in English—Alphabet on the declension and beautiful sentences—and such other Books as the instructor shall find best adapted to their age and genius. To instruct them in English composition; and especially in the art of letter writing—To perfect them (not already perfected) in the common rules of arithmetic—and, if they have leisure, to give them some lessons in geography—and, particularly, to teach them the use of maps and charts; and, if they in any province globe, how to solve geographical problems with it.

A transition from their school education to these branches of learning, would be useful, pleasing and useful to them in every respect of a life. And if to this excellent they could afford to subscribe a small sum, such to purchase a few well chosen Books for mutual use, it would be a very happy circumstance: Because with such Books at hand they could, by perusing them, much their minds, whenever a leisure moment occurred. Amicus, what sayest thou to these things?

Dec. 20, 1793.
SENEX.

The following authentic Letter, is taken from the Papers relative to France, communicated to the House of Representatives in a message from the President of the United States, of December 31st 1793.

J. JEFFERSON, Secretary of State; to Mr. MORRIS, Minister Plenipotentiary to the United States.
Philadelphia, August 7th, 1793.

My letter of June 13th, I enclosed to you the copies of several letters, which

had passed between Mr. Ternant, Mr. Genet, and myself, on the occasions in which the present war had given rise within our ports. The object of this communication was, to enable you to explain the principles on which our government was conducting itself towards the belligerent parties; principles which might not in all cases be satisfactory to all, but were meant to be just and impartial to all. Mr. Genet had been then but a little time with us; and but a little more was necessary to develop in him a character and conduct, so unexpected, and so extraordinary, as to place us in the most distressing dilemma between our regard for his safety, which he had never refused, and a regard for our laws, the authority of which must be maintained; for the peace of our country which the Executive Magistrate is charged to preserve; for the honor, offended in the person of the Magistrate; and for the character of the Government, and the interests of the people. There had been too recently expressed in the letters of the Executive Council, in the letters and decrees of the National Assembly, and in the general demeanor of the Nation towards us, to ascribe to the proceedings of our country a character. Our bill duty, therefore, was to draw a strong line between their intentions, and the proceedings of their minister: our second, to lay those proceedings faithfully before them.

On the Declaration of war between France and England, the United States, being at peace with both, their situation was to our and unexpected. By their conduct, that their interests were not, in the first instance, feasible of the new duties resulting therefrom, and of the restraint it would impose even on their disposition towards the belligerent powers. Some of them imagined (and still their transient feelings citizens) that they were free to indulge those dispositions, to take sides with either party, and enrich themselves by speculations on the commerce of the other, and were an daring enterprise of this nature, as there was reason to believe. In this state of the public mind, and before the ground of his former decision. My letter of June 21st notifying this to him, his of June 2 and 14, since of the 17th and his again of the 22d; will show what further passed on this subject, and that he was far from retaining his disposition to acquiesce in the ultimate will of the President. It would be tedious to pursue this and our subsequent correspondences; but I will refer to the letters themselves, which shall accompany this. I will present a summary view only of the points of difference which have arisen, and the grounds on which they rest.

Mr. Genet asserts his right of arming in our ports, and of enlisting our citizens, and that we have no right to restrain him or punish them. Examining this question under the law of nations, founded on the general sense and usage of mankind, we have produced proofs from the most enlightened and approved writers on the subject, that a neutral nation must, in all things relating to the war, observe the exact impartiality towards the parties; that favors to one to the prejudice of the other, would import a fraudulent partiality, of which no nation would be the dupes; that no favor should be given to either, or anything else directly serving for war; that the right of raising troops, being one of the rights of sovereignty, and consequently appertaining exclusively to the nation itself, no foreign power or person can levy troops within its territory, without its consent; and he who does, may be rightfully and justly punished, that if the United States have a right to refuse the permission to use vessels and raise men within their ports and territories, they are bound by the laws of neutrality to exercise that right, and to prohibit such armaments and enlistments. To these principles of the law of nations, Mr. Genet opposes by calling them 'diplomatic subtleties' and 'a-

ing and declared to exist in the President's Proclamations, and incumbent on him to preserve till the constitutional authority should otherwise declare. These proceedings became immediately, as was naturally to be expected, the subject of complaint by the representative here of that power against whom they would chiefly operate. The British minister presented several memorials thereon, to which we gave the answer of May 13th heretofore enclosed to you, corresponding in substance with a letter of the same date, written to Mr. Ternant, the minister of France; then reading here, a copy of which I send herewith. On the next day Mr. Genet reached this place, about five or six weeks after he had stayed at Charleston, and might have been in Philadelphia, if he had attended for it directly. He was immediately presented to the President, and received by him as the minister of the Republic; and as the conduct before stated seemed to be a design of forcing us into the war, without allowing us the exercise of any free will in the case, nothing could be more afflicting than his assurances to the President at his reception, which he repeated to me afterwards in conversation, and in public to the Citizens of Philadelphia, in answer to an address from them, that, on account of our remote situation and other circumstances, France did not expect that we should become a party to the war, but wished to see us prosper and prospered in peace. In a conversation a few days after, Mr. Genet told me that Mr. de Ternant had delivered him my letter of May 13th, he spoke something of the case of the Grange, and then of the armament at Charleston, explained the circumstances which had led him to it before he had been received by the Government, &c. and concluded his will, expressed a hope that the President had not so absolutely decided against the measure, but that he would have what was to be said in favor of it; that he would write me a letter on the subject, in which he thought he could justify us under our treaty; but that if the President should finally determine otherwise, he would submit to do what would be agreeable to us. He accordingly wrote the letter of May 27. The President took the case again into consideration, and found nothing in that letter which could shake the grounds of his former decision. My letter of June 21st notifying this to him, his of June 2 and 14, since of the 17th and his again of the 22d; will show what further passed on this subject, and that he was far from retaining his disposition to acquiesce in the ultimate will of the President. It would be tedious to pursue this and our subsequent correspondences; but I will refer to the letters themselves, which shall accompany this. I will present a summary view only of the points of difference which have arisen, and the grounds on which they rest.

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phorisms of Vattel and others. But something more than this is necessary to disprove them, and fill they are disproved, we hold it certain that the law of nations, and the rules of neutrality forbid our permitting either party to arm in our ports. Mr. Genet says, that the 22d article of our treaty, allows him expressly to arm in our ports. Why has he not quoted the very words of that article expressly allowing it? For that would have put an end to all further question. The words of the article are? 'He shall not be lawful for any foreign privateer not belonging to subjects of the most Christian King, nor citizens of the said United States who have commissions from any prince or State in company with either nation, to in their ships in the ports of either the one or the other of the aforesaid parties.' Transferring this from the general terms in which it is framed into the special case produced by the petitioners, 'British ships not belonging to France or the United States, and having commissions from the emperor of one of them, in the present state of things, British, Dutch and Spanish privateers.' Substituting these then for the aforesaid terms, it will stand thus, 'It shall not be lawful for British, Dutch or Spanish privateers to for their ships in the ports of the United States.' Is this an express permission to France to do it? Does the negative to the emperor of France, and France as to France herself, imply an affirmative to France? Certainly not; it leaves the question as to France open, and free to be decided according to circumstances; and if the parties had meant an affirmative stipulation, they would have provided for it expressly; they would never have left so important a point to be inferred from mere silence, or implication. Supposing they had desired to stipulate a refusal to their enemies, but nothing as to themselves, what form of stipulation would they have used? Certainly, the one they have used; an express stipulation as to their enemies, and a silence as to themselves. And such an stipulation, corresponds not only with the words, but with the circumstances of the time. It was of value to each party to exclude its enemies from arming in the ports of the other, and could it be called a bar to them? They therefore stipulated so far mutually. But each might be embarrassed by permitting the other to arm in its ports. They therefore would not stipulate to permit that. Let us go back to the state of things in France, when this treaty was made; and we shall find several cases, wherein France could not have permitted us to arm in her ports. Suppose a war between the States and Spain. We know that, by the treaties between France and Spain, the former could not permit the enemies of the latter to arm in her ports. It was honest in her, therefore, not to declare us by such a stipulation. Suppose a war between these States and Great Britain. By the treaties between France and Great Britain, in force at the formation of our treaty, we could not have been permitted to arm in the ports of France. She could not then have meant in this article to give us such a right. She has manifested the same faith as to again in her subsequent treaty with England, made eight years after the date of ours, stipulating in the 10th article of it, as in our 22d, that foreign privateers and being subjects of either crown, should not arm against either in the ports of the other. If this had amounted to an affirmative stipulation, then the subjects of the other crown might arm in her ports against us; it, however, has been in direct contradiction to her 22d article with us. So that to give to these negative stipulations an affirmative effect, is to render them inconsistent with each other, and with good faith: to give them only their negative and natural effect, is to reconcile them to one another, and in good faith, and is clearly to adopt the sense in which France herself has expounded them. We may safely conclude, then, that the article only obliges us to refuse this right, in the present case, to Great Britain, and the other enemies of France. It does not give us the right to France, either expressly, or by implication. We may then refuse it, and since we are bound by treaty to refuse it to the one party, and are free to refuse it to the other, we are bound by the