

In Council Annapolis 10th June 1779

Sir

Le Chevalier D'Amours Consul of his most Christian Majesty residing in Baltimore, writes us that, as well French Sailors as others, who have engaged in the French Merchant Service, are desirous to return thither again, or at least to perform the Voyage, as well from, as to this Country, & that they desire to pass from their Vessels at Baltimore, and pass the Berries towards Philadelphia or to the South, that such as are entitled to be discharged, he furnishes with printed Passports, similar to that with which I'll furnish you. As a Means of preventing, in some Measure this Practice, & distressing to Trade, we request you'll not suffer any Sailors to pass your Berries from towards Baltimore, but on the consent Examination and your being convinced that they are free from Engagements, if you discover they come in to Baltimore in a French Vessel, you may be assured they have run away, unless they have a Passport corresponding with that which you'll receive, and you would do a good Service to the Public, by having the Sailors who may have run away from their Vessels secured, for it has become too general a Practice for them to desert as soon as they have got their Advance Money.

We are &c

To the Berrys Keepers on Susquehanna
and Patuxent Rivers }

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Sir

530.

We had the Honor of receiving, yesterday Evening, your two Letters of the eighth. From your Discourse amongst us and the Knowledge you have thence acquired of our internal Affairs, you must have observed that very little is left in the Will or Discretion of the Executive Branch. The Government can neither command or prohibit, contrary to the General Laws, or where they are deficient. Those who enter on Board French Vessels, undoubtedly ought to fulfil their Contracts, and it consists with moral Right as well as Policy, that every necessary Measure should be taken to compel them. Desirous of contributing all in our Power to the End, which we wish we could fully accomplish, we inclose you Letters to the Berrys Keepers at Susquehanna & Patuxent, which we request you will be pleased to forward with the printed Passports you propose to leave at those Places. Though our Letters are not compulsory, we flatter ourselves that they will not be altogether without Effect. The Regulation which subsists amongst us with respect to the accused, though acquitted, being burthened with the Expences of Prosecution against him in some Instances inflicts a great Hardship, but those Instances are not so common as we should be apt to conclude on a superficial View of this Subject, for though the Acquittal stands as a Criterion of the Party's being innocent of the Crime charged, that Rule does not in Fact hold true universally, and, before a Prosecution can be begun at all, there must arise from Facts proved on Oath, a strong Presumption of Guilt, and if the accused Person is not guilty to the Extent of the Charge, he has generally conducted himself so immorally or imprudently that the Punishment of paying the Expences is not out of due Proportion to his Fault. However Sir, as you are much interested in Favour of Saubert, we write to the Officer requesting his Discharge, expecting the Assembly had rather the Public should defray this small Expence than that any Uneasiness should take Place in a Matter of such small Consequence in itself, it will naturally bring the Consideration of the Subject in general before the Legislature and the Result will necessarily be the Rule in Future. Of much more Concern to us is the Subject of your second Letter, and we flatter ourselves that no Words are necessary to convince you of it. The Galley belonging to this State is fitted out, in great Part, at the Expence of it and for the sole Purpose of protecting the Trade to and from this Bay, the Efforts of the Merchants in Baltimore were in Aid of ours; the principal Officers were, by our Permission, proposed by them & approved & commissioned by us, as the Officers of this State: they were so on the former Cruise. No Instructions have been given by this Government for the Conduct of its Officers or Subjects, towards the Ships of War of his most Christian Majesty, or the Private Ships of his Subjects; these Facts Sir, being generally known, the necessary Inference must be, as the Truth really is, that any such Event as you complain of, was unexpected to us as yourself, so that nothing of this Accident can possibly be imputed to the Government. Considering this Fact simply in the Light you view it, as an unjustifiable Injury of a private Vessel on a private Vessel of the Subjects of his most Christian Majesty, if it was a deed, that it was done with the Intention of Insult & Injury, nothing remains undone since the Officer who commanded on Board, is committed to a regular Course of legal Prosecution. Whether the private Ships of either Nation are to make any Acknowledgement of Respect to the Ships of War of the other, or they are occasionally to meet with each other in the Parts of the other Power, is a Matter not to be decided by