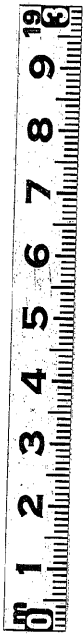
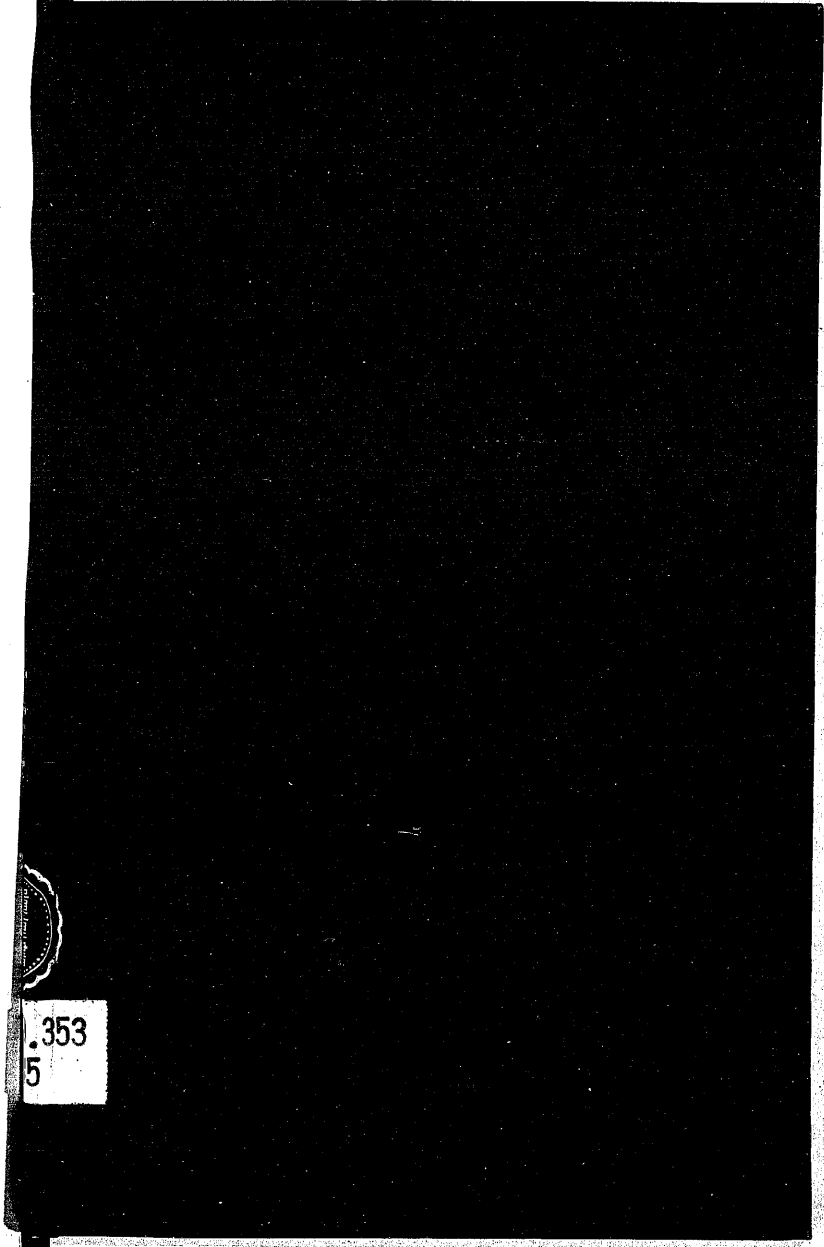


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- 返却は遅れないように致
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- 本の配列を乱さないよう
に致しませう
- 切取、無断持出はやめま
しませう

東京経済大学図書館

BRITISH INFLUENCE

Paraphrasing

(Wolcott, Oliver)

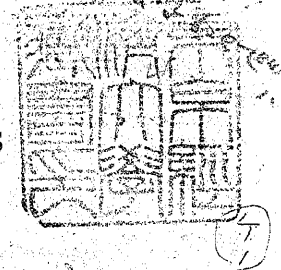
ON THE

A F F A I R S

OF THE

UNITED STATES,

PROVED AND EXPLAINED.



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“ TRUTH IS GREAT, AND WILL PREVAIL.”

Oliver Wolcott

NO complaint has been more frequent, than that of an Influence exercised by Great-Britain over our people, through the medium of Commerce.—Altho' we bear much at one time of our OWN great power as a Nation, yet we are told the next moment, that we are the Slaves of British Creditors. Addressed to our pride, vanity and covetousness, keep our passions up, and reason down; and in this condition we have been urged to accommodate the policy of the Nation to the partial views of some private interests or personal resentments.—The permanent welfare of the Country requires that this subject should be well understood.

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BRITISH INFLUENCE, &c.

THE Treaty between the *United States* and *Great-Britain*, which was negociated by Mr. JAY, in the year 1794, has, in respect to the immediate subjects of controversy, been satisfactorily executed; and the articles regulating the commercial intercourse of the two countries, have expired by their own limitation. The good, and the evil, which this treaty occasioned, are therefore now susceptible of a just estimate; and the present is a proper period for recalling the public recollection, to the causes and effects of a measure, which, in its inception, and during every stage of its progress, was perseveringly calumniated and opposed; and which, in consequence of inveterate prejudices, is, to the present day, a topic of party invective, against the federal administration.

To those who are incapable of discovering the secret motives which govern Mr. JEFFERSON, and his associates of the *Virginia* party, it has appeared surprising, that the convention negociated by Mr. KING, in pursuance of instructions from the federal administration, should have attracted so little attention. By this convention, the sum of £.600,000 sterling, or nearly *three millions of dollars*, is payable at the treasury of the *United States*, for losses sustained by British subjects, in consequence of the non-execution of the 4th article of the Treaty of

Peace, which required that "there should be no lawful impediment to the recovery of the full value, in sterling money, of all *bona fide* debts, contracted before the war."

The payment of so considerable a sum as *three millions of dollars*, for any purpose whatever, except for the reduction of the funded debt, or the purchase of *new lands*, for the purpose of extending the "blessings of freedom," must appear to be a strange departure from the economical maxims of the present administration: But that such a sum should be paid to *British subjects*, for losses in the recovery of *private debts*; that a convention should be made in support of the 4th article of the *Treaty of Peace*, which, for twenty years, had been the cause of the most vehement controversies; that it should contain an *express recognition* of a stipulation in Mr. JAY's Treaty, which had been repeatedly stigmatized as a degrading surrender of the judicial honor of this country; that the obligation should be ratified by democratic Senators, though formed by Mr. KING, a gentleman highly esteemed and revered by the federal party;—these are indeed astonishing phenomena. They are, however, susceptible of explanation; and when this paper is perused with attention, it is believed, that all candid men will concur with the poet, that,

"The clue once given, unravels all the rest,

"The prospect clear'd, *Virginia* stands confess'd."

It is a firmly established opinion of men well versed in the history of our revolution, that the *whiggism* of *Virginia* was chiefly owing to the *debts of the planters*. It is certain that their *creditors* were among the *first objects* of a severe and impolitic hostility, which occasioned great dissatisfaction among reflecting men in this country, and deeply injured the popularity of

the *American cause in Great-Britain*. It is also certain, that measures of a very extraordinary nature were adopted during the war, for the purpose of extinguishing the debts of individuals; and that the 4th article of the *Treaty of Peace*, which stipulated that there should be no lawful impediment to the recovery of the full value of all *bona fide* debts, was received with the utmost disgust in *Virginia*; that it occasioned an inveterate resentment against Mr. ADAMS and Mr. JAY; and, until the election of Mr. JEFFERSON to the presidency, was the cause of a permanent and implacable hostility to all national measures.

The definitive *Treaty of Peace*, between the *United States* and *Great-Britain*, was signed at *Paris*, on the 3d of Sept. 1783, in pursuance of provisional articles, which had been concluded on the 13th of Nov. 1782. There has been much dispute respecting the time when the stipulations of this Treaty ought to be considered as having commenced. It is not now proposed to agitate a question, which can never be settled. Neither *Great-Britain* nor the *United States*, have ever admitted that they were guilty of the *first infraction*. It is, however, certain, that at length the Treaty was infringed by *both parties*; and that the *first infraction* on the part of the *United States*, was committed by the *state of Virginia*.

Though, certainly, no new act ought to have been made to prevent the recovery of British debts: Yet as early as Oct. 1783, an act of assembly was passed to absolve debtors from the payment of *money*, even after their debts had been ascertained by judgments at law. In June, 1784, the assembly moreover declared, that *Great-Britain* had infringed the Treaty; and that when reparation should be made for the *infraction*, or Congress should judge it indispensably necessary, such acts passed during the late war, as inhibited

the recovery of British debts, ought to be repealed, and payment thereof made, in such time and manner as should consist with the exhausted situation of the commonwealth.

The non-execution of the Treaty of Peace, was the subject of repeated discussions, between Mr. ADAMS, then minister of the *United States to London*, and the British government; the results of which were communicated to Congress, in March, 1786; and as was to have been expected, the violation on our side of the article respecting debts, was assigned as a justification for British infractions.

In April, 1787, Congress addressed a Letter to the States, in which they expressed their regret, that *in some of the States too little attention had been paid to the public faith, pledged by the Treaty of Peace.*— They also resolved, that *the Legislatures of the several States could not of right pass any act or acts, for interpreting, explaining, or construing a National Treaty, or any part or clause of it; nor for restraining, limiting, or in any manner impeding, retarding, or counteracting, the operation and execution of the same; and that all such acts, or parts of acts, as were then existing in any of the States, repugnant to the Treaty of Peace, ought to be forthwith repealed.*

To prevent disputes, and save the feelings of the States which had violated the public faith, the Letter and resolution before mentioned, were transmitted to all the States; and it was recommended to each of them, to pass an act, repealing all acts contrary to the Treaty of Peace, rather by describing, than reciting the said acts. As a reason for this resolution, Congress declared, that *by repealing in general terms, all acts repugnant to the Treaty, controverted questions would be referred to the Judicial department; and the Courts of law would find no difficulty in deciding whether any particular act or clause, was, or was not, contrary to the Treaty.*

In these resolutions, the elementary principles of the federal Constitution, in respect to the *supremacy of treaties*, and the *authority of the Judicial department*, may be discerned. All America recollects the imbecility, confusion and disgrace, which were experienced in consequence of a violation of these principles; *by whom they were violated*—and with what *views and interests*, will now be explained.

The proceedings of the General Convention, which formed the existing Constitution of the *United States*, were promulgated in *September, 1787*; and though the necessity of some bond of union, more efficient than the Articles of Confederation, was admitted in every State: Yet the plan offered to the acceptance of the people, was violently opposed by the old *Virginia party*.

In *December, 1787*, three months after the plan of the present Constitution had been published, and at the moment when a combination was forming, to prevent its ratification by the requisite number of nine states, the Assembly of *Virginia*, affecting to comply with the recommendations of Congress, passed in April, 1787, enacted a law, repealing all such acts or parts of acts of that State, as had prevented, or might prevent, the recovery of debts due to British subjects, according to the true intent of the Treaty; but with this extraordinary proviso, that there should be a *suspension of the repeal*, till the Governor, by the advice of Council, should give notice by proclamation, that *Great-Britain had delivered up the northern posts, and was taking measures for the further fulfilment of the Treaty, by delivering up the negroes, or by making compensation for them.*

When it is considered, that the disputes between *Great-Britain and the United States*, were in a course of diplomatic discussion and inquiry, by the proper representatives of the two countries, and other cir-

circumstances connected with the *time* when this act was passed, are duly weighed, all reflecting men must admit, that this measure was most flagitious in principle, and that it threatened to be most mischievous in its consequences; and that both the wickedness and the mischief were aggravated, by a gross inconsistency of conduct, and a pointed insult to the national authority. *Virginia* had arrogated the right of determining, when and to what degree a national Treaty should be executed, as well as the kind of reprisals proper to be made, in case of an infraction. Having exercised this usurped right for four years, and exposed the peace and union of these states to the most imminent jeopardy, she is requested by Congress to rescind acts, which were contrary to natural justice and her federal engagements. The request was made in a manner the least offensive and most soothing to her pride; it was addressed to *all the states*, without excepting those against which not a shadow of complaint existed. Eight states comply with the request of Congress; two states declare that no laws exist with them, repugnant to the Treaty; two states remain silent, but at the same time they promptly and cordially adopt the equivalent remedy provided by the plan of national Government. What is done by *Virginia*—the only remaining member of the union?—By this State, also, a law is passed, *repealing all acts contrary to the Treaty of Peace; but the operation of this very repeal is SUSPENDED; not subject to the opinion of Congress, but the opinion of the Governor and Council of Virginia!!!* Thus, instead of *repealing* offensive acts, they were *re-enacted*; instead of *removing* lawful impediments, they were fortified by *new laws*; instead of *forbearing to counteract the operation of the Treaty of Peace*, it was counteracted by a *new declaration!*—At what *time* was this insult offered? Im-

mediately after the sages and patriots of *America* had formed a plan of government, “TO ESTABLISH JUSTICE,” and with an express view to that *specific justice*, which *Virginia* had before disregarded, but which she now openly contemned. But did not *Virginia* cordially support the plan of the Convention?—No! While she professed the most sincere attachment to the federal union, and the most ardent love of liberty, she deprecated the proposed plan, as subversive of the rights of states and individuals. When her opposition at length became unavailing, and even dangerous to herself, she acquiesced, but with a declaration of many objections, which, when analysed, demonstrates a *concealed yet inveterate hostility to justice*. For what were these sacrifices of character and public security made? Merely to enable a faction of luxurious planters, to defraud their creditors. Severe as these remarks may appear, they are just; and fortunately for the cause of truth, they are susceptible of demonstration from authentic records.

The plan of the convention, for the purpose of securing the fulfilment of *national treaties*, and the observance of other contracts, declared, that *treaties should control the constitutions and laws of the states*; and that their observance should be enforced by an independent *national Judiciary*. The restrictions proposed by *Virginia* upon the exercise of *judicial powers*, were most important and radical; and extended to the following objects:

- 1st. That Congress should erect no *inferior courts*, except courts of *Admiralty*.
- 2d. That the judicial power of the *United States* should not extend to cases between a *state and citizens of another state*; nor to cases *between citizens of different states*; nor to cases between a *state, or the citizens thereof, and foreign states, citizens and subjects*.

gd. That the judicial power should extend to *no case*, where the cause of action originated *before the ratification of the Constitution*, except in disputes between persons claiming lands under the grants of different states, and suits for debts due to the *United States*.

It is obvious, that the effect of these restrictions would have been to divest the General Government of *all control*, not only over *many* questions arising under the *Constitution and laws of the United States*, but over *all questions* relative to *infractions of the 4th article of the Treaty of Peace*; and questions respecting *debts due by citizens of Virginia*, to citizens of *other states*, and to the citizens and subjects of *foreign nations*.

Let it be remembered as a fact worthy of special notice, that notwithstanding the vehement opposition of *Virginia* to the adoption of the Constitution, as being a system destructive of public freedom; and notwithstanding the numerous amendments proposed by this state, *no one of the powers of the general government* were proposed to be abridged in the *slightest degree*, except only in relation to the *judicial department*. The objects of the other amendments were merely to declare abstract principles; to establish rules for expounding the Constitution; or to vary the structure of the government, or the *mode of exercising certain powers*, in a manner calculated to increase the relative influence of *Virginia*. These reflections afford no slight argument, that *state ambition*, and the desire of avoiding the payment of "*bona fide debts*," were the principal inducements to those political exertions, which were constantly disguised under specious appearances of zeal for the preservation of liberty.

This construction of the motives of *Virginia*, is not uncandid. In 1788 it was understood by all

America, that this state was influenced by sinister and local interests. Men of great weight and influence in the state of *New-York*, were opposed to the adoption of the National Constitution: By concert, the Conventions of *New-York* and *Virginia*, met nearly at the same time, and at a late period. There existed every inducement, arising out of coincident views in respect to questions of primary importance, that these states should either reject the Constitution, or concur in proposing similar amendments. It however appears, that the influence of *Virginia* was insufficient to induce the state of *New-York* to concur in proposing those limitations of the Judicial authority, which were so anxiously desired. The great commercial advantages of the city of *New-York*; the correct views of its citizens on questions relating to private and public credit; its extensive connections with the southern states, as well as its immediate neighbors, all concurred to evince the importance of an efficient national judiciary. The Convention of *New-York*, therefore, refused assent to the propositions of *Virginia*; and without attempting to impair the powers, which, by the plan of the General Convention, were vested in the judicial department, they confined their own amendments, so as merely to require, that the *inferior courts* of the *United States* should exercise an *appellate*, instead of an *original* jurisdiction.

It has been asserted that the opposition of *Virginia* to the National Constitution, and particularly to the powers vested in the *judicial department*, originated in sinister and local interests. In support of this allegation, reference is now made to the papers of the Commissioners appointed in pursuance of the 6th article of the Treaty of 1794; by which it will appear, that the claims exhibited against the *United States*, exceeded *eighteen millions of dollars*. It will

not be pretended, that these *claims* are of themselves evidence of *just demands*; though, on the contrary, it is deemed fair to infer, that the proceedings of those states were just and equitable, where the claims were comparatively inconsiderable, in proportion to their relative commerce with *Great-Britain*.

The claims exhibited against the <i>New-England</i> states, amounted to	Sterling. £ 23,000
The states of <i>New-York</i> and <i>New-Jersey</i> ,	180,000
The states of <i>Pennsylvania</i> and <i>Delaware</i> ,	15,000

The whole amount of claims against the states north of *Maryland*, amounted therefore to no more than

£ 218,000

While those against the five southern states, amounted to

£ 3,869,000

Of which 8,500,000 dollars, or one half of the whole amount, was claimed of the single State of *Virginia*.

An analysis of the individual claims, would exhibit the disproportion in a more striking point of view, and more fully explain the real motives of the *Virginia* party: Such an investigation would shew that the claims upon *Virginia* were for debts due to *commercial houses*; while those against the states north of *Maryland*, were almost exclusively on behalf of *American loyalists*, who were not entitled to compensation under the Treaty. This will be readily believed by those who recollect, that several opulent families, in the state of *New-York*, were in this predicament. To the honor of *Pennsylvania*, it ought to be mentioned, that except for a few hundred pounds, no demand was presented against this state, except by an individual, who is understood to have been a member of Congress, until the declaration of Independence; and who, in consequence of that measure, united himself to the British party.—

According to the best estimate which can now be formed, four-fifths of the sum payable in pursuance of the convention negotiated by Mr. KING, will be awarded to the creditors of Virginians.

The inference deducible from these facts, is still further confirmed, by a view of the actual operation of the judicial department. Owing to delays incident to the organization of the Federal Courts, and a persevering disposition to litigate the claims of the British creditors, no judgments were rendered in *Virginia*, for the recovery of debts contracted before the war, until the year 1793; and the example of the Federal Courts was not followed by the Courts of the state, until one or two years afterwards. Yet, notwithstanding all these discouragements, it appears from a statement presented to Congress, by Mr. JEFFERSON, as an argument for abolishing the Circuit Courts, that more than one fourth part of the whole number of suits, which had been instituted in all the states, had been instituted in the state of *Virginia* alone. It also appears, from the same statement, that at the time when the abolition of these Courts was proposed, there were depending in the eastern district of *Virginia*, a greater number of suits, than in all the states to the eastward of *Pennsylvania*. In some of these suits, men of great political influence were personally interested; in particular, a gentleman, whose zeal has been very conspicuous, declared shortly before the election of Mr. JEFFERSON, that he had a cause depending in a Federal Court, which he should certainly lose; but which he should certainly gain, if it could be tried in a Court of the state of *Virginia*. Possibly this gentleman expected a favorable result, from a measure, which rendered the judicial department dependent on the prevailing politics of the same state.

But the detail of *Virginia* policy is not yet finished. Before the Federal Courts afforded a remedy to the British creditors; and while the impediments before described as existing in *Virginia*, remained in full force, Mr. JEFFERSON delivered his celebrated Letter to the British minister, Mr. HAMMOND, on the subject of the inexecution of the Treaty of Peace. The manner in which this subject was introduced, and afterwards conducted, strongly marks the character of Mr. JEFFERSON; and was productive of difficulties of a most perplexing nature, in the subsequent operations of the government.

As soon as Mr. JEFFERSON discovered, that Mr. HAMMOND had no powers to *conclude definitively a Treaty of Commerce*; but merely to *discuss the terms of such a treaty*; the want of this authority, though not usually granted to resident ministers, was treated as an evidence of unfriendly sentiments, on the part of the British nation. At that moment ostensibly nothing was considered as of more importance than a *Treaty with Great-Britain*; and the reserve of this nation was skillfully contrasted with the apparent *zeal for negotiation* which was manifested on the part of the *French government*.

It being evident that the non-execution of the Treaty of Peace, was an obstacle to a sincere reconciliation between the *United States and Great-Britain*, Mr. JEFFERSON proposed to Mr. HAMMOND an exchange of Notes, in which the mutual complaints of the two countries should be *specifically detailed*. A more notable expedient, for fomenting a quarrel, could not have been devised; and the event fully justified the expectation which might have been formed. As some of the laws passed during the war, remained in force, though contrary to the Treaty of Peace, Mr. HAMMOND detailed the whole, and referred it to Mr. JEFFERSON, to enumerate

such acts as had become obsolete, or been repealed. This representation afforded Mr. JEFFERSON an opportunity of reviewing the causes of the American revolution, and reviving all those passions, which it was the object of the treaty to bury in oblivion; the discussion at once changed its aspect, and instead of *settling a dispute*, the two ministers, by the address of Mr. JEFFERSON, were employed in the hopeless undertaking, of writing a *history of the war*, in concert.

It has been the fortune of Mr. JEFFERSON's writings to be highly extolled, until they have been critically examined: But it is certain, that though they are specious, and captivately to common minds, their merits are too volatile to endure the test of the crucible. It may seem invidious, to comment on a paper so celebrated as the Letter to Mr. HAMMOND; but it will be remembered, that rumors have circulated, that Mr. JEFFERSON was not the real author. The truth on this subject is, that in consequence of the communications of Mr. ADAMS, while minister at *London*, in 1786, Mr. JAY, who was then Secretary of Foreign Affairs, prepared a Report to Congress, on the questions relating to the Treaty of Peace, which is a monument of the wisdom, probity and learning of its illustrious author. This Report would have been highly useful to Mr. JEFFERSON, in preparing the note to Mr. HAMMOND, on the same subjects. It would have been fortunate for this country and Mr. JEFFERSON's reputation, if a charge of plagiarism from this Report had been well founded. While the controversy with *Great-Britain* remained unsettled, remarks on Mr. JEFFERSON's Letter would have been improper; but reasons for forbearance no longer exist; and henceforward Mr. JEFFERSON will be considered as the real and *sole author*, unless his friends should *accuse other members*

of the then administration of being accessaries to a measure, from which no degree of credit is any longer to be derived.

The preceding remarks have, as is presumed, demonstrated the fact, that the 4th article of the Treaty was not executed in Virginia, till the year 1793. The following extracts from Mr. JEFFERSON'S Letter, written before that time, are now submitted to the judgment of the public.

“ Induced, at length, by assurances from the British Court, that they would concur in a fulfilment of the Treaty, Congress, in 1787, declared to the states, its will, that even the appearance of obstacle, raised by their acts, should no longer continue, and required a formal repeal of every act of that nature; and to avoid question, required it, as well from those who had not, as from those who had passed such acts; which was complied with so fully, that no such laws remained in any state of the Union, EXCEPT ONE; and even that one could not have forborne, if any symptom of compliance from the opposite party had rendered a reiterated requisition from Congress important. That indeed the requiring such a repeal, was only to take away pretext; for that it WAS AT ALL TIMES PERFECTLY UNDERSTOOD, THAT TREATIES CONTROLLED THE LAWS OF THE STATES; the confederation having made them obligatory on the whole; Congress having so declared and demonstrated them; the Legislatures and Executives OF MOST OF THE STATES having admitted it; and the Judiciaries, both of the separate and General Governments so deciding.”

It ought to excite a glow of shame on the cheek of every honest patriot, that such assertions were hazarded; that because principles had been demonstrated, it should be inferred, that these principles had in fact

been observed as rules of conduct; that Mr. JEFFERSON should begin and end his argument with a *petitio principii*, and assert that because “lawful impediments” ought not to have existed, that therefore they had not existed. Let the friends of Mr. JEFFERSON elect, between admitting that on this important subject, he either advanced an argument, as inconclusive and incoherent as a dream, or after reviewing the conduct of Virginia, and particularly the amendments to the national Constitution, let them, if they please, defend his understanding, at the expense of his sincerity.

But waving this particular inquiry, what terms of reproach are not applicable to the low cunning of the observation, that the requisition of Congress “was complied with so fully, that no such laws remained in any of the states, EXCEPT ONE?” Who would not understand that twelve states had expressly repealed all acts repugnant to the Treaty? This, however, was not the fact. Besides, Mr. JEFFERSON, in his Letter, attempted to impress an idea, that South-Carolina was the one state excepted. This was mean and unfair. The mistalment law of South-Carolina was not pointed against British creditors; but on the contrary, it allowed them the same remedies as were allowed to citizens of the United States. The conduct of this State had moreover been eminently liberal in the restitution of confiscated estates, while the state of Virginia, though classed with the states which had complied with the resolution of April, 1787, actually passed a subsequent law, containing a palpable and express violation of the Treaty, and an odious discrimination, to the prejudice of British creditors. On the grounds of reasoning assumed by Mr. JEFFERSON himself, the one state thus mentioned by him, as a casual and unimportant exception, was no other than the ANCIENT DOMINION, where the

debtors principally resided; whose laws had created the *whole controversy*, and whose perverseness had controled and nullified the decisions of the other states!—Was it seriously expected to convince, conciliate or deceive the Government of a wise and powerful nation, by a quibble, which would have disgraced the syllogism of a sophimore?

At the close of Mr. JEFFERSON'S Letter, the essence of all his arguments is condensed, in a number of concise propositions, from which certain *results* are supposed to be deducible. One of these "results" is, "that the *recovery of debts* was obstructed " *validly* in none of the states, and *invalidly* only in " a few; and that not till long after the infractions " on the other side." And the concluding corollary from the whole, by which it was intended for ever to silence and subdue Mr. HAMMOND, is thus expressed: "No *lawful impediment* has been opposed " to the prosecution of the just rights of your *citizens*; and if any instances of *unlawful impediment* have existed in any of the inferior tribunals, " they would, like other *unlawful proceedings*, have " been overruled, on an appeal to the higher courts. " *If not overruled there*, a complaint to the Govern- " ment would have been *regular*, and their inter- " ference *probably effectual*."

We have here a specimen of reasoning, which has no parallel, except the logic by which, according to RABELAIS, PANURGE, several centuries ago, obtained a victory over an Englishman, in a dispute concerning *philosophy, geometry, and the cabalistic art*. In both cases, the superiority of the *French school* was evinced, by the complete discomfiture of their *English antagonists*. Ye grave converts to the sublime doctrine of *human perfectability*, compose your countenances, and listen to the oracular deductions of the *second PANURGE*.

Congress required of all the states " *a formal repeal*" of every act contrary to the Treaty of Peace; this requisition " *was complied with so fully*, that no " such laws remained in any state of the Union, " EXCEPT ONE." It is true, that *eight* states only passed the acts of *formal repeal*; but these states, and *two others*, had no acts of the kind described, in force, to be repealed. *Virginia* was the state to which the requisition *particularly applied*. The act of this state was not only *unrepealed*, but *re-enacted*, in defiance of the requisition. From this, however, it is to be inferred, that a " *reiterated requisition*," would have produced a *contrary effect*. The act of *Virginia*, though *re-enacted*, and though actually something more than " *an appearance of obstacle*" to the recovery of debts, was, as had been " *declared and demonstrated*" by Congress, as was " PERFECTLY UNDERSTOOD" by *Virginia* herself, " *invalid*;" being *invalid*, the said act was not " *lawful*;" not being *lawful*, it was most clearly " *unlawful*." It has been " *demonstrated*" that the Treaty controled all " *lawful impediments*;" and *unlawful impediments* were no violation of the Treaty: Ergo, THE TREATY WAS NOT VIOLATED. *Quod erat demonstrandum*. Enlightend doctors of the new school! Are you not convinced? Are you not satisfied that Mr. JEFFERSON is the brightest luminary of this AGE OF REASON?

Never was a victory more complete. Mr. HAMMOND was astonished; and he merely promised, that he would transmit the Letter for the consideration of his Government. This, it is to be presumed, was done; but to this day, Mr. JEFFERSON'S arguments remain unrefuted by the British ministry. Whether they comprehended the distinction between *valid and invalid acts of legislation*; and between *lawful and unlawful impediments*; or whether they concluded that an *impediment* was not the less injurious, for

being "demonstrated" to be *contrary to the Treaty*, and therefore "unlawful," can only be conjectured. If they thought Mr. JEFFERSON's arguments erroneous, it is unfortunate for our merchants that they did not consider it *as an error which might be safely tolerated*; or that, instead of combatting him with the *weapons of reason*, in the use of which he had proved himself to be so expert; they resorted to the unphilosophical argument of force, which he is known to dislike.

In the year 1793, the British commenced an almost indiscriminate war upon the American commerce in the *West-Indies*; the losses were principally sustained by the merchants of the eastern and middle states. The Virginians, however, manifested preeminent zeal in increasing the public irritation. A general open war seemed to be almost inevitable. President WASHINGTON recommended suitable measures of preparation, by erecting forts and arsenals, and increasing the public forces. The opposition appeared to prefer *acts of sequestration and commercial restrictions*. To avert, if possible, the calamity of war, President WASHINGTON determined to institute a negotiation with *Great-Britain*; and on the 16th of April, 1794, he nominated Mr. JAY, Envoy Extraordinary, for that purpose. Hitherto the Virginians had generally treated the character of the President with a good degree of moderation and respect; but on the occasion of this measure, their resentments were manifested in the most indecent reproaches. The motive to this animosity, and of their preceding conduct, was fully explained on the 5th of May, 1794, when Mr. MUNROE moved in the Senate for leave to bring in a Bill, *to suspend the 4th article of the Treaty of Peace with Great-Britain*; or rather, to obviate the old grievance of *Virginia, the payment of bona fide debts contracted before the war*.

There were in the Senate at this time several members, who were well disposed to gratify the wishes of *Virginia*, and who generally voted in opposition to the system of measures recommended by the President. If these gentlemen did not possess sufficient resolution to take an active part in *opposing improper designs*, they were too virtuous to *blast a negotiation*, which was intended to redress our just complaints, and procure peace to the country. These members retired when the Senate decided; and the names of MUNROE and TAYLOR,* of course, appear *alone* in support of a proposition, which, considering all the circumstances and time when it was offered, was the most indecent which was ever presented to the Legislature.

The Treaty negotiated by Mr. JAY, recognized the obligations of the former Treaty, in respect to debts contracted before the war; and contained a promise of indemnification to the British creditors, for the losses they had sustained by lawful impediments. The machinations by which it was attempted to prevent the ratification by the President and Senate, and the execution by the House of Representatives, are partially known: to relate private anecdotes is not the object of this paper, though several of them would illustrate the subject.

After many obstacles and delays, arising from ancient prejudices and jealousy, and which could alone be obviated by patient investigation, a renunciation of every kind of artifice, trick and chicanery, the treaty has at length been executed. The *United States* are to pay nearly *three millions of dollars*, for the losses occasioned by *lawful impediments*; and it is understood that nearly double that sum has been awarded to citizens of the *United States*, in compensation for *irregular captures*. During the time the Treaty was in force, the commerce of the *United*

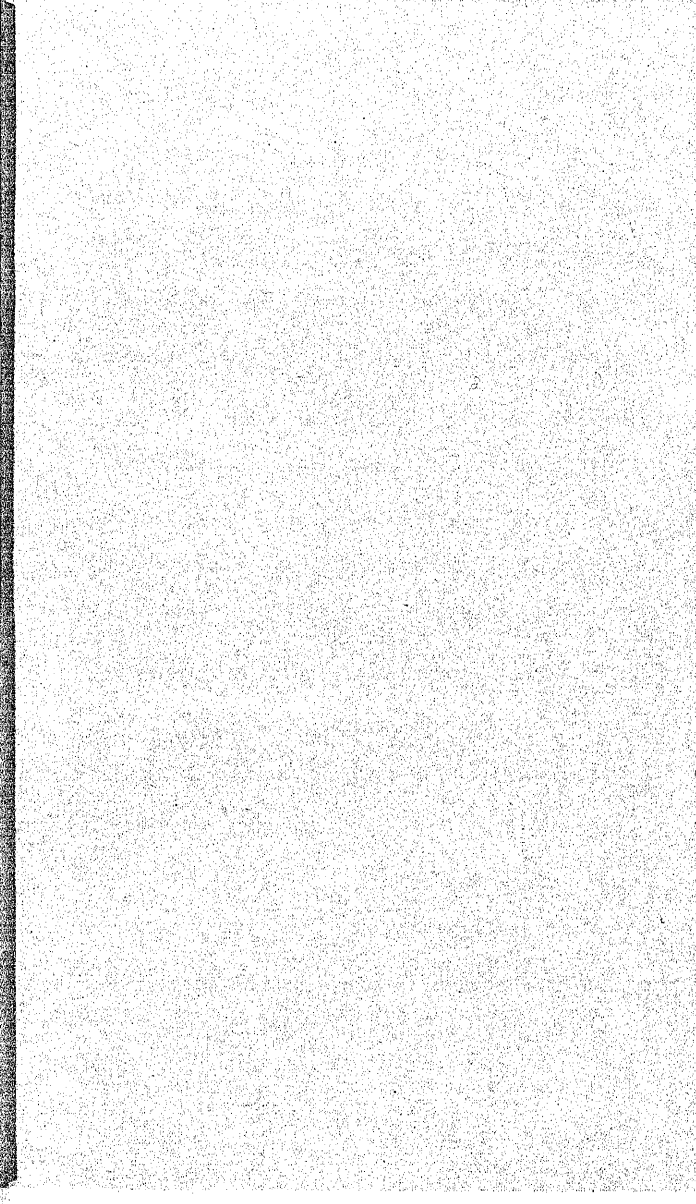
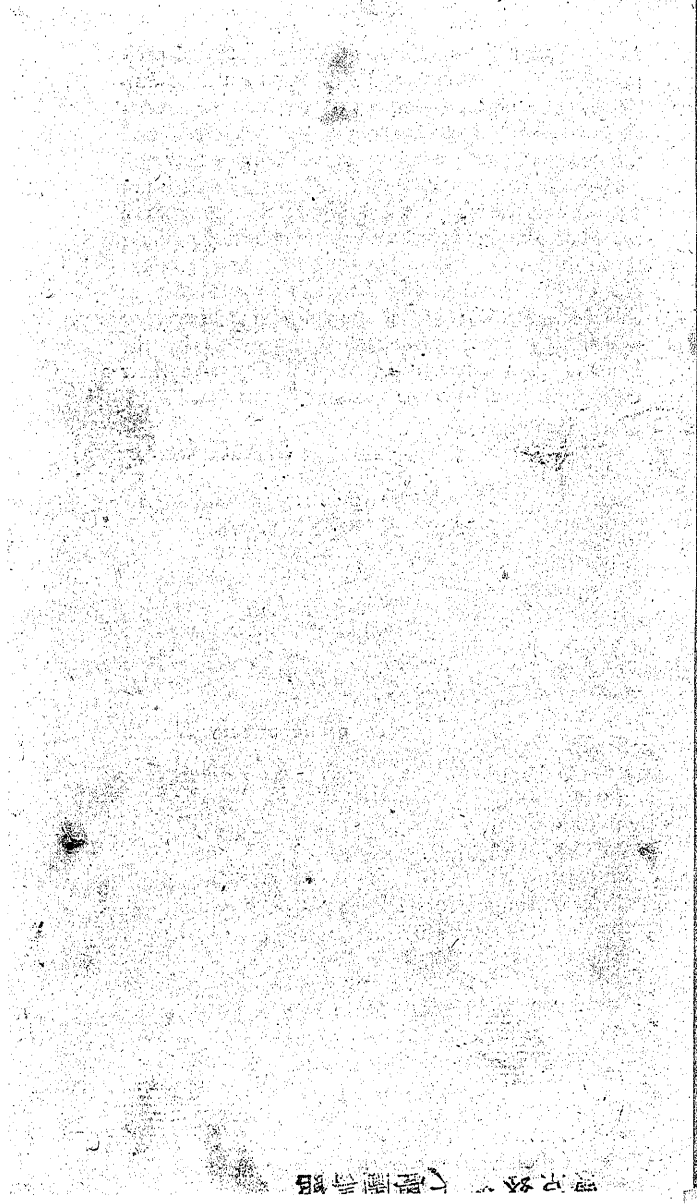
* The two Senators from *Virginia*.

States flourished beyond all former example; the boundaries of our empire, except to the north-westward, were established; and what is of immense consequence, a foundation was laid for the preservation of peace and harmony, and a mutual exchange of kind offices, between two countries, whose dissensions had threatened their most important interests with ruin. This Treaty, though much censured, produced nothing but good; it has at length, however, expired; we have now no "*entangling alliance*" with *Great-Britain*; the responsibility is now cast upon the present administration to conduct the public affairs, with more wisdom than was manifested by their predecessors. They will not deny that they assumed this responsibility, under circumstances of peculiar advantage. Among these, it is not unimportant, that their opponents are open and explicit in their objections: They have no treacherous dissimulater in their cabinet, who is systematically counteracting the measures he is affecting to advocate; nor have they to contend with the intrigues, or the bribes of a diplomatic body, accredited to, and acting in concert with an interior faction.

Here is a succinct narrative of events, in relation to a subject, which more than any other has agitated the passions, and affected the interests and condition of the people of this country, during a term of twenty years: An eventful period, in which they have been exposed to all the evils of anarchy, in consequence of the imbecility of their Government; in which they have been exposed to civil war, by a formal opposition to the establishment of the existing Constitution; and in which they have been most imminently exposed to a war with *Great-Britain*, which must inevitably have made them parties to the crimes and horrors of the French revolution, and of course involved them in wretchedness and

ruin. What bitter passions; what unfounded prejudices, have been excited; and what cruel calumnies have been propagated against the men who averted these evils. Now that the scene is closed, and the same passions are beginning to assume a new and perhaps not a less dangerous direction, will it not be wise for the people to recollect, that they were misled on a most important subject for a long period; that to the wholesome, but then unpalatable councils of Mr. JAY and Mr. KING, they probably at this moment owe the preservation of that liberty, to which they are justly attached; and that by the favor of Providence, these men still survive their distinguished and no less virtuous copatriots.

MARCUS.



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