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THE  
**DIPLOMATIC CORRESPONDENCE**  
OF THE  
**AMERICAN REVOLUTION.**  
VOL. VIII.

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THE  
**DIPLOMATIC CORRESPONDENCE**  
OF THE  
**AMERICAN REVOLUTION;**

BEING

THE LETTERS OF BENJAMIN FRANKLIN, SILAS DEANE,  
JOHN ADAMS, JOHN JAY, ARTHUR LEE, WILLIAM LEE,  
RALPH IZARD, FRANCIS DANA, WILLIAM CARMICHAEL,  
HENRY LAURENS, JOHN LAURENS, M. DE LAFAYETTE,  
M. DUMAS, AND OTHERS, CONCERNING THE FOREIGN  
RELATIONS OF THE UNITED STATES DURING THE  
WHOLE REVOLUTION;

TOGETHER WITH

THE LETTERS IN REPLY FROM THE SECRET  
COMMITTEE OF CONGRESS, AND THE SECRETARY OF  
FOREIGN AFFAIRS.

ALSO,

THE ENTIRE CORRESPONDENCE OF THE FRENCH  
MINISTERS, GERARD AND LUZERNE, WITH  
CONGRESS.

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Published under the Direction of the President of the  
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BY JARED SPARKS.

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THE

[Pg 1]

## CORRESPONDENCE

OF

# JOHN JAY;

MINISTER PLENIPOTENTIARY TO THE COURT OF  
SPAIN, AND ONE OF THE COMMISSIONERS  
FOR NEGOTIATING PEACE.

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[Pg 2]

[Pg 3]

THE  
**CORRESPONDENCE**

OF

**J O H N J A Y .**

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**CORRESPONDENCE CONTINUED.**

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**ROBERT R. LIVINGSTON TO JOHN JAY.**

Philadelphia, December 13th, 1781.

Dear Sir,

My last letter of the 28th of November, sent by the Marquis de Lafayette, must for the most part have been unintelligible to you, owing to an unfortunate mistake of Mr Thompson, who delivered me a cypher sent by Mr Palfrey, which you never received, instead of that sent by Major Franks. The duplicate enclosed is in the last, so that you will no longer be at a loss for my meaning. Since the date of that letter the enemy have thought it prudent to abandon Wilmington, in North Carolina. This port was extremely important to them, not only as it checked the trade of that State, but as it directly communicated with the disaffected counties. For it must be confessed, that though in other parts of the continent they had only well wishers, in North Carolina they had active partisans. These they have left to the mercy of their country, and abandoned as disgracefully as the capitulation of York did those of Virginia. It is not improbable, that when General St Clair joins the southern army, the enemy will evacuate Savannah, as they are at present extremely weak there; and unless they reinforce from New York, may be attacked with a prospect of success.

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Your letter of the 20th of September has been received and read in Congress. They have not been pleased to direct any particular answer thereto, so that you are to consider it as their wish, that you execute the commission with which they have intrusted you.

You will see that I neglect no opportunity of writing. I flatter myself that you will be equally attentive to let us hear from you. It is not without some degree of pain, that we receive our earliest intelligence frequently from the Minister of France. I know you may retort upon us with too much justice, but I hope to give you less reason to do so in future. I send a packet of newspapers with this. I sent another sometime ago. I hope they may reach you. In one of them you will find an ordinance of Congress, which comprizes all their resolutions with respect to captures; and forfeits all British goods, which have not been taken, as prizes. Perhaps this may make some arrangements with the Court of Spain necessary; that is, if any prize goods are re-shipped from thence to America.

I am, my Dear Sir, with the greatest esteem and regard, &c.

ROBERT R. LIVINGSTON.

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**ROBERT R. LIVINGSTON TO JOHN JAY.**

[Pg 5]

Philadelphia, February 2d, 1782.

Dear Sir,

Having heard that a vessel is soon to go to Cadiz from Baltimore, I embrace the opportunity to send a quadruplicate of my last letter, and to add thereto the little information which this inactive season affords. Nothing passes here between the armies; they are cantoned at a distance from each other. The enemy is secure from attack by the nature of their situation; and we by our numbers, our success, and the apprehensions of Sir Henry. We turn our faces therefore to the south, and expect from the enterprize of General Greene an activity, which the season will not



admit of here.

I had a letter from him of 13th of December, which contains the latest advices. His camp is at Round O. He writes in high spirits, and assures me he is preparing for the siege of Charleston, which he is not without hopes of carrying even before any foreign assistance can arrive. I must confess for my own part, notwithstanding the natural coolness of General Greene, that I believe he is much too sanguine on this occasion; for I have no conception that his means are adequate to so important an object, more especially as troops have since the date of his letter sailed from New York, as I suppose for Charleston.

The governments of Georgia and Carolina are again established, and their legislatures are now sitting. The detestation of the people for the British can hardly be conceived. General Greene's letter expresses it in the following words; "The tyrants of Syracuse were never more detested than the British army in this country; even the slaves rejoice, and find a kind of temporary freedom from oppression on the return of their masters."

[Pg 6]

I congratulate you upon the capture of St Eustatia and St Martin's. The enterprise does the highest honor to the abilities and spirit of the Marquis de Bouillé; and his disinterested generosity is finely contrasted with the sordid avarice of the British commanders.

Order and economy have taken place in our finances. The troops are regularly clothed and fed at West Point, and most of the other posts, at the moderate rate of ninepence a ration when issued, so that the innumerable band of purchasing and issuing commissaries is discharged. The hospitals are well supplied in the same way, and small advances of pay are made to the officers and men. Upon the whole, they were never in so comfortable a situation as they are at present. Our civil list formed upon plans of the strictest economy, after having been many years in arrear, is now regularly paid off; and the departments, in consequence of it, filled with men of integrity and abilities. Embargoes and other restrictions being removed, our commerce begins to revive, and with it the spirit of industry and enterprise; and what will astonish you still more is, that public credit has again reared its head. Our bank paper is in equal estimation with specie. Nothing can be more agreeable than to see the satisfaction with which people bring their money to the bank, and take out paper; or the joy mixed with surprise with which some, who have hesitatingly taken bank bills for the first time, see that they can turn them into specie at their option.

Whether Spain wishes for peace or war, it is certainly her interest to push the enemy where they are most vulnerable, and where she can do it with the smallest expense to herself, and the greatest to her enemy. Every additional man she enables us to maintain here, forces Britain to lay out four times as much in procuring, transporting, and feeding another to oppose him. It has been acknowledged in the British House of Commons, that every man in America costs the nation annually one hundred pounds sterling. Though this may appear exorbitant, yet whoever reflects on the first expense of raising and transporting a regiment, and the additional charge of sending over recruits to make up deficiencies, and that of sending provisions to an army and its innumerable dependants three thousand miles, will think it deserves some degree of credit. It is obvious then as nations are only strong in proportion to the money they can command, that every thousand men we oblige the British to maintain here must make a diminution of their strength in some other quarter, equal to three times that number.

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Enclosed you have copies of two original letters from Mr Deane, in which he acknowledges others that Rivington has published, which speak a still more dangerous language. No doubt is entertained here of his apostacy, or of his endeavor to weaken the efforts of the United States, and to traduce the character of the people and their rulers, both in Europe and America. You will doubtless use every means in your power to destroy the ill effects, which his calumnies may have had upon the minds of people with you. I enclose you the gazettes, and again entreat you to let us hear from you more frequently, and to leave letters at all times at Cadiz, and in the hands of our Consul in France, so that no vessel may sail without bringing us some intelligence. The last letter we had from you is dated in September, near five months ago. I dare say this has been owing to some accidental cause, and I only mention it, that you may guard against it by writing more frequently in future, as the silence of our Ministers excites more uneasiness here than you can conceive. Pray send me, when no other subject presents itself, and you have leisure, a sketch of the government of Spain, and the present state of its trade, marine, military establishments, commerce, revenues, and agriculture.

[Pg 8]

I could also wish to have the Madrid Gazette, and Mercury, and the Court Kalendar of this year. I have the pleasure of informing you, that your friends here are well, and as numerous as ever.

I am, my dear Sir, with those sentiments of esteem and friendship, which I shall always feel for you, your most obedient humble servant,

ROBERT R. LIVINGSTON.

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**TO ROBERT R. LIVINGSTON, SECRETARY OF FOREIGN AFFAIRS.**

Madrid, February 6th, 1782.

Dear Sir,

The Secretary of the Minister of State sent me yesterday morning your favor of the 13th of December last, accompanied by various papers.

These are the first letters or papers of any kind, that I have as yet had the pleasure of receiving from you since your appointment; and they must for the present remain unintelligible for the want of your cypher. The one mentioned to have been enclosed with these papers is missing, and the other never came to hand.

On the 29th of November last, I received a packet, in which I found enclosed a set of cyphers endorsed by Mr Secretary Thomson, and nothing else. Mr Barclay had sent it by the post, under cover to a banker here. It had evident marks of inspection, but I acquit the banker of any hand in it. [Pg 9]

A letter of the 18th ult. from Mr Joshua Johnson, at Nantes, mentions the arrival there of the brig Betsey, from Philadelphia, and that she brought letters for me, which were put into the post-office by the captain. I have not yet seen them.

There are letters in town, brought by the Marquis de Lafayette to France; but I have not yet received a line by or from him.

We must do like other nations; manage our correspondences in important cases by couriers, and not by the post.

I have not written you a single official letter, not having been ascertained of your having entered on the execution of your office. I have, indeed, sent you by more than one opportunity my congratulations on your appointment.

You may rely on my writing you many letters, private as well as official, and as I still have confidence in Mr R. Morris's cypher, I shall sometimes use it to you.

A duplicate of my letter of the 3d of October to Congress, which goes with this, renders it unnecessary for me to go into particulars at present. Nothing having since happened but a repetition of delays, and, of consequence, additional dangers to the credit of our bills.

I am, dear Sir, &c.

JOHN JAY.

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**TO THE PRESIDENT OF CONGRESS.** [Pg 10]

Madrid, February 6th, 1782.

Sir,

My last particular letter to your Excellency was dated the 3d of October last, by Major Franks. I now transmit a duplicate of it by Mr Stephen Codman, a young gentleman of Boston, who is passing through this city to Cadiz, from whence he will either be the bearer of it himself to America, or forward it by some person of confidence.

From the date of that letter to this day, the Minister has found it convenient to continue the system of delay mentioned in it. I have not been able to obtain anything more than excuses for procrastination, and these excuses are uniformly want of health, or want of time.

There is little prospect of our receiving speedy aids from this Court, and Dr Franklin gives me reason to fear, that a great number of the bills drawn upon me must, after all our exertions to save them, be finally protested for non-payment. I have, from time to time, given the Doctor a great deal of trouble on this subject, and I ought to acknowledge, that I am under many and great obligations to him for his constant attention to our affairs here.

As soon as I get a little better of the rheumatism, with which I am now, and have for sometime past been much afflicted, I shall write your Excellency another long and particular letter.

I have just received, through the hands of the Minister's Secretary, a letter from Mr Livingston, dated the 13th of December, marked No. 3. It is in cypher, but I cannot read it, nor a duplicate of No. 2, enclosed in it, for want of a key, which, though mentioned to have been enclosed, is missing. None of his other letters have reached me. A duplicate of Mr Thomson's cypher, brought by Mr Barclay, came to me through the post-office with such evident marks of inspection, that it would be imprudent to use it hereafter. [Pg 11]

Notwithstanding all our difficulties here, I think we should continue to oppose obstacles by perseverance and patience, and my recall should rather be the result of cool policy than of

resentment. I am somewhat inclined to think, that it may become politic to suspend it on the reply of the Court to a demand of a categorical answer. Unless the Minister's system should change, (for they still give me hopes) it might perhaps also be proper for me to consult with Dr Franklin and Mr Adams on the subject, and send Congress the result. For this purpose, I submit to Congress the propriety of giving me permission to go to France or Holland.

Advantages are certainly to be derived from preserving the appearance of being well here; and such is the general opinion at present. But I am still much inclined to think it advisable to push this Court by a demand of a categorical answer. I doubt their venturing to break with us. The French Ambassador thinks it would be rash, and opposes it. Hence principally arises my suspense.

I have the honor to be, &c.

JOHN JAY.

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**TO ROBERT R. LIVINGSTON.**

[Pg 12]

Madrid, February 16th, 1782.

Dear Sir,

No letters by the Marquis de Lafayette have as yet reached me. I had the honor of writing to you on the 6th and 13th instant.

We were yesterday informed, and so the fact is, that the Castle of St Philip surrendered by capitulation to the Duc de Crillon, on the 4th instant. There was no breach made, nor any of the out-works taken. The garrison are to go to England and remain prisoners of war till exchanged.

I am to go to the Pardo this evening. There I shall learn some further details from the Minister. If I return sufficiently early for the post, they shall be subjoined.

Things look better just at present; but my sky has hitherto been so like an April one, that I dare not as yet flatter you or myself with settled fair weather.

I am, Dear Sir, with great esteem and regard, &c.

JOHN JAY.

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**TO ROBERT R. LIVINGSTON.**

Madrid, February 18th, 1782.

Dear Sir,

I wrote to you a short letter on the 16th instant. I have procured a copy of the gazette to be published tomorrow, and I send enclosed as much of it as contains the articles of capitulation for Fort St Philip. This event takes place very opportunely, and will have a fine effect in England. Things begin to look more promising; but I avoid particulars for a week or two, that I may have a better opportunity of judging what reliance may be placed in present appearances.

[Pg 13]

With great esteem and regard, I am, Dear Sir, &c.

JOHN JAY.

*P. S.* Not a letter yet by the Marquis de Lafayette.

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**ROBERT R. LIVINGSTON TO JOHN JAY.**

Philadelphia, March 8th, 1782.

Dear Sir,

I shall leave town tomorrow, and be absent a few weeks. I do not care to do it without letting you know, that we have nothing worth telling you. For want of positive, you must be content with negative information, which sometimes has its use, and failing of any other at least serves to provoke an answer, and makes those to whom it is addressed ashamed of their silence, when they can collect anything to communicate. I just now learn that General Greene has moved to the Quarter House, five miles from Charleston, and detached a part of his army to Georgia. The

enemy have evacuated all the outposts they held in that State, and retired into Savannah. It is imagined that they will shortly evacuate and concentrate their forces at New York. Empty transports have sailed from the latter place, but whether to bring away the troops from Charleston I cannot say. We are extremely anxious to hear the event of a battle, which has been fought in the West Indies between the fleets, but of which we know nothing certain.

Enclosed you have a copy of a letter from Mr Pollock, who is well acquainted with the country about the Mississippi; it contains some information which may be of use to you. I also enclose you sundry resolutions of Congress, organizing the office of Foreign Affairs, from which you will learn the extent of my powers, and not be misled by supposing them greater than they are.

[Pg 14]

I am, Dear Sir, with great esteem and affection,

ROBERT R. LIVINGSTON.

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## ROBERT R. LIVINGSTON TO JOHN JAY.

Philadelphia, April 27th, 1782.

Dear Sir,

I informed you in my letter of the 16th instant,<sup>[1]</sup> that yours of the 3d of October had been received and submitted to Congress in my absence, and, as I had then reason to think, that it would be answered by them. This I wished because I was persuaded it would express their approbation of your conduct, and afford you that intimate knowledge of their sentiments, which the delicacy of your situation renders particularly important. They have, however, judged it proper to refer the letter to me. I shall endeavor to preserve the advantages I have mentioned to you, by reporting this answer.

Acquainted with the expectations of Congress, and the grounds on which they formed them, you will easily believe, that they are equally surprised and concerned at the little attention hitherto shown by Spain to their respectful solicitations. They had learned from every quarter that his Catholic Majesty, among the princely virtues he possesses, was particularly distinguished for his candor, and that open dignity of character, which is the result of having no views that he found any reluctance in disclosing; and that the Ministers in whom he confided, breathing the spirit of the Prince, were above those artifices, which form the politics of inferior powers. They knew the insults which Spain had received from Great Britain, and they could conceive no reason why she should conceal or refuse to return them by supporting openly the people, whom Britain unjustly endeavored to oppress. These principles, confirmed by the frequent recommendations of those whom they believed to be acquainted with the sentiment of the Court of Madrid, induced them to send a Minister to solicit the favorable attention of his Catholic Majesty to a people who were struggling with oppression, and whose success or miscarriage could not but be important to a sovereign, who held extensive dominions in their vicinity. Give me leave to add, Sir, that in the choice of the person, they were not inattentive to the dignity of the Court; or to the candor and integrity by which they were supposed to be influenced. I would not have you infer from what I have said, that the favorable sentiments, which the United States have hitherto entertained of the Court of Madrid, have undergone the least alteration. They are satisfied that nothing would be more injurious to both nations, than to permit the seeds of distrust or jealousy to be sown among them.

[Pg 15]

But though those who are well informed feel no abatement of respect or esteem for the virtue and magnanimity of his Majesty, and do full justice to the integrity and abilities of his Ministers, accepting the apologies you mention, and attributing to their true causes the delays and neglects you have unhappily experienced, yet they are in the utmost pain, lest they should work some change in the sentiments of the people at large, in whom with us the sovereignty resides, and from thence diffuse themselves into the government, and be productive of measures ruinous to that friendly intercourse, that spirit of amity, which it is the wish of those who are acquainted with the true interests of both countries to promote.

[Pg 16]

After the war was declared by Spain, those among us who had formed the highest ideas of her magnanimity, persuaded themselves that she would act advisedly for us when she found us in distress. They grounded their belief upon the avowed spirit of the nation, and the policy of adopting measures to re-animate us and damp the ardor of the enemy, and to make such impressions upon our hearts, as to give them in future a considerable influence on our councils. Our disappointment in this expectation, though perhaps to be accounted for upon very natural principles, has been greatly aggravated by the sedulous endeavors of the enemies of both countries to create distrust and jealousies. They artfully insinuate, that Spain seeks only to draw advantages from our wants, without so far interfering in our affairs as to involve herself, if we should be unsuccessful. These insinuations are gaining ground, and it becomes daily more necessary for Congress to be furnished with reasons to justify to their constituents the concessions they have proposed to make, or to withdraw those concessions when they are found ineffectual. Yet they find much reluctance in discovering the least want of confidence in the Court of Madrid; and though their present situation might fully justify them in not parting with

the important rights you are empowered to concede, without stipulating some very valuable equivalent, yet they cannot be induced to make any alteration in your instructions on this subject, till you shall have reason to conclude, that nothing can be done towards forming the alliance they have so much at heart; not only because of the influence it will immediately have in accelerating the peace, but because of the advantages, which Spain and America may reciprocally promise each other in future, from the lasting connexion which will be erected thereon.

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Though the delays you have met with afford room to suspect, that Spain wishes to defer a particular treaty with us till a general peace, yet I see so many political reasons against such a measure, that I can hardly presume they will adopt it.

At the close of a successful war, a great and powerful nation, to whom a character for justice and moderation is of the last importance, can in no case demand more than a compensation for the injuries received. This compensation will, indeed, be measured in part by their success. But still it has bounds, beyond which a nation cannot go with dignity. Spain has insisted upon the cession of Gibraltar as a preliminary to a peace. This is, of itself, a considerable compensation for any damage she may have sustained. Should she carry her demands further, and agreeably to the ideas of the Spanish Ministers, expect to have any exclusive right to the Gulf of Mexico, and the river Mississippi, she must not only demand East and West Florida of the British, but she must support the claims of Great Britain against those of America, the claims of an enemy against the rights of a friend, in order that she may make still further demands.

Will it consist with the dignity of his Catholic Majesty to ask, for the short space in which he has been engaged in the war, not only Gibraltar, but the two Floridas, the Mississippi, the exclusion of Great Britain from the trade to the Bay of Honduras; while the other branch of the House of Bourbon, who engaged early in the controversy, confines her demands to the narrowest limits? Will he expose himself to the imputation of despoiling an ally, (for such we are in fact, though we want the name) at the instant that he is obtaining the greatest advantages from the distress, which that ally has, at least in part, contributed to bring upon his enemy? And this too, without the least necessity, when he may, by accepting and purchasing our title, appear to have contended for the rights of the United States. This will then make no part of the satisfaction to which he is entitled from Great Britain; he may justly extend his demands to other objects; or exalt his character for moderation, by limiting them to narrower bounds. This mode of reasoning will come with more weight, when we display our rights before impartial mediators, and show that recent conquests have been added to our ancient title, for it cannot be doubted, that we shall at the close of the war make the most of those rights, which we obtain no equivalent for, while it continues.

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I persuade myself, therefore, that Spain will not risk the loss of so important an object as the exclusive navigation of the Mississippi, by postponing the treaty to a general peace, more particularly as a treaty with us will secure our concurrence in their views at a general Congress, as well as save them the necessity of making demands inconsistent with that character for moderation, which their great power renders important to them.

Congress flatter themselves, that the surmises on this subject are groundless, and that before this reaches you, the treaty will be far advanced. Should they be mistaken, you will take measures to know from Spain, whether she accepts your concession as the price of our alliance, and upon what terms. If they are such as you cannot close with, and the treaty must break off, be persuaded, that any steps you have taken or shall take, not inconsistent with the respect due to his Catholic Majesty, to prevent the cessions you are empowered to make from militating against our rights, will be approved by Congress.

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Congress presume you will find no difficulty in knowing the intentions of his Majesty on this subject, since they wish you to treat his Ministers with that unreserved confidence, which becomes the representative of a nation, which has no views that it does not avow, and which asks no favor which it does not hope to return, and, as in the present happy state of his Majesty's affairs, they can conceive no reason for disguising his designs, they are satisfied, that your frankness will meet from his Ministers with the confidence it merits.

I make no observations on the hint the Count de Florida Blanca gave you, with respect to the restitution of such sums as Spain might be pleased to advance to us; because, whatever claims we might set up to a subsidy from the share we take in the burthen of the war, and the utility of our exertions in the common cause, we are far from wishing to lay ourselves under any pecuniary obligations for a longer time than is absolutely necessary. A few years of peace will enable us to repay with interest any sums, which our present necessities compel us to borrow.

I cannot close this letter without expressing the grateful sense, that Congress entertain of the disinterested conduct of Spain, in rejecting the proffers of Great Britain, which must undoubtedly have been considerable, if they bore that proportion to the importance of his Catholic Majesty in the great system of politics, which those that have been frequently thrown out to lead the United States to a violation of their engagements, have done to their comparatively small weight in the general scale. But as America never found the least inclination to close with the insidious proposals of Great Britain, so she finds no difficulty in believing, that the wisdom and magnanimity of his Catholic Majesty will effectually guard him against every attempt of his natural enemy, to detach him from those, who are daily shedding their blood to avenge his injuries in common with their own.

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I have the honor to be, &c.

ROBERT R. LIVINGSTON.

**FOOTNOTES:**

[1] This letter is in cypher, and the key has been lost.

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**ROBERT R. LIVINGSTON TO JOHN JAY.**

Philadelphia, April 28th, 1782.

Dear Sir,

You will receive with this a letter dated yesterday. You will judge how far it may be expedient to ground demands on the right we have to a compensation for our share of the burden and expense of the war, if the issue should be as favorable as we have reason to expect. Our strength is so much underrated in Europe, that you will find it proper to represent it as it really is. Our regular army, including the French troops, will consist of about — men. They are well disciplined, clothed, and fed; and having for the most part seen seven years' hard service, I believe they may be counted equal to any troops in the world. Our militia are in excellent order, and chiefly disciplined by officers who have left the regular service. While the army lies in the middle States, it can in ten or fifteen days receive a reinforcement of — men for any particular service. Facts, that you can easily call to mind, will evince that any deficiency in the regular troops is amply made up by this supply. These are loose hints by no means directory to you. Congress mean as little as possible to clog you with instructions. They rely upon your judgment and address to reconcile whatever differences may appear to be between the views of Spain, and the interests of these States.

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I have the honor to enclose an important resolution, which I fear to put in cypher, both because you seem to be at a loss about your cypher, and because it would be of little use, considering the accident which you say has happened to it.

I have the honor to be, &c.

ROBERT R. LIVINGSTON.

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**TO ROBERT R. LIVINGSTON.**

Madrid, April 28th, 1782.

Dear Sir,

My letter to his Excellency, the President of Congress, of the 3d of October last, of which a copy has also been since sent, contained a full and accurate account of their affairs here. Many minute and not very interesting details of little difficulties were omitted, and among others, those which arose from my having no funds for the bills payable in October and November, &c. &c. The experience I had gained of the disposition of this Court, and the delays which attend all their decisions and operations, induced me to consider my obtaining timely supplies from hence as very uncertain. I therefore wished to have an occasional credit from Dr Franklin, to be made use of as necessity might require, and, for that purpose, wrote him the following letter on the 10th of September, viz.

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**TO DR BENJAMIN FRANKLIN.**

"St Ildefonso, September 10th, 1781.

"Dear Sir,

"My last to you was of the 20th day of August last, by Dupin, the French Ambassador's courier. Major Franks, with despatches from Congress, and from Mr Robert Morris, is now with me, and will proceed to Passy as soon as I shall be enabled to write to him.

"He will bring you a copy of Mr Morris's letter to me, from which you will see the present state of American finances, and the measures he is prosecuting to ameliorate them. My former letters mentioned my apprehensions, that many more bills had been drawn upon me, than those for which the sum you authorised me to draw upon you for would satisfy. Near seventy thousand dollars will be wanted to pay those which have since arrived, and although I cannot think it

improbable that provision may here be made for at least a part of that sum, yet the delays which usually attend operations of this kind render it highly necessary, that occasional resources be elsewhere had.

"This consideration, so far as it applies to the payments to be made in the two succeeding months, obliges me again to recur to you.

"The sanguine expectations entertained by our country from the appointment of Mr Morris, his known abilities, integrity, and industry, the useful reformations he has begun, and the judicious measures he is pursuing abroad, as well as at home, afford reason to hope, that under his direction American credit will be re-established, and the evils which have long threatened us on that head avoided.

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"It will be useless, therefore, to remark, how important it is to prevent our credit from receiving a deep additional wound at the very moment when so much is doing to recover it. The protest of any of our public bills for want of payment would at this period be more injurious than heretofore, and unless again saved by you, that cruel necessity must take place with respect to those on me. Besides, as the singular policy of drawing bills without previous funds will now be relinquished, we have reason to flatter ourselves, that we shall in future have no embarrassments of this kind to struggle with. I am well persuaded, that Mr Morris will not pursue such hazardous and unprecedented measures, and, therefore, as in all human probability the present difficulties will be all that we shall have to surmount, I hope you will think with me, that the utmost exertions should be made for the purpose, and that after having done so much to save the credit of American bills, you will still be disposed to do everything in your power to put it out of danger.

"When it will be in my power to replace the sums drawn from you, is hard to divine. All I can say or do is to assure you, that nothing but want of ability shall delay or prevent it.

"When I consider how much might have been saved, had my bills on you been sold to those who would have taken them on the best terms, I cannot forbear thinking, it would be advisable to give me only general authority to draw for such sums as I may want, not exceeding the one you may limit.

"The sum wanted for October is twelve thousand five hundred and sixtyseven dollars, and for November three thousand and six hundred.

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"I particularise only the payments due in these two months, because, before the first of December, I hope my expectations from other quarters will at least be ascertained.

"I am, Dear Sir, with great and sincere regard and esteem, your obliged and obedient servant,

JOHN JAY.

"P. S. The Marquis d'Yranda has received a letter from Mr Grand, informing him that no more bills are to be drawn upon you by me without further order. I am a little at a loss to determine whether this restriction is intended to extend to the balance, which remains of the twentyfive thousand dollars allotted for the payment of the bills at two months' sight, and for which I was only to draw as occasion might require.

"Lest my having refused to accept some bills drawn upon me by Congress, should give rise to reports prejudicial to their credit, I transmit herewith enclosed a state of that case; you will be pleased to make such use of it, as circumstances may render necessary. I gave a copy of it to the gentleman who presented the bills, and desired that it might be recited at large in the protest.

J. J."

It was not till after several of the bills due in October had become payable, that I received the Doctor's friendly answer of the 29th of September, in which he permitted me to draw for the sum requested; so that had not M. Cabarrus, my banker, consented to make the necessary advances, I should have been extremely embarrassed, for, as I before apprehended, any reliance for immediate though small supplies from this Court would have proved delusive.

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This credit from Dr Franklin enabled me to see our bills duly paid for two months, and I had some faint hopes that before the month of December should arrive with further bills, the intention of this Court on the subject of supplies might be ascertained.

I will now proceed to resume the narrative of our affairs here from the date of my abovementioned letter to the President, of the 3d of October last, confining myself to such matters as appear to me necessary to enable you to form a just and clear idea of my negotiations.

My letter of the 3d of October mentions my having been then lately promised, that a person should be appointed to confer with me, as well on the subject of my propositions for a treaty as on that of my application for aids, and that his instructions should be completed before the Court should remove from St Ildefonso to the Escorial, which was soon to take place.

This communication was made to me on the 27th of September, and, lest pretext for delay might arise from my absence, I determined to remain at St Ildefonso until the Court should be on the point of leaving it.

On the 5th of October I found that no further progress in our affairs was to be made before the Court should be settled at the Escorial, to which they were then preparing to go. I therefore concluded to return to Madrid, and, with the approbation of the Ambassador of France, I wrote the following note to the Minister, viz.

"Mr Jay presents his compliments to his Excellency, the Count de Florida Blanca, and has the honor of informing him that he purposes to return to Madrid tomorrow, and will with pleasure attend his Excellency's orders at the Escorial, as soon as it may be convenient to his Excellency to render his presence there necessary.

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"*St Ildefonso, October 5th, 1781.*"

To this I received the following answer.

### **Translation.**

"The Count de Florida Blanca presents his compliments to Mr Jay, and wishes him a pleasant journey. He will write to him as soon as he can say anything positive on the subject of his last note. *October 5th, 1781.*"

Four days afterwards the Count sent me a complaint against Commodore Gillon, of the South Carolina frigate, then lying at Corunna, and I insert copies of the papers which passed between us on that occasion, not only because I ought to give an account of all interesting public transactions, but also that my conduct on this occasion may stand contrasted with that of the Minister on some other similar ones.

### ***Recital of a Complaint exhibited by the Count de Florida Blanca against Commodore Gillon.***

### **Translation.**

"An American vessel of war has arrived at Corunna, having on board two soldiers, deserters from the Irish regiment of infantry. The commander of the Province having claimed them, the captain refuses to deliver them up on any pretext whatever, pretending, among other reasons, that all his equipage belongs to his Most Christian Majesty. This is not at all probable, for if the officers and crew were subjects of France, it would have been improper to pass off the vessel for a frigate of the United States, under the American flag. Besides, these deserters having fled to a French vessel of war, to the demand of their surrender by the Spanish commander, it was replied on the word of honor of the captain, that they were not on board; so that, supposing the frigate to be a French ship, there is reason to suppose that they would have been surrendered.

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"The Count de Florida Blanca has thought it necessary to inform Mr Jay of these facts, in the full persuasion that he will have the goodness to write by the first post to the captain, in such terms as to induce him to surrender the deserters; it shall be understood, that they shall not be punished, and shall finish their engagements in their own corps, or in some other better paid.

"Mr Jay is too reasonable not to grant that it would be unjust for a vessel to appear in a port, solely to require and receive all sorts of attentions and marks of respect, (without any previous claim or engagement) and at the same time to refuse and deliver up any subjects, which it should have on board, of the sovereign of the country in whose name all these tokens of respect have been rendered.

"*October 8, 1781.*"

### **ANSWER TO THE ABOVE.**

"Madrid, October 9th, 1781.

"Sir,

"The letter which your Excellency did me the honor to write on the 8th instant arrived this morning. I consider myself much obliged by the communication of the facts mentioned in it, especially as it affords me an opportunity of manifesting to his Majesty and to Congress my attention to his rights and to their orders.

"I perfectly agree in sentiment with your Excellency respecting the impropriety of detaining on board the American frigate at Corunna, the two men claimed by the commandant there, as

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deserters from one of his Majesty's regiments.

"Your Excellency's remarks on this subject are no less delicate than just; and your assurance that these men shall not be punished renders a compliance with the requisition to deliver them up no less consistent with humanity than with justice.

"It gives me pleasure to confess, that the hospitable reception given to American vessels in the ports of Spain gives his Majesty a double right to expect, that their conduct should at least be inoffensive. In the present case, (as stated in your Excellency's letter) I am fully convinced of the justice of this demand, that I should not hesitate to comply with it, even though made on a similar occasion by the Court of Portugal, from whose affected neutrality we suffer more evils, than we should experience from any open hospitality she is capable of executing.

"Agreeably to your Excellency's desire, I have written a letter (of which the enclosed is a copy) to the commanding officer of the frigate in question; and as the manner in which your Excellency's letter to me treats this subject cannot fail making agreeable impressions on Americans, I shall take the liberty of sending a copy of it to Congress, as well as to the abovementioned officer.

"I cannot omit this opportunity of expressing my acknowledgments for your Excellency's promise to write to me from the Escorial, as soon as you shall be in a capacity to speak positively on the subject of my late letter. Permit me only to remark, that the season wears away fast, and that Congress must be extremely anxious to hear that the delays, which have so long kept them in a disagreeable state of suspense, are finally and happily terminated.

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"I have the honor to be, &c.

JOHN JAY."

The letter written to the commanding officer of the frigate, a copy of which was furnished to the Count de Florida Blanca, is as follows.

**TO COMMODORE GILLON.**

"Madrid, October 9th, 1781.

"Sir,

"The paper herewith enclosed is a copy of a letter which I received this morning from his Excellency, the Count de Florida Blanca, his Catholic Majesty's Principal Secretary of State, and Minister for Foreign Affairs.

"You will perceive from it that two men on board your frigate are claimed by this government, as deserters from one of his Majesty's Irish regiments of infantry; and that you are said to have refused to deliver them up, because, among other reasons, your crew are the subjects of his Most Christian Majesty.

"If the men in question are citizens of one or other of the United States of North America, and admitted to be such, refusing to deliver them up, as deserters from the service of Spain, may be proper, because while their own country is at war, they cannot without her consent enter into the service of any other power.

"If they are Spaniards, then they are the subjects of his Catholic Majesty, and ought not to be withheld from him.

"If they are foreigners, in that case whatever right they might have to enter into the American service, they certainly had an equal one to enter into that of Spain; and if they had previously engaged with the latter, their subsequent enlistments with you were void, and Spain being in friendship with us has a just right to reclaim them.

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"If they deny their having enlisted in the Spanish service, still like all other foreigners who come into this kingdom they ought to submit to the justice of the country, and you ought not to screen them from it, especially as it cannot be presumed that the charge made against them is destitute of probability.

"As to the circumstance of your crew's being subjects of the King of France, I cannot think that any argument to justify your detaining them can be drawn from it. For admitting them to be French subjects, yet as it may be lawful for them (Spain and France being allies) to enter into the service of Spain, the right of Spain to enlist must necessarily involve a right to compel obedience, and also to retake and punish deserters. Besides, as any questions about the legality of such enlistments concern only those two crowns, Americans cannot with propriety interfere.

"In whatever light I view this affair, I cannot perceive the least right that you can have to detain these men, after having been thus formally and regularly, demanded by proper authority, as deserters from the service of his Catholic Majesty.

"You may observe that I treat this subject merely as a question of justice, arising from that

general law, which subsists and ought to be observed between friendly nations.

"I forbear making any remarks on the impolicy of your persisting to detain these men. I hope never to see America do what is right merely because it may be convenient. I flatter myself that her conduct will uniformly be actuated by higher and more generous principles, and that her national character will daily become more and more distinguished, by disinterested justice and heroic magnanimity.

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"I shall take the earliest opportunity of transmitting a particular state of this affair to Congress, and I cannot doubt but that your conduct will merit their approbation, by being perfectly consistent with a just regard to the dignity and rights of a sovereign, who has acted not only justly but generously towards our country.

"If your reluctance to deliver up those men should have arisen from an apprehension of their suffering the punishment, which on conviction would be due to their offences, that reluctance ought now to cease, because his Excellency, the Minister, has been pleased to assure me, that they shall not be punished, but only obliged to fulfil those engagements, which they ought to have honestly performed instead of deserting.

"In short, Sir, although on the one hand, I will never advise or encourage you to violate the rights of the meanest man in the world, in order to answer political purposes; yet on the other, I shall always think it my duty to advise and encourage both you and others to render unto Cæsar whatever may belong unto Cæsar.

"I am, &c.

JOHN JAY."

In answer to this letter, the Commodore wrote me one, which, according to the state of facts mentioned in it, showed that the charge against him was precipitate, and, as he in that letter predicted, I have never since heard anything further from the Minister on the subject.

You may recollect, that copies of certain letters from Colonel Searle and Mr Gillon, which I had just received, were subjoined to my letter of the 3d of October last. These letters were soon followed by several others. Colonel Searle's representations against the Commodore's conduct were very strong, and tended to create an opinion, that the ship and public stores on board of her were in danger. He desired me to send some person to Corunna, with proper instructions on the subject, and as an additional inducement offered to transmit to me through him some important information, which had been confidentially communicated to him in Holland by Mr Adams, and which he did not choose to hazard by a common conveyance.

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Considering the nature of these representations, and the limits and objects of my commission and instructions, it became a difficult question how far I ought, and in what manner I could interfere. I finally judged it would not be improper to send Mr Carmichael down with instructions to make a full inquiry into the facts alleged against the Commodore, and to use my influence with this government to stop the vessel for the present, in case on such inquiry there should arise a very strong presumption, that such a step would be necessary to preserve her. Mr Carmichael did not think that a business of this kind was within the duty of his appointment, and he doubted his being able to ride post so far. This was a delicate business, and the management of it could with propriety be only committed to one, in whose prudence and circumspection much confidence might be reposed. It would have been improper for me to have undertaken it, because I could not justify exposing by my absence our negotiations for aids and a treaty to unseasonable delays.

Soon afterwards I received a very long exculpatory letter from the Commodore. This letter placed his transactions in a different point of view, and inclined me to think that the proposed interposition on my part would have been unnecessary.

I forbear burthening these despatches with copies of the various letters I have received and written on this subject, as well because, as they relate to transactions in Holland and France, with the public agents and Ministers in those countries, they are not properly within my province, as because they contain nothing of sufficient importance to make it necessary for me again to send further copies.

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You will be pleased to observe, that my last letter to the Minister was dated the 9th of October, and that there is a paragraph in it soliciting his speedy attention to the affairs on which he had promised to write to me. I received no answer. Some weeks elapsed and the same silence continued.

I consulted the Ambassador of France, as to the propriety of my going to the Escurial, and endeavoring to prevail upon the Minister to proceed in our affairs, observing that the measures of Spain, with respect to us, might be important if not to this, yet to the next campaign, and that the sooner they were decided, the better enabled Congress would be to regulate their future operations. He was of opinion, that as the Minister had promised to give me notice of the time when he would be able to transact these affairs with me, it would be most prudent to wait with patience somewhat longer, and not by an appearance of too great solicitude, to give him uneasy sensations. All things considered, this advice appeared to me discreet, and I followed it.

Thus the month of October produced nothing but expectation, suspense, and disappointment.

About this time M. Gardoqui mentioned to me a singular ordinance which occasioned, and is explained in the following letter from me to the Minister, viz.

"Madrid, October 28th, 1781.

"Sir,

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"M. Gardoqui informs me, that his Majesty was pleased in the month of March last to order, 'that when a prize taken by a French or Dutch vessel should arrive in a port of Spain, the Marine Judge of the District should reduce to writing the evidence of the capture, and deliver it to the French or Dutch consul, (as the case might be) to be by him transmitted to the Admiralty, from whence the commission of the captors issued in order that the legality of the capture might there be tried; and further, that the sentence which might there be passed should, on being duly certified to the aforesaid judge, be executed under his direction.' I am also informed, that on the 12th instant, his Majesty was pleased to extend the abovementioned order to prizes taken by American vessels of war, and sent into any of the ports of Spain.

"So far as this order affects the United States of America, I take the liberty of representing to your Excellency, that the execution of it will necessarily be attended with the following inconveniences.

"1st. The distance of America from Spain is so great, and the intercourse between the two countries rendered so precarious by the war, that many months must unavoidably elapse before the sentence of an American Court of Admiralty can be obtained and executed here.

"2dly. That by these delays all cargoes, or parts of cargoes, which may be of a perishable nature, will be lost, and the value of the vessel and rigging greatly diminished.

"3dly. That as his Majesty has not as yet been pleased to grant the United States the privilege of having consuls in his ports, it is not in their power to provide for the transmission of the evidence of captures, in the manner specified in the abovementioned order.

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"4thly. That in case the prize should be claimed as a neutral vessel, the claimants must either prosecute their claim in America, or the sentence given there could not be influenced by it; and yet it is more probable, that those claimants would endeavor to avoid that expense and trouble, by applying here for an order to suspend the execution of the sentence, as well as for a trial of the merits of their claim by a Spanish tribunal. In which case the same cause would become subject to two jurisdictions, and tried by two different independent courts, in two different countries.

"This order not being published, it is possible, that my information respecting it may not be right in all its parts; though I have reason to believe from the usual accuracy of M. Gardoqui, (from whom I received this information) that I am not mistaken.

"There is at present an American prize at Bilboa, and all judicial proceedings respecting it are now at a stand.

"The importance of this subject to the United States, and in some measure to the common cause, will I hope apologize for my troubling your Excellency with these remarks, and for requesting, that the embarrassments in question may be removed, in such a manner as may be most agreeable to his Majesty.

"I have the honor to be, &c.

JOHN JAY."

To this letter I never received any answer whatever. After waiting six or eight days I asked M. Gardoqui, who almost daily applied to me on the subject, what could be the reason of so much delay in a case, that admitted of so little doubt. He said he could only account for it by supposing, that the Minister had sent for the original order to prevent mistakes. I asked whether these royal orders were not regularly recorded at the time they were issued. He told me they were not.

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For my own part I rather suspect that this order treated us as an independent nation, and that the Minister found it difficult to establish any general regulations respecting our prizes or commerce, without meeting with that obstacle. M. Gardoqui informed me, that one of the Judges permitted him to read it, but would not let him take a copy of it, and that it only contained an extension to American prizes, of the regulations before ordained for Dutch and French ones.

As to the prize at Bilboa, a particular order was issued in that case for selling the ship and cargo, on the captors giving security to produce, within a year, an exemplification of a sentence of an American Court of Admiralty to justify it.

On the 5th of November, M. Gardoqui communicated to me certain letters and papers from which it appeared, that the Cicero, Captain Hill, had been stopped at Bilboa, by an order of the

Minister, on a charge of improper conduct towards one of the King's cutters. Upon this subject I wrote the following letter to the Count de Florida Blanca, viz.

"Madrid, November 6th, 1781.

"Sir,

"It gives me much concern to be informed, that the conduct of Captain Hill, of the Cicero, an American private ship of war, towards one of his Catholic Majesty's cutters, has been so represented to your Excellency, as to have given occasion to an order for detaining him at Bilboa. [Pg 37]

"This unfortunate affair is represented to me as follows.

"That Captain Hill, with a prize he had taken, was going from Corunna to Bilboa. That in the night of the 26th of October last, he discovered an armed vessel approaching the prize. Captain Hill suspecting it to be a Jersey privateer, hailed her, and ordered her to send her boat on board. They answered in English, that their boat was out of repair. This circumstance increased his suspicions that she was an enemy, and induced him to insist on their sending a boat on board; which not being complied with, he was persuaded it was an enemy, and accordingly gave them a broadside. Upon this they sent a boat to the Cicero and convinced Captain Hill, that the vessel was a Spanish cutter.

"If this is really a true state of the fact, and I have reason to believe it is, I am persuaded, that your Excellency will not think Captain Hill's conduct was unjustifiable, or contrary to the common usage in such cases. Having a valuable prize under his care, it was his duty to protect it, and as it was impossible for him at night to discover an enemy from a friend, in any other manner than the one he used, the Captain of the cutter certainly appears to have been remiss in not sending out his boat at first as well as at last.

"Both the Cicero and her prize now lie at Bilboa, laden with valuable cargoes, and expected to sail from thence for North America on the 16th instant. The privateer alone, has one hundred and forty men on board, and should they not be permitted to sail at the time appointed, a very considerable expense must inevitably be incurred, because they would be obliged to wait for the next spring tides. [Pg 38]

"As no American vessel can have the least temptation to violate the rights of Spain, but as on the contrary it is the well known interest, as well as disposition, of the United States to cultivate the friendship of his Catholic Majesty, I am convinced, that there was not in this case the least intention of disrespect to the Spanish flag. Permit me therefore to hope, that your Excellency will be pleased to permit the departure of these vessels by a general order, or on Captain Hill's giving security for the payment of such damages, as he may become chargeable with, on the issue of a judicial inquiry into this transaction.

"I assure your Excellency, that no citizen of America will be countenanced by the United States in any improper conduct towards his Catholic Majesty, or any of his subjects, and if I had the least reason to think, that Captain Hill was in this predicament, it would give me much more pleasure to hear of his being punished than released.

"I have the honor to be, &c.

JOHN JAY."

The Count's answer to the above.

### **Translation.**

"The Count de Florida Blanca has the honor to present his compliments to Mr Jay, and to assure him, that the information he has received relative to the affair of the Cicero privateer, as set forth in his letter of the 6th instant, is not correct, the Count having received from persons of respectability and entirely worthy of credit very accurate statements. It is therefore necessary, that some suitable satisfaction should be given, in order to serve as an example to restrain the captains of the American privateers within proper bounds. This is the more necessary, as it is not the first time that we have had reason to complain of their conduct, and to demand reparation. [Pg 39]

"*St Lorenzo, November 8th, 1781.*"

### **REPLY TO THE ABOVE NOTE.**

"Madrid, November 12th, 1781.

"Sir,

"I have received the letter, which your Excellency did me the honor to write on the 8th instant.

"It gives me pain to hear, that the conduct of an American vessel of war should be so reprehensible as that of the Cicero has been represented to be. It is proper that I should inform your Excellency, that the captains of all American private ships of war give bond with sureties, to fulfil the instructions they receive with their commissions; and that these instructions enjoin them to behave in a proper manner towards friendly nations.

"As the honor and interest of the United States render it highly necessary, that their officers and citizens should, upon all occasions, pay the most scrupulous regard to the rights of other nations, I must request the favor of your Excellency to communicate to me a state of the facts charged against Captain Hill, that by being transmitted immediately to America, Congress may be enabled to take such measures relative to him, as to deter others from the commission of the like offences.

"Your Excellency would also oblige me, by informing me how the satisfaction demanded of Captain Hill is to be ascertained, and to whom it is to be paid. As his remaining much longer in his present situation would be a great loss to his owners, I wish, for their sakes, that he may be released as soon as possible; and, I am persuaded, that your Excellency will not think it necessary to detain him longer than until the satisfaction in question can be ascertained and paid.

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"I greatly regret that other American privateers have also given occasion to complaints. I assure your Excellency, that nothing on my part shall be wanting to prevent the like in future, and I am sure that Congress would consider themselves obliged, by your Excellency's putting it in my power to convey to them exact details of any complaints against their officers.

"I have the honor to be, &c.

JOHN JAY."

Much reason has been given me to believe, that the hard proceedings against Captain Hill were not justifiable, and the Minister's declining to furnish me with a state of the facts supposed to be alleged against him speaks the same language. What intelligence the Count may have respecting this misconduct of any other of our armed vessels, I know not, nor have I heard any other insinuations of that kind, except what are contained in his note.

The Count omitted to take any notice of my last letter on this subject, and it was not before the 26th of November, that the matter was determined by the order alluded to in the following polite letter.

### **Translation.**

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"My Dear Sir,

"From respect to your Excellency and to the American Congress, the King has determined that Captain Hill, on satisfying, or giving security to satisfy, the damage he has done to one of our vessels, on account of which he is detained, shall be at liberty to return to his country when he pleases. For this purpose I communicate the enclosed order to the Corregidor of Bilboa, and repeating myself to be at the service of your Excellency, I pray God to preserve you many years.

COUNT DE FLORIDA BLANCA."

The next day I sent the Count some American papers, which had just come to hand, and enclosed them with a card, in which there was this paragraph.

"Mr Jay has received the letter, which his Excellency did him the honor to write yesterday by M. Gardoqui, and is greatly obliged by the permission granted to Captain Hill to depart, as well as by the polite terms in which that circumstance is communicated to Mr Jay."

As further remonstrance on this subject would have been useless, I thought it best to appear satisfied, and not, by any expressions of discontent, to hazard new obstacles to the attainment of our more important objects.

I must now return to the old subject. Although the Count had been some weeks at the Escurial, and I had in vain waited with great patience for the letter, which the Minister had promised to write to me on leaving St Ildefonso, yet as many bills would become payable in December, and I was unprovided with funds, I thought it high time to remind the Minister of my situation.

I therefore wrote him the following letter.

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"Madrid, November 16th, 1781.

"Sir,

"I find myself constrained to beseech your Excellency to think a little of my situation. Congress flatter themselves, that the offers they have made would certainly induce his Majesty at least to

assist them with some supplies. The residue of the bills drawn upon me remain to be provided for. Those payable in the next month amount to thirtyone thousand eight hundred and nine dollars. Would it be too inconvenient for your Excellency to lend us this sum? Before January, when further bills would become payable, your Excellency may probably find leisure to give me an answer respecting our propositions. The time presses; I entreat your Excellency's answer. I can only add, that I am, with great consideration and respect, &c.

JOHN JAY."

To this letter I never received any answer, and it is remarkable, that the Count's subsequent letter of the 26th of November, announcing the permission given to Captain Hill to depart, does not take the least notice of it. Whatever might be the Minister's real intentions, as to furnishing me with the funds necessary to pay the bills to become due in December, it appeared to me imprudent to neglect any means in my power to provide for the worst. I therefore apprised Dr Franklin (to whom I am under great obligations, and have given much trouble) of my hazardous situation by the following letter.

"Madrid, November 21st, 1781.

"Dear Sir,

"It seems as if my chief business here was to fatigue you and our good allies with incessant solicitations on the subject of the ill timed bills drawn upon me by Congress. It is happy for me that you are a philosopher, and for our country that our allies are indeed our friends. *Amicus certus in re incerta cernitur.*

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"This Court continues to observe the most profound silence respecting our propositions.

"I cannot as yet obtain any answer to any of my applications for aids. Heretofore the Minister was too sick or too busy. At present his Secretary is much indisposed. I have requested that he would lend us for the present only as much as would satisfy the bills of December, viz. thirtyone thousand eight hundred and nine dollars; no answer. What is to be done? I must again try and borrow a little, and, as usual, recur to you. Thank God, no new bills arrive; if they did, I should refuse to accept them; only a few straggling old ones now and then appear.

"Would not the Court of France, on your representing this matter to them, enable you to put an end to this unhappy business? Thirty thousand pounds sterling would do it. I am sure the evils we should experience from the protest of these bills would cost even France a vast deal more. You see my situation; I am sure I need not press you to deliver me from it if in your power.

"I cannot yet believe, that all the assurances of this Court will vanish into air. I still flatter myself that they will afford us some supplies, though not in season. I think we might very safely offer to repay the French Court the proposed sum in America, for surely Congress would not hesitate to prefer that to the loss of their credit.

"I enclose a newspaper, which gives us reason to indulge the most pleasing expectations. God grant they may be realised. I have a letter from Mr Gerry, dated at Marblehead the 9th of October. He was then in daily expectation of hearing that Lord Cornwallis and his army were our prisoners. He describes the last harvest as very abundant, and the general state of our affairs as very promising; much more so, indeed, than ever they have been.

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"I am, &c. &c.

JOHN JAY."

This letter was conveyed by a courier of the French Ambassador. I did not choose, by putting it in the post office, to give this Court an opportunity of knowing that I was endeavoring to obtain a credit for the sum in question, lest that circumstance might become an additional motive with them to withhold their assistance.

In short, Sir, the whole month of November wore away without my being able to advance a single step. M. Del Campo's illness afforded a tolerable good excuse for delay during the latter part of November, and the first three weeks in December.

On the 1st of December I found myself without any answer from Dr Franklin, with many bills to pay, and not a farthing in bank. M. Cabarrus, fortunately for me, was willing as well as able to make further advances, and to him I am indebted for being relieved from the necessity I should otherwise have been under, of protesting the bills due in that month.

The Court removed from the Escurial to Madrid without having bestowed the least attention either on the propositions or different memorials on commercial matters, which I had submitted to the Minister.

It was natural to expect, that our successes in Virginia would have made a very grateful impression on this Court; but I am far from being persuaded that they considered these events as

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favorable to their views. Of this, some judgment may be formed from their subsequent conduct.

On the 6th of December I sent the Minister the following card, and a memorial from Mr Harrison at Cadiz, the nature of which will be best explained by a recital of it.

"Mr Jay presents his compliments to the Count de Florida Blanca, and has the honor of requesting his attention to the enclosed memorial.

"Mr Jay had the honor of calling at his Excellency's on Tuesday evening last, but had the misfortune of not finding him at home. As Mr Jay wishes to regulate his visits by his Excellency's convenience, he begs the favor of his Excellency to inform him when it would be agreeable that Mr Jay should wait on his Excellency, and have an opportunity of conversing with him on the object of Mr Jay's mission."

The answer I received to the letter, which accompanied this memorial, is as follows.

### **Translation.**

"The Count de Florida Blanca will receive Mr John Jay whenever he may please to come, in the evening at half past seven or later, in his Secretary's office in the palace, except on Saturday evening next, when he will be engaged."

This note was not dated, but I received it the 7th of December. On the same day I received a letter from General Washington, dated the 22d of October, and enclosing copies of the articles of capitulation of Yorktown, and returns of prisoners, &c.

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This letter was brought to France by the frigate, which carried there the first intelligence of that important event, and yet it is remarkable that it did not reach me until after these articles had been published in the Paris and Madrid gazettes. I nevertheless immediately sent copies to the Minister.

As to Mr Harrison's Memorial, no answer has been given it to this day. Nor indeed have any of the representations I have hitherto made to the Ministers relative to commercial grievances procured the least redress. Even the hard case of the Dover cutter still remains unfinished, notwithstanding my repeated and pressing applications on behalf of the poor captors. It is now more than a year since the Minister promised me that the cutter should be immediately appraised, and the value paid to the captors, one of whom afterwards came here, and after waiting two or three months returned to Cadiz, without having received any other money than what I gave him to purchase his daily bread.

As the Minister could not see me on Saturday evening, it was not till Monday evening the 10th of December that I had an opportunity to converse with him.

He began the conversation by observing, that I had been very unfortunate, and had much reason to complain of delays, but that they had been unavoidable. That M. Del Campo had been appointed near three months ago to treat and confer with me; that shortly after the Court removed from St Ildefonso that gentleman's health began to decline; and that his indisposition had hitherto prevented his attending to that or any other business, but that he hoped by the time the Court should return from Aranjues (to which the King was then about to make a little excursion) he would be able to proceed on it, and that he should have the necessary instructions for the purpose.

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I told the Count, that these delays had given me great concern, and that I was very solicitous to be enabled to give Congress some positive and explicit information, on the business alluded to. He replied, that I must now confer on those subjects with M. Del Campo, for that for his part his time and attention were so constantly engaged by other matters, that he could not possibly attend to this, especially while at Madrid, when he always enjoyed much less leisure than at the Sitios. He then proceeded to congratulate me on our late successes in Virginia; he assured me, that the King rejoiced sincerely in those events, and that he himself was happy to see our affairs assume so promising an aspect. I was about to descend to particulars, and to remind the Count of the various memorials, &c. which still remained to be considered and despatched, when he mentioned he was engaged for the rest of the evening in pressing affairs. This intimation put an end to the conference.

It is somewhat singular, that M. Del Campo should have been appointed near three months past to treat and confer with me, and yet I should be left all that time without any information of it. It shows, that the King is ready to do what may depend upon him, but that his Ministers find it convenient to interpose delays without necessity, and without even the appearance of it.

After the King's return from Aranjues, I took an opportunity of asking M. Del Campo when I might promise myself the pleasure of commencing our conferences. He replied, that his health was not as yet sufficiently re-established to permit him to do business. The fact however was otherwise.

On the 27th of December, I again waited on him for the same purpose. He told me it was very

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uncertain when our conferences could commence, and that he must first converse with the Count on the subject. I asked him whether he had not received his instructions. He answered, that he had not, for that they were not as yet completed, nor indeed as he believed as yet begun.

In this state things remained during the whole time the Court continued at Madrid. Above a month since the date of my letter to Dr Franklin about our bills had elapsed without an answer, nor had any prospect of obtaining aids here opened. I therefore wrote him the following letter.

"Madrid, December 31st, 1781.

"My Dear Sir,

"I learn from the Marquis d'Yranda, that my letter of the 21st ultimo has reached you. The want of a good opportunity has for some time past prevented my writing to you so particularly as I could have wished.

"Things remain here exactly in *statu quo*, except that your aid daily becomes more necessary, and will soon be indispensable. These are matters that require no explanation. I have received two letters, dated the 22d and 26th of November, from Mr Adams, on the subject of certain instructions, passed the 16th of August, which he had lately received, and of which I was ignorant until the arrival of these letters. I think them wise. A courier from France arrived here two days ago; by his return I hope to write you particularly, &c.

"I am, &c.

JOHN JAY."

On the 11th of January, I wrote the following letter to the Doctor, by the Ambassador's courier.

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"Madrid, January 11th, 1782.

"Dear Sir,

"The last letter I had the pleasure of writing to you was dated the 31st ultimo, and referred to a former one of the 21st of November last, in which I stated my difficulties on account of the bills, the improbability of my obtaining any relief here, and consequently the necessity I was under of recurring to your interposition to save them from protest.

"I have not as yet been favored with your answer. I can readily conceive, that this affair has added not a little to your embarrassments, and therefore I lament, not complain of the delay. I borrowed from M. Cabarrus about thirty thousand dollars. He is not perfectly easy, and I have no prospect of borrowing more from him or others, at least without assurances of speedy repayment, which I am not in capacity to give. The Court indeed owes me, on their old promise of one hundred and fifty thousand dollars, a balance of about twentyfive thousand six hundred and fifteen dollars, but I have no reason to rely on receiving it soon, if at all.

"I also begin severely to feel the want of my back salary. It is in vain for me to expect it from America, and unless you can supply it, it will be necessary for me immediately to disencumber myself of most of my expenses, and confine myself to mere necessaries, until a change may take place for the better. This circumstance conspires with those of a more public nature, to make me very solicitous to know what you can, or cannot do for me.

"As to the affairs of the negotiation, they have not advanced since Major Franks left me. The Minister is too sick, or too busy, to attend to American affairs. He refers me to M. Del Campo, who has been named for the purpose, and when I apply to him, he tells me, that his instructions are not yet completed, and that he cannot tell when they will be.

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"I am, &c.

JOHN JAY."

I must, however, do the Minister the justice to say, that for some little time then past, and during the whole month of January, I have good reason to believe, that he was greatly and constantly engaged in pressing business, for on speaking several times during that period to the Ambassador of France, about the delays I experienced, and the propriety of pressing the Minister to pay some attention to our affairs, he repeatedly told me, that he knew the Minister to be then extremely hurried, and advised me not to make any application to him for the present.

On the 26th of January, 1782, agreeably to a previous appointment, I had a long conference with the Ambassador of France. I entered into a detail of the various pretexts and delays, which the Minister had used to avoid coming to any decision on our affairs, and made some remarks on their keeping me suspended at present, between the Count's incapacity to do business, and M. Del Campo's want of instructions.



I reminded the Ambassador that the fate of the bills drawn upon me was a serious subject, and if protested might eventually prove injurious to France and Spain, as well as America, and that though France had already done much for us, yet that it still remained a question of policy whether it would not be more expedient for her to advance about thirty thousand pounds sterling to save these bills, than risk the expensive evils which the loss of our credit might occasion even to her. The Ambassador seemed to admit this, but was apprehensive that the great and pressing demands for money caused by the great armaments, which France was preparing to send to different parts of the world, would render such an advance very inconvenient, if not impracticable.

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I recapitulated in the course of the conference the various ill consequences, which might result from protesting these bills. Among others, I hinted at the necessity I should be under of assigning to the world in those protests, the true reasons which had occasioned them, viz. that I had placed too great confidence in the assurances of his Catholic Majesty. The Ambassador objected to this as highly imprudent, and as naturally tending to embroil the two countries, which was by all means to be avoided, even though I could make good the assertion. I then enumerated the various assurances I had at different times received from the Minister, adding, that whatever might be the consequence, I should think it my duty to pay a higher regard to the honor of the United States, than to the feelings of a Court by whose finesse that honor had been drawn into question.

There was also another circumstance, to which I desired him to turn his attention, viz. that as our independence had not been acknowledged here, the holders of the bills might commence actions against me on them; and that it was easy to foresee the embarrassments, which would result to all parties from such a measure. The Ambassador saw this matter in the same point of view.

It appeared to me useful to take a general view of the conduct of Spain towards us ever since my arrival, and to observe the natural tendency it had to encourage our enemies, impress doubts on the minds of our friends, and abate the desire of Congress to form intimate connexions with Spain; and that this latter consequence might become interesting also to France, by reason of the strict alliance subsisting between the two kingdoms.

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I begged the favor of him to give me his candid advice what would be most proper for me to do. He confessed that he was perplexed, and at a loss what to advise me to; he hoped that the Dutch loan would enable Dr Franklin to make the advances in question, and that though he could not promise anything from his Court, yet that he would write and do his best. He advised me to give the Doctor a full statement of our affairs here; but that I had already done, by giving him the perusal of my letters to Congress of the 3d of October, &c.

He said he had written to the Count de Vergennes about the delays and embarrassments I had met with, and that he received for answer, "that Spain knew her own business and interest, and that France had no right to press her on such points."

The Ambassador advised me by all means to continue patient and moderate, and to cherish the appearance of our being well with this Court. I observed to him that one protested bill would dissipate all these appearances. He said that was very true; that he saw difficulties on every side, and that he really pitied my situation, for that these various perplexities must keep me constantly in a kind of purgatory. I told him if he would say mass for me in good earnest, I should soon be relieved from it; he renewed his promise to write, and we parted.

The next day, viz. 27th of January, I received the following letter from Dr Franklin.

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"Passy, January 15th, 1782.

"Dear Sir,

"Mr Grand tells me, that he hears from Madrid, you are uneasy at my long silence. I have had much vexation and perplexity lately with the affair of the goods in Holland, and I have so many urgent correspondences to keep up, that some of them at times necessarily suffer. I purpose writing fully to you next post. In the meantime I send the enclosed for your meditation. The ill-timed bills, as you justly term them, do us infinite prejudice; but we must not be discouraged.

"I am ever, with the greatest esteem, &c.

B. FRANKLIN."

The paper abovementioned to be enclosed, is in these words.

### **Translation.**

**COUNT DE VERGENNES TO B. FRANKLIN.**

"Versailles, December 31st, 1781.

"Sir,

"I have received the letter you did me the honor to write me the 27th instant. I shall not enter into an examination of the successive variations and augmentations of your demands on me for funds to meet your payments. I shall merely remark, that whenever you shall consider yourself fully authorised to dispose of the proceeds of the Dutch loan, on behalf of Congress, I will propose to M. de Fleury to supply you with the million required, as soon as it shall have been paid into the royal treasury. But I think it my duty, Sir, to inform you, that if Mr Morris issues drafts on this same million, I shall not be able to provide for the payment of them, and shall leave them to be protested. I ought also to inform you, that there will be nothing more supplied than the million abovementioned, and if the drafts, which you have already accepted, exceed that sum, it must be for you to contrive the means of meeting them. I shall make an exception only in favor of those of Mr Morris, provided they shall not exceed the remainder of the Dutch loan, after deducting the million, which shall be placed at your disposal, and the expenses of the loan.

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"I have the honor to be, &c.

DE VERGENNES.

"P. S. I remit to you herewith the letter of Mr Grand."

Although this letter of Dr Franklin does not in express terms promise me the aid I had desired, yet the general tenor of it, together with the grant of the million mentioned by the Count de Vergennes, led me to suppose, that on the receipt of it he would be able to make me the necessary advances. Under this idea I returned the following answer to the Doctor's letter.

"Madrid, January 30th, 1782.

"My dear Sir,

"I had yesterday the satisfaction of receiving your favor of the 15th instant. You will find by a letter, which I wrote you on the 11th instant, that I imputed your silence to its true cause, being well persuaded, that the same attention you have always paid to the public affairs in general, would not be withheld from those, which call for it in this kingdom.

"I am happy to find, that you have a prospect of terminating the difficulties, which the bills drawn upon me have occasioned, and though I cannot but observe, that Count de Vergennes' letter is peculiarly explicit and precise, yet I must confess, I should not have been surprised if it had been conceived in terms still less soft. Would it not be well to transmit a copy of it to Congress? France has done, and is still doing so much for us, that gratitude, as well as policy, demands from us the utmost moderation and delicacy in our applications for aids; and considering the very singular plan of drawing bills at a venture, I think we have no less reason to admire the patience, than to be satisfied with the liberality of our good and generous allies.

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"M. de Neufville had given me a hint of the embarrassments occasioned by the affair of our goods in Holland.

"It seems as if trouble finds its way to you from every quarter. Our credit in Holland leans upon you on the one hand, and in Spain on the other. Thus you continue, like the key-stone of an arch, pressed by both sides and yet sustaining each. How grateful ought we to be to France for enabling you to do it.

"Mr Joshua Johnson, in a letter dated the 18th instant, mentions the arrival at Nantes, of the brig Betsey from Philadelphia, that she brought letters for me, and that the captain put them in the post-office. None of them have as yet reached me.

"I have received too many unequivocal proofs of your kind attention, to render a punctilious return of line for line necessary to convince me of it. Let such ideas, therefore, be banished, and be assured that matters of ceremony and etiquette can never affect the esteem and affectionate regard with which I am, &c. &c.

JOHN JAY."

Not having heard anything further from M. Del Campo respecting his instructions, I wrote him on that subject as follows.

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"Madrid, February 1st, 1782.

"Mr Jay presents his compliments to M. Del Campo, and requests to be informed whether he has as yet received the instructions necessary to enable him to execute his appointment relative to the affairs of the United States at this Court.

"Mr Jay begs leave again to mention his being ready and anxious to enter, with M. Del Campo, into the discussion of these affairs at any time and place that may be agreeable to him."

On the 5th of February, I received the following answer.

### Translation.

"M. Del Campo has the honor to address his compliments to Mr Jay, and to transmit him several bundles of letters, which he has just received. He regrets that he is obliged to inform Mr Jay, that the Count, by reason of the delicate state of his health, and other difficulties, has not yet been able to arrange the instructions under consideration. *The Pardo, February 3d, 1782.*"

The packets mentioned in the above note were the first public letters I have had the honor of receiving from you.

I afterwards found that these despatches were brought to Cadiz from Philadelphia by the brig Hope. How they came into M. Del Campo's hands I am not informed. On the same day (February 5th, 1782,) I received a letter from Dr Franklin, which almost entirely dissipated my hopes of aid from him. The following extract from it, contains every part of it except a few paragraphs that have no relation to our affairs here.

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"Passy, January 19th, 1782.

"Dear Sir,

"In mine of the 15th, I mentioned my intention of writing fully to you by this day's post. But understanding since, that a courier will soon go from Versailles, I rather choose that conveyance.

"I received duly your letter of November 21st, but it found me in a very perplexed situation. I had great payments to make for the extravagant and very inconvenient purchase in Holland, together with large acceptances by Mr Adams, of bills drawn on Mr Laurens and himself, and I had no certainty of providing the money. I had also a quarrel upon my hands with Messrs de Neufville and others, owners of two vessels hired by Gillon to carry the goods he had contracted to carry in his own ship. I had worried this friendly and generous Court with often repeated after-clap demands, occasioned by these unadvised, (as well as ill advised) and, therefore, unexpected drafts, and was ashamed to show my face to the Minister. In these circumstances, I knew not what answer to make you. I could not encourage you to expect the relief desired, and, having still some secret hope, I was unwilling to discourage you, and thereby occasion a protest of bills, which possibly I might find means of enabling you to pay. Thus I delayed writing perhaps too long.

"But to this moment, I have obtained no assurance of having it in my power to aid you, though no endeavors on my part have been wanting. We have been assisted with near twenty millions since the beginning of last year, besides a fleet and army; and yet I am obliged to worry them with my solicitations for more, which makes us appear insatiable.

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"This letter will not go before Tuesday. Perhaps by that time I may be able to say explicitly yes or no.

"I am very sensible of your unhappy situation, and I believe you feel as much for me.

"You mention my proposing to repay the sum you want in America. I tried that last year. I drew a bill on Congress for a considerable sum to be advanced me here, and paid there in provisions for the French troops. My bill was not honored.

"I was in hopes the loan in Holland, if it succeeded, being for ten millions, would have made us all easy. It was long uncertain. It is now completed. But, unfortunately, it has most of it been eaten up by advances here. You see by the letter of which I sent you a copy, upon what terms I obtain another million of it. That (if I get it) will enable me to pay the thirty thousand dollars you have borrowed, for we must not let your friend suffer. What I am to do afterwards God knows.

"I am much surprised at the dilatory and reserved conduct of your Court. I know not to what amount you have obtained aids from it, but if they are not considerable, it were to be wished you had never been sent there, as the slight they have put upon our offered friendship is very disreputable to us, and, of course, hurtful to our affairs elsewhere. I think they are short-sighted, and do not look very far into futurity, or they would seize with avidity so excellent an opportunity of securing a neighbor's friendship, which may hereafter be of great consequence to their American affairs.

"If I were in Congress I should advise your being instructed to thank them for past favors, and take your leave. As I am situated, I do not presume to give you such advice, nor could you take it if I should. But I conceive there would be nothing amiss in your mentioning in a short memoir, the length of time elapsed since the date of the secret article, and since your arrival, to urge their determination upon it, and pressing them to give you an explicit, definitive, immediate answer, whether they would enter into treaty with us or not, and in case of refusal, solicit your recall, that you may not continue from year to year at a great expense, in a constant state of uncertainty with regard to so important a matter. I do not see how they can decently refuse such an answer. But

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their silence, after the demand made, should in my opinion be understood as a refusal, and we should act accordingly. I think I see a very good use that might be made of it, which I will not venture to explain in this letter.

"I know not how the account of your salary stands, but I would have you draw upon me for a quarter at present, which shall be paid, and it will be a great pleasure to me if I shall be able to pay up all your arrears.

"Mr Laurens being now at liberty perhaps may soon come here, and be ready to join us if there should be any negotiations for peace. In England they are mad for a separate one with us, that they may more effectually take revenge on France and Spain. I have had several overtures hinted to me lately from different quarters, but I am deaf. The thing is impossible. We can never agree to desert our first and our faithful friend on any consideration whatever. We should become infamous by such abominable baseness.

"With great and sincere esteem, I am ever, &c.,

B. FRANKLIN."

You will easily perceive, Sir, that my situation now became very unpleasant; largely indebted to M. Cabarrus, and without funds, as well as almost without the hopes of speedily procuring any, either to satisfy him or pay the swarm of bills that would be payable in the next month.

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M. Cabarrus had offered to advance, or rather to supply me with any sum of money, that the Minister would authorise him to furnish, on the same terms on which he procured money for the government. The answer I received to this proposition was, that the government had occasion for all the money that M. Cabarrus could possibly collect. He also repeatedly offered to advance the money wanted for the month of March, if the Minister or the Ambassador of France would become responsible for the repayment of it, with interest, within a reasonable time, sometimes mentioning seven months, and at others extending it to ten or twelve. The Ambassador did not conceive himself authorised to enter into any such engagement, and the Minister remained silent; M. Cabarrus began to grow uneasy, and a day was appointed between us to confer on this subject. Some intervening business, however, prevented his attendance, and on the 10th of February he wrote me the following letter.

### **Translation.**

"Madrid, February 10th, 1782.

"Sir,

"I was summoned yesterday to the Pardo, which prevented me from paying you my respects as I had intended. Not knowing whether I shall be able to do it before Tuesday, I write to inform you, that it will be necessary for me to know on what I am to depend in regard to the reimbursement you were to make me by drafts on Paris. You are aware, that I have actually advanced seven hundred and fifty thousand reals vellon. Independently of this sum, on the 14th of March, which we are now approaching, nearly thirtyfive thousand dollars of your bills will become due. I will not conceal from you, that although this double advance is neither beyond my means nor my disposition, yet the former is entirely absorbed by the necessities of the government, so that I shall be the more desirous, that you would enable me to meet these engagements, as I shall always find a difficulty in disposing of your paper. I speak to you frankly, since I shall always endeavor, as I have heretofore done, to serve you in the same spirit.

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"I have the honor to be, &c.

CABARRUS."

By way of answer to this letter, I instructed Mr Carmichael to inform M. Cabarrus of the exact state I was in, with respect to my expectations of aid both here and from France, for I did not choose to commit a matter of this kind in writing to M. Cabarrus's discretion. I could not give him positive assurances of being speedily repaid, either by a credit on Dr Franklin, or by money to be obtained here, but I submitted to his consideration the improbability, that this or the French Court would permit these bills to be protested, and assured him, that Dr Franklin was using his best endeavors in our favor, and had so far succeeded as to encourage me to expect, that he would soon be able at least to replace the sum, which M. Cabarrus had already advanced to me.

The next day, viz. the 11th of February, I waited upon the Ambassador of France. I represented to him in the strongest terms the critical situation of our credit, and communicated to him the contents, both of Dr Franklin and M. Cabarrus' letters.

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I requested him to speak seriously and pressingly to the Minister on the subject, and to remind him, that M. Cabarrus' offer was of such a nature as to remove any objection, that could arise from the low state of the public funds. The Ambassador was just then setting out for the Pardo. He promised to speak to the Minister accordingly, and that his Secretary, the Chevalier de

Bourgoing, (who has been very friendly, and given himself much trouble on this occasion) should inform me of the result in the evening.

I received in the evening the following letter from the Chevalier de Bourgoing, viz.

### Translation.

"Sir,

"The dreadful weather today prevents me from coming to inform you orally, what M. de Montmorin has to communicate to you in pursuance of his interview of this morning. I give you the result briefly.

"The Minister being informed of your embarrassment feels for you sincerely, and would be glad to remedy it. He will make every effort, but as the actual necessities of the government are pressing, he cannot answer for his success. He assures Mr Jay, that if the misfortune he apprehends should take place, Mr Jay may be perfectly easy in regard to personal consequences, as the Minister will take care that no inconvenience shall follow it.

"I have thought that these few lines would serve to calm your apprehensions, until M. de Montmorin shall have an opportunity to give you further information.

"I have the honor to be, &c.

DE BOURGOING."

I returned by the bearer of the above letter the following answer.

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"Mr Jay presents his compliments to the Chevalier de Bourgoing. The Minister's answer to the Ambassador is polite and cautious, and if sincere (which time can only ascertain) will demand Mr Jay's thanks and acknowledgments.

"The Minister is mistaken if he supposes that Mr Jay views personal consequences as of any other importance, than as they may affect the political interests of the two countries; and when considered in that light, they merit a degree of attention to which mere personal considerations could not entitle them.

"Mr Jay requests the favor of the Chevalier to present his cordial acknowledgments to the Ambassador for his friendly interposition on this occasion, and to assure him that Mr Jay will never cease to be influenced by the gratitude, which every American owes to the first friend and steadfast ally of the United States. *Madrid, February 11th, 1782.*"

I also wrote this evening to Dr Franklin, and I insert the following extracts from the letter, because they contain matters proper for you to know.

"Madrid, February 11th, 1782.

"Dear Sir,

I have been so engaged these two days, as not to have had time to reply fully to yours of the 19th ult.

"I flattered myself that the loan in Holland would have afforded funds for all our bills and present demands, and am sorry to hear that this is not the case. Could not that loan be extended to a further sum?

"The conduct of this Court bears few marks of wisdom. The fact is, they have little money, less credit, and very moderate talents.

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"My ideas correspond exactly with yours respecting the propriety of presenting such a memoir as you propose. The Ambassador of France, however, is decided against it, and it appears to me imprudent to disregard his opposition.

"I have not as yet received a single letter by or from the Marquis de Lafayette.

"I am, &c.

JOHN JAY."

On the 15th of February, the first advices of the surrender of Fort St Philip arrived, and the Ambassador of France having been informed at the Pardo, that M. Del Campo's instructions would be completed by the end of the week, I thought both these circumstances rendered it proper that I should pay the Minister a visit. I accordingly went to the Pardo the next evening.

The Minister was too much indisposed (as was said) to see company. He sent me an apology, and a request that I would speak to M. Del Campo, who was then in the Secretary's office. I did so.

I found M. Del Campo surrounded by suitors. He received me with great and unusual civility, and carried me into his private apartment. I told him, that as he was evidently very busy, I could not think of sitting down, and wished only to detain him a few minutes. He said, that he was indeed much engaged, but that we might nevertheless take a cup of chocolate together. I mentioned to him in a summary way, the amount of the bills which remained to be paid, and the promises made by the Minister to the Ambassador on that subject, desiring that he would be so obliging as to give that business all the despatch in his power. He replied, that the urgent demands of government rendered advances of money very inconvenient. That the Minister had not mentioned to him anything on that head, but that he would speak to him about it. I told him, that as the greater part of these bills would be payable in March, I was anxious to see the arrangements for paying them speedily made. That my hopes were chiefly confined to this Court, for that France having this year supplied us with near twenty millions, besides a fleet and army, it would be unreasonable to ask for more. To this he remarked, that France received from us with one hand (in the way of commerce) what she paid out with the other, whereas Spain was called upon for supplies without enjoying any such advantage. I told him, if he had been more at leisure it would have given me pleasure to have entered with him into the discussion of that point; I nevertheless observed, that Spain was indebted to the American war for the recovery of West Florida, and the possession of Minorca, and that the time would come and was approaching when Spain would derive essential benefit from our trade and independence. That he overrated the value of our commerce to France, which at present did not compensate for the expenses she sustained on our account.

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I mentioned to him M. Cabarrus' offer in very precise terms, and told him, I was glad to hear from the Ambassador, that his instructions were nearly completed. He avoided saying, whether they were or not, but answered, generally, that he hoped things would soon be settled to the satisfaction of all parties; that it would always give him pleasure to treat with me; that he was much my friend; that he esteemed my private character, and many such like compliments improper as well as unnecessary for me to commit to paper. He promised to speak to the Minister, and to write me his answer. I desired him to present my congratulations to the Count, and to inform him how much I regretted the indisposition, which prevented his seeing company that evening.

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All this looked very fair, but experience had taught me that professions were sometimes insincere. On the 18th of February, I communicated the substance of this conference to the Ambassador of France, requesting him to remind the Minister of his promise, and to press the importance of his performing it. The Ambassador promised to take every proper opportunity of doing it. On the 24th of February your letter by the Marquis de Lafayette arrived safe.

On the 25th of February I received the following letter from M. Cabarrus, viz.

### **Translation.**

"Madrid, February 25th, 1782.

"Sir,

"I have the honor to remit you herewith three accounts, relative to the payments made for you, viz.

"One of the 4th of October last, signed by the former house of Cabarrus and Aguirre, for payment of which I have credited you 46,447 reals vellon. A second, signed by me the 7th of November following, settled by 135,715-10 reals vellon, carried to your credit. A third signed also by me, dated the 19th inst, and balanced by 667,170-17 reals vellon, which I have credited you with. In support of these accounts, I transmit you the original vouchers, and beg you to proceed to the verification of both, to assure me of their reception and correctness. I flatter myself that you will take measures for my speedy reimbursement, and I ask with the more urgency, as I have a pressing necessity for this sum, on the payment of which I have relied. I have the honor to be, &c.

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CABARRUS."

This letter needs no comments; it breathes the fears and precautions of a creditor, striving to make the most of a failing debtor, and therefore I considered this letter as inauspicious. I returned a verbal answer, that an examination of these accounts must precede a settlement of them, and that as to a speedy payment of the balance due to him, he knew my exact situation.

A day or two before the date of this letter, M. Cabarrus had a conference with the Minister on these subjects, and according to M. Cabarrus' representations, the Minister then declared, that he would pay the balance due on the one hundred and fifty thousand dollars, and no more; that the King was dissatisfied at America's having made no returns to his good offices, either in ships or flour, &c. &c.; that he had mentioned to me a year ago his desire of having the men-of-war building in New England, but had not yet received an answer, &c.

It appeared to me very extraordinary, that the Minister should promise the Ambassador to do his best, and yet tell M. Cabarrus that he would do nothing, and yet so I believe were the facts.

The next morning, viz. 26th of February, I paid the Ambassador an early visit, and mentioned these circumstances to him minutely. I expressed my apprehensions, that the pretended discontents of the King belonged to the same system of delays and pretexts, with which we had been so long amused; and which in this instance were probably dictated by a desire of avoiding inconvenient advances. [Pg 68]

I reminded him, that Dr Franklin had given me expectations of his being able to replace the money I had borrowed of M. Cabarrus, and that this sum, added to the balance to be paid by the Court, would reduce the remainder of the money wanted to less than twenty thousand pounds sterling; and that it would appear a little surprising in the eyes of Europe as well as America, that our credit should be permitted either by France or Spain to suffer essential injury for the want of such a sum. I requested him to advise me what to do. He said that he knew not what advice to give me; that he saw no resources anywhere; that he should dismiss a courier on Saturday next, and that he would again write to the Count de Vergennes on the subject. I observed to him, that the answer if favorable would probably come too late, as a great number of the bills would become payable about the 14th of March. He replied, that if the Court should resolve to supply the money, he should soon be informed of it.

We had some conversation about the Marquis de Lafayette. The Ambassador spoke well of him, and as a proof of the confidence of Congress in the attachment of that nobleman, I mentioned my having received orders to correspond with him.

I then drew the conversation to our affairs in Holland, and the prospects of an alliance with the Dutch. He said those prospects were less fair than ever; for that though Mr Wentworth had been sent there by England on pretence of settling a cartel, yet that his real business was to negotiate a separate peace. I observed that in my opinion England would be the first nation to acknowledge our independence, (for there are many reasons that induce me to think that France does not in fact wish to see us treated as independent by other nations until after a peace, lest we should become less manageable in proportion as our dependence upon her shall diminish.) I threw out this opinion to see how it would strike him. He made a short pause, and then asked me if I had heard that Lord Germain had resigned? I told him I had, and as he chose to wave the subject I did not resume it, lest he should from my pressing it suspect that I meant more than a casual remark. The conversation then turned upon our affairs here. I remarked, that the friends of Spain in America must greatly diminish, that the manner we were treated by this Court was far from conciliatory, and that it would perhaps have been better as things have turned out, if America had not sent a Minister here. He gave into this opinion, but added, we must be contented here now during the war; that Spain was necessary; that she was to be treated like a mistress. He also said, that if I had been landed in France instead of Spain, I should not probably have come to Madrid so soon as I did, and was going to explain himself, when the entry of his servants with breakfast interrupted us. [Pg 69]

Having made it a rule to give Dr Franklin frequent and minute information of my situation, I wrote him the following letter by the Ambassador's courier.

"Madrid, March 1st, 1782.

"My dear Sir,

"I have lately received a very friendly letter from the Marquis de Lafayette, covering some despatches from Mr Livingston. I find that the objects of his voyage are interesting to us, and that it is the desire of Congress, that we should correspond with him. My answer to his letter is herewith enclosed. Peruse and dispose of it.

"I have given him a summary account of my situation here; he will doubtless be willing and perhaps able to afford you assistance relative to the difficulties it imposes upon you. [Pg 70]

"The Minister has ordered the balance due (about twentysix thousand dollars,) on the one hundred and fifty thousand dollars, to be paid to M. Cabarrus on my account, and has through him informed me that no more is to be expected.

"M. Cabarrus is exceedingly anxious about the money we owe him, and which the twentysix thousand dollars he is to receive will not pay.

"He declines making further advances. The Ambassador of France can afford me no resources. M. Cabarrus is ready to supply what we may want, on the promise of either France or Spain to repay him in ten or twelve months.

"The Ambassador will write (by a courier to France, who sets out tomorrow) on these subjects to the Court. All that remains in my power is to endeavor to keep the public creditors quiet until his or your final answer shall arrive. That this Court should permit our credit to be ruined for the want of about twentyfive thousand pounds sterling, does not greatly surprise me; but I should be astonished if the Minister of France should act the same part, for I have a high opinion of his wisdom.

"I am, &c.

JOHN JAY."

I forbear inserting my letter to the Marquis, because this and my former letters render it unnecessary. I solicited his immediate attention to the state of our bills, &c.

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As there could be no doubt, but that the Minister mentioned to M. Cabarrus the King's discontents, by way of apology for not granting further supplies, and with design that they should be represented to me in that light, I thought it prudent to write to the Minister on the subject, although in other circumstances it might have been more proper for me to have omitted taking notice of such an indirect communication. I wrote him as follows.

"Madrid, March 2d, 1782.

"Sir,

"M. Gardoqui informed me yesterday, that he had received an order to pay to M. Cabarrus on my account twenty-six thousand dollars, being somewhat more than the balance due on the one hundred and fifty thousand dollars, and for which be pleased to accept my thanks and acknowledgments.

"As the residue of the bills drawn upon me by Congress does not amount to a great sum, and as M. Cabarrus had generously offered to furnish it, provided your Excellency would give him assurances of its being repaid in ten or twelve months, I had flattered myself, that his Majesty's friendship for my country would have induced him, by this further proof of his goodness, to save the necessity I shall otherwise be under to protest them, and thereby ruin the credit of Congress at so critical a period.

"It is with great pain I hear his Majesty is displeased with the silence of Congress respecting returns, on their part, to the friendship of Spain, and particularly in not having offered to comply with the propositions made by your Excellency, relative to the ships building in New England, &c. &c.

"Permit me to observe to your Excellency, that the long and constant expectation of M. Gardoqui's arrival in America, with full powers on these subjects, naturally induced Congress to postpone coming to any resolution on them, until they should have the pleasure of seeing him. They were well apprised of my ignorance respecting such matters, and, therefore, could not with any propriety refer to my discretion the entering into engagements on subjects, with which I was wholly unacquainted. I am authorised to assure your Excellency of the readiness of Congress to make every return in their power to the kindness of his Majesty, and there is reason to hope, that by the end of the next campaign, their abilities may be more proportionate to their wishes than they have hitherto been.

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"Your Excellency will also be pleased to recollect, that the propositions of Congress respecting the Mississippi evince a strong desire to oblige his Majesty, and that reason has been given me to hope, that their compliance in that instance would be followed by new proofs of his Majesty's good disposition towards us.

"I must candidly confess to your Excellency, that I now find myself entirely without resources.

"The Ambassador of France can afford me no assistance, and my only remaining hope arises from that reliance on his Majesty's friendship and magnanimity, which your Excellency has so often encouraged me to entertain and confide in.

"I have the honor to be, &c. &c.

JOHN JAY."

This letter, if I may use the expression, might have been higher mounted, and the strange conduct of this Court would have justified my writing in a different style, but I feared that offence might have been taken, though, perhaps, for no other purpose than to cover a refusal to aid us with a plausible pretext.

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Although I had little confidence in M. Del Campo's late professions of friendship, yet, as the present occasion afforded an opportunity of trying their sincerity, and as men ill-disposed towards us are sometimes pushed into acts of friendship, merely by an opinion of their being thought friendly, I enclosed the above letter in the following note to him.

"Madrid, March 2d, 1782.

"Mr Jay presents his compliments to M. Del Campo, and takes the liberty of enclosing a letter to his Excellency, the Count de Florida Blanca, which he requests the favor of him to deliver.



"M. Del Campo may not, perhaps, in future have an opportunity of rendering a more welcome and interesting proof of his friendship for America than at present; and Mr Jay will esteem his country and himself greatly obliged by M. Del Campo's friendly attention and interposition on this occasion."

A week elapsed without my receiving any answer either from the Minister or M. Del Campo. The time when our bills would be due was drawing very nigh. My expectations of aid from France were at best uncertain, and every consideration urged me not to leave anything in my power undone here, to avoid the catastrophe I had so much reason to apprehend. I therefore concluded to wait on the Minister, and in a plain and pointed manner enter into a detail of the reasons given us to expect supplies from this Court, and the impolicy of withholding them.

For this purpose I went to the Pardo on the 9th of March.

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The Minister received me with great cordiality; he was in uncommon good spirits. He entered largely into the nature of his indisposition; the effect of the weather upon his nerves, and how much he found himself the better for the last three fine days; and after we had conversed awhile about the conquest of Minorca, and the importance of it, he said he supposed that I wished also to speak to him on the subject of our affairs.

I told him that was really the case, for that the bills, which remained to be paid, and the want of funds for the purpose, gave me great uneasiness. He interrupted me by remarking, that he had ordered the balance due on the one hundred and fifty thousand dollars to be paid. That the public exigencies had even rendered this payment inconvenient, but that he was an honest man, a man of his word, and, therefore, as he had promised me that sum, he was determined that I should not be disappointed. That as to further aids he could promise nothing *positively*, that he would *do his best*, and shrugging his shoulders, intimated that he was not Minister of Finance.

I observed, that the sum now wanted was not very considerable, and that M. Cabarrus' offer rendered the advancing of it very easy. He was in a very good humor; and after a few hesitations, he told me cheerfully and smilingly, that when I found myself very hard pressed, I should desire M. Cabarrus to wait upon him.

This I considered as an implied consent to comply with M. Cabarrus' offer, in case such a step should become absolutely necessary to save our bills; and I imagined he chose to delay it as long as possible, in hopes that the French Ambassador might in the meantime interpose his credit, as he had before done on a similar occasion. I was content that the matter should rest there, and would not hazard losing what I thought I had gained by requiring more at present.

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I thanked him for this mark of favor, and then turned the conversation to Major Franks' arrival, and my anxiety to communicate some certain intelligence to Congress relative to the proposed treaty, and what they might expect on that head.

The Count went into a detail of excuses for the delays which had ensued since our leaving St Ildefonso. His indisposition and that of M. Del Campo, his forgetting to give M. Del Campo the papers, and M. Del Campo's neglecting to ask for them, were the chief topics from which these excuses were drawn. He said the Ambassador of France had talked to him about the matter eight days ago; and he promised me that the conferences should begin at Aranjues, to which place the Court would soon remove. He authorised me to communicate this to Congress, adding, that pressing business obliged him to postpone it till then, though I might now begin to speak on the subject to M. Del Campo if I pleased.

I remarked, that I had so often disappointed Congress by giving them reason soon to expect M. Gardoqui, that I wished to be enabled to give them accurate information on that point. He replied, that a variety of particular circumstances had intervened to prevent his departure, but that he *certainly* should go unless he made personal objections to it, and that *I might tell Congress so*.

I rose to take my leave. *He repeated what he had before said respecting my sending M. Cabarrus to him*, and assured me of his disposition to do what he could for us. I again thanked him, and we parted in great good humor.

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It is remarkable, that during the course of this conference, which was free and diffusive, the Minister did not mention a syllable of the King's discontents, nor hint the least dissatisfaction at the conduct of Congress towards this Court. I cautiously avoided making any harsh strictures on the delays I constantly met with, and though the Minister's excuses for them were frivolous and merely ostensible, yet it could have answered no good purpose to have declared that opinion of them, especially at so delicate a period of our affairs.

As many bills to a considerable amount would be payable on the 14th of March, I thought it high time that the Minister should declare his intentions at least a day or two before, and therefore I desired M. Cabarrus to wait upon the Minister, and confer with him on the subject. M. Cabarrus accordingly went to the Pardo on the evening of the 11th of March. He saw the Minister, and mentioned the purpose of his visit. The Minister said, I must have misunderstood him; that it was not until the last extremity that I was to send him, and he desired M. Cabarrus to inform him when that should arrive. M. Cabarrus repeated to me his former offers, and assured me that

nothing on his part should be wanting.

The Madrid Gazette of the 12th of March contained a paragraph, of which you ought not to be ignorant. I shall therefore copy it *verbatim*, and add a translation as literal as I can make it.

"By a letter from the Commandant General of the army of operations at the Havanna, and Governor of Louisiana, his Majesty has advices, that a detachment of sixtyfive militia men and sixty Indians of the nations Otaguos, Sotu, and Putuami, under the command of Don Eugenio Purre, a captain of militia, accompanied by Don Carlos Tayon, a sub-lieutenant of militia, by Don Luis Chevalier, a man well versed in the language of the Indians, and by their great chiefs Eleturno and Naquigen, who marched the 2d of January, 1781, from the town of St Luis of the Illinois, had possessed themselves of the Post of St Joseph, which the English occupied at two hundred and twenty leagues distance from that of the abovementioned St Luis, having suffered in so extensive a march, and so rigorous a season, the greatest inconveniences from cold and hunger, exposed to continual risks from the country being possessed by savage nations, and having to pass over parts covered with snow, and each one being obliged to carry provisions for his own subsistence, and various merchandises, which were necessary to content, in case of need, the barbarous nations through whom they were obliged to cross. The commander, by seasonable negotiations and precautions, prevented a considerable body of Indians, who were at the devotion of the English, from opposing this expedition; for it would otherwise have been difficult to have accomplished the taking of the said post. They made prisoners of the few English they found in it, the others having perhaps retired in consequence of some prior notice. Don Eugenio Purre took possession in the name of the King of that place and its dependencies, and of the river of the Illinois; in consequence whereof the standard of his Majesty was there displayed during the whole time. He took the English one, and delivered it on his arrival at St Luis to Don Francisco Cruyat, the commandant of that post.

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"The destruction of the magazine of provisions and goods, which the English had there (the greater part of which was divided among our Indians and those who lived at St Joseph, as had been offered them in case they did not oppose our troops) was not the only advantage resulting from the success of this expedition, for thereby it became impossible for the English to execute their plan of attacking the fort of St Luis of the Illinois; and it also served to intimidate these savage nations, and oblige them to promise to remain neuter, which they do at present."

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When you consider the ostensible object of this expedition, the distance of it, the formalities with which the place, the country, and the river were taken possession of in the name of his Catholic Majesty, I am persuaded it will not be necessary for me to swell this letter with remarks, that would occur to a reader of far less penetration than yourself.

I will therefore return to our bills.

The 14th of March arrived, the bills then due were presented, and I prevailed upon the holders of them to wait till the next day at noon for my answer. As the last extremity in the most literal sense had now arrived, I presumed that the Minister would not think me too hasty in requesting his determination. I wrote him the following letter, and sent it by the post, which passes every evening between Madrid and the Court.

"Madrid, March 14th, 1782.

"Sir,

"Bills to a considerable amount have been presented to me this afternoon for payment. The holders of them consent to wait until tomorrow noon for my positive and final answer.

"Your Excellency is too well apprised of everything that can be said on this subject, to render it necessary for me to multiply observations upon it.

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"I have no reason to expect aid from France, and I request the favor of your Excellency to inform me explicitly whether I may flatter myself with any, and what relief from the friendly interposition of his Majesty.

"I have the honor to be, &c.

JOHN JAY."

I thought it advisable to send a copy of the above letter to the Ambassador of France with the following note.

"Mr Jay presents his compliments to his Excellency, the Ambassador of France, and has the honor of transmitting herewith enclosed a copy of a letter he has written this evening to the Count de Florida Blanca.

"The Ambassador will perceive from this letter in what a critical situation Mr Jay finds himself.

He requests the favor of the Ambassador's advice, and will do himself the honor of waiting upon him in the morning to receive it.

*"Madrid, Thursday Evening, March 14th, 1782."*

On this day, being Thursday, on which day in every week M. Cabarrus had for some time past kept an open table, M. Del Campo was unexpectedly one of the guests, having visited M. Cabarrus but once before on those days. Mr Carmichael was present. Some earnest and private conversation passed between M. Del Campo and M. Cabarrus. In the afternoon Mr Carmichael, by my desire, pressed M. Cabarrus to write to the Minister, that on the morrow our bills must be either paid or protested. M. Cabarrus replied, that he had already given that information to M. Del Campo, and that he would not risk that gentleman's displeasure by repeating it to the Minister, for it would look as if he doubted M. Del Campo's attention to it. Mr Carmichael informed me at the same time, that M. Cabarrus' manner appeared changed and somewhat embarrassed.

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On the morning of the 15th of March, I waited on the Ambassador. He promised to speak to the Minister that morning to obtain his final answer, and if possible to render it favorable. On his return from the Pardo, he wrote me the following letter.

### **Translation.**

"March 15th, 1782.

"Sir,

"I have just come from the Pardo. The Count de Florida Blanca had not received your letter of yesterday, but I supplied the deficiency by explaining to him your critical and difficult situation. He told me that you might accept the drafts to the amount of fifty thousand dollars, provided M. Cabarrus remains in the same disposition he has displayed hitherto, relative to the time he would wait for the reimbursement of the sums he has advanced, for this purpose. You can, therefore, make an arrangement with M. Cabarrus for the acceptance of the bills to the amount of forty or fifty thousand dollars, and show him this note as his security.

"I hope that this sum will relieve you from your present embarrassment, and give you time to adopt measures for meeting the bills, which shall hereafter become due.

"Although this information is not so fully satisfactory as I could wish, I take pleasure in communicating it to you, with assurances of my sincere and inviolable attachment.

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THE COUNT DE MONTMORIN."

You will doubtless think with me it was very extraordinary, that the Minister should not have received my letter sent him yesterday by the Court courier. Why and by whose means it was kept back can only be conjectured. Had not the Ambassador's application supplied the want of it, a pretext for the Minister's silence would thence have arisen. The letter did not in fact miscarry, for the Minister afterwards received it. The Minister's caution in making his becoming engaged for the advances in question to depend on M. Cabarrus' persisting in the same dispositions he had lately declared, relative to the time he would be content to wait for a reimbursement, is somewhat singular, considering that his offers on that head had been repeatedly and explicitly communicated to the Minister, and to the Ambassador of France, both by him and by me. Immediately on receiving the Ambassador's letter, I gave it to Mr Carmichael with instructions to show it to M. Cabarrus, and bring me back his answer without delay, for I was then expecting the notary and others with bills.

Mr Carmichael returned and informed me, that he had communicated the letter to M. Cabarrus, and that instead of abiding by his former offer, to be content with the Minister's engaging to see him repaid in ten or twelve months, he insisted on being repaid in four months, in four equal monthly payments, and those payments secured by orders on the rents of the general post-office; and that M. Cabarrus promised either to write or speak to the Minister about it.

A new application to the Minister became necessary, and consequently further time and indulgence from the holders of the bills was to be solicited.

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I told the notary, that I was in treaty with M. Cabarrus for the supplies I wanted, and that one or two articles remained to be adjusted, which could not be done till the next day.

I therefore requested him to suspend the protest for twentyfour hours more, and to apply to the holders of the bills for permission, adding that near twenty of them belonged to M. Cabarrus, and that from the friendly conduct of several of the others I had reason to flatter myself, that they would readily consent. He seemed surprised at what I said respecting my expectations from M. Cabarrus, and with a degree of indignation told me, that M. Cabarrus was more pressing than any of the others, and had already sent him two messages to conclude the matter with me without delay, that he had received one of the messages the day before, and the other that

morning. He nevertheless cheerfully undertook to obtain permission from the holders of the bills to wait till the next afternoon, and succeeded in it.

The next morning, viz. the 16th of March, I waited upon the Ambassador. I mentioned to him these several facts, and told him, that my hopes from M. Cabarrus were at an end, for that exclusive of other circumstances it was not probable that, considering his lucrative connexions with government, he would risk treating the promise of the Minister, made in consequence of his own offer, with so little respect, as to demand such formal and unusual securities for the performance of it, unless there had been some previous concert, or indirect management in the case. The Ambassador declined assenting to this opinion. He promised to see the Minister, with whom he was that day to dine, and to send me his positive and final answer by four o'clock in the afternoon.

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Having prepared the draft of a protest, I thought it would not be amiss to show it to the Ambassador. He returned it to me without making any other remark, than that it was rather pointed.

From the Ambassador's I went to M. Cabarrus'; he had not been at the Pardo, and was then at a meeting of merchants, to whose consideration his plan of a bank had been referred.

The Ambassador went to the Pardo and mentioned the matter to the Minister, who replied briefly, "that affair is already arranged with M. Cabarrus," but the Chevalier de Bourgoing, having been desired to bring back a decided answer, applied to M. Del Campo on the subject, who told him, "that they could not possibly comply with M. Cabarrus' terms; that he had written so that morning to M. Cabarrus by a private courier, and that in the evening the Minister would repeat it to him officially." On the Chevalier's mentioning this to the Ambassador, he was clearly of opinion that I had not any resource left, and, therefore, that the bills must be protested, and that the Chevalier should tell me so. I showed the protest, as translated into Spanish by M. Gardoqui, to the Chevalier. The original in English is as follows.

"Mr Jay says, that when he accepted the bills hereunto annexed, he had good reason to expect to be supplied with the funds necessary to pay them. That he has been disappointed in the expectations he was encouraged to entertain on this subject, and that his endeavors to obtain moneys for the purpose both here and elsewhere have been unsuccessful, although the bills which remain to be paid by him, together with all his other engagements, do not exceed twentyfive thousand pounds sterling. That these disappointments being unexpected, he cannot, for want of time, have recourse to Congress, and, therefore, finds himself reduced to the mortifying necessity of permitting them to be protested."

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The Chevalier approved of the protest, but the notary on reading it observed, that the sum was really so trifling, that he thought it would do better to strike it out. The Chevalier was struck with this remark, and advised me with some earnestness to make no mention of the sum, for, said he, "it will appear very extraordinary, that you should be obliged to protest the bills of Congress for the want of such a sum, and people will naturally turn their eyes towards France, and ask how it happened that your good allies did not assist you; it will look as if we had deserted you."

I replied, that since the bills must be protested, I was content that my true situation should be known. I admitted his inferences to be just, and naturally flowing from the facts, adding, that as France knew my situation and had withheld relief, she had so far deserted us; but that I was, nevertheless, mindful of the many proofs we had received of her friendship, and should not cease to be grateful for the ninety-nine acts of friendship she had done us, merely because she had refused to do the hundredth.

In short, I directed the notary to recite this protest *verbatim*.

This protest was drawn at my leisure, and with much consideration. It operated as I expected, and I am persuaded you will see the reason of each sentence in it without the aid of my comments. I will only remark, that I was at first induced to insert, and afterwards to refuse striking out the sum, lest from leaving it uncertain, the public might have had room to conjecture, or individuals to insinuate, that I had imprudently run into such rash and expensive engagements, as to render it improper for Spain or France to afford me the necessary supplies.

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Nor did it appear to me that both of them should have reason to be ashamed of permitting our credit to be impeached and injured for such an unimportant sum. Both Courts were blamed, and we not only acquitted, but pitied by the public.

I ought to inform you, that the sum which I really wanted did not amount to twentyfive thousand pounds, but as some straggling bills frequently made their appearance, and it could not be foreseen how much those which might still be behind would amount to, I thought it advisable to make a considerable allowance on that score; for in case I should have asked for less than might afterwards have proved indispensable, I should, doubtless, have been put to great difficulties in obtaining a supply for the deficiency.

In justice to the bankers who held the protested bills, I must say that they in general appeared disposed to show me every reasonable indulgence. The house of Joyes and Sons, though

considered as anti-American, were particularly civil. They offered to take such of the bills as had been remitted to them on themselves, provided I would only pass my word for the payment of them within a few weeks; but as I had no assurance of funds, I could not risk it. Besides, unless all the bills due could have been suspended on the like terms, it could have answered no purpose, because the difference of protesting a few bills more or less was unimportant. The conduct of Don Ignacias Salaia, the notary, was so particularly and singularly generous, that I cannot forbear mentioning it. Though without expectations, and uninfluenced by promises from me, he behaved as if the case had been his own, and proved the sincerity of his professions by doing everything in his power to serve me. On perceiving how much he was engaged in my favor, I did not choose to lessen the appearance of its being disinterested by promises of rewards. But after the bills were protested, and he could be of no further use, I sent him a gold piece of sixteen dollars, as an acknowledgment for the trouble I had given him. He returned it with an assurance, that he wished to serve me from other motives, and the next day waited upon me to thank me for that mark of attention, and again to assure me that his best services were always at my command.

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When the bills were protested, and M. Cabarrus' conduct mentioned in his presence, the poor fellow literally shed tears. I was much affected by the warmth and generosity of this man's heart, and should not have readily pardoned myself, had I neglected to bear this testimony to the goodness of it.

During the whole time that this matter was in agitation, that is from the 11th to the 16th of March, and for sometime afterwards, M. Cabarrus did not come near me.

On the 18th I wrote a letter to Dr Franklin informing him of the protest, and reciting the reasons assigned for it. I also hinted the propriety of taking up the bills at Paris, if possible.

The national pride of the Ambassador of France was hurt by this event; I am sure he regretted it as disreputable and impolitic. I remarked to him, that most of our cross accidents had proved useful to us, and that this might save us the Mississippi. For I thought it more prudent to appear a little incensed than dispirited on the occasion. I suspect that there has been an interesting conversation between the two Courts about us. He told me this winter, that he believed Spain wished to modify our independence, and to keep herself in a situation to mediate between us and England at the general peace. He did not explain himself further. As great successes on our part must operate against such designs, the Spanish Minister can neither rejoice in, nor be disposed to promote them; and this may help both to account for the little impression made by the capitulation of York, and for their conduct as to our bills and propositions, &c. I am sure that they fear us too, and the more, perhaps, as they have misbehaved towards us.

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Not many days elapsed before a special courier from Paris brought advices to this Court, that the British Parliament had resolved to advise the King to cease all offensive operations against us, &c. This, and the subsequent debates and resolutions of Parliament relative to the American war, made a deeper impression here in our favor than any event which has happened since my arrival. New ideas seemed to pervade the whole Court and people, and much consultation as well as surprise was occasioned by it.

On the 26th of March I received the following letter from Dr Franklin, from the hands of M. Cabarrus, to whom I behaved, on that occasion, with reserved and cold politeness.

"Passy, March 16th, 1782.

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"Dear Sir,

"I have received your several favors of January 30th, February 11th and March 1st, and propose to write fully to you by the next post. In the meantime this line may serve to acquaint you, that I paid duly all your former bills drawn in favor of M. Cabarrus, and that having obtained a promise of six millions for this year, to be paid me quarterly, I now see that I shall be able to pay your drafts for discharging the sums you may be obliged to borrow for paying those upon you, in which however I wish you to give me as much time as you can, dividing them so that they may not come upon me at once. Interest should be allowed your friends who advance for you. Please to send me a complete list of all the bills you have accepted, their numbers and dates, marking which are paid, and what are still to pay.

"I congratulate you upon the change of sentiments in the British nation. It has been intimated to me from thence, that they are willing to make a separate peace with us exclusive of France, Spain, and Holland, which so far as relates to France is impossible; and I believe they will be content that we leave them the other two; but Holland is stepping towards us, and I am not without hopes of a second loan there. And since Spain does not think our friendship worth cultivating, I wish you would inform me of the whole sum we owe her, that we may think of some means of paying it off speedily.

"With sincerest regard, I am, &c. &c.

B. FRANKLIN.

"P. S. The Marquis de Lafayette has your letter."

I answered this letter as follows, by a French courier.

"Madrid, March 19th, 1782.

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"Dear Sir,

"On the 18th instant I informed you of my having been reduced, by M. Cabarrus' want of good faith, to the mortifying necessity of protesting a number of bills, which were then payable.

"Your favor of the 16th instant reached me three days ago. It made me very happy, and enabled me to retrieve the credit we had lost here by those protests. I consider your letter as giving me sufficient authority to take the necessary arrangements with the Marquis d'Yranda for paying the residue of my debts here, as well as such of the protested bills as may be returned for that purpose.

"The account you request of all the bills I have accepted is making out, and when finished shall be transmitted by the first good opportunity that may offer. You may rely on my best endeavors to render my drafts as little inconvenient to you as possible.

"The British Parliament, it seems, begin to entertain less erroneous ideas of us, and their resolutions afford a useful hint to the other powers in Europe. If the Dutch are wise, they will profit by it. As to this Court, their system (if their conduct deserves that appellation) with respect to us has been so opposite to the obvious dictates of sound policy, that it is hard to divine whether anything but experience can undeceive them. For my part, I really think that a treaty with them daily becomes less important to us.

"That Britain should be desirous of a separate peace with us is very natural, but as such a proposal implies an impeachment of our integrity, I think it ought to be rejected in such a manner as to show that we are not ignorant of the respect due to our feelings on that head. As long as France continues faithful to us, I am clear that we ought to continue hand in hand to prosecute the war until all their, as well as all our, reasonable objects can be obtained by a peace, for I would rather see America ruined than dishonored. As to Spain and Holland, we have as yet no engagements with them, and therefore are not obliged to consult either their interest or their inclinations, further than may be convenient to ourselves, or than the respect due to our good allies may render proper.

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"France, in granting you six millions, has acted with dignity as well as generosity. Such gifts, so given, command both gratitude and esteem, and I think our country possesses sufficient magnanimity to receive and remember such marks of friendship with a proper degree of sensibility. I am pleased with your idea of paying whatever we owe to Spain. Their pride, perhaps, might forbid them to receive the money. But our pride has been so hurt by the littleness of their conduct, that I would in that case be for leaving it at the gate of the palace, and quit the country. At present such a step would not be expedient, though the time will come when prudence, instead of restraining, will urge us to hold no other language or conduct to this Court than that of a just, a free, and a brave people, who have nothing to fear from, nor to request of them.

"I am, &c. &c.

JOHN JAY."

On receiving Dr Franklin's letter I sent for my good friend the notary, and desired him to make it known among the bankers, that I had received supplies equal to all my occasions, and was ready to pay to every one his due. He received the commission with as much pleasure as I had the letter. He executed it immediately, and our credit here was re-established.

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M. Cabarrus became displeased with himself, and took pains to bring about a reconciliation by the means of third persons, to whom I answered, that as a Christian I forgave him, but as a prudent man, could not again employ him. As this gentleman has suddenly risen into wealth and importance, and is still advancing to greater degrees of both, I shall insert a letter, which I wrote in reply to one from him on the subject.

**TO M. CABARRUS.**

"Madrid, April 2d, 1782.

"Sir,

"I have received the letter you did me the honor to write on the 29th of March last.

"As soon as the examination of your accounts shall be completed, I shall be ready to pay the balance that may be due to you, either here or by bills on Paris.

"I should also be no less ready to subscribe a general approbation of your conduct, if the latter part of it had been equally fair and friendly with the first.

"Although it always affords me pleasure to recollect and acknowledge acts of friendship, yet, Sir, I can consider only one of the five instances you enumerate as entitled to that appellation. I shall review them in their order. You remind me,

*"1st. That you risked the making me considerable advances, at a time when I could only give you hopes, and not formal assurances of repayment.*

"I acknowledge freely and with gratitude, that (exclusive of the commissions due to you for paying out the various sums I had placed in your hands) you did advance me between twenty and thirty thousand dollars; but as the United States of America were bound to repay it, and I had reason to expect supplies to a far greater amount, I conceived, and the event has shown, that you did not run any great risk, although the uncertainty of the time when these supplies would be afforded, prevented my giving you positive and formal assurances of the time and manner of repayment.

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*"2dly. That you augmented these advances to quiet the demands of the Marquis d'Yranda.*

"Permit me to remind you, that this circumstance might have been more accurately stated. The fact was as follows. I had received about fifty thousand dollars, which, by a prior contract, I had agreed to pay the Marquis on account of a greater sum borrowed from him in paper. The sum in question was in specie. You and others offered to exchange it for paper at the then current difference. The preference was given to you. Under that confidence, and for that express purpose, the specie was sent to your house, and you did exchange it accordingly. With what propriety, Sir, can you consider this transaction in the light of making advances, or lending me money to quiet the Marquis d'Yranda? It is true that by sending the money to your house I put it in your power, by detaining part of it, to repay yourself what you had before advanced. But, Sir, such a proceeding would have been a flagrant breach of trust; and I cannot think any gentleman ought to give himself, or expect to receive, credit for merely forbearing to do a dishonorable action.

*"3dly. That you gave me, on my signature, the money for which I applied to you for my personal use, without detaining any part of it on account of the balance then due to you.*

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"The transaction you allude to was as follows. I had authority to draw from his Excellency, Dr Franklin, on account of my salary. It happened to be convenient to me to draw for a quarter. You agreed to purchase my bill on him, and to pay me in specie at the current exchange. As it was post day, I signed and sent you the bill before I had received the money. These are the facts, and it seems two favors are to be argued from them. First, that you did not scruple my signature, or in other words, that you took my bill. To this I answer, that you had no reason to doubt its being honored. All my former ones had been duly paid. Nor could you or others produce a single instance, in which my signature had not justified the confidence reposed in it. Secondly, that by sending you the bill before you had sent me the money for it, I gave you an opportunity of keeping the money, and giving my public account credit for it, and that in not taking this advantage you did me a favor.

"After having agreed to purchase this bill, and pay me the money for it, you could have no right to detain it. And surely, Sir, you need not be informed, that there is a wide distinction between acts of common justice and acts of friendship. I remember that there was then but little demand for bills on Paris, and so far as you may have been induced to take this one, from regard to my convenience, I am obliged to you.

*"4thly. That by your agency you accelerated the payment of the twentysix thousand dollars.*

"I really believe, Sir, that you did accelerate it, and you would have received my thanks for it, if the unusual and very particular manner, in which the order for that payment was expressed, had not been less consistent with delicacy, than with those improper fears and apprehensions, which the confidence due to my private as well as public character, ought to have excluded from your imagination. All the preceding orders, which had been given on similar occasions, directed the money to be paid to me. But in this instance, as I owed you a considerable balance, care was taken that the twentysix thousand dollars should not, as formerly, be paid to me, but to you on my account.

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*"5thly. That you offered to make me further advances, if either the Ambassador of France or the Minister of State would give you a positive order for the purpose, which you say they constantly refused.*

"It is true, Sir, that you offered to supply me with money to pay my acceptances for the month of March, provided the Minister of State or the Ambassador of France would engage to see you repaid with interest, within a certain number of months, sometimes saying that you would be content to be repaid within seven months, and at others within ten or twelve months, and you repeated this offer to me in these precise terms on the 11th of March last.

"This offer was friendly. I accepted it with gratitude, and in full confidence that you would punctually perform what you had thus freely promised. I accordingly made this offer known to the Minister, and solicited his consent. On the 15th day of March he authorised the Ambassador of France to inform me, that you might advance me from forty to fifty thousand current dollars on

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those terms. The Ambassador signified this to me by letter, and that letter was immediately laid before you. Then, Sir, for the first time, did you insist on being repaid in four months, and that in four equal monthly payments, secured by orders on the rents of the post-office, or on the general treasury, &c. &c. These terms and conditions were all new, and never hinted to me in the most distant manner until after the Minister had agreed to your first offer, and until the very moment when the holders of the bills were demanding their money, and insisting that the bills should either be paid or protested.

"The Minister rejected these new conditions, and you refused to abide by the former ones. The bills were then due. I had no time even to look out for other resources, and thereby was reduced to the necessity of protesting them.

"Such conduct, Sir, can have no pretensions to gratitude, and affords a much more proper subject for apology than for approbation. I confess that I was no less surprised than disappointed, and still remain incapable of reconciling these deviations from the rules of fair dealing, with that open and manly temper which you appear to possess, and which I thought would insure good faith to all who relied on your word.

"How far your means might have failed, how far you might have been ill-advised, or ill-informed, or unduly influenced, are questions, which, though not uninteresting to you, are now of little importance to me.

"I acknowledge with pleasure, that until these late singular transactions I had reason to believe you were well attached to the interests of my country, and I present you my thanks for having on several former occasions endeavored to promote it.

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"I am, &c. &c.

JOHN JAY."

As M. Cabarrus was concerned in contracts with government for money, and was the projector of several of their ways and means for supplying the Royal Treasury, it appeared to me expedient that he should wish us well, and be our banker. Some advantages have arisen from it, and they would probably have been greater, if not opposed by the great and unfriendly influence of M. Del Campo. At the same time that I blame M. Cabarrus, I cannot but pity him, for there is much reason to consider him in the light of the *scape goat*.

I have now employed Messrs Drouilhet to do our business; that house is one of the most considerable here in the banking way.

I showed Dr Franklin's letter to the Ambassador of France, and made him my acknowledgments for the generous supply afforded by his Court to ours. He seemed very happy on the occasion, and regretted it had not been done a little sooner.

His secretary remarked to me, that Spain would suspect that this subsidy had been granted in consequence of the protest of our bills, and that this Court would make it the cause of complaint against France.

The Court left the Pardo, and passed the Easter holidays at Madrid. I denied myself the honor of waiting on the Minister on that occasion, nor have I seen him since the protest of our bills. My judgment, as well as my feelings, approved of this omission. The Court are now at Aranjues, where I have taken a house, and purpose to go soon after these despatches shall be completed.

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On the 30th of March I was surprised by the following note, being the first of the kind which I have received from the Minister since my arrival.

### **Translation.**

"The Count de Florida Blanca has been to take the orders of V. S.<sup>[2]</sup> for Aranjues, where he hopes to have the honor of the company of V. S. at his table, every Saturday after the 11th of May next ensuing."

This invitation is imputable to the late news from England, and the grant of six millions by France was probably accelerated by it. Both Courts are watching and jealous of us. We are at peace with Spain, and she neither will nor indeed can grant us a present subsidy. Why then should we be anxious for a treaty with her, or make sacrifices to purchase it? We cannot now treat with her on terms of equality, why therefore not postpone it? It would not perhaps be wise to break with her; but delay is in our power, and resentment ought to have no influence.

Time would secure advantages to us, which we should now be obliged to yield. Time is more friendly to young than to old nations, and the day will come when our strength will insure our rights. Justice may hold the balance and decide, but if unarmed will for the most part be treated like a blind woman. There is no doubt that Spain requires more cessions than England, unless extremely humbled, can consent to. France knows and fears this. France is ready for a peace, but

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not Spain. The King's eyes are fixed on Gibraltar. The Spanish finances indeed are extremely mismanaged, and I may say pillaged. If England should offer us peace on the terms of our treaty with France, the French Court would be very much embarrassed by their alliance with Spain, and as yet we are under no obligations to persist in the war to gratify this Court. It is not certain what England will do, nor ought we to rely on the present promising appearances there; but can it be wise to instruct your Commissioners to speak only as the French Ministers shall give them utterance? Let whatever I write about the French and their Ambassador here be by all means kept secret. Marbois gleans and details every scrap of news. His letters are very minute, and detail names and characters.

Sweden is leaning towards us, and it will not be long before the Dutch become our allies. Under such circumstances, Spain ought not to expect such a price as the Mississippi for acknowledging our independence.

As it is uncertain when I shall again have so good an opportunity of conveying a letter to you as the present, I have been very particular in this. The facts might perhaps have been more methodically arranged, but I thought it best to state them as they arose; and though some of them separately considered do not appear very important, yet when viewed in connexion with others, they will not be found wholly uninteresting.

You will readily perceive on reading this letter, that parts of it relate to Mr Morris's department. I hope he will excuse my not repeating them in a particular letter to him, especially as he will readily believe, that the length of this, and the cyphers used in it, have fatigued me a good deal.

All the cyphers in this letter are those in which I correspond with Mr Morris, and the only ones I have received from him. They were brought by Major Franks and marked No. 1. Several of my former letters to Mr Thompson and you mentioned, that his cypher was not to be depended upon. The copy of it, brought by Mr Barclay, which is the only copy I have received of the original by Major Franks, having passed through the post office, came to my hands with marks of inspection on the cover.

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I received, the 12th of April, a packet of newspapers, which I believe was from your office. It was brought to Bilboa by Mr Stockholm; but not a single line or letter from America accompanied it.

On the back of the packet there was this endorsement, "Bilboa, April 3d, 1782, brought and forwarded by your Excellency's very humble servant Andrew Stockholm." Notwithstanding this, it was marked *Paris* by the post office, and charged with postage accordingly, viz. one hundred and six reals of vellon. I sent the cover to the director of the post office, but he declined correcting the mistake. Thus are all things managed here.

The *Courier de l'Europe* informs us, that the English Ministry are totally changed, and gives us a list of those who form the new one. I think it difficult to predict how this change may eventually operate with respect to us. I hope we shall persevere vigorously in our military operations, and thereby not only quiet the fears and suspicions of those who apprehend some secret understanding between us and this Ministry, but also regain the possession of those places, which might otherwise counterbalance other demands at a peace.

Great preparations are making here for a serious attack on Gibraltar. The Duc de Crillon will doubtless command it. His good fortune has been very great.

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It is natural as well as just, that Congress should be dissatisfied with the conduct of this Court; they certainly have much reason; and yet a distinction may be made between the Ministry and the nation, the latter being more to be pitied than blamed.

I must now resume a subject, which I did not expect to have had occasion to renew in this letter.

You may observe from the copy of the Count de Florida Blanca's note, containing an invitation to his table at Aranjues, and left at my house by his servant, that it was not expressly directed to me. This omission raised some doubt in my mind of its being intended for me, but on inquiry I found that the other Ministers had in the same manner received similar ones, and not directed to them by name. I mentioned my having received it to the Ambassador of France. He told me the Count had not mentioned a syllable of it to him. I desired him to take an opportunity of discovering from the Count, whether or no there was any mistake in the case, and to inform me of the result, which he promised to do.

On the 23d of April instant, the Ambassador being then in town, I paid him a visit. He told me, that on mentioning the matter to the Count, he said it must have happened by mistake, for that he intended only to ask my orders for Aranjues, but that he was nevertheless glad the mistake had happened, as it would give him an opportunity, by mentioning it to the King, to obtain his permission for the purpose, and to that end desired the Ambassador to write him a note stating the fact. The Ambassador did so, and the Count afterwards informed him, that he had communicated it to the King, who, with many expressions of regard for our country, had permitted him to invite me as a private gentleman of distinction belonging to it. He authorised the Ambassador to communicate this invitation to me, and also to inform me, that I might bring Mr Carmichael with me.

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Much conversation ensued between the Ambassador and myself, consisting of my objections to

accepting this invitation, and his answers to them. But as we continued to differ in sentiment, and he was going out, I agreed to think further of the matter before I gave my final answer.

For my part I doubt there having been any mistake. I think it more probable, that the Minister, afterwards reflecting on the use that might be made of this note, wished to render it harmless by imputing it to mistake, and substituting a more cautious invitation. For it can hardly be supposed, either that his servant would, for the first time in two years, leave such a note at my house unless ordered; or that he himself would for the first time in his life, and that in writing, inform me of his having called to take my orders for Aranjues, without taking care that his amanuensis wrote as he dictated. He was probably warmed by the news from England and Holland, and, in the perturbation of spirits occasioned by it, was more civil than on cool reflection he thought was expedient, especially on further considering, that the Ambassador might not be well pleased at not having been privy to it.

A few days afterwards I wrote the Ambassador the following letter on the subject.

"Madrid, April 27th, 1782.

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"Sir,

"Be pleased to accept my thanks for the very friendly part you have acted relative to the Minister's written invitation left at my house, and the verbal one since conveyed from him to me by your Excellency. I have deliberately re-examined my former sentiments respecting the propriety of accepting it; and as they remain unaltered, my respect for your judgment leads me to refer them, fully explained, to your further consideration.

"As the Minister informed your Excellency, that the written invitation was left at my house by *mistake*, I think nothing remains to be said relative to it. On the discovery of that mistake, the Minister it seems was so obliging as to apply for, and obtain the consent of the King to renew the invitation, not in *general terms*, but in terms expressly declaring, that it was given to me as a private gentleman, and was so to be accepted; with the additional favor, nevertheless, of being permitted to bring Mr Carmichael with me.

"The only objection, which opposes my accepting it, arises from this question, viz. whether a Minister or representative of an independent sovereign can with propriety accept any invitation, which in the terms of it impeaches his title to that character? So far as this question respects the Ministers of independent states and kingdoms in general, your Excellency will agree with me in opinion that it must be answered in the negative. The next inquiry which presents itself is, whether the United States of America come so far under that description as to render this reasoning applicable to their Ministers? Every American thinks they do. Whatever doubts this, or other Courts may entertain relative to their independence, the United States entertain none, and therefore their servants ought not, by words or actions, to admit any. For instance, ought General Washington to accept an invitation, which expressly imposed upon him the condition of laying aside his uniform, and appearing at table in the dress of a private gentleman? I think not. If this reasoning be just, the impropriety of my accepting this invitation becomes manifest, and all arguments from the expediency of it must cease to operate. For my part I consider it as a general rule, that although particular circumstances may sometimes render it expedient for a nation to make great sacrifices to the attainment of national objects, yet it can in no case be expedient for them to impair their honor, their dignity, or their independence.

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"As to the temporary advantages, which might result from accepting this invitation, I find them balanced by at least equal disadvantages. There can be no doubt on the one hand, but that my frequenting the Count de Florida Blanca's table on the days appointed for entertaining the foreign Ministers would impress a general opinion, that Spain was about to become our allies, and I readily admit, that such an opinion might operate to our advantage in other countries. But on the other hand, when the Count de Florida Blanca, in order (though perhaps in vain) to save appearances, shall inform those foreign Ministers, that I was expressly invited as a private gentleman, and had consented to come in that character, they would naturally entertain ideas, which would tend to diminish rather than increase their respect for America and American legations.

"It would give me pain if the Count de Florida Blanca should suppose me to be in the least influenced by the promising aspect of our affairs. I flatter myself he will not incline to that opinion, when he reflects on the particular circumstances under which the United States declared themselves independent, and under which they afterwards refused to treat with their then victorious enemies, on any terms inconsistent with it.

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"Although offence and disrespect are very far from my thoughts, I fear the Count will be a little hurt at my declining the invitation in question. I am persuaded that he meant to do me a favor, and I feel myself indebted for his friendly intentions. But as the considerations mentioned in this letter forbid me to accept it, I wish to communicate that circumstance to him in the most soft and delicate manner, and, therefore, request the favor of your Excellency to undertake it.

"I have the honor to be, &c.

JOHN JAY."

Reasons similar to those assigned for this refusal have induced me ever since my arrival to decline going to Court, where I might also have been presented as a stranger of distinction, but as Mr Carmichael had been presented in that character previous to my coming to Madrid, I never objected to his making subsequent visits.

I am, Dear Sir, with great regard and esteem, your most obedient and very humble servant,

JOHN JAY.

**FOOTNOTES:**

- [2] *Vuestra Senoria. Your Lordship, or Your Excellency.* We have no title, which exactly corresponds with the Spanish.

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**ROBERT R. LIVINGSTON TO JOHN JAY.**

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Philadelphia, May 9th, 1782.

Dear Sir,

Your letter of the 6th of February, with a duplicate of that of August last, directed to the President, has been received and read in Congress. I am extremely surprised to find from that and yours to me, that so few of my letters have reached you, since no vessel has sailed from this, or, indeed, from any of the neighboring ports, without carrying letters or duplicates of letters from me. The whole number directed to you, including the duplicates from October to this time, amounts to twentyfour; so that they must certainly be suppressed in many instances. But what astonishes me more, is to find that you cannot read my letter, No. 3, and the duplicate of No. 2; when, upon examining my letter book, I find it is written in the very cypher, which you acknowledge to have received, and in which your letter of the 20th of September is written; so that if it is not intelligible, it must have undergone some alteration since it left my hands, which I am the more inclined to think, because you speak of a cypher said to be enclosed, of which my letters make no mention, and only notes a slight alteration in Mr Thompson's cypher. My first letter was in our private cypher; this you had not received. My second, by the Marquis de Lafayette, in cypher, delivered to me by mistake by Mr Thompson, and lost with Mr Palfrey. My third, in the cypher sent by Major Franks, a duplicate of which was sent by Mr Barclay; and that enclosed a copy of my letter, No. 2. I had then discovered the mistake, so that I can in no way account for your being unable to decypher it.

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Since my last, of the 28th of April, we have been informed of the change in the British administration. We have seen the act for enabling the King to make peace, and the new plan has begun to open itself here under the direction of Sir Guy Carleton. You, who know your countrymen, will feel little anxiety on this subject. It is proper, however, that you should be enabled to calm the apprehensions, which those who know us less and are interested in our measures may entertain. I have the pleasure of assuring you, that it has not produced the slightest alteration in our sentiments; that we view a change of men and measures with the utmost philosophic indifference. We believe that God has hardened the heart of Pharaoh, so that he cannot let the people go, till the first born of his land are destroyed; till the hosts are overthrown in the midst of the sea; and till poverty and distress, like the vermin of Egypt, shall have covered the land. The general sentiment here seems to be, that new endeavors will be so used to detach us from our ally, that the best answer to such attempts to disgrace us will be a speedy and spirited preparation for the ensuing campaign.

When Sir Guy Carleton arrived at New York, he found them in violent convulsions about the demand that General Washington had made of the persons who perpetrated the murder upon an officer of the Jersey levies, one Captain Huddy, whom they made prisoner, carried to New York, and afterwards taking him out of jail hung him in the county of Monmouth. I enclose the General's letter, and the other letters that have passed on that occasion. The affair has not yet ended; the British officers insist upon his [i. e. Lippincott, who hung Huddy] being given up. The refugees support him. A court martial is now sitting for his trial. In the extracts sent out by General Robertson are contained the cases of all the persons, that have been tried and convicted of robbery, horse stealing, &c. in the Jerseys since the war, as they have protected every species of villany. They wish us to consider every felon we hang, as a part of their regular corps.

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Your last despatches by Colonel Livingston did not come to hand. The vessel in which he sailed was taken and carried into New York. He destroyed his letters. He was immediately committed to the Provost, where he met with your brother, who had been sometime confined there. On the arrival of General Carleton, which was a few days after, both were liberated on their *paroles*, so that Mr Livingston can give us no intelligence of any kind. Carleton spoke to him in the most frank and unreserved manner, wished to see the war carried on, if it must be carried on, upon more generous principles than it has hitherto been; I told him he meant to send his secretary to

Congress with despatches, and asked whether the Colonel would take a seat in his carriage. Mr Livingston told him, that his secretary would certainly be stopped at the first post; upon which he expressed surprise, and inquired whether Mr Livingston would himself be the bearer of them, which he declined, unless they contained an explicit acknowledgment of our independence, and a resolution to withdraw the British troops. He replied, he was not empowered to make any such proposition, and that his letter was merely complimentary. The next day he wrote to the General the letter, a copy of which, No. 1, is enclosed. The General sent the answer, No. 2; these letters being laid before Congress, they came to the resolution No. 3. You will judge from these circumstances, whether it is probable, that Britain will easily seduce us into a violation of the faith we have pledged to our allies.

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I am particular in giving you every information on this head, because I am persuaded, that means will be used by our enemies to induce a belief that this country pines after peace and its ancient connexion with England. It is strictly true, that they are very desirous of peace. But it is also true, that the calamities of war press lighter upon them every day, from the use they are in to bear them, and from the declining strength of the enemy. They consider themselves as bound, both in honor and interest, to support the alliance, which they formed in the hour of distress; and I am satisfied, that no man would be found in any public assembly in America sufficiently hardy, to hint at a peace upon any terms, which should destroy our connexion with France.

I yesterday took the sense of Congress upon the propriety of giving you leave of absence. They have declined giving any answer to that part of your letter, from which you are to conclude that they do not conceive it advisable at present. I enclose the resolution I proposed, which they thought it proper to postpone.

In all our transactions in Spain we are to consider the delicate situation in which they stand with France, the propensity of the former to peace, and the need that the latter has of their assistance. I should conceive it necessary, therefore, rather to submit with patience to their repeated delays than give a handle to the British party at Court. For this reason I conceive that no advantage could result from demanding a categorical answer, and that it might involve us in disagreeable circumstances. The resolution enclosed in my last will either serve as a stimulus to the politics of Spain, or leave us a latitude on the negotiation for a peace, which will be of equal advantage to us with any of those slight aids, which Spain seems willing or able to give us. Congress have found so little advantage from sending embassies to Courts, who have shown no disposition to aid them, that they have passed the enclosed resolution, No. 4. Every saving is an object of importance with them, and they feel very heavily the expense of their foreign embassies, which are in some particulars unnecessarily expensive.

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The complaints, which have justly been made of the mode in which our Ministers are paid, have induced Congress to direct the financier to fall upon some other mode. The one adopted will be very advantageous to our Ministers. He proposes to make his payments here quarterly. I shall, as your agent, receive the amount, make out the account, and vest it in bills at the current rate, and remit them to Dr Franklin, and send you advice when I do it; or, when opportunity offers, send them directly to you. I shall follow your directions if you have any other to give, with respect to the money due to you, and consider myself liable in my private capacity for all the money I receive on your account, till you appoint another agent. This will simplify Mr Morris's account, he only opening one with the department of Foreign Affairs.

Your present account will commence the 1st of January. I wish you to transmit a state of your account prior to that date, and I will procure and remit you the balance.

We have nothing new but what you may collect from the papers enclosed. The Count de Montmorin will see with pleasure, that the birth of a Dauphin has been received here at this critical time in such a manner as to evidence our attachment to the King his father, and the French nation.

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I am embarrassed beyond expression at the misfortune that happened to Mr Thompson's cypher. I shall enclose another with this, and send them both to Mr Harrison, with special directions to send them safely to you.

It must have been long since you heard from me. Our ports have been totally shut up for some time, and no less than three vessels with despatches from me to you have been taken and carried into New York within two months.

As you seem to suppose my appointment has not been sufficiently notified to you, to authorise your directing your letters to me, I enclose the resolution for my appointment, together with that for the organization of the office.

I have the honor to be, &c.

ROBERT R. LIVINGSTON.

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**TO ROBERT R. LIVINGSTON.**

Madrid, May 14th, 1782.

Dear Sir,

A letter from Dr Franklin calls me to Paris. I set off in about five days. He has doubtless written to you on this subject. Major Franks is on the way to you with despatches from me. Be pleased to send your future letters for me under cover to Dr Franklin. No inconveniences will be caused by my absence. The instructions intended for M. Del Campo are to be sent to the Count d'Aranda. I congratulate you on the recognition of our independence by the Dutch. The French have lost a ship of the line, and they say thirteen transports bound to the Indies.

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I hope my future letters will be less unfortunate than many of my former ones. Rely upon it, that I shall continue to write particularly and frequently to you.

With great regard and esteem, &c.

JOHN JAY.

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**ROBERT R. LIVINGSTON TO JOHN JAY.**

Philadelphia, June 23d, 1782.

Dear Sir,

The only letter I have received from you, since that of the 6th of February last, was a few lines, which covered an account of the surrender of Fort St Philip. This success is important, as it not only weakens an enemy, and operates against their future resources, but as it gives reputation to the arms of a nation, that have our sincerest wishes for their prosperity, notwithstanding the little attention we have received from them. This letter goes by too hazardous a conveyance to admit of my entering into many of those causes of complaint, which daily administer food to distrusts and jealousies between Spain and the people of this country. The Havana trade, notwithstanding the important advantages it affords to Spain, meets with the most unjustifiable interruptions. Vessels have been detained for months together, in order to carry on the expeditions which Spain has formed, no adequate satisfaction being allowed for them; and then sent away without convoy; by which means many of them have fallen into the hands of the enemy, and where they did not, the expense and disappointment occasioned by their detention have thrown the greatest discouragements on the trade. The Bahama Islands having surrendered to the arms of Spain, if the copy of the capitulation, published by Rivington, may be depended upon, it is a counterpart to that of Pensacola, and the troops will probably be sent to strengthen the garrisons of New York and Charleston. These transactions, together with the delays and slights you meet with, cannot but have a mischievous effect upon that harmony and confidence, which it is the mutual interests of Spain and America to cultivate with each other. It seems a little singular to this country, that the United Provinces, which never gave us the least reason to suppose that they were well inclined towards us, should precede Spain in acknowledging our rights. But we are a plain people; Courts value themselves upon refinements, which are unknown to us. When a sovereign calls us friends, we are simple enough to expect unequivocal proofs of his friendship.

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Military operations have not yet commenced, so that the field affords us no intelligence, and the Cabinet seems to be closed, by the determination of Congress not to permit Mr Morgan to wait upon them with General Carleton's compliments.

General Leslie, in consequence of the late alteration in the British system (together with the scarcity of provisions in Charleston) proposed to General Greene a cessation of hostilities. I need hardly tell you, that the proposal met with the contempt it deserved. Those, who are unacquainted with our dispositions, would be surprised to hear that our attachment to an alliance with France has gathered strength from their misfortune in the West Indies, and from the attempts of the enemy to detach us from it. Every legislative body, which has met since, has unanimously declared its resolution to listen to no terms of accommodation, which controvenes its principles.

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Congress have it in contemplation to make some alteration in their foreign arrangements, in order to lessen their expenses, but as nothing is yet determined on, I do not think it worth while to trouble you with a plan, which may not be carried into effect.

I have the honor to be, &c.

ROBERT R. LIVINGSTON.

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**TO ROBERT R. LIVINGSTON.**

Paris, June 25th, 1782.

Dear Sir,

My letters from Madrid, and afterwards a few lines from Bordeaux, informed you of my being called to this place by a pressing letter from Dr Franklin.

The slow manner of travelling in a carriage through Spain, Mrs Jay's being taken with a fever and ague the day we left Bordeaux, and the post horses at the different stages having been engaged for the Count du Nord, who had left Paris with a great retinue, prevented my arriving here until the day before yesterday.

After placing my family in a hotel, I immediately went out to Passy, and spent the remainder of the afternoon in conversing with Dr Franklin on the subjects, which had induced him to write for me. I found that he had then more reason to think my presence necessary than it seems to be at present.

Yesterday we paid a visit to Count de Vergennes. He gave me a very friendly reception, and entered pretty fully with us into the state of the negotiation. His answer to the British Minister appeared to me ably drawn. It breathes great moderation, and yet is so general as to leave room for such demands as circumstances, at the time of the treaty, may render convenient.

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There is reason to believe, that Mr Fox and Lord Shelburne are not perfectly united, and that Rodney's success will repress the ardor of our enemies for an immediate peace. On leaving the Count, he informed us, that he was preparing despatches for America, and that our letters, if sent to him tomorrow morning, might go by the same opportunity. This short notice, together with the interruptions I meet with every moment, obliges me to be less particular than I could wish; but as Dr Franklin also writes by this conveyance, you will doubtless receive from him full intelligence on these subjects.

My last letters also informed you, that the Court of Spain had commissioned the Count d'Aranda, their Ambassador here, to continue with me the negotiation for a treaty with our country. I have not yet seen him, and Dr Franklin concurs with me in opinion, that it is more expedient to open this business by a letter than by a visit.

Mr Adams cannot leave Amsterdam at present, and I hear that Mr Laurens thinks of returning soon to America, so that I apprehend Dr Franklin and myself will be left to manage at least the skirmishing business, if I may so call it, of our commission, without the benefit of their counsel and assistance. You know what I think and feel on this subject, and I wish things were so circumstanced as to admit of my being indulged.

You may rely on my writing often, very often. My letters will now have fairer play, and you will find that I have not ceased to consider amusement and rest as secondary objects to those of business.

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I shall endeavor to get lodgings as near to Dr Franklin as I can. He is in perfect good health, and his mind appears more vigorous than that of any man of his age I have known. He certainly is a valuable Minister, and an agreeable companion.

The Count d'Artois and Duc de Bourbon are soon to set out for Gibraltar. The siege of that place will be honored with the presence of several princes, and therefore the issue of it (according to the prevailing modes of thinking) becomes in a more particular manner interesting. The Duc de Crillon is sanguine; he told me, that in his opinion, Gibraltar was far more pregnable than Mahon. It is possible that fortune may again smile upon him.

I am, Dear Sir, &c.

JOHN JAY.

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**TO ROBERT R. LIVINGSTON.**

Paris, June 28th, 1782.

Dear Sir,

I had the pleasure of writing to you on the 25th instant. As the express, which is to carry that letter, will not depart till tomorrow morning, I have a good opportunity of making this addition to my despatches.

Agreeably to the desire of Congress, as well as my own wishes, I have had the satisfaction of conferring with the Marquis de Lafayette, on several interesting subjects. He is as active in serving us in the cabinet as he has been in the field, and (there being great reason to believe that his talents could be more advantageously employed here, than an inactive campaign in America would admit of there,) Dr Franklin and myself think it advisable, that he should postpone his

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return for the present. The Marquis inclines to the same opinion, and, though anxious to join the army, will remain here a little longer.

The intentions of the British Ministry with respect to us are by no means clear. They are divided upon the subject. It is said that Mr Fox and his friends incline to meet us on the terms of independence, but that Lord Shelburne and his adherents entertain an idea of making a compact with us, similar to that between Britain and Ireland, and there is room to apprehend that efforts will be made to open a negotiation on these subjects at Philadelphia. When it is considered that the articles of a general peace cannot be discussed in America, and that propositions for a separate one ought not to be listened to, it is evident to me, that their sending out commissions can be calculated for no other purpose than that of intrigue.

I should enlarge on this topic, were I not persuaded, that you will see this matter in the same point of view, and that any proposition, which they may offer, will be referred to the American Commissioners in Europe. How far it may be prudent to permit any British agents to come into our country, on such an ostensible errand, is an easy question, for where an unnecessary measure may be dangerous it should be avoided. They may write from New York whatever they may have to propose, and may receive answers in the same manner.

If one may judge from appearances, the Ministry are very desirous of getting some of their emissaries into our country, either in an avowed or in a private character, and all things considered, I should think it most safe not to admit any Englishman in either character within our lines at this very critical juncture. A mild and yet firm resolution, on the impropriety and inexpediency of any negotiation for peace in America, would give great satisfaction to our friends and confirm their confidence in us. We indeed, who know our country, would apprehend no danger from anything that British agents might say or do to deceive or divide us; but the opinions of strangers, who must judge by appearances, merit attention; and it is doubtless best not only to be steadfast to our engagements, but also to avoid giving occasion to the slightest suspicions of a contrary disposition. An opinion does prevail here, that in the mass of our people there is a considerable number who, though resolved on independence, would nevertheless prefer an alliance with England to one with France, and this opinion will continue to have a certain degree of influence during the war. This circumstance renders much circumspection necessary.

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I am, with great regard and esteem, Dear Sir, &c.

JOHN JAY.

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**ROBERT R. LIVINGSTON TO JOHN JAY.**

Philadelphia, July 6th, 1782.

Dear Sir,

Since my letter of the 23d ultimo, Congress have passed the enclosed resolution. My letter had already anticipated it, so that it will only serve to show, that I was warranted in the observations I had made, and am sorry to add, that my prediction, that the troops taken by Spain would be sent to serve against us, seems to be confirmed by an account received from Charleston of a number of soldiers, taken in Pensacola, having been sent there. Could I suppose the Court of Spain entirely regardless of our interests, I should presume, that an attention to their own would keep them from affording such reinforcements to the British here, as will enable them to detach to Jamaica, of any other of their islands, which Spain may have it in contemplation to reduce.

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I am, therefore, fully persuaded, that every measure of this kind must originate merely in the inattention of the officer, and, that if mentioned to his Majesty's Ministers, it will be prevented in future. You will therefore take the earliest opportunity to state it to them, and to show them the pernicious influence it will have, not only upon our measures, but upon those sentiments of friendship and affection, which Congress wish the people of these States to entertain for a nation, that is engaged in the same cause with them, and with whom a variety of considerations will lead them to maintain in future the most intimate connexion.

I have remitted to Dr Franklin the amount of one quarter's salary due to you, which I have vested in bills at six and three pence this money for five livres, which yields a profit to you of about five and a half per cent, and will be more than sufficient to pay the expense of commissions, that this new mode of paying your salaries will subject you to. I have directed an account to be opened with you, and will receive your directions, unless you shall think it proper to appoint some other agent. My Secretary, Mr Morris, will enclose a particular state of your account, exclusive of contingencies, an account of which I wish you to remit me, that I may get it discharged for you. The second quarter being now due, I shall get the accounts passed and the bills remitted by the next opportunity. You will be pleased to pay particular attention to the enclosed paper in cyphers, as it relates to a private transaction of some importance to both of us.

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Let me hear from you on this subject as soon as possible.

I have the honor to be, &c.

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**ROBERT R. LIVINGSTON TO JOHN JAY.**

Philadelphia, September 12th, 1782.

Dear Sir,

We yesterday received letters from Mr Adams by Captain Smedley, who brought out the goods left by Commodore Gillon. These were the first advices, that had reached us from Europe since your short note of the 14th of May. You will easily believe, that this neglect is borne here with some degree of impatience, particularly at this interesting period, when we learn that a negotiation for a peace has commenced, and that Mr Grenville is in France upon that business. Mr Adams's letters take no more notice of this important transaction, than if we were not interested in it; presuming, probably, that we are fully informed from France. I may think improperly upon this subject, but I cannot be satisfied that a quarterly letter from our Ministers is sufficient to give Congress the information, that is necessary for the direction of their affairs; and yet this is much more than we receive. Some pay half yearly, and others offer only an annual tribute. Your last letter, properly so called, is dated in April; Dr Franklin's in March. This is the more mortifying, as want of time can hardly be offered as an excuse by our Ministers, who must certainly have more leisure upon their hands than they know how to dispose of.

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I congratulate you upon your arrival in France, where if your negotiations are not more successful than they have been in Spain, you will at least have some enjoyments, that will console you under your disappointments. Carleton has informed us, that Great Britain had agreed to yield us unconditional independence. I find that he has been too hasty in his opinion, and that the death of the Marquis of Rockingham has made a very material alteration in the system. That this inconsistency may be fully displayed, I would advise you to have the enclosed letter from Carleton and Digby published in Europe. Before the arrival of the packet, every disposition was made for the evacuation of Charleston, which was publicly announced. The Tories have, in consequence of it, come out in crowds with the consent of General Leslie to solicit pardon. The works at Quarter House were burned. Whether the late intelligence will alter their determination I cannot say. High expectations have also been entertained of the evacuation of New York, where the royalists were in despair. Their hopes are again revived.

If the negotiations go on, let me beg you to use every means for procuring a direct trade with the West Indies. It is an object of the utmost importance to us. The exports of Philadelphia alone to the islands amounted before the war to three hundred thousand pounds; they could not have been much less from New York; they were considerable also from the Eastern States. We shall be very long in recovering the distress of the war, if we are deprived of this important commerce. It is certain, too, that the European powers who hold islands would find themselves interested in this intercourse, provided they exclude the introduction of manufactures, which might interfere with their own.

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In proportion to the expense at which articles of the first necessity are furnished, must be the improvement, population, produce, and wealth of the islands, while the inhabitants of these States are compelled by law as well as allured by fashion and habit to receive their manufactures and luxuries from the mother country. She must reap the full benefit of such improvement, population, produce, and wealth. It may be said, that this check upon the exportation of provisions from the parent State would, by reducing the price of grain, discourage agriculture; to this I would observe, that it is extremely doubtful whether it would occasion such reduction; secondly, that if it did, it would be beneficial to the community. My doubt upon the first head arises from this consideration; if, as I maintain, the increased wealth and population of the islands occasioned an increased consumption of the manufactures of the mother country, the provisions that formerly fed the planters abroad are now consumed at home by the manufacturer, and the price of provisions stands where it did, with this clear advantage to the mother country, that by the cheapness of living on the islands, she has increased the number of subjects, who till the earth for her abroad, and by the same means has added to the people, who make her strength and riches at home.

My second position is grounded upon the competition, that prevails at this moment among the maritime manufacturing nations of Europe, France and England particularly. The nation that undersells its rival in foreign markets will sap the foundation of her wealth and power. The nation that can maintain its manufactures, and navigate its vessels at the cheapest rate, will undoubtedly enjoy this advantage, all things else being equal. It is obvious, that the price of labor is regulated by that of provisions, that manufacturers never earn more than a bare subsistence. If so, where provisions are cheap, manufactures can be carried on to most advantage. Of this, the East Indies are a striking proof. In proportion, too, to the price of provisions and the price of labor, which depends upon it, must be the expense of building and navigating ships. Both these advantages, where there is a concurrence, are therefore clearly in favor of the nation, that can reduce the price of provisions within her own kingdom.

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But it may be said, that this reduction of the price of provisions, which seems so desirable in one



view, may be found injurious in another; and that it is at least as expedient to encourage agriculture as manufactures. I agree in the principle, though not in the application. Going back to my first position, that the man who labors gets a bare subsistence, for the moment he does more, the number of laborers in that kind (provided his employment does not require uncommon skill) increases, and his labor is not more profitable, than that of the other laborers of the country. It will follow then, that so far as he consumes what he raises, the price will be entirely out of the question. If a bushel of grain a day is necessary for the support of his family, he will equally raise and equally consume that grain, whether it sells for a penny or a pound. But as there are other articles necessary for the use of his family, that he must purchase, this purchase can only be made by the excess of what he raises beyond his own consumption. If he purchases the manufactures of the country, and they rise in proportion to the value of provisions, it must be a matter of indifference to the husbandman, whether the price of the latter is high or low, since the same quantity will be necessary to purchase what his necessities demand in either case; unless indeed his provisions are carried to foreign markets, and the manufactures he wants imported, in which case the price of his grain will become an object of moment, and operate as an encouragement to agriculture. But it would also in the same proportion operate as a check on the manufactures, population, and navigation of the country. On the first, for reasons which have been already explained; on the second, because manufactures require more hands than agriculture; and on the third, because the expense of labor, which increases with the diminution of population, and the price of victualling the vessels employed in the transportation of their produce, will enable nations, who can maintain their subjects cheaper, to navigate their vessels at a lower rate, and of course to engross this branch of business, unless the laws of the State, such as acts of navigation, shall forbid, in which case those acts will operate so far as a discouragement upon agriculture; the advanced freightage being so much deducted from the husbandman's profit.

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There are many collateral arguments to show the policy of this measure, even with reference to agriculture, arising out of the general positions I have stated, such as the advantage husbandmen find in a manufacturing country, in placing their weak or supernumerary children to trades, and procuring a number of hands on a short notice, at any of those critical periods, which so frequently occur in the culture of land, without being compelled to maintain them all the year, which increase their profit though they reduce the price of grain. But these are too extensive to take notice of here. I will conclude with some observations, which arise from the circumstances of the country with relation to Europe, which I trust will be found so important as to merit attention.

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The commercial nations of Europe begin already to see, that the attention, which is almost universally afforded to the improvement of manufactures, must set bounds to their commerce, unless they can open new markets. Where are these new markets to be found but in America? Here the wishes and habits of the people will concur with the policy of the government, in encouraging the cultivation of their lands at the expense of manufactures. Both will continue to operate while we have a great wilderness to settle, and while a market shall be afforded for our produce. But if that market is shut against us; if we cannot vend what we raise, we shall want the means of purchasing foreign manufactures, and of course must from necessity manufacture for ourselves. The progress of manufactures is always rapid, when once introduced in a country where provisions are cheap, and the means of transportation so extremely easy as it is in America. I am fully persuaded, therefore, that it is the interest of a nation with whom present appearances promise us such extensive commerce as France, to give every encouragement to our agriculture, as the only means of keeping open this market for the consumption of their manufactures.

I meant to write a few lines on this subject, and I have written a treatise; it will however cost you no great trouble to read it, and may possibly afford you some useful hints.

Pigot is at New York, with twentysix sail of the line. The Marquis de Vaudreuil is at Boston with twelve, having lost the Magnifique in the harbor; Congress have presented his Most Christian Majesty with the America, a seventyfour built at Portsmouth. She was to have been commanded by Paul Jones. I wish heartily it were possible to give some employment to that brave officer.

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The allied army is at present at Verplanck's Point, in good health and spirits. Where is the Marquis de Lafayette? We have impatiently expected him these four months. Present my compliments to him, General Du Portail, and Viscount de Noailles. Tell the last I congratulate him on his preferment, though it is with difficulty I rejoice at it, since it is to deprive us of the pleasure of seeing him again.

I have written you four private letters since the last I had from you.

I have the honor to be, Dear Sir,

ROBERT R. LIVINGSTON.

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**TO ROBERT R. LIVINGSTON.**

Paris, September 18th, 1782.

Dear Sir,

I send you herewith enclosed a copy of a translation of an important letter. The original in French I have not seen, and at present is not accessible to me, though I shall endeavor to get a copy of it, in order the better to decide on the correctness of the translation. I am not at liberty to mention the manner in which this paper came to my hands. To me it appears of importance, that it should for the present be kept a profound secret, though I do not see how that is to be done, if communicated to the Congress at large, among whom there always have been and always will be, some unguarded members. I think, however, as I thought before, that your Commissioners here should be left at liberty to pursue the sentiments of their country, and such of their own as may correspond with those of their country.

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I am persuaded (and you shall know my reasons for it) that this Court chooses to postpone an acknowledgment of our independence by Britain, to the conclusion of a general peace, in order to keep us under their direction, until not only their and our objects are attained, but also until Spain shall be gratified in her demands, to exclude everybody from the Gulf, &c. We ought not let France know, that we have such ideas. While they think us free from suspicion they will be more open, and we should make no other use of this discovery than to put us on our guard. Count de Vergennes would have us treat with Mr Oswald, though his commission calls us colonies, and authorises him to treat with any description of men, &c. In my opinion we can only treat as an independent nation, and on an equal footing. I am at present engaged in preparing a statement of objections in a letter to him, so that I have not time to write very particularly to you. The Spanish Ambassador presses me to proceed, but keeps back his powers. I tell him that an exchange of copies of our commissions is a necessary and usual previous step. This Court, as well as Spain, will dispute our extension to the Mississippi. You see how necessary prudence and entire circumspection will be on your side, and if possible secrecy. I ought to add, that Dr Franklin does not see the conduct of this Court in the light I do, and that he believes they mean nothing in their proceedings, but what is friendly, fair, and honorable. Facts and future events must determine which of us is mistaken. As soon as I can possibly have time and health to give you details, you shall have them. Let us be honest and grateful to France, but let us think for ourselves.

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With great regard and esteem, I am, &c.

JOHN JAY.

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**ROBERT R. LIVINGSTON TO JOHN JAY.**

Philadelphia, September 18th, 1782.

Dear Sir,

Since closing the despatches you will receive with this, I was honored with yours of June. Nothing material having since occurred, I only write to enclose the annexed resolutions of Congress, on the subject of your powers for negotiating. I see by yours, that you entertain no hope of a speedy termination of that business, even though you were then unacquainted with the change, that has since taken place in the administration, and which renders peace a more remote object. It has certainly wrought a great change here. The state of negotiations we are yet to learn, as neither you nor the Doctor have entered into that subject.

I hope my despatches by Mr Laurens, with the cyphers under his care, have reached you in safety, as very few either of your or Dr Franklin's letters, passed through the channel through which I usually receive them, come to me uninspected. Be pleased to acknowledge the receipt of my letters, that I may know which have reached you.

I am, Dear Sir,

ROBERT R. LIVINGSTON.

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**TO ROBERT R. LIVINGSTON.**

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Paris, September 28th, 1782.

Dear Sir,

I have only time to inform you, that our objections to Mr Oswald's first commission have produced a second, which arrived yesterday. It empowers him to treat with the commissioners of the *Thirteen United States of America*. I am preparing a longer letter on this subject, but as this intelligence is interesting, I take the earliest opportunity of communicating it.

JOHN JAY.

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**TO ROBERT R. LIVINGSTON.**

Paris, October 13th, 1782.

Dear Sir,

I hope my letter to you of the 18th of September, of which I also sent a duplicate, has come safe to hand, for it contained important matter, viz. a copy of a letter from M. Marbois to the Count de Vergennes, against our sharing in the fishery.

This Court advised and persuaded us to treat with Mr Oswald under his first commission. I positively refused.

Count d'Aranda will not or cannot exchange powers with me, and yet wants me to treat with him; this Court would have me do it, but I decline it.

I would give you details, but must not until I have an American to carry my letters from hence.

Mr Oswald is well disposed. You shall never see my name to a bad peace, nor to one that does not secure the fishery.

I have received many long letters from you, which I am as busy in decyphering as my health will permit.

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M. de Lafayette is very desirous to give us his aid; but as we have a competent number of Commissioners, it would not be necessary to give him that trouble.

I am, Dear Sir, with great esteem and regard, your most obedient servant,

JOHN JAY.

*P. S.* General du Portail is to be the bearer of this. I believe he goes by order of the Court.

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**TO ROBERT R. LIVINGSTON.**

Paris, November 17th, 1782.

Dear Sir,

Although it is uncertain when I shall have an opportunity either of finishing or transmitting the long particular letter, which I am now undertaking to write, I think the matter it will contain is too interesting to rest only in my memory, or in short notes, which nobody but myself can well unfold the meaning of. I shall, therefore, write on as my health will permit, and when finished, shall convey this letter by the first prudent *American* that may go from hence to Nantes or L'Orient.

My reception here was as friendly as an American Minister might expect from this polite and politic Court; for I think they deceive themselves, who suppose that these kinds of attentions are equally paid to their private, as to their public characters.

Soon after the enabling act was passed, I was shown a copy of it, and I confess it abated the expectations I had formed of the intention of the British Ministry to treat in a manly manner with the United States, on the footing of an unconditional acknowledgment of their independence. The act appeared to me to be cautiously framed to elude such an acknowledgment, and, therefore, it would depend on future contingencies, and on the terms and nature of the bargain they might be able to make with us.

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Mr Grenville, indeed, told the Count de Vergennes, that his Majesty would acknowledge our independence unconditionally, but, on being desired to commit that information to writing, he wrote that his Majesty was *disposed* to acknowledge it. This had the appearance of finesse.

About this time, that is, in June last, there came to Paris a Mr Jones<sup>[3]</sup> and a Mr Paradise, both of them Englishmen, the former a learned and active constitutionalist. They were introduced to me by Dr Franklin, from whom they solicited recommendations for America. The story they told him was, that Mr Paradise had an estate in the right of his wife in Virginia, and that his presence there had been rendered necessary to save it from the penalty of a law of that State, respecting the property of absentees. Mr Jones said he despaired of seeing constitutional liberty re-established in England, that he had determined to visit America, and in that happy and glorious

country to seek and enjoy that freedom, which was not to be found in Britain. He spoke in raptures of our patriotism, wisdom, &c. &c. On speaking to me some days afterwards of his intended voyage, he assigned an additional reason for undertaking it, viz. that his long and great friendship for Mr Paradise had induced him to accompany that gentleman on an occasion, which, both as a witness and a friend, he could render him most essential services in Virginia.

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I exchanged three or four visits with these gentlemen, and, in the meantime, was informed that Mr Jones was a rising character in England, that he had refused a very lucrative appointment in the Indies, and had by his talents excited the notice of men in power.

In conversing one morning with this gentleman on English affairs, he took occasion to mention the part he had taken in them, and, at parting, gave me two pamphlets he had published.

The first was a second edition of "An Inquiry into the Legal Mode of Suppressing Riots, &c." first published in 1780, to which was added, "A Speech on the Nomination of Candidates to Represent the County of Middlesex, on the 9th of September, 1780." And this second edition contained also a letter, dated the 25th of April, 1782, from Mr Jones to Mr Yeates, the Secretary to the Society for Constitutional Information, of which Mr Jones is a member. The other was a Speech to the assembled Inhabitants of Middlesex and Surry, &c. on the 28th of May, 1782.

As it appeared to me a little extraordinary that a gentleman of Mr Jones's rising reputation and expectations should be so smitten with the charms of American liberty, as "to leave all, and follow her," I began, on returning to my lodgings, to read these pamphlets with a more than common degree of curiosity, and I was not a little surprised to find the following paragraphs in them.

In his letter to Mr Yeates of last April, he says, "my future life shall certainly be devoted to the support of that excellent constitution, which it is the object of your society to unfold and elucidate, and from this resolution long and deliberately made, no prospects, no connexions, no station here or abroad, no fear of danger, or hope of advantage to myself, shall ever deter or allure me."

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He begins his essay on suppressing riots, by saying, "It has long been my opinion, that in times of national adversity, those citizens are entitled to the highest praise, who, by personal exertions and active valor, promote, at their private hazard, the general welfare."

In his speech of last April, are these paragraphs; in the first, speaking of his being sick, he says, "It would prevent my attendance, for in health or in sickness I am devoted to your service. I shall never forget the words of an old Roman, Ligarius, who, when the liberties of his country were in imminent danger, and when a real friend to those liberties was condoling with him on his illness at so critical a time, raised himself from his couch, seized the hand of his friend, and said, if you have *any business worthy of yourselves, I am well.*"

"Since I have risen to explain a sudden thought, I will avail myself of your favorable attention, and hazard a few words on the general question itself. Numbers have patience to hear, who have not time to read. And as to *myself, a very particular and urgent occasion, which calls me some months from England*, will deprive me of another opportunity to communicate my sentiments, until the momentous object before us shall be made certainly attainable through the concord, or forever lost and irrecoverable, through the disagreement of the nation."

To make comments on these extracts would be to waste time and paper. On reading them, I became persuaded that Mr Paradise and American liberty were mere pretences to cover a more important errand to America, and I was surprised that Mr Jones's vanity should so far get the better of his prudence, as to put such pamphlets into my hands at such a time.

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I pointed out these extracts to Dr Franklin; but they did not strike him so forcibly as they had done me. I mentioned my apprehensions also to the Marquis de Lafayette, and I declined giving any letters either to Mr Paradise or to Mr Jones.

I am the more particular on this subject, in order that you may the better understand the meaning of a paragraph in my letter to you, of the 28th of June last, where I inform you, "that, if one may judge from appearances, the Ministry are very desirous of getting some of their emissaries into our country, either in an avowed or in a private character; and, all things considered, I should think it more safe not to admit any Englishman in either character within our lines at this very critical juncture."

Mr Jones and Mr Paradise went from hence to Nantes in order to embark there for America. Some weeks afterwards I met Mr Paradise at Passy. He told me Mr Jones and himself had parted at Nantes, and that the latter had returned directly to England. How this happened I never could learn. It was a subject on which Mr Paradise was very reserved. Perhaps the sentiments of America, on General Carleton's overtures, had rendered Mr Jones's voyage unnecessary; but in this I may be mistaken, for it is mere conjecture.

On the 25th of July, 1782, the King of Great Britain issued a warrant,<sup>[4]</sup> or order, directed to his Attorney or Solicitor-General.

A copy of this warrant was sent by express to Mr Oswald, with an assurance that the commission should be completed and sent him in a few days. He communicated this paper to Dr Franklin,

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who, after showing it to me, sent it to the Count de Vergennes. The Count wrote to the Doctor the following letter on the subject.

### Translation.

"I have received, Sir, the letter of today, with which you have honored me, and the copy of the powers, which Mr Oswald communicated to you. The form in which it is conceived, not being that which is usual, I cannot form my opinion on the first view of it. I am going to examine it with the greatest attention, and, if you will be pleased to come here on Saturday morning, I shall be able to confer about it with you and Mr Jay, if it should be convenient for him to accompany you.

"I have the honor to be, &c.

DE VERGENNES.

"Versailles, August 8th, 1782."

On the 10th of August, we waited upon the Count de Vergennes, and a conference between him and us, on the subject of Mr Oswald's commission, ensued.

The Count declared his opinion, that we might proceed to treat with Mr Oswald under it, as soon as the original should arrive. He said it was such a one as we might have expected it would be, but that we must take care to insert proper articles in the treaty, to secure our independence and our limits against all future claims.

I observed to the Count, that it would be descending from the ground of independence to treat under the description of Colonies. He replied, that names signified little; that the King of Great Britain's styling himself the King of France was no obstacle to the King of France's treating with him; that an acknowledgment of our independence, instead of preceding, must in the natural course of things be the effect of the treaty, and that it would not be reasonable to expect the effect before the cause. He added, that we must be mindful to exchange powers with Mr Oswald, for that his acceptance of our powers, in which we were styled Commissioners from the United States of America, would be a tacit admittance of our independence. I made but little reply to all this singular reasoning. The Count turned to Dr Franklin and asked him what he thought of the matter. The Doctor said, he believed the commission would do. He next asked my opinion. I told him that I did not like it, and that it was best to proceed cautiously.

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On returning, I could not forbear observing to Dr Franklin, that it was evident the Count did not wish to see our independence acknowledged by Britain, until they had made all their uses of us. It was easy for them to foresee difficulties in bringing Spain into a peace on moderate terms, and that if we once found ourselves standing on our own legs, our independence acknowledged, and all our other terms ready to be granted, we might not think it our duty to continue in the war for the attainment of Spanish objects. But, on the contrary, as we were bound by treaty to continue the war till our independence should be attained, it was the interest of France to postpone that event, until their own views and those of Spain could be gratified by a peace, and that I could not otherwise account for the Minister's advising us to act in a manner inconsistent with our dignity, and for reasons, which he himself had too much understanding not to see the fallacy of.

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The Doctor imputed this conduct to the moderation of the Minister, and to his desire of removing every obstacle to speedy negotiations for peace. He observed, that this Court had hitherto treated us very fairly, and that suspicions to their disadvantage should not be readily entertained. He also mentioned our instructions, as further reasons for our acquiescence in the advice and opinion of the Minister. A day or two afterwards I paid a visit to Mr Oswald, and had a long conversation with him respecting his commission. On the resignation of Mr Fox, many reports to the prejudice of Lord Shelburne's sincerity, on the subject of American independence, had spread through France as well as through Great Britain. His Lordship, fearful of their effect on the confidence with which he wished to inspire the American commissioners, conveyed by Mr Benjamin Vaughan to Dr Franklin an extract of certain instructions to Sir Guy Carleton, of which the following is a copy, viz.

"June 25th, 1782. It has been said, that 'great effects might be obtained by something being done spontaneously from England.' Upon this and other considerations, his Majesty has been induced to give a striking proof of his royal magnanimity and disinterested wish for the restoration of peace, by commanding his Majesty's Ministers to direct Mr Grenville, *that the independence of America should be proposed by him in the first instance, instead of making it the condition of a general peace.*

"I have given a confidential information to you of these particulars, that you may take such measures as shall appear to you most advisable for making a direct communication of the substance of the same, either immediately to Congress, or through the medium of General Washington, or in any other manner, which you may think most likely to impress the well disposed parts of America with the fairness and liberality of his Majesty's proceedings in such great and spontaneous concessions.

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"The advantages, which we may expect from such concessions are, that America, once apprised of the King's disposition to acknowledge the independence of the thirteen States, and of the disinclination in the French Court to terminate the war, must see that it is from this moment to be carried on with a view of negotiating points, in which she can have no concern, whether they regard France, or Spain and Holland at the desire of France; but some of which, on the contrary, may be in future manifestly injurious to the interests of America herself.

"That if the negotiation is broken off, it will undoubtedly be for the sake of those powers, and not America, whose object is accomplished the instant she accepts of an independence, which is not merely held out to her in the way of negotiation by the executive power, but a distinct unconditional offer, arising out of the resolutions of Parliament, and therefore warranted by the sense of the nation at large.

"These facts being made notorious, it is scarce conceivable that America, composed as she is, will continue efforts under French direction, and protract the distresses and calamities, which it is well known that war has subjected her to. It is to be presumed, that from that moment she will look with jealousy on the French troops in that country, who may from allies become dangerous enemies.

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"If, however, any particular States, men, or description of men, should continue against the general inclination of the Continent devoted to France, this communication will surely detect their views, expose their motives, and deprive them of their influence in all matters of general concern and exertion. You will, however, take particular care in your manner of conducting yourselves, not only that there should not be the smallest room for suspicions of our good faith and sincerity, but that we have no view in it of causing dissensions among the colonies, or even of separating America from France upon terms inconsistent with her own honor. You must therefore convince them, that the great object of this country is, not merely peace, but reconciliation with America on the noblest terms and by the noblest means."

In the course of the beforementioned conversation with Mr Oswald, I reminded him, that the judgment and opinion of America respecting the disposition and views of Britain towards her, must be determined by facts and not by professions. That the Enabling Act, and the Commission granted to him in pursuance of it, by no means harmonised with the language of these instructions to Sir Guy Carleton. That unless the offers and promises contained in the latter were realised, by an immediate declaration of our independence, America would naturally consider them as specious appearances of magnanimity, calculated to deceive and disunite them, and, instead of conciliating, would tend to irritate the States. I also urged, in the strongest terms, the great impropriety, and consequently the utter impossibility of our ever treating with Great Britain on any other than an equal footing, and told him plainly, that I would have no concern in any negotiation, in which we were not considered as an independent people.

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Mr Oswald upon this, as upon every other occasion, behaved in a candid and proper manner. He saw and confessed the propriety of these remarks; he wished his commission had been otherwise, but was at a loss how to reconcile it to the King's dignity, to make *such* a declaration, immediately after having issued *such* a commission. I pointed out the manner in which I conceived it might be done; he liked the thought, and desired me to reduce it to writing. I did so, and communicated it to Dr Franklin, and, as we corrected it, is as follows, viz.

"George III, &c. to Richard Oswald, greeting. Whereas by a certain act, &c. (here follows the Enabling Act.)

"And whereas, in pursuance of the true intent and meaning of the said act, and to remove all doubts and jealousies, which might otherwise retard the execution of the same, we did, on the — day of — instruct Sir Guy Carleton, &c. our General, &c. to make known to the people of the said Colonies, in Congress assembled, our royal disposition and intention to recognise the said Colonies as independent States, and as such, to enter with them into such a treaty of peace as might be honorable and convenient to both countries.

"And whereas further, in pursuance of the said act, we did on the — day of — authorise and commission you, the said Richard Oswald, (here follows the commission.) Now, therefore, to the end that a period may be put to the calamities of war, and peace, commerce, and mutual intercourse the more speedily restored, we do hereby, in pursuance of our royal word, for ourselves and our successors, recognise the said thirteen Colonies as free and independent States. And it is our will and pleasure, that you do forthwith proceed to treat with the Commissioner or Commissioners already appointed, or to be appointed for that purpose by the Congress of the said States, and, with him or them only, of and concerning the objects of your said commission, which we do hereby confirm, and that this declaration be considered by you as a preliminary article to the proposed treaty, and be in substance or in the whole inserted therein, or incorporated therewith. And it is our further will and pleasure, that, on receiving these presents, which we have caused to be made patent, and our great seal to be hereunto affixed, you do deliver the same to the said Commissioner or Commissioners, to be by him or them transmitted to the Congress of the United States of America, as an earnest of the friendship and good will, which we are disposed to extend to them. Witness, &c. 15th of August, 1782."

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Mr Oswald approved of the draft, and said he would recommend the measure to the Minister. The next day, however, he told me that he had an instruction, which he thought enabled him to make the declaration; but that it would be necessary to obtain the previous consent of the Minister for that purpose. He then read to me the fourth article of his instructions, of which the following is a copy, viz.

"In case you find the American Commissioners are not at liberty to treat on any terms short of independence, you are to declare to them that you have our authority to make that cession; our ardent wish for peace disposing us to purchase it at the price of acceding to the complete independence of the thirteen colonies."

He said he would immediately despatch a courier to London, and would press the Ministry for permission to acknowledge our independence without further delay, which he accordingly did. [Pg 141]

At this time the commission under the great seal had arrived, and Dr Franklin and myself went to Versailles to communicate that circumstance to the Count de Vergennes, and (agreeably to our instructions) to inform him of what had passed between Mr Oswald and us.

The Count and myself again discussed the propriety of insisting, that our independence should be acknowledged previous to a treaty. He repeated, that it was expecting the effect before the cause, and many other similar remarks, which did not appear to me to be well founded. I told the Count, that a declaration of our independence was in my opinion, a matter of very little consequence; that I did not consider our independence as requiring any aid or validity from British acts; and provided, that nation treated us as she treated other nations, viz. on a footing of equality, it was all that I desired. He differed with me also in this opinion. He thought an explicit acknowledgment of our independence in treaty very necessary, in order to prevent our being exposed to further claims. I told him we should always have arms in our hands to answer those claims, that I considered mere paper fortifications as of but little consequence; and that we should take care to insert an article in the treaty, whereby the King of Great Britain should renounce all claims of every kind to the countries within our limits.

The Count informed us, he had delayed doing business with Mr Fitzherbert, until we should be ready to proceed with Mr Oswald, and that he expected to see him the next day or the day after.

Mr Fitzherbert went the next day to Versailles, and immediately despatched a courier to London. [Pg 142]

The answer of the British Ministry to Mr Oswald is contained in the following extract of a letter to him from Mr Townshend, dated Whitehall, September 1st, 1782.

"Sir,

"I have received and laid before the King your letters of the 17th, 18th, and 21st ultimo, and I am commanded to signify to you, his Majesty's approbation of your conduct, in communicating to the American Commissioners the fourth article of your instructions; which could not but convince them, that the negotiation for peace, and the cession of independence to the Thirteen United Colonies, were intended to be carried on and concluded with the Commissioners in Europe.

"Those gentlemen, having expressed their satisfaction concerning that article, it is hoped they will not entertain a doubt of his Majesty's determination to exercise in the fullest extent the powers with which the act of Parliament has invested him, by granting to America, full, complete, and unconditional independence, in the most explicit manner, as an article of treaty."

When Mr Oswald communicated this letter to me, I did not hesitate to tell him, that his Court was misled by this, for that the language of Mr Townshend corresponded so exactly with that of the Count de Vergennes, and was at the same time so contrary to that of the instructions to Sir Guy Carleton, as to be inexplicable on any other principle. I also told him I suspected, that the courier despatched by Mr Fitzherbert on his return from Versailles had been the means of infusing these ideas. He smiled, and after a little pause said; why, Count de Vergennes told Mr Fitzherbert, that my commission was come and that he thought it would do, and therefore they might now go on, and accordingly they did go on to discuss certain points, and particularly that of Newfoundland. [Pg 143]

Mr Oswald did not deny or contradict the inference I drew from this, viz. that Mr Fitzherbert, struck by this conduct of Count de Vergennes, and finding that the commission given to Mr Oswald was deemed sufficient by him, thought it his duty directly to inform his Court of it, and thereby prevent their being embarrassed by our scruples and demands on a point, on which there was so much reason to think, that our allies were very moderate.

For my own part I was not only persuaded that this was the case, but also that the ill success of Mr Oswald's application was owing to it.

These considerations induced me to explain to him, what I supposed to be the natural policy of this Court on the subject, and to show him that it was the interest of Britain to render us as independent on France, as we were resolved to be on her. He soon adopted the same opinion, but

was at a loss to see in what manner Great Britain, considering what had just past, could consistently take further steps at present. I told him, that nothing was more easy, for that the issuing of another commission would do it. He asked me if he might write that to the Ministry; I told him he might; he then desired, in order to avoid mistakes, that I would give it to him in writing, which I did as follows, viz.

"A commission (in the usual form) to Richard Oswald to treat of peace or truce with Commissioners, vested with equal powers by and on the part of the United States of America, would remove the objections to which his present one is liable, and render it proper for the American Commissioners to proceed to treat with him on the subject of preliminaries."

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I then reminded him of the several resolutions of Congress, passed at different periods, not to treat with British Commissioners on any other footing than that of absolute independence, and also intimated, that I thought it would be best to give him our final and decided determination not to treat otherwise in writing, in the form of a letter. He preferred this to a verbal answer, and the next day I prepared the following draft of such a letter.

"Sir,

"It is with regret, that we find ourselves obliged by our duty to our country, to object to entering with you into negotiations for peace on the plan proposed. One nation can treat with another nation only on terms of equality; and it cannot be expected, that we should be the first and only servants of Congress, who would admit doubts of their independence.

"The tenor of your commission affords matter for a variety of objections, which your good sense will save us the pain of enumerating. The journals of Congress present to you unequivocal and uniform evidence of the sentiments and resolutions of Congress on the subject, and their positive instructions to us to speak the same language.

"The manner of removing these obstacles is obvious, and in our opinion no less consistent with the dignity than the interest of Great Britain. If the Parliament meant to enable the King to conclude a peace with us on terms of independence, they necessarily meant to enable him to do it in a manner compatible with his dignity; and consequently that he should previously regard us in a point of view, that would render it proper for him to negotiate with us. What this point of view is you need not be informed.

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"We also take the liberty of submitting to your consideration, how far his Majesty's now declining to take this step would comport with the assurances lately given on that subject, and whether hesitation and delay would not tend to lessen the confidence, which those assurances were calculated to inspire.

"As to referring an acknowledgment of our independence to the first article of a treaty, permit us to remark, that this implies, that we are not to be considered in that light until after the conclusion of the treaty, and our acquiescing would be to admit the propriety of our being considered in another light during that interval. Had this circumstance been attended to, we presume that the Court of Great Britain would not have pressed a measure, which certainly is not delicate, and which cannot be reconciled with the received ideas of national honor.

"You may rest assured, Sir, of our disposition to peace on reasonable terms, and of our readiness to enter seriously into negotiations for it, as soon as we shall have an opportunity of doing it in the only manner in which it is possible for one nation to treat with another, viz. on an equal footing.

"Had you been commissioned in the usual manner, we might have proceeded; and as we can perceive no legal or other objection to this, or some other such like expedient, it is to be wished that his Majesty will not permit an obstacle so very unimportant to Great Britain, but so essential and insuperable with respect to us, to delay the re-establishment of peace especially, and in case the business could be but once begun, the confidence we have in your candor and integrity would probably render the settling all our articles only the work of a few hours.

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"We are, &c."

I submitted this draft to Dr Franklin's consideration. He thought it rather too positive, and therefore rather imprudent, for that in case Britain should remain firm, and future circumstances should compel us to submit to their mode of treating, we should do it with an ill grace after such a decided and peremptory refusal. Besides, the Doctor seemed to be much perplexed and fettered by our instructions to be guided by the advice of this Court. Neither of these considerations had weight with me; for as to the first, I could not conceive of any event, which would render it proper and therefore possible for America to treat in any other character than as an independent nation; and, as to the second, I could not believe, that Congress intended we should follow any advice, which might be repugnant to their dignity and interest.

On returning to town, Mr Oswald spoke to me about this letter. I told him that I had prepared a



draft of one, but that on further consideration, and consulting with Dr Franklin, we thought it best not to take the liberty of troubling his Court with any arguments or reasonings, which without our aid must be very evident to them.

He appeared disappointed, and desired me to let him see the draft. I did. He liked it. He requested a copy of it; but as I doubted the propriety of such a step, I told him I would consider of it, and give him an answer the next day.

It appeared to me on further reflection, that no bad consequences would arise from giving him a copy of this paper; that, though unsigned, it would nevertheless convey to the Ministry the sentiments and opinions I wished to impress, and that if finally they should not be content to treat with us as independent, they were not yet ripe for peace or treaty with us; besides, I could not be persuaded, that Great Britain, after what the House of Commons had declared, after what Mr Grenville had said, and Sir Guy Carleton been instructed to do, would persist in refusing to admit our independence, provided they really believed, that we had firmly resolved not to treat on more humble terms. [Pg 147]

I gave him a copy, and also copies of the various resolutions of Congress, which evince their adherence to their independence. These papers he sent by express to London, and warmly recommended the issuing a new commission to remove all further delay. This matter was not communicated to the Count de Vergennes, at least to my knowledge or belief, by either of us.

I might now enumerate the various expedients proposed by the Count de Vergennes and the Marquis de Lafayette to reconcile our difficulties. Such as Mr Oswald's writing a letter to us, signifying that he treated with us as independent, &c. &c. But as our independence was indivisible, there could not easily be contrived a half way mode of acknowledging it, and therefore any method of doing it short of the true and proper one could not bear examination.

Being convinced, that the objections to our following the advice of the Count de Vergennes were unanswerable, I proposed to Dr Franklin, that we should state them in a letter to him, and request his answer in writing, because, as we were instructed to ask and to follow his advice on these occasions, we ought always to be able to show what his advice was. [Pg 148]

The Doctor approved of the measure, and I undertook to prepare a draft of such a letter.

I must now remind you of what some of my former letters informed you, viz. the propositions made to me by the Count d'Aranda on the part of Spain. It is necessary that I should in this place go into that detail, because they will be found in the sequel to be strongly connected with the subject more immediately under consideration.

On my arrival at Paris in June last, it being doubtful whether if I made a visit to Count d'Aranda he would return it, I thought it most advisable to avoid that risk, and to write him the following letter.

#### **TO COUNT D'ARANDA.**

"Paris, June 25th, 1782.

"Sir,

"On leaving Madrid his Excellency, the Count de Florida Blanca, informed me, that the papers relative to the objects of my mission there had been transmitted to your Excellency, with authority and instructions to treat with me on the subject of them.

"I arrived here the day before yesterday, and have the honor to acquaint your Excellency of my being ready to commence the necessary conferences at such time and place as your Excellency may think proper to name.

"Your Excellency's character gives me reason to hope, that the negotiation in question will be conducted in a manner agreeable to both our countries; and permit me to assure you, that nothing on my part shall be wanting to manifest the respect and consideration, with which I have the honor to be, &c. [Pg 149]

JOHN JAY."

The following is a copy of the Count's answer.

#### **Translation.**

"Paris, June 27th, 1782.

"Sir,

"I have the honor to reply to your note of the 25th, informing me of your happy arrival at this

Court. I shall also have the honor to receive you, when you shall intimate that it is proper, and whenever you will inform me of your intention, so that I may expect you at whatever hour shall be most convenient to you.

"I shall be pleased to make your acquaintance, and to assure you of the respect with which I have the honor, &c.

THE COUNT D'ARANDA."

It having been intimated to Dr Franklin, that if we paid a visit to Count d'Aranda, it would be returned, we waited on him on the 29th of June. He received us in a friendly manner, and expressed his wishes, that closer connexion might be formed between our countries on terms agreeable to both.

He returned our visit the next day, and gave us an invitation to dine with him a few days afterwards. On that day I was taken sick, and continued so for many weeks, nor, indeed, am I yet perfectly recovered from the effects of that illness, having a constant pain in my breast, and frequently a little fever.

Hence it happened, that I did not meet Count d'Aranda on business till a month afterwards, when agreeably to a previous appointment I waited upon him.

He began the conference by various remarks on the general principles on which contracting nations should form treaties, on the magnanimity of his sovereign, and on his own disposition to disregard trifling considerations in great matters. Then opening Michell's large Map of North America, he asked me what were our boundaries; I told him that the boundary between us and the Spanish dominions was a line drawn from the head of Mississippi, down the middle thereof to the thirtyfirst degree of north latitude, and from thence by the line between Florida and Georgia.

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He entered into a long discussion of our right to such an extent, and insisted principally on two objections to it. 1st. That the western country had never belonged to, or been claimed as belonging to the ancient Colonies. That previous to the last war it had belonged to France, and after its cession to Britain remained a distinct part of her dominions, until by the conquest of West Florida and certain posts on the Mississippi and Illinois, it became vested in Spain. 2dly. That supposing the Spanish right of conquest did not extend over *all* that country, still that it was possessed by free and independent nations of Indians, whose lands we could not with any propriety consider as belonging to us. He therefore proposed to run a longitudinal line on the east side of the river, for our western boundary; and said, that he did not mean to dispute about a few acres or miles, but wished to run it in a manner that would be convenient to us; for though he could never admit the extent we claimed, yet he did not desire to crowd us up to our exact limits.

As it did not appear to me expedient to enter fully into the discussion of these objections, until after he had marked the line he proposed, I told him I would forbear troubling him with any remarks on the subject until the points in controversy should be reduced to a certainty; and, therefore, I desired him to mark on the map the line he proposed, and to place it as far to the west as his instructions would possibly admit of. He promised to do it, and to send me the map with his proposed line marked on it in a day or two.

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I then gave him a copy of my commission, and showed him the original. He returned it to me with expressions of satisfaction, and then changed the subject, by desiring me, if after receiving his map and examining his lines, I should find it in any respect inconvenient, that I would mark such other line on it as would, in my opinion, be more agreeable to America; assuring me, that he had nothing more at heart, than to fix such a boundary between us as might be satisfactory to both parties. I told him, that on receiving his map, I would take all that he had said into consideration, and take the earliest opportunity of acquainting him with my sentiments respecting it. I then observed, that I hoped his powers to treat were equal with mine. He replied, that he had ample powers to confer, but not to sign anything without previously communicating it to his Court, and receiving their orders for the purpose; but to my surprise, he did not offer to show me any powers of any kind.<sup>[5]</sup>

A few days afterwards he sent me the same map, with his proposed line marked on it in red ink. He ran it from a lake near the confines of Georgia, but east of the Flint River, to the confluence of the Kanawa with the Ohio, thence round the western shores of lakes Erie and Huron, and thence round lake Michigan to lake Superior.

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On the 10th of August I carried this map to the Count de Vergennes and left it with him. Dr Franklin joined with me in pointing out the extravagance of this line; and I must do him the justice to say, that in all his letters to me, and in all his conversations with me respecting our western extent, he has invariably declared it to be his opinion, that we should insist upon the Mississippi as our western boundary, and that we ought not, by any means, to part with our right to the free navigation of it.

The Count de Vergennes was very cautious and reserved; but M. Rayneval, his principal Secretary, who was present, thought we claimed more than we had a right to.

Having thus clearly discovered the views of Spain, and that they were utterly inadmissible, I had

little hope of our ever agreeing; especially as the Mississippi was, and ought to be, our *ultimatum*.

It was not long before I had another interview with M. Rayneval. He asked me whether I had made any progress in my negotiations with the Count d'Aranda. I told him, that the Count had not yet shown me any powers from his Court to treat. He expressed surprise that I should have any difficulties on that head; especially considering the public as well as private character of that nobleman. I replied, that I was very sensible of the respectability, both of his public and private character; but, that neither the one nor the other authorised him to negotiate treaties with the United States of America; and consequently, that his Court would be at liberty to disavow all his proceedings in such business. That it was my duty to adhere to the forms usual in such cases, and that those forms rendered it proper for Ministers to exchange copies of their commissions, before they proceeded on the business, which was the object of them. [Pg 153]

The Count d'Aranda was very urgent, that I should mark on his map some line or other to the eastward of the Mississippi, to which we could agree; and on the 26th of August we had another conference on these subjects. I told him frankly, that we were bound by the Mississippi, and that I had no authority to cede any territories east of it to his Catholic Majesty, and that all I could do relative to it, was to transmit his proposition to Congress for their consideration.

He affected to be much surprised, that I should have no discretionary authority on that subject, and observed, that he had supposed I was a Minister Plenipotentiary. I told him, that few Ministers Plenipotentiary had discretionary power to transfer and cede to others the countries of their sovereigns. He denied, that the countries in question were our countries, and asked what right we had to territories, which manifestly belong to free and independent nations of Indians. I answered that those were points to be discussed and settled between us and them; that we claimed the right of preemption with respect to them, and the sovereignty with respect to all other nations. I reminded him, that Mexico and Peru had been in the same predicament, and yet that his Catholic Majesty had had no doubts of his right to the sovereignty of those countries. [Pg 154]

He then desired me to write him a letter on the subject, in order that he might with the greater accuracy convey my sentiments to his Court.

On the 4th of September, I received the following letter from M. de Rayneval.

### **Translation.**

"Versailles, September 4th, 1782.

"Sir,

"I should be glad to have a conversation with you on the subject of the boundaries in regard to Spain, but it is impossible for me to go to Paris for this purpose. You would oblige me, if you would have the goodness to come to Versailles tomorrow morning. It will give me great pleasure to see you at dinner. Meanwhile I have the honor, &c.

RAYNEVAL."

I accordingly waited upon M. de Rayneval. He entered into a long disquisition of our claims to the western country. It is unnecessary to repeat in this place what he said on those subjects, because I shall insert in this letter a copy of a paper, which at my request he wrote to me on them. That paper will speak for itself. You will be at no loss to form a judgment of the mode in which he proposed to reconcile us, by what he called a conciliatory line. We discussed very freely the propriety of my objecting to proceed with the Count d'Aranda; and among other reasons, which induced him to think I ought to go on, was my having already conferred with him on those subjects. My answer to this was obvious, viz. that though I had heard Count d'Aranda's propositions, yet that I had offered none of any kind whatever.

On the 6th of September, M. de Rayneval wrote me the following letter. [Pg 155]

### **M. DE RAYNEVAL TO JOHN JAY.**

### **Translation.**

"Versailles, September 6th, 1782.

"I have the honor, Sir, to send you as you desired me, my personal ideas on the manner of terminating your discussions about limits with Spain. I hope they will appear to you worthy to be taken into consideration.

"I have reflected, Sir, on what you said to me yesterday of the Spanish Ambassador's want of powers. You cannot in my opinion urge that reason to dispense treating with that Ambassador, without offending him, and without contradicting the first step you have taken towards him. This reflection leads me to advise you again to see the Count d'Aranda, and to make him a proposition

of some sort or other on the object in question. That which results from my memoir appears to me the most proper to effect a reasonable conciliation; but it is for you to judge whether I am mistaken, because you alone have a knowledge of the title, which the United States can have to extend their possessions at the expense of nations, whom England herself has acknowledged to be independent.

"As to the rest, Sir, whatever use you may think proper to make of my memoir, I pray you to regard it at least as a proof of my zeal, and of my desire to be useful to the cause of your country.

"I have the honor to be, with perfect consideration, yours, &c. &c.

RAYNEVAL.

"P. S. As I shall be absent for some days, I pray you to address your answer to M. Stenin, Secretary to the Council of State, at Versailles.

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"I must desire you not to let the perusal of the following memoir make you forget the postscript of the above letter, for in the sequel you will find it of some importance."

***M. de Rayneval's Memoir respecting the Right of the United States to the Navigation of the Mississippi.***

**Translation.**

"The question between Spain and the United States of North America is, how to regulate their respective limits towards the Ohio and the Mississippi. The Americans pretend, that their dominion extends as far as the Mississippi, and Spain maintains the contrary.

"It is evident, that the Americans can only borrow from England the right they pretend to have to extend as far as the Mississippi; therefore, to determine this right, it is proper to examine what the Court of London has thought and done on this head.

"It is known, that before the treaty of Paris, France possessed Louisiana and Canada, and that she considered the savage people, situated to the east of the Mississippi, either as independent, or as under her protection.

"This pretension caused no dispute; England never thought of making any, except as to the lands situated towards the source of the Ohio, in that part where she had given the name of Alleghany to that river.

"A discussion about limits at that time took place between the Courts of Versailles and London, but it would be superfluous to follow the particulars; it will suffice to observe, that England proposed in 1755 the following boundary. It set out from the point where the River de Boeuf falls into the Ohio, at the place called Venango; it went up this river towards lake Erie as far as twenty leagues, and setting off again from the same place, Venango, a right line was drawn as far as the last mountains of Virginia, which descend towards the ocean. As to the savage tribes situated between the aforesaid line and the Mississippi, the English Minister considers them as independent; from whence it follows, that according to the very propositions of the Court of London, almost the whole course of the Ohio belonged to France, and that the countries situated to the westward of the mountains were considered as having nothing in common with the Colonies.

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"When peace was negotiated in 1761, France offered to make a cession of Canada to England. The regulation of the limits of this Colony and Louisiana was in question. France pretended that almost the whole course of the Ohio made a part of Louisiana, and the Court of London, to prove that this river belonged to Canada, produced several authentic papers; among others, the chart which M. Vaudreuil delivered to the English commandant when he abandoned Canada. The Minister of London maintained at the same time, that a part of the savages situated to the eastward of the Mississippi were independent, another part under its protection, and that England had purchased a part from the five Iroquois nations. The misfortunes of France cut these discussions short; the treaty of Paris assigned the Mississippi for the boundary between the possessions of France and Great Britain.

"Let us see the dispositions, which the Court of London has made in consequence of the treaty of Paris.

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"If they had considered the vast territories situated to the eastward of the Mississippi as forming part of their ancient Colonies, they would have declared so, and have made their dispositions accordingly. So far from any such thing, the King of England, in a proclamation of the month of October, 1763, declares in a precise and positive manner that the lands in question are situated between the Mississippi and the ancient *English establishments*. It is, therefore, clearly evident, that the Court of London itself, when it was as yet sovereign of the Thirteen Colonies, did not consider the aforementioned lands as forming part of these same Colonies; and it results from this in the most demonstrative manner, that they have not at this time any right over these lands. To maintain the contrary, every principle of the laws of nature and nations must be subverted.

"The principles now established are as applicable to Spain as to the United States. This power cannot extend its claims beyond the bounds of its conquests. She cannot, therefore, pass beyond the Natchez, situated towards the thirtyfirst degree of latitude; her rights are, therefore, confined to this degree; what is beyond, is either independent or belonging to England; neither Spain nor the Americans can have any pretensions thereto. The future treaty of peace can alone regulate the respective rights.

"The consequence of all that has been said is, that neither Spain nor the United States has the least right of sovereignty over the savages in question, and that the transactions they may carry on as to this country would be to no purpose.

"But the future may bring forth new circumstances, and this reflection leads one to suppose, that it would be of use that the Court of Madrid and the United States should make an eventual arrangement.

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"This arrangement may be made in the following manner. A right line should be drawn from the eastern angle of the Gulf of Mexico, which makes the section between the two Floridas, to Fort Toulouse, situated in the country of the Alabamas; from thence the river Loneshatchi should be ascended, from the mouth of which a right line should be drawn to the Fort or Factory Quenassee; from this last place, the course of the river Euphasee is to be followed till it joins the Cherokee; the course of this last river is to be pursued to the place where it receives the Pelissippi; this last to be followed to its source, from whence a right line is to be drawn to the Cumberland river, whose course is to be followed until it falls into the Ohio. The savages to the westward of the line described should be free under the protection of Spain; those to the eastward should be free, and under the protection of the United States; or rather, the Americans may make such arrangements with them, as is most convenient to themselves. The trade should be free to both parties.

"By looking over the chart we shall find, that Spain would lose almost the whole course of the Ohio, and that the establishments, which the Americans may have on this river, would remain untouched, and that even a very extensive space remains to form new ones.

"As to the course and navigation of the Mississippi, they follow with the property, and they will belong, therefore, to the nation to which the two banks belong. If then, by the future treaty of peace, Spain preserves West Florida, she alone will be the proprietor of the course of the Mississippi from the thirtyfirst degree of latitude to the mouth of this river. Whatever may be the case with that part, which is beyond this point to the north, the United States of America can have no pretensions to it, not being masters of either border of this river.

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"As to what respects the lands situated to the northward of the Ohio, there is reason to presume that Spain can form no pretensions thereto. Their fate must be regulated with the Court of London."

I did not return M. Rayneval any answer to his letter, nor any remarks on his memoir, but the first time I saw him afterwards I told him, I had received his letter and memoir he had done me the honor to write, and that I should send a copy of it to our Secretary for Foreign Affairs.

As both the letter and memoir were *ostensibly* written by him in a private character, it did not appear to me expedient or necessary to enter into any formal discussions with him on those subjects.

The perusal of this memoir convinced me,

1st. That this Court would, at a peace, oppose our extension to the Mississippi.

2dly. That they would oppose our claim to the free navigation of that river.

3dly. That they would *probably* support the *British* claims to all the country above the 31st degree of latitude, and *certainly* to all the country north of the Ohio.

4thly. That in case we should not agree to divide with Spain in the manner proposed, that then this Court would aid Spain in negotiating with Britain for the territory she wanted, and would agree that the residue should remain to Britain.

In my opinion, it was not to be believed that the first and confidential Secretary of the Count de Vergennes would, without his knowledge and consent, declare such sentiments, and offer such propositions, and that, too, in writing. I therefore considered M. Rayneval as speaking the sentiments of the Minister, and I confess they alarmed me, especially as they seemed naturally to make a part of that system of policy, which I believed induced him rather to postpone the acknowledgment of our independence by Britain to the conclusion of a general peace, than aid us in procuring it at present.

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You will now be pleased to recollect the postscript to M. Rayneval's letter.

On the 9th of September I received certain information that on the 7th M. Rayneval had left Versailles, and was gone to England; that it was pretended he was gone into the country, and

that several precautions had been taken to keep his real destination a secret.

A former page in this letter informs you, that a little before this, Mr Oswald had despatched a courier with letters, recommending it to his Court to issue a new commission, styling us *United States*, and that I had agreed to prepare a letter to the Count de Vergennes, stating our objections to treat with Mr Oswald under his present one.

This, therefore, was a period of uncertainty and suspense, and whatever part Britain might take, must necessarily be followed by very important consequences. No time was, therefore, to be lost in counteracting what I supposed to be the object of M. Rayneval's journey. But before I enter into that detail, I must here insert a copy of the letter, which I wrote to the Count d'Aranda, agreeably to his request herein beforementioned.

### TO THE COUNT D'ARANDA.

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"Paris, September 10th, 1782.

"Sir,

"Agreeably to your Excellency's request, I have now the honor of repeating in writing, that I am not authorised by Congress to make any cession of any counties belonging to the United States, and that I can do nothing more respecting the line mentioned by your Excellency, than to wait for and to follow such instructions as Congress, on receiving that information, may think proper to give me on that subject.

"Permit me, nevertheless, to remind your Excellency that I have full power to confer, treat, agree, and conclude with the Ambassador or Plenipotentiary of his Catholic Majesty, *vested with equal powers*, of and concerning a treaty of amity and commerce and of alliance, on principles of equality, reciprocity, and mutual advantage.

"I can only regret, that my overtures to his Excellency, the Count de Florida Blanca, who was *ex officio* authorised to confer with me on such subjects, have been fruitless.

"It would give me pleasure to see this business begun, and I cannot omit this opportunity of assuring your Excellency of my wish and desire to enter upon it as soon as your Excellency shall be pleased to inform me, that you are authorised and find it convenient to proceed.

"I have the honor to be, &c.

JOHN JAY."

To this letter, the Count returned the following answer.

### COUNT D'ARANDA TO JOHN JAY.

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#### Translation.

"Sir,

"I have the honor to reply to your note of yesterday, that I am furnished with ample instructions from my Court, and am authorised by it to confer and treat with you on all points on which you may be instructed and authorised to treat by your constituents.

"As soon as you communicate your propositions, they will be examined, and I will submit to you my observations on them, in order that we may be able to agree on both sides.

"I have the honor to be, &c.

THE COUNT D'ARANDA."

On the same day, viz. the 10th of September, a copy of a translation of a letter from M. Marbois to the Count de Vergennes, against our sharing in the fishery, was put into my hands. Copies of it were transmitted to you, enclosed with my letter of the 18th of September, of which a duplicate was also forwarded.

I also learned from good authority, that on the morning of M. Rayneval's departure the Count d'Aranda had, contrary to his usual practice, gone with *post horses* to Versailles, and was two or three hours in conference with the Count de Vergennes and M. Rayneval before the latter set out.

All these facts taken together led me to conjecture, that M. Rayneval was sent to England for the following purposes.

1st. To let Lord Shelburne know that the demands of America, to be treated by Britain as independent previous to a treaty, were not approved or countenanced by this Court, and that the

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offer of Britain to make that acknowledgment in an article of the proposed treaty was in the Count's opinion sufficient.

2dly. To sound Lord Shelburne on the subject of the fishery, and to discover whether Britain would agree to divide it with France to the exclusion of all others.

3dly. To impress Lord Shelburne with the determination of Spain to possess the exclusive navigation of the Gulf of Mexico, and of their desire to keep us from the Mississippi; and also, to hint the propriety of such a line as on the one hand would satisfy Spain, and on the other, leave to Britain all the country north of the Ohio.

4thly. To make such other verbal overtures to Lord Shelburne, as it might not be advisable to reduce to writing, and to judge from the general tenor of his lordship's answers and conversation, whether it was probable that a general peace, on terms agreeable to France, could be effected, in order that if that was not the case an immediate stop might be put to the negotiation.

Having after much consideration become persuaded, that these were M. Rayneval's objects, I mentioned his journey to Mr Oswald, and after stating to him the first three of these objects, I said everything respecting them, that appeared to me necessary; but at the same time with a greater degree of caution than I could have wished, because I well knew it would become the subject of a long letter to the Ministry. On reflecting, however, how necessary it was, that Lord Shelburne should know our sentiments and resolutions respecting these matters, and how much better they could be conveyed in conversation than by letter; and knowing also, that Mr Vaughan was in confidential correspondence with him, and he was and always had been strongly attached to the American cause, I concluded it would be prudent to prevail upon him to go immediately to England.

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I accordingly had an interview with Mr Vaughan, and he immediately despatched a few lines to Lord Shelburne, desiring that he would delay taking any measures with M. Rayneval until he should either see or hear further from him.

Mr Vaughan agreed to go to England, and we had much previous conversation, on the points in question; the substance of which was;

That Britain, by a peace with us, certainly expected other advantages than a mere suspension of hostilities, and that she doubtless looked forward to cordiality, confidence, and commerce.

That the manner as well as the matter of the proposed treaty was therefore of importance, and that if the late assurances respecting our independence were not realized by an unconditional acknowledgment, neither confidence nor peace could reasonably be expected; that this measure was considered by America as the touchstone of British sincerity, and that nothing could abate the suspicions and doubts of her good faith, which prevailed there.

That the interest of Great Britain, as well as that of the Minister, would be advanced by it; for as every idea of conquest had become absurd, nothing remained for Britain to do, but to make friends of those whom she could not subdue; that the way to do this was by leaving us nothing to complain of, either in the negotiation or in the treaty of peace, and by liberally yielding every point essential to the interest and happiness of America; the first of which points was, that of treating with us on an equal footing.

That if the Minister really meant to make peace with us, it was his interest to make us believe so, and thereby inspire us with a certain degree of confidence, which could no otherwise be obtained; that his enemies charged him with insincerity on this very point, and that it must be useful to him to convince all the world that such a charge was groundless.

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That it would be vain to amuse themselves with expectations from the affected moderation of France on this head; for that America never would treat on any but an equal footing, and, therefore, although such expectations might cause delay, they would ultimately be fruitless.

That a little reflection must convince him, that it was the interest and consequently the policy of France to postpone if possible the acknowledgment of our independence, to the very conclusion of a general peace, and by keeping it suspended until after the war, *oblige us by the terms of our treaty, and by regard to our safety, to continue in it to the end.*

That it hence appeared to be the obvious interest of Britain immediately to cut the cords, which tied us to France, for that, though we were determined faithfully to fulfil our treaty and engagements with this Court, *yet it was a different thing to be guided by their or our construction of it.*

That among other things we were bound not to make a separate peace or truce, and that the assurance of our independence was avowed to be the object of our treaty. While therefore Great Britain refused to yield this object, we were bound, as well as resolved, to go on with the war, although perhaps the greatest obstacles to a peace arose neither from the demands of France nor America. Whereas, that object being conceded, we should be at liberty to make peace the moment that Great Britain should be ready to accede to the terms of France and America, without our being restrained by the demands of Spain, with whose views we had no concerns.

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That it would not be wise in Great Britain to think of dividing the fishery with France and excluding us; because we could not make peace at such an expense, and because such an attempt would irritate America still more; would perpetuate her resentments, and induce her to use every possible means of retaliation by withholding supplies in future to the fishery, and by imposing the most rigid restraints on a commerce with Britain.

That it would not be less impolitic to oppose us on the point of boundary and the navigation of the Mississippi;

1st. Because our right to extend to the Mississippi was proved by our charters and other acts of government, and our right to its navigation was deducible from the laws of nature, and the consequences of revolution, which vested in us every British territorial right. It was easy therefore to foresee what opinions and sensations the mere attempt to dispossess us of these rights would diffuse throughout America.

2dly. Because the profits of an extensive and lucrative commerce, and not the possession of vast tracts of wilderness, were the true objects of a commercial European nation.

That by our extending to the Mississippi to the west, and to the proclamation bounds of Canada to the north, and by consenting to the mutual free navigation of our several lakes and rivers, there would be an inland navigation from the Gulf of St Lawrence to that of Mexico, by means of which the inhabitants west and north of the mountains might with more ease be supplied with foreign commodities, than from ports on the Atlantic, and that this immense and growing trade would be in a manner monopolized by Great Britain, as we should not insist, that she should admit other nations to navigate the waters that belonged to her. That therefore the navigation of the Mississippi would in future be no less important to her than to us, it being the only convenient outlet, through which they could transport the productions of the western country, which they would receive in payment for merchandise vended there.

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That as to retaining any part of that country, or insisting to extend Canada, so as to comprehend the lands in question, it would be impolitic for these further reasons. Because it would not be in their power either to settle or govern that country; that we should refuse to yield them any aid, and that the utmost exertions of Congress could not prevent our people from taking gradual possession of it, by making establishments in different parts of it. That it certainly could not be wise in Britain, whatever it might be in other nations, thus to sow the seeds of future war in the very treaty of peace, or to lay in it the foundation of such distrusts and jealousies as on the one hand would forever prevent confidence and real friendship, and on the other, naturally lead us to strengthen our security by intimate and permanent alliances with other nations.

I desired Mr Vaughan to communicate these remarks to Lord Shelburne, and to impress him with the necessity and policy of taking a decided and manly part respecting America.

Mr Vaughan set off the evening of the 11th of September. It would have relieved me from much anxiety and uneasiness to have concerted all these steps with Dr Franklin, but on conversing with him about M. Rayneval's journey, he did not concur with me in sentiment respecting the objects of it; but appeared to me to have a great degree of confidence in this Court, and to be much embarrassed and constrained by our instructions.

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Nothing now remained to be done but to complete the letter we had agreed to write to the Count de Vergennes, stating our objections to treat with Mr Oswald under his present commission. I accordingly prepared the following draft of such a letter, and it was under Dr Franklin's consideration, when the news of our success in England rendered it unnecessary.

### ***Proposed Draft of a Letter to Count de Vergennes.***

"Sir,

"The question, whether we ought to exchange copies of our respective commissions with Mr Oswald, and proceed to business with him under his, is not only important and consequential in itself, but derives an additional degree of weight from the variance subsisting between your Excellency's sentiments and our own on that subject.

"The respect due to your Excellency's judgment, our confidence in the friendship of our good and great ally, and the tenor of our instructions from Congress, all conspire to urge us to lay before your Excellency a full state of the facts and circumstances, which create our objections to treating with Mr Oswald under the commission in question.

"We flatter ourselves, that in the course of this discussion, some light will be cast upon the subject, and it gives us pleasure to reflect, that our objections will be reviewed by a Minister, possessed of candor to acknowledge their force on the one hand, and talents to detect and discover to us their fallacy on the other.

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"It appears to us unnecessary to premise, that on the 4th day of July, 1776, the representatives of the then late Thirteen United Colonies, in Congress assembled, did in the name and by the authority of the good people of those Colonies, and for the reasons in that act specified, 'solemnly publish and declare, that the said United Colonies were and of right ought to be *free and*



*independent States*, that they were absolved from all allegiance to the British Crown, and that all political connexion between them and the State of Great Britain was and ought to be totally dissolved; and that as *free and independent States*, they had *full power* to levy war, *conclude peace*, contract alliances, establish commerce, and to do all other acts and things, which independent nations might of right do. And for the support of that declaration, with a firm reliance on the protection of Divine Providence, they did mutually pledge to each other their lives, their fortunes, and their *sacred honor*.'

"This declaration was immediately ratified by legislative acts of the different States, all of whom have ever since so uniformly abided by it, that the authority of the King of Great Britain has never from that day to this extended over more ground in that country, than was from time to time under the feet of his armies.

"The United States also bound themselves to each other by a solemn act of confederation and perpetual union, wherein they declare, 'that the style of the Confederacy should be, *the United States of America*,' and by it they vested *in Congress* the sole and *exclusive* right and power of determining on *peace* and war, of sending and receiving Ambassadors, and entering into *treaties* and alliances.

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"Thus becoming of right, and being in fact free, sovereign and independent States, their representatives in Congress did on the 15th day of June, 1781, grant a commission to certain gentlemen (of whom we are two) *in their name* to confer, treat, and conclude, with the Ambassadors, Commissioners, &c. *vested with equal powers* relating to the re-establishment of peace, &c.

"On the 25th of July 1782, his Britannic Majesty issued a commission under the great seal of his kingdom to Richard Oswald, reciting in the words following, 'that whereas by an act passed in the last session of Parliament, entitled, "An Act to enable his Majesty to conclude a peace or truce with certain Colonies in North America," therein mentioned, it recited, that it is essential to the *interest, welfare, and prosperity* of Great Britain, and the *Colonies or Plantations* of New Hampshire, Massachusetts Bay, &c. (naming the thirteen) that peace, intercourse, trade, and commerce, should be restored between them, therefore, and for a full manifestation of our earnest wish and desire; and of that of *our Parliament*, to put an end to the calamities of war, it is enacted, that it should and might be lawful for us to treat, consult of, agree and conclude with any Commissioner or Commissioners, named or to be named, *by the said Colonies or Plantations*, or with any body or bodies, corporate or politic, or any assembly or assemblies, *or description of men or any person whatsoever*, a peace or truce with the said Colonies or Plantations, *or any of them*, or any *part or parts thereof*, any law, act or acts of Parliament, matter or thing to the contrary in anywise notwithstanding.' The commission then proceeds to appoint and authorise Mr Oswald to treat &c. *in the very words of the act*.

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"We do not find ourselves described in this commission as the persons with whom Mr Oswald is authorised to treat.

"Nations, particularly corporations, mercantile companies, and indeed every private citizen, in every country, have their titles, their styles, their firms, and their additions, which are necessary to their being known in the law; that is to say, the law of nations requires, that national acts shall give to every sovereign and nation its proper political name or style, in the same manner as the municipal law of the land will only take notice of corporations, companies, and even private citizens by their proper names and legal descriptions.

"When the United States became one of the nations of the earth, they published the style or name, by which they were to be known and called, and as on the one hand they became subject to the law of nations, so on the other they have a right to claim and enjoy its protection, and all the privileges it affords.

"Mr Oswald's commission is a formal, national act, and no nation not mentioned or properly described in it can consider him properly authorised to treat with them. Neither the United States of America, nor Commissioners appointed by *them*, are mentioned in it, and, therefore, we *as their servants* can have no right to treat with him.

"We are apprised the word *Colonies* or *Plantations* of New Hampshire, &c. in *North America*, convey to the reader a geographical idea of the country intended by the commission, and of the manner of its first settlement, but it conveys no political idea of it, except perhaps a very false one, *viz.* as dependent on the British Crown; for it is to be observed, that the words *Colonies or Plantations* have constantly been used in British acts of Parliament, to describe those countries while they remained subject to that Crown, and the act holds up that idea in a strong point of light when it declares, *that it is essential to the interest, welfare, and prosperity of the Colonies or Plantations* of New Hampshire, &c. that peace, &c. should be restored, &c. For as independent States our interests, welfare, and prosperity, were *improper objects for the Parliamentary discussion and provision of Great Britain*.

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"The United States cannot be known, at least to their Commissioners, by any other than *their present, proper, political name*, for in determining whether Mr Oswald's commission be such as that we ought to treat with him under it, we must read it with the eyes, and decide upon it with the judgment of *American Ministers*, and not of private individuals.

"But admitting that the studied ambiguity of this commission leaves every reader at liberty to suppose, that we are or are not comprehended in it, nay supposing it to be the better construction, that we are, still in our opinion it would ill become the dignity of Congress to treat with Mr Oswald under it.

"It is evident, that the design of the commission was, if possible, to describe the United States, the Congress, and their Commissioners, by such circumlocutory, equivocal, and undeterminate words and appellations, as should with equal propriety apply to the Thirteen States considered as British Colonies and territories, or as independent States, to the end, that Great Britain might remain in a capacity to say, that they either had the one or the other meaning, as circumstances and convenience might in future dictate.

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"As Congress have no doubts of their own independence, they cannot with propriety sanctify the doubts of others, and, therefore, cannot admit the sufficiency or decency of any commission that contains them.

"It being well known, that the United States have vested in Congress the exclusive right to make peace, this commission, by authorising Mr Oswald to treat with them *separately*, and even with parts of them, and with any person or persons whatsoever, offers such open and direct violence to the honor and prerogatives of Congress, as to be better calculated to excite their resentment than their acquiescence. Nor can we conceive it very decent in Great Britain to expect that Congress, after having so long firmly and uniformly maintained the rights of independence, should now consent to deviate from that character by negotiating with her for peace, in any other capacity than the one in which they have carried on the war with her.

"It seems agreed on all hands, that the commission does not acknowledge us to be independent, and though the King of Great Britain consents to make it the *first article* of the proposed treaty, yet, as neither the first nor the last article of the treaty can be of validity till the conclusion of it, can it be reasonably expected, that we should consent to be viewed during all that interval as British subjects, there being no middle capacity or character between subjection and independence? Neither Congress nor their servants, if so inclined, have a right to suspend the independence of the United States for a single moment, nor can the States themselves adopt such a measure, while they remember the solemn manner in which they pledged to each other their lives, their fortunes, and their *sacred honor*, to support their independence.

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"It gives us pleasure to find that these inferences and conclusions from the general nature and rights of independence, stand confirmed by the express acts and declarations of Congress on the subject, and in whatever view these acts may be regarded by others, they must be considered as authoritative by their servants.

"So early as the 17th of July, 1776, Congress resolved, 'that General Washington, in refusing to receive a letter said to be sent by Lord Howe, addressed to "George Washington, Esq." acted with a dignity becoming his station, and, therefore, that this Congress do highly approve the same, and *do direct* that no letter or message be received on any occasion whatever from the enemy by the Commander in Chief, or others, the commanders of the American army, but such as shall be directed to them in the characters they respectively sustain.'

"We conceive that the reason of this resolution extends with at least equal force to *civil* officers, and particularly to Commissioners appointed to treat of peace with Great Britain.

"On the 5th of September, 1776, Congress resolved, 'that General Sullivan be requested to inform Lord Howe, that this Congress, *being the representatives of the free and independent States of America*, cannot with propriety send any of its members to confer with his Lordship in their *private* characters, but that ever desirous of establishing peace on reasonable terms, they will send a committee of their body to know whether he has any authority to treat with persons *authorised by them* for that purpose in behalf of *America*, and what that authority is; and to hear such propositions as he shall think fit to make respecting the same; that the President write to General Washington and acquaint him, that it is the opinion of Congress, no proposals for making peace between Great Britain and the United States of America *ought to be received or attended to*, unless the same be made in writing, and addressed to the representatives of the said States in Congress, or *persons authorised by them*, and if application be made to him by any of the commanders of the British forces on that subject, that he inform them, that these United States, who entered into the war only for the defence of their lives and liberties, will cheerfully agree to peace on reasonable terms, *whenever such* shall be proposed to them in MANNER AFORESAID.'

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"These resolutions were passed at a time when the United States had formed no alliances, and when a formidable and hostile army had just arrived to invade their country. If such, therefore, were their sentiments, and such their resolutions at so early, so dangerous, and doubtful a period, there certainly is reason to presume, that the fortitude which influenced them has not been abated by the present aspect of their affairs.

"On the 22d of November, 1777, Congress resolved, 'that all proposals of a treaty between the King of Great Britain or any of his Commissioners and the United States, *inconsistent with the independence* of the said States, or with such treaties or alliances as may be formed under their authority, *will be rejected by Congress*.'

"We cannot consider the present proposals to treat with us in a character *below independence to be consistent with it*.

"Among other objections *unanimously* made by Congress, on the 22d of April, 1778, to certain bills of the British Parliament, then about to be passed into laws to enable the King of Great Britain to appoint Commissioners to treat, &c. is the following, viz.

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'Because the said bill purports, that the Commissioners therein mentioned may treat with *private individuals*, a measure highly derogatory to *national honor*.'

"Mr Oswald's commission contains a similar clause, and, consequently, is liable to the same objection.

"The Congress did also, on the same day, *unanimously* declare, 'that these United States cannot with propriety hold any conference or treaty *with any Commissioners* on the part of Great Britain, unless they shall *as a preliminary thereto*, either withdraw their fleets and armies, or else *in positive and express terms acknowledge the independence of the said States*.' Neither of these alternatives have as yet been complied with.

"On the 6th of June, 1778, the Congress ordered their President to give an answer in the following words to the Commissioners appointed under the British acts of Parliament beforementioned, viz.

'My Lord,

'I have had the honor to lay your Lordship's letter of May the 27th, with the acts of the British Parliament enclosed, before Congress, and I am instructed to acquaint your Lordship, that they have already expressed their sentiments upon bills not essentially different from those acts, in a publication of the 22d of April last.

'Your Lordship may be assured, that when the King of Great Britain shall be seriously disposed to put an end to the unprovoked and cruel war waged against these United States, Congress will readily attend to such terms of peace as may consist with the *honor of independent nations*, the interest of their constituents, and the sacred regard they mean to pay to treaties.'

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"The honor of an *independent nation* forbids their treating in a *subordinate* capacity.

"On the 17th of June, 1778, Congress in another letter to the same Commissioners, *unanimously* join in saying;

'Nothing but an earnest desire to spare the further effusion of human blood could have induced them to read a paper containing expressions so disrespectful to his Most Christian Majesty, the good and great ally of these States, or to *consider* propositions so derogatory to the honor of an independent nation.

'The acts of the British Parliament, the commission from your sovereign, and your letter, suppose the people of these States to be subjects of the Crown of Great Britain, and are founded on an *idea of dependence*, which is utterly *inadmissible*.

'I am further directed to inform your Excellencies, that Congress are inclined to peace, notwithstanding the unjust claims from which this war originated, and the savage manner in which it has been conducted. They will therefore be ready to enter *upon the consideration* of a treaty of peace and commerce, not inconsistent with treaties already subsisting, *when* the King of Great Britain shall demonstrate a sincere disposition for that purpose. The only solid proof of this disposition will be an explicit acknowledgment of the independence of these States, or the withdrawing his fleets and armies.'

"On the 11th of July, 1778, the British Commissioners again endeavored to prevail upon Congress to treat with them on the humiliating idea of dependence. And on the 18th day of the same month, Congress came to the following resolution, viz.

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'Whereas Congress, in a letter to the British Commissioners of the 17th of June last, did declare that they would be ready to *enter into the consideration* of a treaty of peace and commerce not inconsistent with treaties already subsisting, *when* the King of Great Britain should demonstrate a sincere disposition for that purpose, and that the only solid proof of this disposition would be an *explicit acknowledgment of the independence* of these States, or the withdrawing his fleets and armies; and whereas neither of these alternatives have been complied with, therefore resolved, that no answer be given to the letter of the 11th instant from the British Commissioners.'

"We find Congress still adhering to the same resolutions and principles, and in pursuance of them lately directing General Washington to refuse Sir Guy Carleton's request of a passport for one of his family to carry despatches from him to Congress. The late resolutions of the different States on that occasion show how exactly the sense of the people at large corresponds with that of their representatives in Congress on these important points.

"To our knowledge, there is not a single instance in which Congress have derogated from the

practice and conduct of an independent nation. All their commissions, as well *civil* as *military*, are and always have been in that style. They have treated with France and the States-General of the United Provinces, and those powers have treated with them on an equal footing. What right, therefore, can Britain have to demand, that we should treat in a different manner with her? Or with what propriety can we pay marks of respect and reverence to our enemies, which we never have paid to our friends; friends too, who are at least equal to her in power and consideration; nor can we forbear observing, that the second article of our treaty of alliance with his Most Christian Majesty declares, 'That the essential and direct end of the present defensive alliance is, to maintain effectually the *liberty, sovereignty, and independence, absolute and unlimited*, of the said United States, as well in matters of *government* as of commerce.'

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"Hence it appears, that not only the regard due to our own dignity, but also to the dignity of our great ally, and the faith of treaties, forbid our receding in the least from the rights of *that sovereignty and independence*, the support of which forms the *direct end* of our alliance.

"But although the United States as an independent nation can regard Great Britain in no other light, than they would any other Kingdom or State with whom they may be at war, yet we can easily perceive that Great Britain has stronger objections than other nations can have to treating with us as *independent*. But these objections, however strong, are more proper subjects for their deliberations whom they affect, than for ours, whom they do not respect. Britain may amuse herself with, and therefore be embarrassed by doubts of our title to independence, but we have no such doubts, and therefore cannot be perplexed or influenced by them.

"Other nations owe their origin to causes similar to those which gave birth to ours, and it may not be useless to inquire how they conducted themselves under similar circumstances.

"The tyranny of Philip II of Spain made his subjects in the Low Countries declare themselves independent; a long and cruel war ensued, which was suspended by a truce for twelve years, and afterwards concluded by a definitive treaty of peace.

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"History bears honorable testimony to the wisdom and fortitude of that nation during that interval, and we think the following detail is so interesting, and so applicable to the case of our country in general, and particularly to the point in question, that we cannot forbear requesting your Excellency to peruse it.

"On the 26th of July, 1581, the United Provinces, by a formal act, declared that Philip II had forfeited his right to the sovereignty of those Provinces, and that consequently they were independent.

"On the last of June, 1584, the King of France sent an Ambassador (le Sieur Pruneau) to Holland, and he in writing represented to the States assembled at Delft, that his Majesty had understood that they desired to treat with him, and that he had thought proper to inform them, that they should let him know on what terms they proposed to do it, with many reasons to induce the Provinces to come into such treaty.

"Queen Elizabeth did nearly the same thing by her letter of the last of October, 1584, which she sent to her Ambassador *Davidson*.

"The Deputies of the States soon after, by their order, returned thanks to the Queen and informed her, that they had resolved to accept the King of France for Prince of the country in the same manner as Charles V had been, but on condition to retain their rights and privileges.

"On the 3d of January, 1585, the States despatched Deputies to make this offer to the King of France. Spain remonstrated against their being *admitted to an audience*, calling them rebels, &c.

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"To this remonstrance the King of France gave an answer, which does the highest honor to his magnanimity.

"On the 13th of February, 1585, the deputies had an audience of the King, and afterwards of the Queen Mother.

"On the 8th of March, 1585, the King gave for answer to the Deputies, that he could not at present accept their offer nor assist them; complained greatly of the violence done him by the Spaniards and Guises, and desired them, to provide for their own defence, until such time as he should be in quiet with his own subjects, and promised to recommend them to the Queen of England.

"On the 6th of June, 1585, the States-General resolved to transfer the sovereignty to the Queen of England, on lawful and reasonable conditions, or to treat with her to take them under her protection, or to obtain more aid and assistance from her.

"On the 9th of July, 1585, they had an audience of the Queen at Greenwich, and offered to her the sovereignty, &c.

"The Queen declined to accept the sovereignty or undertake the perpetual protection of the United Provinces, but on the 10th of August, 1585, she entered into a formal treaty with them to afford aid, &c.

"On the 16th of October, 1587, the States made a declaration to their Governor Leicester on the subject of some differences between them, in which they say, 'And as by divers acts, and particularly by a certain letter, which he wrote on the 10th of July to his secretary Junius, (as is said) the authority of these States is drawn into doubt; they think it proper to make a more ample declaration, containing a deduction of the rights of the States, which they are bound by oath to maintain. *For in case they had not been well founded in the sovereignty of the Provinces, they could not have deposed the King of Spain, nor have defended themselves against his power. Nor would they have been able to treat with their Majesties of France and England, nor to have transferred the government to your Excellency,*' &c. &c.

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"On the 3d of September, 1587, the Earl of Leicester by order of the Queen intimated to them the propriety of negotiating for peace, for it seems the King of Denmark had privately sounded the King of Spain on that subject.

"The States answered, 'That they had never given any such commission to the King of Denmark, nor ever thought of it; but on the contrary, they had observed to the Earl of Leicester, in the year 1586, on his leaving Holland, and on his speaking to them about making peace, that there was *nothing so dangerous and injurious in their condition as to speak or treat of peace*, and that it was one of the *old finesses of Spain*; that neither a long war, the damages suffered, nor force, nor the unexpected deaths of their chiefs had been able to hinder their doing their duty, nor make them recede one step from that foundation of constancy on which they were fixed; but that seeing the honorable weapons which were left them, viz. firmness and resolution, they were sufficiently powerful to surmount their difficulties, in the same manner as the virtue of the Romans had made them triumph over Carthage.' They also reminded the Earl, that by pretext of treating of peace on a former occasion, they had lost Artois, Hainault, and other countries. That the treaties at Ghent and Bruges, which were prior to their independence, had cost the lives of more than a hundred thousand persons; that negligence and false security were always the consequences of such negotiations.

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"On the 30th of October, 1588, the Queen again proposed their entering into negotiations for peace, and they again refused.

"In 1590 and 1591, the Emperor endeavored to persuade the United Provinces to enter into negotiations by the mediation of his good offices for a *reconciliation* with the King of Spain. And on the 7th of April, 1592, they gave a formal answer to the Emperor, containing their reasons for declining his proposal; on this occasion they struck a medal representing a Spaniard offering peace to a Zealander, who points to a snake in the grass, with these words, '*latet anguis in herba.*'

"On the 6th of May, 1594, the Archduke of Austria sent a letter to the States on the same subject, and received the like answer, accompanied with a full state of their reasons for it.

"In the same year the United Provinces sent Ambassadors to Denmark, and received others from King James of Scotland, who desired them to send some persons on their behalf to assist at the baptism of his son, and to renew ancient treaties, &c.

"On the 31st of October, 1596, the King of France entered into a treaty of alliance with the United Provinces against Spain.

"On the 9th of August, 1597, the Emperor by his Ambassador, then at the Hague, proposed to the States to treat of peace. They refused, *alleging that they had been lawfully separated from the dominion of the King of Spain, and had formed alliances with England, France, &c.*

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"On the 15th of October, 1597, Ambassadors from the King of Denmark arrived at the Hague, among other things to dispose the States to peace. On the 24th of October, the States gave them a long answer, recapitulating their reasons for refusing to negotiate.

"On the 2d of November, 1597, the King of France, having been offered advantageous terms of peace by Spain, hinted his pacific inclinations to the States. They earnestly dissuaded him from making either *peace* or *truce*. The King nevertheless began to treat under the mediation of the Pope, &c.

"The States sent Ambassadors to France with instructions dated 13th of January, 1598, to dissuade the King from peace, and to take measures with France against Spain for the ensuing campaign.

"On the 2d of May, 1598, peace was concluded between France and Spain, at Vervins.

"In treating of the articles of this peace, the Deputies of France declared, that they could not proceed to conclude it unless the Queen of England and the United Provinces, who were allied with his Christian Majesty, were received and admitted to the treaty. To which the Deputies of the King of Spain answered, that from the commencement of the conferences, they had declared that *they were ready and content* to receive and treat with the Deputies of the said Queen and Provinces, and that they had resided long enough in that place to give them time to come there if they had been so pleased; and it was concluded and agreed, that if in six months the Deputies of the said Queen and United Provinces should come with sufficient powers, and declare themselves willing to treat of peace, they should there be received, and for that purpose the Deputies of the

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King of Spain should be at Vervins, or such other place as by common consent of parties should be agreed upon; and at the instance of the Deputies of his Christian Majesty, it was further agreed, that there should be a cessation of arms and hostilities between his Catholic Majesty, the Queen of England, and the United Provinces for two months, to be computed from the day on which the said Queen and Provinces should inform the Archduke of Austria, that they accepted the said cessation, &c.

"On the 6th of May, 1598, the King of Spain conveyed the Low Countries and Burgundy to his daughter Isabella Clara Eugenia on certain conditions, the first of which was to marry Albert, the Archduke of Austria.

"On the 29th of June, 1598, the Queen of England, by her Ambassador Sir Francis Veer, addressed the States on the subject of the late peace between France and Spain, and left it to *their choice* to accede or continue the war. They resolved not to treat of peace.

"The Archduke expressed his astonishment, that the Queen should assist his *rebellious subjects*, on which she desired the King of France to tell him, that alliances with the States of the Low Countries was not a new thing; that they had not *recognised him* for their sovereign, and that though she respected him as the brother of the Emperor and Archduke of Austria, yet as the Lieutenant of the King of Spain she held him as an enemy.

"On the 16th of August, 1598, the Queen of England entered into a new convention with the United Provinces, confirming the treaty of 1585, with certain other stipulations.

"On the 28th of August, 1598, the Archduke wrote a letter to the States-General, to persuade them to accept him for their sovereign. To this letter they resolved *not to give any answer*.

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"On the 13th of September, 1598, Philip II, King of Spain, died. In the year 1599, the Emperor again commissioned Ambassadors to persuade the United Provinces to treat of peace, &c. The States, in their answer of the 2d of December, 1599, refuse to treat, because among other reasons, 'the insolence of the Archduke and Infanta was such that although they knew very well that they could claim no right to the said United Provinces under the beforementioned donation, or by any other title, yet so it was, that by placards, by public and notorious libels, and by indecent and unjust acts, which they could never excuse, they held them for rebels.'

"On the 7th of June, 1600, the States, in their answer to another application to the Emperor, say among other things that the Archduke had 'treated the inhabitants barbarously, proclaiming those to *be rebels who had nothing to do with him*, and that well considering all these things, they had good reason to judge, that it would neither be consistent with their honor nor their interest to acknowledge the Archduke, or treat either with him or with Spain.'

"On the 3d of April, 1602, the Queen of England died.

"On the accession of James, the Archduke immediately sent Nicholas Schossy to sound the King on the subject of peace, and the next year sent Count Arembergh there for the same purpose. King James sent Rudolph Winwood to inform the States, that the Archduke had proposed to him to treat of peace, but that he would do nothing till he had informed them of it, and should be advised of their inclinations.

"On the 30th of July, 1603, the Kings of France and England concluded a treaty of confederation, principally for the defence of the United Provinces against the King of Spain. This treaty was secret.

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"In May, 1604, conferences for a peace were opened at London between the Deputies of Spain and the Archduke on the one part, and those of England on the other.

"The Spaniards requested the King to mediate a peace between the Archduke and the United Provinces *on reasonable and equal terms*. The English answered, that it was not their business, and that they could treat together, without saying anything of the United Provinces.

"On the 28th of August, 1604, peace was concluded between Spain and the Archduke on the one part, and England on the other.

"On the last of May, 1605, the States, in answer to the propositions for peace made by the Emperor, Electors, Princes, and States of the empire say, 'that they had been legally discharged from their oaths to the late King of Spain; insomuch that all impartial Kings, Princes, and States did at present acknowledge and hold the Low Countries for a *free State*, qualified of right to govern itself in form of a republic, or to choose another Prince.

'That as to what they had been advised, viz. to enter into any treaty, contrary to the free government right, which they had obtained, and which they still enjoyed, they considered it as *contrary to God, their honor, and their safety*.'

"About the end of February, 1607, there came from Brussels to Holland, as Deputy from the Archduke, the Commissary-General of the minor brothers, whose father had formerly been well acquainted with the Prince of Orange.

"He came to learn the reasons, which had prevented the propositions of the Sieur Horst from being successful. After speaking often in private with Prince Maurice, he came to the Hague, where he also had an audience of Prince Maurice, to whom he said, that it was not the intention of his Highness *either to better or to lessen his right by any treaty of truce, but to treat with the States in the state in which they were.* And on being given to understand, that the Archduke *must acknowledge the State for a free State before they would enter into any treaty,* he undertook to bring the Archduke to consent to it, in order to avoid the effusion of blood. On the 9th, he went in Prince Maurice's boat to Antwerp, and returned on the 17th of March to the Hague, and did so much, that both parties finally agreed to come to some mutual treaty, agreeable to the conditions of the following Declaration, viz.

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'The Archdukes have found it proper to make the following declaration, offer, and presentation *to the States-General of the United Provinces of the Low Countries.*

'That the Archdukes having nothing more at heart than to see the Low Countries and the inhabitants thereof delivered from the miseries of war, declare, by these presents, and with mature deliberation, that they are content to treat with the States-General of the United Provinces, in quality, and as holding them *for free Countries, Provinces, and States, to which their Highnesses pretend nothing,* either by way perpetual peace, or truce, or cessation of arms for twelve, fifteen, or twenty years, at the election of the said States, and on reasonable conditions;' then follow certain propositions for a truce, &c. and afterwards a condition, 'That the States agree to the aforesaid provisional truce in eight days after the delivery of these presents, and shall make a declaration to their Highnesses in writing, before the 1st of September next ensuing, touching the principal treaty aforesaid of truce or cessation of arms, with the time and place which they may have chosen. Done at Brussels, under the signatures and the seal of their Highnesses, the 13th of March, 1607.'

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"To this declaration and offer, the States answered, 'That the States-General in quality of, and as free States, Countries, and Provinces, over which their Highnesses have nothing to pretend, and being equally desirous of nothing more than to consent to a Christian, honorable, and sure issue to, and deliverance from the miseries of this war, after mature deliberation, and with the advice of his Excellency, and of the Council of State, *have accepted* the said declaration of the Archdukes *to regard their United Provinces as free Countries, to which their Highnesses have nothing to pretend,* and also a truce for eight months, &c. &c. Their Highnesses further promising to obtain and deliver to the said States-General within three months next ensuing, the agreement of the King of Spain touching the treaty, under all the necessary renunciations and obligations, as well general as special.'

"On the last of June, 1607, the King of Spain ratified the truce, but *omitted an acknowledgment of their independence.*

"The States-General, on the 9th and 11th of August, 'declared these ratifications to be imperfect both in substance and in form.' The Archduke promised to procure a more complete one.

"On the 18th of September, 1607, the King of Spain made a new ratification *containing the acknowledgment in question,* but declaring that the said ratification should be void, unless the peace or truce in contemplation should take place.

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"To this condition the States made strong objections.

"On the 2d of November, 1607, the States made various remarks on the ratification. They *absolutely refused to accept, and protested against the condition* contained in it, but offered to proceed on the footing of the declaration, *provided* the States should be firmly assured that nothing would be proposed either on the part of the Archduke or of the King *contrary to the same,* or prejudicial to the State or government of the United Provinces, and provided also, that the Archduke did send his Deputies to the Hague fully authorised, &c. within ten days after the receipt of that answer.

"On the 10th of November, the States-General adjourned to take the sense of their constituents on the subject of the ratification, and agreed to meet again on the 10th of December.

"On the 24th of December, 1607, they wrote to the Archduke, that under the *protest and declaration* contained in the answer of the 2d of November, they were content to enter into conferences with his Deputies at the Hague, and proposed to prolong the truce a month or six weeks.

"On the 7th of January, the answer of the Archduke arrived, in which he calls the States, '*très chers et bons amis.*' He observed, that he had learnt from their letter of the 24th of December, the resolution they had taken to enter into conferences with his Deputies about peace, and, in the meantime, to prolong the truce for a month or six weeks.

"That as to the first point, he had appointed for the said conferences the same persons whom he had before employed, and that they should set out the 15th of January, and that as to the truce, he was content to prolong it for six weeks.

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"On the 6th of February, 1608, the Deputies of the States, and those of the Archduke, had their first meeting to exhibit their respective credentials. The Deputies of the Archduke produced two,

one from him, and the other from the King of Spain.

"On the 8th of February, 1608, the Deputies of both parties had their second meeting. Those of the States asked the others if they were fully instructed (*enchargés*) to *acknowledge the United Provinces to be free Provinces and countries, and to treat with them in that capacity*, to which they explicitly (*rondement*) answered, *yes*. The Dutch Deputies thereupon asked, why then the Archduke retained the arms and name of the said Provinces? They then replied, that it ought not to seem strange, for that the King of Spain retained the title of King of Jerusalem; the King of France that of King of Navarre, and the King of England retained the arms and title of France.

"On the 11th of February, 1608, they met again; the Deputies of the States presented to the others an article, which they had drawn up, by which the 'Provinces were declared to be free, and that the King of Spain and the Archdukes relinquished all their pretensions to the sovereignty of the said Provinces, &c. as well for themselves as for their successors and heirs, *with the name and arms.*'

"The others received the article and took time to consider of it, on which the meeting was adjourned. They immediately despatched a courier with a copy of it to Brussels, and received an answer on the 13th. They complained, however, to the Ambassadors of France and Great Britain, &c. of the States being *so precise* in that article.

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"On the 13th of February, 1608, in the afternoon, the Deputies again assembled, and those of the Archduke *consented to the article as it was drawn up*, with reserve, nevertheless, that in case all the other points should be agreed upon, *they hoped* the States would do something for the King of Spain and the Archduke respecting the Indies, &c.

"On the 15th of February they again met; they agreed on the points of amnesty and oblivion; but on treating of reciprocal free trade and navigation to each other's ports and countries, the Deputies of the Archduke declared, that they did not mean to comprehend in that free trade, *the navigation to the Indies* and all the fortresses there, but, on the contrary, that all the subjects of these countries should *forthwith desist therefrom*. The Dutch Deputies opposed *this strongly and firmly*, saying, that it would prejudice the liberty of the Provinces and *the free use of the sea*, and, therefore, that they were not authorised to relinquish it. The others continued firm in their demand, and after long debates the Deputies separated.

"On the 19th, 23d, and 27th of February, and 4th of March, 1608, the Deputies met, but, except debating, did nothing, both parties continuing firm and resolved not to cede anything.

"The Deputies of Spain, finding they could not carry the point as to the Indies, declared, at length, that they would consult together on a proposition to make a truce for some years respecting the navigation, and that they were ready to go on to the other points, and try to agree upon some of them.

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"On the 7th of March, they exchanged heads of articles for consideration. On the 11th and 12th of March they again met, and had fruitless debates about a *free navigation to the Indies, &c.* The Marquis Spinola proposed that the subject should be divided, and that two sets of propositions should be prepared, one for the navigation in Europe and the other for the Indies.

"On the 17th of March they again met, and the Dutch Deputies offered to the others two sets of propositions as had been proposed; they received them for consideration; but, after debate, they declared that they could not agree to them, and that they must make a journey to Spain for further instructions; for this reason the truce was prolonged to the end of May.

"The truce was continued from time to time, and sundry fruitless meetings held; but, on the 20th of August, 1608, the Deputies assembled; 'the Spanish ones declared, that they had lately received full instructions on the several points in question, viz. *that the King and Archduke were content to quit the sovereignty of the United Provinces*; but that he required two points to be yielded by the States by way of compensation, viz. the re-establishment of the Roman Catholic religion in every place in the Provinces, and that they should immediately *desist from all navigation both to the East and West Indies.*'

"The Dutch Deputies reported this to the States-General. On the 25th of August, the States-General made a long and spirited declaration on the subject of this report, resolving against negotiating any longer, and they ordered a copy of it to be delivered to the Spanish Deputies.

"On the 27th of August 1608, the Ambassadors of France and England, &c. came to the States-General and endeavored to prevail upon them to agree to a long truce.

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"On the 30th of August, the States expressed their readiness to agree to a long truce, provided, the adverse party 'would *so absolutely acknowledge them for free countries, as that it should not be questioned after the expiration of the truce*, that otherwise they could not listen to a truce.'

"On the 3d of September, the Spanish Deputies said they had no instructions to treat of truce, in acknowledging the United Provinces to be absolutely free, and *permitting the navigation to the Indies*, but that they had sent the proposition to Brussels, in order to have further instructions.

"On the 7th of September, they received an answer from Brussels, and they declared, that they



had no instruction to agree to a long truce with the States, on condition to acknowledge them to be States absolutely free, and without comprehending the re-establishment of the Roman religion, and the relinquishment of *all navigation to the Indies*, but that the Archduke would send the proposition to Spain, from whence he might expect an answer by the end of September.

"They then proposed either to wait for the answer of Spain, or continue the present truce for seven years, observing, that it had been made with an express declaration to hold the United Provinces for free countries, and that as to the trade to the Indies, the Archduke would promise to *get it ratified by the King of Spain for that space of time*.

"The States unanimously rejected this new proposition, but gave them the time they had demanded for the answer of Spain. On the 28th of September, the Spanish Deputies applied to the Ambassadors of France, &c. to ask ten days more from the States. The Ambassadors agreed to do it *in the name of the Deputies*, but they declined it.

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"On the last of September they took their leave.

"The States-General became possessed by accident of the instructions given to Spinola, and the other Deputies; they were signed by the Archdukes, and dated at Brussels, the 6th of January, 1608. They were thereby instructed to insist on the free exercise of the Roman Catholic religion.

"As to independence the instructions say;

'As to the subject of liberty, since you know what we have granted, make no difficulty of arranging it as they wish; doing or saying nothing in opposition, which may make them suspect that we desire to revoke our declaration on that point, as we are determined to abide by it in all respects.'

"These instructions also directed them to insist, that the States should renounce, and entirely and absolutely desist from the trade of the East and West Indies, and should agree to punish those who might undertake such voyages, &c. &c.

"On the departure of the Spanish Deputies, the Ambassadors of France and Great Britain endeavored to prevail upon the States-General to listen to a truce, and proposed to their consideration certain articles, which they had prepared. The States after much deliberation, agreed to enter into further negotiations on that subject.

"On the 25th of March, 1609, the Deputies of both parties met at Antwerp, and on the 9th of April following, a truce for twelve years was concluded upon. It was forthwith ratified by the States and the Archdukes, and published on the 14th of April.

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"On the 7th of July, 1609, at Segovia, the King of Spain explicitly and without reserve ratified this truce, viz.

'His Majesty having seen the contents of the articles of truce and capitulation, which his dear and well beloved brothers, the Archdukes Albert and Isabella Clara Eugene have sent him, concerning the truce granted in the name of his Majesty, by his representative, and in that of their Highnesses by themselves, to the States-General of the United Provinces of the low countries, and having maturely considered it, declares that he applauds, approves, confirms, and ratifies the said truce, in so much as concerns him, &c.'

"The first article of this truce was in the words following.

'First, the abovementioned Archdukes declare, in their own name and in that of the King, that they are content to treat with the said States-General of the United Provinces, in the character of, and holding them for a free country, estates, and provinces, over which they have no claims, and to make a truce with them in the name and under the character above described; and this they do on the conditions hereinafter described and declared by these presents.'

"On the 30th of January, 1648, a treaty of peace was concluded between Spain and the United Provinces.

"The full powers or commission given by the King of Spain to his plenipotentiaries for making this peace, were dated near two years before, viz. 7th of June, 1646, and they show clearly, that he negotiated with those Provinces as with independent States, on that occasion.

"The tenor of this commission is very different from that of Mr Oswald. The following is an extract from it.

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'All the powers, which are concerned in this war, having by common consent chosen the city of Munster as a place for holding the Congress and negotiations for the peace aforesaid; we have thought proper to name plenipotentiaries there to treat with the States of the free Provinces of the low countries, or with their Ambassadors and plenipotentiaries, authorised and deputed for this purpose, &c.'

"From this detail it appears, that the Dutch ever after their declaration of independence, in July, 1581, uniformly treated with the neighboring nations on an *equal footing*, and also that they

constantly and firmly refused to negotiate either for truce or peace with Spain, until she consented to treat with them in *like manner*.

"We forbear engaging your Excellency's time and attention by the application of these facts and conclusions, to the case of our country. We are persuaded, that the similarity between the two will not escape your discernment, and that we shall not be thought singular in our opinion, that the example of the United Provinces merits at least in these respects the imitation as well as the approbation of the United States of America.

"But, Sir, we not only think it inconsistent with the dignity of the United States to treat with Britain in the humiliating manner proposed, but also that it would be repugnant to their interest.

"The respect of other nations is undoubtedly of importance to America; but, Sir, if she ceases to respect herself, how can she expect to be respected by others?"

"America has taken and published noble and manly resolutions to support her independence, at every hazard. She has hitherto done it, and would it be for her interest to quit the ground for which she has lost so much of her blood, merely to accommodate herself to the high-blown pride of an enemy? Sir, the very proposition carries with it insult, and therefore bears strong marks of *insincerity*.

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"But suppose that the United States should descend from their present ground of equality, in order to treat with Mr Oswald, and that our negotiations should be *fruitless*. In what an awkward situation should we then be? We should find ourselves betrayed by our too great pliancy, and our too great desire of peace, to the ridicule of our enemies, the contempt of other nations, and the censure of our own minds. What a page would this make in history.

"As to Mr Oswald's offer to make an acknowledgment of our independence the first article of our treaty, and your Excellency's remark, that it is sufficient, and that *we are not to expect the effect before the cause*, permit us to observe, that by the *cause*, we suppose, is intended the *treaty*, and by the *effect*, an acknowledgment of our independence. We are sorry to differ from your Excellency, but, really, Sir, we cannot consider an acknowledgment of our independence as a subject to be treated about; for while we feel ourselves to be independent in fact, and know ourselves to be so of right, we can see but one cause from whence an acknowledgment of it can flow as an effect, viz. *the existence and truth of the fact*. This cause has long existed and still exists, and, therefore, we have a right to expect that Great Britain will treat with us being what we are, and not as what we are not. To treat about this matter, would be to suppose that our independence was incomplete until they pronounced it to be complete. But we hold it to be complete already, and that as it never did, so it never will, or must depend in the least degree, on their will and pleasure. To us there appears to be a wide distinction between their acknowledging the United States to be independent, and their renouncing their pretended, though troublesome claims; the former being a pre-existing fact, cannot depend upon, and, therefore, is not a proper subject for a treaty; but to renounce or not to renounce a claim, whether good or bad, depends on the will of him who makes and prosecutes it; and, therefore, like other matters of interest and convenience, is a proper subject for bargains and agreements between those who trouble their neighbors with such claims, and their neighbors who are troubled by them; and who, for peace sake, may choose to continue the law-suit, unless their future quiet is secured by a quit claim."

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I think it was on the 24th of September, that I was informed of the intention of the British Court to give Mr Oswald such a new commission as had been recommended.

On the 26th of September, I went to pay a visit to the Count de Vergennes, at Versailles. I found the Marquis de Lafayette in the ante-chamber, and the Ambassador of Spain shortly after entered. After some common conversation, the Ambassador asked me when we should proceed to do business. I told him as soon as he should do me the honor of communicating his powers to treat. He asked me whether the Count de Florida Blanca had not informed me of his being authorised. I admitted that he had, but observed, that the usual mode of doing business, rendered it proper that we should exchange certified copies of our respective commissions. He said that could not be expected in our case; for that Spain had not yet acknowledged our independence. I replied, that we had declined it, and that France, Holland, and Britain, had acknowledged it. Here the Marquis de Lafayette took up the subject, and it continued between him and the Ambassador, till the Count de Vergennes came in. The Marquis told the Ambassador among other things, that it would not be consistent with the dignity of France, for her ally to treat otherwise than as independent. This remark appeared to me to pique the Count d'Aranda not a little.

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The Count de Vergennes, on coming in, finding the conversation earnest, inquired whether we could not agree. The Ambassador stated my objections. The Count said I certainly ought to treat with the *Ambassador*, and that it was proper we should make a treaty with Spain in the same manner that we had done with France. I told him, I desired nothing more; and that the commission to M. Gerard, and the reason assigned by this Court to the King of Great Britain for entering into alliance with us, pointed out both the manner and the principles, which were observed and admitted on that occasion. The Count did not seem pleased with my allusion to the communication made of our alliance to England. He observed, that Spain did not deny our independence, and he could perceive no good reason for my declining to confer with the

Ambassador about a treaty, without saying anything about our independence, an acknowledgment of which would naturally be the effect of the treaty proposed to be formed. I told the Count, that being independent, we should always insist on being treated as such, and, therefore, it was not sufficient for Spain to forbear denying our independence while she declined to admit it, and that notwithstanding my respect for the Ambassador, and my desire of a treaty with Spain, both the terms of my commission and the dignity of America forbid my treating on any other than an *equal footing*.

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The Count carried the Ambassador into his cabinet, and when he retired, I was admitted.

The Count commenced the conversation, by explaining the reason of sending M. Rayneval to England, which he said was, that by conversing with Lord Shelburne about peace and matters connected with it, he might be able to judge whether a pacific disposition really prevailed in the British Court, and, therefore, whether any dependence might be placed in his Lordship's professions on that head; that he was satisfied with M. Rayneval's report, and that he believed that Lord Shelburne was sincerely desirous of peace.

A few words then passed about Mr Oswald's new commission; the Count observing in general terms, that as it removed our former objections, we might now go on to prepare our preliminaries.

The conversation next turned to our negotiation with Spain, and to her claims east of the Mississippi. Nothing new passed on the first topic; as to the latter, the Count made only some very general remarks, such as that he hoped we should, on conferring further about the matter, approach nearer to each other; that those limits ought to be settled, and while they remained in contest, a treaty with Spain could not reasonably be expected; that as soon as we should agree upon those points, Count d'Aranda would have a further or more formal commission to conclude the treaty, &c.

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I remarked, that these claims of Spain were of recent date, for that on my first arriving in Spain, the Count de Florida Blanca told me, that the success of my mission would probably turn upon one single point, viz. the cession of our rights to the navigation of the river Mississippi; from which, as well as from their subsequent and uniform demands on that head, it was evident, that they then considered that river as our boundary; for it would have been very strange indeed, that they should insist on our forbearing to navigate a river, whose waters washed no part of our country, and to which we could not, of consequence, have any pretence of claim.

The Count smiled, but avoided making any direct reply; he hoped we should, nevertheless, agree, and that we must endeavor to approach and meet each other. I told him I could not flatter myself with such expectations, while Spain continued her claims to those countries, for that we should be content with no boundary short of the Mississippi.

I went from the Count's to M. Rayneval's chamber, for I had not seen him since his return from England. He gave me the same reason for his journey, which I had just received from the Count. We then talked of his memoir and the Spanish negotiation. He said much in favor of the conciliatory line he had proposed, and of the advantages of placing the Indian nations on the *west* side of it, under the *protection* of Spain, and those on the *east*, under that of the United States; that the rights of those nations would be thereby secured, and future disputes between us and Spain avoided. I replied, that so far as our claims might affect those Indian nations, it was a matter solely between us and them; and that admitting them to be independent, they certainly had a right to choose their own protectors; and, therefore, that we could have no right, without their knowledge or consent, to choose for them. I also made the same remark to him respecting the recency of these Spanish claims, which I had just before done to Count de Vergennes. He said it was a subject which Count de Florida Blanca had not understood, and imputed their former ideas of our extending to the Mississippi, to their ignorance respecting those matters; hence it became evident, from whom they had borrowed their present ideas.

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On the 27th of September, Mr Vaughan returned here from England with the courier that brought Mr Oswald's new commission, and very happy were we to see it. Copies of it have already been sent to you, so that I will not lengthen this letter by inserting it here; nor will I add anything further on this head at present, than to assure you, that Mr Vaughan greatly merits our acknowledgments.

The next thing to be done, was to prepare and draw up the proposed articles. They were soon completed and settled between us and Mr Oswald, by whom they were sent to his Court, with letters declaring his opinion, that they ought to be accepted and agreed to; but they differed with him in opinion.<sup>[6]</sup>

These articles, for very obvious reasons, were not communicated to the Count de Vergennes.

Mr Oswald did not receive any opinion from his Court relating to our articles until the 23d of October, when letters from the Minister informed him, that the extent of our boundaries, and the situation of the tories, &c. caused some objections, and the Minister's Secretary was on the way here to confer with us on those subjects.

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On the 24th of October, I dined at Passy with Dr Franklin, where I found M. Rayneval. After

dinner, we were in private with him a considerable time. He desired to know the state of our negotiation with Mr Oswald. We told him, that difficulties had arisen about our boundaries, and that one of the Minister's Secretaries was coming here with papers and documents on that subject. He asked us what boundaries we claimed. We told him, the river St John to the east, and ancient Canada, as described in the proclamation, to the north. He contested our right to such an extent to the north, and entered into several arguments to show our claim to be ill founded. These arguments were chiefly drawn from the ancient French claims, and from a clause in the proclamation restraining governors from making grants in the Indian country, &c.

He inquired what we demanded as to the fisheries. We answered, that we insisted on enjoying a right in common to them with Great Britain. He intimated that our views should not extend further than a coast fishery, and insinuated that pains had lately been taken in the eastern States to excite their apprehensions, and increase their demands on that head. We told him that such a right was essential to us, and that our people would not be content to make peace without it; and Dr Franklin explained very fully, their great importance to the eastern States in particular. He then softened his manner and observed, that it was natural for France to wish better to us than to England; but as the fisheries were a great nursery for seamen, we might suppose that England would be disinclined to admit others to share in it, and that for his part he wished there might be as few obstacles to a peace as possible. He reminded us, also, that Mr Oswald's new commission had been issued posterior to his arrival at London.

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On the 26th of October, Mr Adams arrived here, and in him I have found a very able and agreeable coadjutor.

When I began this letter, I did not flatter myself with being able to write this much before Captain Barney would leave us; and I now find myself too much exhausted to proceed with further details, and must therefore refer you to the letters you will receive from Mr Adams and Dr Franklin.

The same reason also prevents my writing to you and Mr Morris on other subjects by Captain Barney, and I hope the length of this letter, and the disagreeable state of my health will apologise for my not writing even to my own family by this opportunity.

I am sensible of the impression which this letter will make upon you and upon Congress, and how it will affect the confidence they have in this Court. These are critical times, and great necessity there is for prudence and secrecy.

So far, and in such matters as this Court may think it their interest to support us, they certainly will, but no further, in my opinion.

They are interested in separating us from Great Britain, and, on that point we may, I believe, depend upon them; but it is not their interest that we should become a great and formidable people, and therefore they will not help us to become so.

It is not their interest that such a treaty should be formed between us and Britain, as would produce cordiality and mutual confidence. They will, therefore, endeavor to plant such seeds of jealousy, discontent, and discord in it as may naturally and perpetually keep our eyes fixed on France for security. This consideration must induce them to wish to render Britain formidable in our neighborhood, and to leave us as few resources of wealth and power as possible.

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It is their interest to keep some point or other in contest between us and Britain to the end of the war, to prevent the possibility of our sooner agreeing, and thereby keep us employed in the war, and dependent on them for supplies. Hence they have favored, and will continue to favor, the British demands as to matters of boundary and the Tories.

The same views will render them desirous to continue the war in our country as long as possible, nor do I believe they will take any measures for our repossession of New York, unless the certainty of its evacuation should render such an attempt advisable. The Count de Vergennes lately said, that there could be no great use in expeditions to take places, which must be given up to us at a peace.

Such being our situation, it appears to me advisable to keep up our army to the end of the war, even if the enemy should evacuate our country; nor does it appear to me prudent to listen to any overtures for carrying a part of it to the West Indies, in case of such an event.

I think we have no rational dependence except on God and ourselves, nor can I yet be persuaded that Great Britain has either wisdom, virtue, or magnanimity enough to adopt a perfect and liberal system of conciliation. If they again thought they could conquer us, they would again attempt it.

We are, nevertheless, thank God, in a better situation than we have been. As our independence is acknowledged by Britain, every obstacle to our forming treaties with neutral powers, and receiving their merchant ships, is at an end, so that we may carry on the war with greater advantage than before, in case our negotiations for peace should be fruitless.

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It is not my meaning, and therefore I hope I shall not be understood to mean, that we should deviate in the least from our treaty with France; our honor, and our interest are concerned in

inviolably adhering to it. I mean only to say, that if we lean on her love of liberty, her affection for America, or her disinterested magnanimity, we shall lean on a broken reed, that will sooner or later pierce our hands, and Geneva as well as Corsica justifies this observation.

I have written many disagreeable things in this letter, but I thought it my duty. I have also deviated from my instructions, which though not to be justified, will, I hope, be excused on account of the singular and unforeseen circumstances which occasioned it.

Let me again recommend secrecy, and believe me to be, Dear Sir, &c.

JOHN JAY.

*P. S.* I have neither seen nor heard anything of Mr Laurens, nor of the cypher you mention to have sent by him.

**FOOTNOTES:**

- [3] Afterwards Sir William Jones.
- [4] See this warrant in the Correspondence of the Commissioners for making Peace, under the date here mentioned.
- [5] When the Treaty was made with France, M. Gerard, who negotiated it on the part of the French Court, did not show his commission to treat till the Commissioners met him for the last time, and just before the signing of the Treaty. Mr Jay was more particular, however, on this point, and seemed disinclined to commence the negotiation in any form, till the powers had been exchanged.
- [6] See these articles in the Correspondence of the Commissioners for Peace.

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***Observations on the above Letter by the Editor.***

Although in the present work I have carefully refrained from expressing any opinions on the contents of the letters, or views of the writers, not feeling authorised by the resolution of Congress, under which these papers are published, to assume the task of a commentator or critic, yet in regard to the preceding letter I cannot hesitate to make an exception to this rule, and for reasons which I trust will appear obvious and satisfactory.

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On the main topics of the above letter, I have read in the office of Foreign Affairs in London the confidential correspondence of the British Ministers with their Commissioners for negotiating peace in Paris. I have also read in the French office of Foreign Affairs the entire correspondence of the Count de Vergennes, during the whole war, with the French Ministers in this country, developing the policy and designs of the French Court in regard to the war, and the objects to be attained by the peace. I have moreover read the instructions of the Count de Vergennes to M. de Rayneval, when he went to London, and the correspondence which passed between them while he remained there, containing notes of conversations with Lord Shelburne on one part, and Count de Vergennes' opinions on the other. After examining the subject with all the care and accuracy, which these means of information have enabled me to give to it, I am prepared to express my belief most fully, that Mr Jay was mistaken both in regard to the aims of the French Court, and the plans pursued by them to gain their supposed ends.

1. Mr Jay conceived, that one motive of M. de Rayneval's journey was to cause the acknowledgment of independence by Great Britain to be deferred, till France and England should have arranged their treaty. But in reality, M. de Rayneval was instructed to insist on the independence of the United States as a *preliminary measure*. In a letter to the Count de Vergennes, dated September 28th, 1782, he writes, that Lord Shelburne said, "he had always been opposed to independence, but that he perceived the necessity of ceding it, and that this object should be granted *without condition*." And in reporting the result of his conversations with the British Minister, M. de Rayneval states the points discussed in their order, the first of which is as follows.—"*Independence, this article is agreed upon; it shall be without restriction;*" (il sera sans restriction.) So far from recommending, therefore, to defer the recognition of American independence, M. de Rayneval insisted on an agreement to it as a *preliminary step* to further discussions.

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2. Mr Jay supposed again, that another purpose of M. de Rayneval's visit to London was to interfere with the claims of the United States respecting the fisheries and boundaries. But this supposition is contradicted by the following extract from his instructions, viz. "As it is possible, that the English Ministers may speak to M. de Rayneval concerning the affairs of America and of the United Provinces, he will declare, *that he has no authority to treat on these topics*." Accordingly we find him writing to the Count de Vergennes in the letter quoted above, that after discussing the subject of the fisheries with reference to the interests of England and France, Lord Shelburne said to him, "without doubt the Americans will also form pretensions to the fisheries, but he trusted the king (of France) would not sustain them." To which M. de Rayneval replied,

—"that he was ignorant of the views of Congress concerning the object in question, but thought he might venture to say, that the king would never support unjust demands; that he was not able to judge whether those of the Americans were such or not; and that, besides, *he was without authority in this respect.*" Again, in the same letter, M. de Rayneval adds; "Lord Shelburne said he had foreseen that there would be a great deal of difficulty with the Americans, as well in regard to boundaries, as to the fishery of Newfoundland; but he hoped that the king would not sustain them in their demands. I answered, that I did not doubt the earnest desire of the king to do all in his power to restrain them within the bounds of justice and reason. As to the extent of the boundaries, I supposed the Americans would regulate it by their charts; but the discussion was not continued far, *because it did not pertain to me either to uphold or weaken the pretension of America,* with which I was unacquainted. I added only, that the English Ministry ought to find in the negotiations of 1754, relative to the Ohio, the limits which England, then the sovereign of America, believed it proper to assign."

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The above extracts, it must be kept in mind, are from the confidential letters written at the time between M. de Rayneval and Count de Vergennes. The purport of them is corroborated by testimony that might be drawn from other sources. They show most clearly, that Mr Jay's suspicions were in reality erroneous, on whatever grounds he might at the time suppose them to rest. M. de Rayneval's visit to London had nothing to do with American affairs, except to insist on unconditional independence.

Nor is it improbable, that the change in Mr Oswald's commission was effected in consequence of M. de Rayneval's representations; for the agreement on the part of the British Minister to cede independence "*without restriction*" was made before Mr Vaughan's arrival in London, as a messenger from Mr Jay.

These facts go far to rescue the French Ministry from the censure, which it has been usual to cast on them, respecting their supposed policy in the negotiations for peace. Whoever will examine all the testimony that exists on the subject will be convinced, that some grave particulars have crept into our history, which have a slender foundation in fact, and which bestow but scanty justice on the motives, conduct, and policy of the first ally of the United States.<sup>[7]</sup>

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JARED SPARKS.

#### FOOTNOTES:

- [7] For a further elucidation of this subject see the North American Review for January, 1830, No. LXVI, p. 15. Also Mr Livingston's letter to Mr Jay, dated [January 4th, 1783](#), in the present volume.

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## ROBERT R. LIVINGSTON TO JOHN JAY.

Philadelphia, November 23d, 1782.

Dear Sir,

I have before me your letters of the 25th and 28th of June. I congratulate you on your safe arrival at Paris, where I venture to hope your residence will on many accounts be more agreeable than it was at Madrid. Nothing can be more pleasing to us than your determination to write very frequently, since I am sorry to say, that we have not yet been favored with such minute information on many points of importance, as we have reason to expect. Both Dr Franklin and yourself dwell so much in generals in your last letters, that had it not been for a private letter of the Marquis to me, Congress would have remained ignorant of points, which they have thought sufficiently important to make them the foundation of those resolutions, which are herewith transmitted to you.

You need be under no apprehensions, that Commissioners from the Court of Great Britain will be allowed to negotiate with Congress; their sentiments on this subject are sufficiently manifested in the resolutions, that are sent to you and Dr Franklin with this. And the case of Mr Burgess, which you will find in one of the papers of last week, and in my letter to Dr Franklin,<sup>[8]</sup> will afford you some evidence of the extreme caution of particular States on this head.

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That in the mass of our people, there is a great number, who though resolved on independence, prefer an alliance with England to one with France, must be a mere speculative opinion, which can be reduced to no kind of certainty. If we form our judgment from acts of government, we would suppose that no such sentiment prevailed; they all speak a different language. If from the declarations of individuals, we must entertain the same opinion, since independence and the alliance with France, connect themselves so closely together, that we never speak of them separately. The mass of the people here are not so ignorant of the common principles of policy as to prefer an alliance with a nation whose recent pretensions, and whose vicinity renders them mutual enemies, to that of a Prince who has no claims upon them, and no territory in their

neighborhood, at least till the principles of his government shall be changed, and he gives evident proofs of the want of justice and moderation.

I think it unnecessary to repeat to you what I have already written to Dr Franklin, presuming that you communicate with freedom to each other. Mr Jefferson will afford, I dare say, a very acceptable aid to your commission; I have not yet learned from him whether he will take the duties upon him.<sup>[9]</sup>

Mr Barlow, a poet of New England, has requested me to transmit you his proposals for printing, by subscription, a poem of which he is the author. I can give no character of the work, but what you will get from the specimen enclosed, which is all I have seen of it. The enclosed resolution informs you of Mr Boudinot's advancement to the Presidentship. For other intelligence I refer you to my letter to Dr Franklin, and the papers that accompany this.

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I am, Dear Sir, &c.

ROBERT R. LIVINGSTON.

**FOOTNOTES:**

[8] See Franklin's Correspondence. Vol. IV. p. 34.

[9] Mr Jefferson did not join the Commissioners for Peace.

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**TO ROBERT R. LIVINGSTON.**

Paris, December 12th, 1782.

Dear Sir,

I have already written a long letter to you by this vessel, and should have continued the details of our subsequent proceedings, had my health admitted of the necessary application.

You will receive from us a joint letter with a copy of the preliminaries. I shall therefore omit making any remarks on them.

Before I left Spain, and by letters since my arrival here, I desired Mr Carmichael to make out and transmit the public accounts. Our negotiations with that Court are at a stand. The Count d'Aranda either has not, or does not choose to show me a commission to treat. He is exceedingly civil, and frequent visits pass between us.

It gives me pleasure to inform you, that perfect unanimity has hitherto prevailed among your Commissioners here; and I do not recollect, that since we began to negotiate with Mr Oswald, there has been the least division or opposition between us. Mr Adams was particularly useful respecting the eastern boundary, and Dr Franklin's firmness and exertions on the subject of the tories did us much service. I enclose herewith a copy of a letter he wrote about that matter to Mr Oswald.<sup>[10]</sup> It had much weight, and is written with a degree of acuteness and spirit seldom to be met with in persons of his age.

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I have the honor to be, with great regard and esteem, Dear Sir, &c.

JOHN JAY.

**FOOTNOTES:**

[10] See Franklin's Correspondence. Vol. IV. p. 36.

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**ROBERT R. LIVINGSTON TO JOHN JAY.**

Philadelphia, January 4th, 1783.

Dear Sir,

I have before me your despatches of the 4th and 18th of September last, and the 13th of October. It gives me much uneasiness to find by them, that your health is not yet confirmed, particularly as the extreme shortness of your letters, compared with the importance of the matter, gives me reason to fear, that it has suffered more than you would have us believe.

I am under some anxiety relative to the fate of your letter of the 18th of September, as only the duplicate copy has arrived, and I find by that you have risked it without a cypher. Should it get into improper hands, it might be attended with disagreeable consequences.

It is of so much importance, that both you and we should judge rightly of the designs of the Court, to whom we have intrusted such extensive powers, that I most earnestly wish you had enlarged on the reasons which have induced you to form the opinion you intimate; an opinion, which, if well founded, must render your negotiations extremely painful, and the issue of them very uncertain. If on the other hand, it should have been taken up too hastily, it is to be feared, that in defiance of all that prudence and self-possession, for which you are happily distinguished, it will discover itself in a reserve and want of confidence, which may afford hopes to our artful antagonists of exciting jealousies between us and our friends. I so sincerely wish that your conjectures on this head may not be well founded, that I am led to hope you carry your suspicions too far, and the more so as Dr Franklin, to whom I dare say you have communicated them freely, does not (as you say) agree in sentiment with you. But I pretend not to judge, since I have not the advantage of seeing from the same ground. Perhaps some light may be thrown upon the subject by such facts as I have been able to collect here, and with which it is impossible you should be acquainted.

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The policy you suppose to influence the measures of France, can only be founded in a distrust, which I persuade myself she can hardly entertain of those who have put their dearest interest into her hands. She is too well informed of the state of this country, to believe there is the least reason to suppose, that we could have the most distant idea of a separate peace. If such distrust really exists, it would, in my opinion, dictate to them, to let Great Britain acknowledge our independence at once, rather than make it the subject of subsequent negotiation. When satisfied on that point, we can with more advantage contend for those our allies have at heart. Whereas by withholding it, and making it the price of concessions on the part of France, which she may not choose to make, an opportunity would be afforded, to embroil and incline us to listen to separate proposals. Upon this principle, France seems to have acted in all the answers, which she has hitherto given, as well to the direct proposals of Great Britain as to those made by the imperial Courts. When Mr Grenville proposed to treat of the independence of the United States with his Most Christian Majesty, an opportunity was afforded to take the lead in the negotiation, and to suspend that part of it; yet we find the reply of the Court of Versailles led to a direct negotiation between Great Britain and us, and ended in the offer of unconditional independence. The reply of the Court of France to that of London, communicated to Mr Grenville on the 21st of June, speaks the same language.

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From these and the following facts you will, when you have compared them with those within your own knowledge, draw your inferences with more judgment than I can pretend to do without those you possess.

Before your letters were received, the Chevalier de la Luzerne showed me a letter from the Count de Vergennes of the 14th of August, in which he speaks of Mr Grenville's commission, and the ground it gave him to hope, that negotiations would open with an express and unconditional acknowledgment of independence. He mentions the change in the British administration; their assurances, that it should occasion no alteration in the plan of their negotiation, and concludes, by expressing his surprise at the alteration, which afterwards took place in this essential article in the propositions offered by Mr Fitzherbert, and infers from thence, that Lord Shelburne had no other design than to divide and deceive. In a letter of the 7th of September, he mentions Mr Oswald's commission, your objections to it, and his doubts of the manner in which these objections will be received. "If," says he, "Mr Oswald is right in his conjecture, that they will be favorably received and removed, then everything *is said*. If they reject them, because they will not begin where they propose to end, I conceive the negotiations should still go on. We may judge of the intentions of the Court of London by their first propositions. If they have independence for their basis, we may proceed; *if not, we must break off*." In his letter of the 14th of October, he mentions with great apparent satisfaction, the alterations in Mr Oswald's commission. From the general tenor of these letters, I can discover nothing but an anxious desire for peace, which might very naturally lead him to wish that objections, which he did not conceive essential in the first instance, after having declared to Great Britain that no peace could be made till our independence was acknowledged, should not break off a negotiation, which must end in the attainment of an object, which they have as much at heart as we.

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Whatever the sentiments of the Count de Vergennes may be, as to the claim of Spain, in a letter which I have seen, he treats them as well as ours, as chimerical and extravagant, and declares, that he does not mean to interfere in them. You can best judge of the sincerity of this declaration. If insincere, I cannot conceive for what purpose it was made, or the subject treated so lightly, or why this should be confided to me. For my own part, I believe their situation with respect to Spain is very delicate, and that they are embarrassed by her demands. I mention these things, that you may, by comparing them with facts within your reach, draw useful inferences from them, and I wish to give you everything that may *possibly* be of use to you.

As to the letter of Marbois, I am by no means surprised at it, since he always endeavored to persuade us that our claim to the fisheries was not well founded. Yet one thing is very remarkable, and I hope evinces the determination of France to serve us on this point. The advice given to discourage the hope is certainly judicious, and yet we find no steps taken in consequence of it. On the contrary, we have been repeatedly told in formal communications since that period,

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"that the King would do everything for us that circumstances will admit, and that nothing but dire necessity shall induce him to relinquish any of the objects we have at heart, and that he does not imagine that such necessity will exist." This communication was made on the 21st of last November, from letters of the 7th of September, *previous to our success at Yorktown*, and has been renewed at different periods since. You will undoubtedly avail yourself of this engagement if necessary. Congress relying upon it, have made no alteration in their instructions since the change in their affairs, by the blow the enemy received at Yorktown.

This letter of Marbois, and the conduct of the Court of France, evince the difference between a great politician and a little one. France can, by prohibiting the importation of fish, supply herself; she cannot do more. Our exclusion from the fishery, would only be beneficial to England. The enmity it would excite, the disputes it would give rise to, would, in the course of a few years, obliterate the memory of the favors we have received. England, by sacrificing a part of her fisheries, and protecting us in the enjoyment of them, would render herself necessary to us, our friendship would be transferred to her, and France would in the end be considered as a natural enemy. I am persuaded, she has wisdom enough to see this in its true light.

I know not how far the Marquis may deserve your confidence; you are the best judge of his conduct. I ought, however, in justice to him to mention, that he has steadily, in all his letters, recommended an adherence to our claims, and assured us that both might be obtained if insisted upon.

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You see, Sir, I have purposely leaned to the opposite side from that which you appear in some measure to have taken; not because I think you *are* wrong in the opinion you have adopted, but because you *may possibly* be so. Such essential injuries may flow from the slightest jealousies, that I wish you to examine yours with all the coolness you are master of. I am persuaded, the last hope of Britain is founded on the distrusts they may sow among their enemies. I wish you had in a private letter in cypher informed me how you got at the letter of Marbois, and why it was copied in English. I more particularly wish to know whether it passed through the hands of either of the British Commissioners. If it has, it will be of some consequence to see the original, not that I doubt its authenticity, but it may possibly have undergone some alterations. That which follows what is said of the great bank, is nonsense, or if it conveys any meaning, I think it is not such as a man of common sense would speak.<sup>[11]</sup>

Count de Vergennes, in his letters dated a day later than yours, gives no account of your propositions. I should conclude from this circumstance, that they had not been communicated. If I were not convinced, that acting under the instructions you do, you would not withhold them, except for the most weighty reasons, and that if such reasons existed you would have assigned them in your letters, and presuming, therefore, that you had communicated them, I have made no secret of them to the Count de la Luzerne, who appeared much pleased with them, though a little surprised at the article, which relates to commerce, which I cannot suppose perfectly agreeable to them in all its extent; since it will render a revolution necessary in the commercial system of France, if they wish to have an extensive trade with us. I am extremely pleased, that in freeing ourselves, we have a prospect of unfettering the consciences and the commerce of the world.

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We are far from regretting that the Marquis d'Aranda has no powers to treat. We think, with you, that it is time to adopt the Spanish system. We may treat at any time with more advantage than at present. You had received your instructions on this subject before you wrote your last letters. By your saying nothing of them, I suppose you had not decyphered them. Mr Jefferson being the bearer of this, it is unnecessary to enlarge.<sup>[12]</sup> News and general politics will be contained in my letter to Dr Franklin, to whom I also send an instruction on the subject of your commercial proposition. I enclose you a new cypher, which I pray you to make use of. You will find it very easy on a little practice. I must again entreat you to write more fully to us. I have received *from the Count de Vergennes' letters*, the whole progress of the negotiation. Information of this kind it would give me more pleasure to receive through another channel.

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I have the honor to be, Dear Sir, with great respect and esteem, &c.

ROBERT R. LIVINGSTON.

#### FOOTNOTES:

[11] M. de Marbois' letter here alluded to, was very long, and written in cypher. It was intercepted by the English, taken to London, there decyphered, translated into English, and sent to the British Commissioners in Paris, (while the negotiations for peace were in progress.) The sense of the writer would be very likely to suffer by this process of decyphering and translating. But M. de Marbois never complained that the letter was not in the main correctly translated. As soon as the British Commissioners received it in Paris, they put a copy of it into the hands of the American Commissioners. M. de Marbois was at that time only a Secretary of Legation, and wrote the letter while the Minister, M. de la Luzerne, was absent from Philadelphia, and without his knowledge. The sentiments of the letter were never avowed by the French Ministry.

[12] Mr Jefferson did not go till some time afterwards.

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**TO ROBERT R. LIVINGSTON.**

Paris, April 7th, 1783.

Dear Sir,

After the preliminaries had been settled and ratified, the Spanish Ambassador informed me that his Court was ready to receive me, not only in form, but "*très honnêtement*." He *then* expected full instructions relative to the proposed treaty.

The Marquis de Lafayette, in his journey through Madrid, manifested great zeal to serve us there. A copy of a letter from him to the Minister, will be sent you by another opportunity, though I imagine he has already forwarded it.

On the 29th ult. the Spanish Ambassador communicated to me the desire of his Court that I would return to Madrid, and there complete the treaty, for that in their opinion, it ought to be concluded either at *Madrid* or at Philadelphia.

You will have this communication at large in another letter.

No Ministry yet in England, nor any news of Barney, nor from you, since the 3d of January.

The definitive treaties must be concluded, and the heats of summer abated, before either my business here, or the very delicate state of my health will admit of a journey to Spain. Be assured of my esteem and regard.

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I am, Dear Sir, &c.

JOHN JAY.

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**TO ROBERT R. LIVINGSTON.**

Paris, April 11th, 1783.

Dear Sir,

I wrote you a short letter on the seventh instant. Certain intelligence has since arrived from England, that the Duke of Portland is first Lord of the Treasury, Mr Fox and Lord North Secretaries of State, and Lord John Cavendish Chancellor of the Exchequer. It is also said, that Lord Stormont is President of the Council, and the Duke of Manchester Ambassador to Versailles. I hear that Mr David Hartley is appointed to conclude a definitive treaty with us.

The Emperor and Russia have been requested in their mediatorial capacity, to send Plenipotentiaries to assist at the definitive treaties. The due motives to this measure can as yet be only conjectured. The ostensible one is, a mark of respect to their offered, but not accepted mediation. The proposition originated here. Their answer is expected daily. It is whispered that Russia consents. Safe opportunities of sending important letters from hence to Madrid are so very rare, that I think yours for that place had better be always conveyed directly to Cadiz or other ports in Spain, where some American of confidence may be settled.

Numberless applications for consulships continue to be made, and some will probably reach you. In my opinion Americans only should be employed to serve America. I early entertained this opinion, and it has been almost daily gathering strength since my arrival in Europe.

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I have the honor to be, &c.

JOHN JAY.

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**TO ROBERT R. LIVINGSTON.**

Paris, April 22d, 1783.

Dear Sir,

I wrote to you so lately by Mr Mason, and there is such a dearth of news, that I now write less to give you information than as a mark of attention.

There are several of your letters, which on account of their length, the importance of their subjects, and the manner in which those subjects were treated, demanded of me more minute answers than my situation admitted of. Mr Hartley is not yet arrived, but is daily expected. I am

told by Mr Laurens, that he will propose that the people of the two countries shall have all the rights of citizens in each. The instruction of Congress on this important point is much to be desired. For my part I think a temporary stipulation of that sort might be expedient. They mean to court us and in my opinion we should avoid being either too forward or too coy. I have no faith in any Court in Europe, but it would be improper to discover that sentiment. There are circumstances which induce me to believe, that Spain is turning her eyes to England for a more intimate connexion. They are the only two European powers, which have continental possessions on our side of the water, and Spain I think wishes for a league between them for mutual security against us. Perhaps this consideration should lead us to regard the present fervor of the British advances with the less indifference.

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On looking over one of my former letters, containing my propositions to Spain, I find that I had omitted to explain the reason of the one for a guarantee of our possessions in North America. That we should *so* guaranty the Spanish possessions as to *fight* for them, was as distant from my design, as it could be from that of Congress. A common guarantee means nothing more than a *quit claim*, to which we certainly could have had no objection. When more is intended, provisional and express stipulations become necessary. To any such I never would have consented. A confidant of the Minister (and I believe by his directions) had assured me, that unless a guarantee was offered any other propositions would not induce the minister to negotiate for a treaty. To meet that objection I made the offer in the general terms you have seen. I had no doubt but that the Minister was acquainted with my instructions; and I considered this objection as a pretext for delay. My opinion as to a certain proposed cession was known, and uses not advantageous to us or to me had been made of it. It appeared to me advisable, that the intention of Spain with respect to us should have a full trial, and such a one as would convince Congress that I was entirely guided by their views and wishes.

I therefore endeavored so to frame those propositions as that they should not afford the Minister any pretence for refusing to commence the negotiation. The issue you are acquainted with.

I hope nothing will be done by the States for the tories until the British forces shall be withdrawn, and then I confess it would be for our honor to forgive all except the perfidious and the cruel.

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After the definitive treaties are finished, I hope I shall be excused in trying the waters of Spa and Bath (which are recommended to me) before I proceed to Spain. Whatever may be their effect, I shall not loiter at either place. After my business at Madrid shall be finished, I wish to devote my care to the recovery of my health, and the concerns of my family, which must greatly interfere with the duties of my commission. Besides, as my country has obtained her object, my motives for entering into public life are at an end.

The same principles which drew me from the private station I formerly occupied, bid me to return to it. Actions are the only proofs of professions, and if I live mine shall not want that evidence.

I am, Dear Sir, &c.

JOHN JAY.

*P. S.* I am told, that a vessel, which went last year from our country, on the Ohio, down that river, and through the Mississippi to the Havana, took passports from the Count de la Luzerne. This, if a fact, appears to me a singular one. I mention it merely as a matter of information.

J. J.

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**TO ROBERT R. LIVINGSTON.**

Paris, May 30th, 1783.

Dear Sir,

It cannot in my opinion be long before Congress will think it expedient to name a Minister to the Court of London. Perhaps my friends may wish to add me to the number of candidates for that office. If that should be the case, I request the favor of you to declare in the most explicit terms, that I view the expectations of Mr Adams on that head as founded in equity and reason, and that I will not by any means stand in his way. Were I in Congress I should vote for him. He deserves well of his country, and is very able to serve her. It appears to me to be but fair that the disagreeable conclusions, which may be drawn from the abrupt repeal of his former commission should be obviated by its being restored to him. I do therefore in the most unequivocal manner decline and refuse to be a competitor with that faithful servant of the public, for the place in question.

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As Mr Barclay has power to settle our accounts in Europe, I wish that orders may be sent to Mr Carmichael to come here with the books and documents necessary to enable Mr Barclay to examine and settle the public accounts in my department. I cannot learn that my repeated

requests to him to send a state of those accounts to Philadelphia have as yet been complied with.

I am, Dear Sir, &c.

JOHN JAY.

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**TO ROBERT R. LIVINGSTON.**

Paris, June 1st, 1783.

Dear Sir,

I have had the honor of receiving your favor of the 4th of January last. The cypher you mention to have enclosed is missing. My letter by Captain Barney affords an answer to the greater part of your inquiries. Business here goes on heavily. The Dutch and English are not yet agreed, and some points remain still to be adjusted between the latter and the French and Spaniards. Mr Hartley has an ample and proper commission to conclude with us. We are discussing the terms of a temporary commercial regulation, but as he is waiting for more full instructions, it may be a week or a fortnight before we shall be able to inform you of the real intentions of Britain on that subject.

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Before I left Spain, and often since by letters, I desired Mr Carmichael to make out and transmit to Philadelphia a clear and full state of the public accounts; and also agreeably to Dr Franklin's request, to send him an account of the bills remaining to be paid. The Doctor has not received his account; and I have no reason to suppose that you or Mr Morris have received the other. I am not easy about this matter, for in case of the death or recall of Mr Carmichael, (by whom all these accounts were kept, and through whom I managed those transactions,) I might experience difficulties respecting those accounts, which may now be avoided.

I understood from Mr Barclay, that he is authorised to examine and settle these accounts, and as Mr Carmichael has not much to do at Madrid, I am very desirous that he should be ordered to bring here all the books and papers relative to these accounts, and with me to attend their settlement by Mr Barclay. Be so good as to lay this matter before Congress without delay.

I have the honor to be, &c.

JOHN JAY.

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**TO ROBERT R. LIVINGSTON.**

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Passy, July 20th, 1783.

Dear Sir,

The delays which have postponed the completion of the definitive treaty, have hitherto prevented my trying the effect of the waters of Bath for a pain in my breast, which has continued in different degrees for a year past. Were I much longer to neglect that only probable chance of restoring my health, my little family might have much reason to complain.

I fear that the fluctuating counsels of the British cabinet will protract that business, until so late in the season, as not to leave me sufficient time both to give the waters a fair trial, and afterwards go to Spain, before the weather will become too inclement for an invalid to travel such a distance in a country so destitute of accommodations. Should that be the case, I shall hope to be excused for not undertaking it, especially as nothing of importance remains there to be done, except preparing the draft of a treaty of commerce, which I hoped to have been able to bring with me to America in the spring, when it was my fixed resolution to resign.

But as I should then pass the winter without being useful to the public, Congress may not perhaps think it reasonable, that their allowance to me should be continued. I think it my duty therefore to apprise them of these circumstances, and to refer it to their discretion to assign such earlier date to my resignation, as they may think best. I must beg the favor of you to request and to inform me of their decision on this subject, without delay, for as I shall not probably have an opportunity of sailing before June next, it is important to me to know by what rule I am to regulate the expenses of my family in the meantime.

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As you know upon what principles I have devoted myself to the public for the last nine years, and as those motives would be questionable if after the war I did not return to a private station, I hope the propriety of my resolution to resign will appear manifest, especially when to these considerations are added the circumstances of certain individuals of my family, whose afflictions and whose relation to me give them the strongest claims to my care and attention.

Be pleased, Sir, to present to Congress my warmest acknowledgments for the marks of confidence with which they have honored me, and assure them that by becoming a private citizen, I mean not to retreat from any duties, which an American owes his country.

I have the honor to be, &c.

JOHN JAY.

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**TO THE PRESIDENT OF CONGRESS.**

New York, July 25th, 1784.

Sir,

Having waited until the settlement of the public accounts was completed, I left Paris the 16th of May last, and on the 1st of June embarked with my family at Dover, on board the ship Edward, Captain Coupar, in which we arrived here yesterday. Mr Barclay has transmitted, or will soon transmit to Mr Morris, a state of the above mentioned accounts; and as it will thence appear, that some of the bills drawn upon me have been twice paid, it becomes necessary for me to inform your Excellency of the particular and cautious manner in which that business was transacted on my part. Soon after the arrival of the first bills, I directed Mr Carmichael to prepare and keep a book, with the pages divided into a number of columns, and to enter therein the dates, numbers, and other descriptive particulars of every bill, that might be presented to me for acceptance, and to which on examination he should find no objection. I made it an invariable rule to send every bill to him to be examined and entered previous to accepting it; and from that time to the day I left Spain, I never accepted a single bill until after it had been inspected and sent to me by him to be accepted. Further, to avoid mistakes and frauds, I also made it a constant rule, that every bill presented for payment, should undergo a second examination by Mr Carmichael, that if he found it right, he should sign his name on it, and that the bankers should not pay any bill unless so signed.

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The bills twice paid, or rather the different numbers of the same set, stand entered in different places in the book abovementioned; and I can only regret, that the entries of the numbers first presented and accepted, were not observed by him, either at the time when the subsequent ones were offered for acceptance, or at the time when they were afterwards brought for payment.

It gives me pleasure to inform your Excellency, that the British and American ratifications of the treaty of peace were exchanged a few days before I left Paris. The day of my departure, I received under cover from Dr Franklin, a copy of the British ratifications, which I have the honor to transmit herewith enclosed.

With great respect and esteem, I have the honor to be, &c.

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JOHN JAY.

*P. S.* I shall send with this letter to the post office, several others, which were committed to my care for your Excellency.

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THE

[Pg 233]

**CORRESPONDENCE**

OF

**FRANCIS DANA;**

**MINISTER FROM THE UNITED STATES TO RUSSIA**

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[Pg 234]

Francis Dana was a native of Massachusetts, and educated at Harvard University, where he was

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graduated in the year 1762. He studied the profession of the law, and was among the first to espouse the cause of the Colonies in resisting the aggressions of the mother country. In a letter to General Washington, dated Philadelphia, April 1st, 1776, Mr John Adams speaks of him in the following terms.

"The bearer of this letter, Mr Francis Dana, is a gentleman of family, fortune, and education, returned in the last packet from London, where he has been about a year. He has ever maintained an excellent character in his country, and a warm friendship for the American cause. He returns to share with his friends in their dangers and their triumphs. I have done myself the honor to give him this letter, for the sake of introducing him to your acquaintance, as he has frequently expressed to me a desire to embrace the first opportunity of paying his respects to a character so highly esteemed, and so justly admired throughout all Europe, as well as America. Mr Dana will satisfy you, that we have no reason to expect peace with Great Britain."

Mr Dana returned to Massachusetts and was chosen a delegate to Congress in December of the same year, though he did not take his seat in that body till the November following. This station he filled till September, 1779, when he was appointed Secretary to Mr John Adams, the Minister Plenipotentiary for negotiating a treaty of peace and a treaty of commerce with Great Britain. He went to Europe with Mr Adams, and resided with him in Paris, and a short time in Holland. On the 20th of June, 1780, he was commissioned to negotiate a loan in Holland, provided Mr Adams should be prevented by other business from attending to it. As Mr Adams undertook the negotiation, Mr Dana did not enter upon this commission.

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On the 19th of December, he was elected by Congress to be Minister resident in Russia, with authority to accede to the convention of the neutral and belligerent powers for protecting the freedom of commerce and rights of nations, and also to negotiate a treaty for this purpose. He received his commission and instructions in Paris, and after spending a short time in Amsterdam and Berlin, he arrived at St Petersburg towards the end of August, 1781. Here he applied himself with zeal and activity to the objects of his mission, but the policy of the Russian Court was at that time such, as to prevent its recognizing the independence of the United States, or receiving publicly a Minister from that government. In his private capacity, Mr Dana was treated with due consideration, and was promised that, after the signature of the definitive treaty at Paris, he should be admitted to an audience of the Empress, and received in his public character, as Minister from the United States. Meantime his continued ill health had induced him to solicit from Congress permission to return home, which was granted. He sailed from St Petersburg in a ship bound for Boston, where he arrived in December, 1783.

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Mr Dana was a member of the Convention at Annapolis, and of the Convention of Massachusetts for ratifying the Constitution of the United States. In this latter body he took an able and decided stand in favor of the Constitution. He was afterwards for many years Chief Justice of the State of Massachusetts, and died in 1811, at the age of sixtyseven years.

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**THE**

**CORRESPONDENCE**

**OF**

**FRANCIS DANA.**

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**TO THE PRESIDENT OF CONGRESS.**

[Pg 239]

Paris, August 10th, 1780.

Sir,

Mr Adams having left Paris the 27th of last month, to visit the Low Countries, I do myself the honor of forwarding to your Excellency two packets, the one containing his letters to you from No. 89 to 99 inclusive, and two private letters from a gentleman in London to him, the other containing letters numbered in their order from No. 1 to 10, inclusive. I shall also forward to your Excellency, if the bearer can take them, all the newspapers we have on hand. The whole will be committed to the care of Captain Jones, who will sail in the Ariel.

Had I been apprized less suddenly of the time of Captain Jones' departure, I should also have sent

translations of the declarations of the Courts of Copenhagen and Stockholm to the belligerent powers, conforming to that of the Empress of Russia, relative to the commerce of the neutral powers, and the armed neutrality. These declarations are in the "*Suite des Nouvelles d'Amsterdam*," of the 8th of August, No. 63. The fleet, which left Virginia the 14th of last June, under the convoy of the *Frère Rodérique*, bound for France, are all except one, which foundered at sea, the crew being saved, safely arrived. A vessel, which left New London the 27th of June, was cast away on the rocks entering Rochelle. We have no letters by any of these vessels, but learn from them, that no intelligence had been received from M. de Ternay, when they left America. We cannot but lament our total want of intelligence respecting the state of our country.

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I am, Sir, with the greatest respect, &c.

FRANCIS DANA.

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### TO THE PRESIDENT OF CONGRESS.

Paris, August 24th, 1780.

Sir,

I did myself the honor on the 10th instant to write to your Excellency, by Captain John Paul Jones, who then expected to sail soon, in the *Ariel*, for Philadelphia, assigning as the reason the absence of Mr Adams, who was gone to visit the Low Countries. I then forwarded to your Excellency two packets, one containing his letters to you, and two private letters from a gentleman in London to him; the other containing letters to and from the Minister, and I also sent all the newspapers we then had on hand, directing the whole to the care of Captain Jones.

Mr Adams has not returned. I had a letter from him of the 17th instant, in which he makes no mention of his being about to return, so that it is probable he will stay there sometime longer. If anything occurs here worthy the notice of Congress, during his absence, I shall not fail to do myself the honor of communicating it to your Excellency. The packets sent with this contain Mr Adams's letters to your Excellency from No. 91 to 100, and letters to and from the Minister, from No. 1 to 7 exclusive, and also the newspapers, which have come to hand since making the first packet. We have not received any advice of the arrival of M. de Ternay, or any intelligence of the operations of the Spaniards on the Continent, since the reduction of Mobile, or of the combined armaments in the West Indies.

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I am, with the greatest respect, &c.

FRANCIS DANA.

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### TO THE PRESIDENT OF CONGRESS.

Amsterdam, September 20th, 1780.

Sir,

Having been disappointed in my expectations of forwarding to your Excellency the packets mentioned in the above letter from France, I have brought them on to this place, and shall commit them to the care of Captain Joseph Cook, of Providence, who is now ready to sail, and waits only for a wind.

I beg leave to acquaint your Excellency, that Mr Searle, a member of Congress, arrived at Paris on the evening of the 10th instant, and immediately sent me the despatches of Congress committed to his care. I perused them, and waited on him in the morning, and had a conversation of several hours with him, as well upon the subject matter of those despatches, as upon the concerns of our country.<sup>[13]</sup> I thought it my duty immediately to prepare to set off for Amsterdam with the despatches, and did so the next day at noon, and without quitting my carriage arrived at Brussels the day after, and at Amsterdam on the 16th, where I had the happiness of finding Mr Adams in good health.

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From that moment to this, he has been industriously engaged to endeavor to effectuate the purposes of Congress. What success we may meet with here is uncertain; but I hope I may give it as my clear opinion to Congress, that their views would be very much facilitated if Mr Laurens, or any other person whom they may think proper to employ in this business, should be at the same time furnished with the powers of a Minister Plenipotentiary to the States-General. Some persons here, notwithstanding all that can be said, seem to be apprehensive that the United States have granted exclusive privileges in commerce to France. This idea is industriously propagated throughout Europe, by the emissaries of our enemies, and especially in this country. A disposition in Congress, therefore, to form an alliance with the States-General upon principles of perfect reciprocity of interest, although they should not at this instant be prepared to enter into it, would

unquestionably have a powerful influence in effectuating the main intention of Congress, and further, would give a consideration and independence to our councils throughout Europe, which they will never acquire while they remain in their present circumscribed state. We might, perhaps, look still further with the hopes of much benefit to our country. There can be no occasion of being more particular on this subject. Indeed, I should not have troubled Congress at all from this place, with any letter of mine, had not Mr Adams requested me to give my sentiments to Congress upon the principal object of this letter. I have done so freely, and I presume the candor of Congress will excuse me in it.

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I am, with the greatest respect, &c.

FRANCIS DANA.

**FOOTNOTES:**

[13] Among these despatches, Mr Dana received a commission, empowering him to obtain a loan in Holland, in case Mr Adams should for any reason be prevented from attending to this object. As Mr Adams was then in Holland, Mr Dana did not act under this commission. See John Adams's Correspondence, Vol. V. p. 327.

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***Commission to Francis Dana, referred to in the preceding Letter.***

Whereas by our commission to the honorable Henry Laurens, bearing date the 30th day of October, 1779, we have constituted and appointed him the said Henry Laurens, during our pleasure, our agent for and on behalf of the United States, to negotiate a loan with any person or persons, bodies politic or corporate; and whereas the said Henry Laurens having, by unavoidable accidents, been hitherto prevented from proceeding on his said agency, we have, by our commission bearing equal date herewith, constituted and appointed the honorable John Adams, until the said Henry Laurens, or some other person appointed in his stead, shall arrive in Europe, and undertake the execution of his aforesaid commission, our agent to negotiate a loan as aforesaid;<sup>[14]</sup>

And whereas it may so happen, that the said John Adams, by reason of some disability arising from the state of the business of his present appointment, or otherwise, may be prevented from undertaking the execution of the said commission, or having undertaken it, from proceeding therein; we, therefore, reposing especial trust and confidence in your patriotism, ability, conduct, and fidelity, do by these presents constitute and appoint you, the said Francis Dana, in the event of the disability of the said John Adams, as aforesaid, until the said Henry Laurens, or some other person appointed in his stead, shall arrive in Europe, and undertake the execution of the aforesaid commission, our agent for and on behalf of the said United States, to negotiate a loan with any person or persons, bodies politic or corporate, promising in good faith to ratify and confirm whatsoever shall by you be done in the premises, or relating thereto.

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Witness his Excellency, Samuel Huntington, President of the Congress of the United States of America, at Philadelphia, the 20th day of June, in the year of our Lord, 1780, and in the fourth year of our independence.

SAMUEL HUNTINGTON,  
*President.*

**FOOTNOTES:**

[14] See Mr Adams's commission in John Adams's Correspondence, Vol. V. p. 329.

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**TO JONATHAN JACKSON.**

Amsterdam, November 11th, 1780.

Sir,

You must before this time have heard of the capture of the late President Laurens, on his voyage hither; that the enemy affect to consider him a state prisoner, and have, accordingly, confined him to the Tower, *in arcta et salva custodia*. Their treatment of him has marked the barbarity of the nation from the throne to the footstool. Does this look like peace? They recovered a part of his papers, such as the plan of a treaty adjusted by Mr William Lee, with the Regency of this city in 1778, a letter from M. de Neufville upon the subject, one from our friend, the Commodore, one from Mr Stockton, and one from an amiable character of this country, whom I personally know,

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Baron Van der Cappellen. These were hurried over to Sir Joseph Yorke, and by him delivered to the Prince, who, it is said, in much wrath, laid them before the States of Holland, who transmitted copies of them to the Regency, accompanied with certain resolutions.

The Regency have openly avowed the act. This has brought on the most extraordinary memorial of Sir Joseph Yorke to the States-General, which, perhaps, any foreign Minister ever made to an independent State; calling for their open disavowal of the conduct of the Regency; censuring them as a mad cabal, ever ready to sacrifice the public interests to private views, aiding the natural enemy (France) of both countries in destroying their mutual happiness; and it demands of the States-General also, an exemplary punishment of the Pensionary, Van Berckel, by name, and of all his *accomplices*, as disturbers of the public peace, and violaters of the laws of nations, that is, of the other members of the city Regency, for he acted officially in what he did, and by their order.

In default of this, the memorial says, the King will take such measures, as the maintenance of his dignity and the interests of his people require. The Regency have hereupon published the whole matter in the nature of an appeal to the people, which you will, doubtless, soon have among you. What further measures they have taken to vindicate themselves, and their country's rights and interests, are not yet made public. The States-General will meet the 22d instant. It is not probable they will, or can comply, with the several requisitions of this memorial. You may ask me, as in another case, what can Great Britain promise herself from all this? Whether or not she expected to be able to effect a compliance with her demands, which does not seem probable, by the weight of her influence in this Republic; or whether this memorial was to serve as a balance to that of the States-General, respecting the outrageous violation of her territorial rights by Admiral Rodney, at St Martin's; or whether she foresaw that the States-General will accede to the armed neutrality, and is, therefore, determined to go to war with them upon other pretences, so as to avoid for a time, at least, warring against the whole confederacy; whether any of these things were the motive of this singular conduct, is to me uncertain. If she seriously intends to put her threat against this country into execution, I should conjecture the last is the prevailing motive. For already Holland and three other of the States have declared for an unconditional accession to the neutral confederacy; two more have declared for an accession, but allege that their territories in both the Indies should be guaranteed. This, however, I understand, is not absolutely made a condition, and that their Deputies are at liberty to accede without such guarantee, if they think fit. The seventh is the Province of Zealand, where the influence of the Prince is without control, from thence, therefore, nothing short of an open opposition to the neutral system is expected. Whether the other six States are prepared and determined to accede without Zealand, a short time will show.

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The navy of these States is too feeble at present for an immediate war with England, which they seem to apprehend must take place upon their joining the neutral confederation. They have, I believe, but about twentysix vessels, instead of the fiftytwo voted, ready for sea. It has been apprehended, their naval preparations have been designedly kept back, in order to keep up the fears of the States about a war with Britain. There is no question but the Prince is fixed against it, and whatever ideas some of our countrymen may have entertained of the liberties of this people, they are as effectually enslaved by their magistracy, as are any people in the old world by the mighty kings, who hold almost all the rest of it in bondage. Nay, the influence of the Prince seems to pervade almost every department of their government, and the whole machine is much obstructed, when set in motion in a direction repugnant to his inclinations and views.

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May heaven preserve us from kings, princes, and stadtholders. The people are the best guardians of their own liberties and interests.

I am, &c.

FRANCIS DANA.

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## INSTRUCTIONS TO FRANCIS DANA, AS MINISTER PLENIPOTENTIARY TO THE COURT OF ST PETERSBURG. [15]

In Congress, December 19th, 1780.

Sir,

The great object of your negotiation is to engage her Imperial Majesty to favor and support the sovereignty and independence of these United States, and to lay a foundation for a good understanding and friendly intercourse between the subjects of her Imperial Majesty and the citizens of these United States, to the mutual advantage of both nations.

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You will readily perceive, that it must be a leading and capital point, if these United States shall be formally admitted as a party to the convention of the neutral maritime powers for maintaining the freedom of commerce. This regulation, in which the Empress is deeply interested, and from which she has derived so much glory, will open the way for your favorable reception, which we have the greater reason to expect, as she has publicly invited the belligerent powers to accede

thereto.

And you will give it an attention suitable to its importance. Your success will, however, depend on a variety of sources and contingencies; on a more perfect knowledge of the state of Europe than can be obtained at this distance; on the ultimate views of her Imperial Majesty, the temper of her cabinet, the avenues to their confidence, the dispositions of the neutral powers with whom she is connected, and the events of war. Under such circumstances, precise instructions for your conduct cannot be expected; on the contrary, the greatest room must be left for the exercise of your own penetration and assiduity in gaining proper information, and for your prudence and address in improving it to the best advantage. Your zeal for the public interest will lead you to embrace every favorable incident and expedient, which may recommend these States to the friendship of her Imperial Majesty and her Ministers. Your attachment to the honor and independence of your country will restrain you from every concession unbecoming the dignity of a free people. The diplomatic order in which you are placed by your commission, will prevent embarrassments, which, in so delicate a case, might arise from the punctilio of ceremony; while it entitles you to all the confidence and protection essential to the office of a public Minister.

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For the further execution of your trust, you will conform, as far as possible, to the following instructions.

1. You shall communicate your powers and instructions to our Ministers Plenipotentiary, at the Court of Versailles, and for negotiating peace, and avail yourself of their advice and information; and it may be prudent through them to obtain the sense of the Court of France thereon.

2. You shall communicate the general object of your mission to the Minister of his Most Christian Majesty at the Court of Petersburg, and endeavor through his mediation to sound the disposition of her Imperial Majesty, or her Ministers, towards these United States.

3. If the result of your inquiries should point out a fair prospect of an honorable reception, you are to announce your public character, and deliver your letters of credence in the usual form.

4. You are to manifest on all proper occasions the high respect, which Congress entertain for her Imperial Majesty; for the lustre of her character, and the liberality of her sentiments and her views; and particularly you are, in the strongest terms, to testify our approbation of the measures, which her Imperial Majesty has suggested and matured for the protection of commerce against the arbitrary violations of the British Court. You will present the act of Congress herewith transmitted, declaring our assent to her Imperial Majesty's regulations on this subject, and use every means, which can be devised to obtain the consent and influence of that Court that these United States shall be formally invited, or admitted, to accede as principals and as an independent nation to the said convention. In that event, you are authorised to subscribe the treaty or convention for the protection of commerce in behalf of these United States, either with her Imperial Majesty conjunctly with the other neutral powers, or if that shall be inadmissible, separately with her Imperial Majesty, or any one of those powers.

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5. You are to impress her Imperial Majesty and her Ministers with a sense of the justice of our cause, the nature and stability of our union, and the solemn engagements by which not only the States but his Most Christian Majesty, are reciprocally bound to maintain the sovereignty, rights and jurisdiction of each of the thirteen States inviolably; and the utter impracticability of our acceding to any treaty of peace with Great Britain, on the principles of a *uti possidetis*, or on any other terms than such as shall imply an express or tacit acknowledgment of the sovereignty of each and every part, and which shall be consistent with the letter and spirit of our treaty of alliance and friendship and commerce with his Most Christian Majesty. You shall represent, in pointed terms, the barbarous manner in which, contrary to the laws of all civilized nations, the war has been conducted by the enemy, the difficulties, which we have surmounted, and the certain prospect, under the divine blessing, of expelling our enemies, and establishing our independence on such basis as will render us useful to the whole commercial world, and happy in ourselves. You shall assure her Imperial Majesty of our ambition to number so wise and magnanimous a Princess among our friends, and to assign her a distinguished place among those illustrious personages of ancient and modern times, who have delighted in promoting the happiness of mankind, and in disarming tyranny of the power of doing mischief.

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6. You shall assure her Imperial Majesty and her Ministers of the sincere disposition of these United States to enter into a treaty of friendship and commerce with her on terms of the most perfect equality, reciprocity and mutual advantage, and similar to those expressed in our treaty with his Most Christian Majesty; and you are authorised to communicate with her Imperial Majesty's Ministers on the form and terms of such treaty, and transmit the same to Congress for their ratification.

7. You shall communicate punctually with our respective Ministers in Europe, and avail yourself of their advice and information, and of the success of their respective negotiations to raise our importance and support our interest at the Court of Petersburg.

8. You shall endeavor to acquire a perfect knowledge of the manners and etiquette of the Court at which you reside, and particularly in the diplomatic line; and of the manufactures and commerce of that empire; and point out in your correspondence how far and on what conditions the two nations can be mutually beneficial to or improve each other in commerce or policy, arts

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or agriculture.

Lastly. And, in general, you shall pursue all such measures as shall appear to you conducive to the interests of the United States, to the faithful discharge of your important trust, and which circumstances may point out to be salutary and beneficial.

I am, &c.

SAMUEL HUNTINGTON,  
*President.*

**FOOTNOTES:**

[15] *In Congress, December 15th, 1780.*—"Whereas a good understanding and friendly intercourse between the subjects of her imperial Majesty, the Empress of all the Russias, and these United States, may be for the mutual advantage of both nations;

"Resolved, That a Minister be appointed to reside at the Court of the Empress of Russia.

"Ordered, that Monday next be assigned for electing such Minister.

"Ordered, that a committee of three be appointed to prepare a commission and draft of instructions for the said Minister.

"*December 19th, 1780.*—Congress proceeded to the election of a Minister to reside at the Court of the Empress of Russia; and the ballots being taken, the honorable Francis Dana was elected."

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**TO THE COMMITTEE OF FOREIGN AFFAIRS.**

Paris, February 16th, 1781.

Gentlemen,

I do myself the honor to acquaint you, that I returned to this city the 28th of December, where it is probable I shall continue till the public business may require me to join Mr Adams, who still remains at Amsterdam. It was judged by both of us, that no possible detriment could happen to our public concerns by this separation. On the other hand, Mr Adams was pleased to say it might be attended with some benefit.

Shortly after I came to town, your despatches by Captain Bell were forwarded to me. Though they were addressed to Mr Adams, agreeably to his standing directions, I broke them open, and sent on to him such of them only as I knew he had not received before, and were necessary for the regulation of his present business. The additional instructions of the 18th of October, founded on his letters of the 23d and 24th of March last, and all the duplicates, I have still by me, not thinking it advisable to hazard them by the post. I have made Mr Adams fully acquainted with this.

You will permit me to say, that it is by no means prudent to commit to the care of the posts, papers of the nature of some of your last despatches.

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Mr Adams has not been able to obtain the amount of the bills actually drawn on Mr Laurens. The resolution of Congress of the 23d of November, 1779, expresses a certain sum; so does that of the 6th of October last. But Mr Searle says, it is not the design of Congress to draw to the amount of both resolutions; that they had stayed their hands upon the first, after having drawn for about a quarter part of the sum named in it, for particular reasons, which he mentions. It would have been a relief under present circumstances, to have had this made certain. I am persuaded it would be acceptable to every one concerned in such business, to be acquainted as early as possible with the amount of bills drawn upon him from time to time, so that they might not fall in unexpectedly.

Congress, it appears from their printed journals, have taken into consideration the Declaration of the Empress of all the Russias, relative to the commercial rights of neutral nations, and have thereupon passed several resolutions, and ordered that copies of them should be transmitted to their Ministers, yet no such copies have yet been received. Although there does not appear at present any pressing occasion for them, nevertheless it is possible, though I cannot say I think probable, that one may offer, in which case there would be a total deficiency of the necessary powers. Mr Adams, in his last letter of the 8th instant, has desired me to consult with Dr Franklin upon this business, which I shall soon do. Lest Mr Adams should not have an opportunity to write from Holland, I would just say, that the principal matter then remained *in statu quo*.

I am this moment acquainted by Mr Temple Franklin, that a vessel has arrived at Nantes, which left the Capes of Delaware on the 7th of January, and that the Doctor has received copies of the

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resolutions of Congress relative to the above Declaration of the Empress of Russia.

I am, Gentlemen, with much respect, your most obedient and most humble servant,

FRANCIS DANA.

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**TO THE PRESIDENT OF CONGRESS.**

Paris, March 24th, 1781.

Sir,

I have the honor to acquaint your Excellency, that Mr Laurens arrived at Passy the 15th instant, and in the evening of the same day, sent me your despatches intrusted to his care, as well as those which came by the Duke of Leinster, both for Mr Adams and myself. In a day or two after, I forwarded Mr Adams's to him by a private opportunity, it being very unsafe to send anything by the post, which it is of importance to keep secret. As I did not open them, I am wholly ignorant whether they contain anything relative to our first commissions, or in what light to consider myself respecting them, provided I should not proceed to the Court of St Petersburg. My actually going there is a condition precedent, and in virtue of which alone, I am entitled to anything under the resolution of Congress of the 20th of December last.<sup>[16]</sup>

I have communicated my instructions and commission, and everything respecting it, to Dr Franklin, and have asked his opinion whether it was expedient to make a communication of the general object of my commission to the administration here. He said he thought it was, and that it might be advisable likewise to take the opinion of the Count de Vergennes, whether it would not be proper to make this communication also to the Court of St Petersburg, and obtain their approbation of the measure, before I should set off for that country; that a similar course was taken in the case of Mr Arthur Lee for Madrid, and of Mr William Lee for Vienna. My own opinion exactly coincides with the first part of his advice, but not with the latter part. I think that would rather create than clear away obstacles; it would lay the Court of St Petersburg under a necessity of considering the general object of my commission, and if after this they should approve of the journey, it might involve them in consequences they are not prepared to meet; for Britain would consider such an act as absolutely decisive of the part the Court of St Petersburg meant finally to take, and this consideration, however well they might stand affected towards us, in my opinion would prevent their approving of the proposition, if it did not draw after it an absolute prohibition. There is no difficulty in going in the character of a private citizen of the United States, and when one has once entered, the ground is changed. Admission and rejection are essentially different. Besides, one would be at hand to open the way gradually, as favorable occurrences might arise.

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I have been at Passy this day to consult the Doctor again on this point, and to lay my objections before him, but he was not at home. I shall do it the first opportunity. If we should finally differ on any point after having consulted Mr Adams, agreeably to my instructions, if they concur in opinion, I shall make no difficulty in conforming exactly to their better judgments, otherwise I must exercise my own upon the choice of opinions. But if the result should be, that I am not to proceed, how, and in what character am I to consider myself? Is my former commission superseded, and what am I to depend upon? The resolution of Congress of the 20th of December last, mentions a certain sum for which I have a letter of credit, conditionally, upon their Minister at this Court, as a salary for one year. Is it the intention of Congress, that that sum is to be my whole support, in the character of their Minister, empowered to do the same things at the Court of St Petersburg, that their Ministers at other Courts, which have not yet acknowledged the independence of the United States, are empowered to do? Or is it their intention, that my former commission should continue in force, and that I should receive the salary of both, which would make my whole support but nominally equal to that, which Congress allows to their other Ministers.

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Further, there is no mention made of a secretary or clerk, appointed to assist me, or any provision for either. Is it the intention of Congress to confine me to the sum mentioned in their resolution of the 20th of December last, and even leave me to provide out of it for a clerk or private secretary, (for one will be indispensable,) and for all other expenses? Congress will not surely take it amiss if I ask for information on these points. The absolute necessity I am under of knowing on what I have to depend, I trust will be my sufficient apology. I cannot but lament, that the expediency of advising on these points, did not occur to the Committee on Foreign Affairs. I have as yet received no information upon this subject, but what comes to me in the acts of Congress, and in your Excellency's letter accompanying them.

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Convinced as I am of the propriety of such an appointment, it is my present determination, throwing aside all pecuniary considerations, to accept of this honorable trust. I wish my abilities were equal to the importance of it. I can engage for nothing more, than sincere and uniform endeavors to promote the great end of it. Through you, Sir, I beg leave to communicate my most respectful acknowledgments to Congress for this distinguished instance of their confidence in me.

I am, with the greatest respect, &c.

FRANCIS DANA.

*P. S.* I will under my present uncertainties, keep a regular account of all my expenses under this commission, and shall cheerfully submit to the justice of Congress, the propriety of the charges I shall make, and how much ought to be allowed under the denomination of salary, expenses, &c. I shall hope, however, that Congress will reduce these things to a certainty as soon as is convenient. If I find it impracticable to conform to their views, the step I ought to take is very clear and plain.<sup>[17]</sup>

F. D.

**FOOTNOTES:**

[16] *In Congress, December 20th, 1780.* "Resolved, That the President furnish the Minister appointed to the Court of Petersburg with letters of credit on the Minister Plenipotentiary of the United States at the Court of Versailles, for fifteen hundred pounds sterling, as his salary for one year; provided the said Minister shall proceed to the Court of Petersburg."

[17] See resolutions of Congress, on the subject of Mr Dana's salary and expenses, in the Secret Journal. Vol. II. p. 457.

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**TO THE PRESIDENT OF CONGRESS.**

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Paris, March 28th, 1781.

Sir,

I did myself the honor to write to your Excellency, on the 24th instant, and to acknowledge the receipt of your despatches by Colonel Laurens, and by the Duke of Leinster, both for Mr Adams and myself. I also acquainted your Excellency, that I had communicated my instructions, my commissions, and everything respecting it, to Dr Franklin. I mentioned also the question I proposed to him, and his advice upon it, that I differed from him in the latter part of his advice, and assigned my reasons for doing so. I added I would the first opportunity lay before him my objections, for his further consideration of that part of his advice. I have done so this day, and have the satisfaction to find that he now perfectly concurs in opinion with me, so that a simple communication of the general object only will be made here.

I have left the papers with him to consider whether he or I should make it. I think the last paragraph of the first article of my instructions, seems to point it out to be the sense of Congress, that he should do it. Through whatever channel it should be made, it seems to be agreed between us, that the voyage is already settled, and not now a question for consideration, I hope none will be made about it. If there should not arise any obstructions out of this communication, I shall leave Paris on Sunday next, and proceed for Holland, where I shall consult with Mr Adams upon the whole business of my mission, and it shall be my constant endeavor, to give Congress the earliest information of every material circumstance respecting it. My situation may however render my communications less frequent than I could wish, or they expect, especially when it is considered, that there is no safety in corresponding through the posts of these countries.

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I hope no occasion will be lost to keep me properly informed of the state of our affairs, particularly of all military operations; so that I may be able to prevent our enemies making impressions to our disadvantage, in which business they constantly labor with much industry, and I wish I could not add with too much success; owing principally to our wanting the necessary information to counteract them.

The accession of Maryland to the Confederation is an event, which may have some good influence upon our affairs, as it may serve to convince a great part of Europe that a strong principle of union exists among us. Yet of this we have not any other account than what comes in private letters, at least I have not seen or heard of any other. Nothing but an anxious concern which I feel to be furnished with authentic evidences of events, which may be improved to the benefit of our country, has led me to speak of this, which I deem important in the manner I have done, and I presume Congress will not attribute it to a querulous disposition.

I am, with the greatest respect and esteem, &c.

FRANCIS DANA.

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**TO THE COUNT DE VERGENNES.**

Paris, March 31st, 1781.

Sir,

I have the honor to acquaint your Excellency, that Congress have been pleased to charge me with a commission as their Minister at the Court of St Petersburg, and that reposing the highest confidence in his Most Christian Majesty, their first and illustrious ally, and in his Ministers, they have particularly instructed me to communicate the general object of my mission to his Majesty's Minister at the Court of St Petersburg, to the end without doubt, that their negotiations at that Court might be carried on in perfect harmony with those of his Majesty, upon whose gracious and powerful assistance, through his Minister there, Congress place much reliance.

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Had Congress apprehended their despatches would have met me here, they probably would not have failed to direct this communication to be made to his Majesty in the first instance, through your Excellency. Under this persuasion, I beg leave to acquaint your Excellency, that the general view of Congress in this mission is, to engage her Imperial Majesty to favor and support the sovereignty and independence of the United States, and to lay a foundation for a good understanding, and friendly intercourse between the subjects of her Imperial Majesty, and the citizens of the United States, to the mutual advantage of both nations, and consistent with the treaties subsisting between his Most Christian Majesty and the United States.

In the firm confidence, that this measure will meet with the cordial approbation of his Majesty, I do not doubt but I shall experience his benevolence, in a proper encouragement and support, in the execution of my mission. It may be proper to acquaint your Excellency, that I propose to set off for Holland next Wednesday morning, if there should be no occasion for further delay, and from thence to proceed to St Petersburg. It is not my intention to assume any public character on my arrival there, but to appear only as a private citizen of the United States, until the result of my inquiries shall point out a ready and honorable reception. I shall most cheerfully obey my instructions to communicate the general object of my mission to his Majesty's Minister at St Petersburg, whose able advice and assistance, I hope your Excellency will be pleased to assure to me.

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I am, with the greatest respect, &c.

FRANCIS DANA.

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**TO THE PRESIDENT OF CONGRESS.**

Paris, March 31st, 1781.

Sir,

My letter of the 28th instant will inform your Excellency, that on that day I had a further consultation with Dr Franklin upon the subject of my mission, particularly upon the mode of communicating the general object of it here, that having agreed upon that, I left the papers with him, to the end that if he thought it proper to make the communication, he might have them before him, and do it without loss of time.

Partly to save time in case the Doctor should be of the opinion, that it was most proper for me to make it, and partly to lay before him my idea about it in writing, I drew up a letter to the Count de Vergennes, which I left with the other papers, a copy of which you will have enclosed. The Doctor called upon me late last evening with the whole, and told me he had attentively considered them, and that he thought it best I should make the communication; and was pleased to add, that he had carefully examined my draft of a letter in particular, and approved of it entirely; that he did not know of any alteration, which could be made in it for the better. Confiding in his judgment more than in my own, I this morning sent a fair copy of it to the Count de Vergennes, (adding only the few words underscored,) which was received at his office at five o'clock this afternoon. This mode obliges me to postpone the time of my departure from Sunday to Wednesday next, when, as I have said in my last, if there should not arise any obstructions out of this communication, I shall set off for Holland.

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I am not without my apprehensions on this head, yet I do not see that the measure could have been decently avoided, most certainly not, consistent with the letter and spirit of my instructions. I have endeavored to adapt the mode to the main end I have in view, that is, to stave off any question touching the expediency of the voyage at this time, or prior to my obtaining permission to make it; for the reasons mentioned in my letter of the 24th instant, as well as for others, which it may not be prudent to mention just now. Perhaps they are not well founded. I shall not fail to do myself the honor to transmit to your Excellency the answer I may receive to the enclosed, and a particular account of every material circumstance, which may take place here before my departure. It is probable I shall have a safe opportunity to send duplicates of the whole from Holland.

I am, with the greatest respect, &c.

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**COUNT DE VERGENNES TO FRANCIS DANA.**

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**Translation.**

Versailles, April 1st, 1781.

Sir,

I have received the letter, which you did me the honor to write to me on the 31st ultimo. I was already informed of the part taken by Congress in the mission, with which you are charged for the Court of St Petersburg. As it would seem, that present circumstances ought to have some influence in fixing the time of your departure, I should be glad on this account to have an interview with you. The reflections, which I shall communicate, have for their principle the sincere interest which I take in the cause of your country, as well as in the dignity of Congress.

I have the honor to be, &amp;c.

DE VERGENNES.

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**TO THE COUNT DE VERGENNES.**

Paris, April 2d, 1781.

Sir,

I have received the letter, which your Excellency did me the honor to write to me yesterday, in answer to mine of the day before, and I shall do myself the honor to wait on your Excellency, for the purpose mentioned in it before my departure.

It is not to be doubted, that the reflections, which your Excellency desires to communicate to me, are founded in the sincere interest, which you take in the cause of our country, and in the dignity of Congress.

I am, with the highest respect, &amp;c.

FRANCIS DANA.

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**TO THE PRESIDENT OF CONGRESS.**

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Paris, April 2d, 1781.

Sir,

I do myself the honor to enclose to your Excellency the letter of the Count de Vergennes to me of yesterday, in answer to mine of the day before, and my answer to him. Congress need not wait to be informed of the substance of the proposed conference, in order to form a judgment of the sentiments of his Majesty's Ministers, upon the mission with which they have charged me. These are sufficiently pointed out by the Count's letter, which proves the apprehensions, hinted in my last, were not wholly unfounded.

From the beginning, I have foreseen the difficulty of my situation, and I have felt it likewise. Had my instructions been positive to proceed, I should have been considerably advanced on my route at this time. But what can I now do; if I should be told, as I certainly expect to be told, that it is not expedient to proceed at this time, nor until I have taken the sense of the Court of St Petersburg upon the measure? I do not ask this question, expecting any seasonable answer to it. Our distance is unhappily too great for timely explanation. I shall go to Versailles tomorrow, to confer with the Count, after which, whatever may be the result there, I shall think it my duty to set off for Holland, for the purpose of consulting Mr Adams on the whole matter. Having done this, I shall have taken every step, which Congress will expect of me, prior to my making up my final determination respecting my voyage to St Petersburg. I will give your Excellency no further trouble at present, but as any new matter may arise, I will continue to give Congress, through you, the earliest information of it.

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I am, with the greatest respect, &amp;c.

FRANCIS DANA.

## TO THE PRESIDENT OF CONGRESS.

Paris, April 4th, 1781.

Sir,

If the packet, which I sent off for L'Orient early this morning comes safe to hand, your Excellency will receive a copy of my letter of the 31st ultimo, to his Excellency the Count de Vergennes, communicating to him the general object of my mission, my letter to yourself of the same date, a copy of the Count's answer to me of the 1st instant, proposing a conference with me before my departure, and my answer to *that* of the 2d, together with my letter of the same date to you.

I hurried these away, because I conceived the Count's letter clearly manifested the sentiments of his Majesty's Minister on the subject of my mission, and was afraid the opportunity of sending them would otherwise be lost. Whether I was too hasty in this opinion formed upon his letter, Congress will judge. However that may be, I am happy to say, that in the conference I had with his Excellency this morning, (being, at my particular desire, introduced to him by Dr Franklin) I did not perceive that he had formed any fixed judgment upon it. Though he opened the conference with ideas perfectly consonant with those I had supposed him to entertain on the subject, yet, when I had explained to him my proposed line of conduct, he did not persist in them. He seemed rather to have desired an opportunity of communicating to me his reflections, by way of caution and advice, than as serious objections to the mission itself.

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He asked if I had any particular object of negotiation in view, to which I answered, that I had communicated the general object of my mission in my first letter to him, that I had it not in contemplation to precipitate any negotiation whatever, that I did not think it agreeable to the design of Congress, and that I certainly would never expose them to any indignities; that it was thought by Congress expedient to have some person at St Petersburg, with an eventual character, who might improve the favorable moment for assuming it. He inquired whether I had received any assurances from that country, that my residence in it would be acceptable. I told him, a gentleman, not a native of the country, had written from thence, that some persons of rank, whether they were connected with the Court at all I could not say, had expressed their wishes that some person should be sent there from America, capable of giving information of the state of our affairs.

He observed, that Russia had not acknowledged the independence of America, that British influence was not done away at St Petersburg; that if I went, it would be supposed that I had some object in view, and there being no visible one, I being an American, would be supposed to have some political views, some eventual character, which might expose me, if I had not permission to reside there, as he expressed himself, to some *désagrémens*. I answered to this effect. That I should appear as a mere private gentleman, travelling with a view of obtaining some knowledge of that country; that whatever suppositions of the sort might be made, the Court would always have it in their power to deny they knew anything about me; and while I held such a line of conduct, I did not imagine they would consider themselves at all concerned in the matter. On the other hand, if I asked permission and obtained it, the British Court would consider that as a proof of the part which Russia meant finally to take, and would immediately act in consequence of it; that it would, perhaps, embarrass the Court of St Petersburg unnecessarily. I added, I wished only to lay before his Excellency my ideas upon the subject, and begged him not to think it was my intention to press this point; that I had a perfect confidence in him (and did not fail to assure him of that of Congress) and wished for his advice; that I should always pay the highest respect to it, and should follow it in matters left to my discretion.

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I put one general question to him, whether he thought my going would be injurious to our common interest? To which I did not receive a direct answer, but he advised me to mention my design of going to Petersburg to the Minister at the Hague. I asked him if he would permit me to make use of his name; but this did not comport with his idea of the matter, which was, to keep my eventual character out of sight, and to propose the journey only as a private gentleman of America, desirous of seeing that country, and of inquiring into the nature and state of its commerce, &c. I am not yet wholly reconciled to this step, for if, unhappily, my first apprehensions are well founded, it would be exceedingly easy here, to lay an insurmountable obstacle in my way. While I am making this observation, I feel a concern, lest it might be ungenerous. Besides, it has a strange appearance to me, for a private gentleman of one country to ask the public Minister of another, both being in amity together, whether it is safe or proper for him to travel into the other. The Minister would be apt to wonder what could give rise to such an inquiry, when the Americans are travelling into all other countries without molestation. But I will consult Dr Franklin and Mr Adams on this point.

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In the course of our conversation, the Count told me that the resolutions of Congress with which I am particularly charged, (these are my words and not his) had been well received on the part of Russia. This, doubtless, will give Congress satisfaction, as it seems to show a friendly disposition in that Court towards us. If no accident intervenes to prevent it, I shall set off for Holland next Sunday, from whence I hope to be in season to send your Excellency duplicates of the whole. I shall be happy if my conduct thus far meets the approbation of Congress.



I am, with the greatest respect, &c.

FRANCIS DANA.

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**TO B. FRANKLIN.**

Paris, April 6th, 1781.

Sir,

Having, agreeably to my instructions as well as my own inclinations, laid before your Excellency all the papers, which I have received from Congress relative to my mission to the Court of St Petersburg, and my correspondence with his Excellency, the Count de Vergennes, in consequence of the same, for the benefit of your good counsel, and as you were so kind, at my particular request, as to introduce me to the Count, at the conference we had last Wednesday, upon the subject of my mission, and heard the whole, I hope you will not think I give you any unnecessary trouble when I request you to favor me, in writing, with your opinion upon the following matters. Whether, on the whole, you conceived the Count to have any objection to the mission itself? Or whether you considered his reflections upon the subject, rather intended as cautions and advice to me, respecting the conduct he would wish me to hold in the business? Whether you supposed him, finally, to make any real objections to my going to St Petersburg, in the character of only a private American gentleman, and there waiting for the favorable moment for opening my eventual character? And whether, all circumstances considered, your Excellency thinks it expedient for me to proceed to St Petersburg in a private character only, and there to wait as abovementioned?

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You will not, I presume, think I mean anything particular in my request, when I assure you I shall likewise ask of Mr Adams his opinion, in writing, upon the same subject. Being directed by Congress to consult you and him, I am desirous only to have it in my power, in case of the death of either of you, to show them I have done so, as well as the result itself; and that I have paid, as I shall do, a proper respect and attention to your opinions and advice in the whole of the business.

I am, with the greatest respect, &c.

FRANCIS DANA.

*P. S.* I shall set off for Holland on Sunday morning, and shall cheerfully take your commands.

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**B. FRANKLIN TO FRANCIS DANA.**

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Passy, April 7th, 1781.

Sir,

I received the letter you yesterday did me the honor of writing to me, requesting my opinion, in writing, relative to the conference you had with his Excellency, the Count de Vergennes last Wednesday, I being present; and also as to the expediency of your proceeding to St Petersburg; which request I willingly comply with as follows.

*Question 1.* "Whether, on the whole, I conceived the Count to have any objections to the mission itself?"

*Answer.* He did not make any such objections, nor did he drop any expression, by which it might be supposed he had any such in his mind.

*Question 2.* "Whether I considered his reflections upon the subject to be rather intended as cautions and advice to you, respecting the conduct he wished you to hold in the business?"

*Answer.* His Excellency expressed his apprehensions, that if you went thither under a public character before the disposition of the Court was known, and its consent obtained, it might be thought improper, and be attended with inconvenience; and, if I remember right, he intimated the propriety of your consulting the Ambassador at the Hague.

*Question 3.* "Whether I supposed him finally to make any real objections to your going to St Petersburg, in the character only of a private American gentleman, and there waiting the favorable moment of opening your eventual character?"

*Answer.* His objections were, that though you should not avow your public character, yet if known to be an American, who had been in public employ, it would be suspected, that you had such a character, and the British Minister there might exert himself to procure you "*quelques désagréments*," i. e. chagrins or mortifications. And that unless you appeared to have some other object in visiting St Petersburg, your being an American, would alone give strong grounds for

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such suspicions. But when you mentioned, that you might appear to have views of commerce, as a merchant, or of curiosity as a traveller, &c. that there was a gentleman at St Petersburg with whom some in America had a correspondence, and who had given hints of the utility there might be in having an American in Russia, who could give true intelligence of the state of our affairs, and prevent or refute misrepresentations, &c. and that you could, perhaps, by means of that gentleman, make acquaintance, and thence procure useful information of the state of commerce, the country, the Court, &c. he seemed less to disapprove of your going directly.

As to my own opinion, which you require, though I have long imagined that we let ourselves down, in offering our alliance before it is desired, and that it would have been better if we had never issued commissions for Ministers to the Courts of Spain, Vienna, Prussia, Tuscany, or Holland, till we had first privately learnt, whether they would be received, since a refusal from one is an actual slight, that lessens our reputation, and makes others less willing to form a connexion with us; yet since your commission is given, and the Congress seem to expect, though I think they do not absolutely require that you should proceed to St Petersburg immediately, I conceive (that assuming only a private character for the present, as you propose) it will be right for you to go, unless on consulting Mr Adams, you should find reason to judge, that under the present circumstances of the proposed mediation, &c. a delay for some time would be more advisable.

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With great esteem, and best wishes for your success, &c.

B. FRANKLIN.

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### TO JOHN ADAMS.

Leyden, April 18th, 1781.

Sir,

I feel myself happy, that Congress have made it my duty to consult your Excellency upon the mission, with which they have charged me, for the Court of St Petersburg. To this end I have already laid before you all the papers, which I have received from Congress, any way relating to it, and also my correspondence with his Excellency, the Count de Vergennes, and Dr Franklin, upon the same subject, as well as my letters to the President of Congress from the time I received this commission. From all these your Excellency will be fully instructed in the several matters, on which I wish to have the benefit of your advice; but to bring some of them more immediately under your view, I beg leave to state the following questions.

Whether all circumstances considered, your Excellency thinks it expedient for me to proceed to St Petersburg, in the character of a private citizen of the United States only, and to wait there for a favorable moment to announce my public character?

Or whether, previous to my going in such a character, you judge it expedient for me to communicate my design to Prince Gallitzin, Ambassador at the Hague (secretly from him at the same time my public character) and to take his opinion thereon, according to the intimation given to me by the Count de Vergennes at our conference?

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Whether it is advisable to communicate my real character to the Court of St Petersburg, and to ask their permission before I undertake the journey?

Whether in case you think it advisable for me to proceed to St Petersburg, in a private character only, without further communications to any one, you conceive it to be the intention of Congress, that I should present their resolutions, relative to the rights of neutral vessels, to the Court of St Petersburg on my arrival there, or whether this is left to my discretion, to be regulated by the then state of affairs at that Court?

Your Excellency will readily perceive the propriety of my writing to you on this business, although we have already had a conference upon it, and my requesting your sentiments in writing also. I shall be happy to make a more particular communication of my own sentiments and views, in further conversation, if you think it needful, before you give me yours.

I am, with the greatest respect, &c.

FRANCIS DANA.

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### JOHN ADAMS TO FRANCIS DANA.

Leyden, April 18th, 1781.

Dear Sir,

I am at no loss what advice to give you in answer to the questions in your letter of this day, because they relate to a subject on which I have long reflected, and have formed an opinion as fully as my understanding is capable of. I think then it is necessary for you to prepare for a journey to St Petersburg without loss of time, that you travel in the character of a gentleman, without any distinction of public or private, as far as the publication of your appointment already made in France will permit.

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I should think it altogether improper to communicate your design to the Ambassador of travelling to St Petersburg as a private gentleman, secreting from him at the same time your public character. It would expose you to something very disagreeable. The Ambassador would ask you, why you asked his advice when it is well known that private gentlemen travel in every country in Europe without molestation. Besides, the Ambassador I have reason to believe, would not give you any advice without instructions from his Court, and this would require so much time, that the most favorable opportunity which now presents itself would be lost. And after applying to the Ambassador, and being advised against the journey, or to postpone it for instructions from his Court, it would be less respectful to go, than to go now, when the circumstances of the times are very favorable.

The same reason applies equally against writing to the Court beforehand. The best opportunity would be lost, and the Court would never encourage you to come, until they had determined to receive you, and you would have no opportunity to assist the deliberations upon the subject, by throwing in any light, by answering objections, or explaining the views of Congress.

After your arrival at St Petersburg, I should advise you, unless upon the spot you discover reasons against it, unknown to us at present, to communicate your character and mission to — or the Minister of Foreign Affairs, in confidence, asking his advice, but at the same time presenting him a memorial ready prepared for the —. If he informs you, if it is best for you to reside there as a private gentleman, or to travel for a time into Sweden or Denmark, or to return here to Holland, where I shall be happy to have your company and counsels, take his advice.

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The United States of America have nothing dishonorable to propose to any Court or country. If the wishes of America, which are for the good of all nations, as they apprehend, are not deemed by such Courts or nations consistent with their views and interest, of which they are the supreme judges, they will candidly say so, and there is no harm done. On the contrary, Congress will be applauded for their candor and good intentions. You will make your communication to the French Ambassador of course, according to your instructions. This method was taken by this Republic in her struggle with Spain, nay it was taken by the Republican Parliament in England, and by Oliver Cromwell. It was taken by Switzerland and Portugal, in similar cases, with great success. Why it should be improper now I know not.

I conceive it to be the intention of Congress, that you should communicate their resolutions relative to the rights of neutral vessels, and I am the more entirely of this opinion, because I have already communicated those resolutions to their High Mightinesses, the States-General, and to their Excellencies the Ministers of Russia, Denmark, and Sweden, at the Hague, in pursuance of the letters I had received from the President, and I should now think it improper in me to sign a treaty according to those resolutions, if invited thereto, because it would be interfering with your department.

America, my Dear Sir, has been too long silent in Europe. Her cause is that of all nations, and all men; and it needs nothing but to be explained to be approved. At least these are my sentiments. I have reasons in my mind, which were unknown to their Excellencies, the Count de Vergennes, and Dr Franklin, when you consulted them; reasons which it is improper for me to explain at present. But the reasons I have given appear to me conclusive. No measure of Congress was ever taken in a more proper time, or with more wisdom in my opinion, than the appointment of a Minister at the Hague, and at St Petersburg. The effects of it may not appear in sudden and brilliant success, but the time was exactly chosen, and the happy fruits of it will appear in their course.

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Although I shall be personally a sufferer by your appointment, yet I sincerely rejoice in it for the public good. When our enemies have formed alliances with so many Princes in Germany, and so many savage nations against us, when they are borrowing so much of the wealth of Germany, Italy, Holland, and Switzerland, to be employed against us, no wise Court or reasonable man, can blame us for proposing to form relations with countries, whose interests it is to befriend us. An excess of modesty and reserve is an excess still. It was no dishonor to us to propose a treaty to France, nor for our Ministers to reside there more than a year, without being acknowledged. On the contrary, all wise men applauded the measure, and I am confident the world in general will now approve of an application to the maritime powers, although we should remain without a public reception, as long as our Ministers did in France and Spain, nay, although we should be rejected. In this case, Congress and their constituents will all be satisfied. They will have neglected no duty in their power; and the world will then see the power and resources of three or four millions of virtuous men, inhabiting a fine country, when contending for everything which renders life worth supporting. The United States will then fix a medium, establish taxes for the payment of interest, acquire the confidence of her own capitalists, and borrow money at home, and when this is done, they will find capitalists abroad willing enough to venture in their funds.

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With ardent wishes for your health and success, I have the honor to be, &c.

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**TO EDMUND JENNINGS.**

Amsterdam, April 26th, 1781.

Dear Sir,

Have you an inclination to favor me with your company to a certain place, where you seemed to think the presence of an American might be very useful to our country? I have it not in my power to make you any advantageous proffers, but perhaps it may be nearly equal to you to reside at Petersburg or Brussels. It may eventually be turned much to your benefit and honor.

I need not be more particular on this subject, or to request you to keep it to yourself. If my loose proposition meets your approbation, you will please to hasten on here, *without loss of time*, as I must go forward soon. If you wish to confer with me before you decide, come on immediately, but prepared, however, to proceed with me, in case you think proper to agree to my proposals. Your expenses here and back again shall be paid, if you choose to return. I should be very happy to have your good company, and the assistance of your abilities.

I am, Dear Sir, your sincere friend, &amp;c.

FRANCIS DANA.

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**EDMUND JENNINGS TO FRANCIS DANA.**

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Brussels, May 3d, 1781.

Dear Sir,

I had the honor of receiving your letters of the 26th and 29th ultimo, by the last post, containing a most obliging invitation to accompany you on some intended tour. It came upon me quite unexpected, and when I had arranged matters to go a very different course, and therefore embarrassed me much. However your very kind manner of holding up to me the most flattering object that I have or ought to have, the service of my country, determined me immediately to accept of your invitation, and I am now laboring hard to settle my little matters, here and elsewhere, that I may present myself to you at Amsterdam, without loss of time. I am afraid, however, that I shall not be able to accomplish it before the middle of next week. Should you think you ought not to stay so long, I beg, that no consideration for me should prevent you from making that despatch, which the public service may require.

I am, with the greatest respect, &amp;c.

EDMUND JENNINGS.

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**TO THE PRESIDENT OF CONGRESS.**

Amsterdam, May 13th, 1781.

Sir,

I do myself the honor to transmit to your Excellency the duplicates of the papers, which have been already sent from France. To these are added others, which will give to Congress precise information of everything, which has hitherto taken place relative to my late appointment, that can be of any importance to them to know.

I shall not trouble you with observations upon any of them, except the letter of Dr Franklin, and merely to correct one or two mistakes in his account of my conference with the Count de Vergennes. The Doctor says, "when I mentioned that I might appear to have *views of commerce, as a merchant*, or of curiosity as a traveller," &c.—"that there was a gentleman in Petersburg with whom some *in America* had a correspondence, who had given hints of the utility," &c.—"and that I could *perhaps by means of that gentleman* make acquaintance," &c. Persuaded as I was from the beginning, that it could not be for the interest of our country, that I should be stopped short of my destination, and determined to endeavor to obviate every objection, which might be made to my going on, I told the Count, when he seemed to be stating a difficulty arising from my public character, that I could appear as a private gentleman, travelling with a view of obtaining some knowledge of that country. I added, indeed, of its laws, customs, manners, *commerce*, manufactures, &c. The character of a merchant in those countries is not so respectable as to

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recommend itself to my choice, when I wished to form connexions with a different order of men. As I did not know of any gentleman at Petersburg, with whom some *in America* had a correspondence, I could never inform his Excellency of such a circumstance. The fact was quite otherwise, and that part of our conversation was introduced in the manner, and was exactly of the tenor mentioned in my account of the conference. I have a personal knowledge of the gentleman I alluded to; he named the persons of rank, but I did not think it prudent to give their names to the Count. Perhaps I may have the honor to form an acquaintance with persons of some consideration in the country to which I am going, without laying myself under obligations to that gentleman.

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I shall set out from hence in a few days on my journey, probably without consulting the Russian Ambassador at the Hague, as I am not yet more reconciled to this step than I was when it was first proposed to me. Mr Adams, your Excellency will perceive, is decidedly against it. We have given our reasons. To these may be added, that to communicate my design of going into his country, and secreting from him at the same time, my public character, if by such means I might obtain his advice and passport to proceed, whenever my real character should be made known, he would perhaps consider it as a mean artifice and an imposition upon him, which he could not overlook, especially when the act of giving his advice or passport (though I have no expectation he would do either) might expose him, or his Court, or both, to all the consequences of having done so, with the full knowledge of my character; for declarations of ignorance in that respect would gain little credit. On the whole, I see no one good purpose that such a consultation as has been recommended to me, would produce, but, on the contrary, I think I see many mischiefs, which might come out of it.

Not thinking it prudent to go on farther unaccompanied by any person in whose hands, in case of my death or accident, your papers and affairs may be safely lodged, for the future advantage of Congress, I have invited Mr Edmund Jennings, a native American, and a gentleman whose character, I believe, may be known to some of the members of Congress, not only to accompany me on my journey but to remain with me there. I promise myself he will be able to afford me much essential assistance in the execution of my duty. I did not, however, take this step till I had communicated my design to Mr Adams, who well knew Mr Jennings, and found that it met his full approbation. I enclose (over and above the other papers) my letter to Mr Jennings on this occasion, and his answer to me. I hope Congress will not disapprove of this measure. I have no other end in it than to promote the interests of our country, in obtaining the assistance of his abilities, and to guard against an event, which may take place, and I think common prudence forbids should be left wholly unprovided for.

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I am, Sir, with sentiments of the highest respect, &c.

FRANCIS DANA.

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**TO THE PRESIDENT OF CONGRESS.**

Amsterdam, May 20th, 1781.

Sir,

I do myself the honor to transmit to your Excellency certain papers, which are duplicates of such as have not been sent off from France. Your Excellency will receive the whole from hence in the South Carolina, commanded by Commodore Gillon, if she arrives safe. If not, the arrival of those from France, together with these by Captain Newman, for Newburyport, will supply them.

I shall not trouble your Excellency with any political matters from hence, because you will, doubtless, be fully informed about them by Mr Adams. I shall hope for early information from our country of every important event, civil or military. I perceive, with much pleasure, that Congress are about adopting a solid system of finance, which will, doubtless, meet with the cordial support of all the States in the Union. When this system shall be established, I hope the Committee of Foreign Affairs, or some others to whom it may belong, will not fail to transmit some account of it, with any observations which may be necessary to explain it. In my separate department, where there is yet little or no good information touching the state of our country, it may be more necessary to pay a particular attention to this business.

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I am, with the highest sentiments of respect and esteem, &c.

FRANCIS DANA.

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**TO THE PRESIDENT OF CONGRESS.**

Berlin, July 28th, 1781.

Sir,

I beg leave to acquaint your Excellency, that after having been detained at Amsterdam more than a month from the time I myself was ready to enter upon my journey, in hopes of being accompanied by Mr Jennings, I have been exceedingly disappointed, that that gentleman has thought himself under the necessity to decline going with me, on account of certain circumstances, which have since turned up in his own affairs.

I left Amsterdam on the 7th instant, (Mr Adams having gone from thence for Paris on the 2d, upon a special call of which he will, doubtless, give your Excellency the earliest notice) and arrived in this city on the 25th, very much indisposed. I thought it expedient to take my route to this city, through Cologne, Frankfort, and Leipsic, though not the common or shortest one, to avoid passing through Hanover, lest my motions should have been watched in Holland, and notice given of my passing through Hanover, which might have brought on the seizure of my person and papers.

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I have been unfortunate in having my carriage overthrown and broken in pieces, between Leipsic and Berlin; happily, however, no other injury was sustained. I mention this circumstance, because it not only lays me under the necessity of purchasing another here, (for there is no travelling in these countries tolerably without a private carriage) but it will detain me several days extraordinary. Though I am not quite well, I shall set off as soon as the carriage I have bought can be properly fitted for so long a journey, for no less than fifteen hundred of our miles are still before me; and the route far from being the most pleasant in Europe, yet I should go through it with much alacrity, if I had well grounded hopes that at the end, I should find matters in the state we wish them to be.

As I have no faith on the one hand, that the present mediation of the Emperor and Empress will issue in a pacification, general or partial, so, on the other, I as little expect that it will suddenly light up other wars. It is probable, nothing of the latter kind can take place, without this kingdom having a portion in it, and I have not yet been able to learn, that there is the least expectation of the sort here, which most commonly goes before the act. I suppose, therefore, that the belligerent powers will still continue belligerent, and that the mediators will hope for a more favorable opportunity to renew their mediation, and to make their particular advantage of the conflict. It seems to me it has been accepted by them, (America only excepted, to whom it has not been tendered) rather out of respect, or to avoid giving offence to the mediators, or to seek an advantage by discovering a ready disposition to hearken to every proposition having the least possible tendency to bring about a pacification.

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Not one of the belligerent powers, I believe, has an expectation, or a sincere wish that a pacification will, or should be brought about at present. Spain wishes to possess herself of Gibraltar and of the Floridas; can she now hope that these will be ceded to her? Does she not flatter herself, that by the continuance of the war, Britain will become so enfeebled, that they may be wrested from her? That having once obtained them by conquest, she will easily retain them at a peace? France wishes to establish herself, in the place of Britain, the dominant power of Europe; to this end, she sees that it is necessary to snatch the trident from the hand of Britain, and to wield it herself. To effect this, *she knows well, that America must be supported in her independence*. But is the time yet come, when she can reasonably hope, that both the mediators are prepared to make this last measure a proposition in their mediation, or Britain to acknowledge it?

Great Britain, in my opinion, wishes not to make a separate peace with America, that she may be able to exert her whole force against the House of Bourbon, as many of her popular leaders have frequently expressed themselves. This would be humbling herself in a point on which she is most obstinately fixed. Much sooner would she humble herself before her ancient enemies, provided she could flatter herself, that by doing this, she might make a separate peace with them, and be thereby at liberty to direct her whole force against the United States. In this case she would cherish the hope, that America seeing herself forsaken by her new allies, and exposed singly to the whole power of Britain, might either be induced once more to submit to her domination, or would become an easy conquest, in part at least. So little wisdom, it is probable, experience has taught them. But is there the least hope for Britain, that her ancient enemies are prepared to give up their new friends? Does not their own safety and importance in the political system, absolutely depend upon supporting the independence of our country?

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Of Holland or the United Provinces, I know not what to say. They can scarce be ranked among the belligerent powers. The objects of Holland are peace, with that freedom to her commerce, which she had a right to demand in virtue of treaties, which Britain has annulled; as also restitution of her conquered territories, and reparation of the destruction committed upon her navigation. Britain will not gratify Holland in any of these respects, unless she grants the aids claimed, and thereby plunges herself into the war against the House of Bourbon and America, which she can never do. Thus a partial pacification between them is not likely to take place.

America will not consent that the independence of her empire shall be brought into question, or that her rights and claims shall be litigated and adjusted in a Congress, in which she is not properly represented by her Minister. Nevertheless, these things will, I am persuaded, be attempted, and I fear they will not meet with a very vigorous opposition from a quarter, which we have a right to expect should stoutly oppose them.<sup>[18]</sup> Should a Congress be assembled in this half matured state of things, is there any reasonable ground to hope that the professed design of

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it, a general pacification, can be accomplished? The determination of such bodies, are, however, so frequently influenced by improper motives, that he who concludes that such a matter cannot be the result merely because it ought not to be, may find himself egregiously deceived in the end.

Thus I have attempted to give a sketch of my sentiments relative to the business of a mediation; but Congress will probably receive a much more particular and satisfactory account of it from a much more able hand, who has besides better information, and is now more immediately connected with it. I have said I should go through the fatigues of my journey with much alacrity, if I had well grounded hopes, that at the end I should find matters in the state we wish them to be. I do not form any strong conclusion from the answer of the Empress to the United Provinces. What could they expect from her when they had so shamefully neglected any preparations necessary even for their own defence, and seemed not to be half decided about making any. But the following memorial of the French Ambassador at her Court, taken in conjunction with the present retirement of Count Panin, her Prime Minister, seems to denote an essential change in the system of the Court of St Petersburg.

"*St Petersburg, 12th of June.* Friday last the Minister of the Court of Versailles had a conference with Count Osterman, Vice Chancellor of the Empire, and delivered him a memorial of the following import.

'Representations upon the continual proceedings of the English against the commerce and navigation of the neutral nations, upon the little activity of these last to prevent these arbitrary proceedings, and to support the principles of their declarations made to the belligerent powers, and the convention of neutrality, which has been concluded between them; upon the prejudice which will naturally result therefrom to all nations; and upon the desire which the King his master has, that it should be remedied by the vigorous co-operation of her Imperial Majesty; seeing that otherwise the said association of neutrality would be turned but to the benefit of the enemies of France, and that the King who has himself to the present time, exactly conformed to the principles of the above mentioned declaration and convention of neutrality, will find himself, though with regret, under the indispensable necessity of changing in like manner the system which he has hitherto pursued respecting the commerce and navigation of neutrals, and to order and regulate that according to the conduct which the English themselves pursue, and which has been so patiently borne by the neutral nations; objects upon the subject matter of which, his Majesty has nevertheless thought, that he ought to suspend his final resolution, until he should have concerted measures with her Imperial Majesty upon this business.'

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As Mr Adams had left Amsterdam before this memorial appeared, I could not have the benefit of his judgment upon it, but I am so thoroughly acquainted with his political sentiments, that I believe I may say, it would have made no alteration in his opinion touching the expediency of my going forward. It certainly has made none in mine on that point, though it has indeed given me some reason to apprehend, that at present the prospect of success is not so good as before. The experiment ought to be made, what are the real dispositions of that Court towards us, or what they would be if they were better and properly informed about us. Britain most certainly has been industrious in concealing the real state of things from them, and there has not been any one there to counteract her. By this step we shall at least have the satisfaction of knowing whether the Empress wishes to take any friendly concern in our affairs; a point of knowledge perhaps not altogether unprofitable, though it should turn out contrary to our wishes, as it may prevent our amusing ourselves vainly with expectations of important assistance from Europe, and teach us one wholesome lesson, that America, under the blessing of God, must depend more upon her own exertions, for the happy establishment of her great political interests.

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I think it my duty to apprise Congress, that I have no expectation of any essential support in my commission there, though I shall be careful to appear to be persuaded of the contrary, so long as I may do so without injuring our cause. I doubt whether it is natural for us to expect this support in any part of Europe, for when a nation thinks it will insure to itself a powerful influence over another by being its only friend and ally, why should it seek to procure it other allies, who, by their friendly offices and support, will have a share of that influence, and nearly in the same proportion as the new friends gain it, the old ones must lose it? Some may act upon such a principle. I may, in some future letter, give you more particular reasons, why I am persuaded we ought not to expect any real support, in our attempts to form new alliances, and why the Ministers of Congress in Europe should be encouraged in pursuing a more independent line of conduct. I am sensible this is a matter of much delicacy, and that appearances of the most perfect confidence should be kept up as long as possible. I am sensible, also, that the man who thinks thus, and who wishes to act in conformity to his own sentiments, exposes himself to secret and malicious attacks, which may frequently wound, if not destroy his moral and political reputation, if he has any; but it becomes our duty to think freely, and to communicate freely on some matters, and I hope we may do so *safely*; otherwise, there is an end of all beneficial correspondence, and expectations of rendering any essential services to our country.

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I crave your Excellency's pardon for the length of this letter, and beg leave to subscribe myself, with the highest respect, and most perfect esteem, &c.

FRANCIS DANA.

FOOTNOTES:

[18] This doubtless refers to France, but the suspicion was not well founded, for when a pacification was proposed through the mediation of Russia and Austria, the Court of France insisted on an express *preliminary condition*, that the United States should be represented by their Ministers as *an independent power* in the negotiations for peace. It was on this account alone, that England refused to come into the plan of the mediation.

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## TO THE MARQUIS DE VERAC, FRENCH MINISTER AT ST PETERSBURG.

St Petersburg, August 30th, 1781.

Mr Dana begs leave to acquaint his Excellency, the Marquis de Verac, that he has arrived in town, and proposes to do himself the honor of paying his respectful compliments to his Excellency, as the Minister of the sovereign in alliance with his country, at any hour, which shall be most agreeable to him.

Mr Dana is silent at present with regard to himself, presuming that his Excellency has been already informed by his Excellency, the Count de Vergennes, of his intended journey to this place, and of some circumstances, which have opened the nature of his business.

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## THE MARQUIS DE VERAC TO FRANCIS DANA.

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### Translation.

Thursday, August 30th, 1781.

The Marquis de Verac has the honor to present his compliments to Mr Dana, and is very happy to hear of his arrival, which he had been prepared to expect by the Count de Vergennes; he will be flattered to make his acquaintance, and to assure him of his eagerness to render him any service in his power in this country.

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## TO THE MARQUIS DE VERAC, AMBASSADOR FROM FRANCE.

St Petersburg, September 1st, 1781.<sup>[19]</sup>

Sir,

I have the honor to acquaint your Excellency, that the Congress of the United States of America have been pleased to charge me with a commission as their Minister at the Court of St Petersburg, and that they have also particularly instructed me to make a communication of the general object of my mission to his Most Christian Majesty's Minister at the same Court. This last measure was doubtless the effect of that full confidence they have, not only in his Majesty and his Ministers in general, but in your Excellency in an especial manner, and is strongly expressive of their earnest wish and persuasion, that their negotiations at this Court may, and will be conducted in perfect harmony with those of his Majesty, and that they rest assured, that his benevolence and friendship towards the United States and the general cause of humanity, are sufficient inducements to draw forth the most powerful aid and support of his Majesty in the business of this mission; the general object of which is, to engage her Imperial Majesty to favor and support the sovereignty and independence of the United States of America, and to lay a foundation for a good understanding and friendly intercourse between the subjects of her Imperial Majesty and the citizens of the United States, to the mutual advantage of both nations, and consistent with the treaties subsisting between his Most Christian Majesty and the United States.

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Thus a foundation is laid in this quarter, the more strongly to cement the interests and affections of our two countries. And I feel myself inexpressibly happy, that it has fallen to my lot to be connected in this business with a person so distinguished as well for his benevolence of heart as for the eminence of his abilities; and I flatter myself your Excellency will at all times be ready to afford me every assistance in your power, which I may need in the execution of my mission.

I have the honor to be, with the highest respect, &c.

FRANCIS DANA.

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### FOOTNOTES:

[19] Almost all Mr Dana's letters from Russia were dated in the *Old Style*. In preparing them



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## THE MARQUIS DE VERAC TO FRANCIS DANA.

### Translation.

St Petersburg, September 2d, 1781.

Sir,

I have received the letter, which you did me the honor to write to me yesterday, and I cannot too strongly express to you how sensible I am of the mark of confidence, which you have shown me, in communicating the views proposed by the Congress of the United States of America, when they decided to send you to the Court of Russia as their Minister Plenipotentiary to the Empress. You know, Sir, the deep interest, which the King takes in the cause of the United States, and you need not doubt, that I shall be anxious to render you here all the services in my power, and which the circumstances of place and persons will permit.

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At this moment I cannot better reciprocate your confidence than by making you acquainted with the general dispositions of her Imperial Majesty in regard to the powers at war. From the commencement of hostilities, this sovereign has made it a point of honor to hold the balance perfectly equal between the different parties, taking particular care not to manifest any kind of preference, by carefully avoiding every advance, which could indicate the slightest partiality in favor of either of the belligerent powers to the prejudice of the others. It is this equitable and perfectly impartial conduct, which has determined the Courts of the House of Bourbon, as well as that of London and the States-General, to accept the offers of this Princess, when she proposed to terminate their differences by a mediation conjointly with that of the Emperor; and you are certainly not ignorant, Sir, that her first plan of pacification has been sent to all the Courts, that are interested. I confide to you, also, that the United States of America are to take a part in it, and that these august mediators desire that your Deputies may be admitted to the Congress, which shall regulate the pretensions of the belligerent powers, that they may there be able to debate and discuss their own interests. Thus you have in few words the state of things at the Court of Russia, and you will readily comprehend, that her Imperial Majesty, not wishing to dissatisfy the Court of London more than those of Versailles and Madrid, abstains with the greatest possible care from showing any particular inclination for the American cause.

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Under these circumstances, Sir, it is very doubtful whether the Cabinet of her Imperial Majesty will consent to recognise the Minister of a power, which has not as yet, in their eyes, a political existence, and expose themselves to the complaints, which the Court of London will not fail to make against an indication of favor so public. I ought, therefore, to desire you to reflect much before you display the character with which you are clothed, or make advances which will be more injurious than beneficial to the success of your views. It is not now as the Minister of the King, that I have the honor to speak, but as a man whom the residence of a year in this place has furnished with local knowledge, which you cannot have acquired. If, however, you overcome this difficulty, if you commence a negotiation with the Russian Minister, and will do me the honor to make me acquainted with it, you need not doubt that I shall strive most cheerfully to second you in everything, which shall concern the common interest. Be persuaded, moreover, that on the occasions when I shall deem it my duty to remain inactive, it will be because I am well satisfied, that any advance on my part would be injurious to one, without any advantage to the other.

I can add nothing to the sincerity of my wishes for the success of your mission, or to the distinguished sentiments with which I have the honor to be, &c.

THE MARQUIS DE VERAC.

*P. S.* I ought to inform you, that the Count Panin and the Count d'Osternann do not understand English; this will render your communications with these Ministers difficult.

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## TO THE MARQUIS DE VERAC.

St Petersburg, September 4th, 1781.

Sir,

I have received the letter, which your Excellency did me the honor to write to me yesterday, in answer to mine of the day before, communicating to you the general object of my mission.

It is impossible for me to express the obligations I feel myself under to your Excellency, for letting yourself so readily, and with so much frankness, into the state of affairs at this Court, so far as I could have any concern in them, and for your confidential communication respecting the

proposition for the admission of the American Minister into the proposed Congress; a proposition founded in eternal justice, and which cannot fail to reflect immortal glory upon the august mediators. Although I had before been acquainted with this, and also that the Court of London had rejected the mediation on that very account, yet I deemed it so very productive an event, and of so much importance to the interests of my country, that I had proposed, after being honored with your answer to my first, to write to your Excellency upon that subject, and also to request your sentiments and opinions upon the actual state of things at this Court, but your goodness has anticipated my design.

You will not impute it to a proper want of respect for your sentiments and opinions, if I presume to raise some doubts, and to make some reflections upon them. For whether they come from the Marquis de Verac, or from the Minister of France, they make an equal impression upon my mind, and it is at present a matter of indifference to me. The wisdom of her Imperial Majesty, in making it, as you express yourself, "from the moment the first hostilities commenced, a point of honor to hold the balance perfectly equal between the different parties, taking particular care not to manifest any kind of preference, by carefully avoiding every advance, which could indicate the slightest partiality in favor of either of the belligerent powers to the prejudice of the others," cannot be too much admired. But it would be paying an ill compliment to that penetration, for which her Majesty is so justly celebrated, to suppose, that she did not also from that very moment clearly discover the importance of the American revolution, at least to all the maritime powers of Europe, and that it was the only basis, upon which could be erected her favorite and just system, of equal freedom and commerce and navigation to all nations.

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She might hope to obtain this great end, and to acquire the glory of mediating between the belligerent powers at one and the same time. Upon this supposition, that exact neutrality she has hitherto held, was both wise and necessary. It was necessary above all, that she should abstain, with the greatest care, from manifesting a particular inclination for the cause of America. It seems her system of politics must have undergone an essential change, and that it has now become absolutely impossible for her Imperial Majesty any longer to conceal her particular inclination for the cause of America, since she, in conjunction with the Emperor has proposed, that the Minister of the United States, should be admitted into the Congress for settling the pretensions of the belligerent powers, and there to debate himself, and discuss their proper interests. This is to rank America (as in fact she stands) among the belligerent powers, and, in a manner, to acknowledge her independence. It is making a much larger stride towards it, I confess, than I expected would have been made in the first plan of pacification. That they must come to it at last, I have been long firmly persuaded.

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I must take the liberty to differ in opinion from your Excellency, when you say, in the present circumstances, it is very doubtful whether the Ministry of her Imperial Majesty will acknowledge a Minister from the United States of America, more especially when I reflect upon the principal reasons you assign for this opinion. I can no longer consider myself as "the Minister of a power, which has not as yet, in her eyes, a political existence." It is difficult to conceive upon what ground her Imperial Majesty could propose that a Minister appointed for the express purpose, by the United States of America, in Congress assembled, should be admitted into a Congress to be held for settling the pretensions of the belligerent powers, if she did not admit the political existence of that body, and consider it as a complete sovereign. The fact is undeniably true, and no fallacy of our enemies can invalidate it, that the United States of America have been, ever since the 4th of July, 1776, a free, sovereign, and independent body politic. Your illustrious Sovereign made this declaration in the face of the whole world, more than three years since; and I flatter myself the time is now come, when other sovereigns are prepared to make the same, if properly invited to do it. Neither can I imagine, that her Imperial Majesty will now give herself much concern about any groundless complaints, which the Court of London may make against such a public mark of respect for my sovereign, as my open reception in the character of its Minister would be. I cannot but consider her Imperial Majesty's line of conduct, in this respect, decided by the above proposition, which she made as mediator between the belligerent powers. No one could more deeply wound the Court of London. She must have contemplated as probable, at least, what I think might have been almost certainly predicted, namely, the rejection of her mediation by the Court of London, on account of that very proposition, and have resolved upon her measures in consequence of it. She could never have committed the honor and dignity of her Imperial Crown to so improbable a contingency, as the Court of London accepting her mediation upon the terms upon which it was tendered.

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Having seen Britain in vain attempting for more than six years, the reduction of the United States, without being able in all that time to conquer one of them; finding them to continue inflexibly firm through all their variety of fortune in the war, and still in full possession of their independence; seeing several of the principal powers of Europe long involved in the contest; having observed between them the strictest neutrality to this moment; and having at last freely tendered her good offices to bring about a general pacification upon the most reasonable and just grounds and principles, which the Court of London has thought proper to reject, still keeping up their absurd claims over the United States; it would seem after all this, that there now remained but one step for her Imperial Majesty to take, consistent with her dignity, (for I presume the mediators cannot withdraw their proposition,) which is, to acknowledge the independence of America, as the most probable means, if not the only one, now left to restore peace to both Europe and America, and effectually to establish freedom of commerce and navigation to all nations.

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If the sovereigns of Europe do not see this to be the proper moment for putting the finishing stroke to so glorious a work, when is it to be expected the critical moment will arrive? How long are they likely to wait before they presume to form political connexions with, and enjoy the profitable commerce of the new world? Will they stay till the pride and arrogance of Britain shall be so far humbled, as voluntarily to give up her chimerical claims over the United States, and to invite them into this political connexion?

These are the sentiments and opinions of a man, who feels the want of experience in the business of Courts, and of that local information, both of which your Excellency possesses, in so eminent a degree. It is therefore with much diffidence I venture to differ from yours. I have endeavored to follow that example of frankness you have set me in your communication; and I hope I have treated your sentiments and opinions with all that decency and respect, which everything which may come from you, demands of me. If I am wrong, I trust you will have the goodness to set me right. I have already reflected upon this subject, but I shall most certainly attend to your friendly caution, and reflect again upon it, before I open the character with which I am clothed, and be careful to avoid engaging myself in any measure, which may become more prejudicial than advantageous to the success of my views. On the other hand, when I see no difficulty in adopting the measure I shall presently mention, it becomes my indispensable duty to adopt it, because it appears to me to be betraying the honor and dignity of the United States to seclude myself in a hotel, without making one effort to step forth into political life; besides, I think I owe this also to her Imperial Majesty, who it is possible, may have matured her political plan to the utmost gratification of my wishes. If otherwise, I presume I shall nevertheless be treated in such a manner, as will reflect no dishonor upon the sovereign authority of the United States, or upon myself individually considered. If the experiment is not made, the United States can never be satisfied, that in a juncture apparently so favorable, it would not have succeeded, and their Minister would find it extremely difficult to justify before them a state of absolute inaction.

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At present, I should be puzzled for reasons to vindicate such a conduct, while they seem to crowd in upon me in support of a contrary one. The United States trust to the justice of their cause, and the rectitude of their intentions, to open the way for them into the affections of the sovereigns of Europe. They have no sinister, no dishonorable propositions to make to any of them, but such only as they are persuaded will essentially promote the great interests and well being of all. The measure I propose to take, is to make a confidential communication of my public character to the proper Minister of her Majesty, and of the general object of my mission; and perhaps to accompany those with a short memorial to her Majesty. I shall ask and conform to his advice, if he is pleased to give it to me, as to the proper time of presenting the memorial, or taking any other step in the business of my mission; and ask him in the meantime to assure me of the protection of her Majesty. I shall acquaint him, that I have not yet assumed any public character, or made it known to any person but to your Excellency, (in obedience to my instructions,) that I am invested with one, and that I shall not do either without his approbation.

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As I have done in this instance, so your Excellency may be persuaded I shall in future make you fully acquainted with any negotiation I may enter upon with the Russian Ministry, because I rely upon the support you have been pleased to assure to me, in everything I may undertake, which may concern the common interests of our two countries, and which you should not think injurious to the one without being beneficial to the other. I must crave your Excellency's pardon for the length of this letter, and hope you will impute that to the desire I have to impart to you fully my sentiments and intentions touching the subject of it.

I have the honor to be, with sentiments of the highest respect, &c.

FRANCIS DANA.

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## THE MARQUIS DE VERAC TO FRANCIS DANA.

### Translation.

St Petersburg, September 12th, 1781.

Sir,

In the letter, which I had the honor to write to you on the 2d instant, I made only a passing mention of the article of the plan of pacification proposed by the Courts of Vienna and Petersburg, which stipulates for the admission of deputies from the United States at the Congress. Persuaded, as you appear to have been, that the American Minister would be admitted in the same manner as if their public character were recognised at the moment of their arrival, not only by the belligerent powers, but also by the mediating powers, your reasoning is perfectly just when you say, that one cannot admit and recognise the Minister of a power without recognising the independence and political existence of that power; and hence you conclude it is very possible, that the Court of Petersburg may be in a disposition to recognise voluntarily the character with which you are clothed. This reasoning is equally an evidence of the justice of your views and of your knowledge in the matter of public right. I alone have been wrong not to enter more into detail concerning the article, which you have erected into a principle. But in truth, I

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refrained from this, because I supposed you were already perfectly acquainted with it. I cannot better repair my omission, than to transcribe the article, as it has been sent to the Courts of Versailles, Madrid, and London. "There shall be a treaty at Vienna, under the mutual direction of the two Imperial Courts, concerning all the objects of the re-establishment of peace, &c." "And there shall at the same time be a treaty between Great Britain and the *American Colonies* for the re-establishment of peace in America, *but without the intervention of any other belligerent parties, not even that of the two Imperial Courts, unless their mediation shall be formally asked and granted for this object.*"<sup>[20]</sup>

By this the mediating Courts intend, that your deputies shall treat simply with the English Ministers, as they have already treated with them in America in the year 1778; that the result of their negotiations shall make known to the other powers upon what footing they ought to be regarded; and that their public character will be acknowledged without difficulty, from the moment the English themselves interpose no opposition. This plan has been conceived for the purpose of conciliating the strongly opposing pretensions. Have the goodness, Sir, to observe, that I do not say that I approve this scheme. I merely say, that the august mediators have adopted it, in rendering to you an account of the reasons by which they are guided. It is, therefore, clear that their design is to avoid compromising themselves by acknowledging the independence of the United States, till England herself shall have taken the lead.

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You perceive, Sir, that nothing is more conformable to my wishes, than to see Russia acknowledge the independence of the United States. If it depended on me to draw from her this acknowledgment, you would immediately have grounds to be perfectly contented with my efforts. In a word, you cannot doubt, that the Minister of his Most Christian Majesty in Russia takes a warm interest in your cause. But the more I desire your success, the more I feel myself obliged to forewarn you of the difficulties which you have to surmount, and I should betray my duty, if I were voluntarily to leave you in ignorance on so important a point. Invested, as you are, with a public character on the part of a power, whose rights and perfect independence it is my duty to recognise, it does not pertain to me to guide your advances, but the alliance of this same power with the King my master, invites me to acquaint you with all the knowledge, which I have acquired respecting this country, that can be useful to you. It is with the greatest pleasure, Sir, that I fulfil this duty in repeating to you, what I had the honor to say to you in my first letter, that when you shall have succeeded in surmounting the difficulties, which you may meet in causing your public character to be recognised at this Court, you will find me entirely disposed to second you in everything, which shall regard the common interest of our countries, when it shall be probable that my intervention will be agreeable to the Ministers of her Imperial Majesty.

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You are too enlightened, Sir, to need my counsels, and much less my approbation. I shall confine myself, therefore, to communicating such facts as shall come to my knowledge, and which may interest you, leaving to your intelligence and discernment the task of combining them and drawing from them the plan of conduct, which you shall think most suitable, being well persuaded, that whatever course you may pursue will be for the best, and most conformable to your interests. I ought to confide to you, therefore, that we are daily expecting the answers of France and of Spain concerning the plan of pacification. When these arrive, we shall know what is intended as to the article relating to the deputies of Congress, and shall see how these observations will be received at St Petersburg. It is for you to judge, Sir, whether you think this circumstance ought to withhold you or not from making known here your political character.

I have the honor to be, &c.

THE MARQUIS DE VERAC.

*P. S.* I ask pardon for the delay of this answer. It has been owing to the embarrassment of translating your letter; the Marquis de la Coste, my son-in-law, being the only person in my family who can read a little English.

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**FOOTNOTES:**

[20] See the articles of pacification at large, as far as they relate to America, in *John Adams's Correspondence*, Vol. VI. p. 100.

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**TO THE MARQUIS DE VERAC.**

St Petersburg, September 13th, 1781.

Sir,

On my return home last evening, I found myself honored with your Excellency's letter of yesterday. No apology could be necessary for the delay of it. It is not to be expected, that M. le Marquis de la Coste, should make a task of translating my letters, or suffer them to interfere with his engagements or avocations. It is with extreme repugnance I write to your Excellency, because

of the trouble I know that it must give him; and nothing but an opinion of the necessity of doing it, has given your Excellency, or the Marquis, any trouble of that sort.

It may not be amiss to acquaint your Excellency, that just before my departure from Holland, by an unforeseen accident, I was unexpectedly deprived of the assistance of a gentleman, who both speaks and writes the French language well, and was to have accompanied me hither. Your Excellency may be assured, I shall very readily wait some time before I enter upon the measure mentioned in my last, in hopes of being favored with the answers of the Courts of Versailles and Madrid to the plan of pacification, as soon after you may receive them, as shall be convenient to you. It is my earnest wish to form my conduct upon the fullest informations I can possibly obtain, and to avoid any step, which may have the least tendency rather to injure than to promote the interests of either country.

Your Excellency will be pleased to accept my warmest thanks for your attention to the business of my mission, your wishes for the success of it, as well as for the assurances of your personal zeal, to promote the general interests of the United States.

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I have the honor to be, with sentiments of the highest respect, &c.

FRANCIS DANA.

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## TO THE PRESIDENT OF CONGRESS.

St Petersburg, September 15th, 1781.

Sir,

In my letter from Berlin I did myself the honor to give your Excellency an account of my route, as far as that city. A duplicate of that letter will accompany this. I was detained there nine days, the first part of which time was lost by my illness, and the rest in waiting for my carriage. I set off from thence the 2d of August, and arrived here, travelling day and night, on the 27th, *New Style*, having stopped in this route (sometimes to recruit a little, and sometimes to make the reparations to my carriage, necessary in so long a journey) at the following places, viz. Dantzic, Konigsberg, Memel, Riga and Narva, all of which are ports of consideration, and lay in my way.

I made during my short stay in them as full inquiry into the nature of their commerce as circumstances would admit of. I do not find that the exports from any of them, Riga excepted, are calculated for our markets, or that we can derive any advantage from them, till we engage in circuitous voyages and become their carriers. The great article of Riga is cordage of all sorts, which I am told is the best in all these countries. They export considerable quantities of hemp likewise, to say nothing of articles similar to our own, but this article can perhaps be better purchased at St Petersburg, than anywhere else. I expect to receive shortly a minute account of all the exports and imports of Riga, with their prices current, &c. Being no merchant, my account of these things it is to be expected will be defective, but this being made a part of my duty, I shall endeavor to execute it in the best manner I am able.

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It is to be observed, that the Dantzickers, the Prussians and the Russians are improving the present opportunity, which the Dutch war affords them of increasing their own navigation, with the utmost industry; and the great rise of freights enables them to do it with much advantage. What effect this may have upon the sovereigns of the two last countries, to slacken their pace towards the acknowledgement of the independence of ours, which would lead to a speedy peace, I cannot say. The subjects of the Emperor are reaping the same advantages from the war.

An opportunity by water from hence to Amsterdam now presents itself, and this being the safest way, I shall send my despatches under cover to the care of Mr Adams, and shall desire him to break them up, and read them before he forwards them for America, as the best means of making him fully acquainted with all that has yet taken place here, especially with the sentiments of the French Minister, which appear to me to deserve our particular attention. Though I am no better satisfied with the reasons given in support of his opinion, in his second letter, than I was with those in his first, yet I thought it not prudent to press him any further, with my opposition to them, and that it was quite sufficient to give him to understand that I still intended to adopt the measure mentioned in my second letter. He possibly may have other reasons for his opinions, which he chooses to keep to himself, but surely such cannot serve as rules by which to regulate my conduct while I remain ignorant of them, nor can I imagine it to be my duty, or the expectation of Congress, that I should blindly fall into the sentiments of any man, especially when I think this backwardness to give proper support to our cause at the Courts of Europe, may be accounted for on other principles. That it does actually exist, I can now no longer doubt. However, Congress will make up their own judgment upon this point from the letters of the Minister himself, and from other facts, with which they are much better acquainted than I can be.

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I confess, that had the proposition of the mediators been laid before me to form my opinion upon, unaccompanied with the strictures of the French Minister, I should have laid my finger upon three words only in it, viz. *en même tems*, and considered the others, to which he meant to draw

my particular attention, by underscoring them, as merely colorable terms, and a specimen of that finesse, from which the politics of Europe can never be free. I should therefore have drawn from it a conclusion very different from that of the French Minister, viz.—"*It is therefore clear, that their design is to avoid compromising themselves by recognising the independence of the United States, till England herself shall have done it;*" for if, as he would have me to understand, the mediators do in fact still consider the United States as British Colonies, and that neither the belligerent powers, or themselves, ought to interfere in settling the war between them and Great Britain, without being invited by both parties, how comes it to pass, that as mediators between the belligerent powers, meaning not to comprehend America under that predicament, they should go on to annex, in the nature of condition of their mediation, that "there shall be *at the same time* a treaty between Great Britain and the American Colonies, respecting the re-establishment of peace in America;" thereby prescribing to a sovereign State *the time* when it shall enter upon the settlement of a dispute, existing between the Sovereign of that State and a part of his subjects, in which they mean not to intermeddle; and, according to the French Ministers, even the manner of doing it. For, says he, "the mediating Courts intend thereby, that your deputies shall treat simply with the English Ministers, in the same manner as they have already treated in America with the Commissioners from Great Britain in the year 1778." I could have set him right in matter of fact here, but it would have answered no good purpose.

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This measure, I am told, has been proposed "to conciliate opposing pretensions," and "that the result of their negotiations will make known to the other powers on what footing they ought to be regarded, and that their public character will be acknowledged without difficulty *from the moment that the English interpose no opposition.*" If such were the designs of the mediators, why not leave Great Britain to compose her internal troubles in her own time, and in her own way, and proceed to the great business of composing those of the nations of Europe? How are we to account for the Court of London rejecting the mediation if they conceived the proposition in that very inoffensive light, which he supposes it to be meant, and if it was so clear from it, that the mediators would not interfere in our particular negotiation unless invited to do it, and were determined never to acknowledge the independence of the United States until Great Britain herself had done it, or at least till the moment in which she shall cease to oppose it? Could a more favorable occasion be presented to Great Britain for negotiation? My present opinion upon this matter is, that the mediators do in fact consider the United States, as an independent sovereign power; that upon that principle they wish to extinguish the flames of war in both countries at the same time; that they do not flatter themselves they can restore peace to Europe during the continuance of the war in America, or that the United States will treat with Britain upon any other ground than that of an independent power; that to bring about a general pacification, in a manner the least offensive to any of the belligerent powers of Europe, particularly Britain, they have framed their propositions in the terms in which it is conceived; and although they declare in it, that the other belligerent powers, or even themselves ought not to interfere in our particular negotiations, yet it seems to be their intention, that the negotiation between the European powers, should proceed but with equal pace with our particular one.

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I cannot but think the mediators expected the Court of London would reject this first plan of mediation, on account of the proposition respecting America (as I am told by a public Minister here, who ought to be well informed upon the point, they certainly have done) although it is worded in a manner as little offensive to their feelings as the nature of things would admit of; and that having tried this measure, the mediators will next proceed to another, in which their sentiments in favor of the United States will be less ambiguous.

After all, the French Minister may be perfectly right, touching the dispositions and resolutions of the mediating powers towards the United States, but I think his conviction must arise from other facts and principles, than those he has chosen to expose to me. I feel myself however on that supposition, at no great loss to determine what ought to be my own line of conduct. I think it ought to be exactly the same in both cases, so far as respects the proposed communication of my public character to this Court. If her Imperial Majesty has really resolved upon such a strange system of politics, the sooner Congress obtain the best evidence of it the better, on many accounts, and this is to be had only by making this experiment. They will among other things then consider, whether it is worth while for the United States to be at the expense of supporting a Minister at a Court, which is resolved to defer the acknowledgment of their independence, till Great Britain shall have done it herself, or at least to the moment she shall cease to oppose it. At this period, if it should ever arrive, the United States, I suppose, would feel themselves as much indebted to the sovereign, who should offer to acknowledge their independence, as I should to the French Minister here, who has told me, "that when you shall have succeeded in surmounting the difficulties, which you may meet in causing your public character to be recognised at this Court, you will find me entirely disposed to second you in everything, which shall regard the common interest of our countries," for any assistance he may then give me.

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It is evident from hence, that I am not likely to receive from him the least assistance in the business of my mission. I must proceed in it therefore by myself, or be totally inactive. I thought it advisable to assure the French Minister, that I would wait some time for the answers of the Courts of Versailles and Madrid, lest he might think I treated his opinions with disrespect. In doing this I think no injury will happen to our interests, for besides the possibility that some important information may be obtained from them, and the effect they may have at this Court, I am told Count Panin will shortly return to Court, and that he has the most favorable sentiments of the United States, of any of her Imperial Majesty's Ministers. Should this information be just,

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an advantage is to be expected by the delay. Congress will doubtless consider the difficulty of my situation, standing alone upon new ground, and will make every allowance for it I ought in reason to expect.<sup>[21]</sup>

I am, with the highest respect, and most perfect esteem, &c.

FRANCIS DANA.

**FOOTNOTES:**

[21] The French government seem to have considered the proposition of the mediating powers, by which England and the United States were to treat separately, as impracticable and inadmissible. In their answer they say,

"His Majesty thinks it his duty to say, that he has allies, with whom he has inviolable engagements; that he should betray them in abandoning the American cause; and that it would be abandoning this cause for him to negotiate a separate peace. The high mediators have seen the impossibility of such an attempt, since they have themselves perceived the impossibility of proceeding at an equal pace with the negotiation of the King and that of the United States. But even admitting, that the King could separate his affairs from those of America, that he could consent to pursue only his personal interests, and leave to the Americans the task of coming to an accommodation with their ancient metropolis; what would be the result of this conduct? It would evidently be an illusory peace, a mere creation of the brain. Indeed, if (as there is the strongest evidence) the Americans persist in refusing to return to obedience to the British Crown, the war will continue between England and her ancient Colonies, and the King will then be obliged, as he is now, to assist them." *Flassan*, Vol. VII. p. 319.

Again, the French government say in their answer;

"The two Imperial Courts cannot flatter themselves with the hopes of bringing their mediation to a happy issue, if they do not prevent the subterfuges and false interpretations, which either of the belligerent powers may avail themselves of to explain according to their views the preliminary propositions, which will certainly happen if they do not previously ascertain the sense of the expressions, which relate to America.

"The Court of London will elude as much, and as long as she possibly can, the direct or indirect acknowledgment of the independence of the United States, and will avail herself of the terms that are used in speaking of them, to maintain that she is not obliged to treat with her ancient Colonies as with a free and independent nation. From whence it will follow, that when the mediation is in force, and they shall be about to enter upon the negotiation, they will dispute the character in which the American Plenipotentiary shall be received. The King of England will consider him as his subject, while Congress will demand that he should be received as the representative of a free people, by means whereof the mediation will be stopped at the first outset.

"To prevent this inconvenience it should seem, that previous to any other measure, the character of the American agent ought to be determined in the most precise and positive manner, and Congress should be invited to confide its interests to the mediation. This invitation is so much the more interesting as the negotiation relative to America should go hand in hand with that of the Courts of Madrid and Versailles, and by consequence the negotiations, although separate, should commence at the same time. But who will invite the Congress to treat with England? The King (of France) cannot, since the first article excludes him from the negotiation. This task then can only be executed by the mediators themselves. All that the King can do, and that he will do with zeal and fidelity, is to invite the Americans to the peace, and to facilitate it by every means, which they believe compatible with their essential interests. But that the King may take this step with safety and the hopes of success, and with the certainty of not rendering himself suspected by the Americans, it is necessary that he should first know the determination of the mediators upon the observations now made to them, and that this determination should be such as to secure to the United States their political existence."

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**TO ROBERT R. LIVINGSTON.**

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St Petersburg, October 1st, 1781.

Sir,

In the project of a treaty, which France proposes to Russia, there is an article to this effect;

"When the subjects of France shall carry in their own vessels French goods into Russia, and shall exchange them for Russian goods, in such cases there shall be a drawback of the duties, both of importation and exportation, paid by the subjects of France."

France, to induce Russia to grant this, says, "France will want great quantities of Russian goods, which, after the war, France will not be obliged to take of Russia, for France can have the like from America, and though perhaps not so cheap, yet it will be the interest of France, if Russia

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should not grant this, to pay America fifteen or twenty per cent more for the same articles; for this would enable America to take off more French goods, and to pay France for them." Hemp is particularly mentioned.

I pray you to keep this to yourself, and I have the honor to be, &c.

FRANCIS DANA.

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**TO THE PRESIDENT OF CONGRESS.**

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St Petersburg, October 15th, 1781.

Sir,

Since my letter to your Excellency of September 15th, enclosing a duplicate of mine from Berlin, and copies of all the enclosed papers, the French Minister has sent me a copy of all the propositions of the mediators, and of the answer of the Court of Versailles. I have the satisfaction to think the inferences I then drew from the first propositions only, are well supported by the tenor of the second, in which they expressly say, that our particular peace shall not be signed, but conjointly, and at the same time with that of the powers, whose interests shall have been treated of by the mediating powers; that the pacifications, notwithstanding they may be treated separately, shall not be concluded the one without the other; that care shall be taken constantly to inform the mediators of the progress, and of the state of our particular treaty, to the end the mediation may be able to govern itself in the progress of that, which is intrusted to them, according to the state of our particular negotiation, and that both of the pacifications, although they shall have been separately concluded, shall be solemnly guarantied by the mediators, and all other neutral powers, whose guarantee the belligerent powers shall judge proper to ask.

What force are we now to allow to the terms in the first proposition "the American Colonies," and "without the intervention of any of the other belligerent powers, or even that of the two Imperial Courts, unless their mediation has been formally demanded, and granted upon this object?" Is it clear from hence, that the design of the mediators is to avoid exposing themselves by acknowledging the independence of the United States before Great Britain has done this herself? Do not the propositions speak this language to Britain? You may make such a peace with America, not only as she chooses to make with you, but as the other belligerent powers, and we shall choose you should make with her; and remember you are to have no peace in Europe, unless you give peace to America, and when this peace is once made, we will take care you shall not break it. We shall soon see by the replies, which the mediators will give to the belligerent powers, particularly to the Court of Versailles, whether they will recede in favor of Britain from their first plan of pacification, or go on in their next a step further in the spirit of their former system. It seems, that consistent with their own dignity, they can neither retreat or remain on the same ground. The independence of the United States was certainly the basis of the first plan of pacification, and I have no great fears, that it will be departed from.

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I have lately been told by a person, who certainly knew the truth of the matter, in so confident a manner that I have no room to doubt it, that it was a secret part of the original plan of the armed neutrality, as soon as it should be completed, that the neutral confederated powers should propose a general pacification between the belligerent powers, which it was supposed could not be brought about otherwise than by leaving America free and independent, and to enforce this proposition by their joint armaments; and that so long ago as in May, 1780, if Holland had done her part, affairs were then in all other quarters in a proper train to have carried the whole plan into execution; but unfortunately for her British influence was too great there, and instead of doing the business at once, they entered upon the parade of sending a brace of Ambassadors to this Court, not with a view to finish, but at least to delay it. Holland, in fact, did not accede to the Marine Convention, which was first entered into by Russia and Denmark on the 9th of July, 1780, and next by Sweden on the 21st of the same month, until the 20th of November following, and it was not signed on their part till the 5th of last January. All this time her navy was neglected, and the mischiefs she has suffered are not the only ones consequent upon her tardiness and inactivity. For Britain has been thereby enabled for a while to detach Denmark from the confederation, or at least to make that Court indifferent in the business of it. It was but a short time after it had adopted the plan before it made a breach upon it by including in a treaty with Britain, hemp, &c. among contraband articles. From that time the spirit of the confederation seems to have languished. The Danish Minister most interested in it has been superseded. Count Panin, who in this Court, it is said, was its principal support, retired. It is true, he has lately returned to Court, but has not assumed his former office of Chief Minister in the Department of Foreign Affairs, though he is still of the Privy Council. My information about the share he has in those affairs is very different; by some I am told, he has little or no influence in them, by others, that he possesses a considerable portion of his former influence, and my informants on both parts ought to, and perhaps do, know the truth of the matter. On one side everything is veiled in profound mystery, and nothing is let out but what presents a discouraging prospect.

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It has not such an effect upon my mind at present, and I am strongly encouraged to hope, that the confederation will become properly invigorated by the accession of the King of Prussia. The

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first open part he took in it, was the issuing his ordinance of the 30th of last April. Soon after this, (the 8th of May) he entered into a similar convention with the Empress. About this time, (the 23d of May,) the propositions for a general pacification were made, and on the 20th of August, both the Prussian and Russian Ministers at the Hague notified to the States-General the accession of his Prussian Majesty to the confederation. Laying these things together, and presuming as I do, that the confederated powers can have no well-grounded hope of reaping any lasting benefit from their confederation, for the maintenance of the liberty of their commerce, and of their navigation, but in the establishment of the independence of the United States, one might conclude with confidence, that all would soon go well between us, if it was confidently to be concluded, that all Courts are governed by the real interests of their countries, even where that is clearly understood, or act upon a permanent system. All now depends upon the stability of the Empress. If she should persevere in the noble line she has marked out, of Sweden and of Russia there is no danger, and it is probable Denmark will not stand out. The Emperor has ceased his opposition to the confederation. The step is now short for him to favor and support it. I believe it may be depended upon, that he has already agreed to accede to it.

If I were to hazard an opinion touching the manner in which our particular business will issue here, it is that the success of it will depend upon the neutral powers consolidating themselves in their confederation; that even after this should take place, our independence will not be acknowledged by this Court before all the neutral confederated powers shall have agreed upon this measure, and are fully prepared to adopt it, and that even Holland waits for this event, although her ease is now different from theirs, by being actually at war with our enemy.

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The ground on which the secret part of the original plan of the armed neutrality abovementioned was formed, was an apprehension of the powers engaged in it, that by the loss of America, and by the continuance of the war, the maritime force of Britain might be too much reduced to preserve the balance of power upon the ocean; but as she has not abated of her haughtiness, her injustice, and outrageous violations of the rights of the neutral maritime powers, and still opposes herself to the establishment of a system calculated to secure those rights, and to vindicate the general law of nations, thereby manifesting, that the measure of her power is to prescribe her rule of right, they have become tolerably well reconciled to the idea of seeing her more effectually weakened and humbled.

On the whole, I am not anxious about the manner of *thinking* of the neutral powers, touching the great objects which concern our fundamental interests. We have nothing to apprehend, I believe, but the baneful influence of British gold, which can serve but to defer for awhile, however, the event they most dread, the open acknowledgment of our independence by this, and the other neutral powers. I expect to be informed of the answer of this Court to that of Versailles respecting the pacification, as soon as it shall be communicated to the French Minister. It has already been delayed longer than I was given to understand it would be, which is owing, probably, to the necessity of consultations with the Court of Vienna. I shall wait but a few days for it, before I make the communication of my mission to this Court, unless some matter which I do not foresee, should render it expedient to delay doing it still longer.

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I am, with the highest respect, and most perfect esteem, &c.

FRANCIS DANA.

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## ROBERT R. LIVINGSTON TO FRANCIS DANA.

Philadelphia, October 22d, 1781.

Sir,

Congress having lately thought it advisable that their correspondence with foreign Courts and their Ministers abroad should pass through the hands of their Secretary for Foreign Affairs, I enclose the act by which they did me the honor to appoint me to that office. In this character, Sir, I have the pleasure of communicating to you the important account of two signal victories, which have lately been obtained over the enemy in this quarter, the one by General Greene, which has been followed by the re-establishment of the governments of South Carolina and Georgia, in which States, though the enemy hold one or two posts, yet they have no command of the country. The other still more signal, by the allied arms of France and America over Lord Cornwallis, in Virginia. By the latter, near seven thousand men, including seamen, fell into our hands; and about one hundred vessels, above fifty of them square rigged.

You will not fail to make the best use of this intelligence, which must fix our independence, not only beyond all doubt, but even beyond all controversy. I should have mentioned to you, that besides the troops and seamen abovementioned, the enemy lost during the siege of Yorktown, including those that were taken, upwards of two thousand negroes. The naval force of France in these seas under the command of the Count de Grasse, amounts to thirtyfour sail of the line, that of the British to twentyfour. Both fleets have lately sailed, the one from New York, the other from the Chesapeake. We daily expect to hear of their meeting, and promise ourselves a second victory, since every advantage is on the side of the French. Should they think it more advisable to

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go to the West Indies, the Islands must fall an easy prey to them, as the whole British fleet is at present on this coast, nor will it be in their power to follow immediately, as Sir Henry Clinton with the best part of the troops from New York are on board the fleet, which, on the very day that Cornwallis surrendered, left New York for his relief. These must be brought back and re-landed, which will be a work of some time.

It is of importance to you to know that the spirit of opposition to the independence of this country, which was languishing when you left it, has been growing weaker ever since, and may now be said to be quite extinct. To this, the settled form that our governments have assumed, the success of our arms, and above all, the shocking barbarity of the British, have greatly contributed.

As this letter goes by an uncertain conveyance, and as, indeed, I have hardly yet entered upon my office, having only been qualified a few days since, I do not think it prudent to proceed to any minute discussions. I can only tell you, that the people here entertain the highest respect for the Court you are at. They consider the plan of the armed neutrality as the best proof of an enlarged and generous policy, and look upon its execution as a charter of enfranchisement from the ambition of Princes; granted by the wisdom of the Empress to the trade of the world. The sense of Congress on this subject, I enclose you in an abstract from their minutes of October 5th, 1780; [22]

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What a pity it would be, if a more confined policy should lessen the glory, or defeat the purposes she has so liberally formed. You will do me the favor to direct in future your public letters to me. I wish them to be as numerous and as minute as possible, particularly on the subject of such negotiations as may be in agitation for a general peace, and for a partial one between Britain and the United Provinces.

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I forgot, under the head of intelligence, to inform you that the British had, in September last, made one effort to relieve Cornwallis with their fleet, consisting of nineteen sail of the line, before the Count de Barras, from Rhode Island, had made his junction with the Count de Grasse. They were defeated with the loss of the *Terrible*, a seventyfour, burnt, and two frigates taken, and compelled to return to New York, whence, as I before mentioned, having been reinforced, they have again sailed.

I am, with the greatest esteem, &c.

ROBERT R. LIVINGSTON.

*P. S.* I will be obliged to you for sending me, for the use of this office, by the first safe opportunity, a Russian Grammar and Dictionary, in English, if possible, if not, in French. If the latter, the Grammar of Charpentier, and the Dictionary of Woltchhoff, would be preferable. Both parts of the Dictionary are to be procured, if possible, but particularly the one which begins with the Russian. If anything like a Court Calendar is published at St Petersburg, in Russian, German, or French, you will oblige me by transmitting to me two copies of it, if you choose, with notes of your own upon it.

#### FOOTNOTES:

[22] *"In Congress, October 5th, 1780.*—On the report of a committee, to whom was referred a motion of Mr Adams, relative to certain propositions of the Empress of Russia respecting the rights of neutral nations, Congress passed the following act;

"Her Imperial Majesty of all the Russias, attentive to the freedom of commerce, and the rights of nations, in her declaration to the belligerent and neutral powers, having proposed regulations founded upon principles of justice, equity, and moderation, of which their Most Christian and Catholic Majesties, and most of the neutral maritime powers of Europe, have declared their approbation;

"Congress, willing to testify their regard to the rights of commerce, and their respect for the sovereign who has proposed, and the powers who have approved the said regulation;

"Resolved, That the Board of Admiralty prepare and report instructions for the commanders of armed vessels commissioned by the United States, conformable to the principles contained in the declaration of the Empress of all the Russias, on the rights of neutral vessels.

"That the Ministers Plenipotentiary from the United States, if invited thereto, be, and hereby are respectively empowered to accede to such regulations, conformable to the spirit of the said declaration, as may be agreed upon by the Congress expected to assemble in pursuance of the invitation of her Imperial Majesty.

"Ordered, That copies of the above resolution be transmitted to the respective Ministers of the United States at foreign Courts, and to the honorable, the Minister Plenipotentiary of France."

St Petersburg, January 17th, 1782.

Sir,

The Empress you know formerly proposed to mediate between Britain and Holland, which was declined by the former, as she could not enter upon a partial mediation, for the reasons she then assigned; since which time, the joint mediation has been tendered by the two Imperial Courts, between all the belligerent powers, which has issued unsuccessfully. Finally, her Imperial Majesty, and the Kings of Sweden and Denmark, jointly tendered their mediation between Britain and Holland. Britain has declined to accept that of the Kings in conjunction with the Empress, but has agreed to accept her sole mediation. This is at present on foot. A Russian Minister has very lately gone, or will soon set off for Holland, to join Prince Gallitzin in this business, which I prognosticate will issue as fruitlessly as the general mediation has done. There is no peace to be had in Europe separate from that of our country, which already too sensibly affects the European systems to be overlooked or disregarded by those who have the adjustment of them.

Notwithstanding the material change, which our revolution has wrought in their old systems, which is felt somehow by all the politicians of Europe, yet they seem some of them not to be sufficiently acquainted with the real nature of it. Hence that strange fluctuation or indecision in some cabinets; at least this is the best apology I can make for it. Sweden it appears to me acts as consistent a part as any power. She maintains her rights as a neutral nation, by constantly convoying her trade, and is besides wisely reaping the benefits of the American commerce, by silently and gradually admitting our vessels into her ports, and permitting our countrymen to purchase there everything they want, and to depart when and where they please. If this country would adopt the same system in every respect, they would soon see the happiest effects from it. At present, Sweden is making considerable profits, by being the depot of Russian manufactures for our use.

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I wish this country had a more commercial turn. We should then soon see a direct communication between the two countries opened and established, to the great benefit of both. But a free trade between them will meet with other obstacles. I am apprehensive not one of the maritime powers of Europe will aid us in our attempts to effect this, but that on the contrary, Britain, Holland, Denmark, and Sweden, will all at least secretly be opposing us. They well know this country has no navigation of its own, comparatively speaking; if, therefore, by various suggestions, they can excite a jealousy respecting the commerce of our country rivalling this in all the markets of Europe, a sentiment however groundless, which I am persuaded has made a considerable impression here, they will flatter themselves they shall each share a proportion of the benefits of an intervening commerce. Nothing, you will readily perceive, is to be expected here, while the business of mediation is kept up.

I am, &amp;c.

FRANCIS DANA.

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**ROBERT R. LIVINGSTON TO FRANCIS DANA.**

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Philadelphia, March 2d, 1782.

Dear Sir,

I find myself extremely embarrassed in writing to you, on account of my ignorance of the place of your present residence; and the want of a cypher. You forgot when you left Holland, if you have yet left it, for this is a matter of which we have not been informed, to send me your direction; so that there are an infinite number of chances against a letter's reaching you. This must account for my not entering into a minute consideration of your letters, or of our own affairs. The subject of your conference with the<sup>[23]</sup> — is too delicate to be discussed here. The event has, ere this, shown you whether his sentiments were well founded; though we can form no judgment from this circumstance, as we have not been favored with a single line from you since May, 1781.

We presume, that you must frequently have written, as the ports of Holland, Sweden, and France, afforded you many opportunities, of which you have undoubtedly availed yourself, but we have unfortunately not received the advantage we could wish from your attention. I must therefore beg the favor of you to increase the number of your letters, and to send at least four copies of each to the different ports. There are indeed many things, which it would be imprudent to trust to the common post. There are also many other matters, which may safely be sent by it. If you have letters always ready, safe opportunities will occasionally offer for the first, and those which relate to general politics should be written weekly, and sent to France and Holland.

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You will continue, I presume, to appear only in a private character, as it would give Congress great pain to see you assume any other without an absolute certainty, that you would be received and acknowledged. The United States, fired with the prospect of their future glory, would blush

to think, that the history of any nation might represent them as humble suppliants for their favor. The least slight from a sovereign, whose life will be read with applause by posterity, whose situation places her above those little shifting politics by which inferior Princes govern, who has magnanimity enough to feel and declare herself independent of every other tie, but that which wisdom and justice impose, might be urged with weight against us, and give force to the calumnies of our enemies. All, therefore, Sir, that your situation will admit of, is to endeavor to give just ideas of this country, of its resources, of its future commerce, its justice and moderation, its sincere desire for peace, but at the same time of its firm determination to forego any present advantage, and to brave any danger, rather than purchase it upon terms unworthy of the struggles they have made, or which shall render their liberties insecure. This, which is an important truth, you will be able to prove by showing the circumstances under which we entered into the war, and the difficulties we struggled with, when without arms, without military stores, without discipline, without government, without commerce, we bid defiance to one of the most powerful nations in the world, and resisted alone, for three years, forty thousand disciplined troops, attended by a considerable navy, and amply supplied with every necessary to enable them to use their force with advantage. Contrast this with our present situation. Allied to a powerful nation, in possession of governments with which the people are pleased; having an army disciplined, well appointed, and flushed with victory; an extensive and active commerce; provisions cheaper than in time of peace; credit reviving again, and specie introduced into circulation.

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It is also important to show the unanimity of this country, in opposition to what the Court of Great Britain has desired to inculcate. I have touched upon this in my last letter, and have endeavored to show it from the conduct, which she herself holds towards this country. It will never be doubted by those who reflect on these circumstances, and the ease with which every order of government is carried into effect, and the few partisans the British have found, when they marched out into the country. But though we wish these matters to be understood, yet I am far from recommending it to you to make a pompous display of them. Your own judgment will direct you on this subject. Your having been long in a public character, will naturally lead those who wish to be informed to inquire the state of our affairs from you. You may avail yourself of the opportunities this will afford you to speak of them with that temper and moderation, that cannot fail to make an impression, particularly when these facts appear rather to be drawn from you by your desire to answer the inquiry, than urged by a wish to make converts. In the first case, the hearer is disposed to believe, because you lay him under obligations; in the second, he is cautious lest he should be led away by your prejudices. Should these inquiries be made by people who are able to serve you, be particularly attentive to render your information agreeable by enlivening it with some little interesting incidents, which this war has furnished in abundance, and which cannot but give pleasure to a people, who are too remote to have heard them.

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These may possibly be the means, when repeated, of exciting the curiosity of the sovereign, and procure for you the honor of conversing with her in the character of a private gentleman. This incident will be best improved by preparing yourself to answer all her inquiries with respect to this country, without touching on the politics of Europe, with which she is infinitely better acquainted than we can be. The first settlement of the Colonies; their population, agriculture, commerce, and revenues; their past and present governments; the progress of the arts and sciences; the steps which led to this revolution, and the present state of the war, will probably be the objects of her inquiry. These you will answer with candor, even though you should thereby expose some of our defects or imperfections. For you will never cease to bear in mind, that the celebrated sovereign of the country you are in is too well informed to be deceived, could our politics ever stoop so low as to make the attempt.

Since my last, conveying an account of Cornwallis's capture, nothing very important has happened here, unless it be the evacuation of Wilmington and Beaufort, by which means all the enemy's posts in the southern States are reduced to Charleston and Savannah, and the trade of that extensive country is again opened. The few friends to slavery in the States the British marched over, are abandoned to our mercy. For the rest the enemy keep close within their lines, and our troops are cantoned about the country. In the meanwhile the British islands and commerce are sacrificed to the possession of three posts, which cost them millions to retain on this continent. I give you no account of what is doing in the West Indies, presuming that you will have the earliest and best intelligence on this subject from Paris. It may be of some importance to you to learn, that our plan for calling in the old paper and emitting new, was not attended with all the success that was expected. The old paper was indeed redeemed, but the new beginning to depreciate, most of the States thought it prudent to take it in by taxation.

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The only money now in general circulation is specie and notes from the American banks, which have the same credit as silver. Our taxes are collected in these, and by removing the restrictions on our commerce, together with the small loans we have made in Europe, we find not the least want of a circulating medium; and though there will probably be some failure in the amount of the taxes from some of the States, which are most impoverished, yet a considerable proportion of the eight millions of dollars in specie, which have been imposed this year, will be paid, exclusive of the duty of five per cent premium on our imports, which is designed as a perpetual fund for the payment of the money we borrow. Every exertion is making here for the most vigorous and active campaign, and we have the greatest reason to believe it will be decisive.

I enclose an ordinance relative to captures, which will show the respect paid by these States to

the armed neutrality. It will be evident to you, that this is not a mere empty compliment, since nothing can be more injurious to us than conforming to principles, which our enemy despises, and is permitted to despise with impunity, particularly on this coast, where Britain is left at liberty to consider us not as independent States, but as revolted Colonies; and to make prize of any vessel whatsoever bound to our ports, though both ship and cargo should be in the strictest sense neutral. But interested considerations have less weight with us, than those immutable laws of justice, which make the basis of these regulations; and these States cannot but hope, that the neutral powers will sooner or later dare to execute what they have so wisely projected.

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Now, Sir, let me again repeat to you my request to write regularly to me, at least once in every week, since the high opinion we have formed of the Empress, makes all her actions important to us. When no other political object presents itself, give us the best account you can collect of the history, manners, revolutions, manufactures, arts, revenues, civil and military establishments of Russia, with the names and characters of those who hold the great offices, or share the favor of the sovereign. If a change has taken place (as we are informed) in the Russian administration, be pleased to acquaint yourself and me, when you can safely do it, with the causes of it; and with the characters of the present administration. Send me by the first safe hand a cypher, if an opportunity should offer before I send one to you.

I have the honor to be, &c.

ROBERT R. LIVINGSTON.

**FOOTNOTES:**

[23] A blank in the original, but probably the Count de Vergennes is alluded to.

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**TO ROBERT R. LIVINGSTON, SECRETARY OF FOREIGN AFFAIRS.**

St Petersburg, March 5th, 1782.

Sir,

I had the honor of the triplicate of your letter of the 22d of last October, on the 20th instant. It was forwarded to me by that amiable nobleman, the Marquis de Lafayette. The original or duplicate has not yet come to hand.

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I am much pleased that Congress have thought fit to create the office of Secretary for Foreign Affairs, and to direct their foreign Ministers to correspond through that department. This will, doubtless, be the means of keeping them properly informed about the affairs of our country. I am happy to learn also, that the choice of Congress has fallen upon a gentleman not less distinguished for his abilities and integrity, than for the early and decided part he took, and has steadily pursued, from the commencement of our revolution.

We received the important news of the surrender of Lord Cornwallis and his army, on the 13th of December. Soon after, came the account of General Greene's action, which you mention also. The first seemed to have settled every one's mind upon the real state of desperation of the British affairs within the United States; the other, though very important to us in its consequences, made apparently but little impression, owing, perhaps, to two causes, that it followed so nearly after so capital and brilliant an event, and that it was scarce possible to add to the conviction, which the former carried along with it. From this state of things it may be imagined, that the way is open to us to make our advances. The conclusion, I believe, would be too hasty. For the time does not so much depend upon the real sentiments, which her Imperial Majesty and her Ministers may entertain of the stability of our independence, as upon other circumstances. To explain myself. Her Majesty has, doubtless, a wish to add to her other glories that of mediating a peace between the great powers who are now at war. For although her first attempt to mediate between Britain and Holland was rejected by the former, and her second, in conjunction with the Emperor, between Britain and the other belligerent powers, may be said to be at a full stand, yet, as you are informed long before this time, she set on foot a third, in conjunction with the Kings of Sweden and Denmark, between Britain and Holland, which Britain rejected so far as respects that of the two Kings accepting of the *sole* mediation of her Imperial Majesty. This is still in agitation. A Minister before this time has arrived from this country in Holland, to assist Prince Gallitzin in it. But, from everything I can learn, there is not the least probability of its succeeding. I am told it is not even expected by any of her Majesty's Ministers.

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However this in fact may be, so long as her Majesty continues to tender her mediation, partial or general, so long it appears to me prudent for us to refrain from making any open advances. For however strongly convinced her Majesty may be, that our independence is now laid on a foundation, which Britain can never destroy or shake, however clearly she may see that the freedom of the commerce and of the navigation of Europe absolutely depend upon the severance of America from the British Empire, and however beneficial she may suppose a direct and free

commerce with America would be to her Empire, yet she could not consistently with the character of a mediator, form any political connexions with the United States, or manifest an attachment to their interests. She would, therefore, feel herself under a necessity to reject any propositions we have to make to her, if made under such circumstances. And though we could be assured that this rejection would be made with as much delicacy, or as much respect to the United States as the case would admit of, yet is it not advisable to delay making any open advances till this business of mediation should be entirely done away, and not unnecessarily expose ourselves to a repulse; which, it is probable, would in the end rather retard than advance our business?

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By these and similar sentiments, I have been hitherto induced not to make the communication spoken of in my former despatches from hence. I hope my conduct in this respect will be approved by Congress. Notwithstanding what I have said above, if I really thought with my correspondent, that her Imperial Majesty had adopted the system mentioned in his letter to me of the 12th of September, viz. "Not to acknowledge the independence of the United States till Britain herself had done it," I should soon bring the business to a conclusion, and take my leave of this Court; not thinking it conformable to the views of Congress to support a Minister at a Court, which should adopt and be likely to persevere in such a system.

You seem desirous of my sentiments upon the state of affairs, particularly relative to the mediation, whether general or partial. I have given them to you on that head very briefly above, and I can only add, that from the best intelligence I can obtain, we shall not hear much more of the mediation till another campaign is closed; that things will remain nearly in their present state in Europe through this year, unless Holland, by the prevalence of the patriotic party, should be able to make some exertion, and come to a decision about the much talked of alliances with the enemies of Britain. Whether this will probably take place, you will be better informed from that quarter than from me.

The acts of accession and acceptance on the part of the Emperor and Empress, relative to the neutral confederation, were exchanged here a few days after the date of my last letter to the President. A want of connexion is observable among the powers who have adopted this system; they are divided into three parties, the Empress standing at the head of each. First, Russia, Denmark, Sweden, and Holland; next, Russia and Prussia; and lastly, Russia with the Emperor. These parties are without connexion one with the other, unless it should be supposed, that the Empress being a party in each of them, connects the whole; but this must necessarily be a feeble connexion, as it imposes no duties, and confers no rights, which are in common to all the powers, which have adopted the system. The principles of it, however, have acquired some support by these last accessions, particularly by that of Russia, and it seems highly probable, that they will not fail of being established as the clear rights of neutral nations at the close of the present war. During the continuance of it, unless Britain should be so imprudent as to commit further infractions upon this system, we may not see anything more arise out of these associations. For if the subjects of the confederated powers, at present in a state of neutrality, meet with no further obstruction in their commerce or navigation, their end is answered. Neither Russia, Sweden, nor Denmark will give themselves much concern to vindicate the right of Holland to participate in the benefits of the system, according to their demands, especially the two last, who derive very great advantages from the present situation of the Dutch. Holland has let her opportunity slip by unimproved, and she must patiently wait the return of a *general* peace for the restoration of her rights, whether founded in her treaties with Britain or in this new system.

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You will excuse my referring you to my former despatches, because it would be imprudent to send copies of them with this by the post. Duplicates have already been forwarded. If I had a private conveyance, I should be more particular under the head of mediation and neutral confederation, as well as enter into an explanation of some parts of my former despatches from hence. I have not yet received any account of my letters sent from France; you will doubtless pay an attention to such parts of them as may require it. If you will direct your letters for me to the care of Mr Adams, whenever they may come on in that course, he will be careful to forward them to me in a way, which we have settled for our correspondence. As it will be more convenient, I shall request Mr Adams to send you along with this the reply, which the Imperial Courts made to the answers of the belligerent powers, to their propositions for a general pacification, and also the final answer of the Court of Versailles. Although you may probably receive these through another channel, yet perhaps that is not a good reason why we should fail to furnish you with them.

I am, Sir, with much esteem, &c.

FRANCIS DANA.

*P. S.* I hope to have an opportunity to forward next week, to the care of Mr Adams, two or three Court Almanacs for you in French. The other books I will procure for you as soon as possible, but as they will be cumbersome, it is not probable I shall find any other conveyance from hence than by water for them. I shall at all times be very happy to have an opportunity to execute any of your commands.

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## TO ROBERT R. LIVINGSTON.

St Petersburg, March 30th, 1782.

Sir,

I did myself the honor on the 5th instant to acknowledge the receipt of the triplicate of your letter to me of the 22d of October last, the original has since come to hand. I will forward a duplicate of the above by this opportunity.

Everything seems to confirm the opinion I have expressed, relative to the partial mediation between Britain and Holland, but more especially the resolution of Friesland respecting the United States. The failure of that mediation is now universally considered here as beyond a doubt. And nothing I believe but the very critical condition of Britain, will revive the idea of a general mediation sooner than I have estimated in my last. She has now lost Minorca, and in a manner too that astonishes every one here, and with it the remains of her commerce in the Mediterranean Sea. St Christopher, as it is said, is in imminent danger, and the formidable force gone against Jamaica, may make her reflect seriously upon her forlorn state, and perhaps drive her to the humiliating necessity of reviving a mediation she has rejected with so much haughtiness. If so, it seems evident, from the decided nature of the final answer of the Court of Versailles, as well as from that of Madrid to the Imperial Courts, that to do this with any effect, the mediators must advance to the line marked out, they must invite the Ministers of the United States to the General Congress.

The Minister of Spain, who went to Vienna to assist at the Congress, has received orders to repair to this Court, (where they have now only a *Chargé d'Affaires*) as a resident Minister. He is expected here the next month. [Pg 337]

There has lately been a lively sensation in this quarter, occasioned by a publication in the "*Courier du Bas Rhin*," where it was positively asserted, that a secret treaty had been concluded between her Imperial Majesty and the Emperor, relative to a partition of the Turkish territories in Europe. The affair, it is said, has been denied. However the fact may be, there seems to be some suspicions remaining, that a scheme is forming, if not of the nature mentioned, yet at least relative to a full enjoyment of a commerce upon the Black Sea and into the Mediterranean. This is an object, which has more or less engrossed the attention of this Court from the days of Peter the Great, and is one of no small consequence to the interests of this Empire. The state of things brought on by the peace of Kainardgi, (1774,) between Russia and Turkey, has opened the way for the completion of this design. By this treaty Russia obtained a right to a free commerce in the Turkish seas, and for that end, three ports there, viz. Kinbourn, Kersch, and Yenikale. Further, the Khan of the Crimea (who is no longer liable to be deposed by the Grand Sultan) is very friendly disposed towards her Imperial Majesty, and would be capable of affording essential services towards the execution of such a plan. He has lately sent an Ambassador to this Court, who has been most graciously received. The Porte has been constantly opposed to this commercial plan. Hence the difficulties, which have taken place respecting the admission of a Russian Consul, which the firmness of her Majesty has at last overcome. The whole seems yet to be on too precarious a foundation. Perhaps solidly to establish this system of commerce, another war may be deemed necessary, particularly for the purposes of gaining better ports, and to give greater security to the navigation, which may be carried on from them, by removing the Turks to a more convenient distance, and establishing a marine in those seas, capable of affording it a complete protection; without this, all that vast commercial project lies at the mercy of the Turks. [Pg 338]

I have touched upon this subject, that from the great interest this empire has in such a plan from the extensive views of its sovereign, and from the present apparently favorable state of circumstances, you may be enabled to form a better opinion of the probability or improbability of the supposed connexion. But upon the supposition of its truth, will our enemies draw any essential benefits from it? Or will it in any way injure our interests? are questions which may arise out of it, and bring it home to us. It will happen, I think, if it happens at all, too late for the former, but as to the latter, it may procrastinate our views, as it will form the principal object of her Majesty's attention, and the affairs on this side of Europe will become but secondary concerns. I shall add nothing further at present on this subject, but shall from time to time endeavor to give you some account of the prevailing system, and the leading principles of politics in this Court.

In pursuance of one branch of my duty, I have during my residence here made a particular inquiry into the nature of the commerce of this country. By the list of exports for the last year, which will accompany this, may be seen the commodities of all kinds which it furnishes, as well as the share which the several nations of Europe have taken in this commerce, for the same time; and by the list of vessels passing and repassing the Sound, the proportion of their navigation which has been concerned in it. When it is considered that the Dutch used to send about six hundred vessels into the Baltic annually, there can remain no doubt but that the neutral maritime powers are very well contented with the Dutch war; and that they are deeply interested in the principles of the neutral confederation, though a crooked and corrupt system of politics may prevent some of them from defending their rights with proper vigor. [Pg 339]

The great demands we have for the principal articles of this commerce, such as hemp, cordage, sailcloth, their linen manufactures of all sorts, especially for household use, is well known, as we

have been heretofore supplied with these through Great Britain. But perhaps the commodities suitable for this market may not be so well understood among us. The principal ones of our country are rice and indigo; tobacco is a prohibited article. Grain is not wanted, except rice. From this state is it not evident if we would carry on this commerce to any considerable extent, as we shall certainly find it proper to do, we must do it by circuitous voyages in a great measure? For this purpose the productions of the West Indies and of the continent of America south of us, such as sugar, coffee, (rum would not answer,) all sorts of dyeing woods, cochineal, &c. are proper. This may point out the importance of obtaining a right to cut those woods on the Spanish shores in the Bay.

The wines, brandies, fruits, and manufactures of France form a great branch of the trade to this country. This has heretofore been chiefly carried on by the Dutch; but may we not come in for a share of it? Many of our commodities are adapted to the markets of France. Might not our vessels intended for this circuitous voyage, arrive in France towards the end of the winter, charged with our produce, and take in a cargo there, so as to be ready to enter the Baltic early in May. The ports of France, frequented by the Dutch in this carrying trade, are Havre, Nantes, Bordeaux, Cette, and Marseilles. Havre has an advantage over all the others, from its proximity to the Baltic, as well as its situation below the Seine, by means of which all the manufactures of Paris, Rouen, &c. are easily conveyed thither. The cargoes from Havre for Russia consist in fine cloths, linens of Rouen, sugar, coffee, indigo, preserved fruits of all kinds, and of all the manufactures of Paris. Wines are from Bordeaux. The exports from Nantes are nearly the same as those from Havre; Cette and Marseilles may be too distant for us. The greatest navigation between France and this country is from Havre. I have been so particular upon Havre, because I suppose Congress would choose to have *one* free port, (in virtue of our treaty with France,) in or near the Channel, and I have heard Dunkirk talked of; but is it not worth consideration, whether a port at the very extremity of the empire, can be of equal advantage to that of Havre, which may answer as well for a direct commerce as for this circuitous one, if it should be thought proper to adopt it. By our treaty, I am sensible we have a right to demand but *one* free port in France, and that for the purpose of carrying there our own commodities *only*. If we should be held rigidly to this, the appointment of a free port will be of great importance to our interests. If we could obtain more, perhaps Havre, Bordeaux, and Marseilles, might be the most advantageous of any three, to furnish us at the best rate, with the productions and manufactures of the several parts of the kingdom.

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I express myself with much diffidence on this subject, because I know that a thousand matters ought to be taken into consideration, many of which are known only to those who have made commerce the business of their lives, in order to form a solid judgment upon it. But if anything I have said may serve as hints, which may be improved by others to the general benefit of our country, my purpose will be completely answered.

I have the honor to be, with much esteem and respect, &c.

FRANCIS DANA.

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## TO JOHN ADAMS.

St Petersburg, April 23d, 1782.

Dear Sir,

I see with infinite satisfaction the progress our affairs have made in Holland within a short time, and that you will soon be able to put the finishing hand to your business. No one will more sincerely rejoice in the honor you will merit and acquire by it, than I shall. That nation, after much internal struggling, seems at last to have adopted an almost universal sentiment upon the propriety, or rather, necessity of forming an intimate commercial connexion with us, and this without loss of time. They have been doubtless justly alarmed by the late important change in the councils and system of Great Britain, and have wisely resolved not to suffer her to get the start of them, by adjusting her commercial connexions with America before they have concluded their treaty with us. They well know how much is risked by a further delay. Hence their present zeal to acknowledge our independence.

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I wish others saw their interest to do the same thing in as clear a light, and did not longer think of the glory of mediating a peace, which in the end they may miss of; for it is evident to every one who will attentively consider the late measures of Britain, that she means to settle her peace with America, without the participation of any mediators; well knowing the great danger which her most important commercial interests will be exposed to, if they pass through such a medium. Her aim will be to exclude the other maritime powers, as far as possible, from the benefits of our commerce. To effect this, she will make great sacrifices in some respects. You know what I allude to. The critical moment for the maritime powers of Europe has already arrived. They may never, or at least for a long time to come, again see so fair an occasion to promote their essential interests, if they suffer this moment to slip by without fixing their connexions with America. It must be apparent to them all, (the neutral powers I mean,) that no just objections can now be made to a measure of this sort, since the British themselves have felt the necessity of publicly



proclaiming to the world their utter inability to obtain the great object of their war, the subjugation of the United States, or of any one of them; and have even made the attempt to do this criminal. With what face can they now pretend to claim any dominion over that country, or to require the neutral powers to forbear the acknowledgment of our independence, till they themselves shall have acknowledged it? Or in other words, to rest idle spectators, as I have before said, till Britain has adjusted all her commercial interests with America, as far as possible to their exclusion.

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Do you ask whether this will probably be the case here? I cannot say that it will not. For besides, that I have some reason to suppose this government not yet properly informed, I may say of the immense interest it has at stake relative to the commerce of our country, I know the British will not fail constantly to hold up to her Imperial Majesty the glory of mediating a peace between the great belligerent powers, while they are secretly carrying on a negotiation as above with the United States. Should you ask me if it is not practicable to give those in government just ideas upon the nature of the commerce of the two countries, I must say I have taken such measures to this end, as the peculiar state of things will admit of. I dare not expose the dignity of the United States by making any official advances. They may be rejected. I am not satisfied that they would not be. The cry of mediation I know would open upon me. It is necessary therefore first, to do away all errors upon this subject of commerce, to establish the great mutual interests the two nations have in a close and intimate connexion with each other, and to point out the danger this interest is exposed to, in the present critical state of affairs by delay. When this is done (and I flatter myself the task is very easy if the door is open to me) I shall have nothing to apprehend from mere sounds or words. Her Majesty would most certainly pursue the great interests of her empire, and not suffer herself to be diverted from that pursuit by any dazzling prospects of glory, which the British or any others might hold out. She has too much wisdom not to change her system when affairs have changed their face, and not to improve every favorable occasion, which the course of events may present to her for the benefit of her empire.

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I agree with you, that glory and interest are both united in our case; that her Majesty could not by any line of conduct more effectually promote both, than by stepping forth at this moment, and acknowledging the independence of the United States, and forming a commercial treaty with them, that there is nothing to fear from any quarter, that the example of so illustrious a sovereign would probably be followed by the other neutral maritime powers, and would infallibly restore peace and tranquillity to both worlds; and that all Europe would partake equally in the benefits of our commerce, or at least enjoy an equal freedom in it. But if instead of this, America cannot obtain a hearing, which is all she wants to insure her success, wherever national counsels are influenced by national interests, and her Majesty should persevere in her system of mediation, notwithstanding the change in affairs, is not the consequence plain? America will make the best bargain in her power with Britain, and she can now clearly make an advantageous one. When this is done, her Majesty and the other neutral powers will certainly see, though too late, the importance of the present moment to the interests of their respective empires. I will only add, may they be wise in season, may they follow the example, which Holland is setting them, and which she would have set them at this moment, had she been in profound peace with Britain, even at the hazard of a war, little as she delights in it, rather than suffer herself to be foreclosed in her great commercial schemes.

I have the honor to be, &c.

FRANCIS DANA.

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### **ROBERT R. LIVINGSTON TO FRANCIS DANA.**

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Philadelphia, May 10th, 1782.

Dear Sir,

In my letter of the 2d of March last, I explained fully to you the intentions of Congress in sending you to Petersburg; and the reasons that influenced them to wish, that you would by no means display your public character, till you were fully convinced, that it was the wish of the Court to acknowledge it. And I saw with pleasure, in your letter of the 31st of March, 1781, to the Count de Vergennes, that you had determined agreeably to the spirit and meaning of your instructions, to appear only as a private citizen of the United States, until the result of your inquiries should point out a ready and honorable reception. The opinion of the Minister of his Most Christian Majesty, as well as of Dr Franklin, whom you were directed to consult, was so decided upon that point, that though you might not have thought it sufficient to justify delaying your journey, yet it certainly rendered it proper to take the best precautions to conceal your public character, under some other, that would have been unsuspected; and this for reasons that carried the greatest weight with them.

The Empress having projected the armed neutrality, she naturally wished it to have the appearance of a general regulation, and not of an attempt to serve one of the belligerent powers at the expense of the other. The strictest impartiality could alone give a dignity to her measures, or crown them with success. She further wished to be the means of re-establishing peace, and

was perhaps influenced by the laudable ambition of being at the same time the great legislator and arbiter of Europe. At this critical moment it could hardly be expected, that she would publicly entertain a Minister from the United States. For though the powers at war have many collateral objects, yet it is well known, that American independence is the great question in controversy; and though a decision in favor of it might be worthy of the magnanimity of the Empress, yet it would certainly militate against her objects, and afford Great Britain an apology for considering the armed neutrality as a partial regulation; and for rejecting the mediation of a power, whom they would charge with having decided the very point in controversy. A secret agent, if his character was declared to the Russian Minister, would in a less degree have the same effects, and reduce them to the necessity of embarrassing themselves by dissimulation, or permitting us to entertain unfavorable sentiments of their impartiality by directing you to withdraw.

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Your eager desire to render essential services to your country had in some measure biassed your judgment, and led you to see this matter in a different light from that in which it would have appeared to you, if your patriotism had permitted you coolly to weigh and consider circumstances. It appears by your letters of the 28th of July, the 15th of September, and 15th of October last, which have been received and read in Congress, that you entertain serious thoughts of making an immediate display of your powers to the Russian Ministry, notwithstanding the cautions given you by the Count de Vergennes, the opinion of Dr Franklin, and the advice of the Marquis de Verac, whom you are expressly directed to consult; whose lights you are interested to avail yourself of, and to sound the dispositions of the Court of Petersburg.

Congress, when they appointed you to the important and delicate mission in which you are engaged, discovered their respect for your abilities, while they meant by their instructions to guard against any inconvenience into which you might hastily run, by directing you before you declared your character, to take the advice of a Minister, whose residence at the Court of Petersburg (independent of other circumstances) gave him advantages, which an absolute stranger could not enjoy. The letters that have passed between you, confirm the propriety of this restriction. The conclusions of the Marquis de Verac on the plan of the proposed mediation are sound and just; and if you have disregarded them, there is no doubt but the event has before this time justified them to you. He has, probably, shown you the answer of France to the proposals of the mediators. You will have remarked therein, the same reasoning extended in such a manner, as fully to have convinced you that the distinction he has drawn between our treating *at the same time*, and our treating as an independent nation, are very well founded. It will serve too, Sir, to show that your suspicions on another point are groundless. To suppose that France would go to war for our independence, and yet not wish to see that independence recognised, is a solecism in politics. Surely every acknowledgment of this kind raises our hopes and depresses those of the enemy, and places the justice of the war, both on the part of France and of us, in a fairer point of view. But, Sir, I do not enlarge on this subject; your instructions ought to be your guide, and they evidently show, that at the time they were given, Congress meant that you should treat the Minister of France at the Court of Petersburg, with the most unreserved confidence, and that you should not declare your mission till he thought the moment favorable. They still retain the same sentiments, every day having convinced them that France makes but one interest with them in establishing their independence. That she should be delicate about advising us to solicit the notice of other Courts, is not to be wondered at, since she must partake, in some degree, of the humiliations that our ill-timed solicitations subject us to. The whole of your communications with the Count de Vergennes, marks a delicacy on the other side, about advising upon a measure, which the instructions of your sovereign should direct. It is easy to see his opinion and his apprehensions of appearing to have disapproved what Congress had thought might be advantageous to them. I conclude this, Sir, by requesting you, if you have not yet made a communication of your powers, to delay doing it till the Marquis de Verac shall agree in sentiment with you that it will be expedient, or until you shall receive farther instructions from Congress.

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In the meanwhile you will employ yourself in the manner, which your instructions and my last letter advise. I can see no other line in which you can be useful in your present station. As you will have much leisure on hand, I must beg you to write weekly to this office in cypher, and to write with freedom whatever it may be useful for us to know, particularly all changes that may take place in the administration and the measures of Russia. I will not repeat what I have said on this subject in my last, a quadruplicate of which is enclosed, as is also a cypher. This letter will be consigned to Mr Adams, who will take means to forward it to you by a safe hand.

I am in great pain on account of your letter of the 28th of July, a duplicate of which is arrived. The original has miscarried; should it have fallen into improper hands it may do us very essential injury. I need not tell you how impatient I shall be to hear that this has reached you, since I cannot use my cypher till I receive a line from you written in it, nor can I write with freedom to you till I have a cypher.

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Since the reduction of York, nothing important has passed in the military line. The enemy keep possession of New York, Charleston, and Savannah, though they have not strengthened either of the garrisons. They are consequently much weakened; if, as we expect, we shall have a naval support, we have no doubt of being able to expel them this campaign from the continent. Our effective force, exclusive of militia, which we can call in as we want them, including four thousand five hundred French troops, amounts to about twenty thousand men.

They are hardy veterans, well disciplined, well armed, well clad, and well fed. Our finances have

assumed a new form, and are every day becoming more respectable by the total abolition of paper, except that of the bank, payable in specie at sight. You have doubtless heard of the late change in the British administration. Sir Guy Carleton has come out in the place of Sir Henry Clinton, and we have reason to believe, that the present system is to endeavor by lenient measures, to seduce us from our alliance with France, and to cajole us out of that freedom, which they find they cannot force us to relinquish. It is astonishing to see the contempt with which these attempts are received. The only effect they have, is to convince us of the declining strength of the enemy, and to excite a general determination to push them with vigor before they recover their late blow. I enclose the last resolution of Congress, organizing this office, that you may, by seeing my powers, know what attention you are to pay to my letters, which will consist of two sorts; the one written by me without consulting Congress, in which, however, I shall always govern myself by what I suppose to be their sentiments; the other, written and submitted to their inspection, so that you may have the highest evidence of its corresponding with their views. When this is the case, I shall always inform you of it. This letter has been read in Congress, and of course contains no instructions, which they disapprove. I shall send you a packet of newspapers with this.

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I should have told you, that your salary will in future be paid here. I shall receive it as your agent, and vest it in bills on Dr Franklin, and remit them to him, so that you may draw upon him quarterly. I shall send him one quarter's salary by this conveyance, commencing the 1st of January last, and ending the 1st of April last, and considering myself as the agent of all our foreign Ministers, I shall follow your directions relative to the disposition of your appointment, until you shall think it expedient to name another.

Your most obedient humble servant,

ROBERT R. LIVINGSTON.

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### ROBERT R. LIVINGSTON TO FRANCIS DANA.

Philadelphia, May 22d, 1782.

Sir,

Your letters, from the 28th of July to October 15th, have been read in Congress. I have reported an answer,<sup>[24]</sup> but they have not yet agreed on it, and I do not care to let this vessel go without a line, however hastily written, to you. You will receive with this the newspapers, which contain some information upon a delicate point. The administration of Britain having been changed, they will endeavor to represent themselves as popular in America, to induce a belief that we will, under their auspices, be desirous of returning to our connexion with them. Be assured, that the change in their administration has produced none in the sentiments of America; they are immovably fixed in their determination to support their independence, and not to violate their alliance with France. The Assembly of Maryland and the Council of this State have passed resolutions to that effect; it will be the language of all, as soon as they meet. Congress have refused a passport to Sir Guy Carleton's Secretary, which was asked in order that he might be the bearer of a letter to Congress. Neither army has taken the field, of course I have no military operations to communicate.

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Your salary will in future be paid here, where your agent will vest it in bills on Dr Franklin, quarterly, upon whom you will draw accordingly. I shall consider myself as agent for all our foreign Ministers, and transact the business accordingly for you, unless you should choose to appoint some other.

I enclose a cypher, which you will use if it arrives safe, till I have leisure to send you a better.

I am, Sir, your most humble servant,

ROBERT R. LIVINGSTON.

#### FOOTNOTES:

[24] This refers to the preceding letter of [May 10th](#).

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### ROBERT R. LIVINGSTON TO FRANCIS DANA.

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Philadelphia, May 29th, 1782.

Sir,

You will receive herewith a letter of the 10th instant, which having been submitted to Congress, was returned yesterday to this office, together with the resolution, which I have the honor to enclose expressive of their sense of the sentiments contained in the letter, and of the line of conduct you ought to pursue. Having written to you lately, I have little to add.

We have not been able to settle a cartel with the British for the exchange of prisoners, of whom we have a balance in our hands to the amount of ten thousand. They refuse to pay the great sums, that we have advanced for their maintenance, which we make a preliminary to an exchange. It is not improbable, that the Germans will be made free of the country, sold for three years, to defray this expense, which they most of them wish, as they express a great inclination to settle here.

I have the honor to be, &c.

ROBERT R. LIVINGSTON.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, June 28th, 1782.

Sir,

Immediately after we had received intelligence here of the important change in the councils, and in the system of Great Britain, I consulted my correspondent (the Marquis de Verac) upon the expediency of disclosing my public character, without further delay to her Majesty's principal Minister. He gave me his opinion freely and candidly. For your information, I need only say, that it is the same in every respect with his former one, which you will find in his letter to me, of the 12th of September last, and in mine of September 15th to the President of Congress.

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I cannot take upon me to say, that his opinion is not well founded. My private sentiment then was, that that event could not fail to occasion a correspondent change in her Majesty's system also; but I knew my means of information were not as good as those of my correspondent, and that though every one seems to think the mediation of her Majesty, between Great Britain and Holland, was in effect at an end, yet in form it was still kept up, so that the reasons against disclosing my character, mentioned to you in my letter of March 5th, might still be supposed to have some influence. This determined me to conform to his advice.

However, I could not think of resting totally inactive in this state of things; though I thought it not prudent to make any official communications, yet it could not be amiss to endeavor at this time to turn, if possible, the thoughts of those in government upon our affairs, and to refute certain assertions of our enemies, which had remained without contradiction here, and by this means to prepare the way for the former. It might at least serve to sound the sentiments of the Ministers. With these views I have thrown the few following reflections upon paper, three translations of which into French, have, I am assured, been placed in the very hands I wished to place them, and that they have not been unacceptable.

***Reflections.***

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"When Great Britain engaged in a war with her late Colonies, either to obtain allies, or to prevent new enemies rising up against her, she was desirous to have it believed that she was contending in the common cause of all the maritime powers of Europe. Spain she endeavored to alarm by suggesting, that the revolt in America would be a fatal example to all her Colonies in the new world, and if it had not such an effect upon them, they would at least be liable to be conquered one after another, by their new neighboring empire, so that in one way or the other Spain would lose her American Colonies, if the independence of the United States should be established. To Holland she held up the danger her peculiar commerce, and her navigation would be exposed to, from the enterprising spirit of the Americans, who would not fail to become soon her rivals throughout all Europe. To the nations about the Baltic she alleged, that the free commerce of America would be highly prejudicial to their commerce, *because many of the commodities of America, being of the same nature with theirs, they would everywhere in the markets of Europe come into concurrence with them.* She has been more particular with regard to Russia, and asserted, that this empire can derive no possible benefit from a free and direct commerce with America, and that with or without this commerce, Russia will be in the same circumstances, *because Great Britain who now takes off, will continue to take off, all the superfluous productions, and manufactures of Russia.*

"The conduct of Spain, and of Holland, is the best comment upon the declarations of the British, which respect those nations. I shall confine myself, therefore, to those which respect the nations about the Baltic, and particularly Russia. A few short reflections upon these reasonings, or rather assertions, may perhaps show the mere fallacy of them.

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"Let it be admitted, that Great Britain will in fact continue to take off all the superfluous productions and manufactures of Russia. Does it follow from hence, that Russia can have no

interest in a free and direct commerce with America? Will it make no difference to the interests of Russia whether she disposes of her commodities to Great Britain alone, or to Great Britain and America at the same time? Will not the concurrence of America in her ports give an additional advantage to Russia? Will it not enhance the price of her commodities? Will it not increase the demand for them? And will not this increased demand be the means also of increasing the quantity of her productions and manufactures? If these things do not follow, all the reasonings of the best writers upon the principles of commerce, showing the great benefits every nation derives from the concurrence of purchasers of her commodities, are false and delusive. Besides, how is Russia paid for her productions and manufactures? Is it not by exchange in a very great proportion for foreign commodities? Are not many of these foreign commodities of the peculiar production or manufacture of America, such as rice, indigo, sugar, coffee, cocoa, pimento, cochineal, and all sorts of dyeing woods? Does it make no difference to the interest of Russia, whether she receives those articles directly from the countries, which produce them, or in circuitous voyages through Great Britain, and consequently from a third hand? Does not this course draw along with it double freight, double insurance, double commissions, and are not all the other charges attending a voyage (to say nothing of additional duties,) ordinarily doubled by means of this circuitous course? Will not the price of such American commodities be increased by these means when they arrive in Russia, at the most moderate computation, at the rate of twentyfive per cent? Will not Russia, therefore, necessarily lose at that same rate, upon all her commodities sold to Great Britain in exchange for such American commodities? And will not this contribute in a great measure to keep the course of exchange against her? And will she not lose also the advantages she would infallibly derive from the concurrence of the Americans in her ports? Is it not worthy of consideration, whether this extra price of materials, necessary for the manufactures of Russia, will not render them so much dearer to foreign nations, and whether this circumstance will not expose her to the danger of being rivalled in those very commodities in other countries? In one word, is it not of the last importance to a nation to draw all such foreign commodities as she wants from the first hand, or from their proper source? What credit, then, is to be given to the assertion of the British, viz. that this empire can derive no benefit from a free and direct commerce with America and that, without this commerce, Russia will be in the same circumstances.

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"Further, if it is true, that many of the productions of America are of the same nature with those of Russia, and that a concurrence of those articles on the part of America, in the markets of Europe, would be prejudicial to the commerce of Russia, does it follow from hence, that it would not be the interest of Russia to have a free and direct commerce with America? Let us take one article by way of example; hemp, which is the foundation of the principal commerce of Russia. That within some parts of the extensive territories of the United States, both the soil and climate may be adapted to the cultivation of hemp of the best quality, cannot reasonably be doubted. Is it not then of the highest importance to Russia, to turn the thoughts of the Americans from the cultivation of this plant, or in other words, to make it their interests not to cultivate it? That Russia can do this; by means which may be pointed out, and in the use of which both nations may promote their general interests, is certain. But will the exclusion of the Americans from a free and direct commerce have this effect? Will the sending them to Great Britain, or to any other country in Europe than Russia, for the commodities of Russia, but especially for her hemp, have a tendency to that effect? Will not the Russian hemp, in consequence of such measures, be burthened with all the charges abovementioned when it comes to the hands of the Americans, that is to say, with the extraordinary charge of twentyfive per cent? And will not this twentyfive per cent in fact operate in the nature of a bounty to that amount, to encourage the cultivation of American hemp?

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"Besides if America should find a combination to exclude her from the benefit of a free and direct commerce with Russia, is it not natural to suppose she would endeavor to relieve herself from the effects of such an inequitable system, by vigorously adopting proper measures for that purpose? And could she not do it? Might she not begin by profiting of the errors of such an exclusive system, to the encouragement that system would give to the cultivation of her hemp, could she not superadd a duty upon all Russian hemp, which should be imported into America? The effects of such a policy on the one part and on the other, cannot possibly escape the penetration of those whose business it is maturely to consider these things. But may it not be asked, if the mischiefs pointed out above should in fact take place, are there any benefits which Russia could derive from such a system, which would more than counterbalance them? And what are these benefits? What, for instance, could compensate Russia for the damage she would sustain by losing the supply of hemp for the great American market, a market which will be rapidly increasing, while that of Great Britain, to say the least, has come to a full stand? Would not two other important supplies be in danger of sharing the same fate, viz. sailcloth and cordage? All these three articles have hitherto been imported in great quantities into America; sailcloth for the use of all their navigation, and there is scarce any kind of Russian manufactures, which they have not imported, and which they do not want. Finally, it is certain, that if America had continued under the dominion of Great Britain, that very concurrence in the markets of Europe, which the British pretend will be a consequence of the independence of America, would have taken place, especially in the articles of pitch, tar, turpentine, iron, ship timber, masts, spars, bowsprits, and in general of all naval stores.

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"Every one knows that Great Britain drew great quantities of all these commodities from the northern nations. It is not less certain, that she drew some of all of them from her late Colonies. But these commodities are so bulky, and of so little intrinsic value, that it was utterly impossible

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for the Americans to transport them across the Atlantic so cheap as the nations of Europe, which wanted them, and Great Britain in particular, could import them from the northern nations. This kind of commerce, therefore, would long since have utterly failed, and been left free for those nations, if, to prevent this, Great Britain had not adopted the policy of granting large bounties upon all those commodities, iron alone excepted, when imported into Great Britain from America. It was her interest to do this, because at the same time, that she was thereby encouraging the commerce of her Colonies, she was rendering a great benefit to her own manufactures, in which she paid the Americans for those commodities, so that her bounties turned to the account of both parts of the Empire at once. Besides, they made her less dependent upon any foreign nations for those commodities, and she was too well acquainted with her commercial and political interests ever to lose sight of that object. She could not grant a bounty upon iron without injuring her own mines; she therefore adopted the method of exempting the iron of America from duties, which she imposed upon all the iron imported from any foreign country, and these duties being considerable, they had a like effect upon American iron, as the bounties had upon the other commodities. This system was calculated gradually to destroy the commerce of the northern nations with Great Britain.

"Now is it not certain, take away the dependence of America upon the empire of Great Britain, and you take away at the same time the interest of Great Britain, to give the preference to those American commodities? She will then procure them where she can procure them cheapest, that is from the northern nations. When the British bounties therefore cease, the commerce of America with Europe in those articles will cease with them. And thus those nations will nowhere be troubled with the dangerous concurrence in the markets of Europe on the part of America, which has been so much talked of by the British, and may have influenced the political systems of those powers. During the time America was dependent upon the British empire, she has always imported great quantities of iron and steel from Sweden through Great Britain. She will certainly continue to import those articles when she can obtain them so much cheaper by a direct commerce with Sweden or Russia. Is it not then clear, that the independence of the United States, in whatever view it is properly considered, will turn to the benefit of all Europe, Great Britain alone excepted; that the nations about the Baltic, Russia above all, if they adopt in season a wise policy towards America, have everything to hope and nothing to fear from the commerce of that country?"

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As these reflections were not in my hand writing, or signed, or delivered by me, so there was no danger of exposing Congress or myself in this business. Though no great doubt could be entertained from what hand they came, yet they might have been disavowed by me if it should be thought advisable. I pretend not to have suggested any new matter upon the subject, or to have urged the whole that might have been said upon it. Brevity was a thing indispensably necessary. They are perhaps more adapted to the local state of affairs, than anything the Ministers here may have seen. On the whole, I have no reason to repent of the measure. Although it should not be attended with any immediate good effects, yet I flatter myself it may not be wholly fruitless.

I have prepared a second part, which enforces the first, enters more into political matter, and is chiefly designed as an answer to certain ostensible objections, which I understand have been made against her Imperial Majesty's forming at present any political connexion with the United States, but have made no use of it yet, because since the delivery of the first, accounts of the advantages gained by the British fleet over the French in the West Indies, have arrived here, and seem a little to have changed the face of affairs in this quarter; though it seems to me whoever reflects upon that unfortunate action, cannot really suppose the relative force of the two nations essentially altered by it. The British it is true may have thereby saved the most valuable of their possessions in those parts, for this year at least, the loss of which would have reduced them nearly to despair, and compelled them to solicit a universal peace upon such terms as they know it is to be obtained. In this view it has its serious consequences.

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I would very willingly comply with your request, and make my letters more numerous and more minute, but the want of a safe conveyance from hence, (having no other than the post, and not having any cypher from your office) obliges me to remain totally silent upon some matters, and to use so much caution in others, that I fear none of them will afford you much satisfaction, or can be of any real service. I have not been honored with any letter from you since that of the 22d of October last, the duplicate of which has never come to hand. When you write me, please to send your letters to the care of Mr Adams. I pray you to acquaint Congress, that I shall not fail to exert my small abilities to the utmost, and to improve every favorable opportunity to promote the end of my mission. I should be happy if I could give them any reasonable assurances, that my success was at hand.

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I am, with much respect and esteem, &c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, August 30th, 1782.

Sir,

I cannot suffer the post of this day to depart without acknowledging the receipt of the quadruplicate of the 2d of last March, and another of the 22d of May. They were received last evening. Neither the original of the first, nor either of the other copies has reached me, so that I have been a long time without any intelligence about affairs in our country from you. The reason you assigned for this surprised me. I thought it had been next to impossible, that my letters written from hence, in August, September and October last, should not have reached you long before that time. The only channel through which you can write me with the least security, is Holland. If your letters are sent to the care of Mr Adams, they will come on under every possible caution; but no letter should be sent addressed immediately to me. In such a case, there is no doubt but they would all be opened at the office here. I send all my own letters under cover to friends in Holland, which, though it doubles the postage, is a caution which ought not to be dispensed with.

Your letter has eased me of much anxiety, particularly that paragraph of it, which begins with the word "*you*" and ends with "*acknowledged*," as it has cleared up the point of most importance, and upon which I wanted more explicit directions than are contained in my instructions. Though this letter has been so long on its way, yet it has arrived in good season to answer every purpose of it. I have hitherto been governed by sentiments exactly conformable to those you have expressed in the clause which begins with "*all*" and ends with "*insecure*." But my anxiety arose from an apprehension, that the expectations of Congress might possibly have been different, for want of some local information, which I have never ventured to communicate.

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I have reason to believe, that at this time, the illustrious Sovereign of this empire, and her principal Ministers are fully convinced, that the affairs of the United States have acquired a consistency, which renders their independence perfectly secure, particularly that they are not distracted by internal divisions, that Congress are everywhere highly respected, freely obeyed, and firmly supported; that the governments of the several States harmonise with them and with each other, in all great political points, and in their turn are equally respected, obeyed, and supported by their respective citizens. On these points there is no danger of our suffering from the misrepresentations of our enemies. If I have been able to collect any part of the sentiments of this Court, it is that the independence of the United States is established beyond all question, and that its political measures, so far as they may take our country into view, will be formed upon that supposition. Indeed, they have long since been formed on that ground.

Sir, as I propose to forward two copies of this letter by the post of the day, I should miss of the opportunity if I enlarged here. I will take up the subject in my next by the next post. I am sorry to find the ordinance you mention does not accompany your letter, though you say you enclosed it. I wrote to Mr Adams for it as soon as I heard of it, but have not received it from him.

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I have the honor to be, &c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, September 5th, 1782.

Sir,

Though there is now no danger of our suffering from the misrepresentations of the British, and our independence may be considered as established beyond all question, yet her Imperial Majesty, still entertaining the expectation of mediating at the general peace, every measure which may possibly be deemed an obstacle to that end will be studiously avoided. It is not, therefore, to be expected, that any application of ours would meet with the desired success, while her Imperial Majesty continues to tender her mediation. This has all along been my idea of the matter, and if I had not received the further instructions of Congress, contained in your letter, I should not have attempted to assume my public character under such circumstances.

But I must confess at the same time I should have risked the measure the first moment I saw the mediation given up by her Majesty; because I did not view the United States as humble supplicants at this Court; as they were not seeking aids from her Majesty, and had nothing to ask but what they intended to give an ample equivalent for. And I did not consider, that the real honor and dignity of the United States would be more exposed, even by her Majesty's declining to accept our propositions, and by my immediate retirement from her Court in that case, than they would be exposed to, by my long residence here (no such cause as is mentioned existing) in the character of a private citizen of the United States, when the event would show, that I had all the while a commission in my pocket as their public Minister. You will not conceive, Sir, that I mean to question the propriety of the orders of Congress which you have communicated to me. I am sensible it is my duty to obey, and not to dispute their commands, and I am very happy to have received them in such clear and explicit terms.

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I beg leave to observe, that when Congress ordered my commission and instructions to be made out, they seem to have misapprehended the nature of the confederation proposed by her Imperial Majesty, to maintain the freedom of commerce, and of navigation. My commission and instructions are in part founded upon the supposition, that her Imperial Majesty, in her declaration of February 28th, 1780, had invited both the belligerent and neutral powers to enter into a general convention for that purpose, and authorise and direct me to accede to the same (if invited thereto) on the part of the United States. Whereas that declaration is in the nature of a notification to the belligerent powers only, and contains a complaint of the interruption the commerce and navigation of the neutral nations, and of her own subjects in particular, had suffered from the subjects of the belligerent powers, in violation of the rights of neutral nations, sets forth and claims those rights and declares, that to maintain them, to protect the honor of her flag, &c. she had fitted out the greatest part of her marine forces. These violations, it is said in it, ought to excite the attention of all neutral powers. In pursuance of this sentiment, a copy of the declaration was communicated to the Courts of Stockholm, Copenhagen, Lisbon, and to the States-General; in which communication they are invited to make a common cause of this business with her Imperial Majesty, who adds, that if to establish this system on a solid foundation, the neutral powers abovementioned would open a negotiation, and enter into a particular convention, she would be ready to come into it.

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This is the only passage I have been able to find in all the acts relative to this subject, which gives the least idea of a Congress or general negotiation. No general negotiation has ever been opened in consequence of this intimation, and if there had been, the belligerent powers, I conceive, could have taken no part regularly in it, or in the particular conventions which might have been the result. They had only to make their several answers to the declaration which her Imperial Majesty made to them, as they have done. The marine convention which was afterwards first entered into by her Imperial Majesty, and the King of Denmark, and which has served as a basis for all the others, being nothing more than an association to maintain their rights as neutral powers, no formal accession can be made to such a confederation on the part of the United States, till they cease to be a belligerent power.

Viewing the matter in this light, and knowing that the resolutions of Congress have long since been communicated to her Majesty by Mr Adams, through her Minister at the Hague, I have not communicated them, though he thought it was the intention of Congress I should do it, on my arrival here. I hope, Sir, you will favor me with the sentiments of Congress upon this subject by the earliest opportunity, that I may know not only whether I am mistaken in my opinion about it, but whether my conduct meets with their approbation.

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It is proper to advise Congress, that there is a fixed custom at this Court, that every power entering into any treaty with her Imperial Majesty, must pay six thousand roubles to each of her principal Ministers, that is, to four of them, making twentyfour thousand in all, reckoning them upon an average of exchange upon London, at fortyfive pence sterling, makes £4,500, if I mistake not. This sum has been paid by all the neutral powers, who have acceded to her marine convention. If therefore the time should ever arrive for me to make any treaty here, it will be indispensably necessary Congress should enable me to advance that sum upon the execution of each treaty. I make no other comment upon this practice, than that I hope it may never find its way into our country.

I was too much pressed for time when I wrote you last to acquaint you, that Portugal had acceded to the neutral confederation. This should not be considered as a mere voluntary act on the part of Portugal. For Portugal sent on hither, in the course of last winter, a consul, in expectation of forming a commercial treaty, which her Majesty declined, unless Portugal would accede to the neutral confederation. The commercial treaty is not yet finished. It seems to be the present determination of her Majesty, not to grant any special commercial favors to any nation, but to make treaties with all upon equal principles. The treaty with Britain, which will expire on the 20th of June, 1786, I am assured is not likely to be renewed, so that that nation will presently lose the benefits derived from a kind of monopoly, which they have long enjoyed here.

You acquaint me that Congress have ordered the salaries of all their foreign Ministers to be paid in America, and that you shall transmit bills to Dr Franklin, upon whom they are to draw quarterly. I shall attend to this new arrangement in future. I wish you would be pleased to inform me in your next, whether Congress have taken into consideration the questions I stated in my letter of the 24th of March, 1781, relative to my salary; and what has been done upon it. I am inclined to think, from the concluding paragraph of the preamble to my instructions, that Congress supposed, "the diplomatic order, in which I am placed by my commission;" was inferior to that in which their other Ministers in Europe are placed by their commissions. That paragraph seems to have been taken from Vattel's Law of Nations, where he treats of the several orders of public Ministers. He supposes a great difference in point of ceremony or etiquette, and says, that Ministers Plenipotentiary are of much greater distinction than simple Ministers. In both these suppositions he is certainly mistaken, at least as to this Court, where they are treated in the same manner in every respect. Indeed Envoys Extraordinary, and Extraordinary Ministers Plenipotentiary, and Ministers simply so named, being all in the second class of public Ministers, and of equal rank, are treated in the same manner. No distinction is made between them on account of their different titles.

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Precedency among Ministers of the same class, is not settled here throughout. The general rule of adjusting here and elsewhere, is the relative rank of their respective masters or sovereigns. No



Minister, for instance, of the second class, would dispute precedence with a Minister of the Emperor of the same class; but we have seen a Minister of the present Empress claim precedence of a Minister of France of the same class, though generally the Ministers of France have been in possession of the place next to the Ministers of the Emperor. This dispute has left the matter of precedence among Ministers of the same class, much at loose here, where indeed they are not much troubled about etiquette of any sort. Each Court has its particular usage in such cases, and no good information is to be drawn from any general treatises upon the subject.

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I have the honor to be, &c.

FRANCIS DANA.

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**ROBERT R. LIVINGSTON TO FRANCIS DANA.**

Philadelphia, September 18th, 1782.

Sir,

I have just now received your favor of the 30th of March, it being the only letter we have had from you in eleven months. The previous one of March 5th never reached me: I am compelled from the variety of things that press upon me at this time, to answer in fewer words than I would wish to do. Your observations on the trade of Russia are very pertinent, and afford us some useful hints, and as none of the actions of the Empress, who has at present, by the force of her own abilities, such influence upon the affairs of Europe can be indifferent to us, we feel an interest in the statement you give us of her connexion with the Porte. You have, however, been totally silent upon a subject that interests us more immediately. You say nothing of your own situation, whether you are known or concealed; whether you have conversed with the Minister, or thought it prudent to keep at a distance till a more favorable moment offers; whether our cause gains or loses ground at Petersburg; and what means you use to support it; whether you have had any conversation with the French Ambassador since that you detailed to us, and what the result of your conferences with him have been. These are points upon which we should not be left in the dark.

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As to ourselves, nothing important has been done in the military line this summer. The enemy has remained inactive, and our disappointment in the expected naval aid from the misfortune of Count de Grasse, has compelled us hitherto to be so too; though we never at any period of the war had so respectable an army, if we take into view either their numbers, their discipline, or their supplies of every kind. The French troops from Virginia have just joined ours on the banks of the Hudson. The feeble attempt of the British to dissolve the alliance formed against them, by detaching us from France, or France from us, was received here with contempt and almost every legislature on the continent immediately passed unanimous resolutions expressive of their determination to make no peace in which the interest of their allies was not included. Congress refused to receive Mr Morgan, Secretary to General Carleton.

The change which afterwards took place in the British administration, has made a very important alteration in their system here. Savannah was evacuated, and the proposed evacuation of Charleston has been announced in general orders. Everything seemed to speak the evacuation of New York, when we learnt that a second change has taken place, and that the death of the Marquis of Rockingham has put Lord Shelburne at the head of the administration.

The enclosed letter from General Carleton and Admiral Digby, Commissioners for making peace, is such a glaring evidence against them, if they change their conduct towards us, that I wish you to have it published.

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I am, Sir, your most obedient humble servant,

ROBERT R. LIVINGSTON.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, September 23d, 1782.

Sir,

Your answer to my letters, from the 28th of July to October, mentioned in yours of the 22d of May, has not reached me, nor have any of your letters except those the receipt of which is acknowledged in my last. That of the 22d of May, I received on the 29th of last month, but the newspapers which you say accompany it, were brought me by yesterday's post, at an expense of near four pounds sterling. How they came to be separated from your letter, or who forwarded them to me, I know not.

It may be advisable to furnish me, when the time will admit of it, with authentic copies of such proceedings of Congress, as I ought to be particularly informed about, or when these matters, or any other of that nature are published in the newspapers, to cut them out and enclose them in your letters. For I cannot receive our newspapers through any other channel than the post, and at what expense, you have a specimen above. I cannot tell to what accident it has been owing, that I never received the resolutions of Congress of the 26th of June, 1781, till the last week. Had I been possessed of them when I wrote my last, I should not have troubled you with an inquiry about the questions stated in my letter of the 24th of March, 1781, to which they seem to be intended as an answer. If Congress have made any alterations touching the subject of them as far as it can now concern me, I should be glad to know them.

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As it seems to be the fixed determination of Congress that nothing shall be put to hazard here, I shall not think myself at liberty to take any official step to bring on the business of my mission, though the general state of affairs should seem to promise success, unless I have assurances, that I shall be received and acknowledged in my public character. Congress must not expect any such assurances will begin on the part of this Court, so long as the Court of London shall oppose any act by which we may be considered as an independent nation. For her Imperial Majesty would not choose unnecessarily to give the least umbrage to the Court of London, and, of course, if not called upon to do it, she will not make any advances to meet our views, till all opposition shall cease. Her Majesty and her Ministers well know our policy is founded upon great and liberal principles, and they do not apprehend they shall lose any advantages, by postponing a political connexion with us, till the way is perfectly clear to form it.

There has no change taken place in the administration here, as you have been informed, since my arrival. Count Panin had retired from Court before, and though he still bears the title of Chief of the College of Foreign Affairs, yet he takes not the least part in them. The Vice Chancellor, Count d'Ostermann, continues to conduct the etiquette of that department, as the First Minister. Things appear to be governed still by the same influence and the same principles, which took place upon the retirement of the former. I have attempted to write to you in your cypher, but find the scheme intolerably tedious, and so liable to errors, that I have been obliged to give it up. Besides, it has come to me through the post office, and I am not sure they are not in possession of a copy of it. I will endeavor to prepare another scheme, which I think will be attended with much less trouble, and be equally good on other accounts. I will forward it to Holland by Mr Adams's son, who will soon leave me, when I shall be totally destitute of any assistance, and deprived of any person into whose hands your papers might be committed in case of my death; nor is it possible here to procure any one in whom I could safely confide. I am the more easy about this, as I propose to return to America as soon after I shall be received in my public character, as the principal business of my mission shall be finished. I will, myself, bring any treaty I may conclude here for ratification, when I doubt not I shall be able to assign such reasons for my departure, without express permission, as will be satisfactory to Congress.

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I have the honor to be, &c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, September 29th, 1782.

Sir,

I have this day been honored with the duplicate of yours of the 10th of May, and of the 22d and 29th of the same month, together with the resolutions of Congress of the 22d of February, and of the 1st of March last, relative to your department, but no copy of your letter, or of the resolutions of Congress expressive of their sense of the sentiments contained in the letter of the 10th of May, or of the cypher, all of which you say are enclosed in that letter, has come to hand with it.

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If my first letter to you, dated March 5th, which was written by the next post after the receipt of your first, has been received, and I think it must have been soon after the date of your last, all anxiety which might have been occasioned by my earlier letters from hence, I hope will be removed, and that I shall be thought not to be totally destitute of political prudence. When that letter was written, I was rather apprehensive I might be censured by some as suffering prudence to degenerate into pusillanimity, for not taking advantage of the impression made by so important an event as the surrender of Lord Cornwallis and his army, and thought it expedient to assign any reasons for not doing it, knowing that we are apt to think events, which so immediately change the face of affairs among ourselves, operate almost as sudden changes in the systems of Europe.

My letter of June 28th, I hope also will have the same favorable tendency. The measure mentioned in it, I presume will not be censured. To say the least, it has not been productive of any unhappy effects. I have never delivered the second part, because I have not yet been satisfied of the expediency of touching upon some matters which it contained. I have always consulted the French Minister freely, whenever I have thought any circumstances favorable to our views have

turned up, (an instance will be found in the above letter) and I have never acted against his opinion given me upon any point.

The line I have hitherto pursued, is precisely that pointed out in your letter of March 2d. In truth, Sir, no person has higher ideas of the real honor and dignity of the United States than myself, and no person, perhaps, would be less liable rashly to expose them to any indignities. I will not now trouble you with observations upon any parts of your letter of May 10th, though I may think myself obliged to do so hereafter, when I shall have a more convenient opportunity to enter fully into the subject of it, and into the necessary explanations.

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At present, we have no interesting intelligence here. What may be the consequences of the measures taken by her Imperial Majesty to restore the deposed Khan of the Crimea, of whom I have made some particular mention in my letter of the 30th of March, is not easily foreseen. Whenever we shall receive any certain accounts from that quarter, I shall not fail to communicate them. In that same letter I gave you some account of the commerce of this country, and pointed out in what way I imagined we might take a part in it to our advantage. I enclosed you a printed list of the exports from hence for 1781. You will receive one with this also, which will serve to show the nature of them with more exactness than the quantity; for this is always considerably greater than those lists import it to be, because they are formed from the articles alleged by the merchants to be shipped, and for which they pay the duties, and they scarce ever report the whole to the custom house.

To give you a more particular knowledge of the commerce of this country, I have sent you (with the dictionaries you wrote for) a small treatise upon the subject, which enters into mercantile details, and may be very serviceable to some of our merchants. It is in general well written, and is the only one I can learn which has been published upon it. Her Majesty, who seems to give great attention to the commerce of her empire, has since freed it in many instances from the restrictions imposed upon it. In particular, all kinds of military stores are now permitted to be exported by any one paying the duties, salt petre, rhubarb, &c. And the exploring and working of mines, have also been lately encouraged. Though there are vast mines in this empire, yet they were never worked upon till the time of Peter the Great. Before that period Russia imported all her iron, copper, lead, &c. principally from Sweden. At this day Russia exports as much iron (the exportation of copper is prohibited) as Sweden, that is, one year with another, about three millions of poods, a pood being forty pounds Russian, a little more than thirtysix pounds English. Some of the iron of Russia is at least as good as the best Swedish, particularly what is called old sable iron. We used to import considerable quantities of the Swedish, if I am not mistaken.

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Upon my arrival here, I found a strong apprehension prevailing, that we should rival this country in the other parts of Europe, especially in the important articles of iron and hemp. Besides what I have said upon this subject in the reflections contained in my letter of June 28th, I endeavored to show the high improbability of our going into the business of mining, even to a degree to answer our own demands, for an age at least, much less for foreign markets. From the dearness of labor, when our mines if worked at all must be worked by freemen, and not as in Europe in general, by slaves, as we had no white slaves, and had prohibited the importation of blacks; that by this means, aided by the enemy, who in their progress through the southern States had stolen them from many plantations, and shipped not a few to their Islands, we should shortly see an end of slaves in our country; that the policy of our governments was opposed to the commerce of slaves; that upon the supposition we could work our mines by freemen nearly as cheap as Russia, yet we should import her iron in great quantities, because the nature of the other commodities we should take from hence is such as would require our vessels to be ballasted, and that they would wish to take in iron in preference to other unprofitable ballast and without freight, so that it would always arrive among us at an advantageous rate. From the prodigious extent of our uncultivated territory, joined to the ease with which every inhabitant might make himself an independent proprietor of a sufficient portion of it, for the comfortable support of himself and a family, who in their turns might find in the same way the same facility of subsisting in an independent state of life; that it was not in the nature of things for men thus circumstanced to bury themselves in the bowels of the earth, and spend their lives and their labor for the profit of others.

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As to the article of hemp, I observed, notwithstanding the encouragement by bounties given by the Parliament of Britain, aided by the influence of the King's Governors in the Colonies, we had never adopted the cultivation of it in any degree worth consideration; that we had continued to import it through Great Britain in very great quantities; that scarce any vessel ever came from thence without bringing more or less of it; that it had never become an article of exportation, unless possibly in some instances for the purpose of recovering bounties; that the people were averse to its cultivation, as it not only required a good soil, which could be more profitably employed in raising grain, but impoverished it very fast; that grain was one of our capital articles; that by means of it we kept up a profitable commerce with all the West Indies, as well as with some of the more southern parts of our continent; that further, it would be the policy of America, whenever circumstances should turn her attention to manufactures, to begin upon the coarse woollens in preference to linens of any kind, and to that end to promote the increase of wool, rather than of flax or hemp; that a system of this sort coincided perfectly with the cultivation of grain, as it contributed to fill the country with provisions, to render labor cheaper, and to afford further supplies for the above foreign markets; and that our lands instead of being injured, would be much meliorated by such means.

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By arguments of this kind, pursued into their details, and such as are contained in those reflections, I have endeavored, I hope with some good effect, to dissipate any apprehensions of the abovementioned rivalry. This had become an object of consequence to us, as this rivalry was maintained by both friends and foes, though with very different views. I will explain myself hereafter upon this point.

Our latest intelligence from America, comes by the way of Iceland, and in substance is, that the ship of war the Princess Caroline, had arrived there last from Charleston; that she was at Savannah on the 30th of June; that the garrison had received orders to evacuate that post; that on the 1st of July transports had arrived there from Charleston to take them off; that she carried Governor Wright to Charleston, where she arrived the 3d of July; that all was then quiet there, but that General Carleton had determined to evacuate that place also, and to keep possession of St Augustine. Thus it is generally supposed here, that those two posts have been evacuated by the British to reinforce New York and their Islands, and that New York is besieged, as we learn further by the way of London, that Vaudreuille had sailed with twenty ships of the line for our continent, supposed with the design of covering the siege of that place. As to military operations in Europe, Gibraltar now commands universal attention, and it is believed that celebrated rock must soon change its masters, and if so, that this will smooth the way to peace.

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I have the honor to be, &c.

FRANCIS DANA.

*P. S.* I do not write to you in your cyphers, because, since your last copy is missing, I think the reasons against doing it are stronger than when I wrote my last.

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## TO ROBERT R. LIVINGSTON.

St Petersburg, October 14th, 1782.

Sir,

I should have done myself the honor of writing to you before this day, but I have been so much indisposed ever since the date of my last, that I have been unable to do it. Notwithstanding the difficulties I have had upon my mind, and have expressed in my letters of September 29th, and October 1st, I have hazarded writing to you in your cypher, to communicate the matter contained in my last. It may be proper to acquaint you, that the reasons urged in support of that project, were in writing and annexed to it, that I read the whole carefully, and immediately upon my return home reduced it to writing from my memory, more at large than I have given it to you, having in my communication expressed myself in as few words as possible, preserving the substance only, to save unnecessary trouble in cyphering and decyphering. This is what is alluded to where it is said "this rivalry was maintained by both friends and foes, though with very different views."

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As you have the matter now before you, if I did not feel myself under any restraint, it would be needless for me to trouble you with any particular observations of my own upon it, because you will at once discern its effects upon our present interests here, as well as upon our commerce and navigation in future, should the scheme be carried into execution, of which I believe there is now no probability, the plan mentioned in my letter of March 30th, particularly that part of it contained in the clause beginning "perhaps solidly" and ending with "protection" seems to be opening upon us. I have never entertained an idea, that her Imperial Majesty, or any other of the neutral powers, would take a part in the present war. The probability of her doing so is, if possible, much weaker than before.

Her attention will be turned to another quarter, and we may see a war break out against the Turks, in which the Emperor may be concerned likewise. Many movements tend to this end. An army of a hundred and sixty thousand Russians are ordered to assemble at Kersant, a new fortified village in New Russia, situated on the western side of the Dnieper or Borysthenes, at about fourteen leagues from Oczakow, a well fortified town of the Turks, famous in the war of 1736, situated at the mouth of the same river, and opposite to Kinburn, a port which Russia obtained at the last peace, but which is exposed to the sudden attacks of the Turks from Oczakow. Eighteen regiments, amounting to about twentyfive thousand men, have already arrived at Kersant, and the residue, or as great a part as can be collected, will be at that rendezvous in March next. The restoration of the deposed Khan of the Crimea is the declared object of this great force; but I am told that revolution has been effected by the intrigues of the Court of St Petersburg, to raise a pretext for this movement, and to cover the real object in view, and that the campaign next year will open with the siege of Oczakow. I pretend not to be certain about this particular information, but I give it to you as what appears to me not to be improbable.

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The Russian Ministers are in general Ante-Gallicans, and have, since the exit of Count Panin, sought to divide or lessen the enemies of Great Britain. Hence the most extraordinary proceedings to bring or rather to drive the United Provinces into a separate peace with Great Britain, (which have not yet ceased,) and hence all the patient acquiescence in her attempt to

make a particular peace with the United States, though repugnant to the propositions of the mediating Courts. I believe they would have been well pleased, not only that their partial mediation between Holland and Great Britain had succeeded, but that the United States as an independent nation had made their own peace with Great Britain, and left her to contend with the house of Bourbon alone. From this general sketch of their system, you may be enabled to account for many appearances.

I have the honor to be, &c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

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St Petersburg, November 1st, 1782.

Sir,

Conceiving that the most, if not the only profitable connexion, we can form with this Empire, is of a commercial nature, I have, during my residence here, turned much of my attention to learn in what manner we can carry on a commerce with it, to our greatest benefit. In a former letter I acquainted you, that rice and indigo were the principal of our commodities adapted to this market; that it would be necessary, therefore, for us, in order to maintain any considerable commerce with this Empire, to do it by means of a circuitous navigation, and I pointed out a course which I thought practicable. That, however, would be absolutely annihilated, if the scheme, communicated in my letter of October 1st, should be carried into execution.

It was not on that account alone that I was led to consider that scheme in so serious a light. I found it a great obstacle in my way, counteracting our immediate views, and aiming a blow at our interests, in the only part where they were liable to, or might most easily be injured and wounded. I was of course an obstacle in the way of that, though at first without the least apprehension of its existence, and it must necessarily have been supposed, that I should be so. How far this may have influenced in certain matters, which I need not point out for your information, I will not take upon me to say. I hope it will not be thought I have already said too much upon it, or that I have been unreasonably alarmed about it. There is not, I believe, the least apprehension that I have come to the knowledge of it, or that I have been in the way of obtaining the least information of it. While things remain in this state, there will be no disagreeable consequences from it. In my last, I have added some circumstances for the explanation of this subject, as I thought it not advisable to say anything upon it in my letter of October 1st, lest it might tend to disclose it, if that letter should be intercepted at the office here. One channel of my correspondence has been lately discovered, and a letter written to me upon political subjects, was opened at the office, and sent to me slightly sealed, that I might know it had been opened there. Fortunately, it placed our affairs in a very favorable light, and can do us no injury, but will serve to confirm the representation I have constantly made of them.

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There is another channel of commerce, which we may perhaps enter into with equal or greater benefit to ourselves, and in which we shall have great advantages, if I am not deceived, over all the nations of Europe in this market; I mean through the West Indies, all the productions of which (rum excepted) are brought here, after being carried into the respective mother countries, where they are unloaded, deposited for a considerable time, and loaded again before they are brought in here; all which occasions a great increase of expense, and much enhances their price. Now almost all our commodities find a ready market in the islands. Would it not be practicable, therefore, for us to exchange them there for the proper commodities of the islands, at proper seasons of the year, and to proceed directly for this market? By such means might we not be able to furnish them here at a much cheaper rate than any of the Europeans can do it, and nearly as cheap as if they were our own native productions—and might we not always be at this market with them before they could be, or by the time they arrive in their respective ports? Our want of proper commodities to carry on a commerce with this country to any considerable extent, whose productions we stand in great need of, should, and doubtless will, make us look abroad for them. The Dutch have found it for their advantage to take the commodities of the West Indies through France, and to bring them on here, as well as the wines, brandies, &c. of that country. I am sensible this is a matter of calculation, and that no one but a thorough merchant, should pretend to decide upon it. I throw out the matter therefore for consideration.

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I have suggested this plan here, as one by means of which this Empire might be furnished with all the productions of the West Indies, at a much cheaper rate than the European nations can possibly supply them through their respective European countries; and, besides this certain advantage, they may obtain another as a consequence of that, of infinite importance to this country, viz. that the Europeans seeing their West India commodities undersold here by the Americans, may find it necessary to set the commerce of these islands and countries free; and to permit the productions of them to be exported directly to any foreign ports in Europe, and that it is not improbable that such a revolution in commerce will take place.

I have the honor to be, &c.

**ROBERT R. LIVINGSTON TO FRANCIS DANA.**

Philadelphia, November 7th, 1782.

Dear Sir,

Since my last, a duplicate of which goes with this, I have been favored with yours of March 5th and June 28th, by which I find some of the inquiries made in my last answered. The reasons you have given for not having taken any steps to display your public character are judicious, and I hope will continue to influence your conduct till you see the moment in which, with the advice of your correspondent, you may do it to advantage. [Pg 385]

You will continue to give us the politics of the Court you are at, and of every other from which you can collect any authentic information, which the enclosed resolution of the 17th of October makes more peculiarly your duty.<sup>[25]</sup> I hope you have received the cypher I sent to Mr Adams for you. Lest you should not, I enclose one. If you have received either of the others, use the large printed one, which you will find much safer than the other, as well as more easy in the practice. The large one is also designed as a common cypher between Mr Adams and you. So that you may communicate freely with each other, from which you may find mutual advantages.

I also enclose several resolutions of Congress declaratory of their determination in no event to conclude a peace without the concurrence of their allies. As it is for the honor of the United States, that their sentiments on this subject should be known, you will make such communication of them as your prudence will direct. In my last, you have a copy of Carleton and Digby's letter to General Washington, in which they say, that they are authorised to declare that his Britannic Majesty has proposed the unconditional independence of America as preliminary to a peace. This change in the British system places them in a truly contemptible light, since it is a direct disavowal of their assertion. Carleton seems to feel this, if we may judge by some expressions in the extracts I enclose you. [Pg 386]

The campaign here is brought to a close, the army have gone into winter quarters; the summer has passed in perfecting their discipline and establishing a variety of arrangements, which rendered them, in the opinion of well-informed foreign officers, equal in every point to the best troops in Europe. The enemy are so perfectly conscious of this, that they have never ventured beyond their lines, which they have contracted considerably. We cannot yet hear that Charleston is evacuated, though many arrangements had long since been made for that purpose; it is improbable that the late change in the British system has occasioned a change of sentiment upon this point, even after their annunciation of such a design had driven out their partisans to take protection from us and enlist under our banner, which was insisted upon as a condition precedent to their being received into favor.

The enclosed resolution will inform you of the appointment of Mr Boudinot to the rank of President in the room of Mr Hanson, whose year had expired. The public prints which accompany this, will furnish you with some articles of intelligence, which you may find interesting. I informed you sometime ago, that the salaries of our Ministers would in future be paid here, and I requested you to appoint an agent to receive yours. The expense to which this would put you, would be amply compensated by the profit on the purchase of bills and the regularity of payment. I have taken upon me to act as your agent till I hear from you; and my Secretary, Mr Morris, has hitherto transmitted bills to you on Dr Franklin, on your account, bought at the rate of six shillings and three pence this money for five livres, which makes a saving to you of about twelve per cent. A letter from him containing a state of your account and bills for the last quarter due, will be sent with this. [Pg 387]

I wish you to appoint an agent here, or direct me to appoint one for you, as this is a troublesome business to me; particularly while I act without knowing your sentiments on this subject. I have been induced to undertake it, at the pressing instance of the Superintendent of the Finances, and to render your payments more regular than I fear they have hitherto been. No provision is made for your contingent expenses, nor can there be, till you send me an account of them.

I have the honor to be, Sir, &amp;c.

ROBERT R. LIVINGSTON.

**FOOTNOTES:**

[25] "Resolved, That the Secretary of Foreign Affairs inform the several Ministers of the United States in Europe, that it is the desire and the express direction of Congress, that they transmit full and frequent communications as well of the proceedings of the Courts at which they respectively reside, as those which relate to the negotiations for peace, and also of all such other transactions and events as may in any manner concern the United States."

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## TO ROBERT R. LIVINGSTON.

St Petersburg, November 18th, 1782.

Sir,

When I was informed by Mr Adams, that Mr Jay had written to him from Paris, that "the British Commissioner there had received full powers to treat of a peace with the Commissioners of the United States," I waited upon the French Minister to consult him on this special occasion upon the expediency of communicating my powers to this Court. It would be imprudent, through this channel, to go into the reasons he assigned against it. It may be sufficient to say, I found him strong in the opinion, that all attempts made prior to a peace would be fruitless.

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As his opinion is the rule by which I am to be governed in this case, nothing can be attempted till the period arrives when we shall not feel ourselves under strong obligations to any Sovereign in the world, who should even make advances to form political connexions with us, or acquire much eclat from any such connexions. I thought the opportunity favorable when the only power, which had any pretence of right, to contest our independence, had consented by so formal an act, to treat with us upon the footing of a sovereign and independent State. The consideration we should acquire by a political connexion with the illustrious Sovereign of this empire during the war, and the advantages we might reasonably expect to derive from it in our negotiation for a peace, (for I have never considered independence as our only object) have ever made me desirous, if possible, to effect it during the war. Scarce any political measure of great importance can be undertaken with "an absolute certainty of success." If, therefore, upon mature deliberation, the state of things is found to be such, that success is not improbable, and the benefits of it great and permanent, while the disadvantages of a failure, comparatively speaking, are small, and of a transient nature, in such a case it should seem that the measure should be hazarded. Though I do not believe this to be the very moment, in which her Imperial Majesty would wish to form any political connexion with the United States, but on the contrary, she would wish to postpone it till the conclusion of the war, and be well pleased that no advances should be made on our part till then; because this would afford her opportunity to claim much merit of the Court of London, in having withheld any encouragement to us, when at the same time not only any offence to the United States would be avoided, but she might allege, without a possibility of contradiction, that if an earlier application had been made by them, she would have been happy to have had an occasion to manifest her respect for them, and the early interests she took in their concerns.

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Nevertheless there is room to suppose, that if our propositions were communicated while the British King is in fact treating with the United States, as with an independent Sovereign power, that they would not be rejected. And if they were received, this circumstance might be productive of great benefit to our permanent interests. It would, in all probability, bring on a declaration of our independence by some other very considerable powers of Europe, particularly Sweden and Russia. The neutral maritime powers would extend the protection of their commerce and navigation to America, and no longer suffer their flags to be insulted on our coasts. The Court of London would treat of peace with more zeal and good faith. They would the more readily give up certain claims and pretensions, which they will doubtless make upon the United States, and would be exceedingly cautious how they broke off any negotiations, which they had opened. In a word, we should stand on a more advantageous and independent ground of treaty.

For the attainment of objects like these, had any discretionary power been left me, I should have thought it clearly my duty to have made the attempt here in this moment, as I now consider it to be my duty to wait for the conclusion of the war, the period which is pointed out to me as the only proper one, and when most certainly nothing will remain to be hazarded.

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If the present negotiations for a peace should happily succeed, I shall have occasion for the money mentioned in my letter of September 5th, before I can expect an answer from Congress on that subject, and I shall apply to Dr Franklin and Mr Adams to advance it between them. It may not be amiss again to inform you, that by the express allowance and order of her Majesty, there is to be paid by every power entering into *any* treaty with her, six thousand roubles to *each* of her Ministers signing the same; and it is now understood, that there shall be four signatures on the part of her Majesty, viz. that of Count Ostermann, the Vice Chancellor; Count Woronzow, the President of the College of Commerce; M. Bakournin, Vice President of the College of Finances, and M. Besborodko, Secretary of the Private Affairs, or Particular Cabinet of her Majesty. Matters of this sort were formerly secret and gratuitous. They have now changed, their nature become public, and are demanded as of right, at least no treaty can be otherwise obtained. And care is taken to make it the interest of most powers, to form a commercial treaty with this Empire by declaring in the new tariff, which is just published, that all nations not having such a treaty shall pay the duties, one half in rix dollars, and the other in the money of the country. This has heretofore, under the old tariff, been the rule for all nations except the British, who by their treaty obtained the right of paying *all* the duties in the money of the country. This privilege is extended to Denmark by their late treaty, and will doubtless be made common to all nations, which shall choose to enter into a commercial treaty with her Majesty, and thus the British will

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lose the principal benefit of their treaty before it expires, viz. 1786.

I have the honor to be, Sir, with great esteem, &c.

FRANCIS DANA.

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**ROBERT R. LIVINGSTON TO FRANCIS DANA.**

Philadelphia, December 17th, 1782.

Sir,

Your distance, and the difficulty of conveying letters to you, make it proper at times to take a retrospective view of what has passed, and by that means of supplying in part such despatches as may have miscarried.

The last year closed with important advantages gained over the southern States. The winter was unproductive of any events in this country that merit your attention.

The alteration in the British system of warfare in this country, in consequence of their reduced strength, and in pursuance of the victory obtained by the opposition in the House of Commons, has rendered the campaign inactive on the part of the enemy, and the few posts they possessed were so well fortified and garrisoned as to render an attack by us, without the assistance of a fleet, very hazardous. The reasons we had to hope for such assistance kept us from taking measures to act offensively in proper time. But though the summer has passed off without any brilliant military exploit, it has by no means been unemployed. Such attention has been paid during these moments of leisure to the discipline of the troops and recruiting the army, that they are at this time more numerous than they have been at any period during the war. So perfect are the officers and men in every military manœuvre, that we may, I believe, without vanity, boast to have an army not inferior to any in Europe. We should not know how to give this praise to our troops, but from the facility with which every foreigner gives it, notwithstanding national prejudices.

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Among the military events which mark this year, are the evacuation of Savannah, and the measures taken for abandoning Charleston. The poor wretches, whom fear or interest led to join the enemies of their country, find themselves sufficiently punished to merit even our pity. With blasted characters and ruined fortunes, they are seeking new habitations under the line or near the pole. Numerous cargoes of them are sent to the West Indies and Halifax, to St Augustine and Penobscot.

But it is of moment to you, to be acquainted with the political character of your country and their sentiments with respect to the faith that is due to treaties. By knowing how far you can rely upon them yourself, you acquire a degree of confidence in making engagements for them, and you can venture to pronounce upon their conduct on every trying occasion, without waiting for intelligence from this side of the Atlantic. You need not be told, that the British nation, suffering themselves to be deceived by their wishes, and misled by the misrepresentations of those that were interested in the continuance of the war, have believed, or at least pretended to believe, that a majority of the people wished well to their cause. Neither our forms of governments, which gave their partisans annually an opportunity to declare their sentiments, and if most numerous to change their rulers; nor the number that repaired to their standard when hoisted in eleven of the Thirteen States; neither the determined and successful opposition hitherto given to the forty thousand heralds, which they sent to proclaim their champion, encourage his friends, and bid defiance to his foes, had sufficed to cure them of this delusive hope. They still imagined that a few kind words would close the wounds that they had seven years been widening. General Carleton was sent over to speak to them. So little doubt had he that they would be well received, that he was about to send out Mr Morgan, his Secretary, without soliciting a passport, and was much surprised when Colonel Livingston, who was then a prisoner, informed him that he would be stopped at the first post; and still more so, when upon a subsequent application, he found that Congress refused to have any intercourse with him; and referred all negotiations to Europe, where they could treat in conjunction with their allies.

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But nothing serves more strongly to show the little confidence the people of this country have in the promises of Great Britain, and their fixed determination not to break their engagements with their allies, than the resolutions passed on the subject by the respective legislatures without consulting each other, and independent of directions from Congress; it proves beyond contradiction, to those who know how our legislatures are formed, and the frequency of their elections, that these sentiments are the sentiments of the people; and that, too, at a time when they most sincerely wished for peace. It anything was wanting to give the last blow to British credit in this country, it was their late change in their administration; from which Mr Fox and others are excluded, for avowing the sentiments that their Commissioners, Digby and Carleton, solemnly pronounced in a public letter to be those of their Sovereign.

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The other general objects, which it is necessary for you to be acquainted with, are the commerce,



the finances, and the government of this country. The first suffered considerably in the beginning of this year, by the great vigilance of the British cruisers, but has since been very flourishing and successful. None of those wants are known, which prevailed at the beginning of this controversy. Our stores and warehouses are amply supplied with everything, that can administer to the necessities or luxuries of the people. The West Indies and Europe furnish a ready market for all we raise beyond what is necessary for our own consumption. The embargoes and restrictions, which were once thought necessary to enable us to obtain a scanty supply for our army, have been unknown among us for three years past; and yet a most ample provision has been made both for our troops and those of our allies. Our trade with the Havana has furnished considerable sums in specie; paper is entirely out of circulation, if we except the bank paper, which, being payable at sight in specie, is equal to it in value. So extensive has this circulation been, that the managers, not long since, published a distribution of the first *half year's* dividend at four and a half per cent, notwithstanding a variety of expenses to which they had been put, in the first organization of the bank. So that the profit upon bank stock, is generally estimated at about ten per cent per annum, which will, I should conceive, when known in Europe, be a strong inducement with many people, those particularly who have thoughts of coming to this country, to lodge their money here.

I would not, however, have you think the flourishing state of the bank (which is the property of a private company, under the protection of government) a certain indication of the happy situation of our own finances. This is by no means the case. The demand for money to replace the property, which the enemy have destroyed, to repair buildings, and the profits which commerce yields, together with the difficulty of forming new systems of taxation in a country, which has hitherto scarce known a tax, beyond what was necessary for the support of its own frugal governments, renders the collection of a direct tax extremely difficult. Duties and excises must be levied upon some general system, so as to prevent one State from depending on another. This has been attempted by a five per cent duty on all imports, but it has hitherto been defeated by the refusal of Rhode Island to come into the plan. Congress are about to send down a committee of their own body to urge them to a compliance with this measure. Should it be attended with success, a very considerable revenue will arise from that source. Public credit, which has so frequently tottered during the revolution, will be established upon a firm and lasting basis.

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The evacuation of the southern States, which we have reason to believe has taken place by this time, though we have yet received no official information of it, will greatly increase our resources. Their exports will consist in the most valuable articles at foreign markets, and must occasion such an influx of wealth, as will enable them to contribute to the public expenses, which they have hitherto been in a great measure incapable of doing.

Before you left this, I believe most of the States had formed their governments. Massachusetts has since completed hers upon plans similar to those of the other States. That of New Hampshire is printed for the approbation of the people, and I am told will shortly be agreed to.

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The causes which occasioned a temporary suspension of government in South Carolina and Georgia being removed, they are again in the full exercise of them, and, indeed, have been so ever since Lord Cornwallis left the latter State.

Upon this head, therefore, I have nothing to inform you unless it be that the people appear to be perfectly happy under their new establishment; not the smallest commotion having arisen in any of the States from discontents on this, or, indeed, on any other ground, if we except an attempt, which was made by an inconsiderable party in one county of Massachusetts, to prevent the collection of debts till the termination of the war. This was instantly suppressed by the punishment of their leader. Indeed, this trifling matter was so little attended to here, that I should not have thought of mentioning it, if I had not seen that they had magnified it in England, into a revolt of the New England States against the government of the Congress. A letter from a Dr Walter, who I believe was originally of Massachusetts, is printed as a voucher for this impudent falsehood. As British emissaries may endeavor to circulate this with you, where they have an interest in deceiving, I concluded it proper to furnish you with the means of refuting it.

Your knowledge of the continental forms of governments, leaves me nothing to say on that head. It will, however, give you pleasure to be informed, that the great Council is at present as respectable for numbers, integrity, and abilities as it has been at any time during the war, and I believe much freer from party spirit or partial views. Add to this, they have acquired an experience in public business, which they could not but want at first. I would not have you infer from this, that the old members are always continued; this is far from being the case; but as the new delegates are generally elected from the number of gentlemen who have held important offices in their respective States, they bring with them that knowledge, and habit of business which they acquired at home. The establishment of Ministers for the great executive department (a regulation which has taken place since you left us) has been found to be productive of very great advantages. Congress are no longer troubled with those little details, which used to take up their time. The business brought before them from those departments, is digested before it comes up, and they are not now obliged to wade through a variety of unnecessary circumstances, to come at what merits their attention. You are personally acquainted with the Ministers of Finance, and War, so that I need say nothing relative to the character of either. Their conduct gives general satisfaction; and Mr Morris's attention, abilities, and personal credit, have done much towards relieving that of the United States.

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As this revolution makes a new era in the history of man, which furnishes no other instance of a whole people's uniting to form governments for themselves, and their posterity, I have thought it would not be unacceptable to the philosophic mind of the Empress of all the Russias, to contemplate the first rudiments of these governments, which may hope after the example of her own dominions, by an assiduous application to the arts of peace and war, to obtain an elevated station among the nations of the earth. I have, therefore, directed to your care, a packet containing the confederation, and such of the constitutions of the respective States as have been hitherto printed.

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Thus, Sir, I have endeavored to give you a general view of our situation. In return for which I must pray you to be more minute in your information of what passes with you. I have already explained to you the objects on which I wish you particularly to enlarge. None of your letters have embraced those objects. I would recommend it to you to keep a journal of every remarkable event, to minute down every conversation you have upon political subjects; and to digest them weekly into a despatch for us; adding thereto, a sketch of the character and station of the person whose sentiments you give. I know, Sir, that this will be attended with some trouble, but I know too, that you will have no reluctance to impose any task upon yourself, which the duties of your station render necessary.

I am, Sir, &c.

ROBERT R. LIVINGSTON.

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### TO ROBERT R. LIVINGSTON.

St Petersburg, December 21st, 1782.

Sir,

I had the honor of your letter of the 18th of September, last week, in which you acknowledge the receipt of mine of March 30th, but add, that the one of March 5th has never reached you. I am at a loss how to account for the failure of that, when a copy of it accompanied the other.

I am glad to learn the observations I sent you upon the trade of this empire, have been deemed at all pertinent, and have afforded any useful hints, as well as that the state of its connexion with the Porte, has not been wholly uninteresting. If you have received my other letters in course, you will find I have not been silent upon the particular subjects you mention, and upon which you want information, nor altogether an idle spectator of events; although to this moment I have not had any conferences with either of her Majesty's Ministers, or taken any official step, yet I have constantly endeavored to clear up all misrepresentations of every kind, of our enemies or others, in a channel which I have reason to believe has had a good effect. I am assured that all alarms about a dangerous concurrence in commerce, which had been artfully raised to serve particular interests, are perfectly quieted, and that it is now also believed, that a free and direct commerce between this empire and America, will be highly beneficial to the former. A sketch of the arguments made use of to these ends, you will find in my preceding letters.

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As to the great point of our independence, the armed neutrality sprung out of it, and the propositions of the mediators, were built upon it. These sentiments were expressed in my first letters from hence to the President, have since been repeated in several of my letters to you, and I have never seen occasion to change them. I have never troubled the French Minister with any conversation upon the subject you allude to, since that I first detailed to Congress, except when I thought some important change had taken place in the state of affairs, such as the capture of Lord Cornwallis and his army, when the Parliament passed their several resolutions respecting the American war, preceding the change of the old Ministry, when Mr Fox communicated to this Court a new proposition relative to the mediation, the substance of which was, "His Britannic Majesty says, that he does not prejudice, nor will he prejudice, any question whatsoever, and that he does not pretend to exclude any one from the negotiation, which is had in view, who can be supposed to be interested in it, whether it may be a question respecting the States-General or the American Colonies;" and finally, when I had authentic intelligence, that a commission had passed the great seal to authorise Mr Oswald to treat of peace with the Commissioners of the United States. On all these occasions I consulted him freely, but found him as I had expected, invariably against the measure I proposed to his consideration, always assigning the old reasons in support of his advice. My sentiments upon the last most important change, you will have in my last letter, three copies of which are forwarded to you.

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Persuaded that the system of this Court, so far as it respects Great Britain and the United States, is such as I have pointed out heretofore, but more particularly in my last, I should not despair of bringing them from that chosen ground by communicating our propositions at this moment. The United States have acquired too much consideration in Europe to be lightly offended by any Sovereign, and I do not believe the illustrious Sovereign of this empire, has the least disposition to offend them. If, therefore, the question was brought before her, shall we admit or shall we reject their propositions? in my opinion they would not be rejected. Upon what ground could a rejection be founded at this time? When the Parliament of Great Britain had long since declared

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in the face of the world their utter inability to conquer any one of the United States, and have even made the attempt itself criminal, by resolving, that the Minister who should advise it, or the General who should obey an order to that effect, should be deemed enemies of their King and country; when they had passed an act to enable the King to make a peace or truce with America, when their military commanders in America have published under their hands from authority, that their Sovereign had commanded his Ministers, to direct Mr Granville, that the independency of America should be proposed by him in the first instance, unshackled with conditions, and when another of his Ministers (Mr Oswald) is in fact in treaty with the United States, as with an independent sovereign power, in virtue of a commission passed in form under the great seal of the kingdom, could it be plausibly alleged, that an acceptance of our propositions, or the admission of your Minister at this Court, would be a breach of the most scrupulous neutrality? If not, is not our way clear? But as it is a possible case, let it be supposed, that after all this our propositions would be rejected, and your Minister denied an admission into this Court; and that in consequence of it he should immediately retire from the empire. Under such circumstances, which would have suffered most, the honor and dignity of the United States, or the honor and dignity of this Sovereign? Besides, to remain masked at such a moment, does it not seem to argue a self-conviction, that we are unworthy that rank among the nations of the world, which we have so justly assumed, and so bravely maintained?

I should not have time to copy this letter, if I should enlarge upon this subject; and enough has, perhaps, been already said upon it, to point out fully the reasons, which would induce me, if I was at liberty, to make an immediate communication of my mission to this Court. You may be assured, Sir, the cause of America has lost no ground here, and that the impression of our revolution has been irresistible throughout all Europe. We have nothing to fear from any quarter, even if the present negotiation should be broken off. In such a case, we shall have only to lament, that we did not seize upon the advantages, which the moment presented to us. The letter of General Carleton and Admiral Digby, which you enclosed, and desired me to have published, had been published before in the principal gazettes of Europe.

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I have the honor to be, &c.

FRANCIS DANA.

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### TO ROBERT R. LIVINGSTON.

St Petersburg, December 27th, 1782.

Sir,

Though neither the French Minister nor myself has any intelligence of it from Paris, yet yesterday's post brings through several channels an account, that the preliminaries for a general peace were signed on the 1st of this month. Thus there is an end to the great contest in which we have been engaged; and with regard to myself, every one will now agree that all obstacles are removed. I expect, therefore, soon to take my proper station at this Court, and to be engaged in the business of making a commercial treaty with her Imperial Majesty.

But I shall find an impediment in this business not to be surmounted, if Dr Franklin and Mr Adams should not be able, or think themselves authorised to advance the cash mentioned in my former letter, for which purpose I wrote to them as soon as the negotiations were commenced, at least as soon as intelligence of it reached us here. It is not time yet for me to expect their answer.

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I have heretofore acquainted you, that I proposed to return to America as soon after I should be received at this Court as our commercial treaty should be finished. It would be less justifiable for me to quit this Court before the completion of that treaty, because the Minister who might succeed me, would probably want that information relative to the commerce of this Empire, which I may have acquired by my long residence here. I still continue of the same mind, and will now assign my reasons for it, when it will certainly be too late for any one to consider them in the light of a solicitation for my own benefit. Congress have been pleased to honor me with the same rank in the diplomatic corps, which they have conferred upon their Ministers in Europe, viz. that of a Minister in the second class, and though this is unquestionably the most expensive Court at which they have any Minister, they have thought fit to reduce my appointment to three fifths of that granted to their other Ministers. It is the same which the *Chargé d'Affaires* of Spain had, of whom it was not expected that he should hold a house and a table, as it is of the other Ministers. I have lived here long enough to see that it will be absolutely impossible for me to sustain the indispensable expenses of my rank, with an appointment less than that of our other Ministers in Europe. If there was, therefore, no other motive to influence my determination, that alone, I have no doubt, Congress will admit for my full justification.

For their particular information, I have endeavored to procure an account of the appointments of all the foreign Ministers residing at this Court, but have not yet obtained it. I can only say with regard to the Minister of Sweden, who has a Secretary to his Embassy, that his appointment and allowance for his house rent, exclusive of some other benefits, amount to more than double my appointment, including everything I can charge agreeably to what I suppose to be the intention of

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Congress. I will send the abovementioned account as soon as the gentleman, who has promised to procure it for me, shall furnish me with it.

I have the honor to be, &c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, December 30th, 1782.

Sir,

Yesterday's post has not brought us any further news respecting the peace. The French Minister has received no account of it yet, nor have I from the Commissioners. No one, however, doubts that the preliminaries are in fact signed. It is supposed no courier will be despatched with them till after advice shall have been received at Paris, that an account of it has been communicated to Parliament, which were to meet on the 5th instant. The particular articles are not *certainly* known here. This is the present state of things, and we anxiously wait for full information.

As we can have no interests now depending upon any contingency, I think it would not be advisable to appear very eager to seize upon the first occasion to make the communication of my mission, but to wait, if they be not too long delayed, for the answers of Dr Franklin and Mr Adams to the application I have made to them, as mentioned in several of my letters, when I shall know what I have to depend upon touching the principal object of my mission, and can better govern myself as to the communication of it. For to speak of a matter about which I am unable to do anything, would be to place ourselves in a disagreeable condition.

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I expect to find a strong inclination to come to the business alluded to, for reasons which will be very obvious to you. The commercial treaty with Portugal is not yet finished. Sweden has one upon the carpet. There may be an advantage in waiting till these are concluded, as we may found ours upon them. I shall give a preference to the commercial treaty, and endeavor to postpone the other, in which we can have no present interests, until I shall receive the instructions of Congress, after they shall have been advised, by my letter of September 5th, of what is essential to the execution of it. There is something besides to be distributed among the subalterns of the Chancery; so that upon the whole, both treaties will cost us between nine and ten thousand pounds sterling. An enormous sum, especially when it is considered that they are intended to promote the mutual interests of the contracting parties. But so we find the state of things here. And it is not to be expected that any difference should be made in our favor, and, perhaps, it would not be consistent with our honor that there should be. We have only then to consider, whether it is expedient for us, under such conditions, to form those connexions with the sovereign of this Empire. As to the first, I have no doubt of its expediency, the last is somewhat equivocal, unless the omission of it should not be well received by her Imperial Majesty, who would doubtless be much gratified by our ready acceptance of her invitation to accede to it, and seems to have a right to expect it of us, after the resolutions of Congress respecting that subject. It is an expense, which, once made, is made forever, and under these views it may be deemed a bagatelle, or at least necessary to the promotion of our greatest interests.

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I have the honor to be, &c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, January 3d, 1783.

Sir,

Our impatience respecting the state of a negotiation is not yet at an end. No courier has arrived, nor have I received any intelligence by yesterday's post, (the third which has come on since our first accounts) upon the subject from either of our Commissioners. The French Minister continues in the same uncertainty. By private letters, and the gazettes brought by the last post, it appears only that the preliminaries between Great Britain and the United States were signed conditionally. I rest therefore in the same state.

Since my last, I have seen a copy of the treaty of amity and of commerce between Russia and Denmark, and find that the chief principles of the Marine Convention are inserted into it word for word. The treaty is limited to *twelve* years, which will probably be the term fixed for the duration of all their commercial treaties. That with Great Britain was limited to *twenty*, a term it would seem sufficiently short to provide for the changes, which time and accidents may introduce into the affairs of empires. You will easily conjecture from some of my letters, the motive which must

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have occasioned this alteration, and will make your own reflections upon it.

Upon a more careful examination upon the Marine Convention, it appears to me from its nature as well as from its terms, to be limited to the duration of the present war, and in that case, there is no other way of taking up its principles than in a commercial treaty, after the manner of that with Denmark. Lest you should not have an accurate copy of that convention, I will cite the article upon which I form my opinion.

"ART. IX. This convention, fixed and concluded for the time of the continuance of the present war, shall serve as a basis of the engagements, which future conjunctures may cause to be contracted, and on occasion of new maritime wars, with which Europe may unfortunately be troubled. These stipulations ought to be regarded as permanent, and shall be the law in matters of commerce and navigation." On this supposition I shall proceed in framing our treaty of commerce. This will make an essential change in the matter mentioned in my last. I have not yet received an answer from Dr Franklin or Mr Adams upon that subject.

I have the honor to be, &c.

FRANCIS DANA.

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**TO THE COMMISSIONERS OF THE UNITED STATES AT PARIS.**

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St Petersburg, January 14th, 1783.

Gentlemen,

I was honored with your favor of the 12th of December by the late post, enclosing a copy of the preliminary treaty of peace between his Britannic Majesty and the United States. I most heartily congratulate with you upon this great event, in which you have had the honor of so distinguished a part. I think that we ought to be, and shall be, satisfied with the terms of peace. But we are here wholly at a loss whether the other belligerent parties will be able to adjust their several pretensions, and of course, whether our treaty will take effect. The prevailing opinion here among the best informed is, that we shall have a general peace. However this may be, we shall see a war break out on the other side of Europe. Some of the powers which will be engaged in it do not wish to see all the present belligerent powers at peace, for reasons, which will readily occur to you.

I thank you, gentlemen, for your opinions respecting the communication of my mission to the Ministers of her Imperial Majesty, and of the other neutral powers residing at this Court. But "absolute certainty of success" are strong words, and will bind me down to a state of inaction till the conclusion of the present war, unless I should receive positive assurance, that things are prepared for my reception, of which I have no expectation. I have yesterday consulted the French Minister upon this matter, and acquainted him at the same time with your opinions, as well as communicated to him the preliminary treaty. He thinks that though in this moment I might not meet with a refusal, yet my admission would be, upon various pretences, postponed till advice should be received here, whether we are to have peace or war, a question which it is expected will be decided, at furthest, in the course of a fortnight, and that if the war should be continued, I should *not* be received. Thus I am doubly bound down as above, during the war. If unfortunately the negotiations should be broken off, it is my present determination to retire from this Court without communicating my mission, and to return by the first opportunity to America. I cannot think it for the honor or interest of the United States, after what has already taken place between them and his Britannic Majesty, that I should wait the issue of another campaign. I am persuaded we have nothing to fear from this quarter in any event. If they will not improve a fair occasion, which is presented to them, to promote the mutual interests of both empires, they may hereafter repent it.

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I am, Gentlemen, &c.

FRANCIS DANA.

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**TO JOHN ADAMS.**

St Petersburg, January 15th, 1783.

Dear Sir,

The post of this day has brought me your favor of the 22d ultimo, in which you acknowledge the receipt of mine of the 25th of November. In the first place, let me thank you and the Doctor for the ready manner in which you have consented to my proposition. You say, my treaty may now be made *as soon as I please*. I should rejoice most sincerely if that was the truth of fact.

Besides what is said in my letter to the Commissioners, you are acquainted with the positive nature of my last instructions, and know that I cannot move, till I am advised to do so. There are, in my opinion, no plausible pretences to countenance a refusal at this time. It would mark so strong a partiality as would throw all the dishonor of it upon her Imperial Majesty. Yet things are conducted here in so strange manner, that I cannot take upon me to say with certainty, what would be the effect of an immediate application. You will readily agree, that all things considered, it would be taking too much upon myself to make it. The Ministry are well enough informed of my business, yet they preserve a most profound reserve, which I think is as impolitic as profound. Do you ask me, if they do not feel and see that America is independent? That they must soon speak it out? Will they wait till the moment shall arrive, when the United States will not thank them for doing so? Will they suffer all the other neutral powers to take the lead of their Sovereign, in a measure in which she might lead them with so much glory to herself? Yes, I believe all these questions may be answered in the affirmative.

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Do you ask how is this to be accounted for? I can say in general, they are looking for glory towards the East only, when they might find no inconsiderable proportion of it in the West.

I am, &c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

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St Petersburg, January 15th, 1783.

Sir,

The post of this week brought me a letter from our Commissioners, accompanied with a copy of the preliminary treaty of peace between his Britannic Majesty and the United States; but we have not yet any certainty about the state of the negotiations, as they respect the other belligerent powers. On this point the Commissioners have been totally silent. They have, however, given it as their opinions, judging of things at that distance, "that the present opportunity appears to be the most favorable for me to communicate my mission to the Ministers of her Imperial Majesty, and to the Ministers of the other neutral powers residing at this Court."

I immediately communicated the preliminary treaty to the French Minister, (which he had not received) and also the opinion of our Commissioners; and prayed him once more to give me his sentiments upon the subject. Which in substance were, that though I might not now meet with an immediate rejection, yet the granting me an audience would be postponed upon various pretences, till the issue of the negotiations should be known here, and that if the war should be continued, I should *not* be admitted to an audience. Having his opinion so fully upon this point, there can be no question, but that it is my duty to wait the issue of the negotiations. You will be acquainted with this nearly as soon in America as we shall, and all my letters upon the subject will, of course, arrive long after the objects of them have ceased to engage your attention, yet you may wish to know the progress of things in this quarter.

A new and an important scene seems to be opening upon us. Though the Porte has not interfered in the affair of the restoration of the deposed Khan of the Crimea, yet this forbearance, it is thought, will not save them from the tempest which is gathering about them. The Tartars of the Crimea have been the constant enemies of Russia, from the commencement of the fourteenth century to the last war with the Turks, when, in the year 1771, being overpowered by the Russians, they concluded a separate treaty with the Empress, in which they renounced their alliance with the Porte, and placed themselves under her protection. This independence of the Crimea, and of the hordes dependent upon it, was confirmed by the treaty of 1774, between Russia and the Porte, and their right of electing and deposing their Khans at will, engaged to them; though it was of importance to Russia to reinstate the deposed Khan, thereby to preserve its newly acquired influence over the Crimea, yet his restoration was, probably, not the only object in view.

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The existence of the connexion mentioned in my letter of March 30th, seems no longer to be doubted, or that the object of it (which you will find in the first clause of the paragraph relative to it) will be productive of a general war in Europe, if attempted to be carried into execution. How far such an apprehension may influence the present negotiation, is uncertain. I think it must be unfavorable to them, should the negotiations be unhappily broken off, and the prospect of this new war become certain, we being the ally of France, which will be the enemy of her Majesty, and the enemy of Great Britain, which will be her ally, it will be expedient for me to quit this empire, and to return to America by the first opportunity. Even upon such a supposition, I hope my long residence here will not have been wholly unserviceable to our country.

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I have the honor to be, &c.

FRANCIS DANA.

## TO ROBERT R. LIVINGSTON.

St Petersburg, January 31st, 1783.

Sir,

We still remain in the same uncertainty about the negotiations of the other belligerent powers, yet they are believed to be in a favorable state, and it is expected we shall soon receive the news of the preliminaries being signed by them all. If so, I should think the approaching war with the Turks will not be productive of a general war in Europe. For it seems repugnant to the interests of some of the present belligerent powers, to close this war with an almost certain prospect before them of being speedily engaged in another.

In a letter, received by the last post from Mr Adams, he informs me that Dr Franklin and himself had agreed to advance the money necessary to the conclusion of a commercial treaty with her Imperial Majesty; so that I have now only to wait the issue of the present negotiations for peace. Whenever that moment arrives, I shall endeavor to make all convenient despatch in the business of the treaty, to the end, that if any of our vessels should arrive here early in the spring, which seems probable, they may reap the benefit of it. I shall immediately after return to America, as I have proposed to do in my letter of the 23d of September last. I do not foresee any inconvenience that will happen to our interests in consequence of our being without a Minister at this Court for some time. I hope, therefore, that Congress will not take it amiss that I should return without obtaining the express permission for it. Besides the reasons given in my letter of the 27th ultimo, which appear to me to render such a step necessary, my health has suffered so much since my coming into this climate, that every consideration presses me to quit it as soon as possible. I have not been honored with any letter from you since No. 6.

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I am, with the greatest respect, &c.

FRANCIS DANA.

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## TO ROBERT R. LIVINGSTON.

St Petersburg, February 10th, 1783.

Sir,

In the afternoon of the 6th instant, we received the most agreeable news, that the preliminary treaty of peace was signed at Paris, on the 20th ultimo, between France, Spain, and Great Britain. The articles are still unknown here, as the above fact simply was communicated by Count de Vergennes to the foreign Ministers at Versailles, and the Russian Minister immediately despatched an account of it to the Vice Chancellor, Count Ostermann. No courier has yet arrived for either of the foreign Ministers here.

You will be pleased to accept my most hearty congratulations upon this great event, especially as the peace we have obtained is both honorable and glorious. America, I believe, stands high in the esteem of all the world; to which not only her successes in this great revolution, but the proofs she has given in the course of it, of her sacred regard to her plighted faith, have contributed. Our revolution is universally spoken of as the most important which the world has ever seen. Its influence penetrates the innermost recesses of every Cabinet in Europe, they will and they must give way to it.

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It is yet difficult to say what will be the effect of the present peace, upon the approaching war with the Turks. Though it will not probably prevent it, yet it may moderate its views towards that quarter, and thus save the continent of Europe from the mischief of a general conflagration. I shall communicate my mission to the Vice Chancellor, as soon as some necessary arrangements can be made, and shall endeavor to bring on the business of the commercial treaty without loss of time, as there is now little doubt but some of our vessels may arrive here early in the spring. I have it in view to procure some special favors, for a direct commerce between the West Indies and this empire, to be carried on by our vessels, which will turn to the advantage of both parties. But to render it more certain, it may be necessary to procure a right of trading freely with the British West Indies, and also exporting from thence in our vessels, to any part of the world, the productions of their Islands, paying the same duties as their native subjects pay upon the same articles, when they export them for Great Britain or elsewhere. I think we may obtain this privilege in our commercial treaty with Great Britain, if we insist upon it. Our treaties with France and Holland, appear to me to be exceedingly defective respecting a commerce with their American territories. If Great Britain should refuse us that privilege, we might perhaps arrive at the same end, by reserving to ourselves a right to impose what extra duties we judge proper, either upon our productions exported to any part of her dominions, or upon her productions imported into America, if any higher duties should be imposed upon her West India productions when exported by us, than when by her native subjects, notwithstanding any general clause giving her the advantages of the most favored nations. The object appears to me to be of importance to our interests, and that we can obtain it in the manner I first proposed, (which

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would be the most beneficial, and least liable to create mutual disgusts) if we should think proper to make it the *sine qua non* of a commercial treaty with Great Britain. We should reap advantages from it, not only in our commerce with this empire, but with every other in Europe, not having such establishments in America.

Now I am upon this subject of commerce, I will take the liberty to acquaint you, that Portugal intends to procure the right of establishing factories in the United States, under the protection of the Oporto company, in order to secure special advantages for the sale of her wines. This plan will not be particularly mentioned, but the end will be obtained under the general right of establishing factories in America without naming the Oporto company. You may rely upon this information, and will make your advantage of it. It will occur to you, that we may demand as a compensation, the right to export not only from Portugal but from the wine Islands, that article in our vessels, paying the same duties as the native subjects, or the Oporto Company pay upon it. Without something of this sort the Portuguese factories might secure to themselves almost the exclusive supply of their wines to America. They have a factory here, under the protection of the Oporto Company. You will not take it amiss, that I suggest these subjects to your consideration. If any of them can be turned to the benefit of our country, my end in troubling you with them will be answered.

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I have the honor to be, &c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, February 25th, 1783.

Sir,

In the last letter I did myself the honor to write you, I acquainted you I should communicate my mission to the Vice Chancellor as soon as some necessary arrangements could be made. Being entirely prepared to do so, I thought it but decent to communicate my intention to the French Minister, rather in the form of consulting him upon the expediency of the measure. He at first thought it would be advisable to wait till the signing of the definitive treaty of peace, adding, that though he could not take upon himself to say, that I should not be received in the present moment, yet that it would not surprise him if my admission should be postponed to that time, intimating that the present unsettled state of affairs, (of which I have spoken in my late letters) might have some influence upon the determination of this Court in a matter of that sort. He concluded with saying, that it would not be amiss to wait till the British Minister here should have communicated in form the signature of the preliminaries of peace to this Court. I shall conform entirely to his advice; for the time is now most certainly indifferent as to our interests, which are most solidly established by the peace.

I cannot add anything to what I have before said respecting the Turkish war, which since the conclusion of the late one, is the grand object which engages the general attention. According to the course of business here, I expect to be detained two or three months in negotiating our commercial treaty. I hope, however, the resolution of Congress of the 14th of September last, respecting their moneys in Europe (a copy of which Mr Adams sent me by the last post) will not be any impediment to the conclusion of it. The money Dr Franklin and Mr Adams have engaged upon my application to them to advance for that purpose, being indispensably necessary, I presume they will not withdraw the credit they have given me, and that Congress will approve of their conduct, as well as of mine in this business. The resolution is doubtless a wise one, but there are circumstances for which Congress cannot provide in season, and this seems to be of that nature. If those gentlemen should not, therefore, withdraw their credit, I shall venture to apply the money when it shall become necessary, to the use for which they have granted it. It would be a great satisfaction to me, if I could receive in season an answer to my letter of the 25th of last August, in which I acquainted you I should stand in need of the money.

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I shall not fail to give you the earliest intelligence of my reception in this Court, which I hope will not be long delayed, as it is my earnest wish to complete our treaty of commerce, and to return to America in the course of the next summer.

I have the honor to be, &c.

FRANCIS DANA.

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***Mr Dana's Communication of his Mission to Count Ostermann.***

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St Petersburg, March 7th, 1783.

Sir,



I have the honor to inform your Excellency, that the United States of America, assembled in Congress, having thought fit to appoint a Minister to reside near her Majesty, the Empress of all the Russias, have furnished me with their letter of credence for that purpose.

Convinced of the justice of their cause, and confiding entirely in that exact neutrality, which her Imperial Majesty had been pleased to declare, with a dignity becoming her character, she would make the invariable rule of her conduct, unless compelled to depart from it in maintenance of the rights of her Imperial Crown and of her subjects, the Congress, my Sovereign, have expressly commanded me to delay the communication of my mission till the course of events should prepare the way for it, without the least infraction upon the system adopted by her Imperial Majesty, by which she has acquired so much glory to herself. In the sentiment that that moment has now arrived, I take the liberty to request the honor of an audience of your Excellency, to the end, that I might present to you a copy of my letter of credence to her Imperial Majesty.

I have the honor to be, &c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

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St Petersburg, March 7th, 1783.

Sir,

I have time only, by the post of this day, to acknowledge the receipt of yours of the 7th of November last, and of a letter of the same date from Mr S. R. Morris, one of your Secretaries, enclosing a bill for 666,13 livres tournois, and also to inform you, that I have this day communicated my mission to the Vice Chancellor, Count Ostermann, by a letter of which the enclosed is a translation, the original being in French. I have taken this step without being advised to it by my correspondent, the Marquis de Verac, but not before I had received assurances directly from the private Cabinet of her Imperial Majesty, that the way was perfectly clear. You will readily conjecture the reason why I have chosen to mention my last instructions so particularly in this communication, and placed them in so strong a light. There is no question in my mind of the propriety of doing this, and I hope it will not be thought amiss by Congress, whose honor and dignity I shall ever keep in view.

I am, with much esteem and respect, &c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, March 12th, 1783.

Sir,

In my letter of the 7th of March, I acquainted you that I had that day communicated my mission to the Vice Chancellor, in consequence of assurances received from the Private Cabinet of her Imperial Majesty, that the way was prepared for it. I had an interview on the 5th inst. with one of the members of the Cabinet, who informed me, after some general conversation respecting America, that I might communicate my mission to the Vice Chancellor at any time, that possibly I might not receive an immediate answer to my letter, but that I need give myself no uneasiness on that account, as the delay would not be occasioned by anything which concerned the United States or me personally. I told him, that I could form my opinion only upon general principles; that judging upon them, I did not perceive any obstacle to her Majesty's receiving in this moment a Minister from the United States; yet it was possible her Majesty might have some particular matters in view, which might form an impediment, of which I could have no knowledge.

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I threw in this last sentiment to discover if there were any difficulties of the sort, which the French Minister had intimated to me might arise from the unsettled state of affairs alluded to in my letter of the 25th of February, when I consulted him as there mentioned. He replied, there were no such matters, nor would there be any difficulty, especially since the signing of the preliminaries of peace had been communicated to her Majesty, and that I might make myself perfectly easy about it, and send my letter to the Vice Chancellor as soon as I pleased. I have given you the substance of our conversation, omitting only the complimentary parts of it on one side and on the other. I have this day received a verbal message from the Vice Chancellor, acknowledging the receipt of my letter, and informing me, that as this was the first week in the great Lent, he had not yet had an opportunity to lay it before her Majesty. This, Sir, is the present state of things as far as they concern us immediately.

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I have the honor to be, &c.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, March 21st, 1783.

Sir,

As I have not received an answer to my letter to the Vice Chancellor, I can say nothing upon it at present. The verbal message, mentioned in my last, was an apology for the omission of the first week; perhaps I shall have an answer in a few days; if so, I shall transmit a copy of it immediately.

I beg leave again to recommend to your attention the subject of a commerce with the British West Indies, to supply the defects of our treaties with France and with Holland. Great Britain is so eager to obtain a free commerce with the United States, that we may probably secure that of her West India Islands as a compensation for it. The commerce with her European territories only, is no longer an adequate one, since we have all the rest of Europe open to us. I have formed a plan of a commercial treaty with this empire, which, if aided by that circuitous commerce, I think will be found highly advantageous.

I have already advised you of my intention to quit this Court as soon as I shall have concluded the commercial treaty, even without waiting for the permission of Congress to do so. I pray you to represent the matter to Congress in such a light, that they may not consider it as disrespectful to themselves, or a breach of duty. It is truly, Sir, an act of absolute necessity, which Congress, doubtless without intention, have imposed upon me, by annexing an appointment to my office, which is not more than half sufficient to defray the expenses of it. As I can now do it with more freedom, not being interested in the matter, I take the liberty to acquaint you, that if Congress should think proper to send another Minister to this Court, of the second class, they should grant him at least £2500 sterling fixed appointment. I think £3000 will not be too much, or more than put him upon an equality with their other Ministers in Europe, or the Ministers of the lesser Sovereigns at this Court, leaving him to pay his Secretary out of the last sum. It will be further necessary to grant him at least £1000 more for his equipage and household furniture. He will find it exceedingly difficult with the best economy, to provide himself but decently with those articles, according to the fashion of this country with that sum. And he must, in some measure, adapt himself to this fashion or manner of living, or, in the eyes of those among whom he is obliged to live, disgrace his country.

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My ideas of these matters are not extravagant. I find them fully supported by my own observations, and by the inquiries I have made respecting the appointments of the other foreign Ministers residing at this Court, as well as by the opinion of my correspondent, to whom, feeling the necessity of my situation, I have communicated my intention of returning to America, and disclosed to him the reasons of a conduct, which he might otherwise think unaccountable. I have consulted him as a private friend only. An ill state of health, the distance of America, the dangers of a winter passage, &c. &c. must be the ostensible reasons why I quit this Court without being relieved by another Minister, or waiting for the permission of Congress. I shall take the whole upon myself, and hope to be justified in the measure by Congress, when they shall be still more particularly informed of facts. It is necessary Congress should be acquainted with the foregoing facts, that if they should think proper to send another Minister before my arrival in America, he may not be obliged to follow the example I shall have set him, by quitting his station without leave.

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I am, Sir, with the greatest respect, &amp;c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, April 17th, 1783.

Sir,

My letter of the 7th of March will have advised you, that on that day I communicated my mission to the Vice Chancellor by a letter, the translation of which was enclosed. By that of the 12th of March, you will have a particular account of the assurances mentioned in the former, and which, together with the general state of affairs, confirmed me in the opinion, that I ought no longer to delay taking that step. I have not, however, yet had an answer to my letter. That the assurances I received were well founded at the time, I think, may not be doubted. What, it may be asked, has since taken place which could occasion any change? All that I know, or have heard of is, that on the 7th of February, three days after, and before my letter had been laid before her Majesty, a courier arrived with despatches for the French Minister, inviting her Imperial Majesty to

mediate, in conjunction with the Emperor at the conclusion of the definitive treaty of peace, between the Courts of Versailles, Madrid, and London; this invitation was immediately accepted; that an account has been received, that the King of Sweden has concluded a treaty of commerce with the United States, at Paris, or is at least in treaty with them for that purpose; that the King of France has signified to the Emperor, that since the Porte has made the concessions required by the Empress, and supported by himself, he had reason to expect all military preparations would have ceased; that he cannot regard the continuance of them with indifference, &c. &c. Add to these things, that her Majesty has been either so much indisposed, or particularly engaged, that she has not appeared at Court for more than a month past.

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Whether either of these circumstances has occasioned this delay, is to me as yet uncertain. I wait to see the effect of a second letter, which I propose to send to the Vice Chancellor before I attempt to account for it. I have delayed this more than a fortnight, having been in daily expectation of an event which has not taken place, and which may have an influence in the case. I have omitted to write you by several posts, because I was in hopes all things which respect us would have been adjusted to mutual satisfaction, and I was unwilling to suggest anything to the contrary. But as Congress, from my former letters may have expected, that I might soon be on my way to America, and may perhaps name another Minister to this Court, before they receive any intelligence of my reception, I think it incumbent on me to make the present communication, that they may consider the expediency of sending another till they receive a certain account of my reception.

Whatever may be the event, I flatter myself if the general state of affairs at the time of the communication of my mission be considered, and especially the assurances which were given to me, it will not be thought that I have rashly precipitated that measure. It is difficult to conceive one solid objection against the admission of an American Minister into any Court of Europe, after the acknowledgment of our independence by the King of Great Britain, and the cessation of hostilities, which of course puts an end to all ideas of neutrality.

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In this instant I am informed, that the event above alluded to has taken place, I shall therefore send my second letter tomorrow, a copy of which I will forward by the next post, when I shall hope to have an answer to my first, which will make known the pleasure of her Majesty concerning my mission. I have purposely avoided waiting upon the Vice Chancellor in person, that I might obtain his answer, if possible, in writing. When I shall have received it, whether it be favorable or not, I shall desire an interview with him. In this course my correspondent agrees with me in opinion. I have only to pray, Congress would be pleased to suspend their judgment upon this matter, and particularly upon my conduct in it, till they shall be fully informed of facts. All may yet end as we wish, it may end otherwise.

I have the honor to be, &c.

FRANCIS DANA.

*P. S.* I make use of the cypher I sent you by Mr Adams's son, having laid yours aside for the reason there mentioned. Your printed one has not come to hand with your letter. Count Panin died since my last, much lamented. He had long lived a retired life in the city. His death, therefore, makes no change.

F. D.

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**TO ROBERT R. LIVINGSTON.**

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St Petersburg, April 22d, 1783.

Sir,

In my last I acquainted you, that I proposed to send a second letter to the Vice Chancellor the next day. I did not do it, however, till yesterday morning, when he sent me his compliments, and said he would present it to her Majesty. The following is a copy of it.

**TO COUNT OSTERMANN.**

"I did myself the honor to write to your Excellency on the 7th of March, to inform you of my mission on the part of the United States of America, to reside near her Imperial Majesty, in the character of their Minister, and to request the honor of an audience of your Excellency, that I might present to you a copy of my letter of credence to her Imperial Majesty. I have not yet been honored with an answer to my letter, having had only a verbal message from your Excellency, on the 10th of the same month that you had received it, but it being the first week in Lent, you had not had an opportunity to lay it before her Imperial Majesty.

"After the King of Great Britain has in form acknowledged the independence of the United States of America, and concluded a provisional preliminary treaty of peace with them, which has taken effect by the signing of the preliminary treaty of peace between their most Christian and

Britannic Majesties, after those treaties have been ratified on the part of their Majesties, and proclamations in pursuance thereof have been issued by them, and also by the Ministers of the United States of America, ordering a cessation of hostilities, and after the British Parliament have solemnly engaged to observe and maintain those treaties; after such national transactions on both parts, I flatter myself it is not doubted, that the course of events has prepared the way for her Imperial Majesty to receive a Minister from the United States of America, without the least infraction upon the system of neutrality, which she had adopted and so gloriously maintained through the late war. Presuming, from your Excellency's message, that my letter was laid before her Imperial Majesty the week after, I take the liberty to request that you would be pleased to inform me of her pleasure thereupon, as well for the government of my own conduct, as for the certain information of the United States of America.

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"I have the honor to be, &c.

FRANCIS DANA.

"*St Petersburg, April 21st, 1783.*"

I have some intimations of a very extraordinary objection, which has been suggested to my present admission into this Court, viz. that my letter of credence must necessarily bear date prior to the acknowledgment of the independence of the United States by the King of Great Britain. Should the answer to my communication be of that nature, I will let you know from whence I think it originates. But I shall think it my duty to leave this Court as soon as possible. For I should not dare to apply to Congress to revoke their first letter of credence, and send me another bearing date since that period, for the following reasons, which occur to me at once.

1st. Because it would be to desire the United States to strike off seven years of their existence, as free, sovereign, and independent States.

2dly. Because their compliance with it would, in effect, annul their resolution contained in the declaration of their independence, viz. "that as free and independent States they had full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things, which independent States may of right do."

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3dly. Because it would imply on their part, that they owed their existence as a free nation, to the acknowledgment of their independence by the King of Great Britain.

4thly. Because as a consequence of this last position, it would go to annul all their acts of sovereignty prior to that period, and among others, the most important ones of their treaties with France and Holland, as well as their commissions granted to their Ministers at the Court of Madrid and other Courts, and such treaties as they have already made, or shall hereafter make in virtue thereof.

5thly. Because the requisition of new letters of credence bearing date since the period abovementioned, involves in itself a decision on the part of her Imperial Majesty, that the United States of America ought of right to be considered as a free, sovereign, and independent power, but in virtue of the acknowledgment of them as such by the King of Great Britain.

6thly. Because the granting of new letters of credence, would amount to a confession on the part of the United States, of the justice of such a decision.

7thly. Because a compliance with such a requisition would, in my opinion, in every point of view, be highly derogatory to the dignity of the United States, and is a sacrifice, which circumstances by no means require to be made.

But I hope for more wisdom, justice, and impartiality from her Majesty; and that I shall receive in a day or two, a satisfactory answer to my first letter.

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I have the honor to be, &c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, April 25th, 1783.

Sir,

In consequence of my second letter to the Vice Chancellor, of the 21st instant, he sent me a verbal message with his compliments on the 23d in the morning, and desired to see me at four o'clock in the afternoon. I waited upon him accordingly, and had a conference with him upon the subject of my mission. He began by saying that he had received the letters I had done him the honor to write him; that her Majesty had been invited by the Courts of Versailles, Madrid, and London, to mediate in conjunction with the Emperor, at the conclusion of the definitive treaty of

peace between them; that till those affairs were arranged, and the definitive treaty signed, her Majesty could not, consistent with her character of mediator, receive a Minister from America without the consent of those powers; that the treaty of America was provisional only, and dependent upon those arrangements; and though there was no doubt but they would take place, and that the definitive treaty would be concluded, yet, till that was done, her Majesty could not consider me in my character as the Minister of America.

Here he made a long pause, as if waiting for an answer, but knowing that the whole had not yet come out, I made no attempts to reply. He then added, that he supposed my letter of credence bore date before the acknowledgment of the independence of America by the King of Great Britain, and asked me if that was not the fact. I told him that it must necessarily be so, as a sufficient time had not since elapsed to receive one from America. He then said, that when the above arrangements should be completed, if I should produce new letters of credence, bearing date since the King of Great Britain had acknowledged the independence of America, her Majesty would be very willing to receive me as the Minister of America, but that it would be incompatible with that exact neutrality, which her Majesty had hitherto observed, to do it before; that it would be irregular also for her Majesty to admit a Minister from a power, whose letter of credence bore date before she had acknowledged the independence of that power; that besides, no Minister had been received from America at the Court of Great Britain yet, and that I must be sensible it would not be consistent for her Majesty to receive one before the King of Great Britain had done it. Here he stopped again; and knowing that he had gone through his whole subject, which comprises these simple matters only, viz.

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1st. That her Majesty could not, consistent with the character of a mediator as above, receive a Minister from the United States, till the conclusion of the definitive treaty between France, Spain, and Great Britain;

2dly. That she could not do it even then, consistent with the laws of neutrality, while his letter of credence bore date prior to the acknowledgment of their independence by the King of Great Britain;

3dly. That she could not do it regularly, while his letter of credence bore date before she herself had acknowledged their independence;

4thly. That she could not do it consistently before a Minister had been received from the United States in Great Britain.

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I desired him to favor me with a note containing the substance of this answer, as it was of great importance, and much in affairs of this sort depended upon the very expressions; that with the fairest intentions, I might misrepresent some parts of it through forgetfulness, and that I would deliver him my observations upon it in writing for consideration, when the exact state of the matter would be known. Finding, as I had expected, that he declined this, I began my reply with a preface of this sort; the answer, which your Excellency has given me on the part of her Imperial Majesty, is wholly unexpected, not only to myself, but to the United States. I cannot, therefore, take upon me to say anything upon it from instructions. I beg you would be pleased to consider whatever I may say as my private sentiments; whether they will accord with those of my Sovereign, I am not certain. At this great distance, I must use my best discretion in all such extraordinary cases. I have no design to oppose myself to her Majesty's pleasure, whatever that may be, but only to make some observations upon the answer, that if they are of any weight, they may be taken into consideration, as I have no doubt they will be. I would beg to take this occasion to express the high respect, which the United States entertain for her Imperial Majesty, and their sincere desire to cultivate her friendship; that they considered her as one of the first sovereigns of the world, and, in a manner, the great legislator of nations by her system of neutrality, which they had early highly applauded, and had made the principles of it the invariable rules of their conduct during the war; that, animated with sentiments of this kind, they wished to give some strong proofs of a distinguished attention and consideration for her Majesty's person and government. With this view, they had early named a Minister to reside near her, as a compliment to the Sovereign who presided over the Neutral Confederation with so much glory; that he might improve the earliest occasion to display his character, which the course of events should afford.

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From these dispositions, they were naturally led to expect, as they had intended, that her Imperial Majesty would be the first of the neutral powers, which should receive a Minister from them; that as to the objections, which had been made to my present reception, I begged leave to observe, that the present mediation differed from the former one, which had been tendered by their Imperial Majesties, in two essential respects, that that was tendered during the continuance of hostilities, and that there was a proposition in it, which materially concerned the United States, but in this there was no question relative to them; that their negotiations with Great Britain had been conducted apart from those of the other belligerent powers, and were brought to a happy conclusion. I here took up all the facts stated to him in my second letter of the 21st instant, and enlarged upon them. I added to them, the bill pending before the House of Commons in the beginning of March, for regulating a commercial intercourse between Great Britain and America, as between States, in fact, and absolutely independent; and that the bill itself recited, that the King had concluded a peace with them, and expressly declared the vessels of their citizens should be admitted into all the ports of Great Britain, as the vessels of other independent States; that all were agreed to consider them as such. From these matters, I drew the same conclusion as is mentioned in that letter.

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This closed my observations upon the first article. As to the second, I went over the reasons contained in my letter of the 22d instant to you, urging strongly the four first, but passing gently over the rest. Upon the third, it was to be observed, that the mode of expression "before her Majesty had acknowledged the independence of America," seemed to lead beside the matter. That there was no question in the acknowledgment of that independence. The only question was, whether her Majesty would receive a Minister from the United States, who now presents himself. The United States do not ask the acknowledgment of their independence, nor have they a wish, nor do they claim a right to impose their Minister upon any Sovereign. Every Sovereign will judge, whether it is for the interest of his empire to receive the Minister of another, and may do this without deciding upon the perfect rights of that other. This is rather what I would have said, than what I did say upon that point. I could not fully advance the idea, as he several times prevented me, by returning to the matter he had before spoken upon, as if he saw what I intended to say and wished to avoid it. The fourth and last point was chiefly answered by the arguments used upon the first. I did not, however, forget the distance of the countries as the only probable cause of that delay.

Thus, Sir, I have given you a clear idea of a conference, which rests wholly upon my memory, and which had continued an hour wanting a few minutes, as far as I am able to do. Other arguments occurred to me in the time, which might have been urged, but I was apprehensive of obtruding too much upon the patience of the Vice Chancellor, whose view it must be considered, was rather to communicate the answer, than to discuss the points of it.

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An important question arises out of this state of things. What remains to be done on the part of the United States? It belongs to me only to answer what I propose to do further myself, which is to draw a memorial containing this answer, with such observations upon it as shall occur to me, tending to show the futility of the objections, which have been made to my immediate reception, and to send it to the Vice Chancellor. To such a measure I am advised *on a good part*. If this answer should be persisted in, I believe it may be truly said, that the honor of the United States will not suffer by it, in the estimation of any other Sovereign in the world. It is so different from the line of conduct, which some of the powers, who are members of the Neutral Confederation, have adopted already respecting the United States, as for example, Portugal, Denmark, and Sweden, and that which it has been intimated the Emperor was ready to adopt, (of which Mr Adams received an account through Mr William Lee, and which he immediately transmitted to me, and, probably, to Congress also) that, if I mistake not, the effect of it will be quite of another kind. It will be seen to be subversive of the very principles upon which it is pretended to be established, and so revolting in its nature, that it is utterly impossible the United States could ever comply with it.

I plainly told the Vice Chancellor, that for myself, I could never make the proposition respecting my letters of credence; and that if I should, I had no expectation they would ever adopt it, and, therefore, my waiting here the length of time, which it would be necessary for me to learn the pleasure of Congress upon it, seemed to be useless. I cannot in any case quit this country till towards the end of May, because there is no getting out of it before by land or water. I still hope it will not be thought I have precipitated the measure at a time when, if ever it could be, the course of events had prepared the way for it, and when it shall be considered too, that the first objection arises from a matter which took place since. As to the others, they are of so strange a nature, that they could not have been expected by any one, and which no time can do away.

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I am under a necessity of closing this letter, without adding anything which may attempt to account for this very unexpected conduct on the part of her Imperial Majesty, otherwise I shall lose the post of the day.

I have the honor to be, with much respect, &c.

FRANCIS DANA.

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## ROBERT R. LIVINGSTON TO FRANCIS DANA.

Philadelphia, May 1st, 1783.

Sir,

An opportunity will offer of writing to you by a frigate in the course of next week, when I shall be able to treat more fully the subject of your letters of December 21st, and January 3d and 15th, which have been duly received, and which are now under the consideration of Congress. This is principally designed to cover the enclosed resolution, directing your return, unless you should have commenced a treaty of commerce. But upon examining your instructions, you will find that the embarrassment you speak of with respect to the money to be paid upon signing the treaty, cannot exist under your present powers. With respect to the Neutral Confederacy, it is a treaty which is now of little consequence to us, and since we were not admitted to it during the war, we ought not to pay for admission upon a peace; besides, that it can no more be considered as a treaty with her Imperial Majesty than it is a treaty with all the other neutral powers, whose Ministers may with equal propriety demand the perquisites you speak of. Therefore, let it be

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understood, that as the United States, or their servants, are above receiving perquisites or presents, so they have not the presumption to assume such superiority over those with whom they treat as to offer them.

With respect to a commercial treaty, none can be signed by you, as your powers only extend to "communicate with her Imperial Majesty's Ministers on the subject of a treaty, &c." but not to sign it; so that you will find no difficulty upon the subject you speak of; if you should, I am persuaded that it is the wish of Congress rather to postpone any treaty with Russia, than to buy one at this day.

I have seen your letter to Mr Morris on the subject of your salary. The mistake you mention shall be corrected. I was led into it by not having been furnished with the resolution you mention, among those relative to salaries sent me from the Secretary's office. However, it is of no consequence as yet, since the sums remitted with what you have received from Dr Franklin, will exceed the amount of your demand. You can now draw on Dr Franklin for three quarters' salary, at one thousand pounds sterling, a fourth is enclosed in a letter from Mr Lewis Morris to you; the last quarter's due in April will be subject to some deductions, as you will see by the enclosed resolutions transmitted you by Mr Lewis Morris, out of that quarter. I shall pay Mr Tracy's order, counting the commencement of the year from the date of the order.

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I am, Sir, with great respect, &c.

ROBERT R. LIVINGSTON.

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### TO COUNT OSTERMANN.

St Petersburg, May 8th, 1783.

Sir,

I do myself the honor to lay before your Excellency the enclosed Memorial, containing what I take to be the substance of the answer to my letter, communicating my mission to your Excellency, which you delivered to me verbally on the 23d ultimo, and also the reply which I then made to it, together with some other observations upon it, which, fearing to obtrude too much upon your time, I omitted to make. The whole being thus reduced to writing, takes away all danger of mistakes on either part, and may be more deliberately and accurately considered. I hope this will be deemed a sufficient apology for the additional trouble it may give your Excellency. I pray you would be pleased to favor me with an answer to this Memorial in writing, or otherwise to grant me the honor of an interview with your Excellency, that I may know the final pleasure of her Imperial Majesty respecting my mission.

I have the honor to be, &c.

FRANCIS DANA.

#### *Mr Dana's Memorial to Count Ostermann.*

The undersigned, named by the United States of America to reside near her Majesty, the Empress of all the Russias, in the character of their Minister, has the honor to lay before your Excellency this Memorial, containing the substance of the answer he received verbally from your Excellency on the 23d ultimo, to his letter communicating to you his mission abovementioned, and also his reply to the same.

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The answer which your Excellency has given to him on the part of her Imperial Majesty, is unexpected not only to himself, but to the United States also; for which last reason he is unable to say anything upon it from instructions. He nevertheless thinks it to be his duty in so extraordinary a case, which will not admit of his waiting for their particular instructions to make use of his best discretion, in replying to it. He prays, therefore, that this Memorial may be considered as containing his private sentiments only. Whether they will accord with those of the United States he cannot be certain. Sensible that it is the right of every sovereign, to judge whether it is compatible with his views, or the interests of his empire, to receive the Minister of another; and persuaded also, that the United States have not even a wish to obtrude their Minister upon any Sovereign, the undersigned has not the least intention to oppose himself to her Imperial Majesty's pleasure, whatever that may finally be, but only to make such observations upon the answer he has received as have occurred to him, which, from the known justice of her Imperial Majesty's character, he has no doubt will be taken into deliberate consideration, and be allowed their full weight.

He would improve this occasion, to express the high respect which the United States entertain for her Imperial Majesty, and their sincere desire to cultivate the friendship of a Sovereign, whose glorious reign, and eminent virtues have so long fixed the attention, and commanded the applause of the world. They consider her as one of the first Sovereigns of it, and in a manner the great legislator of nations, by her wise and equitable system of neutrality, which they have fully

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approved, and have made the principles of it the invariable rules of their conduct during the late war. Animated with sentiments of this kind, they wished to give some strong proofs of a distinguished attention and consideration for her Imperial Majesty's person and government. With this view, they early named a Minister to reside near her, that he might improve the first occasion to display his character, which the course of events should afford. From these dispositions the United States were naturally led to expect, that her Imperial Majesty would be the first of the neutral powers, as they had intended, which should receive a Minister from them.

**Answer.**

I. "Her Imperial Majesty having been invited by the Courts of Versailles, Madrid, and London, to mediate in conjunction with the Emperor, at the conclusion of the definitive treaty of peace between them, and having accepted that trust till those arrangements are completed, and the definitive treaty is concluded, she cannot, consistent with her character as mediatrix, receive a Minister from America, without the consent of those powers; the treaty with America is provisional only, and depends upon those arrangements. Though there is no doubt but they will take place and the definitive treaty be concluded, yet till that is done, her Imperial Majesty cannot consider you in your character as the Minister of America."

**Reply.**

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The present mediation differs from the former one, which had been tendered by their Imperial Majesties, in two essential respects. That was tendered during the continuance of hostilities, and while the great object of the war, the independence of the United States, was still in question. It contained also a proposition, which inseparably connected their interests with those of the other belligerent powers. At such a time for her Imperial Majesty to have received a Minister from the United States, would have been to prejudge the most capital subject of the proposed negotiation, and most certainly repugnant to the character of a mediator, if not to the laws of neutrality. But in the present mediation there is no question relative to the United States, nor can there regularly be any made upon their interests, as they are not parties to the mediation, and consequently have no right to send their Ministers to the Congress. If then the United States are not concerned in any arrangements to be made under the present mediation, the matter seems to rest upon the general law of nations, and to be reduced to this simple question: whether the reception of a Minister from them at this moment, would be incompatible with the laws of neutrality? If their independence is already completely acknowledged by the King of Great Britain, is not the question decided in the negative?

In the preliminary treaty, "His Britannic Majesty acknowledges the United States to be free, sovereign, and independent States; that *he treats with them as such; and for himself, his heirs, and successors, relinquishes all claim to the government, property and territorial rights of the same, and every part thereof.*" But it is said, the preliminary treaty between the United States and Great Britain is provisional only, and depends upon the arrangements to be made at the conclusion of the definitive treaty, between Great Britain and the other late belligerent powers, under the mediation of their Imperial Majesties. If we look into that preliminary treaty, we shall find, that the only provision or condition contained in it is, that the definitive treaty between the parties "*is not to be concluded until terms of a peace shall be agreed upon between Great Britain and France.*" Now these terms having been agreed upon by the preliminary treaty between their Most Christian and Britannic Majesties, the preliminary treaty between the United States and his Britannic Majesty has become absolute, and the definitive treaty between them may be concluded at any time, and without waiting for the conclusion of the definitive treaty of peace between France and Great Britain. It may not be improper to remark here, that even that condition was not annexed to the acknowledgment of the independence of the United States; it was far from having been inserted into the treaty at the request of the British Commissioner. It was inserted by the Commissioners of the United States, to save their faith plighted to his Most Christian Majesty. However this fact may be, it seems to be certain, that neither the preliminary treaty, nor definitive treaty between the United States and Great Britain, can depend upon any arrangements to be made under the present mediation.

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But if the case should be otherwise, it is conceived, that the provisional nature of the preliminary treaty, cannot affect the acknowledgment of their independence, by the King of Great Britain. For although from abundant caution, this has been inserted into the preliminary treaty of peace, yet it has never been a subject of negotiation. The United States would never submit to negotiate for their independence their very existence. They early resolved, and have uniformly persisted in that resolution, that they would not enter into negotiation with the King of Great Britain, unless, as a preliminary thereto, he would acknowledge their independence. Hence the failure of many attempts to draw them into a negotiation, without a compliance with that resolution. And hence the necessity the King of Great Britain has been under, to revoke a former commission granted to Mr Oswald, on the 7th of August last, to treat with them under the name of "*certain Colonies and Plantations in America,*" and of granting him a new one, on the 27th of September, in which he was authorised and required to treat of a peace or truce, with the Commissioners of the "*Thirteen United States of America*" (naming them all,) "*any law, act, or acts of Parliament matter or thing to the contrary notwithstanding,*" giving them their proper corporate name and title.

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Their independence being thus clearly, unconditionally, and solemnly acknowledged by this



commission, passed under the great seal of the kingdom, as a preliminary to any negotiation, and in full compliance with the foregoing resolution, the negotiations were then, and not before, opened, and have by the blessing of God, been brought to a happy conclusion. Their independence being once acknowledged, is it not irrevocable in its nature? If in the moment the British Commissioner entered into negotiation with the Commissioners of the United States, in virtue of his last commission, any neutral power had declared it would consider and treat them in every respect, as sovereign and independent States, and would protect the lawful commerce of its subjects with them, would this have been a violation of the laws of neutrality? If not, much less could the King of Great Britain pretend it would be so, after the conclusion of the preliminary treaty with them, after that treaty has become absolute, by the conclusion of the preliminary treaty between his Most Christian Majesty and himself, after a cessation of hostilities has been proclaimed by them, and also by the Commissioners of the United States, and finally, after the Parliament of Great Britain has solemnly engaged to observe and maintain those treaties, which puts an end to the question, if it was ever seriously made, upon the authority of the King, to make such a treaty with the United States.

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In conformity with sentiments of this kind, we have seen that the Queen of Portugal, a member of the neutral confederation, and a Sovereign in the strictest amity with the King of Great Britain, has by an edict opened the ports of her kingdom to the vessels of the United States, and promised them the enjoyment of the same hospitality and favor, which the vessels of other nations there enjoy. In all probability the King of Denmark has adopted a similar line of conduct towards the United States.

***Answer.***

II. "When these arrangements shall be completed, and the definitive treaty be concluded, if you shall produce new letters of credence, bearing date since the King of Great Britain has acknowledged the independence of America, her Imperial Majesty will be very willing to receive you as the Minister of America. But it would be incompatible with that exact neutrality, which she has hitherto observed, to receive you while your letter of credence bears date before that time."

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***Reply.***

This objection seems deeply to affect the rights and interests of the United States. The United Colonies, on the 4th of July, 1776, erected themselves into an Independent Sovereign Power. Great Britain, notwithstanding, kept up her claim of sovereignty over them, without having any in fact. The war was continued on the one part, to maintain the actual possession of sovereignty, and on the other, to regain that sovereignty which had been lost. Despairing of success, Great Britain acknowledges, but does not grant, the independence of the United States. The United States have not, therefore, acquired the rights of sovereignty, in consequence of this acknowledgment of their independence. Their independence must necessarily have existed prior to the acknowledgment of it by the King of Great Britain. At what period then can the commencement of it be fixed, if not at the time when they declared themselves independent? Have they not from the moment of the declaration of their independence, been constantly in the actual possession and full exercise of their sovereignty? Not to meddle with the matter of right, the fact is beyond all question. The undersigned thinks, therefore, it is incompatible for him to propose to the United States to revoke his present letter of credence, because it bears date prior to the acknowledgment of their independence by the King of Great Britain, and to grant him another bearing date since that time, for the following among other reasons.

1st. Because it would be to propose to the United States, in effect, to strike off near seven years of their existence, as free, sovereign, and independent States.

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2dly. Because their compliance with it would amount to a confession on their part, that they owed their existence, as a free nation, to the acknowledgment of their independence by the King of Great Britain.

3dly. Because it would go to annul all their acts of sovereignty prior to that period, and among others, the important ones of their treaties with his Most Christian Majesty, and with the United Provinces of the Low Countries, as well as their commissions granted to their Ministers at the Court of Madrid, and other Courts, and such treaties as they have already made, or shall make in virtue thereof.

4thly. Because it would be repugnant to a resolution contained in their declaration of independence, viz. "that as free and sovereign States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things, which independent States may of right do."

The United States have been induced to constitute this mission thus early, solely from the laudable views abovementioned. It is singularly unfortunate then, that the very circumstance, which they intended as a mark of particular respect and consideration for her Imperial Majesty's person and government, should be turned against them, and have an operation to defeat the design of it.

Besides, it is to be observed, that the King of Great Britain has by his Commissioner, consented

to treat with the Commissioners of the United States, whose powers had date long before he had acknowledged their independence, and without requiring them to produce new ones bearing date since that time. Which is a strong and necessary implication, that he did not consider that acknowledgment as conferring their sovereignty upon them, but, on the contrary, they were a complete sovereign power before, and had a full right to name their Ministers as such, to treat with him of a peace. He cannot, therefore, consider it as a violation of the laws of neutrality, if any neutral power should consider them in the same light, and receive their Minister, whose letters of credence bear date prior to his acknowledgment of their independence.

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**Answer.**

III. "Besides, no Minister has been received at the Court of London from America yet, and her Imperial Majesty could not consistently receive a Minister from America, before that Court had done it."

**Reply.**

There seems not to be any objections against the immediate reception of a Minister from the United States at the Court of London, which might not be made with equal force against the reception of Ministers from any of the other late belligerent powers, and as they have already mutually sent and received Ministers, it is highly probable there are, in fact, no such objections existing. The omission, therefore, must be attributed to the only apparent cause, viz. the great distance of the two countries, which alone would render the appearance of a Minister from the United States at the Court of London impossible. Unless it should be supposed that Court is averse to forming any intimate connexions with the United States, the contrary of which seems to be the case, from the generous, liberal, and wise policy they have in contemplation respecting them.

But if it should be laid down as a principle, that the powers of Europe could not consistently receive a Minister from the United States till one had been received at the Court of London, it might have serious consequences upon the exercise of the right of sovereignty, and the most important interests, not only of the United States, but of such of the powers of Europe, as have not already received a Minister from them. For it would oblige them, whether they chose to do it or not, if they wished to form connexions with those powers, to send a Minister to the Court of London, as a step necessarily preparatory to that end. And when they had done this, it would be in the power of that Court, by refusing to receive him, to render their design abortive, and thus to prevent all friendly and beneficial intercourse between those powers and the United States, which cannot be formed and maintained but by the instrumentality of public Ministers.

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If then it is clear, that the United States are not at all concerned in the present mediation, that their provisional treaty has become absolute, and that their definitive treaty may be concluded at any time, and without waiting for the conclusion of the definitive treaty under the mediation; that their independence has been unconditionally acknowledged by the King of Great Britain, as a preliminary to any negotiation; that it is irrevocable in its nature; and if the observations made upon the other objections are well founded, it is confidently hoped from that justice and impartiality, which have ever formed so distinguished a part of her Imperial Majesty's character, that it will be thought, all obstacles to the immediate reception of a Minister from the United States are removed.

FRANCIS DANA.

*St Petersburg, May 8th, 1783.*

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**TO ROBERT R. LIVINGSTON.**

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St Petersburg, May 9th, 1783.

Sir,

Having very little doubt that this letter will be opened at the post office, I do but enclose a copy of the Memorial spoken of in my last, which I sent yesterday to the Vice Chancellor, and of my letter accompanying it. They will not, I presume, detain the letter merely to give themselves the trouble of copying or translating papers, the original of which is in the hands of the principal Minister. I have only to apologise to you for the slovenly appearance of this copy, with its interlineations and obliterations. I have not time to make a fair copy for this day's post, and though but a few days might be lost here by waiting for the next post, yet an opportunity might be lost for a long time by it, of forwarding it from some port in France.

I have the honor to be, &c.

FRANCIS DANA.

## TO ROBERT R. LIVINGSTON.

St Petersburg, May 9th, 1783.

Sir,

By this day's post I have sent you, by the way of France, a copy of the Memorial, which I yesterday delivered to the Vice Chancellor. In that I have expressly declared, that I could not reply to the answer I had received from instructions, and desired that it might be considered as containing my private sentiments only upon the subject. This I thought it advisable to do, not only because it was the strict truth, but that Congress might be more at liberty, if they should judge it expedient, to disavow the whole. A reply I deemed absolutely necessary for me to make, to endeavor to show that the objections, which had been made to my immediate reception were invalid in themselves. Whether I have succeeded in the design, is for others to judge. It is to be observed, however, that I have thought myself under the necessity of omitting to urge some very obvious and forcible reasons, from an apprehension, that from the extreme sensibility of her Imperial Majesty, they would give offence, which I was determined to avoid as far as possible, without sacrificing the honor of the United States.

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What the effect of this Memorial will be, it is impossible to say. I have no sanguine hopes from it. If it should not effect a change of resolution upon the matter, I still think I ought to leave this empire, without waiting here at least six months longer, to learn certainly whether Congress would consent to revoke my present letter of credence, and to grant me a new one bearing date since the acknowledgment of the independence of the United States by the King of Great Britain, of which I have not the least expectation. But if they should be inclined even to do this, would it not be more eligible for me to return, when they would have an opportunity to get rid of the matter without any revocation of letters of credence, by nominating another Minister after I had quitted the empire. If I might offer my opinion upon this subject, I do not think the advantage of a Minister at this Court will compensate for the expense of it.

Of all the causes, which might occasion this answer of her Imperial Majesty, I can think of none which is likely to have more influence in the case, than the second matter pointed out in my letter of April 17th, as having happened since my communication was made. It will be wondered, perhaps, how that could have such an effect, and it may be supposed it would have a direct contrary one. I supposed quite otherwise when I mentioned it, and I feared the consequence of it when it was known here. This is to be accounted for only, from particular local knowledge of what kind of influence governs here. I shall lose this day's post, if I do not immediately close this letter.

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I have the honor to be, &c.

FRANCIS DANA.

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## TO ROBERT R. LIVINGSTON.

St Petersburg, May 13th, 1783.

Sir,

I did myself the honor to forward to you, by the last post, of the 9th instant, by the way of France, a copy of the Memorial I presented the day before to the Vice Chancellor, and of my letter accompanying the same. By this day's post, I send you a second copy of them through the same channel, and a third, by the way of Holland. I wrote you a separate letter on the day of the last post, not thinking it advisable to trust it with the packet. For the same reason, I send those by today's post unaccompanied with any letter to you.

I have before given it as my opinion, that if this answer of her Imperial Majesty should be persisted in, it will not wound the honor or dignity of the United States in the sentiment of any Sovereign of Europe. I am more and more confirmed in this opinion, as I reflect upon the objections, which have been raised against the immediate reception of a Minister from the United States. They appear to me to be totally unsupported by any principles of sound policy, or of the laws of nations. So far from its being thought, that the communication has been precipitated, I believe it is rather a matter of wonder, why it was so long delayed. Every one will see, that the course of events had most certainly prepared the way for it, judging upon any fixed principles. The other neutral powers were accordingly inviting the United States to enter into political connexions with them; and none of them have really a stronger interest to do so than this empire. The account alluded to in my letter of the 25th of April, as having been transmitted to me by Mr Adams, is as follows. (Extract of a Letter from William Lee, February 18th, 1783.) "I am advised, from very good authority, that the Emperor is desirous of entering into a treaty of commerce with the United States of America, on terms of equality and mutual advantage. Therefore, shall be much obliged to you for informing me, if there is any person *in Europe* authorised by Congress to enter into such a treaty with her Imperial Majesty," &c. Is it probable, after such an inquiry, that that illustrious Sovereign, if any of your Ministers in Europe had communicated such powers,

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would have made either of the objections, which have been raised here? The motives, which have given occasion to so singular a determination on the part of her Imperial Majesty, will be known. I can speak very generally only upon this subject while I remain here. I must again, therefore, beseech Congress to suspend forming any judgment upon this matter.

I propose to wait a reasonable time for an answer to my Memorial. If none should be given, or the former one should be persisted in, I shall then set off for Stockholm, from whence I will write to you more freely, first taking another step, which appears to me advisable, I mean, to communicate what has passed at this Court, to the foreign Ministers, to prevent misrepresentations to the prejudice of the United States. The truth I think can do them none.

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I am in hopes of receiving an answer to the Memorial in a few days, and will transmit you an account of it immediately. In the meantime, I am preparing to quit this city in case it should not be such as we have a right to expect from the uniform conduct of the United States respecting her Imperial Majesty.

I have the honor to be, &c.

FRANCIS DANA.

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### TO JOHN ADAMS.

St Petersburg, May 15th, 1783.

Sir,

You will see, with astonishment, I dare say, the objections that have been raised against my immediate reception at this Court. I must acquaint you, that the first has taken place since I made my communication; the courier having arrived here with the proposals three days after, viz. on the 27th of February. However, I think it far from being a solid objection. The second is of so extraordinary a nature, that it is impossible, in my opinion, that the United States can ever comply with it. If they should incline to do it, it shall never be done upon my request. I would perish before I would propose it to them. If they have not lost all sense of their own dignity, and I believe they have not, they would sooner resolve never to send a Minister to this Court during the life of the present Sovereign. I have said all upon that point that I thought it prudent to say in my Memorial; but you will at once perceive, I must have suppressed some very forcible arguments merely to avoid giving offence. It is not my business to embroil matters between the two countries; quite otherwise.

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With this view, I have openly disavowed all instructions relative to the subject, and expressly desired that my reply may be considered as containing my private sentiments only. This leaves Congress at full liberty to avow or disavow whatever they think proper. They may sacrifice my reputation and character, if they judge the interests of our country require it, but I will never sacrifice the dignity of the United States, by seeming, for a moment, to give into a proposition, which I conceive would be an eternal disgrace to them. For this reason, I have resolved, after waiting a reasonable time for an answer to my Memorial, if none should be given, or the first be persisted in, to return with all speed to America. Which again will be the means of leaving Congress more at liberty to act, by affording them an occasion of sending another Minister here, if they should incline to do it, without being under the necessity of revoking my letter of credence and granting me another, bearing date since the acknowledgment of our independence by the King of Great Britain. I spare all reflections upon this system, if it can be called one, of politics; and shall not attempt to account for it at this time.

I have the honor to be, &c.

FRANCIS DANA.

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### ROBERT R. LIVINGSTON TO FRANCIS DANA.

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Philadelphia, May 27th, 1783.

Sir,

Since my last, a copy of which will be transmitted with this, Congress were pleased to pass the enclosed resolution limiting the term to which they conceive the duration of the treaty of commerce to be proposed to Russia should be confined, and directing that it should be in no way obligatory upon them, till they had revised and approved it.<sup>[26]</sup> This latter part of the resolution, will I dare say make no difficulty, since it only conforms to the powers you already have, and which if you have made any propositions, must I presume have been made under this restriction. You will find, however, that Congress do not wish to perplex or embarrass you, if your propositions are not exactly conformable to their intentions, but have left it to your discretion to

proceed if you are too far engaged to recede with honor; but they are still anxious not to engage extensively in commercial treaties, till experience has shown the advantages or disadvantages that may result from them.

I wish you had enlarged upon this subject so as to have shown minutely the conveniences, that will arise from trading with the dominions of her Imperial Majesty under a treaty rather than without. You hint at one of them, when you speak of the different coin in which the duties are to be paid, but not having explained the value of the money of the country, or the amount of duties, we know not what advantage we are to gain from being permitted to pay them in it.

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By a late resolution, Congress have been pleased to direct, that the postage of letters and the payment of couriers be allowed as contingent expenses.

Give me leave, Sir, again to remind you, that your letters have hitherto been silent on the subject of government, police, laws, arts, manufactures, finances, civil and military establishments, &c. It is true, a general knowledge of these may be acquired from several publications; but minute and accurate details are necessary to answer political purposes; and as you have much leisure, an ample support, and the means of acquiring this information, with the ability to employ those means to the best advantage, I must again request you to impose this task upon yourself, and to consider it as a standing instruction, to write at least once a week on these subjects.

I have nothing to add as to general intelligence, since my last, but that Congress have ordered that furloughs be granted to about two thirds of the army. And that we have some reason to complain of the infraction of the seventh article of the provisional treaty; Sir Guy Carleton having sent off numbers of slaves under pretence of having come in under proclamation, which gave them their freedom, and they could not be within the letter or spirit of the article.

I have the honor to be, &c.

ROBERT R. LIVINGSTON.

#### FOOTNOTES:

- [26] "*In Congress, May 22d, 1783. Resolved, that Mr Dana be instructed, in case he has not already proceeded too far in the commercial treaty between the United States of America and Russia, that the treaty be limited to the term of fifteen years; and that the same be subject to the revival and approbation of Congress before they shall be under obligations to accept or ratify it.*" For the proceedings of Congress on the subject of Mr Dana's letters, see the *Secret Journal*, Vol. III. pp. 344-354.

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### TO ROBERT R. LIVINGSTON.

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St Petersburg, May 30th, 1783.

Sir,

I have already sent you three copies of the Memorial, which I presented to the Vice Chancellor, Count Ostermann. There is no doubt, now hostilities have ceased, but one of them at least will come safe to hand. It has all along been uncertain to me what the effect of the Memorial would be, that is, whether it would produce any change in her Majesty's present plan of conduct towards the United States. I had in view by it principally, to place our affairs in such a point of light, that if her Majesty should persist in her answer, the dishonor of it, if any, should not fall upon the United States.

The Memorial was as unexpected to the Vice Chancellor, as his answer was to me, after the previous assurances I had received, that all obstacles were removed. He expected the whole matter would have ended with the conference I had with him. In which case they could, and they would without any scruple, have made what they pleased of it; have varied it, added to it, or diminished it, as future circumstances should render expedient. To prevent this, finding I could not obtain a note in writing of the substance of the answer, I determined to make that certain, as well as my reply to it, by throwing the whole into a Memorial.

Not having received an answer to this, as I had desired in my letter accompanying it, on the 28th instant, I wrote another letter for the Vice Chancellor, as my ultimatum, and intended to have sent it yesterday, but a private friend called upon me in the evening of the same day, and told me he was informed, that I should have an answer in the course of this week, which would be satisfactory to me, but that he knew nothing of the particulars. Upon this intelligence I have omitted to send my letter to the Vice Chancellor, and shall wait patiently for the answer, at least through the week. Though my expectations are not sanguine from this information, which I have no doubt has been delivered exactly as it was received, yet it gives some room to hope for further explanations upon the subject, and that a proper system, such as the true interests of this empire point out, may be finally adopted, and without my coming to the last measure, that of quitting the

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country, a measure which I cannot but consider as indispensably necessary to the maintenance of the honor of the United States, if her Majesty should persist in her first answer. A few days will now determine whether all obstacles to my reception are effectually removed, or whether more plausible pretences only are intended to be opposed to it. Not a moment shall be lost to communicate to you whatever may take place relative to so interesting a subject.

As to general news there seems to be no doubt of the war breaking out between Russia and the Porte, but it is still thought that the Emperor will not take a part in it, knowing the consequence of his doing so will be a general war upon the continent, in which he may probably suffer much. I am told the Khan of the Crimea, who has lately been restored by Russia, has ceded that important peninsula to the Empress, and retired into the Cuban. Thus that country has been made independent of the Porte, but to become a province of this empire; an event which most have been foreseen, though probably not expected so early. You will find some particulars relative to the Crimea in my letter of the 15th of January last. Russia must henceforward be considered as having the absolute command of the Black Sea. But on the other hand, she will not probably be able to act with her fleets in the Archipelago against the Turks, as in the last war, for a plan it is said, is forming by the House of Bourbon, to render the Mediterranean a privileged sea like the Baltic, (which was done by a confederation of the powers bordering upon that sea) by a similar confederation of the powers upon the Mediterranean. By this means the Russian fleet will be obliged to quit that sea, and France without entering into the war will render a most essential service to the Porte. Seven sail of men-of-war, which had received orders to sail from hence and Archangel, to join the fleet at Leghorn, have in consequence of this plan, as is supposed, been stopped. It is said likewise to be intended to suppress those troublesome piratical people upon the coasts of Barbary, and who so frequently insult the first maritime powers of the world, and in a manner make them all their tributaries.

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I am, Sir, with the greatest respect, &c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, June 6th, 1783.

Sir,

In my last I acquainted you, that I had been informed I should receive a satisfactory answer to my Memorial, in the course of that week. None has yet been given. Through the same channel I was yesterday informed, that it was intended to give the answer on Monday or Tuesday next. From this delay I am inclined to think, they wait to receive an account of the definitive treaty, when all ideas of a mediation will be done away. This is daily expected here. The other objections may be then dropped. It would be thought perhaps to be too humiliating to give them all up at once. In this way probably the whole may be compounded. I shall wait patiently in this expectation till we receive that account.

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I have the honor to be, &c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, June 17th, 1783.

Sir,

Although we have not received any account of the conclusion of the definitive treaty, under the mediation of their Imperial Majesties, I have the satisfaction to acquaint you, that our affairs have taken the turn, which I supposed in my last they might do. This is the utmost effect I could ever expect from my Memorial, for the reason mentioned in that letter. On Saturday morning I received a note from the Vice Chancellor, of which the following is a copy.

**Translation.**

"Count Ostermann begs Mr Dana to do him the favor to call on him today at one o'clock, taking this occasion to assure him, with great pleasure, of his perfect esteem.

"*Saturday, June 14th.*"

Having waited upon him accordingly, he entered into a conversation tending to explain away the

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principal parts of his first answer. He said, however, that he did not intend that as the answer to my Memorial, this being included wholly in the note which he would read to me, and that I might take a copy of it to prevent any mistakes, which is as follows.

### **Translation.**

"I have not failed, Sir, to place under the eyes of the Empress, my Sovereign, the letters which you addressed to me on the 8th and 10th of April, accompanied with a Memorial and a supplement to that Memorial.

"Their contents proving that you have taken in a wrong sense what I had the honor of saying to you previously respecting the overture, which you made to me relative to the honorable commission with which you are charged, I have renewed to you the expression of satisfaction with which the Empress has accepted the mark of attention, which your constituents have shown in sending to her a person expressly clothed in a public character, and that she will receive him with pleasure in that quality, as soon as the definitive treaties, which are now on the eve of being concluded between the powers, who have been at war, shall be consummated. Her delicacy has been a law to her not to make any advance before that time, which should be considered inconsistent with those principles, which have characterised her strict impartiality during the course of the late war. In other respects, the Empress designs that you shall enjoy, not only in your own person, but also your countrymen, who shall visit her empire either on commercial or other affairs, the most favorable reception, and the protection of the laws of nations.

"As to what I said to you, Sir, concerning the date of your letters of credence, there has been no occasion for any question respecting the consequences you have drawn from it. The conduct, which the Empress has held during the whole course of the war, sufficiently proves the impartiality of her sentiments, renders all discussion on this subject unnecessary, and ought to be perfectly satisfactory to you."

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To which I returned the following answer.

### **TO HIS EXCELLENCY COUNT OSTERMANN.**

"I have considered the answer to my Memorial, which your Excellency gave to me, on the part of her Imperial Majesty on the 14th instant, as contained in the written note, of which you permitted me to take a copy. Knowing the high sense the United States of America have, of that strict impartiality between all the late belligerent powers, which her Imperial Majesty has so evidently manifested during the course of the war, and that they would not wish any propositions should be made on their part, which she might possibly think in the least degree repugnant to it, I omitted to make the communication of my mission to your Excellency, till the conclusion of the preliminary treaty between the Courts of Versailles, Madrid, and London, had been in form communicated to her Imperial Majesty. It is to be observed, that at the time I made it, the mediation had not taken place, the despatches relative to it, if I am not mistaken, having arrived three days after. The other matters being waved, I shall conform with the utmost satisfaction, to her Imperial Majesty's manner of thinking respecting the present mediation, and wait the conclusion of the definitive treaty of peace. I have a most grateful sense of the assurances, which her Imperial Majesty has been pleased to give to me, that in the meantime, not only myself, but such of the citizens of the United States, as affairs of commerce or others may bring into her empire, shall enjoy the most favorable reception, and the protection of the laws of nations.

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"I pray your Excellency to accept my sincere acknowledgments of the polite manner in which you communicated the answer to my Memorial.

"I have the honor to be, &c.

FRANCIS DANA.

*"St Petersburg, June 16th, 1783."*

You will not suppose, from anything contained in the answer to my Memorial, that I had misstated any part of the first answer. Whether my reasoning upon the several parts of it is just, or not, you are best able to determine. If I have drawn consequences from it that are not true, as the reply supposes, it has at least had the effect to remove every obstacle except that of the mediation, which a very short time will probably put an end to, and also to draw forth an express assurance of the most favorable reception of the citizens of the United States, of a liberty freely to carry on their commerce with this empire, and under the protection of the laws of nations. If this is not in effect giving up every objection, so far as they have any pretence to be grounded upon established principles, I am greatly mistaken in the matter. Considering it in this light, I have made no difficulty to declare, that I should conform, with the utmost satisfaction, to her Majesty's sentiments respecting the mediation. Thus, I flatter myself, all discussion of every kind, especially of matters of so much delicacy, is at an end. I am much deceived, if what has taken place will be of the least disadvantage to our interests. I am happy to add, I found the Vice

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Chancellor in an exceeding good disposition; and have every reason to expect that all will go on in future in the most perfect harmony.

You will observe mention is made in the written answer of a letter of the 10th of May, and of a supplement to the Memorial. This is nothing more than to introduce a paragraph, which I had omitted to insert in the copy sent to the Vice Chancellor. You have it in the second and third copies which I sent to you, but not in the first.

Her Majesty will set off in a few days for Fredericksham, a town in Finland, near the frontiers of her Empire, to meet the King of Sweden. The object of their meeting is supposed to be to insure tranquillity on that side, while the war may be prosecuted on the other against the Turks. The information respecting the Crimea, which I communicated to you, is not yet beyond all question. If it has not already become a fact, there is little room to doubt but it will, in the course of a short time. Protection and subjugation are not far separated in such cases. Besides, it forms so capital a part of the present ruling system, that no means will be neglected to effect it as early as possible.

The duplicate of your letter of the 17th of December, was brought me by the last post; the first copy has not come to hand, and the enclosures sent with that, you say in a postscript, are omitted in this for want of time. They are, however, become useless by the great change of peace. It is not the trouble, but the danger of meddling too particularly with the subjects you speak of, that has hitherto prevented my going further into them. You will be pleased to recollect, as I have mentioned before, that I have no cypher from you but what has come to me through this office, and that the duplicate of it did not accompany the duplicate letter, which was said to enclose it. I am not without my apprehensions, that it was taken out of your letter here. I have never received any other cypher than the first from you, though it seems by your letters, that you had sent me both a written and a printed one since. I sent you one by Mr Adams's son, who left me last October, but instead of being two months as I expected at furthest upon his route to Holland, he has been near six, so that you have not probably received that.

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If you will be pleased to turn to my letter of the 30th of March, and to read that *single* sentence in it, which begins with the words "There has lately been a lively sensation," &c. you will find the great object which has constantly engaged the attention of this Court. It is the polestar of their system, and everything else has been subject to its influence. Nothing has been adopted but with a view to facilitate the execution of that project. The policy mentioned in the last paragraph of my letter of October 14th, (sent by Mr Adams,) had no other object in view. You will instantly perceive the reason why I have supposed they would have been well pleased with the events there pointed out. You will see of course, that the different turn those affairs have taken cannot be very agreeable here, and how they may, and in fact do, obstruct the great project in this moment. Sir, I have been very unwell for four days past, and am at this instant so feeble, that I can add nothing more than, that I am, with much respect, &c.

FRANCIS DANA.

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## PLAN OF A COMMERCIAL TREATY BETWEEN RUSSIA AND THE UNITED STATES.<sup>[27]</sup>

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### ARTICLE I.

There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between her Imperial Majesty and her heirs and successors to the throne and the United States of America, and between the countries and territories situated under their jurisdiction respectively, the people and inhabitants thereof, and between their citizens and subjects of every degree without exception of persons or places.

### ARTICLE II.

The rights, liberties, privileges, immunities, and exemptions respecting navigation, trade, commerce, or the distribution of justice, which now are, or hereafter shall be granted by either of the contracting parties to any nation whatever, by any treaty, tariff, law, or ordinance whatever, shall immediately become common to the other party, whose citizens and subjects shall enjoy the same in as ample a manner, to all intents and purposes, as if the articles and clauses in virtue of which, they now are, or hereafter shall be granted to any nation, had been inserted into this treaty, and made a part thereof.

### ARTICLE III.

It is particularly agreed and concluded, that the citizens and subjects of the contracting parties respectively, shall freely enjoy the right of passing with their vessels from one port to another, within the territories of the other party, of going from any of those ports to any foreign port of the world, or of coming from any foreign port of the world to any of those ports. The citizens and

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subjects of the contracting parties respectively, shall pay within the territories of the other party no other or greater duties or imposts, of whatever nature or denomination they may be, than those which the most favored nations now are, or hereafter shall be obliged to pay. And it is particularly agreed, that the citizens of the United States may pay the duties and imposts laid upon merchandises which they shall import into, or export from Russia, and which are or shall be ordered to be paid in rix dollars, in the current money of Russia, at the rate of one hundred and twentyfive copeaks for each rix dollar of full weight. The citizens and subjects of the contracting parties shall have full liberty of navigation, trade, and commerce in all parts of the territories of the other party where navigation, trade, and commerce now are, or hereafter shall be permitted to any other nation whatever; and to that end they shall mutually have free liberty to enter by water and by land with their vessels, boats, and carriages, loaded and unloaded, into all such ports, harbors, rivers, lakes, cities, towns, and places, within the territories of the other party, where navigation, trade, and commerce now are, or hereafter shall be permitted to any other nation, and there to import or export, to sell or to buy all goods, wares, and merchandises of any country whatsoever, the importation and exportation of which shall not be prohibited; and to remain there or to depart from thence, with their vessels, boats, carriages, and effects, paying the duties and imposts prescribed in each place, and conforming, with regard to their boats, vessels, and carriages, and the transportation of their effects, to the laws established in the place where such transportations shall be had and done, and which shall not be repugnant to any articles or clauses of this treaty.

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#### **SEPARATE ARTICLE.**

Whereas, it may sometimes happen, that the citizens of the United States of America, may make circuitous voyages from America, through some other parts of Europe into Russia, and may take on board their vessels merchandise of the growth, production, or manufacture of such other parts of Europe, with an intent to carry the same into America; it is agreed, that such merchandises shall not be liable to seizure or confiscation, when they shall be brought into any port of Russia, although they should happen to be of the sort called contraband or prohibited merchandise, nor shall they be subjected to the payment of any duties, either of importation or exportation, or of any other duty whatever; provided, always, that they shall not be attempted clandestinely to be landed, or be exposed to sale, but a full report of all such merchandise shall be duly made to the Custom-house, and they shall if required, be deposited in some suitable magazine, under the custody of a proper officer of the port, to be reloaded on board the same vessel, when she shall have made up the residue of her cargo to be exported for America, according to the original intention, paying only the expense of storing the same and other reasonable charges.

#### **ARTICLE IV.**

And to enable them more amply to enjoy the benefits and advantages granted in the foregoing articles, the citizens and subjects of the contracting parties shall mutually have full liberty to establish factories in all parts of the territories of the other party, where such liberty now is, or hereafter shall be granted to any other nation whatever; which factories shall enjoy the same rights, liberties, privileges, immunities and exemptions, as those of the most favored nations.

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#### **ARTICLE V.**

All special advantages and benefits, of whatever name or nature, which are or hereafter shall be granted by either of the contracting parties, in virtue of any treaty, tariff, law, or ordinance, in favor of any nation where commodities of the growth, production, or manufacture of its territories shall be imported, whether in their own vessels or others, by a direct navigation into the territories of the contracting party, which shall have granted such advantages, shall immediately become common to the other contracting party, whose citizens and subjects shall fully enjoy the same special advantages and benefits, to all intents and purposes, whenever they shall in their own proper vessels, likewise import the same commodities into the territories of the party granting the same, by a direct navigation from the territories of such favored nation.

#### **ARTICLE VI.**

It is further agreed and concluded, that when any of the commodities of the Islands, commonly called the West Indies, or of other neighboring Islands, or of any part of the continent of America, shall be imported into any of the territories of her Imperial Majesty, by the citizens of the United States in their own proper vessels, by a direct navigation from the countries where the same commodities shall have been produced or manufactured, that in such case there shall be abated and deducted from the duties imposed upon such commodities one — part thereof; but if they shall import the same indirectly from any European port, they shall pay the duties in full, according to the tariff. It is particularly agreed, that all raw and refined sugars, not in loaves, when imported by the citizens of the United States as above by a direct navigation shall be free of any duties.

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#### **ARTICLE VII.**

All possible assistance and despatch shall be given to the loading and unloading of vessels, as

well for the importation as for the exportation of commodities, according to the regulations on that head established; and they shall not be detained in any manner, under the penalties denounced in the said regulations. And to prevent vexations and grounds of complaint, it is agreed, that all merchandises when once put on board the vessels of the citizens and subjects of the contracting parties, shall be subject to no further visitation or search; but all visitation or search shall be made beforehand, and all prohibited merchandises shall be stopped on shore before the same be put on board such vessels. Nevertheless, to prevent on both sides the defrauding the customs, if it should be discovered, that any merchandises have been imported or attempted to be put on board such vessels clandestinely, or without paying the duties, they shall be confiscated, but in neither case the persons, vessels, or other merchandises of the citizens and subjects, on one part or the other, shall be put under any arrest, or be in any manner detained or molested, nor shall any other punishment be inflicted upon them for such offences.

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#### **ARTICLE VIII.**

It shall be wholly free for all merchants, commanders of vessels, and others, citizens and subjects of the contracting parties, within the territories of the other party, to manage their own business themselves, or to commit it to the management of whomsoever they please; nor shall they be obliged to make use of any interpreter or broker, nor to pay them any salary, unless they choose to make use of them. They shall likewise have full liberty to employ such advocates, procurators, notaries, solicitors and factors, as they shall think proper. Moreover, masters of vessels shall not be obliged in loading or unloading them, to make use of any workmen who may be appointed by public authority for that purpose; but it shall be entirely free for them to load or unload their vessels by themselves, and their own proper mariners, or to make use of such persons in loading or unloading their vessels as they shall think fit, without the payment of any salary to any other whomsoever; neither shall they be forced to unload any sort of merchandises into other vessels of any sort, or to receive them into their own, or to wait for their being loaded longer than they shall have contracted for.

#### **ARTICLE IX.**

If any dispute shall arise between any commander of the vessels of either party and his seamen, in any port of the other party, concerning wages due to the said seamen, or other civil causes, the magistrate of the place shall require no more from the person complained against, than that he give to the complainant a declaration in writing, witnessed by the magistrate, whereby he shall be bound to prosecute that matter before a competent judge in his own country according to the law thereof; which being done, it shall not be lawful, either for the seaman to desert the vessel, or to hinder the commander from prosecuting his voyage. And if at any time any seamen should desert their vessels, upon complaint thereof made to the magistrate of the place by the commander of the vessel, he shall cause all such deserters to be sought for, and if found, to be restored immediately to the commander of the vessel, or, if he shall desire it, to be confined in prison, or some safe place at his expense, to be delivered up to him when he shall be about to depart with his vessel.

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#### **ARTICLE X.**

It shall be permitted to the citizens of the United States, who shall establish themselves in Russia, to build, buy, sell, hire, or let houses in the towns of St Petersburg, Moscow, and Archangel, and in all other towns of the empire, which have not rights of burghership, and privileges to the contrary; and it is particularly agreed, that the houses which they shall possess and inhabit within any parts of the empire, shall be exempted from all quartering of soldiers or other lodgements, so long as the same shall be actually possessed and occupied by themselves. On the other hand, permission shall likewise be granted to the Russian merchants to build, buy, hire, sell, or let houses within all parts of the territories of the United States, in the same manner as now is, or shall hereafter be granted to the most favored nations; and all such houses as they shall build, buy, or hire, shall, so long as they shall continue to dwell in the same themselves, be exempt from all quartering of soldiers or other lodgements, throughout all parts of the same territories, without exemption of places.

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#### **ARTICLE XI.**

The citizens and subjects of the contracting parties shall, within the territory of the other party, have full liberty to take and receive into the houses they inhabit, or into their particular magazines, all such commodities as they shall have imported, or as shall be consigned to them; and to this end, they shall be delivered up to them from the public magazines, if required, as soon as conveniently may be, after they shall have paid the duties and other lawful charges thereon; and they shall have full liberty to sell and dispose of the same at their houses and particular magazines as they shall think fit, upon this express condition, however, that they shall not sell them there or elsewhere by retail; and they shall not be charged with any taxes or impositions whatever on account of their enjoying this privilege, or with any other than the most favored nations shall pay.

#### **ARTICLE XII.**

To prevent fraud, which might otherwise take place, and to establish a mutual confidence in matters of commerce, it is agreed, that all the citizens and subjects of the contracting parties, whether residents in their own or in the territories of the other party, who shall have arrived to the full age of twentyone years, (being of sound mind, excepting always the Russian peasants) shall be judged capable of making contracts in their own names, and shall, accordingly, be held and obliged to fulfil and perform all contracts and engagements, which they shall so make and enter into, agreeably to the rules of good faith; and this, whether their fathers, or mothers, or both, shall be living or dead at the time of making the contract, or whether they have been portioned or not by them, or either of them. And all the Russian clerks or servants employed in the shops shall be registered in some tribunal, and their masters shall be responsible for them in affairs of trade and commerce, bargains or contracts, which they shall make in their names.

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#### **ARTICLE XIII.**

When the Russian merchants shall cause to be enregistered at the custom house their contracts or bargains for the sale or purchase of merchandises, by their clerks or factors, or others employed by them, the officers of the customs where these contracts shall be enregistered, shall carefully examine if those who contract for the account of their principals, are authorised by them with orders or full powers made in good and due form, in which case, the said principals shall be responsible as if they had contracted themselves in person. But if the said clerks, factors, or other persons employed for the said merchants, are not provided with sufficient orders or full powers in writing, they shall not be believed upon their word, and although the officers of the customs are charged to watch in this respect, the contractors shall, nevertheless, take care for themselves that the agreements or contracts that they make together exceed not the procurations or full powers, which have been confided to them by their employers, since these last are not held to answer but for the objects and amount for which the full powers have been given by them.

#### **ARTICLE XIV.**

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The Russians shall be amenable to justice touching all their contracts and engagements between them and the citizens of the United States residing in Russia, in the place where they shall have made them, unless it shall be otherwise stipulated therein, and according to the laws of the same place; and if any process should arise between them in the towns of St Petersburg, Moscow, or Archangel, the College of Commerce alone, to the exclusion of every other tribunal, shall take cognizance thereof, after complaint shall have been duly made; and said College shall cite the person complained against to appear before them in person, or by his attorney, to answer such complaint, allowing a reasonable time therefor; and if he should appear, or fail to appear and answer within the time fixed, upon due proof of the matter in question being produced, the said College shall proceed to pass judgment thereupon against the person complained of, and where it is necessary to carry their judgment into execution against an absent person, shall forthwith when desired by the complainant, at his expense, send an express to the proper Governors or Waywodes, and shall order them to cause the judgment to be executed without loss of time, and thus shall oblige the person condemned, to pay the sums of money specified in such judgment, with reasonable costs.

#### **ARTICLE XV.**

But whenever a process or dispute shall take place concerning any contract made between the citizens of the United States and the Russian subjects, in a place where the College of Commerce hath no department, they shall be heard and determined by the ordinary magistrate of the place; and in all such cases, the process shall be conducted in like manner as is agreed in the preceding article, as well with respect to the obtaining of judgment, as to the execution thereof; and the citizens of the United States, in all causes between them and the Russian subjects, which shall be tried by any magistrate of a place where the College of Commerce hath no department, shall have a right to appeal from the judgment of the magistrate to that of the College of Commerce, whenever they shall think themselves aggrieved thereby. On the other hand, the Russian merchants within the territories of the United States shall, in their turn, enjoy the same administration of justice as the native citizens.

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#### **ARTICLE XVI.**

It shall be lawful for the merchants on the one part and on the other, to keep in the places of their abode, or elsewhere, books of their accounts and affairs, and also to maintain an intercourse of letters in any language they please, without being liable to any restraint in these respects. Nor shall they be obliged to show their books or papers to any person whatever, unless it be in the course of justice; and if it should become necessary for them to produce their books or papers for deciding any controversy, in such case, no other articles or parts thereof shall be shown, than such as shall relate to the matter in question, or shall be necessary to give credit to the same books and papers. And it shall not be lawful under any pretence, to take the said books or papers forcibly out of the hands of the owners, or to retain them; the case of bankruptcy always excepted.

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## ARTICLE XVII.

If any bankruptcies shall happen in Russia, in which any of the citizens of the United States shall be interested, either as creditors or debtors, the creditors shall assemble under the authority of the College of Commerce, and the major part of them, as well with respect to number as to the value of their demands, shall name three or more persons, from among themselves or elsewhere, trustees, who shall take possession of all the effects movable and immovable of such bankrupt, and of his books and papers, and shall examine the same to discover the state of his affairs, and they may decide upon the claims of any one pretending to be a creditor of such a bankrupt, if his claim shall be questioned by any other creditor in whole or in part; and the decision of the major part of such trustees thereupon, shall be final and binding upon all the creditors. The trustees shall have full authority also to demand and receive all debts due to the bankrupt, to sell and dispose of his effects movable and immovable, and shall distribute with all convenient speed the proceeds thereof among all the creditors, in a just proportion to their respective demands and credits, as finally settled and allowed by the trustees, without any preference whatever among the creditors, on account of the different nature of their demands. It is to be understood always, however, that when any immovable estate of the bankrupt shall have been mortgaged and pledged to any creditor, such creditor shall receive the full of his debt before the same estate shall be taken out of his possession and sold for the profit of the other creditors. But, as to movable effects, no right of pledge shall be admitted, unless the thing claimed by any creditor as a pledge for his debt, shall have been actually delivered to him before the bankruptcy was committed, and shall have remained constantly in his hands; in which case, he shall also be paid the whole of his just debt, before he shall be dispossessed of such pledge to be sold for the benefit of the creditors in general. The trustees shall make a report to the College of Commerce in what state they have found the books, papers, and affairs of the bankrupt, and by what means he has failed, and, if they declare him to be an honest man, he shall be immediately discharged.

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## ARTICLE XVIII.

To multiply the ties, and to establish a more intimate and friendly intercourse between the citizens and subjects of the contracting parties, it is agreed, that whenever any citizen of the United States, resident in any part of Russia, shall associate and enter into partnership with any Russian merchant, he shall thereby acquire and be entitled, for so long time as the said association and partnership shall be continued, all the rights, liberties, privileges, immunities, and exemptions, in navigation, trade, and commerce, of a native subject of Russia. And on the other hand, whenever any Russian merchant resident in any of the territories of the United States, shall associate, and enter into partnership, with any merchant or citizen of the United States, he shall thereby acquire and be entitled to enjoy, for so long a time as the said association and partnership shall be continued, all the rights, liberties, privileges, immunities, and exemptions in navigation, trade, and commerce, of a native citizen of the United States. But the said citizens and subjects, on the one part and on the other, shall not be subjected on such account to any tax or imposition whatever, and they shall also be exempt from all burdens, charges, and services, of what nature soever, which are peculiar to native citizens, and subjects, and burghers, and are not exacted from the most favored nations.

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## ARTICLE XIX.

All necessary precaution shall be taken, that the brack be trusted to persons of known ability and probity, and the brackers shall be responsible for the quality of the goods, and fraudulent package, and shall be obliged after sufficient proofs produced against them, to make up the losses occasioned by their negligence or fraud. The officers of the customs shall have the charge of examining the clerks or servants of the American merchants residing in Russia, when they cause their goods to be entered, whether they have the orders of their masters in writing for that purpose, and if they have not, they shall not be credited, nor shall their masters be responsible for any entries their clerks or servants may cause to be made in their names, without their orders in writing for the same.

## ARTICLE XX.

The citizens and subjects of the one part and on the other, shall have full liberty to remove themselves and their families (if they have any) together with their effects of every kind, whensoever they think fit, out of the territories of the other party; paying their just debts, and the ordinary established duties of exportation, but without being subjected to any extra duties or deduction from their effects, for the right of carrying them out of the territories of such party; and the proper passports for their persons and effects shall be granted without unnecessary delay. It is particularly agreed, that passports shall be granted to all such citizens of the United States, who being merchants within the Russian dominions, shall desire to quit the same, by the government, at the end of two months after they shall have published their intention of departing in the Gazette of St Petersburg, without their being obliged to give any security whatever, and if within that time there shall not appear any lawful cause to detain them, they shall be permitted to depart freely, with all their effects.

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## ARTICLE XXI.

There shall be an entire and perfect liberty of conscience allowed to the citizens and subjects of both nations, within the territories of the other party; and in consequence thereof they shall be permitted to worship freely, either in their own houses, or churches destined and allowed for that purpose by the government, according to the rites of their own religion, nor shall they in any measure be molested therein. There shall, moreover, be granted liberty whenever any of the citizens or subjects of either party shall die in the territories of the other party, to bury them in the usual burying places, or in decent and convenient grounds, appointed for that purpose, as occasion shall require, and the dead bodies of those who are buried shall not in any measure be disturbed.

#### ARTICLE XXII.

Although the *Droit d'Aubaine* does not exist within the territories of either of the contracting parties, it is nevertheless agreed between them, to clear away all doubts which might arise thereupon, that their respective citizens and subjects shall have full right to dispose of all effects, which they shall have or ought to have within the territories of the other party, by testament, donation, or otherwise, in favor of such persons as they shall think fit; and their heirs, subjects of one of the parties, and residing in the territories of the other, or elsewhere, whether so by testament, donation, or other particular titles, or as intestate, shall freely succeed to, and take possession of all such effects, whether in person or by procuration, or if minors by their guardians, tutors, or curators, although they shall not have obtained letters of naturalization, and may dispose of the same as they shall think fit, paying the just debts only which shall have been due from the deceased at the time of his death; and they shall not be chargeable with the payment of any duties or imposts whatever, upon entering into the possession of such effects, movable or immovable; and who shall be deemed heirs of any citizen of the United States, who shall die intestate in Russia, and in what proportion his effects, movable or immovable, which he shall have left there, shall be divided among them, shall be determined by the laws of the State in the Union of which the deceased was last a member; and if the heirs of the deceased shall be absent, or minors, at the time of his death, and he shall not have named a particular trustee of his effects for their use, in such case an inventory shall be taken of all such effects, movable and immovable, by a Notary Public, under the direction and in presence of the consul, vice consul, agent or commissioner of the United States, if there be any in or near the place where the deceased last dwelt; all which effects shall be immediately after committed to the care of one or more persons, to be named by the said consul, vice consul, agent, or commissioner, or in default thereof, to those whom the public authority shall designate for that purpose, to the end, that they may safely be kept by them, and preserved for the lawful heirs of the deceased.

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#### ARTICLE XXIII.

The contracting parties shall mutually endeavor by all the means in their power, to defend and protect all vessels and other effects belonging to the citizens or subjects of the other party, and being in their ports, roads, harbors, internal seas, passes, rivers, and as far as their jurisdiction extends at sea, and to recover, and cause to be restored entire, to the true proprietors, their agents or attornies, all such vessels and effects which shall be taken under their respective jurisdictions, and their vessels of war and convoys sailing under their authority, in cases when they may have a common enemy, shall take under their protection all the vessels belonging to the citizens and subjects of the other party, which shall not be ladened with contraband goods, (according to the description thereof made in the article of this treaty) for places with which one of the parties is at peace and the other at war, nor destined for any place blocked, and which shall hold the same course or follow the same route, and they shall defend such vessel as long as they shall hold the same course, or follow the same route against all attacks, force, and violence of the common enemy, in the same manner as they ought to protect and defend the vessels belonging to the people and subjects of their proper sovereign.

#### ARTICLE XXIV.

Merchants, masters, and owners of vessels, mariners, men of all kinds, vessels, merchandises, and effects in general, of either of the contracting parties, or of their citizens and subjects, shall not be seized or detained within the territories of the other party for any military expedition, public or private use of any one, by arrests, violence, or any color thereof; much less shall it be permitted to take or extort by force anything from the citizens or subjects of the other party, and without the consent of the owner; which, however, is not to be understood of seizures, detentions, and arrests, which shall be made by the command and authority of justice, and by the ordinary method, on account of debts and crimes, in respect whereof the proceedings must be by way of law and according to the forms of justice.

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#### ARTICLE XXV.

In case the citizens or subjects of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbor to retreat and enter into any rivers, bays, roads, or ports, belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help, and they shall be permitted to

refresh, and provide themselves at reasonable rates with victuals, and all things needful for the sustenance of their persons, or reparation of their vessels, and conveniency of their voyage, and shall no ways be detained or hindered from returning out of the said ports or roads, but may come to sail and depart when and whither they please, nor shall they be subject to any visit or to the payment of any duties whatever, provided always, that during their remaining in port, they do not break bulk, or expose any merchandise to sale. It is nevertheless to be understood, that if it shall become necessary for the effectual reparation of any vessel to unload her in part or in whole, permission for that purpose shall be granted, and there shall not be demanded any duties whatever upon the merchandises which shall be unloaded, but they shall be deposited in some suitable magazine under the inspection of a proper officer of the port, to be delivered up to the master of the vessel after she shall have been repaired, to be again loaded on board her; likewise, permission shall be granted to sell so much of the said merchandises as shall be necessary to defray the expenses of repairing and equipping the vessel for sea, paying the duties only upon such part as shall be sold, and they shall not be demanded upon any other part of the cargo under pretence of her having broken bulk, or any other pretence whatever, but she shall be permitted freely to proceed to sea with the remainder of her cargo, without any molestation or impediment whatever.

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#### **ARTICLE XXVI.**

If the vessels of the citizens or subjects of either of the contracting parties come upon the coasts of the other party, without intending to enter into port, or being entered into port, not designing to unload their cargoes or to break bulk, they shall not be obliged to pay for their vessels or cargoes any duties of entry or departure, nor to render any account of their cargoes, at least if there is not probable cause to suspect that they carry contraband goods to the enemies of such party; in which case they shall be obliged to exhibit their passports and certificates described in the article of this treaty, to which full faith and credit shall be given.

#### **ARTICLE XXVII.**

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It shall be lawful for captains and masters of vessels belonging to the United States, or any of them, or to their citizens, freely to receive on board their vessels, or take into their service as passengers or seamen, the natives or citizens of any of the United States, being in any port or place subject to the jurisdiction of her Imperial Majesty, upon such conditions as they shall agree upon, without being subject for so doing to any fine, punishment, process, or reprehension whatsoever; and reciprocally, the captains and masters belonging to her Imperial Majesty, or any of her subjects, shall enjoy in all the ports and places under the obedience of the United States, the same privilege of receiving and taking into their service passengers and seamen, being natives or subjects of any country of the domination of her Imperial Majesty, provided that neither on the one side nor the other, they may not receive or take into their service such of their countrymen who are already engaged either in the public or any private service, or who shall have fled from the justice of the country, but they shall surrender up all such persons whenever duly required so to do.

#### **ARTICLE XXVIII.**

If any vessels belonging to either of the parties, their citizens or subjects, shall within the coasts or dominions of the other party, stick upon the sands or be wrecked, or suffer any other damage, all friendly assistance and relief shall be given to the persons shipwrecked, or shall be in danger thereof; and the vessels, effects, and merchandises which shall have been saved, or the proceeds of them, if being perishable they shall have been sold, being claimed within the space of — months by the masters or owners, their agents or attornies, shall be faithfully restored, paying only that which ought to be paid by the native citizens or subjects in such cases for salvage. There shall also be delivered, gratis, to the persons shipwrecked, safe conducts or passports for their free passage from thence, and to return each one to his country.

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#### **ARTICLE XXIX.**

The two contracting parties, fully convinced of the wisdom and justice of the principles contained in the declaration of her Imperial Majesty of the 28th day of February, 1780, made to the then belligerent powers, and proposed by her as the basis of a system to be established for the general benefit of the commercial world, and that the same ought to be regarded as sacred by all belligerent powers forever; which principles have since been established and agreed upon in the maritime convention concluded at Copenhagen, between her said Imperial Majesty and the King of Denmark and of Norway, on the 9th of July, 1780; and being desirous to make the same the invariable rule of their own conduct, and to have recourse thereto upon all proper occasions, as to stipulations and laws, which merit a distinguished rank in the human code;

The contracting parties do here solemnly adopt and immediately apply to themselves the few important principles, which have been established as above in favor of neutral nations in general, viz.

1st. That all vessels shall navigate freely from port to port, and upon the coasts of nations at war, excepting always ports blocked;

2dly. That effects belonging to powers at war, or to their subjects, shall be free upon neutral vessels, excepting contraband merchandises;

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3dly. That to determine what shall characterise a port blocked, this denomination shall be granted but to such port only, where the vessels of war of the power that attacks it shall be sufficiently near, and stationed in such a manner, that there is an evident danger of entering into it;

4thly. That neutral vessels shall not be arrested, but upon just causes and evident facts, and they shall be judged without delay; that the process shall always be uniform, prompt, and legal, and that always besides the indemnification, which shall be granted to those who have sustained any damages or losses without being in fault, there shall be given complete satisfaction for the insult committed upon the respective flags.

#### **ARTICLE XXX.**

If the merchant vessels of the citizens or subjects of one of the other parties, sailing along the coasts or on the high seas without any escort, are met by the vessels of war or private armed vessels of the other party, being engaged in a war with any other power, they shall be held, if required, to exhibit their passports, sea-letters, and other documents described in the article of this treaty; and to prevent all disorder and violences, the vessels of war and private armed vessels making the visit shall constantly remain out of cannon-shot from the armed vessels, and shall send their boats to them, but they shall not board them with more than two or three men for the purpose of examining their papers abovementioned. Nevertheless, it shall not be permitted to visit or to examine the papers of any merchant vessels when convoyed by vessels of war, but full faith shall be given to the declaration of the officer commanding the escorts, that the merchant vessels are not charged with any contraband merchandises for an enemy's port.

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#### **ARTICLE XXXI.**

And when it shall appear by the papers exhibited, or by the verbal declaration of the officer commanding the escort, that the merchant vessels are not charged with any contraband merchandises destined for a port of the enemy of the other party, they shall be permitted to pursue their voyage without any molestation or impediment; and that more effectual care may be taken for the security of the citizens, subjects, and people of both parts, it shall be expressly forbidden to the captains and commanders of all vessels of war, and of private armed vessels, their officers and people, to molest or to do any damage to the vessels, citizens, subjects, and people of the other party, and if they shall act to the contrary, they shall be obliged to answer therefor in their persons and goods, besides the reparation due for the insult committed upon the flag.

#### **ARTICLE XXXII.**

If, by exhibiting the sea-letters and other documents, the other party shall discover there any of those sorts of goods, which are declared prohibited and contraband, and that they are consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, nor to open any chest, coffer, packs, casks, or other vessels found therein, or to remove the smallest parcel of the goods, unless the lading be brought on shore in presence of the officers of the Court of Admiralty, and an inventory thereof be made; but there shall be no allowance to sell, exchange, or alienate the same, until after that due and lawful process shall have been had against such prohibited goods of contraband, and the Court of Admiralty by a sentence pronounced shall have confiscated the same, saving always as well the ship itself as any other goods found therein, which are to be esteemed free, and may not be detained on pretence of their being infected by the prohibited goods, much less shall they be confiscated as lawful prize. But, on the contrary, when by the visitation at land, it shall be found that there are no contraband goods in the vessel, and it shall not appear by the papers, that he who has taken and carried in the vessel has been able to discover any there, he shall be condemned in all the charges and damages, which he shall have caused, both to the owners of the vessels, and to the owners and freighters of the cargoes with which they shall be loaded, for his temerity in taking and carrying them into port; it being declared most expressly, that free vessels shall assure the liberty of the effects with which they shall be laden, and that this liberty shall extend itself equally to the persons who shall be found in free vessels, although they are enemies to both, or either party, who may not be taken out of her unless they are military men actually in the service of an enemy.

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#### **ARTICLE XXXIII.**

On the contrary, it is agreed, that whatever shall be found to be laden by the citizens and subjects of either party, on any ships belonging to the enemies of the other, although it be not comprehended under the sort of prohibited goods, the whole may be confiscated as if it belonged to the enemy; excepting always such effects and merchandises as were put on board such vessel before the declaration of war, or in the space of — months after it; which effects shall not be in any manner subject to confiscation, but shall be faithfully, and without delay, restored in nature to the owners who shall claim them, or cause them to be claimed before the confiscation or sale; and, if they should not be claimed before then, the proceeds thereof shall be restored, provided

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they are duly claimed within — months after the sale, which shall always be public. Nevertheless, if the said merchandises are contraband, it shall by no means be lawful to transport them afterwards to any port belonging to the enemies of the other ally.

#### **ARTICLE XXXIV.**

And under this denomination of contraband or merchandises prohibited, shall be comprehended only —. All other effects and merchandises not before specified expressly, and even all sorts of naval matters, however proper they may be for the construction and equipment of vessels of war, or for the manufacture of one or another sort of machines of war, by land or by sea, shall not be adjudged contraband, neither by the letter nor according to any pretended interpretation whatever, ought they, or can they be comprehended under the notion of effects prohibited or contraband; so that all effects and merchandises, which are not expressly before mentioned, may, without any exception and in perfect liberty, be transported by the citizens and subjects of both allies from and to places belonging to the enemy of the other, excepting only the place, which at the same time shall be blocked, as described in the article of this treaty.

#### **ARTICLE XXXV.**

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All vessels and merchandises of whatever nature, which shall be rescued out of the hands of any pirates or robbers navigating the high seas without requisite commissions, shall be brought into some port of one of the two States, and deposited in the hands of the officers of that port, in order to be restored entire to the true proprietors, as soon as due and sufficient proofs shall be made concerning the property thereof.

#### **ARTICLE XXXVI.**

It shall be lawful, as well for the ships of war of the two contracting parties, as for the private armed vessels belonging to their respective citizens and subjects, to carry whithersoever they please, the ships and goods taken from their enemies; neither shall they be obliged to pay anything to the officers of the Admiralty, or to any other judges or persons whatever; nor shall the aforementioned prizes, when they come to and enter the ports of the said States be detained by arrest, or be subject to any search or visit; nor shall the validity of the capture be questioned; but they may come to sail, depart, and carry their prizes to those places, which are mentioned in their commissions, which the commanders of such ships of war, or private armed vessels shall be obliged to show, if required. On the contrary, no shelter or refuge shall be given in the ports of one of the parties to such as shall have made a prize upon the citizens and subjects of the other party, and if, perchance, such ships shall come in, being forced by stress of weather, or the danger of the seas, they shall be obliged to depart as soon as possible.

#### **ARTICLE XXXVII.**

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No subject of her said Imperial Majesty, shall apply for or take any commission or letters-of-marque for arming any ship or vessels, to act as privateers against the said United States, or any of them, the citizens or inhabitants thereof, or against the property of any of them, from any Prince or State, with which the United States shall be at war; nor shall any citizen or inhabitant of the said United States, or any of them, apply for or take any commission or letters-of-marque, for arming any ships or vessels to act as privateers against the subjects of her said Imperial Majesty, or any of them, or against their property, from any Prince or State with which her said Imperial Majesty shall be at war; and if any persons of either nation shall take such commission or letters-of-marque, he shall be punished as a pirate.

#### **ARTICLE XXXVIII.**

It shall not be lawful for any foreign privateers, not belonging to the subjects of her said Imperial Majesty, or to the citizens or inhabitants of the said United States, which have commissions from any other Prince or State, at war with either of the parties, to fit their ships in the ports of either of them, to sell the prizes which they shall have made, or in any other manner whatsoever to discharge the vessels, merchandises, or any part of their cargoes; neither shall they be allowed even to purchase provisions, except such as shall be necessary for their going to the next port of that Prince or State from which they have commissions.

#### **ARTICLE XXXIX.**

To the end that all dissension and quarrel may be avoided and prevented, it is agreed, that in case one of the two parties happens to be at war, the vessels belonging to the citizens and subjects of the other ally, shall be provided with sea-letters or passports, expressing the name and the place of abode of the master or commander of said vessel, to the end, that thereby it may appear, that the vessel really and truly belongs to the citizens or subjects of one of the contracting parties; which passports shall be drawn and distributed according to the form annexed to this treaty. Each time that the vessel shall return she shall have such of her passports renewed, or at least they ought not to be of more ancient date than two years from the time the vessel last came from her own country. It is also agreed, that such vessels being loaded, ought to

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be provided, not only with the said passports or sea-letters, but also with a general passport, or with particular passports or manifests, or other public documents which are ordinarily given, to vessels which are outward bound, in the ports from whence they have set sail in the last place, containing a specification of the cargo, of the place from whence the vessel departed, and of that of her destination; or instead of all these, certificates from the magistrates or governors of cities, places, and colonies, from whence the vessel came, given in the usual form, to the end, that it may be known whether there are any effects prohibited or contraband on board the vessels, and whether they are destined to be carried to an enemy's country or not. And in case any one judges proper to express in the said documents, the person to whom the effects on board belong, he may do it freely, without however being bound to do it; and the omission of such expression cannot and ought not to be deemed a cause of confiscation.

#### ARTICLE XL.

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The contracting parties grant to each other mutually, the liberty of having, each in the ports of the other, consuls, vice consuls, agents, and commissaries, of their own appointment, whose functions shall be regulated by particular agreement whenever the parties shall choose to enter into one.

#### ARTICLE XLI.

For the better promoting commerce on both sides, it is agreed that if a war should break out between the contracting parties (which may God prevent) the term of twelve months, to commence from the day of the publication of a proclamation by the sovereign authority of the State to be made for that purpose whenever it shall be judged proper, shall be allowed to the citizens and subjects of each part residing within the dominions of the other, in which they themselves may retire, together with their families, goods, and effects, and carry them whithersoever they please; and for this end, passports and safe conducts shall be freely granted to them, as well for their persons as for their vessels and other effects, for some convenient ports of their respective countries, and for a time necessary for the voyage; and likewise during the said term, the selling and disposing of their effects, both movable and immovable, shall be allowed to them freely, and without any molestation; and also their goods and effects of every sort, and more especially their persons, shall not be detained or troubled by arrest or seizure, except it be in a due course of justice on account of debts or crimes, but rather in the meantime, they shall have and enjoy good and speedy justice, so that within that term they may be able to recover their goods, effects, and debts intrusted as well to the public as to private persons; and it shall be lawful for them also before, or at the time of their departure, to consign to whom they shall think fit, or otherwise dispose of according to their pleasure or convenience, such of their effects as they shall not have parted with, as well as the debts which shall be due to them, and their debtors shall be obliged to pay the same in like manner as if the contracting parties were in full peace with each other.

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#### FOOTNOTES:

- [27] It does not appear that this plan of a treaty was ever discussed between the parties, but was drawn up by Mr Dana on such principles as he intended to maintain, should the negotiation proceed.

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### TO ROBERT R. LIVINGSTON.

St Petersburg, June 24th, 1783.

Sir,

In my last, I had the honor to transmit to you a copy of the answer which I had received to my Memorial, and my reply to it. Things remain in the same state, as we have no news of the conclusion of peace under the mediation of their Imperial Majesties. This delay is supposed to arise from some difficulties still subsisting between Great Britain and the United Provinces respecting their affairs in the East Indies, and though the latter are not concerned (any more than the United States) in the mediation, yet France will not probably conclude her definitive treaty till Great Britain and the United Provinces have agreed upon their terms. To give time for this, was not the least object which France had in view by the present mediation.

Notwithstanding the language of all the gazettes in Europe respecting an adjustment of affairs between the Imperial Courts and the Porte being at hand, it is still thought here, that the war between the latter and this empire, at least, is inevitable. Should the Emperor take a part in it, we shall see this continent in a flame. The naval reinforcements intended to be sent from hence into the Mediterranean, are stopped most certainly on account of an opposition from the quarter mentioned in mine of May 30th. Though in my last, by the references there made, I have pointed out the general object of the war with the Porte, on the part of the Imperial Courts, yet there are

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some particulars relative to the Empress, of which you are not particularly informed, I will give them to you by the first safe opportunity. I shall have one in about a month by Mr Allen, a merchant of Boston, who arrived here last week, and proposes to return to America about that time. The journey of the Empress into Finland, as mentioned in my last, has been postponed on account of a hurt the King of Sweden received from a fall from his horse; it will take place in a few days.

The flag of the United States is now displayed at Riga, upon a ship of five hundred tons, commanded by a Captain McNeil, belonging to Massachusetts, who arrived there on the first instant from Lisbon with salt, an article permitted in that port though prohibited here. This is the only arrival of any American vessel in any part of this empire. She carries out hemp only, it being the only article with which she can be furnished there proper for our markets. This demand comes very seasonably to destroy the allegations of those who had endeavored to promote their particular interests at the expense of ours, and also to support the contrary representation which I had constantly made of our commerce. Cordage may indeed be had at Riga, as well as hemp, but both of them are dearer than in this port. They are, however, of a better quality, but they are seldom exported on private account, as the difference of the price is thought to be too great for that of the quality. The Admiralty of England prefers them. I mention these circumstances as they may give some useful information, not only to the Admiralty of the United States, but to our private merchants. The one may seek them, the other may avoid them. A vessel owned partly in Ireland, and partly by a Mr Wharton and others, of Philadelphia, I am told, will sail from hence for Philadelphia in about a month. Mr Allen will take his passage in one of the two abovementioned vessels.

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I have the honor to be, &c.

FRANCIS DANA.

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### TO ROBERT R. LIVINGSTON.

St Petersburg, July 1st, 1783.

Sir,

I do myself the honor to write you by this day's post, merely to let you know, that we have not yet received an account of the conclusion of the definitive treaty of peace, and of course, that I remain in the same state as at the date of my last. Her Imperial Majesty set off last Friday to meet the King of Sweden at Fredericksham, and is expected here again next Friday. The object of this meeting is doubtless such as I have mentioned in my letter of June 17th. The King of Sweden has a well appointed army of more than ten thousand men near his frontiers in Finland, and the Russian army, about their frontiers, is said to be greater. The two Sovereigns have been putting their possessions in that quarter into a better state of defence for some time. Sweden has been engaged in completing the fortress of Sweaborg, near Helsingfors, which is said to be an exceeding strong place.

These preparations do not indicate, certainly, hostile intentions on either part. They are such as common prudence, with the most pacific dispositions, might render indispensable in the present prospect of a war with Turkey. Should this empire prove unsuccessful in that, there is little reason to doubt that Sweden would seize upon such an occasion, to recover the territories which have been conquered from it. Or if the Emperor should take a part in the Turkish war, of which there seems to be much doubt at present, and thereby engage Prussia, France, and perhaps, Spain in it, it is highly probable in that case, that Sweden would not long remain inactive. It cannot now be long before the point will be decided, whether we shall have a general war on the continent of Europe or not.

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We shall have a great change in the course of the summer, in the diplomatic corps here. The Minister of Spain has lately gone away, leaving a *Chargé d'Affaires*. The Ministers of France, Portugal, and Denmark, are about doing the same. The Minister of England will be succeeded by another of the same class, as also the Minister of Naples. Besides these changes, a Minister is coming from the Republic of Venice. France, Spain, Denmark, Portugal, and Sweden, will be represented here by *Chargés d'Affaires*, and, if I might offer my opinion upon the matter, when the United States shall have made their commercial treaty with this empire, a *Chargé d'Affaires* would answer every useful purpose they can have in view at the Court. Every day's experience convinces me, that they cannot decently maintain a Minister of the second class at this Court, under an appointment of £3000 sterling per annum, and that it would be a very useless expense for them, as a *Chargé d'Affaires* may be well supported upon half that sum. I have not received any letter from you later than —, nor has the confederation or the constitutions of the several States, which you say you have sent me, and which would be very acceptable to me, ever come to hand, and as you have not mentioned through what channel you sent them, I know not where to apply for them. I have written to Paris and Holland for them in vain.

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I have the honor to be, &c.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, July 8th, 1783.

Sir,

After the departure of her Imperial Majesty for Fredericksham, as mentioned in my last, the Vice Chancellor communicated to the foreign Ministers the information, that their Imperial Majesties had concluded an alliance offensive and defensive against the Porte. Thus it is now become certain, that the Emperor will take a part in this new war; the consequence of which will be, as I have supposed in some of my former letters, a general war on the continent of Europe.

A courier has been sent from hence with a similar communication as above, to the Courts of Berlin and Versailles, which Courts having been apprehensive of such an event, are, doubtless, prepared to meet it, and oppose themselves to the execution of the project of the Imperial Courts, which is nothing short of what was supposed to be in agitation, by my letter of the 30th of March, 1782, particularly by the first sentence of it relative to that subject, to which I beg leave again to refer you for more particular information. Last Saturday, a courier arrived from Versailles for the French Minister, which was sent from thence in consequence of the same matter being communicated there by the Minister of the Emperor, that from this Court had not then arrived. I am told his Most Christian Majesty expresses in a firm tone his surprise at the Empress's seizing upon the Crimea, and demands an explanation upon that subject, concluding, however, with an offer of his mediation between her Imperial Majesty and the Porte for settling their differences and pretensions. But it is evident the sword alone must decide these.

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Sometime in last February, France having information of the project formed against the Porte, remonstrated in strong terms against it to the Emperor, upon which, as is said, he gave full assurances that he had not any such design as was imputed to him. This gave rise to the doubts, which have been entertained, whether he would take a part in the war against the Turks, which seemed to be the point upon which a general war upon the continent would depend. For if Russia alone had attacked the Turks, the powers whose interest it is to support them, would have, probably, confined themselves to secret succors. Their own safety will now oblige them to make powerful diversions in their favor. Not only France and Prussia have a deep interest to prevent the aggrandizement of the House of Austria, but many of the Electors and Provinces of Germany also, in order to preserve their own independence and liberties, which are ever in danger from powerful and ambitious Emperors. Hence we may see some of these allied with those two principal powers, to support the Turks against the formidable alliance of the Imperial Courts. Great Britain will remain neuter, rejoicing to see France engaged in an expensive continental war. Or if a favorable occasion should arise, she may take a part in it towards the close, to avenge herself for the part France has taken in our revolution. Thank God, we have a world to ourselves, and may rest in peace while the calamities of war are laying waste and desolating this continent. We may derive special advantages from it, as it will, probably, augment the emigrations of that most useful class of men, the peasants of Germany, into America.

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Since my last, a Nuncio from the Pope has arrived here, coming from Poland. Having had no account of the definitive treaty, I remain *in statu quo*.

I have the honor to be, &amp;c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, July 27th, 1783.

Sir,

I have this day been honored with the duplicate of your letter of the 1st of May last, enclosing the resolution of Congress of the 1st of April, approving of my intention of returning to America, provided I should not be engaged in a negotiation with this Court at the time I should receive that resolution, but that if I should be, it is the desire of Congress that I should finish such negotiation before I return.<sup>[28]</sup> This letter has come very opportunely to hand, as we are in expectation every moment of receiving the account of the conclusion of the definitive treaty of peace, when I should have immediately had my audience of her Imperial Majesty. I shall now think it expedient to decline that honor. For it would be a very useless ceremony, to take an audience of reception one day, when the next, I must ask one of departure, as according to your letter, it not only seems that Congress declines being at the customary expense of concluding a treaty with her Imperial Majesty, but you say also, with respect to a commercial treaty, (the only one I had any intention

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of concluding,) none could be signed by me, as my powers only extend "to *communicate* with her Imperial Majesty's Ministers on the subject of a treaty, &c. &c. but not to sign it." I confess I had put a very different construction upon the passage of my instructions alluded to, which is, "You shall assure her Imperial Majesty and her Ministers, of the sincere disposition of the United States to enter into a treaty of friendship and commerce with her, on terms of the most perfect equality, &c. and you are authorised to communicate with her Imperial Majesty's Ministers on the form and terms of such treaty, and transmit the same to Congress for their ratification," especially when taken into conjunction with the following paragraph of my commission, "And he is further authorised in our name and on behalf of the United States of America, to propose a treaty of amity and commerce between these United States and her said Imperial Majesty, and to confer and treat thereon with her Ministers vested with equal powers, so far as the same shall be founded on principles of equality, &c. transmitting such treaty for our final ratification. And we declare in good faith, that we will confirm whatsoever shall by him be transacted in the premises."

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But it is useless to spend a moment's consideration upon the extent of my powers, when you say you are persuaded it is the wish of Congress rather to postpone any treaty with Russia, than to buy one at this day, as I am persuaded no treaty is to be obtained, or could be honorably proposed, without conforming, as other nations have done, to the usage of this Court in that respect. That it would be for the interest of the United States, immediately to conclude a commercial treaty with her Imperial Majesty, such a one as I flatter myself I could obtain, I have not the least doubt upon my mind. As to the neutral confederation, I have the honor to agree in opinion with you, that it is now of little consequence to us; for this reason, I had determined to have nothing to do with it, even if I could not obtain a commercial treaty without acceding to it, as was the case with Portugal.

I pray you to be pleased to acquaint Congress, that I shall improve the earliest opportunity to leave this country and to return to America. Happily, I shall have a very good one in three weeks or a month, in the yacht of the Dutchess of Kingston, which will sail from hence for Boston, where I hope to arrive in all November. I have not received the letter from Mr Morris, which you mention.

I have the honor to be, &c.

FRANCIS DANA.

**FOOTNOTES:**

[28] "Resolved, That Mr Dana having intimated his intention of returning to America, Congress do approve of the same; provided he should not be engaged in a negotiation with the Court of St Petersburg at the time of receiving this resolution, in which case, it is the desire of Congress that he should finish such negotiation before he returns."

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**TO ROBERT R. LIVINGSTON.**

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St Petersburg, August 8th, 1783.

Sir,

In my last, I acknowledged the receipt of yours of the 1st of May, enclosing the resolution of Congress of the 1st of April, relative to my returning to America, and I acquainted you, at the same time, that I should take my passage directly from hence for Boston, in the yacht of the Dutchess of Kingston. It being necessary immediately to prepare for the voyage, I thought it but decent to inform the Vice Chancellor of this change before it should become public, and have this day written a letter to him for that purpose, of which the following is a copy.

**TO HIS EXCELLENCY COUNT OSTERMANN.**

"I do myself the honor to acquaint your Excellency, that having obtained the permission of the Congress of the United States to return to America, I propose to leave this Empire in a few weeks. And as her Imperial Majesty has been pleased to postpone granting me an audience for the purpose of presenting my letters of credence, till the conclusion of the definitive treaties of peace, under the mediation of their Imperial Majesties, though that event should take place before my departure, yet it would be unnecessary to trouble her Imperial Majesty with that ceremony, when it must be soon followed with another. I have thought it incumbent upon me to inform your Excellency of my intention to return to America, before I had taken any step, which might make it public.

"I have the honor to be, &c.

FRANCIS DANA.

As it is probable I shall be in America by the time this letter will reach you, that is in all November, I shall add nothing here.

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I have the honor to be, &c.

FRANCIS DANA.

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**TO ROBERT R. LIVINGSTON.**

St Petersburg, August 17th, 1783.

Sir,

Before I received your letter and the resolution of Congress founded upon my letter of the 23d of September last, permitting my return to America, finding it impracticable to support myself upon my appointment for the time I expected to be detained in negotiating a treaty of commerce, I had written to Messrs Willink, and other bankers of the United States in Holland, to give me a credit here, for a sum not exceeding one thousand pounds sterling on account of the United States, engaging at the same time to be responsible for it, if Congress should refuse to allow it. Over and above this, I had applied to my bankers in this city to advance me six hundred pounds sterling, on my private credit, which I found it would be necessary for me to expend for such household furniture only, as is not included in what they call here a furnished house. Such a one I was just upon the point of engaging for six months, at the rate of sixteen hundred rubles a year, when your letter came to hand.

But as the object of negotiation above mentioned, is not thought by Congress to be worth pursuing at this time, I thought it would be most advisable for me to disengage myself from these extraordinary expenses, and to improve the convenient opportunity which now offers to take my passage from this port for Boston, without waiting for the conclusion of the definitive treaties of peace, merely to take an audience of her Imperial Majesty; especially as I doubted whether Congress would approve of my incurring them, after I had received their permission to return, and found that they had no particular object of negotiation in view at this Court. Besides, I saw if I had an audience of her Majesty, it would not do for me to leave the Court abruptly, or before the next spring, and that in consequence of it, I should not be able to arrive in America till nearly the expiration of another year. I therefore wrote to the Vice Chancellor, as you will find by my last, to inform him of my intention to return to America. Further to explain the motive of Congress, as well as my own respecting this measure, I wrote him again on the 14th instant as follows.

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**TO COUNT OSTERMANN.**

"Sir,

"Lest the motive of the Congress of the United States, in granting me permission to return to America, as mentioned in the letter I did myself the honor to write to your Excellency on the 8th instant, might be misapprehended, I beg leave to inform you, that finding my health had suffered greatly since coming into this climate and my private affairs urging it upon me at the same time, I wrote to the Congress in September last, acquainting them with my desire to return to America. It was in consequence of this alone, they have been pleased to grant me that liberty.

"Those causes, but especially my ill state of health, operating with greater force at this day, oblige me to improve the earliest occasion to return to America, and one now offering from this port, I have proposed to take the benefit of it. But independent of such considerations, which are merely personal, as I have not yet been acknowledged in my public character, it appears improper for me after having received the abovementioned act of Congress, to ask an audience of her Imperial Majesty for the purpose of assuming it, and when too, if I should do it, I must immediately after ask an audience of leave. These reasons I hope, will excuse my retiring in a private character, as I have hitherto remained here. Highly sensible of the honor I should derive from being the first Minister from the United States of America at this Imperial Court, it is with infinite regret, I feel myself under the necessity of departing without having assumed that character. If your Excellency should judge it expedient, I will do myself the honor to wait upon you, in order to give you further explanations upon this subject verbally, than I have done in writing.

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"I have the honor to be, most respectfully, your Excellency's most obedient and humble servant,

FRANCIS DANA."

In consequence of the above letter I received a message from the Vice Chancellor on the 15th by

one of his Secretaries, acquainting me that he should be glad to see me at his house in the country the next morning. When I waited upon him accordingly, he said he had received my two letters respecting my departure for America, assigning the ill state of my health as the occasion of it, that I was already well informed of the time her Imperial Majesty had fixed for my reception, and of the reasons which influenced her in that respect; and that she could not make any change in it; that if my health did not permit me to wait for the event, in such a case it lay wholly with me to return. I told him the cause which I had mentioned was the true cause, that my health was in such a state the last fall, when I wrote to the Congress, that I should not have remained over the winter, but from an expectation that everything would have been settled during the winter, so that I might have had an audience of her Majesty, and been ready to return to America early in the spring, by which time I expected to have received the permission of the Congress, that I wished only to have the matter properly understood, that the permission of the Congress was not owing to any transactions which had taken place here.

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He then asked if I had received any answer from the Congress since the communication of my mission. I replied, none at all, that if he would be pleased to attend to dates, he would see it was impossible; that my communication was made on the 24th of February, that the permission of the Congress was dated on the 1st of April, between thirty and forty days after; that the greater part of that time, my letter containing the account of it, must have been on its way to Paris; that if my letters reached them in two or three months it was very well; that six months, sometimes nine, as was the present case, elapsed before I could receive any answer from America, and that I did not receive her Majesty's first answer, till near two months after the communication.

He seemed to be perfectly satisfied with this account, and said he was very sorry my health would not permit me to remain here, that he should have been very happy to have had the honor of seeing me in my public character. I expressed again the great regret with which I should depart, especially after having resided so long in the country without having had an audience of her Imperial Majesty, which I should have deemed the highest honor of my life. I told him, so convenient an opportunity now offering directly from hence for Boston, I thought I ought not to omit improving it, that if I should, I should be detained in the country through the next winter; for I could not think it would be proper to depart sooner, after taking an audience of her Majesty, to which he seemed to assent. He said, perhaps, after I had recovered my health, I might return again, when he should be very happy to see me, &c. I thanked him for his politeness, and we parted without the least apparent dissatisfaction. Yet I am persuaded, that they had much rather I should remain, because they have their apprehensions, that Congress may resent the postponement of my audience to the conclusion of the definitive treaties of peace; an event, which they must know can operate no change in the political existence of the United States.

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I thought it best to put the permission upon its true ground, and my speedy departure upon the ill state of my health; because this would not in the least engage Congress, but leave them at perfect liberty to send another Minister at this Court or not, as they shall judge expedient, all circumstances considered. It is clearly my opinion, since Congress decline being at the expense of concluding a commercial treaty with her Majesty, that the supporting a Minister here has become a matter of much indifference to our interests. The interests of this empire are much more in the power of the United States, than theirs are in the power of this empire. Should we vigorously adopt the cultivation of hemp, and our territories along the Ohio are exceedingly well adapted to it, we should strike at the foundation of the commerce of this empire, and give her Majesty reason to repent at leisure of the line of conduct she has chosen to hold with the United States.

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I have the honor to be, &c.

FRANCIS DANA.

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## TO THE PRESIDENT OF CONGRESS.

Cambridge, December 17th, 1783.

Sir,

I do myself the honor to inform your Excellency of my arrival at Boston in the ship Kingston, on Friday last, after a passage of ninetyfive days from St Petersburg. I propose to set off for Congress as soon as the necessary arrangements can be made for my journey, provided the severity of the season should not render it impracticable. I wish, however, that your Excellency would be pleased to write to me by the return post, (to which time it is possible I may be detained) whether it is the expectation of the Congress, that I should come on to the place of their session, and without loss of time, to render a more particular account of my late mission. There is nothing I should more earnestly wish, than to meet a strict inquiry into my conduct during the time I have had the honor of being a servant of the public.

I have the honor to be, &c.

FRANCIS DANA.

## TRANSCRIBER'S NOTE.

Omitted words, shown as blank spaces in the original, have been transcribed as four hyphens ('----').

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