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the Empress's own brain,' as Panin declared, though probably the prologue was. In view of the attitude of Louis the Sixteenth, to be more fully discussed in the next article, it is material to note that Lord Stormont received information from France, which he thought deserved great credit, that the French Ministers, particularly Count de Vergennes,

boast of the Declaration as a thing which they had contrived to procure, being fully persuaded that, though the Empress might intend otherwise, it was so framed as to be highly prejudicial to the interests of this country. If [he wrote to Harris] you could find means to let it be known to H.I.M. how the French Ministers pride themselves on having so artfully and so successfully as they hope, spread a snare for her, it might perhaps have a good effect, but this, if done at all, must be done with Great Delicacy and Address.¹⁴

Meanwhile the American Commissioners, fount and origin of all the trouble, are waiting in the vestibules of palaces for loans and recognition. There are still some Governments, very friendly in profession, who have delayed the final international courtesy. Especially Russia, for some reason quite unaccountable to the simple-minded men. Strict impartiality was still struggling with friendship for England. Francis Dana waits, and must wait for two years longer, with his equipages and his liveries all ready, but not his credentials: although Congress has shown its high appreciation of the efforts of the Neutral League on behalf of 'humanity,' the word used by them to signify 'generous benevolence in assisting an oppressed people' to be free, by authorising him to sign the States' adhesion to the Charter of Neutrality. But although Catherine thought we should have ended the war before it had begun, and as Guardian of the Peace of Europe considered it our duty to renounce the struggle with the colonists,

¹⁴ Sir James Harris complied with his instructions, and in December reported a conversation with the Empress, which I condense:

Harris. Votre Premier Ministre, Madame, le Comte Panin, est le plus dangereux de nos ennemis. . . Il est déjà lui-même dans une intelligence parfaite avec le Ministre de Versailles.

Catherine. Ses intrigues ne font plus rien sur moi; je ne suis pas un enfant; personne ne m'empêche de faire ce que je veux.

Harris. Il est entièrement dévoué au Roi de Prusse, et le sert plutôt que Votre Majesté. Il l'a invité d'accéder à la Neutralité Armée.

Catherine (avec hauteur). Je serai bien aise qu'il accède, moi; je soutiendrai mon projet; je le crois salutaire.

Harris. On dit, Madame (mais je crains de l'offenser), que c'est le projet des Français, et que le votre étoit très différent.

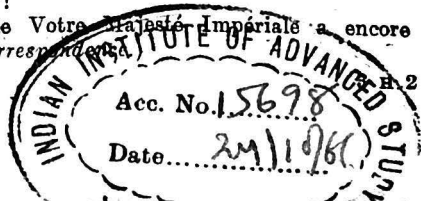
Catherine (avec violence). Mensonge atroce! . . . Mais quel mal vous fait cette Neutralité Armée, ou plutôt Nullité Armée?

Harris. Tout le mal possible. . . .

Catherine. Vous molestez mon commerce; vous arrêtez mes vaisseaux; j'attache à cela un intérêt particulier; c'est mon enfant que mon commerce, et vous ne voulez pas que je me fâche!

Harris. J'ose dire, Madame, que Votre Majesté Impériale a encore été trompée la-dessus. (*Malmesbury Correspondence*)

11.10.63



she was punctilious, and declined to recognise the new nation until the ratifications of the treaty of peace had been exchanged, and proper credentials subsequently made out by Congress. It is probable that this accounts for the absence of reference to the Americans in the preambles of the treaties of the League; it would have been difficult to frame one consistent with the dictates of diplomacy. But the omission is noteworthy, because their privateers had helped in the general disturbance of neutral commerce.

The *Bon Homme Richard*, Captain Paul Jones, had harried the coasts of England and Ireland in 1779, and fought a great fight with H.M.S. *Serapis* off Flamborough Head. One would have imagined, seeing that the good-will of Europe was of such vital importance to the United Colonies, that in his raids in the Firth of Forth and up the Humber he would have discriminated between English and neutral flags, and resisted the temptation to seize Russian or Danish or Swedish ships running into English ports with provisions. But neither he nor his fellow-privateersmen were even prudently cautious. As early as November, 1777, Silas Deane reported to the Committee of Foreign Affairs that the Commissioners had been much troubled with complaints of their armed vessels taking ships and merchandise of neutral nations: from Holland, from Cadiz, and even from Paris. Things do not seem to have been much better in Paul Jones's time, for a complaint was lodged against him by one Van de Perre for seizing a ship from Liverpool to Leghorn laden with herrings and lead for Dutch and Italian account; and M. de la Luzerne, the French Minister, reported to Congress in 1781, that American privateers had 'presumed' to stop neutral vessels loaded with English merchandise, than which at that time there could be nothing more calculated to upset the plans of the French Ministry. They had actually brought themselves within the ban of the Armed Neutrality! Nevertheless, although he was ordered to leave Holland the first fair wind, Paul Jones received the ribbon of St. Anne from Catherine (probably out of sheer perversity, and certainly with great secrecy, for the fact is not mentioned by Sir James Harris), and a pension from the King of Denmark, to commemorate his victory; also the cross of military merit from the King of France, and a 'superb sword,' which was 'called much more elegant than that presented to the Marquis de Lafayette.' He wrote to his 'dear philosopher' C. W. F. Dumas, that he had been 'fêted and caressed by all the world at Paris and Versailles.' There was, however, a fly in his pot of honey: 'Nothing has detained me from sailing for this past month, but that my officers and men are still without wages or prize-money.'

Now the *Bon Homme Richard* had been bought and fitted out

at the charges of Louis the Sixteenth expressly for the purposes of Paul Jones's expedition. The memories of the Seven Years War still rankled; England was more 'imperious' than ever in exercising her sway over the seas, though she acquiesced in the French pretence that the treaty friendship still endured. She knew quite well what was going on: knew, for example, that Silas Deane had arrived in Paris in August, 1776, which brought Lord Stormont express to France with awkward questions for the Government: knew perfectly well of the comings and goings of the Commissioners, and of their search for sinews of war as well as sympathy: knew of the secret supplies sent across the Atlantic, and immediately accepted the challenge. She based her action on the precedent of the Seven Years War, the 'Rule of 1756,' which, rightly interpreted, meant—and the neutrals knew perfectly well that it meant—effective measures to prevent neutrals from assisting the enemy, especially in the form common in those days, carrying enemy property under cover of the neutral flag. She boldly applied the Rule to those pretended neutrals who were espousing in secret the cause of her enemy subjects: they too would be treated as open enemies. Parliament did not fail to be explicit. It declared and enacted that

all manner of trade and commerce is and shall be prohibited with the Colonies of New Hampshire, Massachuset's Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three Lower Counties on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia; and that all ships and vessels, together with their cargoes, apparel, and furniture, and all other ships and vessels whatsoever, together with their cargoes, apparel, and furniture, which shall be found trading in any port or place of the said Colonies or going to trade, or coming from trading, in any such port or place, shall become forfeited to His Majesty, as if the same were the ships and effects of open enemies.

The American commentator¹⁵ sees in the assistance of France to the revolted Colonies a larger policy than mere revenge for the humiliations of the previous war. He attributes it to a striving to readjust the balance of power of the world which the ever-growing dominion of England threatened, and believes that the decisive factor was the conviction that for Great Britain to hold under control the whole of North America as well as India would give her a maritime supremacy, as well as a superiority in wealth, which would constitute a standing menace to the rest of the civilised world. It seemed, therefore, a legitimate object to call up a new sovereignty in America in order to check an undue concentration of sovereignty in Europe, and bring about the fair distribution of power in the civilised world. I doubt

¹⁵ Mr. F. Wharton:—*Introduction to Revolutionary Diplomatic Correspondence.*

whether intrigue, rampant throughout Europe as it was, could have wrought so definite an issue or evolved so clear a purpose. The policy of basing a declaration of war on such an object, theoretically so beneficial to the world at large, would do great credit to the philosopher's cabinet. Looking back through Time's lenses possibly some such ideas may be detected floating in the salons of Paris which the philosophers frequented. Yet I think it simpler to take the evidence which we have and to weigh it; and such evidence is forthcoming in the *considérations* for going to war on the side of the Americans presented by Monsieur de Vergennes to his colleagues, the Ministers of the King of France, Maurepas, Turgot, de Sartines, and St. Germain, in March, 1776; an interesting document, said to have been discovered by De Witt, which may be briefly summarised thus:

First came the then customary tirade against the English for their 'habitual breach of good faith, their violations of treaties, and their disregard of those sacred laws of morality which distinguish the French'; then a careful balancing of advantages, not philosophical at all, but rather a study in political strategy: it would certainly be advantageous both to France and Spain for the civil war to continue; but there would be inconveniences arising from the independence of the Colonies should they be successful, because in case of failure England would probably turn her arms against the French and Spanish possessions in America. But, on the whole, if these two countries obeyed the dictates of their own interests, 'and perhaps the justice of their cause, which was that of humanity so often outraged by England,' they would feel—if their military resources were in sufficiently good condition—that Providence had evidently chosen that very hour for humiliating England and revenging on her the wrongs she had inflicted on those who had the misfortune to be her neighbours and rivals, by rendering the resistance of the Americans as desperate as possible; for the exhaustion produced by this internecine war would prostrate both England and the Colonies, and would afford an opportunity to reduce England to the condition of a second-class Power; to tear from her the Empire she aimed at establishing in the four quarters of the world with so much pride and injustice, and relieve the universe of a tyranny which desires to swallow up both all the power and all the wealth of the world. The policy to be inferred from these premises was clear: they should continue dexterously to keep the English Ministry in a state of false security with respect to the intentions of France and Spain, and to give the insurgents secret assistance in military stores and money, looking for no other return than the success of the political object they had in view, to resist and punish England; more especially as, of all

possible issues, the maintenance of peace with that Power was the least probable. The admitted utility of this would not only justify the little sacrifice, but would also outweigh the loss of dignity involved if the King were to make an open contract with the insurgents before their independence was achieved.

This, and more to the same effect, set forth the issue as it presented itself to the astute mind of M. de Vergennes. There is little zeal shown for the righteous cause of the colonists, nor wrath against the British policy which had brought about the rebellion. Enthusiasm for their cause did, indeed, spread among the young nobility and the officers, personified by Lafayette, barely nineteen, who sailed to America in a ship of his own with a select band of friends in 1777. Not for two years, however, was the policy of open support adopted. The deciding factor was the news of Burgoyne's surrender at Saratoga. Silas Deane wrote, 'There was as much general joy in France as if it had been a victory of their own troops over their own enemies'; and Dumas, another Commissioner, 'The news has made an astonishing impression here; all is considered lost to the English'; while from Amsterdam it was reported that 'all was in motion to-day in our cafés and on the exchange.'

In February, 1778, a treaty was concluded with the 'United States,' and de Vergennes informed the envoys that 'entering into a treaty will be an avowal of your independence.' The treaty was communicated to the British Government in March; the Ambassador was withdrawn, and war declared.

The attitude of Spain towards England had, however, probably no other link connecting it with that of France than the memories of the recent war. She had rejected de Vergennes' proposals for co-operation, and when she declared war in 1779, she had not recognised the United States. Indeed, and here we may follow Mr. Fiske with greater confidence, the revolt of the British Colonists suggested the possibility that the precedent was a dangerous one for her own Empire in the West. Mexico and the South American provinces might follow suit. Moreover 'Spain regarded the Americans with a hatred probably not less rancorous than that which she felt towards the British. The mere existence of these English Colonies in North America was a perpetual reminder of the days when the papal edict granting this continent to Spain had been set at naught by heretical cruisers and explorers. The obnoxious principles of civil and religious liberty were represented here with even greater emphasis than in England.' For a time she hesitated, and a period of intrigue followed in which now England, now France, was sounded as to the possibilities of an alliance; which ultimately led to a treaty with the latter Power to undertake an invasion

of England, and the preparation of a second Armada. But at the root of it all lay two facts : one stretching into the past, that Spain had once been Mistress of the Seas, and that Elizabeth had wrested the sovereignty from her : the other in the present, the possession of Gibraltar. The result was another enemy laying siege to the dominion which the English fleets had established upon the sea.

As for the Dutch, there was no particular reason why they should sympathise with the revolted colonists of their ancient ally. But trouble was brewing about their carrying the enemy's trade ; and on the last days of 1779, a fleet of Dutch vessels sailing down Channel under convoy of five warships was overtaken by a British squadron of seventeen ships-of-the-line, and search of them demanded. They were laden with ship's timber and naval stores for the French. The Dutch commander, Count de Bylandt, refused ; there was a parley, some of the ships got away to the French port, and some were captured. After an exchange of broadsides the Dutch flag was hauled down.

Protests and diplomatic correspondence followed : it was an 'outrage,' an 'insult to the flag.' Restitution of the prizes was demanded, and refused.

I pause here, for it is an excellent point at which to take stock of the position. No other case holds the whole dispute in such compact compass as this little fight in the Channel, nor would enable us to get at the moral tissues on which the body of the Armed Neutrality contentions is built.

The simple facts are these, and if the 'natural law,' the 'primitive law of nations,' cannot be extracted from them, we shall never find it anywhere. England was at war with France upon the sea. Some neutral timber merchants and ships-chandlers had sold to the French Government, or its merchant agents, timber and naval stores which would enable damaged ships to be repaired and new ones built. Conceivably, if a sufficient quantity of these supplies were to reach the French it would turn the scale and England be defeated on the sea. It is gravely asserted that she might not prevent the delivery of the goods if she could.

John Adams naïvely reports to Congress that 'a principal branch of British policy has been to prevent the growth of the navies of their enemies, by interrupting these supplies' ; to which the reply is obvious—'Of course it was, in war-time.'

But there were a few other facts which it is important to note. Our people knew that there were in the Texel a great number of vessels loaded with naval stores, particularly with masts and large ship's timber, ready to set sail for France under a Dutch convoy. Repeated representations had been made ;

and events proved the truth of our information, for some of these vessels were found in this very convoy. The greatest number had escaped, and carried to France the most efficacious succours of which she stood in the greatest necessity.

Yet, it is said, we were wholly wrong!

The Dutch relied on the treaty with England of 1674, of which the principal provisions were: Freedom to exercise all manner of traffic, not to be interrupted by reason of any war, except in regard to contraband, which was not to include masts and ship's timbers.

Such an agreement, says Mr. Fiske, was 'greatly to the credit of both nations,' because at the time it was concluded an 'honourable spirit of commercial equity prevailed.' On such statements the charge of violation of treaty obligations, of 'wholesale robbery on the high seas,' viz. of ship's timber and naval stores on their way to the enemy, is founded. He is seriously of opinion that a belligerent ought to allow these supplies to go forward to the enemy's dockyards!

It is a strange doctrine, asserted with much acerbity. But Mr. Fiske overlooked the secret article of the treaty, which provided that neither country should give any aid, nor furnish any ships, to the enemy of the other. In the case of the *Vryheid*, which occurred the year before the attack on the convoy, Sir James Marriott held that, the whole including its parts, 'ships' included ship's timber: that the term 'contraband' applied to goods within the definition belonging to the friend; and not to goods belonging to the enemy; and that it never could have been the intention of the treaty that the Dutch 'should become the transports of the enemy's Government for carrying free its stores of war either by sea or land.' Put concisely, the article prohibiting assistance to the enemy governed the whole treaty.

But how does the matter stand without such an express provision?

I come down to bed-rock; and the palpable dilemma is this: either that the case of giving succours to the enemy—more especially at a crucial point of the conflict—is not within the meaning of such a convention, or that, if it is, the folly of entering into such conventions is extreme. For, in spite of Armed Neutralities, and in spite of all the treaties in which the maxim 'Free ships free goods' has been embodied, it appears *now* to be manifest, if it were not so before, that for a country to tie itself down to a specific and most unscientific list of contraband, and then to agree that all other enemy property shall be carried 'free' on board neutral ships, is the way of madness which leads inevitably to national destruction.

(To be continued.)

