the complaint of the Spanish agent, that their vessel was not a single affidavit.

Now, Sir, upon mere suspicions which the enemies will not fail always to bring forward, the French privateers are to be subjected to seizure. Such a measure tends to nothing less than to paralyze the 17th art. of our treaty.

The S. of State, in reply, sent to the undersigned the copy of a letter from Mr. Harrison, of the 5th Feb. '95, to which is this remarkable passage—"In this whole business, however, I have not knowingly acted from my own opinion, founded doubtedly acted from my own opinion, founded and upon such evidence as came to my knowledge; and as in similar cases, I must necessarily, in the first instance, be unacquainted with the opinions and convictions of others, I know of no other rule by which I can be guided, unless when I am honoured with the directions of the chief Executive Magistrate."

The Secretary of State then closes his letter of the 16th Oct. covering that of Mr. Harrison.

"You will perceive that whatever may be the event of the suits pending in court, concerning her [the privateers] and her prize, the public officers, Mr. Harrison is supported in his proceedings by the laws and usages of this country, upon such evidence and information as in the case referred to were produced."

(No. 4.) In virtue of this law the tribunals were only authorised to decide on cases in which the neutrality of the U. S. shall have been compromitted. Yet these tribunals conceived they had a right to pronounce upon prizes made by French in almost an indefinitive manner. English French in almost an indefinitive manner. In the affair of Glass and Gibbs against the ship *Betsy*, the decision of which has been printed, the Supreme Court pronounced, that the tribunals could decide whether a prize belonged to enemies or to neutrals. In the affair of Joost Janson against the Dutch ship *Twee Gebruders Magdalena*, it was decided that the naturalization granted in the territories of France to American Citizens, during the war, could not give them the right either of serving or of commanding on board French privateers; and that the prizes made by such, although legally commissioned, were not valid; a distinction is established between a legal and an illegal privateer; it was judged that they had a right to pronounce on this legality; and consequently on the validity of the prizes; it was finally decided, that a prize made at sea, with the assistance of an illegal privateer, was void & should be restored.

It was according to these first decisions of the supreme court that the dist. attorney of Virginia wrote officially on the 28th March '94, to the vice consul at Norfolk—"No relief can be demanded as prize but in district courts, which are the proper Admiralties of the U. S." The commissioner of France understood, or did not understand this mode; but they contented themselves of it, and in order to cause French privateers to be arrested, they had recourse to the law of 5th June, '94.

At this period however, the law had put into the hands of gov. a sufficient power for preventing the arming and equipping of privateers in the ports of the U. S. By the letter of the Secretary of the Treasury of the 4th Aug. '93, the collectors of the customs were authorised, and even required to visit, in the strictest manner, not only all privateers, but all vessels entering or going out of American ports. The law of the 5th June authorised the President to support the exercise of these functions with military force. Of the greatest rigor, all French vessels, privateers and others, during their continuance in the ports of the U.S. were subjected to the laws of neutrality. They were obliged to give security that they might be seized, if they violated the laws of neutrality. Yet, whether they had entered the ports of the U. S. armed and also weatered the seas of the U. S. armed and also weatered armed; or had since been armed for war in French ports, scarcely did one of their prizes enter but she was arrested by order of the Fed. Court.

The proceedings were instituted and pursued without any of the forms for protecting citizens. As the undersigned, has said, the affirmation of an enemy of the Republic was sufficient for causing the prize to be seized, often the privateer which had brought her in, and sometimes for the arrest of her Capt. no proof was required from the enemy Consul, who instigated the arrest; he was not obliged to give security for the damages which might result from the procedure if it were unfounded; and the captain was not allowed to remain in possession of his property, on giving security for its value; the prizes were not valued; they simply place them in the hands of the officers of justice; rarely were they permitted to be sold; and then the sale was made with flowness, and not until the confront of the two parties was obtained. In such a then much delay and expense, not without adding the shifts of a crafty chicanery, the complainants proved nothing they advanced, the prizes were adjudged to the captors, but refused indemnification for damages and losses occasioned by the arrest.

The undersigned knows but two affairs that of *Le Nouvelle Sensible du Carmen*, at *R. Island*, and that of *La Princesse des Asturies*, at *N. York*, where damages and interests were allowed to the Captors.—Yet the tribunals have almost always allowed damages to the captured, when they have declared the prizes illegal. The last pretext was sufficient to obtain from a tribunal the arrest of a prize; it was sufficient to allege that the privateer had taken 1 or 2 cannon, 1 or 2 bbls of powder, or opened some port holes in the territory of the U. S.

In the affair of the two prizes of the French privateer Les citoyens de Marseille, which entered the ports of Philadelphia armed and commissioned, remained in the same port, and set out under the eyes of the government, the only thing in question was, that some port holes were pretended to have been opened in the vessel after her departure from Philadelphia; the Court of Cassation was of opinion that the holes had been opened, and condemned the prizes. The superior courts did not and the inferior prize court, which had adopted this opinion, and the fait sentence was reversed; but after how long a time, how much care, foreign, pain and expense?

In the affair of the Princesse des Asturies, at New-York, it will be seen hereafter, only two cannon and a score of fusees were in question; behold what is called an armament, behold how words are abused?

Frazes have been arrested under still more frivolous pretexts. The privateers La Parisienne had infringed a revenue law of the United States, the was seized and condemned by the District Court. This tribunal doubtless agreed with the prizes purchased by the law, had ordered this vessel to her owners, on making them pay her value—The privateers, after having executed the sentence of the Court, went out and made two considerable prizes; one was sent into Charleston and the other into Savanna—They were both arrested at the instance of the English Consuls, under the pretext that the tribunal has acted illegally, by restoring the confiscated privateer—that notwithstanding this restitution and the payment of her value to the treasurer the had always remained the property of the U. S. & could not make any lawful prize. This ridiculous assertion was seriously opposed in the District and Circuit Courts, and in the Supreme Court of the United States; at the close of the proceedings, which lasted near two years, the prizes were adjudged to the captors, but without allowing them damages.

In like manner, have been treated the rich and numerous prizes of the French privateer La Mere Michelle, Le Bruter, Le General Levasor, et Le Vengeur. The captors have gained their causes in three courts, and have not obtained damages.

Were it necessary to cite here all the vexatious proceedings commenced against French vessels, the undersigned minister plenipotentiary, would be obliged to write a volume. He contents himself with adding to what he has just said, the affair of the Vengeance and that of the Cassius.

Affair of the Vengeance.

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