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For THE NATIONAL INTELLIGENCER.

TO THE PEOPLE.

THE DEFENCE.

No. XVI.

(Subject of Foreign Relations, Continued.)

This treaty with France has been faithfully observed; so faithfully that even the misconstruction of party has raised but a solitary clamour, and this not so much on account of any failure of duty towards France, as from an alleged excess of it. The case alluded to is that of the Berceau, the facts relative to which are these:

On the 5th of April, Mr. Griswold offered a resolution that the secretary of state be directed to report whether the sum of 32,839 dollars and 54 cents, expended in the repairs put upon the corvette Berceau, before the delivery to the French Republic, was made to equip her for the service of the United States, or for the purpose of delivering her in good condition to the French Republic, in conformity to the stipulations of the convention with France.

As the measures of the executive on this subject have been variously represented, it may be proper concisely to state them.

On the 30th of September 1800, a convention was entered into at Paris by the commissioners of the United States and France restoring true and sincere friendship between the two nations, the third article of which directed that the public ships which had been taken on one part and the other, or which might be taken before the exchange of ratifications, should be restored. In the month of the ensuing February the Senate advised a ratification of the convention under certain terms, which it was not believed would be objected to by France. Previously to the signing of this instrument, on the 12th of October, 1800, the Berceau, a French national ship, had been captured by an American frigate, and condemned as legal prize on the 17th of November. On the 19th of December, 1800, Mr. Stoddert, the secretary of the navy, directed his agent at Boston to cause her to be purchased for the United States, and afterwards to have her placed where she would be secure, with just as many men on board as should be necessary to take care of her; but to make no repairs. In obedience to these instructions she was dismantled on the 30th of December; and on the 15th of January, she was bought in by the navy agent for 13,349 dollars. In March, the French commercial agent represented to the secretary of state the destitute state of the French prisoners taken on board the Berceau, no funds having been provided by France for their relief, and requested advances, reimbursable by his government. In consequence of this representation, the secretary of the navy instructed his agent to furnish each person, before his delivery, with such cheap clothing as should be sufficient, with what he had, to make him comfortable—and to pay each officer, to enable the discharge of contracted debts, two dollars a week for the whole time he had lived at his own expence.

On the 19th of March, the French Charge des Affaires, Mr. Pichon, addressed a letter to the secretary of state, stating that the First Consul, desirous of removing the remembrance of all differences, had not waited for information whether the government of the United States would ratify the convention, before he performed these stipulations which were to have effect from the date of its signature; and that, reposing entire confidence in the United States, he had given instructions calculated not only to insure full justice for the past, in a manner consonant to the obligations of the convention, but also to prevent in future, unauthorised measures towards the commerce and navigation of the United States, either on the part of the administration, or of individuals. Mr. Pichon expresses a strong assurance that the modifications of the convention will be accepted by the First Consul, and concludes by attracting the attention of the secretary to that part of it, which relates to the restitution of national ships, among which he notices the Insurgente, a French captured frigate, intimating the probability of her being lost, and expressing his impression that it would appear reasonable to the President, to restore her, or an equivalent, to the Republic.

On the 20th of March, the executive, animated by the same sentiments expressed by the French government, came to a determination to restore the Berceau; and accordingly on that day the secretary of the navy gave the following directions to his agent:—

"The French national ship the Berceau, captured by captain Little, is to be restored under the treaty.

"You will please to cause her to be delivered, with all her guns, ammunition, apparel, and every thing belonging to her, to the order of Mr. Pichon, commissary general and charge des affaires, from the French government to the government of the United States, whenever such orders shall appear.

"This business should be done as if no reluctance accompanied the restoration. We are now at peace with France, and we should act as if we returned to a state of amity with pleasure. Let there be no cause of complaint against the government or its agents."

On the 1st of April, further instructions were given by the secretary. He says:

"I have to request that you will be pleased to ascertain without delay the state of the French national ship Le Berceau was in at the time of her capture, as to her armament, stores and provisions, and to cause her to be put in the same condition before she is delivered up to the French government."

On the 24th of June the navy agent addressed the following letter to the secretary:

"On Monday the 22d, the corvette Le Berceau was delivered to the commissary of the French government, and the captain at the same time took charge of her. At the request of the commissary and captain, and from the necessity of the case, I have furnished some articles which may not have been on board at the time of the capture, such as hammocks, blankets; and if then on board, they were retained wholly or in part by the crew. The captain now wishes to be furnished with silver spoons, plated ware, china, &c. for his cabbin. These I cannot provide without your special directions, as I do not suppose they were on board at the time of the capture.—The commissary is willing on the part of his government, to engage to pay for all articles supplied, that probably were not then on board the corvette."

Subsequent letters from the agent state the repairs made to have amounted to 32,833 dollars 54 cents; in one of which he says:

"I have presumed it was the meaning of the instructions, though not fully expressed, that the corvette should be restored, in all respects, to the condition she was in immediately anterior to the commencement of the action with the Boston. I have therefore endeavoured, in directing the repairs and furnishing the supplies, to be governed as far as possible by this principle, which I made known to such of the principal workmen employed in the repairs as appeared to be expedient. But an adherence to the rule, with a few exceptions, was soon found impracticable, but every departure produced an expence to the United States; for example, the stays, shrouds, and all the cordage, were unavoidably replaced with the new for the old. The rule of course was violated, as the old was not worth more than two thirds the price of new. The corvette was in this respect therefore placed in a better condition than she was at the commencement of the action; but the United States lost by it the difference in the value of the new and the old cordage. This was also the case with her sails, with her masts, spars, tops, and caps; with the carpenters work, with the iron work, and with many other supplies too numerous to be detailed here. Her stores, &c. thus furnished, may, I presume, be estimated to be worth on an average, thirty per cent. more than the stores they have replaced."

On this topic three charges have been raised. 1. That the repairs and delivery of the Berceau were made before the definitive ratification on the part of France; 2. that the the price paid for them was extravagant; and 3. That the expence was incurred without any appropriation. The first charge is not denied; but it is contended that in an affair, so important, as returning peace between the two nations, it was the duty of the government to relax, in some degree, the rigor of law, particularly when such relaxation on our part was accompanied by one equally great on the part of France. We gave up the Berceau only for an equivalent. Our vessels to a much greater value were released. So that, had the well founded expectations of the government, as to the ultimate ratification of the convention, been disappointed, we should still have been gainers.—That the price of the repairs was extravagant has never been proved. That they may have been made on a scale of liberal policy is probable. The Instructions of the government were that they should be made in such a way as to furnish "no cause of complaint against the government or its agents." To have pursued a different course would have manifested a spirit of pusylanimous avarice, so infatuated as to sacrifice ultimate *millions* for present pence; and would have implied a destitution of all that knowledge that is essential to protect the great interests of nations. What was thirty two thousand dollars to the friendship of a great nation?

But it is contended that the expence was incurred without any appropriation. To this it has been satisfactorily answered that two funds existed at the dispostian of the government; one for the purchase and repairs of vessels for our own navy; and another, for carrying treaties into effect. The repairs of the Berceau were made with a view to her forming part of the navy, and if so, a liberal appropriation had been made by the creation of the first fund; or they were made, with a view to her delivery to France under the stipulations of the French treaty; and if so, the second fund was appropriated to this among other purposes. But it is insisted, that in this case, the treaty not being completely ratified, the general appropriation for carrying treaties into effect did not apply. This argument, however, by attempting to prove too much, proves nothing. The truth is, that the rigid observance of forms that apply to individuals do not always hold good as to nations. It is of infinite importance to hasten the effects resulting from a state of returning amity. The propitious season should be seized, and the enthusiasm excited by such an indication should be made use of as one of the best instruments for carrying all the necessary arrangements into operation. Hence governments, mutually confiding in each other, often pursue those measures immediately after an agreement to preliminary articles, which are in strictness only required subsequent to their final ratification. In particular cases, some steps are indispensable; especially where armies have been recently engaged. When, therefore, government has full confidence in the final ratification, they have a right, as to all these purposes, to use the funds apropriated generally to carrying treaties into effect. Where is the authority that decides that preliminary articles do not constitute treaties? In some respects, they unquestionably do.

The vast importance of maintaining a good understanding with France will appear hereafter when the Louisiana treaty is considered.

The British treaty, notwithstanding the low estimation in which it was probably held by the members of the new administration, was likewise executed with scrupulous good faith. On this topic not a murmur of discontent has been heard. We have seen that the provision of that treaty that related to the recovery of mutual claims against the two governments had been suspended during the Presidency of Mr. Adams. The conduct of the negociation for removing the differences that gave rise to this suspension devolved on Mr. Jefferson. Had the new administration desired to extend the differences between the United States and Great Britain, they had again the fairest opportunity. The pretensions of England were arrogant; the claims of America were founded in justice; while then the latter were demanded, the former might have been rejected. But a far different course was pursued. The spirit of Mr. Jay's treaty was consulted, and it was manifest, with whatever justice, that it contemplated a liberal satisfaction of British pretensions, as a full compensation of American claims. This spirit was adhered to; the existing train of negociation was not disturbed; measures were even taken to accelerate it; in consequence of which the American merchant has received a satisfaction for such claims as have been allowed by the appointed tribunal; and a gross sum has been paid to the British government which has assumed the claims of its own subjects against the United States.

It has been said that the present administration is hostile to the mercantile interest, and delights in their depression. Were this true, would they not, in this instance, have taken a different course? By rendering the negociation abortive, they would have sacrificed the claims of the merchants, to the amount of near six millions of dollars, and would have avoided the payment out of the national treasury of near three millions, for which the whole nation is taxed. This would have been a severe blow against that interest, inasmuch as while it virtually inflicted on our merchants a loss of six millions, it would have relieved the nation from three millions, which they have agreed to pay.

The effects of the scrupulous good faith with which this treaty has been observed are conspicuous. There subsists an honorable confidence between the two nations, between whom, there previously existed hostile distrust—This confidence has not only indicated itself in acts of a negative character, arising from the abstinence of England to injure the commerce of the United States, but it has been also manifested itself in several acts of positive benefit.

There are strong reasons to believe that these amicable sentiments have been efficaciously improved to produce an impression on the British government of the interest of that nation, by a deportment of justice, to cultivate the good will of a nation at present next in mercantile importance to herself, and destined at no remote period to attain a superior rank. Hence those important relaxations of her navigation act which we have recently experienced, and the unprecedented exemption of our seamen from impressment. We say unprecedented. For notwithstanding the criminal outrages recently committed before New York, the aggregate number of impressments is greatly reduced; and if the public prints are to be relied on, an honorable disposition has already been manifested on the part of the British government to make amends for these unauthorised aggressions.

Mr. Jay's treaty has, it is true, been permitted to expire. But the very circumstances attendant on this event prove the friendly sentiments entertained by England; since without a commercial treaty, we remain in the enjoyment of all the privileges we possessed with one; so much so that the expiration of the treaty has not produced the least sensible effect on the trade between the two countries.

What part, or whether any of that treaty will be renewed, we pretend not to say. The conjecture, however, that several of its provisions, containing limitations on the commercial rights of our citizens, will be rejected, may be rationally indulged. However ready we may be to facilitate the honest intercourse of our citizens in the promotion of their lawful concerns, we trust, and confidently believe that a wise administration, considering itself charged not only with the immediate but also the eventual welfare of America, will abstain from doing any thing which shall sacrifice the one to the other.

CURTIUS.

(Subject of Foreign relations to be continued.)

From a Liverpool Paper of September 12.

RUSSIA AND FRANCE.

The paper, of which the following is a translation, has been universally circulated throughout all those parts of Germany which have not yet fallen under the yoke of France. On the continent it has been considered as a kind of demi-official answer to the petulant observations which appeared in the Official Paper of the French Government, under the head of "Constantinople." The reasoning, and the important facts which it embraces, have created a very great sensation among the Northern Powers.

"There is no reason why the formation of an army of 5 or 6,000 Russians, in the Republic of the Seven Islands, should give rise to much political conjecture. Such a measure is undoubtedly, a very inferior part of that general system which Russia thinks it incumbent on her to follow at this moment. The attention of the political world should not be directed to an expedition of 6000 men; it is the whole of the system that we are to look to.

"Twelve months are scarcely elapsed, since Alexander the First ordered that 111,000 men should be raised in his Empire, and that levy has been so effectually executed, that they are, at this day, formed into regiments, and perfectly disciplined. This levy has increased the Russian military force to upwards of 400,000 soldiers, and 60,000 seamen. Add to these, 50,000 irregular troops, which are already embodied, and 100,000 more, which may be assembled in a short time, consisting of Kalmucs, Bashkiers, and the different hordes of Tartars, every man of whom, upon the promise of being allowed to plunder, would gladly enrol himself; with such a force at its command, can it be asked, if Russia have a right to the character she assumes, in an age when the power of the strongest is the only one that is respected?

"It must be acknowledged, morally speaking, that it is to France that Russia is indebted for the brilliant situation which she now occupies and which cannot be denied to be of the very first order. The period from whence this commanding and prominent position was occupied by Russia, may be dated from the commencement of that system of tyranny and injustice, which France has established; a system of invasion, of rapine, and of oppression, which has been exercised wherever its power could reach; and above all, since it became apparent, that its ambitious views were directed to no less an object than the attainment of universal Monarchy. Since that time, Russia has become the shield of the weak, and Alexander, seated on his throne has assumed the character of the Protector and arbiter of Empires. Can France compel her to lay aside this dignified character? Let her not deceive herself in imagining she can. Russia is not in the situation of an actor, who puts on the purple to play the part of a king, she is not an upstart, who appears what she really is not; the attitude of the *lion* befits her because she possesses both his force and his dignity; she is a Colossal power, whose eyes have been unsealed by the faults of others, and viewed in her true light, a Colossus of the most formidable description.

"Whether Russia will unite herself to Prussia or to Austria, whether she attaches herself to England, or stands alone, she must always be respectable, and among the first order of powers—respectable, as long as she shall follow a system of Justice and disinterestedness, and that confident in her strength, she shall openly resist a plan of universal despotism, and lay open to the world the violation of rights the most sacred: that impious violation, which has been so well described in the strong but temperate note, which was presented at Ratisbon.

"Russia, it must be admitted, can never be a considerable gainer by indulging a desire of conquest. She is extensive enough already; her boundaries are such, that she need not wish for any alteration in them: but she may be a gainer, and so may Europe, by the consequences of any war that the plain dealing and foresight of her Sovereign may induce him to declare.

"Alexander is naturally of a mild and amiable disposition, but in whatever concerns the principles of justice he is decided almost to obstinacy; and they know him but little, who imagine that the Note to the Diet of Ratisbon, was suggested by Markow, and his adherents, inveterate as their hatred is supposed to be.

"What is the great danger to which a war with France would expose the Russian Empire? It does not follow that the Russian army is to march to Paris. No, nor can the French reach Petersburgh, Moscow, or the Crimea, since they are not able to detach a single ship, the whole of their navy being blockaded and confined to their ports.—As to battles and marches, brave as the French are, they are but men like others; they cannot exceed the limits which the laws of nature have placed to human efforts.

"Will it be said, that the commerce of Russia will be affected by a rupture with France? Certainly not; for with what articles does she supply that country? None directly. What does she import from thence? Articles of luxury, which are prohibited. It is true, she receives some wine from France; but with that article she is, at present, plentifully supplied? and even if she were not, she could do without it, as she did during the former rupture.

"Will it be asserted that France could do infinite mischief to Russia, by the troubles that her emissaries could excite in the interior of the country? Of all the errors in political calculation, this would be one of the greatest. The people of Russia are those which approach nearest to a state of nature, except the savages; and they are the only people in the universe who neither know how to read nor write, but still they are not barbarians. They know no government but their own, which they fear and respect. They honor their sovereign with the title of a God upon earth. They have no other civilization than the practical one which their sovereigns thought it useful and necessary to introduce, masons, carpenters and joiners, locksmiths, arm urers, and artisans of all sorts, and all excellent in their kind, are to be found in Russia in abundance, and still they know not how to read or write.—The strangers who reside in Russia are regarded by the natives as a parcel of leeches who absorb their wealth. After this description, let the emissaries and