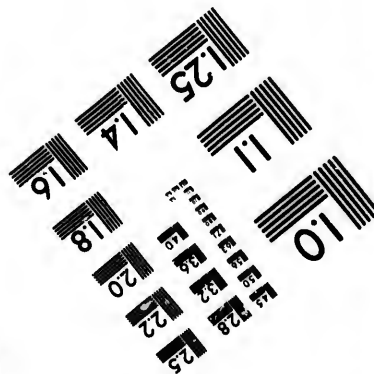
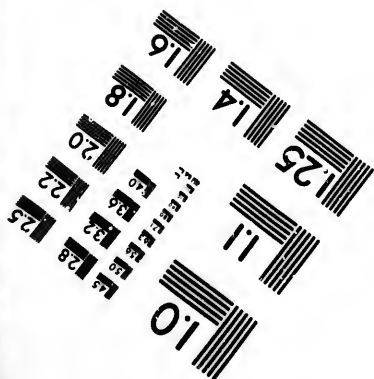
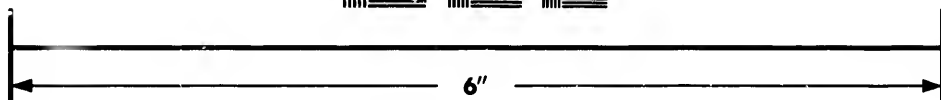
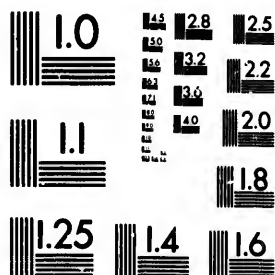


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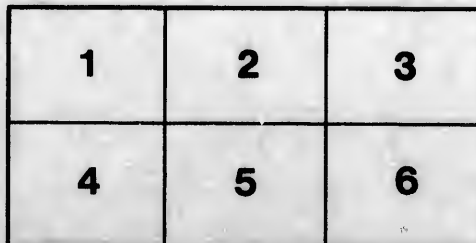
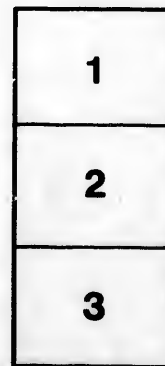
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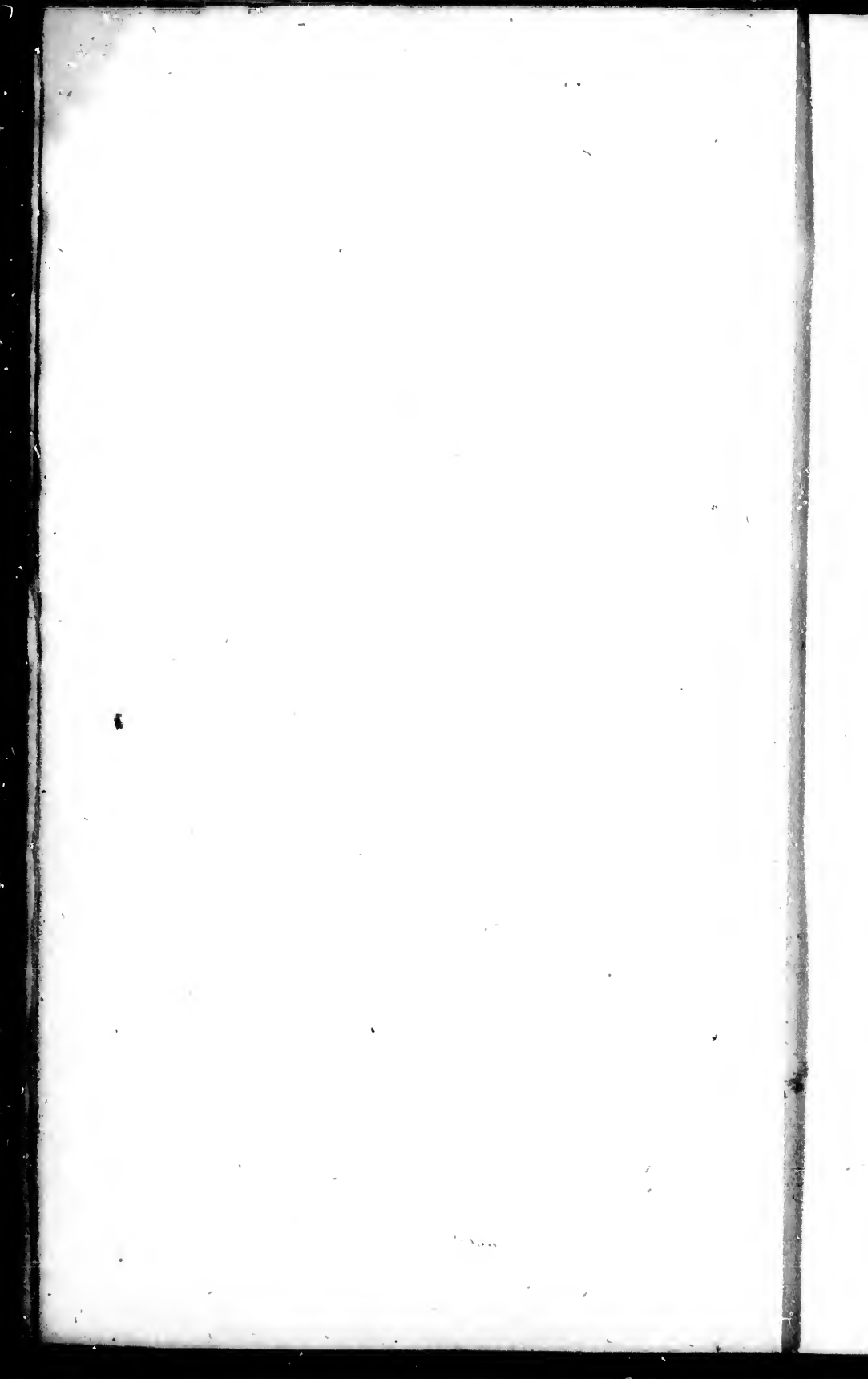
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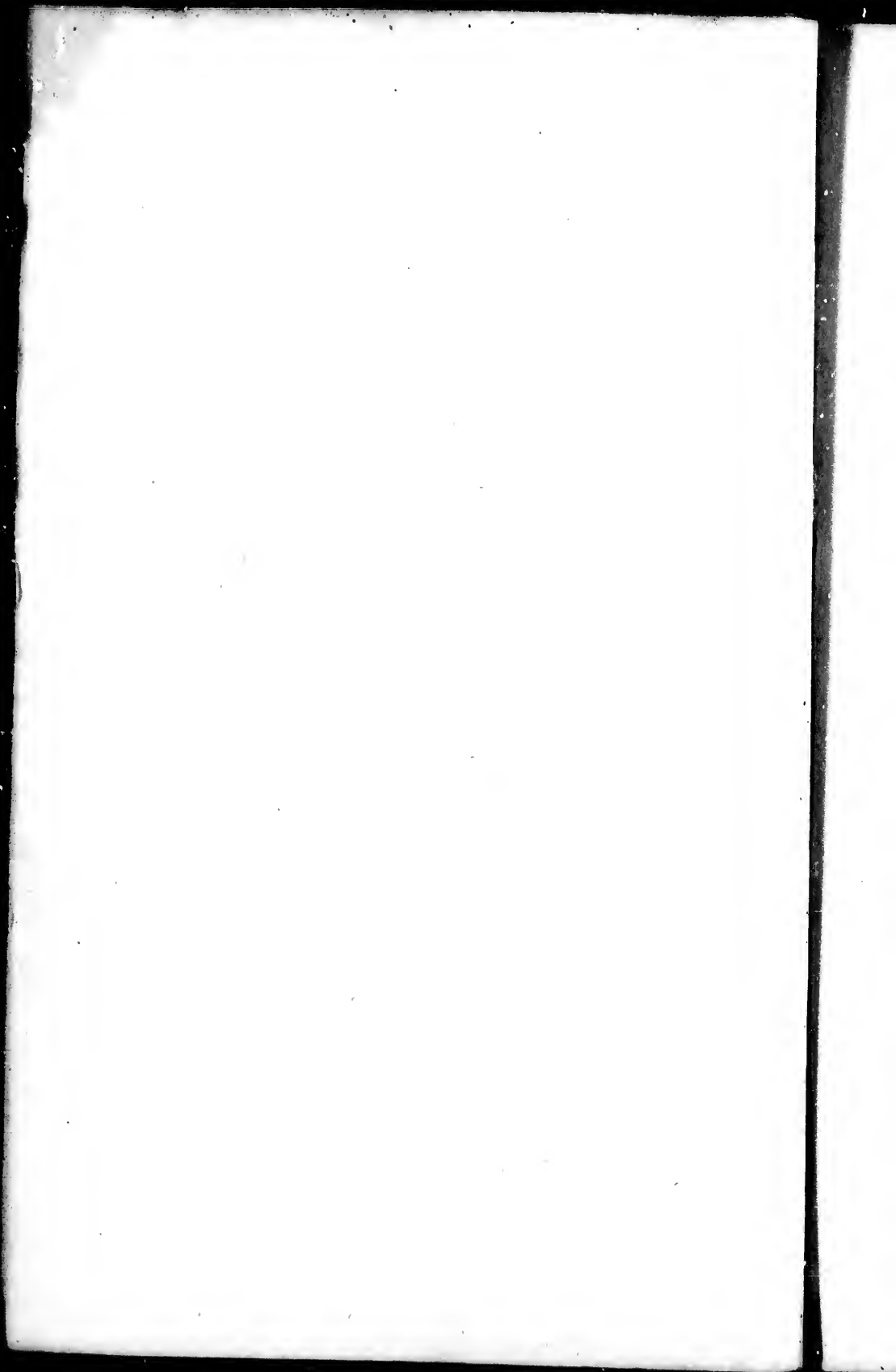
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P A P E R S
RELATING TO
A M E R I C A.

Presented to the House of Commons,
1809.

L O N D O N ;
Printed by A. STRAHAN, Printers-Street. 1810.



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PAPERS

RELATING TO THE

Encounter between HIS MAJESTY'S Ship *Leopard*,

AND

The AMERICAN Frigate *Chesapeake*.

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PAPERS.

No. 1.

COPY of a Note from Mr. Canning to
Mr. Monroe ; dated Foreign Office, July
25th, 1807.

MR. CANNING presents his Compliments to Mr. Monroe, and, with Sentiments of the deepest Regret, has the Honour to inform him, that Intelligence has just been received of a Transaction which has taken place off the Coast of America, between a Ship of War of His Majesty's and a Frigate belonging to the United States; the Result of which has been the Loss of some Lives on board the American Frigate. The Particulars of this Transaction, and the Grounds of the Justification of the British Officer, and of the Admiral under whose Orders he acted, Mr. Canning is not at present enabled to communicate to Mr. Monroe. If Mr. Monroe should have received any Accounts of it, Mr. Canning trusts that he will lose no Time in communicating them to Mr. Canning. But whatever the real Merits and Character of this Transaction may

turn out to be, Mr. Canning could not forbear expressing, without Delay, to Mr. Monroe, the sincere Concern and Sorrow which he feels at its unfortunate Result ; and assuring him, both from himself, and in Behalf of His Majesty's Government, that if the British Officer should prove to have been culpable, the most prompt and effectual Reparation shall be afforded to the Government of the United States.

No. 2.

COPY of a Note from Mr. Monroe to Mr. Secretary Canning; dated Portland Place, July 27th, 1807.

MR. MONROE presents his Compliments to Mr. Canning, and is much obliged to him for the Information communicated in his Note of Saturday. Mr. Monroe has heard with extreme Regret, the account it contains of a Rencounter between a British Ship of War and an American Frigate off the Coast of the United States. He has no Knowledge of the Subject except what Mr. Canning's Note has furnished, but will not fail to communicate the earliest Intelligence which he may receive of an Event so deeply to be lamented. Mr. Monroe derives, in the mean Time, much Satisfaction from the friendly Assurance of Mr. Canning, that

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that this unfortunate Occurrence was not authorized by His Majesty's Government, and that suitable Reparation will be made for the Injury, if on Enquiry the British Officer shall be found the Aggressor.

No. 3.

COPY of a Letter from Mr. Monroe to
Mr. Secretary Canning ; dated Portland
Place, July 29th, 1807.

Sir,

ALTHOUGH I have no Instruction from my Government on the Subject, it is my Duty to request the Attention of His Britannic Majesty's Government to a late Aggression on the Sovereignty of the United States, of a very extraordinary Nature. The Circumstances of the Transaction are too distinctly marked to leave any Doubt of the Extent of the Outrage, or of the Reparation which it obviously claims. By Accounts which are entitled to full Confidence, it appears, that on the 23d of June last, His Majesty's Ship the Leopard attacked an American Frigate off the Coast of the United States, with a View to assert and enforce the unfounded and most unjustifiable Pretension to search for Deserters, and after having killed and wounded a Number of her Men, entered on board, and carried away forcibly several of the Crew. The Conduct of the British Officer, which, in itself, forms an Act of

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complete

complete Hostility, is rendered more reprehensible from the Consideration that just before this Aggression he held a Station within the Jurisdiction of the United States, in the Waters of the Chesapeake, where, while he enjoyed the Rights of Hospitality, he projected this Attack against the Ship of a Neutral Power, whose Commander, relying on the good Faith of His Majesty's Government, and the friendly Relations subsisting between Great Britain and the United States, could not have suspected the Design. I might state other Examples of great Indignity and Outrage, many of which are of recent Date, to which the United States have been exposed, off their Coast, and even within several of their Harbours, from the British Squadron; but it is improper to mingle them with the present more serious Cause of Complaint. I have called your Attention to this Subject, in full Confidence that His Majesty's Government will see in the Act complained of, a flagrant Abuse of its own Authority, and that it will not hesitate to enable me to communicate to my Government, without Delay, a frank Disavowal of the Principle on which it was made, and its Assurance that the Officer who is responsible for it, shall suffer the Punishment which so unexampled an Aggression on the Sovereignty of a Neutral Nation justly deserves.

I have the Honour to be,
with great Consideration, &c.

(Signed) *James Monroe.*

The Right Hon. George Canning,
&c. &c. &c.

No. 4.

COPY of a Letter from Mr. Canning to
Mr. Monroe, August 2d, 1807.

Sir,

I HAVE the Honour to acknowledge the Receipt
of your official Note of the 29th Ult. which I
have lost no Time in laying before the King.

As the Statement of the Transaction to which
this Note refers is not brought forward, either by
the Authority of the Government of the United
States, or with any precise Knowledge of the Facts
on which it is founded, it might have been sufficient
for me to express to you His Majesty's Readiness to
take the Whole of the Circumstances of the Case,
when fully disclosed, into His Consideration, and
to make Reparation for any alleged Injury to the
Sovereignty of the United States, whenever it
should be clearly shewn that such Injury has been
actually sustained, and that such Reparation is
really due.

Of the Existence of such a Disposition on the
Part of the British Government, you, Sir, cannot be
ignorant: I have already assured you of it, though
in an unofficial Form, by the Letter which I ad-
dressed to you on the first Receipt of the Intelli-

gence of this unfortunate Transaction ; and I may perhaps be permitted to express my Surprise, after such an Assurance, at the Tone of that Representation which I have just had the Honour to receive from you.

But the earnest Desire of His Majesty to evince in the most satisfactory Manner the Principles of Justice and Moderation by which He is uniformly actuated, has not permitted Him to hesitate in commanding me to assure you, that His Majesty neither does, nor has at any Time maintained the Pretension of a Right, to search Ships of War in the national Service of any State for Deserters. If, therefore, the Statement in your Note should prove to be correct, and to contain all the Circumstances of the Case, upon which Complaint is intended to be made, and if it shall appear that the Act of His Majesty's Officers rested on no other Grounds than the simple and unqualified Assertion of the Pretension above referred to, His Majesty has no Difficulty in disavowing that Act, and will have no Difficulty in manifesting His Displeasure at the Conduct of His Officers.

With respect to the other Causes of Complaint (whatever they may be) which are hinted at in your Note, I perfectly agree with you in the Sentiments which you express, as to the Propriety of not involving them in a Question which is of itself of sufficient

sufficient Importance to claim a separate and most serious Consideration.

I have only to lament that the same Sentiment did not induce you to abstain from alluding to these Subjects, on an Occasion which you were yourself of Opinion was not favourable for pursuing the Discussion of them.

I am, &c.

George Canning.

No. 5.

COPY of a Note from Mr. Monroe to Mr. Canning, dated Portland Place, August 6th, 1807.

MR. Monroe presents his Compliments to Mr. Canning, and has the Honour to acknowledge the Receipt of his Note of the 2d Instant, in reply to that of Mr. Monroe of the 29th Ult. Mr. Monroe has the Honour to inform Mr. Canning that he has already transmitted to his Government a Copy of Mr. Canning's Note.

Mr. Monroe requests Mr. Canning to accept the Assurances of his high Consideration.

No. 6.

COPY of a Letter from Mr. Canning to
Mr. Monroe, dated Foreign Office, Au-
gust 8th, 1807.

Mr. Monroe, Sir,

HAVING received from His Majesty's Minister
in America an unofficial printed Paper, pur-
porting to be a Copy of a Proclamation of the Presi-
dent of the United States, I have to request that
you will be pleased to acquaint me, whether you
have received any Communication from your Go-
vernment which enables you to pronounce if such
Paper be authentic. In the Event of your being
empowered to admit its Authenticity, I have farther
to request of you, that you will inform me, whether
you are also authorized to announce it to be the
Intention of the Government of the United States
to carry into Effect the Measures stated in the Pro-
clamation of the President, without requiring, or
waiting for any Explanation on the Part of the
British Government, with respect to the late unfor-
tunate Transaction, upon which the Determination
to resort to these Measures is professed to be founded.

I have the Honour to be, &c.

(Signed) *George Canning.*

P. S. I have the Honour to inclose an American
Newspaper, containing a Copy of the Paper in
Question.

No. 7.

COPY of a Letter from Mr. Monroe to
Mr. Secretary Canning, dated Portland
Place, August 9th, 1807.

Sir,

I HAVE the Honour to acknowledge the Receipt
of your Note of Yesterday, and should not hesi-
tate to communicate the Information which you
have desired, if I possessed it; but as I have not
heard from my Government on the Subject of the
unfortunate Occurrence alluded to, it is not in my
Power to state to you any Thing on the Part of my
Government respecting it. I have no Doubt that
I shall be instructed in a very few Days to make a
Communication to His Majesty's Government on
that highly interesting Event, in which I shall be
enabled to furnish a full and just View of all the
Circumstances attending it. As soon as I receive
Instructions I shall hasten to apprise you of it.

I have the Honour to be, &c. &c.

(Signed) *James Monroe.*

The Right Hon. George Canning,

&c. &c. &c.

No. 8.

COPY of a Note from Mr. Monroe to Mr. Secretary Canning; dated Portland Place, September 1st, 1807.

MR. Monroe presents his Compliments to Mr. Canning, and has the Honour to inform him that he has just received Instructions from his Government relative to the late Attack on the United States Frigate Chesapeake, by His Majesty's Ship Leopard, off the Coast of the United States.

Mr. Monroe requests that Mr. Canning would have the Goodness to give him an early Interview on that Subject.

Mr. Monroe requests Mr. Canning to accept the Assurance of his high Consideration.

No. 9.

COPY of a Letter from Mr. Monroe to Mr. Canning; dated Portland Place, September 7th, 1807.

Sir,

BY the Order of my Government, it is my Duty to request your Attention to the Aggression lately committed on the Peace and Sovereignty of the
the

the United States, by His Britannic Majesty's Ship of War Leopard, in an Attack on an American Frigate, the Chesapeake, off the Capes of Virginia. The Object of this Communication is to obtain of His Majesty's Government a suitable Reparation for that Outrage, and such an Arrangement of the great Interest which is connected with it, as will place the future Relations of the two Powers on a solid Foundation of Peace and Friendship.

In bringing this Subject again to the View of His Majesty's Government, it is unnecessary to dwell on Circumstances which are already so well known to you. By the Documents which I have the Honour to transmit you, it is shewn, that while the Outrage was unprovoked and unexpected on one Side, there was nothing to extenuate it on the other. The Commander of His Majesty's Squadron on the Coast of the United States appears to have acted on a Presumption that he possessed the Power to make War, and to decide on the Causes of War. It will be difficult to explain the Conduct of that Officer on any other Principle, and equally so to find an Example of an Aggression marked with such high Indignity and Injustice to a friendly Power.

The Pretext for this Aggression could not fail to heighten the Sense of Injury which the Act itself was so signally calculated to excite. My Government was taught to infer from it, that there was no Limit
to

to a Pretension which had already produced so much Mischief, and against which so many Remonstrances had been presented in its Application to Merchant-Vessels. But I find with great Satisfaction, that this Pretension forms no Topic for Discussion between us in respect to Ships of War; and I trust that the just and enlightened Policy which produced the Decision in one Instance, will surmount the Obstacle which has hitherto embarrassed it in the other.

The national Character of the Men who were taken thus violently from on board the Chesapeake, makes no Part of the Question. It is impossible that it should come into View, in estimating the Injury which the United States have received. The Outrage involves a great and uncontested Principle, which ought not in any View to be affected by appealing to national Sensibilities on either Side. I have, however, the Honour to transmit you Documents, which will, I presume, satisfy you that they were American Citizens.

With respect to the Reparation which my Government ought to receive for this Outrage, it will only be necessary to appeal to those Sentiments which Great Britain would be sure to indulge under like Circumstances: to that Sensibility to national Honour which has distinguished so many Epochs of her History. It will be recollected that the Injury, which in itself was great, was much aggravated by
the

the Circumstances which attended it: that the peaceful Relations of the United States were violated, and their unsuspecting Confidence surprised. But I forbear to recite Details which it is painful to contemplate. You will, I am persuaded, be satisfied, that in every Light in which the Subject can be seen, the Honour of my Government, and of the whole Nation, has been greatly outraged by the Aggression; and that it becomes the Honour of His Majesty's Government to make a distinguished Reparation for it.

In presenting, in this friendly Manner, the important Subject to the Consideration of His Majesty's Government, I am particularly instructed to request its Attention to the great Cause to which this and so many other Injuries of a like Kind, may be traced, the Impressment of Men from the Merchant Vessels of the United States. In many essential Circumstances, the Objections which are applicable to Impressment from Ships of War, are equally applicable to those from Merchant Vessels. To the Individuals who suffer by the Practice, the Injury is the same in either Case. Their Claim on their Government for Protection, is in both Cases equal: every Maxim of public Law and private Right which is violated in the one, is equally violated in the other. The relation of the Belligerent to the Neutral Power, extends to certain Objects only, and is defined in each by known Laws. Beyond that Limit the Rights of the Neutral are sacred, and cannot be encroached

encroached on without Violence and Injustice. Is there a Question of contraband? Is the Vessel destined to a blockaded Port, in violation of established Principles, or does she contain Enemies Property, the greatest Extent to which the Maritime Law is carried by any Nation? In these Cases she is conducted to Port for Trial; the Parties are heard by an impartial and responsible Tribunal, and are heard again by Appeal, if they desire it. Are any of the Passengers on board the Neutral Vessel in the Naval or Military Service of the Enemy? If such are found, they are made Prisoners; but, as Prisoners, they have Rights which the opposite Belligerent is bound to respect. This Practice, however, looks to other Objects than are here recited. It involves no Question of Belligerent on one Side, and of Neutral on the other. It pursues the Vessel of a Friend for an unlawful Purpose, which it executes in a Manner equally unlawful. Every Commercial Vessel of the United States that navigates the Ocean, is liable to be invaded by it, and not an Individual on board any of them is secure while the Practice is maintained. It sets up every Officer of His Majesty's Navy as a Judge, from whose Decision there is no Appeal. It makes him a Judge, not of Property, which is held more sacred; nor of the Liberty of his Fellow Subjects only, however great the Trust, and liable to Abuse on the Main Ocean; but of that of the Citizens of another Power, whose Rights as a Nation are trampled on by the Decision; a Decision, in rendering which, every Rule of Evidence is violated, as it puts the Proof

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of Innocence on the accused, and is further highly objectionable, as there is too much Reason to believe that it has been often guided more by the Fitness of the Party for Service, than any other Circumstance. The distressing Examples of this System of Aggression, as it has affected Individuals, on a Scale of vast Extent, it is unnecessary to recount here. They may be easily imagined. Voluminous Documents which prove them are in the Possession of both Governments.

It is possible that this Practice may, in certain Cases, and under certain Circumstances, have been extended to the Vessels of other Powers; but with them there was an infallible Criterion to prevent Error. It would be easy to distinguish between an Englishman and a Spaniard, an Italian or a Swede; and the clear and irresistible Evidence of his National Character, and, perhaps, of his Desertion, would establish the British Claim to the Individual, and reconcile the Nation into whose Service he had entered to his Surrender. But the very Circumstances which would constitute an infallible Criterion in those Cases, would be sure to produce endless Error in the other. Who is so skilful in Physiognomy as to distinguish between an American and an Englishman, especially among those whose Profession and whose Sea Terms are the same? It is evident that this Practice, as applied to a Foreign Nation to any great Extent, has grown out of the American Revolution, and that it is impossible for the United States

States not to see in it the Assertion of a Claim which is utterly incompatible with that great Event. When the Character of th's Claim, and the pernicious Tendency of the Practice, are maturely weighed, it must be cause of Surprise, that some just and friendly Arrangement has not long since been adopted to prevent the Evils incident to it.

My Government is aware that His Majesty's Government has also an Interest of Importance to attend to in this Concern; and I am instructed to state, on its Part, that the best Disposition exists to provide for it. The United States are far from desiring to profit of a Resource which does not belong to them, especially to the Prejudice of a friendly Power. In securing them against a Practice which is found to be so highly injurious to their dearest Rights and most valuable Interests, every suitable Provision will be made to give equal Security to those of Great Britain. On this Point I am authorized to enter into such an Engagement, as will, I am persuaded, be adequate to the Object.

This great Interest of Impressment has been blended in all its Relations, as you will perceive, by no Act of the United States. Its Connection with the late disastrous Incident has been produced by an extraordinary Act of Violence, of which they were the Victims only. That Act, which exhibits the Pretension in its widest Range, has become identified

fied in the general Practice in the Feelings and Sympathies of the Nation, and in the Sentiments of the Government. I trust, therefore, that His Majesty's Government will be equally disposed to take up the whole Subject at this Time, and in making the Reparation which the particular Injury claims, provide a Remedy for the whole Evil. My Government looks to this complete Adjustment with Confidence, as being indispensably necessary to heal the deep Wound which has been inflicted on the National Honour of the United States, by so great and unjustifiable an Outrage.

I avail myself, with great Satisfaction, of the Opportunity which this Communication affords, to acknowledge the prompt Assurance which you gave me of the Disposition of His Majesty's Government to make a suitable Reparation to the Government of the United States, for the Indignity of which, by its Order, it is now my Duty to complain; and for the frank Disavowal of the Pretension on which it was founded. I hastened to transmit Copies of those Documents to my Government, by whom, I trust, they are by this Time received.

I have the Honour to be, &c.

(Signed)

James Monroe.

Right Honourable George Canning,
&c. &c. &c.

(No. 2.)

The Secretary of the Navy to Commodore
James Barron. Washington, 6th April,
1807.

Sir.

IT has been represented to me, that William Ware, Daniel Martin, John Strachan, John Little, and others, Deserters from a British Ship of War at Norfolk, have been entered by the Recruiting Officer at that Place for our Service. You will be pleased to make full Enquiry relative to these Men, (especially, if they are American Citizens) and inform me of the Result. You will immediately direct the Recruiting Officers in no case to enter Deserters from British Ships of War, &c. &c. &c.

(Signed) *Robt. Smith.*

Answer of Commodore J. Barron.

WILLIAM Ware, pressed from on board the Brig Neptune, Captain Crafts, by the British Frigate Melampus, in the Bay of Biscay, and has served 15 Months on board the said Frigate.

He is a Native American, born at Bruce's Mills on Pipe Creek, in the County of Frederick, Maryland,

land, and served his Time at said Mills. He also lived at Ellicot's Mills, near Baltimore, and drove a Waggon several Years between Hagerston and Baltimore. He also served 18 Months on board the U. S. Frigate Chesapeake, under the Command of Captain Morris and Captain J. Barron. He is an Indian-looking Man.

Daniel Martin was impressed at the same Time and Place; a Native of Westport in Massachusetts, about 30 Miles to the Eastward of Newport, Rhode Island; served his Time out of New York with Captain Marrowby of the Caledonia; refers to Mr. Benjamin Davis, Merchant, and Mr. Benjamin Corse of Westport. He is a coloured Man.

John Strachan, born in Queen Ann's County, Maryland, between Centreville and Queen's Town; sailed in the Brigantine Martha Bland, Captain Wyvill, from Norfolk to Dublin, and from thence to Liverpool. He there left the Brig, and shipped on board an English Guineaman; he was impressed on board the Melampus off Cape Finesterre; to better his Situation he consented to enter, being determined to make his Escape when Opportunity offered; he served on board said Frigate two Years; refers to Mr. John Price, and ——— Pratt Esq. on Kent Island, who know his Relations. He is a White Man, about 5 Feet 7 Inches high.

William Ware and John Strachan have Protections. Daniel Martin says that he lost his after leaving the Frigate.

John Little, alias Francis, and Ambrose Watts, escaped from the Melampus at the same Time ; are known to the above Persons to be Americans, but have not been entered by my Recruiting Officer.

William Ware, Daniel Martin, and John Strachan, state, that some Time in February last there was an Entertainment on board the Melampus, then lying in Hampton Roads. That while the Officers were engaged, and all the Ship's Boats except the Captain's Gig hoisted in, they and the two other Men mentioned availed themselves of the Opportunity to seize the Gig and row off. That as soon as they were got into the Boat, they were hailed to know what they were going to do ; they replied they were going ashore; a brisk fire of Musquetry instantly commenced from the Ship, but in Defiance of the Danger, and at the Hazard of their Lives, they continued to row, and finally effected their Escape to land at Sewell's Point. That they then carefully hauled the Boat on the Beach, rolled up the Coat, and placed that and the Oars in the Boat, &c.

(Signed) *J. Barron.*

Com.

Commodore J. Barron to the Secretary of
the Navy, on board the U. S. Frigate
Chesapeake;

Sir, Chesapeake Bay, June 23d, 1807.
YESTERDAY at Six A. M. the Wind became
favourable, and knowing your Anxiety that the
Ship should sail with all possible Dispatch, we weigh-
ed from our Station in Hampton Roads and stood
to Sea. In Lynnhaven Bay we passed Two British
Ships of War, one of them the Bellona, the
other the Melampus, their Colours flying, and
their Appearance friendly. Some Time afterwards
we observed One of the Two Line of Battle Ships
that lay off Cape Henry to get under weigh and
stand to Sea. At this Time the Wind became light,
and it was not until near Four in the Afternoon
that the Ship under weigh came within hail, Cape
Henry then bearing N. W. by W. distant Three
Leagues. The Communication which it appeared to
be her Commander's Object for speaking the Che-
sapeake—He said he would send on board, on which
I ordered the Ship to be hove to for his Conveni-
ence. On the Arrival of the Officer he presented
the inclosed Paper (No. 1.) from the Captain of the
Leopard, and a Copy of an Order from Admiral
Berkeley, which another Officer afterwards took
back, to which I gave the inclosed Answer (No. 2.)
and was waiting for his Reply. About this Time
I observed some Appearances of a hostile Nature,

and said to Captain Gordon that it was possible they were serious, and requested him to have his Men sent to their Quarters with as little Noise as possible, not using those Ceremonies which we should have done with an avowed Enemy, as I fully supposed their Arrangements were rather Menace than any Thing serious. Captain Gordon immediately gave the Orders to the Officers and Men to go to Quarters, and have all Things in Readiness; but before a Match could be lighted, or the Quarter-bill of any Division examined, or the Lumber on the Gun-deck, such as Sails, Cables, &c. &c. be cleared, the Commander of the Leopard hailed: I could not hear what he said, and was talking to him as I supposed, when she commenced a heavy fire, which did great Execution. It is distressing to me to acknowledge that I found from the Advantage they had gained over our unprepared and unsuspecting State, I was not warranted in a longer Opposition; nor should I have exposed this Ship and Crew to so galling a fire, had it not been with a Hope of getting the Gun-deck clear so as to have made a more formidable Defence. Consequently our Resistance was but feeble. In about Twenty Minutes after I ordered the Colours to be struck, and sent Lieutenant Smith on board the Leopard to inform her Commander that I considered the Chesapeake her Prize; to this Message I received no Answer. The Leopard's Boat soon after came on board, and the Officer who came in her demanded the Muster-book; I replied the Ship and
 Books

Books were theirs, and if he expected to see the Men, he must find them. They called on the Purfer, who delivered his Book, when the Men were examined, and the Three Men demanded at Washington, and one Man more, were taken away. On the Departure from the Ship, I wrote the Commander of the Leopard the inclosed, (No. 3.) to which I received the Answer (No. 4.). On finding that the Men were his only Object, and that he refused to consider the Ship his Prize, and the Officers and Crew his Prisoners, I called a Council of the Officers, and requested their Opinion relative to the Conduct it was now our Duty to pursue. The Result was, that the Ship should return to Hampton Roads, and there wait your further Orders.

Inclosed you have a List of the unfortunate killed and wounded, as also a Statement of the Damage sustained in the Hull, Spars and Rigging of the Ship.

I have sent this Letter to you by Captain Gordon, in order that you may have an Opportunity of getting such further Information as you may wish.

I am, Sir, &c.

(Signed)

J. Barron.

(No. 1.)

The Commander of H. B. Majesty's Ship
Leopard to the Captain of the U. S. Ship
Chesapeake; dated at Sea, June 22d,
1807.

THE Captain of H. B. Majesty's Ship Leopard has the Honour to inclose the Captain of the U. S. Ship Chesapeake, an Order from the Honourable Vice Admiral Berkeley, Commander in Chief of His Majesty's Ships on the North American Station, respecting some Deserters from the Ships (therein mentioned) under his Command, and supposed to be now serving as Part of the Crew of the Chesapeake.

The Captain of the Leopard will not presume to say any Thing in Addition to what the Commander in Chief has stated, more than to express a Hope that every Circumstance respecting them may be adjusted in a Manner that the Harmony subsisting between the Two Countries may remain undisturbed.

No. 2.

(25)

(No. 2.)

Commodore James Barron to the Commander of His Majesty's Ship Leopard; dated at Sea, June 22d, 1807.

I KNOW of no such Men as you describe. The Officers that were on the Recruiting Service for this Ship were particularly instructed by my Government, through me, not to enter any Deserters from H. B. Majesty's Ships, nor do I know of any being here. I am also instructed never to permit the Crew of any Ship under my Command to be mustered by any other than their own Officers. It is my Disposition to preserve Harmony, and I hope this Answer to your Dispatch will prove satisfactory.

(No. 3.)

Commodore James Barron to the Commander of H. B. Majesty's Ship Leopard; dated at Sea, June 22d, 1807.

I CONSIDER the Frigate Chesapeake your Prize, and am ready to deliver her to any Officer authorized to receive her. By the Return of the Boat I shall expect your Answer.

LIST

LIST of Dead and Wounded on board U. S.
Frigate Chesapeake, Commodore James
Barron ;

June 23d, 1807.

KILLED.

John Lawrence,
James Arnold,
John Sheckley.

BADLY WOUNDED.

John Haden,
Cotton Brown,
John Parker,
Geo. Percival,
Peter Simmons,
R. M'Donald,
Fra. Courhoven,
James Eppes.

SLIGHTLY WOUNDED.

Com^o Ja^s Barron,
Mid^o Ja^s Broom,
Peter Ellifon,
W. Hendricks,
Tho. Short,
W. Moody,
Dav. Creighton,
Jn. Martyr,
Eman. Fernandes,
John Wilfon.

(Signed)

J. G. T. Hunt,
Surgeon of the U. S.
Frigate Chesapeake.

SURVEY on the Hull of the Chesapeake.

SIR,

AGREEABLY to your Requisition of this
Date to us directed, we have taken a strict
and careful Survey on the Hull of the U. S. Frigate
6 Chesapeake,

Chefapeake, and find it as follows :—Twenty-two round Shot in the Hull, viz. Twenty-one on the Starboard, and One on the Larboard Side.

Given under our Hands on board the late
U. S. Frigate Chefapeake, June 23d,
1807.

(Signed) *Benj. Smith*, 1st. Lieut.
Sidney Smith, 5th Lieut.
Sam. Brooke, Master.

To Captain Charles Gordon.

SURVEY on the Masts and Standing Rigging of the Chefapeake.

SIR,

A GREEABLY to your Requisition of this Date to us directed, we have taken a strict and careful Survey of the Masts and Standing Rigging of the late U. S. Chefapeake, and find them in the following State :

The Fore and Main-masts are incapable of being made sea-worthy ; the Mizzen-mast badly wounded, but not incapable of being repaired on Shore ; Three starboard and Two larboard Main-shrouds, Two starboard Fore-shrouds, Two starboard Mizzen-shrouds,

shrouds, Main-top-mast-stay, Cap-bobstay, and starboard Main-lift cut away ; likewise the Middle Stay-fail-stay.

Given under our Hands on board the late
U. S. Frigate Chesapeake, June 23d,
1807.

(Signed) *Benj. Smith*, 1st Lieut.
Sidney Smith, 5th Lieut.
Sam. Brooke, Master.

To Captain Charles Gordon.

SURVEY on Sails, spare Spars, and Boats of
the Chesapeake.

SIR,

A GREEABLY to your Requisition of this Date to us directed, we have taken a strict and careful Survey on the Sails, spare Spars, and Boats of the late U. S. Frigate Chesapeake, and find them in the following State :

In the Fore-fail 4 Round-shot Holes, 12 Grape-shot Holes, and the starboard Leech cut away ; in the Main-fail 3 Round-shot Holes, full of Grape ditto, and the Foot-rope cut away ; Main-top-fail 1 Round-shot hole ; Fore-top-mast Stay-fail much injured by Grape-shot ; in the spare Fore-top-mast 2 Twelve-pound shot Holes, which have rendered it entirely unfit for Service ; main Sky-fail-mast cut
in

in two; the 1st Cutter slightly injured; the 2d Cutter much injured by a Shot which went through her, cut both of her Masts and Three of her Oars in Two.

Given under our Hands on board the late
U. S. Frigate Chesapeake, June 23d,
1807.

(Signed) *Benj. Smith*, 1st Lieut.
Sidney Smith, 5th Lieut.
Sam. Brooke, Master.

To Captain Charles Gordon.

TRUE Copy, taken from the U. S. Frigate
Chesapeake's Log-book.

James Barron, Esq. Commander;
Chas. Gordon, Esq. Captain; and
Samuel Brooke, Sailing Master.

MONDAY, June 22d, commences with light Breezes from the S. and W. and clear Weather. At 7 A. M. hoisted out the Jolly Boat, and hoisted in the 2d Cutter; run the Jolly Boat up a-stern. At a quarter past Seven, weighed Anchor, made Sail with a pleasant Breeze from W. S. W. and stood out for Sea. At 9, passed Two of H. B. Majesty's Ships at Anchor; stowed the larboard Anchor, and secured the Boats. At Meridian, the Light-house on Cape St. Henry bore S. W. by S. People

People employed in clearing Ship for Sea. This Day ended at Meridian, and contained 17 Hours.

Tuesday, 23d, commences with light Breezes from the S. and W. and clear Weather. A Ship in Sight, apparently standing for us. At 1 P.M. the Wind hauled to the N. and E. ; in studding Sails, and hauled upon a Wind. At Half past 3, the Ship came up with us ; backed the Main-top-sail, and spoke her—was boarded by her : She proved to be the British Ship Leopard, of 50 Guns. They came on board to demand some Men who had deserted from the British Navy. The Commodore refusing to give them up, the Boat returned. They ranged alongside of us, and commenced a heavy Fire. We being unprepared, and the Ship much lumbered, it was impossible to clear her for Action in proper Time, though every possible Exertion was made. Not suspecting an Enemy so near, did not begin to clear the Decks until the Enemy had commenced Firing. In about Thirty Minutes, after receiving much Damage in our Hull, Rigging, and Spars, and having Three Men killed ; viz. John Arnold, Peter Shakeley, and John Lawrence, and Sixteen wounded, viz. Commodore Barron ; R. Broom, Midshipman ; John Hadden, Cotton Brown, Peter Ellifson, John Parker, George Percival, Peter Somers, William Hendricks, Robert M'Donald, Francis Courhoven, Thomas Short, James Eppes, John Wilson, William Warren, and John Bates ; and having One Gun ready, fired, hauled down our Colours.

Colours. The Leopard ceased firing, and sent her Boat on board. Mustered the Ship's Company. At Sun-set they left the Ship, taking with them Four Men ; viz. John Strachan, Daniel Martin, William Ware, and John Wilfon. At the same Time Lieutenant Allen went on board the Leopard, and returned at Eight o'Clock. The Leopard left us, and stood.

We then made Sail, and stood in Shore, having $3\frac{1}{2}$ Feet Water in our Hold. Crew employed in pumping and working Ship in for Hampton Roads; got the Anchors clear for coming to. At Six A.M. took the Third Reef in the Main-top-sail, and set Top-gallant-fails. Held a Survey on the Masts and Rigging. At Eight A.M. Cape Henry bore S.W. distant Four or Five Miles, employed working the Ship in for Hampton Roads. At Half past Meridian came to with the starboard Anchor in Seven Fathom Water in Hampton Roads.

I Benjamin Davis, of Westport in the County of Bristol, and Commonwealth of Massachusetts, Yeoman, being legally qualified to give Evidence, do depose and say, that about Fourteen or Fifteen Years ago William Howland, late of said Westport, Mariner, deceased, brought to Westport with him a coloured Boy, then about Six Years of Age; that the Name of the said Boy was Daniel Martin; that he was bound to the said William as an Apprentice or Servant, under the Authority of the Laws of this

Com.

Commonwealth, by the Select Men and Overseers of the Poor of the Town of Westport, and the Indentures were executed at the House of this Deponent ; that the said Daniel was afterwards, on his Arrival, at the Age of Fourteen Years, an Apprentice or Servant of Nancy Howland, Widow and Relict of said William Howland ; and it is now about Seven Years since I have seen the said Daniel ; he was then of common Stature, straight built, and without any prominent Marks by which to describe his Person. It was always understood by me that the said Daniel was from some Spanish Settlement in America.

(Signed) *Benjamin Davis.*

U. States of America, }
Commonwealth, Bristol. } On this 13th Day of July
(L.S.) } 1807, before me, Eli Hasket,
Notary Public, duly elected and qualified, and dwelling in the Town of New Bedford, personally appeared Benjamin Davis Esquire, and made solemn Oath to the Truth of the foregoing Affidavit by him subscribed. In Testimony whereof I have hereunto set my Hand and Notarial Seal, the Day and Year first written.



(Signed) *Eli Hasket,*
Not. Pub.

I, Nancy

I, Nancy Howland, of New Bedford, in the County of Bristol and Commonwealth of Massachusetts, Widow and Relict of William Howland, late of Westport, in said County, Mariner, do depose and say, that in the Month of August, A. D. 1792, according to the best of my Recollection, my said Husband brought with him on a Voyage from Buen Aira, Daniel Martin, a coloured Boy, then in the Seventh Year of his Age, who was bound to him as an Apprentice or Servant by his Mother; that after the Death of my said Husband, and at the Arrival of the said Daniel at the Age of Fourteen Years, he bound himself by a Law of this Commonwealth to me, the Deponent, and after living with me about One Year, left me, and since that Time I have never seen or heard from the said Daniel until the Application to take this Testimony. At the Time the said Daniel left me, he was about a common Stature, and I do not now recollect any particular Marks by which he could be readily described; he was very straight at the Time. The Indentures by which he was bound, by Accident and Length of Time, are mislaid or lost.

(Signed) *Nancy Howland.*

U. States of America,
Commonwealth of
Massachusetts, Bristol.
(L. S.)

} On this 13th Day of July
1807, before me Eli Hasket,
Notary Public, duly elected
and qualified, and dwelling in the Town of New
Bedford, personally appeared Nancy Howland, and

D

made

made solemn Oath to the Truth of the foregoing Statement of Affidavit by her subscribed.

In Testimony whereof I have hereunto set my Hand, and affixed my Notarial Seal, the Day and Year above written.



(Signed) *Eli Hasket,*
Not. Pub.

State of Maryland, }
Allegany County, &c. } William M'Nair, being duly
sworn on the holy Evangelists
of Almighty God, deposeeth and saith, it is about
Twelve Years ago, when he was employed as an
Overseer by Upton Bruce, Son of Normand Bruce,
who then lived with his Father on the Farm at Pipe
Creek, of which he then had the Management,
his Father giving it into his Hands; and that among
the Lads under his Direction was one of a very
bright Colour, like a very dark White Man, and
plainly showed the Mixture, and as descending from
White and Black Parents; that among the Female
Slaves was one called Phillis, who acknowledged
this Boy as her Child, and no Doubt could be of
the Fact, and was so universally known by the
whole Family and Neighbourhood. His Mother
was a dark Mulatto, and his Father, as was well
understood, was Andrew Ware, who I knew well.
This Boy was as much a Slave to Mr. Bruce as
any

any other he had, and no Doubt was suggested to the contrary that ever I heard ; nor was his Origin or Birth questioned. That he is by guess Five Feet Seven Inches high, rather slender made, his Hair rather curly, and his Age, to the best of this Deponent's Knowledge, is now about Thirty Years. That he understood he made some Agreement with his Master, by which he was suffered to go at large ; and the last Time this Deponent recollects to have seen him was driving a Team on the Baltimore Road, between Six and Seven Years ago ; that he then passed by the Name of Romulus, and this Deponent understood he afterwards took to the Sea.

(Signed) *William M^cNair.*

The within sworn to this 17th Day of July 1807, before me one of the Justices of the Peace for Allegany County aforesaid.

(Signed) *And. Bruce.*

State of Maryland, } I hereby certify that An-
Allegany County, to wit. } drew Bruce Esq. before
whom the Depositions hereunto annexed appear to have been taken, and who has thereto subscribed his Name, was at the Time of taking and signing the same one of the State of Maryland's Justices of the Peace in and for Allegany County aforesaid, duly commissioned and sworn, and to all his Acts as such, due Faith and Credit is and ought to be given, as well in Courts of Justice as thereout.

In testimony whereof I have hereto subscribed my Name, and affixed the Seal of Allegany County Court, this Eighteenth Day of July, in the Year of our Lord Eighteen hundred and seven, and Thirty-second Year of the Independence of the United States of America.



(Signed) *John Lynn.*
Clk. of All. Co. Ct.

State of Maryland, } Sarah Lewis, being duly
Allegany County, &c. } sworn on the Holy Evange-
lists of Almighty God, depose and saith, that she
lived many Years in Frederick County, of this
State; that she lived in the Neighbourhood of Nor-
mand Bruce's Family, was well acquainted there,
and that among his Servants she well recollects hav-
ing noticed a very bright Mulatto Child, approach-
ing nearer to White than any Mulatto she ever saw.
That at the Time she first noticed this Child he was
about Four or Five Years old; that his Birth or
Origin she never heard doubted, his being the Child
of Phillis, a dark Mulatto Woman Slave to Nor-
mand Bruce, who lived on Pipe Creek, by Andrew
Ware, a White Man. That she knew the said
Child from that Time until he grew up and reached
near the Age of Twenty; that during that Time he
remained in the Family of the said Bruce, as his
Slave, upon the same Footing, and treated as his
other

other Slaves ; that when he grew up he was not a large Man, being spare, a round or flattish Face ; that he must now be about Thirty Years of Age, or upwards ; that then he passed and was called by the Name of Romulus ; that his Mother had a Daughter by the same Father, as was acknowledged and appeared from her Colour and Resemblance to her Brother. He left the Service of his Master by his Permission, or some Agreement I suppose, and as I understood afterwards went to Sea.

her
Sarah ✕ *Lewis,*
Mark.

Sworn to this 17th Day of July 1807, before me,
one of the Justices of the Peace for Allegany
County aforesaid.

(Signed) *And. Bruce.*

State of Maryland, } William Bruce being sworn
Allegany County, to wit. } on the Holy Evangelists of
Almighty God, deposeeth and saith, that about the
Age of Twelve Years he went to Frederick County,
and lived with his Uncle Normand Bruce, on Pipe
Creek, for several Years, going occasionally to
School ; that among the other Servants he well re-
members a remarkably bright Mulatto Boy ; or he
might pass for a very dark swarthy white one. This
Boy I always understood was the Son of a Slave

named Phillis, by a white Man, called Andrew Ware ; I never heard to the contrary, nor can I doubt it, the Boy acknowledging this Phillis as his Mother, and she receiving him as her Child ; and it was so admitted and understood by the whole Family and Neighbourhood. I knew this Boy for several Years afterwards, and until he grew up. He was in Height about Five Feet Five or Six Inches, his Hair dark and somewhat curly, and his Make thin ; he went by the Name of Romulus ; and I know of no particular Mark to distinguish him, except a Scar on one of his Thumbs, I think occasioned by a Bite in some Fight he had, and is now, I suppose, about Twenty-eight or Thirty Years of Age ; and further this Deponent saith not.

(Signed) *W. Bruce.*

Sworn and subscribed to this Eighteenth Day of July 1807, before

(Signed) *George Rizer.*

State of Maryland, }
Allegany County, to wit. } I hereby certify that George Rizer Esq. before whom the within Deposition appears to have been made, and who has subscribed his Name thereto, was at the Time of so doing one of the State of Maryland's Justices of the Peace in and for Allegany County aforesaid, duly commissioned and sworn ; and to all his Acts,

Acts, as such, due Faith and Credit is and ought to be given, as well in Courts of Justice as there-out.



In testimony whereof I have hereto subscribed my Name, and affixed the Seal of Allegany County Court, this 18th Day of July, in the Year of our Lord 1807, and Thirty-second Year of the Independence of the U. S. of America.

(Signed) *John Lynn,*
Clk. All. Co. C.

State of Maryland, } Upton Bruce, being duly
Allegany County, &c. } sworn on the Holy Evangelists
of Almighty God, depose and saith, that among the Servants belonging to his Father (Normand Bruce) is a Female Slave named Phillis, a dark Mulatto; that at an early Age she became the Mother of Two Children, as was universally admitted, by a white Man named Andrew Ware. This Fact was never questioned, and Ware himself, to my Knowledge, never denied it. The Children passed for and were admitted to be his, and assumed his Name; one was a Boy, and being myself older than either of them, and brought up as it were in the same Family, nothing like Doubt rests upon my Mind as to his Birth and Parentage; I am as well assured of it as I can be of any Fact of the Kind, and no one

that I heard ever presumed to think otherwise. This Boy was raised upon my Father's Farm, on Pipe Creek, at the Mills, in Frederick County, and being the Child of a Slave, was reared with the Children of other Slaves, and stood upon the same footing. His Mother is still living, she it was that nurtured him in his Infancy, and she he considered, acknowledged, and treated as his Mother. When I engaged in the Management of my Father's Property, which I did on reaching the Years of Manhood, this Boy was then about Twelve or Fourteen Years old, and he remained along with the other Servants until about the Age of Twenty, when, in Consideration of his Colour, the Regard I had for his Father (then dead) and the Desire expressed by that Father to have these Children liberated, this Boy was suffered to go at large, he promising to make some Compensation, which never has been done; after leaving me he was working about the Country some few Years, employed sometimes as a Waggoner, driving a Team to and from Baltimore, until at Length I learned he entered on board some Vessel, and had gone to Sea, and this Life I had reason to believe he persevered in, until for some Time past, hearing nothing of him, I supposed it probable he might be dead. His Appearance may have changed since I last knew him; he then had his Growth in Height, and was, as near as I could now guess, about Five Feet Six or Seven Inches high, of slender Make, a thin Foot, and he bent or stood rather back upon his Hams; his Face somewhat round, Nose

not large, Lips not thick, and a Chin rather small ; his Colour was swarthy or Indian-like, remarkably bright though for a Mulatto, and would pass for something nearer White ; his Hair was of a darkish Colour, inclined to curl, which he sometimes kept tied, and which upon Inspection would show to be different from the Hair of a White Man, and yet far removed from the Wool of an African. He went by the Name of Romulus, and is, I should imagine, now about the Age of Twenty-eight or Thirty.

(Signed) *Upton Bruce.*

Sworn to and subscribed before me, a Justice of the Peace for Allegany County, this 18th of July 1807.

(Signed) *Thomas Thistle.*

State of Maryland, } I hereby certify that T.
Allegany County, to wit. } Thistle, Esq. before whom
the foregoing Deposition appears to have been
made, and who has thereto subscribed his Name,
was at the Time of taking and signing the same, One
of the State of Maryland's Justices of the Peace in
and for Allegany County aforesaid, duly commis-
sioned and sworn, and to all his Acts, as such, due
Faith and Credit is and ought to be given, as well
in Courts of Justice as thereout.

In Testimony whereof I have hereto subscribed
my Name, and affixed the Seal of Allegany County
Court;

Court, this 18th Day of July in the Year of our Lord 1807, and 32d Year of the Independence of the U. S. of America.

(Signed) *John Lynn,*
Clk. of All. Co. Court.

Personally appeared before me, William Thornton, One of the Justices assigned to keep the Peace in and for the District of Columbia, duly appointed and commissioned by the President of the United States, Doctor John Bullus, Consul of the United States for the Islands of Minorca, Majorca, and Ivica, and Navy Agent to the U. S. Squadron in the Mediterranean, who being solemnly sworn on the Holy Evangelists of Almighty God, does depose and say, that he was on board the U. S. Frigate Chesapeake, on Monday last, the 22d Day of this present Month (June), then lying-to, Three Leagues distant from Cape Henry, or thereabouts. That about Four o'Clock in the Afternoon of that Day she was hailed from the British 50-gun Ship, Leopard, the Flagship of Admiral Berkeley, by Captain H. Humphreys, who informed Commodore Barron that he had a Dispatch to deliver to him from Admiral Berkeley. Very soon after a Lieutenant from the Leopard came on board of the Chesapeake, and delivered to Commodore Barron a Letter from Captain Humphreys, inclosing an Order of Admiral Berkeley, on the Subject of some Seamen said to have deserted from on board the British Frigate Melampus, and to be then in the Chesapeake. Com-

modore' Barron, in the Prefence and Hearing of this Deponent, then stated to the Lieutenant of the Leopard, that a fair and full Inquiry had been made into the Cafe of the Seamen whom he demanded, and that after a minute Investigation into all the Circumstances, the British Minister, Mr. Erskine, was perfectly satisfied on the Subject, inasmuch as they were native American Citizens, impressed by the Officers of the Melampus. Commodore Barron then pointed to this Deponent, and stated further to the Lieutenant of the Leopard, that this Deponent was particularly acquainted with all the Facts and Circumstances relative to the Transaction; and that he had received his Information from the Honourable Robert Smith, Secretary of the Navy of the U. S. This Deponent then informed the British Officer, that he was ready to go on board the Leopard, and to give to Captain Humphreys all the Information he possessed; but the Lieutenant replied, that they did not know Mr. Erskine in the Business. All this Conversation was had, and Explanations given, before a Gun was fired from the Leopard.

(Signed) *John Bullus.*

Sworn before me at the City of Washington, in the District of Columbia, this 27th Day of June in the Year 1807.

(Signed) *William Thornton.*

Personally came before me, William Thornton,
one of the Justices assigned to keep the Peace in and
for

for the District of Columbia, duly appointed and commissioned by the President of the United States, Charles Gordon, Esq. Master Commandant in the Navy of the United States, and Captain on board of the Frigate Chesapeake, who being duly sworn on the Holy Evangelists of Almighty God, does depose and say, that he was on board the United States Frigate Chesapeake on Monday last, the 22d Day of this present Month (June), when the British 50-Gun Ship fired into her Four or Five Broadsides; that after the Chesapeake struck her Colours, several Officers of the Leopard came on board of her; that this Deponent informed the senior British Officer, that the Seamen he was taking from the Chesapeake were native American Citizens; that one of them in particular he knew himself to be a Citizen of the State of Maryland, from his own Neighbourhood. The British Officer replied, if they were native American Citizens, they had received the King's Bounty.

(Signed) *Charles Gordon.*

Sworn before me, at the City of Washington, in the District of Columbia, this 27th Day of June, in the Year 1807.

(Signed) *William Thornton.*

No. 10.

NOTE from Mr. Monroe to Mr. Secretary Canning; dated Portland Place, September 9th, 1807.

MR. Monroe presents his Compliments to Mr. Canning, and has the Honour to inform him, that he called at his Office Yesterday for the Purpose of making some Remarks on the Subject treated in his Note which was sent to Mr. Canning. Mr. Monroe regrets that he had not the Pleasure of seeing Mr. Canning at that Time, and requests that he will be so good as to give him an Interview To-morrow, at such Hour as may be convenient to him. Mr. Monroe will be happy to attend Mr. Canning in the Country, should it be more agreeable to Mr. Canning to receive him there.

No. 11.

NOTE from Mr. Secretary Canning to Mr. Monroe; dated Wednesday, September 9th, 1807.

MR. Canning presents his Compliments to Mr. Monroe, and will be happy to have the Honour of seeing him at the Foreign-Office, To-morrow, at Twelve o'Clock.

Mr. Canning has but this Moment received Mr. Monroe's Note.

No. 12.

COPY of a Letter from Mr. Secretary
Canning to Mr. Monroe; dated Foreign
Office, September 22d, 1807.

Sir,

I HAVE laid before the King my Master, the Letter which I had the Honour to receive from you on the 8th of this Month.

Before I proceed to observe upon that Part of it which relates more immediately to the Question now at Issue between our Two Governments, I am commanded in the first Instance, to express the Surprise which is felt at the total Omission of a Subject upon which I had already been commanded to apply to you for Information;—the Proclamation purported to have been issued by the President of the United States. Of this Paper, when last I addressed you upon it, you professed not to have any Knowledge beyond what the ordinary Channels of public Information afforded, nor any Authority to declare it to be authentic.

I feel it an indispensable Duty to renew my Inquiry on this Subject. The Answer which I may receive from you is by no Means unimportant to the Settlement of the Discussion which has arisen from the Encounter between the Leopard and the Chesapeake.

peake. The whole of the Question arising out of that Transaction, is, in Fact, no other than a Question as to the Amount of Reparation due by His Majesty for the unauthorized Act of his Officer ; and you will therefore readily perceive, that in so far as the Government of the United States have thought proper to take that Reparation into their own Hands, and to resort to Measures of Retaliation, previously to any direct Application to the British Government, or to the British Minister in America, for Redress, in so far the British Government is entitled to take such Measures into Account, and to consider them in the Estimate of Reparation which is acknowledged to have been originally due.

The total Exclusion of all Ships of War belonging to One of Two Belligerent Parties, while the Ships of War of the other were protected by the Harbours of the Neutral Power, would furnish no light Ground of Complaint against that Neutral, if considered in any other Point of View than as a Measure of Retaliation for a previous Injury ; and so considered, it cannot but be necessary to take it into Account in the Adjustment of the original Dispute.

I am therefore distinctly to repeat the Inquiry, Whether you are now enabled to declare that the Proclamation is to be considered as the authentic Act of your Government? And if so, I am further to inquire whether you are authorized to notify the
Intention

Intention of your Government to withdraw that Proclamation on the Knowledge of His Majesty's Disavowal of the Act which occasioned its Publication.

The Light in which you are directed to represent Admiral Berkeley's Conduct, and the Description which you give of the Character of the Measure imputed to him—that “ he acted as if he had the Power to make War, and to decide the Causes of War,” sufficiently evince the Necessity of comprehending in this Discussion all the Circumstances which have led to, or have followed, the Action with the Chesapeake.

Undoubtedly the Attack upon a National Ship of War is an Act of Hostility; and the very Essence of the Charge against Admiral Berkeley, as you represent it, is the having taken upon himself to commit an Act of Hostility without the previous Authority of his Government.

The Provocation which may have led to such an Act being committed without such previous Authority, if it cannot justify, may possibly extenuate it; as the Steps which have been taken in Reprisal, though they cannot alter the Character of the original Act, may, and do materially affect every Question concerning the Reparation claimed for it.

On this Ground it is, that while I am commanded to repeat to you (what you consider as so satisfactory),

factory), that the general and unqualified Pretension to search Ships of War for Deserters is not asserted by this Country, I am precluded from concurring in the Inference, that therefore “ the national Character of the Men who were violently taken from on board the Chesapeake makes no Part of the present Question.”

If the Right to search Ships of War for Deserters is not insisted upon by this Country, it is not because the Employment and the Detention of British Mariners on board the National Ship of any State are considered as less injurious towards Great Britain than their Employment on board of Merchant Vessels (a Proposition which would be manifestly absurd). It is not intended to allow that the Sailors of Great Britain may be justly employed against their Consent in Foreign Ships of War; but merely that Redress is, in that Case, to be sought by Government from Government; and not to be summarily enforced by the unauthorized Officer of any of His Majesty's Ships of War.

It follows, from this Reasoning, that not only the “ national Character” of the Men taken out of the Chesapeake is Matter for Consideration, but that the Reparation to be made by the British Government to that of the United States would depend, among other Circumstances, on the Question whether an Act, which the British Government would be justified in considering as an Act of Hostility, had been committed

committed by the Government of the United States (in refusing to discharge British Seamen in their National Service) previously to the Commission of an Act of Hostility by an Officer of His Majesty.

The Act of the British Officer would still be an unauthorized Act, and, as such, liable to Complaint and Disapprobation; but the Case, as between Government and Government, would be materially varied.

At the same Time that I offer to you this Explanation of the Principles upon which His Majesty has authorized me to discuss with you the Subject of your Representation, and that I renew to you the Assurance of the Disposition to conduct that Discussion in the most amicable Form, and to bring it to a Conclusion satisfactory to the Honour and to the Feelings of both Countries. It is Matter of Regret that you should have been instructed to annex to the Demand of Reparation for the Attack of the Leopard upon the Chesapeake, any Proposition whatever respecting the Search for British Seamen in Merchant Vessels—a Subject which is wholly unconnected with the Case of the Leopard and the Chesapeake; and which can only tend to complicate and embarrass a Discussion, in itself of sufficient Delicacy and Importance.

In stating the Grounds upon which your Government expects with Confidence that “the whole Subject of Impressment shall be taken up at this Time,”
and

and that in making the Reparation which is claimed for the particular Injury alleged to have been sustained by the United States in the late unfortunate Transaction off the Capes of Virginia, "a Remedy shall be provided for the whole Evil," you appear to have been directed to assume that this Act of Violence (such as you describe it) is the natural and almost necessary Result of the Practice of Impressment of British Seamen from the Merchant Vessels of other States, and to represent the particular Transaction, and the general Question of Impressment, as "identified in the Feelings and Sympathies of your Nation, as well as in the Sentiments of your Government."

With every Attention due to the Feelings of the People of the United States, I am sure you will readily allow, that those Feelings cannot properly be considered as affecting the Merits of the Cause.

The first Ebullitions of national Sensibility may very naturally have communicated an Impulse to the Proceedings of the American Government, but it cannot be expected that they should guide the deliberate Opinions and Conduct of the Government with which you have to treat. I would further observe to you, that your Government cannot reasonably claim any Advantage in Argument from the expressed Sense of its own People, unless it be prepared at the same Time to take upon itself a Responsibility, which there is no Desire of attributing

to it, for the Outrage and Indecency with which, upon the late Occasion, that Expression has in too many Instances been accompanied. It is better for temperate Reasoning, and assuredly it is more advantageous for the Government of the United States, that the Consideration of popular Feeling should be wholly omitted from this Discussion.

The Right and the Practice of which you are instructed to complain, as irreconcilable with Justice, and intolerable in all their Parts, have been exercised by Great Britain from the earliest Ages of the British Naval Power, even without any Qualification or Exception in Favour of national Ships of War.

The Grounds upon which such a Distinction has been admitted in later Times, and upon which, for the Course of nearly a Century, the Crown has forborne to instruct the Commanders of its Ships of War to search Foreign Ships of War for Deserters, I have already had the Honour to explain to you; and you will have perceived that those Grounds are wholly inapplicable to Ships in the Merchant Service.

That a Foreign Power will not knowingly retain in its national Service, Mariners the natural-born Subjects of His Majesty, who have been recalled by public Proclamations, may be regarded as a Presumption arising out of the hostile Nature of the Act, and out of the probable Consequences to which such

such an Act of Hostility must lead; but with respect to Merchant Vessels there is no such Presumption.

When Mariners, Subjects of His Majesty, are employed in the private Service of Foreign Individuals, under private Civil Contracts, the King's Subjects, and the Foreign Individuals with whom they contract to serve, enter into Engagements inconsistent with the Duty of His Majesty's Subjects towards Him: but to those Engagements the Government of the Foreign Nation has not made itself a Party.

In such Cases the Species of Redress which the Practice of all Times has admitted and sanctioned, is that of taking those Subjects at Sea out of the Service of such Foreign Individuals, and recalling them to the Discharge of that previous and paramount Duty which they owe to their Sovereign and to their Country.

That the Exercise of this Right involves some of the dearest Interests of Great Britain your Government is ready to acknowledge, and has accordingly authorized you to propose certain Regulations which you apprehend would be equivalent in their Effect for the Preservation of the Interests concerned.

There will be no Indisposition here to entertain, at a proper Time, the Discussion of such proposed Regulations. But when you recollect that many Proposals to this Effect have already been brought

forward, and have been found wholly inadmissible, when you have yourself recently had Occasion to experience the Difficulty of framing any satisfactory Arrangement upon the Subject, with all the Anxiety which is properly felt by both Governments for the speedy Adjustment of the Difference between them, and for the "healing of that deep Wound which you state to have been inflicted on the national "Honour of the United States," surely it is not well advised to make the Termination of that Difference, and the Healing of that Wound, dependant wholly on the complete Success of an Attempt which has already been made so often, and which has hitherto uniformly failed.

Your own Reasoning shows that you are aware of the more than ordinary Difficulty which must attend any Arrangement for the Prevention of Desertion between Two Nations whose Similarity of Manners and Habits, and whose Identity of Language interpose so many Impediments to the Discrimination of "National Character."

To these Circumstances, and not (as you seem almost to insinuate) to any peculiar Harshness towards the United States, it is owing, that the Exercise of this Right, as with respect to them, is necessarily more frequent than with respect to any other Nation, and is felt by them to be more rigid and vexatious. But these Circumstances cannot furnish an Argument for the Suspension of the Exercise of Right with respect to America, unless it be con-
tended

tended that Multiplicity of Frauds and Difficulty of Detection are Reasons against Suspicion, or Motives for Acquiescence.

As little Foundation is there for the Complaint, that the Practice is grown out of the Recognition of American Independence, and that the Character of that Event is affected by its Continuance.

It is needless to repeat that these Rights existed, in their fullest Force, for Ages previous to the Establishment of the United States of America as an independent Government; and it would be difficult to contend that the Recognition of that Independence can have operated any Change in this Respect, unless it can be shown that in acknowledging the Government of the United States, Great Britain virtually abdicated her own Rights as a Naval Power; or unless there were any express Stipulations by which the ancient and prescriptive Usages of Great Britain, founded in the soundest Principles of natural Law, though still enforced against other independent Nations of the World, were to be suspended whenever they might come in contact with the Interest or the Feelings of the American People.

I would now recall your Attention to the Consideration of the Question respecting the late Transaction between the Leopard and the Chesapeake, which till the Receipt of your Letter, I imagined to be the only Question actually in Discussion between us; and in Consideration of the Delicacy and

pressing Importance of which we had, by common Consent, received the Consideration of all other Matters pending between our Two Governments.

Into the Discussion of this Question I am prepared to enter ; with what Disposition, on the Part of His Majesty's Government, to consult the Feelings and the Honour of the Government of the United States, it is not necessary for me here to declare, for you have yourself done Justice to the Sincerity of that Disposition.

The Difficulties in the Way of such an Adjustment are already smoothed by the Disavowal, voluntarily offered, at the very Outset of the Discussion, of the general and unqualified Pretension to search Ships of War for Deserters. There remained only to ascertain the Facts of the particular Case, and to proportion the Reparation to the Wrong.

Is the British Government now to understand, that you, Sir, are not authorized to enter into this Question separately and distinctly, without having obtained, as a preliminary Concession, the Consent of this Country to enter into Discussion with respect to the Practice of searching Merchant Vessels for Deserters?

Whether any Arrangement can be devised by which this Practice may admit of Modification, without Prejudice to the essential Rights and Interests of Great Britain, is a Question which, as I have already said,

said, the British Government may, at a proper Season, be ready to entertain; but whether the Consent of Great Britain to the entering into such Discussion, shall be extorted as the Price of an amicable Adjustment, as the Condition of being admitted to make honourable Reparation for an Injury, is a Question of quite a different Sort, and one which can be answered no otherwise than by an unqualified Refusal.

I earnestly recommend to you therefore to consider, whether the Instructions which you have received from your Government may not leave you at Liberty to come to an Adjustment of the Case of the Leopard and the Chesapeake, independently of the other Question with which it appears to have been unnecessarily connected.

If your Instructions leave you no Discretion, I cannot press you to act in Contradiction to them. In that Case there can be no Advantage in pursuing a Discussion which you are not authorized to conclude; and I shall have only to regret that the Disposition of His Majesty to terminate that Difference amicably and satisfactorily is for the present rendered unavailing.

In that Case His Majesty, in pursuance of the Disposition of which he has given such signal Proofs, will lose no Time in sending a Minister to America, furnished with the necessary Instructions and Powers for bringing this unfortunate Dispute to a Conclusion,

sion, consistent with the Harmony subsisting between Great Britain and the United States. But, in order to avoid the Inconvenience which has arisen from the mixed Nature of your Instructions, that Minister will not be empowered to entertain, as connected with this Subject, any Proposition respecting the Search of Merchant Vessels.

It will, however, be far more satisfactory to His Majesty to learn that upon Re-consideration, you think yourself authorized to separate the Two Questions.

I hope you will allow me to express, at the same Time, the sincere Pleasure which I should feel in having to treat with you, Sir, personally, for the Re-establishment of a good Understanding between our Two Countries.

I have the Honour to be, &c.

(Signed) *George Canning.*

To James Monroe, Esq.

No. 13.

COPY of a Letter from Mr. Monroe to Mr. Secretary Canning; dated Portland Place, September 29th, 1807.

SIR,

I HAVE had the Honour to receive your Letter of the 22d of this Month, and shall transmit it without Delay to my Government.

I perceive

I perceive by it, with great Regret, that His Britannic Majesty's Government is not disposed to enter into an Arrangement at this Time, of all the Differences that have arisen between our Governments respecting the Impressment of Seamen from American Vessels by British Cruizers; that it is willing to look to One Subject only, the late Aggression, and provide for it, while the other is left to depend on future Adjustment. My Government had presumed, that His Majesty's Government would have seen in the recent and greater Injury a strong Motive for bringing the whole Subject into One View, and providing for it at the same Time. The Excess of the latter Outrage could not fail to revive in the Mind of the suffering Party, a high Sense of former Injuries; and it was reasonable to infer, that the great Injustice inseparable from the Practice of which that Incident furnished so striking an Example, would have produced between our Governments the most prompt and friendly Co-operation in the Means of suppressing it. That the United States have suffered a greater Injury by a recent Occurrence than they had done before, cannot be a good Reason, and ought not to be a Motive, for delaying Redress of the others, especiall when it is considered that they were already in a Train of amicable Accommodation and Arrangement. Since, however, you inform me, that His Majesty's Government is unwilling to take up the Subject in a combined View, it is unnecessary for me to press it.

You ask, Whether I am authorized to separate this latter Incident from the general Practice, and to treat
it

it as a distinct topic? On this Point I have to state, that my Instructions, which are explicit, enjoin me to consider the Whole of this Class of Injuries as an entire Subject; and, indeed, so intimately are they connected in their Nature, that it seems to be difficult, if not impossible, to separate them for any useful Purpose to either Party. My Government, being sincerely desirous to place the Relations of the Two Powers on the solid Basis of permanent Friendship, is satisfied, as well by what has occurred in the general Practice, as by the more awful Admonition derived from the late Incident, that that can only be done with Effect by mounting to the Source of the Evil, and providing an adequate Remedy for it. In pursuing this great Object, it is my Duty to repeat that my Government does not seek to confine the Remedy proposed to the Injuries which the United States have suffered, and continue to suffer, but is desirous to extend it to those also which are complained of by Great Britain. Experience has shewn, that both Parties complain of Injuries, though certainly of a very different Character, and less urgent Nature. How much more advisable is it not then, in every View, for them to enter into an Arrangement which shall provide an adequate Remedy for their respective Injuries, which shall bind the Honour of each Government to do what is just and right with respect to the other, and enlist the Feelings of each Nation on its Side, than to suffer Things to remain longer in their present State? How much more advantageous would not such an Arrangement

rangement be likely to prove to Great Britain, in the particular Object which she has in View, than her Adherence to a Practice which rejects a Mean which could not fail to be more productive; a Practice which cannot be maintained in Principle, which leads by immutable Causes that ought to inspire different Sentiments in the Parties to each other, to great and constant Abuse, and which is also considered by the United States as subversive of their Rights, and degrading to their Character as an independent Power.

So much I have thought it proper to state, in order to place in a just Light the Conduct of my Government on the present Occasion, on this great and very interesting Subject of Impressment. Well knowing its Desire to cultivate the most friendly Relations with Great Britain on just and honourable Conditions, it would be highly improper that any Doubt should be suffered to exist on that Point.

You inform me, that His Majesty has determined, in case my Instructions do not permit me to separate the late Aggression from the general Practice of Impressment, to transfer the Business to the United States, by committing it to a Minister who shall be sent there with full Powers to conclude it. To that Measure I am far from being disposed to raise any Obstacle, and shall immediately apprize my Government of the Decision to adopt it. Under such Circumstances

cumstances I perfectly agree with you in the Opinion that it would be useless to pursue a Discussion which it would be impossible for me to bring to a satisfactory Conclusion.

It is still my Duty to give the Explanation you have desired, of the Motives which have induced the President to adopt the Measures announced in his Proclamation of the 2d of July last. However great the Injury which the United States had received by the Aggression complained of, it is just that it should be shewn that the President did not lose Sight, in those Measures, of the friendly Relations subsisting between the Two Powers. When the hostile Nature of the Attack of the Chesapeake is taken into View, and the general Conduct of the British Squadron within the Waters of the United States, before and after the Attack, I am persuaded that there was no Limit to which the President would not have been justified in going, which he might have thought essential to the Honour and Safety of the Nation. Before the Attack, the British Squadron had violated the Jurisdiction of the United States by the Impressment of Men within it, whom the Commander had refused to surrender; and after the Attack, the Attitude which he assumed continued to be of a very menacing and hostile Character. An Act of Hostility, it must be admitted, justifies any Act of a like Nature towards the Party who commits it. The President, however, did not believe that His Majesty's Government had authorized the Conduct of the British Squadron, and his Measures

were

were evidently founded on that Belief. They were marked by no Circumstance of Hostility or of Retaliation towards Great Britain, but were intended simply to preserve Order within the Jurisdiction of the United States, to which End the Removal of the British Squadron without their Limits, had become indispenfable. After the Acts of Violence committed by that Squadron, it was impossible that it should remain longer there without increasing the Irritation, and widening the Breach between the Two Nations, which it was the earnest Object of the President to prevent. There certainly existed no Desire of giving a Preference in Favour of the Ships of War of One Belligerent Party to those of another. Before this Aggression, it is well known that His Britannic Majesty's Ships lay within the Waters of the Chesapeak, and enjoyed all the Advantages of the most favoured Nation; and it cannot be doubted, that my Government will be ready to restore them to the same Situation as soon as it can be done consistently with the Honour and Rights of the United States.

I cannot conclude this Communication without expressing my earnest Hope that the Differences which have unhappily arisen between our Governments may soon be settled on Conditions honourable and satisfactory to both the Parties. To have cooperated with you in the Accomplishment of so great and useful a Work would have been highly gratifying to me. The Disposition which you brought to the Discussion, and the Sentiments which
you

you communicated on the principal Transaction, when the first Intelligence of it was received. inspired me with great Confidence that we should soon have been able to bring it to such a Conclusion. To have been a Party to it would have terminated my Mission to His Majesty in the Mode which I have long and sincerely desired.

I have the honour to be, &c.

(Signed) *James Monroe.*

The Right Hon. George Canning,
&c. &c. &c.

No. 14.

COPY of a Note from Mr. Monroe to
Mr. Secretary Canning, dated Portland
Place, October 9th, 1807.

MR. Monroe presents his Compliments to Mr. Canning, and requests that he will be so good as to inform him whether it is intended that the Minister whom His Britannic Majesty proposes to send to the Government of the United States shall be employed in a special Mission, without having any Connection, immediate or eventual, with the ordinary Legation. Mr. Monroe has inferred from Mr. Canning's Note that the Mission will be of the special Nature above described, but he will be much obliged to Mr. Canning to inform him whether he
has

has taken a correct View of the Measure. Mr. Monroe would also be happy to know at what Time it was expected the Minister would sail for the United States. Mr. Canning will be sensible that Mr. Monroe's Motive in requesting this Information is, that he may be able to communicate it to his Government, the Propriety of which he is persuaded Mr. Canning will readily admit.

No. 15.

COPY of a Note from Mr. Secretary Canning to Mr. Monroe, dated Foreign Office, October 10th, 1807.

(Private.)

MR. Canning presents his Compliments to Mr. Monroe, and in acknowledging the Honour of his Note of Yesterday, has great Pleasure in assuring him, that he is at all Times ready to answer any Inquiries to which Mr. Monroe attaches any Importance, and which it is in Mr. Canning's Power to answer with Precision, and without public Inconvenience. But it is not in Mr. Canning's Power to state with Confidence what may be the eventual Determination of His Majesty, in respect to the permanent Mission in America. The Mission of the Minister whom His Majesty is now about to send, will certainly be limited *in the first Instance* to the Discussion of the Question of the Chesapeake.

No. 16.

COPY of a Letter from Mr. Secretary
Canning to Mr. Monroe, dated Foreign
Office, 22d October 1807.

Sir,

HAVING seen in the American Newspapers an official Article, (of which I have the Honour to inclose a Copy) prohibiting all Intercourse between the Inhabitants of the United States and His Majesty's Ships of War *universally*, I have the Honour to request that you will have the Goodness to inform me, whether this Prohibition will extend to a Ship of War in which a Minister, accredited from His Majesty, and charged with a Mission to the American Government, shall arrive in any of the Ports of the United States? Or whether you, or Mr. Pinkney, can undertake to furnish Mr. Rose with such Documents as shall ensure his Admission into the American Ports, and a Reception therein suitable to the Character with which he is invested?

I have the Honour to be, with great Consideration,

Sir, &c.

(Signed) *George Canning.*

No. 17.

COPY of a Letter from Mr. Monroe to
Mr. Secretary Canning, dated Portland
Place, October 23d, 1807.

Sir,

I HAVE the Honour to state, in reply to your Letter of Yesterday, that the Case to which you alluded is specially provided for by the Proclamation of the President. You will observe on a View of that Document that an Exception is made, from the Prohibition it contains on other Vessels, in favour of such Ships of His Majesty as may enter the Ports of the United States with Dispatches from His Majesty's Government. Had the case of a public Minister employed in a special Mission to my Government not been comprised in that Exception, as it clearly is, I have no Hesitation in stating that he would be received without Delay at any Port at which he might arrive. I have the Honour to add, that Mr. Pinkney and myself will be happy to give to His Majesty's Ministers every Facility in our Power to secure him the Reception at the Port of his Destination which is due to his public Character, and promote his speedy Arrival at the Seat of the Government of the United States.

I have the Honour to be, &c.

(Signed) *James Monroe.*

No. 18.

COPY of a Letter from Mr. Secretary
Canning to Mr. Monroe, dated Foreign
Office, October 23d, 1807.

Sir,

I HAVE to acknowledge the Honour of your Answer to my Letter of Yesterday Evening. It appears to me to be so important to have a clear Understanding on the Subject to which that Letter refers, that I cannot forbear requesting you to have the Goodness to call at the Foreign Office To-morrow at Two o'Clock, if that Hour should suit your Convenience.

I have the Honour to be, with great Consideration,

Sir, your obedient Servant,

(Signed) *George Canning.*

No. 19.

COPY of a Letter from Mr. Rose to Mr.
Madison. Washington, January 26,
1808.

Sir,

HAVING had the Honour to state to you, that I am expressly precluded by my Instructions from entering upon any Negotiation for the Adjustment.

ment of the Difference arising from the Encounter of His Majesty's Ship Leopard and the Frigate of the United States the Chesapeake, as long as the Proclamations of the President of the United States of the 2d of July 1807, shall be in Force, I beg Leave to offer you such further Explanation of the Nature of that Condition as appears to me calculated to place the Motives under which it has been enjoined to me thus to bring it forward in their true Light. In whatever Spirit that Instrument was issued, it is sufficiently obvious that it has been productive of considerable Prejudice to His Majesty's Interests, as confided to his Military and other Servants in the United States, to the Honour of his Flags, and to the Privileges of His Ministers accredited to the American Government. From the Operation of this Proclamation have unavoidably resulted Effects of Retaliation and self-assumed Redress, which might be held to affect materially the Question of the Reparation due to the United States, especially in as much as its Execution has been persevered in after the Knowledge of his Majesty's early, unequivocal, and unsolicited Disavowal of the unauthorized Act of Admiral Berkeley. His Disclaimer of the Pretension exhibited by that Officer to search the National Ships of a Friendly Power for Deserters, and the Assurances of prompt and effectual Reparation, all communicated without Loss of Time to the Minister of the United States in London, so as not to leave a Doubt as to His Majesty's just and amicable Intentions.

tions. But His Majesty, making every Allowance for the Irritation which was excited, and the Misapprehensions which existed, has authorized me to proceed in the Negotiation upon the sole Discontinuance of Measures of so inimical a Tendency.

You are aware, Sir, that any Delay which may have arisen in the Adjustment of the present Differences is not imputable to any Intention of Procrastination on the Part of His Majesty's Government; on the contrary, its Anxiety to terminate, as expeditiously as possible, the Discussions of a Matter so interesting to both Nations, have been evinced by the Communication made by Mr. Secretary Canning to Mr. Monroe, before that Minister of the United States was even informed of the Encounter; and now, by the Promptitude with which it has dispatched a Special Mission to this Country for that express Purpose.

I can have no Difficulty in stating anew to you, with Respect to the Provisions of my Instructions, calculated as they are to ensure an honourable Adjustment of the important Point in Question, and to remove the Impressions which the late Cause of Difference may have excited in the Minds of this Nation, that I am authorized to express my Conviction, that they are such as will enable me to terminate the Negotiation amicably and satisfactory. Having learnt from you, Sir, that it is solely as a Measure of Precaution the Provisions of the Proclamation are
 now

now enforced, I must persuade myself that a due Consideration of His Majesty's conduct in this Transaction, will remove, as well any Misapprehensions which may have been entertained respecting His Majesty's Disposition towards the United States, as the Grounds upon which that Enforcement rests, and the more so, as it has long been a Matter of Notoriety, that the Orders issued to the Officers of His Majesty's Navy, in His Proclamation of the 16th October 1807, afford an ample Security that no Attempt can be made to assert a Pretension which His Majesty from the first disavowed. I may add, that if His Majesty has not commanded me to enter into the Discussion of the other Causes of Complaint, stated to arise from the Conduct of His Naval Commanders in these Seas, prior to the Encounter of the Leopard and the Chesapeake, it was because it has been deemed improper to mingle them (whatever may be their Merits) with the present Matter, so much more interesting and important in its Nature, an Opinion originally and distinctly expressed by Mr. Monroe, and assented to by Mr. Secretary Canning. But if, upon this more recent and more weighty Matter of Discussion, upon which the Proclamation mainly and materially rests, His Majesty's amicable Intentions are unequivocally evinced, it is sufficiently clear that no hostile Disposition can be supposed to exist on His Part, nor can any Views be attributed to His Government, such as requiring to be counteracted by Measures of Precaution, could be deduced from Transactions which preceded that Encounter.

In offering these Elucidations I should observe, that the View in which I have brought forward the Preliminary which I have specified, is neither as to Demand, Concession, or Redress, as for a Wrong committed, into such, the Claims to a Discontinuance of hostile Provisions cannot be construed, but it is simply to require a Liberation from, and a Cessation of Enactments injurious in their Effects, and which, if persisted in, especially after these Explanations, must evince a Spirit of Hostility, under which His Majesty could not authorize the Prosecution of the present Negotiation, either consistently with His own Honour, or with any well-founded Expectation of the Renewal or Duration of that good Understanding between the Two Countries, which it is equally the Interest of both to foster and to ameliorate.

I have the honour to be, &c.

G. H. Rose.

No. 20.

LETTER from Mr. Madison to G. H. Rose, Esq. dated Department of State, 1st March 1808.

Sir,

I HAVE had the Honour to receive and lay before the President your Letter of the 26th January, in which you state, that you are "expressly precluded
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“ by your Instructions from entering upon any Ne-
 “ gociation for the Adjustment of the Differences
 “ arising from the Encounter of His Britannic Ma-
 “ jesty’s Ship Leopard, and the Frigate of the
 “ United States the Chesapeake, as long as the Pro-
 “ clamation of the President of the 2d July 1807
 “ shall be in Force.”

This Demand, Sir, might justly suggest the simple Answer, that before the Proclamation of the President could become a Subject of Consideration, Satisfaction should be made for the acknowledged Aggression which preceded it; this is evidently agreeable to the Order of Time, to the Order of Reason, and, it may be added, to the Order of Usage as maintained by Great Britain, whenever in analogous Cases she has been the complaining Party. But as you have subjoined to the preliminary Demand certain Explanations, with a View doubtless to obviate such an Answer, it will best accord with the Candour of the President, to meet them with such a Review of the whole Subject, as will present the solid Grounds on which he regards such a Demand as inadmissible.

I begin with the Occurrences from which the Proclamation of 2d July resulted. These are in general Terms, referred to by the Instrument itself; a more particular Notice of the most important of them, will here be in Place.

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Passing over then the habitual, but minor Irregularities of His Britannic Majesty's Ships of War, in making the Hospitalities of our Ports subservient to the Annoyance of our Trade, both outward and inward, a Practice not only contrary to the Principles of public Law, but expressly contrary to British Ordinances enforced during Maritime Wars, to which she bore a neutral Relation; I am constrained, unwelcome as the Task is, to call your Attention to the following more prominent Instances.

In the Summer of the Year 1804, the British Frigate the Cambrian, with other Cruizers in Company, entered the Harbour of New York. The Commander, Captain Bradley, in Violation of the Port Laws, relating both to Health and Revenue, caused a Merchant Vessel just arrived and confessedly within the Limits, and under the Authority of the United States, to be boarded by Persons under his Command; who, after resisting the Officers of the Port, in the legal Exercise of their Functions, actually impressed and carried off a Number of Seamen and Passengers into the Service of the Ships of War. On an Appeal to his voluntary Respect for the Laws, he first failed to give up the Offenders to Justice, and finally repelled the Officer charged with the regular Process for the Purpose.

This Procedure was not only a flagrant Insult to the Sovereignty of the Nation, but an Infraction of its Neutrality also, which did not permit a Belligerent

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rent Ship thus to augment its Force within the Neutral Territory. To finish the Scene, this Commander went so far as to declare, in an Official Letter to the Minister Plenipotentiary of his Britannic Majesty, and by him communicated to this Government, that he considered his Ship, whilst lying in the Harbour of New York, as having Dominion within the Distance of her Buoys.

All these Circumstances were duly made known to the British Government, in just Expectation of honourable Reparation; none has ever been offered. Captain Bradley was advanced from his Frigate to the Command of a Ship of the Line.

At a subsequent Period, several British Frigates, under the Command of Captain Whitby of the *Leander*, pursuing the Practice of vexing the Inward and Outward Trade of our Ports, and hovering for that Purpose about the Entrance of that of New-York, closed a Series of Irregularities, with an Attempt to arrest a Coasting Vessel, on board of which an American Citizen was killed by a Cannon Ball, which entered the Vessel whilst she was within less than a Mile from the Shore.

The Blood of a Citizen thus murdered in a Trade from one to another Part of his own Country, and within the Sanctuary of its Territorial Jurisdiction, could not fail to arouse the Sensibility of the Public, and to make a solemn Appeal to the Justice of the British Government. The Case was presented moreover to that Government by this,
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in the Accent which it required ; and with due Confidence that the Offender would receive the exemplary Punishment which he deserved ; that there might be no Failure of legal Proof of a Fact sufficiently notorious of itself, unexceptionable Witnesses to establish it, were sent to Great Britain at the Expence of the United States.

Captain Whitby was, notwithstanding, honourably acquitted ; no Animadversion took Place on any other Officer belonging to the Squadron ; nor has any Apology or Explanation been made since the Trial was over, as a conciliatory Offering to the Disappointment of this Country at such a Result.

A Case of another Character occurred in the Month of September 1806. The Impetueux, a French Ship of 74 Guns, when a-ground within a few Hundred Yards of the Shore of North Carolina, and therefore visibly within the Territorial Jurisdiction and hospitable Protection of the United States, was fired upon, boarded, and burnt from the British Ships of War under the Command of Captain Douglas. Having completed this Outrage on the Sovereignty and Neutrality of the United States, the British Commander felt no Scruple in proceeding thence into the Waters near Norfolk ; nor, in the midst of the Hospitalities enjoyed by him, to add to what had passed, a Refusal to discharge from his Ships impressed Citizens of the United States, not denied to be such, on the Plea that the Govern-
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ment of the United States had refused to surrender to the Demand of Admiral Berkeley, certain Seamen alledged to be British Deferters ; a Demand which, it is well understood, your Government disclaims any Right to make.

It would be very superfluous to dwell on the Features which mark this aggravated Insult ; but I must be permitted to remind you, that in so serious a Light was a similar Violation of Neutral Territory, by the Destruction of certain French Ships on the Coast of Portugal, by a British Squadron under the Command of Admiral Boscawen, regarded by the Court of Great Britain, that a Minister Extraordinary was dispatched for the express Purpose of expiating the Aggression on the Sovereignty of a Friendly Power.

Lastly presents itself the Attack by the British Ship of War Leopard, on the American Frigate Chesapeake ; a Case too familiar in all its Circumstances to need a Recital of any Part of them. It is sufficient to remark, that the conclusive Evidence which this Event added to that which had preceded, of the uncontroled Excesses of the British Naval Commander, in insulting our Sovereignty and abusing our Hospitality, determined the President to extend to all British armed Ships, the Precaution heretofore applied to a few by Name, of interdicting to them the Use and Privileges of our Harbours and Waters.

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This was done by his Proclamation of the 2d July 1807, referring to the Series of Occurrences ending with the Aggression on the Frigate Chesapeake, as the Considerations requiring it : and if the Apprehension from the licentious Spirit of the British Naval Commanders, thus developed, and uncontroled, which led to this Measure of Precaution, could need other Justification than was afforded by what had passed, it would be amply found in the subsequent Conduct of the Ships under the Command of the same Captain Douglas.

This Officer, neither admonished by Reflections on the Crisis produced by the Attack on the Chesapeake, nor controled by Respect for the Law of Nations, or the Laws of the Land, did not cease, within our Waters, to bring too by firing at Vessels pursuing their regular Course of Trade : and in the same Spirit which had displayed itself in the recent Outrage committed on the American Frigate, he not only indulged himself in hostile Threats, and in Indications of an hostile Approach to Norfolk, but actually obstructed Citizens in the ordinary Communication between that and neighbouring Places. His Proceedings constituted, in Fact, a Blockade of the Port ; and as real an Invasion of the Country, according to the Extent of his Force, as if Troops had been debarked, and the Town besieged on the Land Side.

Was it possible for the Chief Magistrate of the Nation, who felt for its Rights and its Honour, to
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do less than interpose some Measure of Precaution, at least, against the Repetition of Enormities which had been so long uncontrouled by the Government whose Officers had committed them, and which had at last taken the exorbitant Shape of Hostility and of Insult seen in the Attack on the Frigate Chesapeake? Candour will pronounce that less could not be done; and it will as readily admit that the Proclamation comprising that Measure, could not have breathed a more temperate Spirit, nor spoken in a more becoming Tone. How far it has received from those whose Intrusions it prohibited, the Respect due to the National Authority, or been made the Occasion of new Indignities, needs no Explanation.

The President, having interposed this precautionary Interdict, lost no Time in instructing the Minister Plenipotentiary of the United States, to represent to the British Government the signal Aggression which had been committed on their Sovereignty and their Flag; and to require the Satisfaction due for it, indulging the Expectation that His Britannic Majesty would at once to be the truest Magnanimity as well as the strictest Justice, to offer that prompt and full Expiation of an acknowledged Wrong, which would re-establish and improve, both in Fact and in Feeling, the State of Things which it had violated.

This Expectation was considered as not only honourable to the Sentiments of His Majesty, but was supported

supported by known Example, in which, being the complaining Party he had required and obtained, as preliminary to any Counter-complaints whatever, a precise Replacement of Things, in every practicable Circumstance, in their pre-existing Situation.

Thus, in the Year 1764, Bermudians and other British Subjects, who had, according to annual Custom, taken Possession of Turks Island, for the Season of making Salt, having been forcibly removed with their Vessels and Effects by a French Detachment from the Island of St. Domingo, to which Turks Island was alledged to be an Appurtenance; the British Ambassador at Paris, in pursuance of Instructions from his Government, demanded, as a Satisfaction for the Violence committed, that the Proceedings should be disavowed, the Intention of acquiring Turks Island disclaimed; Orders given for the immediate Abandonment of it on the Part of the French; every Thing restored to the Condition in which it was at the Time of the Aggression; and Reparation made of the Damages which any British Subject should be found to have sustained, according to an Estimation to be settled between the Governors of St. Domingo and Jamaica. A Compliance with the Whole of this Demand was the Result.

Again, in the Year 1789, certain English Merchants having opened a Trade at Nootka Sound on the North-west Coast of America, and attempted a Settlement

Settlement at that Place ; the Spaniards, who had long claimed that Part of the World as their exclusive Property, dispatched a Frigate from Mexico, which captured Two English Vessels engaged in the Trade, and broke up the Settlement on the Coast. The Spanish Government was the First to complain, in this Case, of the Intrusions committed by the British Merchants ; the British Government however, demanded that the Vessels taken by the Spanish Frigate should be restored, and adequate Satisfaction granted *previous to any other Discussion.*

This Demand prevailed ; the Spanish Government agreeing to make full Restoration of the captured Vessels, and to indemnify the Parties interested in them for the Losses sustained. They restored also the Buildings and Tracts of Land, of which the British Subjects had been dispossessed. The British, however, soon gave a Proof of the little Value they set on the Possession, by a voluntary Dereliction, under which it has since remained.

The Case which will be noted last, though of a Date prior to the Case of Nootka Sound, is that of Faulkland's Islands. These Islands lie about 100 Leagues Eastward of the Straights of Magellan : The Title to them had been a Subject of Controversy among several of the Maritime Nations of Europe. From the Position of the Islands and other Circumstances, the Pretensions of Spain bore an advantageous Comparison with those of her Competitors. In the Year 1770, the British took Posses-

sion of Port Egmont in one of the Islands; the Spaniards being in Possession of another Part at the Time, and protesting against a Settlement by the British. The Protest being without Effect, Ships and Troops were sent from Buenos Ayres by the Governor of that Place, which forcibly dispossessed and drove off the British Settlers.

The British Government, looking entirely to the Dispossession by Force, demanded as a specifick Condition of preserving Harmony between the Two Courts, not only the Disavowal of the Spanish Proceedings, but that the Affairs of that Settlement should be immediately restored to the precise State in which they were, previous to the Act of Dispossession. The Spanish Government made some Difficulties, requiring particularly a Disavowal on the Part of Great Britain, of the Conduct of her Officer at Falkland's Islands, which it was alledged gave Occasion to the Steps taken by the Spanish Governor, and proposing an Adjustment by mutual Stipulations in the ordinary Form.

The Reply was, that the Moderation of His Britannick Majesty having limited His Demand to the smallest Reparation he could accept for the Injury done, nothing was left for Discussion but the Mode of carrying the Disavowal and Restitution into Execution; *Reparation losing its Value if it be conditional*, and to be obtained by any Stipulation whatever from the Party injured.

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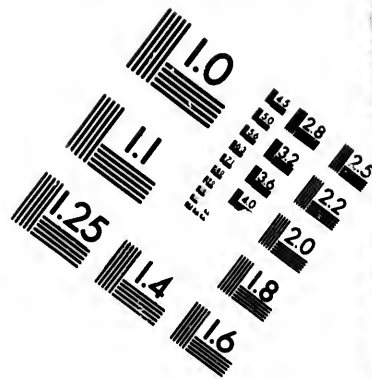
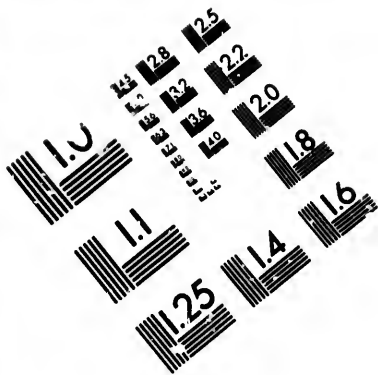
The Spanish Government yielded; the violent Proceedings of its Officers were disavowed; the Fort, the Port, and every Thing else were agreed to be immediately restored to the precise Situation which had been disturbed; and Duplicates of Orders, issued for the Purpose, to the Spanish Officers, were delivered into the Hands of One of the British Principal Secretaries of State.

Here again it is to be remarked, that Satisfaction having been made for the forcible Dispossession, the Islands lost their Importance in the Eyes of the British Government, were in a short Time finally evacuated, and Port Egmont remains, with every other Part of them, in the Hands of Spain.

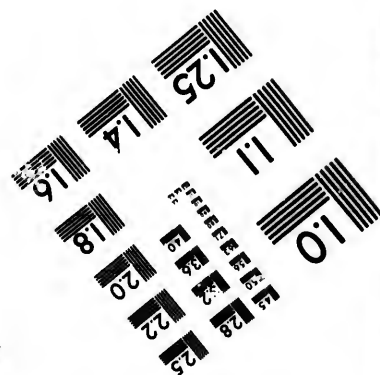
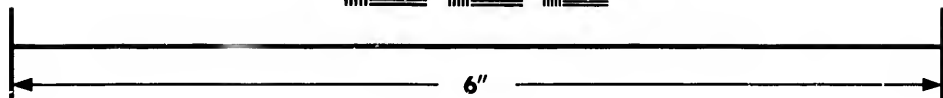
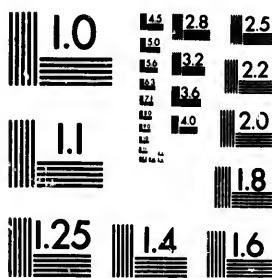
Could stronger Pledges have been given than are here found, that an honourable and instant Reparation would be made, in a Case differing no otherwise from those recited, than as it furnished to the same Monarch of a great Nation an Opportunity to prove, that adhering always to the same immutable Principle, he was as ready to do Right to others as to require it for himself.

Returning to the Instructions given to the Minister Plenipotentiary of the United States at London, I am to observe, that the President thought it just and expedient to insert as a necessary Ingredient in the Adjustment of the Outrage committed on the American Frigate, a Security against the future





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Practice of British Naval Commanders, in impressing from Merchant Ships of the United States on the High Seas, such of their Crews as they might undertake to denominate British Subjects.

To this Association of the Two Subjects, the President was determined, first, by his regarding both as resting on kindred Principles, the Immunity of private Ships, with the known Exceptions made by the Laws of Nations, being as well established as that of public Ships; and there being no Pretext for including in these Exceptions, the Impressment (if it could be freed from its enormous and notorious Abuses) of the Subjects of a Belligerent, by the Officers of that Belligerent. The Rights of a Belligerent against the Ships of a Neutral Nation, accrue merely from the Relation of the Neutral to the other Belligerent, as in conveying to him Contraband of War, or in supplying a blockaded Port.

The Claim of a Belligerent to search for and seize on board Neutral Vessels on the High Seas, Persons under his Allegiance, does not therefore rest on any Belligerent Right, under the Law of Nations, but on a Prerogative derived from Municipal Law; and involves the extravagant Supposition that one Nation has a Right to execute, at all Times and in all Cases, its municipal Laws and Regulations on board the Ships of another Nation not being within its territorial Limits.

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The President was led to the same Determination; Secondly, by his Desire of converting a particular Incident into an Occasion for removing another and more extensive Source of Danger to the Harmony of the Two Countries. And, Thirdly, by his Persuasion, that the Liberality of the Propositions authorized with this View, would not fail to induce the ready Concurrence of His Britannic Majesty; and that the more extensive Source of Irritation and Perplexity being removed, a satisfactory Adjustment of the particular Incident would be the less difficult. The President still thinks that such would have been the Tendency of the Mode, for which he had provided; and he cannot therefore but regret, that the Door was shut against the Experiment by the peremptory Refusal of Mr. Canning to admit it into Discussion, even in the most informal Manner, as was suggested by Mr. Monroe.

The President felt the greater Regret as the Step he had taken towards a more enlarged and lasting Accommodation, became thus a Bar to the Adjustment of the particular and recent Aggression which had been committed against the United States. He found, however, an Alleviation in the signified Purpose of His Britannic Majesty, to charge with this Adjustment a Special Mission to the United States, which, restricted as it was, seemed to indicate a Disposition from which a liberal and conciliatory Arrangement of one great Object, at least, might be confidently effected.

In this Confidence, your Arrival was awaited with every friendly Solicitude, and our first Interview having opened the Way, by an Acquiescence in the Separation of the two Cases insisted on by His Britannic Majesty, notwithstanding the strong Grounds on which they had been united by the President, it was not doubted, that a Tender of the Satisfaction claimed by the United States for a distinguished and an acknowledged Insult by one of His Officers, would immediately follow.

It was not therefore without a very painful Surprise, that the Error of this Expectation was discovered. Instead of the Satisfaction due from the original Aggressor, it was announced that the first Step towards the Adjustment must proceed from the Party injured ; and your Letter now before me formally repeats, that as long as the Proclamation of the President, which issued on the 2d July 1807, shall be in force, it will be an insuperable Obstacle to a Negotiation even on the Subject of the Aggression which preceded it ; in other Words, that the Proclamation must be put out of force, before an Adjustment of the Aggression can be taken into Discussion.

In explaining the Grounds of this extraordinary Demand, it is alledged to be supported by the Considerations, that the Proceeding and Pretension of the offending Officer has been disavowed ; that general Assurances were given of a Disposition and
Intention

Intention in His Britannic Majesty to make Satisfaction ; that a Special Minister was dispatched with Promptitude, for the Purpose of carrying into Effect this Disposition, and that you have a personal Conviction that the particular Terms, which you are not at Liberty previously to disclose, will be deemed by the United States satisfactory.

With respect to the Disavowal, it would be unjust not to regard it, as a Proof of Candour and Amity towards the United States, and as some Prefage of the voluntary Reparation which it implieth to be due. But the Disavowal can be the less confounded with the Reparation itself ; since it was sufficiently required by the Respect which Great Britain owed to her own Honour, it being impossible that an enlightened Government, had Hostility been meditated, would have commenced it in such a Manner, and in the midst of existing Professions of Peace and Friendship. She owed it also to Consistency with the Disavowal on a former Occasion, in which the same Pretension had been enforced by a British Squadron against the Sloop of War Baltimore belonging to the United States, and finally to the Interest which Great Britain has, more than any other Nation, in disclaiming a Principle which would expose her superior Number of Ships of War to so many Indignities from inferior Navies.

As little can the general Assurances that Reparation would be made, claim a Return which could

properly follow the actual Reparation only. They cannot amount to more than a Disposition, or at most a Promise, to do what the Aggressor may deem a Fulfilment of his Obligation. They do not prove even a Disposition to do what may be satisfactory to the injured Party, who cannot have less than an equal Right to decide on the Sufficiency of the Redress.

In dispatching a special Minister for the Purpose of adjusting the Difference, the United States ought cheerfully to acknowledge all the Proof it affords on the Part of His Britannic Majesty, of his pacific Views towards the United States, and of his Respect for their Friendship. But whilst they could not, under any Circumstances, allow to the Measure more than a certain Participation in an honourable Reparation, it is to be recollected that the avowed and primary Object of the Mission, was to substitute, for the more extended Adjustment proposed by the United States at London, a Separation of the Subjects, as preferred by His Britannic Majesty, and you well know, Sir, how fully this Object was accomplished.

With respect to the personal Conviction which you have expressed, that the Terms, which you decline to disclose would be satisfactory to the United States, it is incumbent on me to observe, that with the highest respect for your Judgment, and the most perfect Confidence in your Sincerity,

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an insuperable Objection manifestly lies to the Acceptance of a personal and unexplained Opinion, in place of a Disclosure which would enable this Government to exercise its own Judgment, in a Case affecting so essentially its Honour and its Rights. Such a Course of Proceeding would be without Example, and there can be no Hazard in saying, that one will never be afforded by a Government which respects itself as much as yours justly does, and therefore can never be reasonably expected from one, which respects itself as much as this has a Right to do.

I forbear, Sir, to enlarge on the intrinsic Incongruity of the Expedient proposed ; but I must be allowed to remark, as an additional Admonition of the singular and mortifying Perplexity in which a Compliance might involve the President, that there are in the Letter of Mr. Canning, communicating to Mr. Monroe the special Mission to the United States, pregnant Indications that other Questions and Conditions may have been contemplated, which would be found utterly irreconcilable with the Sentiments of this Nation.

If neither any nor all these Considerations can sustain the preliminary Demand made in your Communication, it remains to be seen whether such a Demand rests, with greater Advantage, on the more precise Ground on which you finally seem to place it.

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The Proclamation is considered as a hostile Measure, and a Discontinuance of it, as due to the Discontinuance of the Aggression which led to it. It has been sufficiently shewn that the Proclamation, as appears on the Face of it, was produced by a Train of Occurrences terminating in the Attack on the American Frigate, and not by this last alone.

To a Demand, therefore, that the Proclamation be revoked, it would be perfectly fair to oppose a Demand that Redress be first given for the numerous Irregularities which preceded the Aggression on the American Frigate, as well as for this particular Aggression, and that effectual Controul be interposed against Repetitions of them. And as no such Redress has been given for the past, notwithstanding the Lapse of Time which has taken place, nor any such Security for the future, notwithstanding the undiminished Reasonableness of it; it follows, that a Continuance of the Proclamation would be consistent with an entire Discontinuance of one only of the Occurrences from which it proceeded.

But it is not necessary to avail the Arguments of this View of the Case, although of itself entirely conclusive. Had the Proclamation been founded on the single Aggression committed on the Chesapeake, and were it admitted that the Discontinuance of that Aggression merely, gave a Claim to the Discontinuance of the Proclamation, the Claim would be defeated by the incontestable Fact, that that Aggression has not been discontinued.

It has never ceased to exist, and is in Existence at this Moment. Need I remind you, Sir, that the Seizure and Asportation of the Seamen belonging to the Crew of the Chesapeake entered into the very Essence of that Aggression; that with an Exception of the Victim to a Trial, forbidden by the most solemn Considerations, and greatly aggravating the Guilt of its Author, the Seamen in Question are still retained, and consequently that the Aggression, if in no other Respect, is by that Act alone still continued in force.

If the Views which have been taken of the Subject, have the Justness which they claim; they will have shewn, that on no Ground whatever can an Annulment of the Proclamation of 2d July be reasonably required, as a Preliminary to the Negotiation with which you are charged. On the contrary, it clearly results from a Recurrence to the Causes and Object of the Proclamation, that, as was at first intimated, the strongest Sanctions of Great Britain herself would support the Demand, that previous to a Discussion of the Proclamation due Satisfaction should be made to the United States: that this Satisfaction ought to extend to all the Wrongs which preceded and produced that Act, and that even limiting the Merits of the Question to the single Relation of the Proclamation to the Wrong committed in the Attack on the American Frigate, and deciding the Question on the Principle that a Discontinuance of the latter required of Right a Discontinuance of the former, nothing appears that does
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not leave such a Preliminary destitute of every Foundation which could be assumed for it.

With a Right to draw this Conclusion, the President might have instructed me to close this Communication with the Reply stated in the beginning of it ; and perhaps in taking this Course, he would only have consulted a Sensibility to which most Governments would, in such a Case, have yielded. But adhering to the Moderation by which he has been invariably guided, and anxious to rescue the Two Nations from the Circumstances under which an abortive Issue to your Mission necessarily places them, he has authorized me, in the Event of your disclosing the Terms of Reparation, which you believe will be satisfactory, and on its appearing that they are so, to consider this Evidence of the Justice of His Britannic Majesty as a Pledge for an effectual Interposition with respect to all the Abuses, against a Recurrence of which the Proclamation was meant to provide ; and to proceed to concert with you a Revocation of that Act, bearing the same Date with the Act of Reparation to which the United States are entitled.

I am not unaware, Sir, that according to the View which you appear to have taken of your Instructions, such a Course of Proceeding has not been contemplated by them. It is possible, nevertheless, that a Re-examination of the Spirit, in which I am well persuaded it will be made, may discover them

them to be not inflexible to a Proposition, in so high a Degree liberal and conciliatory. In every Event, the President, in authorising it, will have manifested his Willingness to meet your Government, on a Ground of Accommodation, which spares to his Feelings, however misapplied he may deem them, every Concession, not essentially due to those which must be equally respected; and consequently will have demonstrated, that the very ineligible Posture given to so important a Subject, in the Relations of the two Countries, by the unsuccessful Termination of your Mission, can be referred to no other Source than the rigorous Restrictions under which it was to be executed.

I make no Apology, Sir, for the long Interval between the Date of your Letter and that under which I write. It is rendered unnecessary by your Knowledge of the Circumstances to which the Delay is to be ascribed.

With high Consideration, &c.

(Signed) *James Madison.*

G. H. Rose Esquire,
&c. &c. &c.

No. 21.

LETTER from Mr. Rose to Mr. Madison,
dated Washington, 17th March 1808.

Sir,

BEING deeply impressed with the Sense of His Majesty's Anxiety, that full Effect should be given to those Views of Justice and Moderation, by which His Conduct has been regulated through the Whole of the unfortunate Transaction whence the present Differences have arisen; and of the Disappointment of which he would learn the Frustration of His just and equitable Purposes; I have felt it incumbent upon me, on the Receipt of the Letter which you did me the Honour to address to me on the 5th Instant, to apply anew to this Matter the most ample and serious Consideration. It is with the most painful Sensations of Regret that I find myself, on the Result, under the Necessity of declining to enter into the Terms of the Negotiation, which, by Direction of the President of the United States, you therein offer: I do not feel myself competent in the present Instance to depart from those Instructions which I stated in my Letter of the 26th of January last, and which preclude me from acceding to the Condition thus proposed. I should add, that I am absolutely prohibited from entering upon Matters unconnected with the specific Object I am authorized to discuss, much less can I thus
give

give any Pledge concerning them. The Condition suggested, moreover, leads to the direct Inference, that the Proclamation of the President of the United States of the 21 of July 1807, is maintained either as an Equivalent for Reparation for the Time being, or as a Compulsion to make it.

It is with the more profound Regret, that I feel myself under the Necessity of declaring, that I am unable to act upon the Terms thus proposed, as it becomes my Duty to inform you, in Conformity to my Instructions, that on the Rejection of the Demand stated in my former Letter on the Part of His Majesty, my Mission is terminated. And, as His Majesty's Government, in providing me with those Instructions, did not conceive, that after the Declaration of his Sentiments respecting the Affairs of the Chesapeake was made known to this Government, the State of my Transactions pending or terminated between the Two Nations could justify the Perseverance in the Enforcement of the President's Proclamation, I can exercise no Discretion on this Point.

As on a former Occasion I detailed, though minutely, the Motives for that Demand on the Part of His Majesty, which I with so much Concern learn to be deemed inadmissible by the Government of the United States ; I should here abstain from an Exposition of them, which visibly can have no further Effect upon the Negotiation, if I did

did not deem it essential that they should not be left under any Misapprehension which I might be able to remove. I shall therefore take a short Review of the Transaction which has given Rise to these Discussions, in order the more correctly to determine the Soundness of the Principle on which that Demand is made.

Certain Deserters from His Majesty's Navy, many of them His natural-born Subjects, having entered into the Service of the United States, were repeatedly and fruitlessly demanded by the British Officers of the Recruiting Officers of the United States, but were retained in their new Service. As it was a Matter of Notoriety, that several of these Deserters were on board the Frigate of the United States the *Cheapeake*, they were demanded of that Frigate on the High Seas by His Majesty's Ship *Leopard*, and all Knowledge of their Presence on board being denied, she was attacked, and Four of them, One avowedly a native Englishman, were taken out of her. Without being deterred by the Consideration of how far Circumstances hostile in their Nature had provoked, though they undoubtedly by no Means justified, this Act of the British Officer; His Majesty's Government directed, that a positive Disavowal of the Right of Search asserted in this Case, and of the Act of the British Officer as being unauthorized, and a Promise of Reparation, should be conveyed to the American Minister in London, before he had made any Representation by order of
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the United States. This Disavowal, made on the 2d of August last, was transmitted by him to his Government before the 6th of that Month. But before Mr. Monroe had received his Orders to demand Reparation, His Majesty learnt, with what Surprize it is needless to dwell upon, that the President of the United States had interdicted by Proclamation, bearing Date the 2d of July 1807, the Entry of all their Ports to the Whole of His Navy. This Surprize was certainly increased, when, in the Letter delivered by that Minister to require Redress for the Wrong, although it went into Details unconnected with it, not only no Concern was expressed on the Part of the United States, at having felt themselves compelled to enact Measures of so much Injury and Indignity towards a friendly Power, but no Mention was made of the Causes of such Measures being resorted to, or even of the Fact of their having been adopted. In Addition to the Embarrassment arising from these Circumstances, and the Insufficiency of the Explanations subsequently given to Mr. Canning, the Introduction of a Subject foreign to that of the Complaint became the main Impediment to the Success of the Discussions which took Place in London. When I had the Honour to open the Negotiation with you, Sir, as I had learnt that the President's Proclamation was still in Force, it became my Duty, conformably to my Instructions, to require its Recall as a Preliminary to further Discussion; had it not been in Force, I was not ordered to have taken it into Consideration in the Adjust-

ment of Reparation, and it was considered as hardly possible, that it should not have been recalled immediately upon the Knowledge of His Majesty's Disavowal of the Attack upon the Chesapeake, as an unauthorized Act. But His Majesty could not suffer the Negotiation to be carried on in His Behalf under an Interdict, which, even if justifiable in the First Moment of Irritation, cannot be continued after the Declaration of His Majesty's Sentiments upon the Transaction, except in a Spirit of Hostility.

It might have been fairly contended, that, in the First Instance, the Exercise of such an Act of Power before Reparation was refused or unduly protracted, was incompatible with the Purposes and Essence of pacific Negotiation, and with a Demand of Redress through that Channel; but such have been His Majesty's conciliatory Views, that this Argument has not been insisted on, although it might now be the more forcibly urged, as it appears that the Government of the United States was from the First sensible, that even had the Hostility been meditated by the British Government, it would not have commenced it in such a Manner. But the Exception taken, is to the Enforcement continued up to the present Time, of Measures highly unfriendly in their Tendency, persisted in, not only after the Disavowal in Question, the Promise of the Proffer of suitable Reparation, and the renewed Assurances of His Majesty's amicable Disposition, but after Security has been given in a publick Instrument, bearing Date
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the 16th of October 1807, that the Claim to the Seizure of Deferters from the national Ships of other Powers, cannot again be brought forward by His Majesty's Naval Officers; it is unnecessary to dwell upon the Injury and Indignity to which His Majesty's Service is exposed, both as touching the Freedom and Security of Correspondents of his Agents and accredited Ministers in the United States, or as resulting from a Measure which, in Time of War, excludes the Whole of His Navy from all their Ports, which Ports are completely open to the Fleets of His Enemies; it will be sufficient to observe, that even where Exemptions from it are granted, they are made subject to such Conditions, that of the Three last British Ships of War which have entered these Ports upon Publick Business, Two of them, His Majesty's Ship Statira, having on board a Minister sent out for the Adjustment of the present Differences, and a Schooner bearing Dispatches, in consequence of their Inability to procure Pilots, were obliged to enter these Waters without such Assistance, and were exposed to considerable Danger. Great Britain, by the Forms established, could repair the Wrong committed, even to the Satisfaction of the United States, no otherwise than by the Channel of Negotiation; yet she avowed distinctly that a Wrong was committed, and that she was ready to make Reparation for it; it cannot therefore be contended, that the unavoidable Delay of actual Reparation subjected her to the Imputation of persisting in an Aggression which was disclaimed from

the first ; if this is true, however much she will regret any Impediment in the Adjustment of a Difference in which the Feelings of a Nation are so materially interested ; can she consistently with a due Care of her own Honour and Interests, allow it to be concluded on her Part, under an Adherence to a Conduct which has a decided Character of Enmity in the Proceedings held towards her by the other Party.

I know not in what View the Perseverance in the President's Proclamation up to this Moment can be considered, but in that of a Measure of Retaliation, or of self-assumed Reparation ; or a Measure intended to compel Reparation ; unless if it be that, which, if I rightly understand, you define it to be, a Measure of Precaution.

If, when a Wrong is committed, Retaliation is instantly resorted to by the injured Party, the Door to pacific Adjustment is closed, and the Means of Conciliation are precluded. The Right to demand Reparation is incompatible with the Assumption of it. When Parties are in a State of mutual Hostility, they are so far on a footing, and as such they may treat ; but a Party disclaiming every unfriendly Intention, and giving unequivocal Proofs of an amicable Disposition, cannot be expected to treat with another whose Conduct towards it has the direct Effects of actual Hostility. If then the Enforcement of the President's Proclamation, up to the present Moment,

is a Measure of self-assumed Reparation, it is directly repugnant to the Spirit and Fact of amicable Negotiation : if it is a Measure to compel Reparation it is equally so ; and by the Perseverance in it, Great Britain is dispensed with the Duty of proffering Redress. But, if it is a Measure of Precaution, in order to secure Reparation, or in order to compel it, it falls under the Objections I have just stated. If it is a Precaution adopted as a Guard against Acts of Violence apprehended on the Part of His Majesty's Naval Officers, it surely cannot be considered as being as effectual a Security as that arising from the renewed Assurances of His Majesty's friendly Disposition, which imply a due Observance of the Rights of Nations with which Great Britain is in Amity, by all Persons holding Authority under His Majesty's Government ; from the Disavowal of the Pretension of the Search of national Ships ; and from the further Assurance of that Disavowal given in His Majesty's Proclamation of the 16th of October last ; neither under these concurrent Circumstances can the Plea of Necessity be maintained ; and if such a Proceeding has not the Plea of Necessity, it assumes the Character of Aggression. If these concurrent Securities against such an Apprehension have any Value, the Necessity no longer exists : if they are of no Value, Negotiation cannot be attempted, as the Basis upon which it rests, the mutual Confidence of the two Parties, would be wholly wanting.

From the Moment after the unfortunate Affair of the Chesapeake, that His Majesty's Naval Com-

manders in these Waters had ascertained that they were safe from the Effervescence of that popular Fury, and under which the most glaring Outrages were committed, and by which they were very naturally led to the Supposition that they were Objects of particular Hostility, and that a State of War against them, requiring Precautions on their Part, had commenced, no Conduct has been imputed to them which could vindicate the Necessity of maintaining in force the President's Proclamation. Since that Time, such of those Officers as have been necessitated by the Circumstances of the War to remain in these Waters, have held no Communication with the Shore, except in an Instance too trifling to dwell upon, and instantly disavowed by the Commanding Officer; and they have acquiesced quietly in various Privations, highly prejudicial to the Service they were upon, and in consequence of an Interdict, which had they been regardless of their Duties towards a State in Amity with their Sovereign, and had they not carefully repressed the Feelings, its Tone and Language had a direct Tendency to provoke in them, would have rather excited than have averted the Evils it was stated to be intended to prevent; were they regardful of these Duties it was unnecessary:—had they felt themselves obliged completely to evacuate the Waters of the United States, especially whilst an Enemy's Squadron was harboured in them, they could have done it; but under the Admission of hostile Compulsion, and under such Compulsion carried into full Effect, His Majesty

Majesty could not have difsembled the Extent of the Injury received.

In the several Cafes adduced, in which Great Britain required certain Preliminaries, previously to entering into Negotiation, ſhe regulated her Conduct by the ſame Principles to which ſhe now adheres, and refuſed whiſt no Hoſtility was exhibited on her Part, to treat with Powers whoſe Proceedings denoted it towards her; and who maintained their Right in what they had aſſumed.

From the Conſiderations thus offered, I truſt that neither the order of Reaſon or that of Uſage are in Contradiction to the Demand I have urged, nor am I aware how the order of Time oppoſes the Revocation, in the firſt Inſtance, of that Act, which affects injuriouſly one of the Parties, and is ſtill avowed by the other.

The Subject is thus preſented to you, Sir, in the Light which it was natural that it ſhould offer itſelf to His Majesty's Government. It certainly conceived the Preſident's Proclamation to reſt chiefly, and moſt materially, upon the Attack made upon the Frigate of the United States, the Cheſapeake, by His Majesty's Ship the Leopard, although other Topics were adduced as Accessaries. In this Apprehenſion it may be held to have been ſufficiently warranted, by the precise Time at which, and the Circumſtances under which it was iſſued, and by its whole Context, and the more ſo, as the Impulſe

under which it was drawn up, appears to have been so sudden as to have precluded a due Examination of all the Grounds of Allegation contained in it. And here I beg Leave to assure you, that with respect to the Spirit and Tone of that Instrument, it would be highly satisfactory to me, if I could feel myself justified in expressing, on the Part of His Majesty, any Degree of Coincidence with the Opinions you have announced, or when thus appealed to, and making every Allowance for the Irritation of the Moment, I could dissemble the extreme Surprize experienced by Great Britain, that the Government of a friendly Nation, even before an amicable Demand of Reparation was made, and yet meaning to make that Demand, should have issued an Edict directing Measures of Injury very disproportionate to what it knew was an unauthorized Offence, and both in its Terms and its Purport so injurious to the Government to which that Demand was to be addressed, and tending to call forth, in both Nations, the Feelings under which a friendly Adjustment would be the most difficult. But if, as I learn from you, Sir, the Proclamation rests substantially on other Causes, it is then peculiarly to be regretted, that together with the Demand for Redress made in September last, the Government of the United States did not think fit to offer a Negotiation, or an Explanation of so momentous a Measure, or to declare that its Recall must be more or less connected with the Adjustment of other alledged Wrongs. Neither did it think it necessary to return

any Answer to the Remonstrance given in by His Majesty's Envoy at Washington on the 13th July 1807, in which he represented, " that he considered " that Interdiction to be so unfriendly in its Object, " and so injurious in its Consequences to His Majesty's Interests, that he could not refrain from " expressing the most sincere Regret that it ever " should have been issued, and most earnestly deprecating its being enforced."

It could not be supposed that a Circumstance of so great Weight could be overlooked by His Majesty's Government, in determining the Line of Conduct to be held in the Negotiation : and as little could it be expected to pass it over, when on the Failure of the Discussion with Mr. Monroe, it directed a Special Mission to be sent to the United States. It had the less Reason to imagine that any other Grievances could be connected with that for the Adjustment of which I am empowered to negotiate, as Mr. Monroe, in his Letter to Mr. Canning of the 29th July last, had stated with respect to other Subjects of Remonstrance, that it was improper to mingle them with the present more serious Cause of Complaint, an Opinion to which Mr. Canning declared his perfect Assent in his Letter to that Minister of the 2d of the subsequent Month, so that this Act was left as single and distinct, to be singly and distinctly considered. His Majesty's Government, therefore, could not consistently with any View of the Subject then before it, or indeed with the just Object

Object of my Mission, direct or empower me to enter upon Matters not connected with that of the Chesapeake; and they could with the less Propriety do it, as in order to render the Adjustment of Differences of such a Nature the more easy and the more conspicuous, the Ministers charged especially with such Offices have been, with few if any Exceptions, restricted to the precise Affair to be negotiated. With respect, therefore, to those other Causes of Complaint upon which you inform me that the President's Proclamation rests, I cannot be furnished with Documents enabling me either to admit or to controvert those Statements of Grievance, foreign to the Attack upon that Ship, contained in your Letter, or authorized to discuss the Matters themselves. I shall therefore not allow myself to offer such Comments as my personal Knowledge of some of those Transactions suggest to me, although their Tendency would materially affect both the marked Manner in which those Transactions are portrayed, and the disadvantageous Lights in which His Majesty's Government is represented to have acted respecting them. I am moreover led to the Persuasion that my Government will be the more easily able to rescue itself from Inculpation, by the Inference arising from Passages in Mr. Monroe's Letter to Mr. Secretary Canning of the 29th of September last, that the Differences unhappily existing between the two Nations were in a Train of Adjustment.

If His Majesty has not permitted me to enter into the Discussion of the Search of Neutral Merchant
Ships

Ships for British Seamen, together with the Adjustment of the Amount of Reparation for the Attack upon the Chesapeake; it was no wise with the View of precluding the further Agitation of that Question at a suitable Time; but it was that the Negotiation might be relieved from the Embarrassment arising from the Connection of the present Matter with the One so foreign to it; and, as it was but too well known, so difficult to be adjusted, of a Right distinctly disclaimed, with one which Great Britain has at all Times asserted of enforcing her Claim to the Services of her Natural-born Subjects, when found on board Merchant Vessels of other Nations; a Claim which she founds on the Principle of Universal Law, which gives to the State the Right of requiring the Aid and Assistance of her native Citizens.

The Recurrence, therefore, to that Course of Negotiation which had been originally settled between Mr. Secretary Canning and Mr. Monroe, and which had been alone broken in upon by the Orders subsequently received by that Minister, can only be considered as a Resumption of that Course of Things which Great Britain strenuously contended there was no Ground to depart from. I may observe, that this Purpose might have been effected without the Intervention of a special Minister.

It will be in your Recollection, Sir, that in our first Interview I stated the Conditions which makes
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the Subject of the present Letter, before I was informed by you, that the President of the United States would consent to the Separation of the two Subjects.

I had trusted that the Exposition which I added in my Letter of the 26th of January to the verbal Explanation I had before offered, of the Grounds of His Majesty's Demand, was both in its Purport and in the Terms in which it was couched, such as to prevent a Suspicion that they were in their Intention derogatory to the Honour, or calculated to wound the just Sensibility of this Nation. I may add, that such a Supposition could not be reconciled with the various ostensible and unequivocal Demonstrations of His Majesty's good Faith and Anxiety, that this Transaction should be brought to an amicable Termination, which were exhibited even prior to any Remonstrances on the Part or by Order of this Government. The other Topics which I felt myself authorized to advance in that Letter, in Illustration of that amicable Disposition on the Part of the King, were brought forward from the Conviction I entertained that they must be of a Nature to be satisfactory to this Government, and therefore such as it was particularly my Duty to enforce; but not with a View to rest upon them the Right to advance the Claim which I have stated.

I may here remark, it is obvious that far from requiring that the first Steps towards an Arrangement

ment of Reparation should be taken by the United States, Great Britain has already made them openly and distinctly; they are indubitable Testimonies to the Respect borne and decidedly marked by Great Britain, to the Ties of Amity subsisting between the two Nations, and of her cordial Desire to maintain them unimpaired, and as such alone they were urged.

As His Majesty would have derived sincere Satisfaction from the Evidence of corresponding Feelings on the Part of the United States, so it would be the more painful to me to dwell upon a Series of Insults and Menaces which, without any Provocation of warlike Preparation on the Part of Great Britain, have been for Months accumulated upon her through the United States, and but too frequently from Quarters whose Authority necessarily and powerfully commanded Attention.

I ought, perhaps, to apologize for adverting to an incidental Expression in your Letter, if I did not think it right to remove any Ambiguity respecting the Nature of the Claim which Great Britain maintained to her Seamen, native Citizens of the Realm, who have deserted from her Service to that of other Powers: it is, that on Demand they shall be discharged forthwith, and consequently they shall be freed from their newly contracted Obligations.

Before

Before I close this Letter, allow me to state to you, that I have felt it my Duty to transmit to His Majesty's Government, the Exposition contained in your Letter of the 5th Instant, of the various Demands on the Honour and good Faith of Great Britain, on which the Complaint is made, that Satisfaction has not been afforded to the United States, and on which, conjointly with the Affair of the Chesapeake, you inform me that the Proclamation of the President of the United States of the 2d July 1807, is founded. It will be for His Majesty's Government to determine, on the Part of Great Britain, whether any, and what, Obligations remain to be fulfilled by her. Whether any Denial, or such Protraction of Redress have occurred on her Part, as to render necessary or justifiable the Perseverance in an Edict, which, when not necessary or justifiable, assumes a Character of Aggression; and whether, on the Result of these Considerations, the present Negotiation can be resumed on the Part of His Majesty, with a due Regard for his own Honour, or with a Prospect of a more successful Termination.

I have the Honour, &c.

(Signed) *G. H. Rose.*

CORRESPONDENCE

BETWEEN

Mr. Secretary CANNING and Mr. PINKNEY,

From September 23 to November 28, 1808.

LIST OF PAPERS.

- No. 1. **C**OPY of a Letter from Mr. Secretary Canning to Mr. Pinkney, dated September 23d, 1808.
- No. 2. Copy of a Letter from Mr. Pinkney to Mr. Secretary Canning, dated October 10th, 1808.
- No. 3. Copy of a Letter from Mr. Secretary Canning to Mr. Pinkney, dated November 22d, 1808.
- No. 4. Copy of a Letter from Mr. Pinkney to Mr. Secretary Canning, dated November 28th, 1808.

PAPERS.

No. 1.

COPY of a Letter from Mr. Secretary
Canning to Mr. Pinkney; dated Sep-
tember 23d, 1808.

Sir, Foreign Office, September 23d, 1808.
IN laying before the King your Letter of the 23d
August, and in communicating to you the ac-
companying Answer,* which I have received His
Majesty's Commands to return to it, I confess that
I feel some little Embarrassment from the repeated
References which your Letter contains, to what has
passed between us in Conversation: An Embarrassment
arising in no Degree (as you are perfectly aware)
from any feeling of Distrust in you personally, but
from a Recollection of the Misrepresentation which
took place in America of former Conferences between
us. You gave me, on that Occasion, the most sa-
tisfactory Proof that such Misrepresentation did not

* This Answer was laid before the House, and ordered to be
printed, on the 1st of February 1809.

originate with you, by communicating to me that Part of your Dispatch in which the Conferences particularly referred to were related, and related correctly; but this very Circumstance, while it establishes your personal Claim to entire Confidence, proves at the same Time, that a faithful Report of a Conference on your Part, is not a Security against its Misrepresentation.

It was for that Reason principally, that, after hearing with the most respectful Attention all that you had to state to me verbally on the Subject of the present Overture, I felt myself under the Necessity of requiring, as “indispensable,” a written Communication upon the Subject.

It is for that Reason also, that as in your written Communication, you refer me to our late Conversations for the “Bearings and Details” of your Proposal, I feel it necessary to recapitulate, as shortly as I can, what I conceive to have passed in those Conversations beyond what I find recorded in your Letter.

The principal Points in which the Suggestions brought forward by you, in personal Conference, appear to me to have differed in some Degree from the Proposal now stated by you in Writing are,—the first, that in Conversation, the Proposal itself was not distinctly stated as an Overture authorized by

by your Government ;—the second, that the beneficial Consequences likely to result to this Country from the Acceptance of that Proposal, were “ pursued” through more ample “ Illustrations.”

In the first of our Conferences, I understood you to say little more, on the Authority of your Government, than that you were instructed to remonstrate against the Orders in Council of the 7th January and of the 11th of November 1807, but to add, as from yourself, an Expression of your own Conviction, that if those Orders were repealed, the President of the United States would suspend the Embargo with respect to Great Britain. Upon the Consequences of such a Suspension of the Embargo, while it would still continue to be enforced against France, you expatiated largely, still speaking however, as I understood, your own individual Sentiments.

It was suggested by you, that America, in that Case, would probably arm her Merchant Ships against the Aggressions of France, an Expedient to which, you observed, it would be perfectly idle to resort against Great Britain. The Collection of armed Vessels would probably produce War. and the United States would thus be brought into the very Situation in which we must wish to place them, that of Hostility to France, and virtual, if not formal Alliance, with Great Britain.

In our second Conference, you repeated and enforced these Arguments, as calculated to induce the British Government to consent to the Repeal of the Orders in Council, and in this Conference, though not stating yourself to be authorized by your Government formally to offer the Suspension of the Embargo as an immediate Consequence of that Repeal, yet you did profess, as I understood you, a Readiness to take upon yourself to make that Offer, provided that I should give you before hand an unofficial Assurance, that, coupled with that Offer so made, the Demand of the Repeal of the Orders in Council of January and November 1807, would be favourably received.

I of course declined to give any such previous Assurance; but as you appeared to attach great Importance to this Suggestion, and as I was led to think that a Compliance with it might relieve you from a Difficulty in executing the Instructions of your Government, I consented to take a few Days to consider of it, and to reserve my definitive Answer until I should see you again.

I never doubted in my own Mind as to the Inexpediency and Impropriety of encouraging you to take an unauthorized Step, by an unofficial Promise, that it should be well received.

But in a Matter of such Delicacy, I was desirous of either confirming or correcting my own Opinion by the Opinions of others,

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The Result was, that in a Third Interview which took place shortly after the Second, I had the Honour to inform you, that after the most mature Deliberation, I found it impossible to yield to your Suggestion, and that it therefore remained for you to frame your Proposition according to the Instructions of your Government, or to your own unbiaſſed Diſcretion.

My own Share in theſe ſeveral Conferences, beyond what is implied in the above Statement, was very ſmall.

I have, as you know, always rather wiſhed to refer the argumentative Diſcuſſion of the Subject of the Orders in Council to the official Correſpondence which have more than once been taught to expect you to open upon it, than to engage with you in a verbal Controverſy, which, if confined to ourſelves, would be ufeleſs ; if afterwards to be reduced into Writing, for the Purpoſe of being communicated to our reſpective Governments, ſuperfluous.

But in anſwer to the Representations which you have repeatedly made againſt the Orders in Council of January and November, as violating the “ Rights
“ of the United States, and affecting moſt deſtruc-
“ tively their beſt Interests upon Grounds wholly
“ inadmiſſible both in Principle and in Fact,” I have uniformly maintained the unqueſtionable Right of

His Majesty "to resort to the fullest Measures of Retaliation in consequence of the unparalleled Aggression of the Enemy, and to retort upon that Enemy the Evils of his own Injustice;" and have uniformly contended, that "if Third Parties suffer from those Measures, the Demand of Reparation must be made to that Power which first violates the established Usages of War and the Rights of Neutral States."

There was indeed one Point upon which I was particularly anxious to receive precise Information, and upon which, from your Candour and Frankness, I was fortunate enough to obtain it.

The connecting together, in your proposed Overture, the Suspension of the Embargo and the Repeal of the Orders in Council, as well those of November as the preceding one of the 7th of January, might appear to imply that the Embargo had been the immediate Consequence of those Orders, and I was therefore desirous to ascertain whether in Fact, the Orders in Council in November had been known to the Government of the United States previously to the Message of the President proposing the Embargo, so as to be a moving Consideration to that Message.

I had the Satisfaction to learn from you, Sir, that such was not the Fact; that Rumours might indeed have reached America of some Measure of further

Retaliation being in the Contemplation of the British Government; that perhaps (as I understood you) some more severe and sweeping Measure might have been expected:—but that of the Orders in Council of the 11th of November, as having been actually issued, there was no certain Knowledge in America, or at least none in the Possession of the American Government, at the Time of proposing the Embargo.

Such, Sir, is, according to the best of my Recollection, correctly the Substance of what has passed between us at our several Interviews previous to the Presentation of your Official Letter, and such I have represented to have been the Substance of what passed on those several Occasions, in the Reports of our Conferences which it has been my Duty to make to the King.

If in this Recapitulation there is any Thing mistaken or any Thing omitted, you will do me the Justice to believe the Error unintentional, and you may rely upon my Readiness to set it right.

I have the Honour to be, &c.

Geo. Canning.

W. Pinkney. Esq.
&c. &c. &c.

No. 2.

COPY of a Letter from William Pinkney,
Esq. to Mr. Secretary Canning ; dated
Great Cumberland Place, 10th October
1808.

Sir,

IF my Reply to the Letter which you did me the Honour to address to me on the 23d of last Month, should be of greater Length than the Occasion may be thought to require, you will, I am sure, impute it to its real Cause, an earnest Desire on my Part, arising from a Feeling of sincere Respect for you, that the Statement which I am to give of Facts deemed by you to be important, should be full as well as accurate.

I will not fatigue you, Sir, with Assurances that no Person could be less disposed than I am to find Fault with the Object of your Letter, which appears to be to guard against all Misrepresentation of " what has passed in our late Interviews beyond " what you find recorded in my Note."

You have told me that I have personally, no Concern in that Object, and I did not require to be told that my Government has as little. I understand, indeed, that the Circumstance which has suggested a peculiar Motive for this Proceeding, was one of those

those Newspaper Misrepresentations which every Day produces where the Press is free, which find no Credit and beget no Consequence, and for which it is greatly to be feared your Expedient will provide no Remedy. Of my Conduct, when that Circumstance occurred, in giving you unsolicited Proofs that I had transmitted to Mr. Secretary Madison a faithful Report of our Conferences, mistaken by public Rumour or private Conjecture, it is not necessary for me to speak; for you have yourself done Justice to it.

The Motive to which I am indebted for the Honour of your Letter, appears to have been instrumental in producing another Effect equally unexceptionable. But you will allow me to say, that until the Receipt of that Letter, I had not been apprized by the slightest Intimation, that it was in any Degree owing to such a Cause that you declined, on the Part of His Majesty's Government, after Two Conferences, in which I had been suffered, if not encouraged, to unfold myself individually as well as officially, at great Length, and with perfect Frankness, to give an Answer to my verbal Overture.

At our first Interview (on the 29th of June) verbal Communication was not discountenanced, but commended: For, after I had made myself understood as to the Purpose for which the Interview had been requested, you asked me if I thought of taking a
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more formal Course, but immediately added, that you presumed I did not, for that the Course I had adopted was well suited to the Occasion. My Reply was in Substance, that the Freedom of Conversation was better adapted to our Subject, and more likely to conduct us to an advantageous Conclusion, than the Constraint and Formality of written Inter-course; and that I had not intended to present a Note. At the second Interview (on the 20th July) it did not occur to me that I had any Reason to conclude, and certainly I did not conclude, that verbal Communication had not continued to be acceptable as a preparatory Course; and it was not until the third Interview (on the 29th of July) that it was rejected as inadmissible. But even then I was not told, and had not the smallest Suspicion, that this Rejection was to be ascribed, either wholly or partially, to the Motive which your Letter has since announced to me. That this Motive had, nevertheless, all the Influence now imputed to it, I am entirely confident, and I take Notice of it only because, as I have not mentioned it to my Government in my official Account of our Conferences, I can no otherwise justify the Omission either to it, or to you, than by shewing that I had in Truth no Knowledge of the Fact when that Account was transmitted.

I may take Occasion to set forth in the present Letter, the Import of all that can be material of our
several

several Conversations, according to my Recollection of them ; but there are some Points to which I ought to pay a more particular Attention, because you have thought them entitled to it, although I should myself, perhaps, have been inclined to think that they had lost much of their Importance by the Presentation of my Note, and the Receipt of your written Answer, both of which are perfectly intelligible, upon these Points at least, without the Aid of the Conferences that preceded them.

You observe, that “ the principal Points in which
 “ the Suggestions brought forward by me in per-
 “ sonal Conference, appeared to you to have dif-
 “ fered in some Degree from the Proposal stated
 “ by me in Writing, are Two ;—the First, that in
 “ Conversation, the Proposal itself was not distinctly
 “ stated as an Overture authorized by my Govern-
 “ ment ;—the Second, that the beneficial Conse-
 “ quences likely to result to this Country from the
 “ Acceptance of that Proposal, were “ pursued”
 “ through more ample Illustrations.”

With Regard to the First of these supposed Differences, I feel persuaded, Sir, that upon further Recollection it will occur to you, that at our First Conference I told you explicitly, that the Substance of what I then suggested, that is to say, that your Orders being repealed as to us, we would suspend the Embargo as to Great Britain was from my Government ;

vernment; but that the Manner of conducting and illustrating the Subject, upon which I had no precise Orders, was my own. I even repeated to you the Words of my Instructions as they were upon my Memory; and I did not understand, either then or afterwards, that there was any Doubt as to their Existence or their Sufficiency, or any Desire to have a more exact and formal Communication of them, while the Result of our Discussion was distant and uncertain. I said, undoubtedly, that I had been directed to require the Revocation of the British Orders in Council; but I said also, that, although the Government of the United States still supposed itself to be authorized to expect their Repeal upon the Ground of Right as it existed, from the first (a Subject, however, which I informed you I did not wish at that Time to agitate) I was notwithstanding empowered to give you the above-mentioned Assurances, which would, as I presumed, hold out Inducements to Great Britain, as well on the Score of Policy as on that of Justice, to fulfil that Expectation.

I should scarcely have undertaken to offer such Assurances as from myself, or upon my own "Conviction" that the President would act in Conformity with them. And I should still less (if that were possible) have ventured to ask of you that you would make them, in that Form, the Subject of repeated Conferences, and even of Reference to others, as placing the Question of a Recall or Continuance of the Or-
ders

ders in Council upon new Grounds of Prudence and Equity.

If it is merely intended (as I doubt not it is) to say that I did not make, or declare my Intention to make, my Overture in Writing before I had endeavoured to prepare for it by personal Explanations, such a Reception as I felt it deserved, and before I could ascertain what Shape it would be most proper to give to it, or how it would be met by this Government, nothing can be more correct.

It was my sincere Wish that my Proposal, which I believe to be advantageous to Great Britain, as well as honourable to the United States, should be accepted; and accordingly I preferred a Mode of Proceeding which, while it was calculated to avoid unprofitable Discussions upon Topics of some Delicacy and great Difficulty, would furnish Opportunities for frank and friendly Communication upon all the Bearings of my Proposal, and lead to the Result at which I aimed, if that Result should be practicable, in such Way as upon mature Reflection, and after a liberal Interchange of Sentiments, should be found to be most for the Honour of our respective Governments. These Views were laid before you without Reserve, and seemed to be approved; and I confess to you, Sir, that when I was afterwards informed, that if I would obtain an Answer to my Overture, I must make it in Writing, and that I must not look out for any previous Intimation of the Nature of that Answer, I did not allow myself any

any longer to anticipate with much Confidence such an Issue as I desired.

The Second Difference which your Letter supposes to exist between my Note and verbal Suggestions, cannot, I think, in any View be very material. I will say something upon it however.

My Note declares, that if I forbear to pursue certain Ideas through all the Illustrations of which they are susceptible, it is because our personal Conferences, as well as the obvious Nature of the Ideas themselves, render it unnecessary. This implies undoubtedly, that more had been said in our Conferences, explanatory of these Ideas, than is to be found in the Note itself; and that Implication can scarcely be otherwise than true, if I “expatiated largely,” as you very justly say I did, “upon the Consequences of a Suspension of the Embargo as to Great Britain while it still continued to be enforced against France.”

The general Idea to which the Note refers, is, that Justice and Interest conspired to recommend that you should take Advantage of my Proposal. The particular Positions are, that if your Orders and our Embargo should be rescinded in the Manner suggested, our commercial Intercourse would be immediately revived; that if France followed your Example, and retracted her Decrees, the avowed Purpose of your Orders would be accomplished; that

that if France refused to retract, the American Embargo continuing as to her, would occupy the Place of your Orders, and perform their Office even better than they could perform it themselves, without any of the Disadvantages inseparable from such a System.

It is certain, that in our Conversations I endeavoured to prove that these general and particular Notions were founded in Truth by a Variety of Arguments, thrown out in a very desultory Way, with more Zeal than Precision, and with that entire Freedom which unlimited Confidence in your Candour, and a firm Opinion that the Views of my Government would derive new Titles to Respect from a full Examination, were calculated to produce.

I should not deal ingenuously with you, Sir, if I were to pretend that I think myself able to recapitulate these disjointed Arguments as they were actually delivered ; and I am quite sure that I shall consult your Gratification, as well as my own Credit, by declining such an Undertaking. But I think I can state in a condensed Form what I intended you should understand, and I presume that what I did say was not very wide of my real Impressions.

Upon the Footing on which my Overture would place the Justice of the British Orders, I did not go into much Detail at any one of the Three Inter-

views mentioned in your Letter. But combining my unconnected and occasional Observations on that Point, as they were made at different Times, and more especially as they were afterwards given and enlarged upon when I had the Honour to see you on the 26th of August (of which however it is proper to say I have only a very scanty Memorandum) their Import will not perhaps be found to be much, if at all mistaken, in such Parts of the following Statement as relates to that Branch of the Subject.

I meant to suggest, then, that upon your own Principles it would be extremely difficult to decline my Proposal; that your Orders inculcate, as the Duty of Neutral Nations, Resistance to the Maritime Decrees of France, as overturning the public Law of the World, and professedly rely upon that Duty, and an imputed Abandonment of it, for their Inducement and their Justification; that of these Orders, that of the 7th of January 1807 (of which the subsequent Orders of November are said in your official Reply to my Note of the 23d of August, to be only an Extension, an Extension in Operation not in Principle) was promulgated and carried into Effect a few Weeks only after the Berlin Decree had made its Appearance, when the American Government could not possibly know that such a Decree existed, when there had been no Attempt to enforce it, and when it had become probable that it would not be enforced at all to the Prejudice of
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Neutral Rights ; that the other Orders were issued before the American Government, with Reference to any practical Violation of its Rights, by an Attempt to execute the Berlin Decree in a Sense different from the Stipulations of the Treaty subsisting between the United States and France, and from the Explanations given to General Armstrong by the French Minister of Marine, and afterwards impliedly confirmed by General Champagny, as well as by a correspondent Practice had any sufficient Opportunity of opposing that Decree, otherwise than it did oppose it ; that your Orders thus proceeding upon an assumed Acquiescence not existing in Fact, retaliated prematurely, and retaliated a thousand fold, through the Rights of the United States, Wrongs rather threatened than felt, which you were not authorized to presume the United States would not themselves repel, as their Honour and their Interests required ; that Orders so issued were, to say the least of them, an unseasonable Interposition between the injuring and the injured Party in a Way the most fatal to the latter ; that, by taking Justice into your own Hands before you were intitled to do so, at the Expence of every Thing like Neutral Rights, and even at the Expence of other Rights, justly the Object of yet greater Sensibility, and by inflicting upon Neutral Nations, or rather upon the United States, the only Neutral Nation, Injuries infinitely more severe and extensive than it was in the Power of France to inflict, you embarrassed and confounded, and rendered impracticable that very Resistance

which you demanded of us ; that my Proposal destroyed all imaginable Motives for continuing, whatever might have been the Motives for adopting, this new Scheme of Warfare ; that it enabled you to withdraw with Dignity, and even with Advantage, what should not have come between France and us ; that its necessary Tendency was to place us at Issue with that Power, or in other Words, in the precise Situation in which you have maintained we ought to be placed, if it should persist in its obnoxious Edicts ; that the Continuance of our Embargo, so modified, would be at least equivalent to your Orders, for that in their most efficient State your Orders could do no more, as regards the United States, than cut off their Trade with France and the Countries connected with her, and that our Embargo remaining as to France and those Countries would do exactly the same ; that if the two Courses were barely or even nearly upon a Level, in point of Expediency, Great Britain ought to be forward to adopt that which was consistent with the Rights and respectful to the Feelings of others ; that my Proposal, however, had powerful Recommendations, which the Orders in Council had not ; that it would re-establish, without the Hazard of any Disadvantage, before new Habits had rendered it difficult if not impossible, a Traffic which nourished your most essential Manufactures, and various other important Sources of your Prosperity ; that it would not only restore a Connection valuable in all its Views, but prepare the Way for the Return of mutual Kindness,

ness, for Adjustments greatly to be desired, and in a Word, for all those Consequences which follow in the Train of Magnanimity and Conciliation associated with Prudence and Justice.

Among the Observations intended to illustrate my Opinion of the certain probable and possible Effects of the concurrent Acts which my Proposal had in view, were those to which you allude in the 6th Paragraph of your Letter; having stated that renewed commercial Intercourse between Great Britain and the United States would be the first Effect, I remarked in the Progress of the Conversation, that the Edicts of France could not prevent that Intercourse, even if France should adhere to them, although Great Britain by her superior naval Means might be able to prevent the Reverse of it; that the Power of France upon the Seas was in no degree adequate to such a Purpose, and if it were otherwise, that it was not to be supposed that the United States, resuming their lawful Commerce with this Country after a Recall of the British Orders in Council, would take no Measures against systematic Interruptions of that Commerce by Force and Violence, if such should be attempted.

If, when I was honoured with the different Interviews before-mentioned, I have been able to conjecture the Nature of the Arguments which were to have an Influence against my Proposal, as I now find them stated in your Answer to my Note, I should probably

have ventured to suggest, in addition to the Remarks actually submitted to your Consideration, that if the Blockade of the European Continent by France, and the Powers subservient to or in Combination with her, to which your Orders, as a temperate but determined Retaliation, were opposed, has been raised even before it had been well established, and if that System so opposed, of which Extent and Continuity were the vital Principles, has been broken up into Fragments utterly harmless and contemptible, there seems scarcely to be left, in your own View of the Subject, any intelligible Justification for Perseverance in such of the retaliatory Measures of Great Britain as operate through the acknowledged Rights of a Power confessedly no Party to that Combination, and ready to fulfil her fair neutral Obligations if you will suffer her to do so. Under such Circumstances, to abandon what is admitted to have lost its only legitimate Object, is not Concession, it is simple Justice. To France, indeed, it might be Concession; but it is not France, it is the Government of America, neither subservient to France nor combined with France, a third Party, whose Rights and Interests your Orders deeply affect, without any adequate Necessity, according to your own shewing, that requires their Recal; and that too upon Terms which cannot but promote the declared Purposes of these Orders, if any remain to be promoted. I say, without any adequate Necessity, according to your own shewing; for I am persuaded, Sir, you do not mean to tell us, as
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upon a hasty Perusal of your Answer to my Note might be imagined, that those Rights and Interests are to be set at nought ; lest a Doubt should remain to distant Times of the Determination and the Ability of Great Britain to have continued her Resistance, or that your Orders may indefinitely give a new Law to the Ocean, lest the Motive to their repeal should be mistaken by your Enemy ; if this might indeed be so, you will, perhaps, permit me to say, that highly as we may be disposed to prize the firm Attitude and vast Means of your Country at this eventful Moment, it would possibly suggest to some Minds a reluctant Doubt on the Subject of your Observation, that the Strength and Power of Great Britain are not for herself only but for the World.

I might also have been led to intimate, that my Proposal could apparently lose nothing by admitting that, “ by some unfortunate Concurrence of Circumstances, without any hostile Intention, the American Embargo did come in aid of the” beforementioned “ Blockade of the European Continent, precisely at the very Moment when, if that Blockade could have succeeded at all, this Intention of the American Government would most effectually have contributed to its Success.” Yet I should probably have thought myself bound to remind you, that, whatever may be the Truth of this Speculation, the same Embargo withheld our Tonnage and our Productions from that Communication

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with

with the Colonies of your Enemies and with the European Continent, which you had asserted your Right to prevent; which, as a direct Communication (with the Continent) you had in fact prohibited; which, even through British Ports, or in other qualified Forms, you had professed to tolerate, not as that which could be claimed, but as an Indulgence that could at any Time be withdrawn: which, as a Traffic for the United States to engage in, you had at least discouraged, not only by Checks and Difficulties in the Way of its Prosecution, but by manifesting your Intentions to mould it into all the Shapes which the belligerent, fiscal, or other peculiar Policy of Great Britain might require and to subject it to the exclusive Jurisdiction of her municipal Code, armed with all the Prerogatives of that universal Law to which Nations are accustomed to look for the Rights of Neutral Commerce.

In giving an Account of our second Conference, you say, that though not stating myself to be authorized by my Government formally to offer the Suspension of the Embargo as an immediate Consequence of the Repeal of the Orders in Council, yet I did profess my Readiness to take upon myself to make that Offer, provided that you would give me before-hand an unofficial Assurance, that coupled with that Offer so made, the Demand of the Repeal of the Orders would be favourably received; that you of course declined to give any such previous Assurance; but, as I appeared to attach great Importance

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ance to this Suggestion, and you were led to think that a Compliance with it might relieve me from a Difficulty in executing the Instructions of my Government, you consented to take a few Days to consider of it, and to reserve your definitive Answer until you should see me again. You then observe, that you never doubted in your own Mind as to the Inexpediency and Impropriety of encouraging me to take an unauthorized Step by an un-official Promise that it should be well received. I am sure you did not, Sir ; but I must take the Liberty to say, that I am equally sure that I never thought of asking you to give me Encouragement to take an unauthorized Step of any Kind. I am, indeed, truly mortified that my Conduct has appeared to you in that Light ; and I should not be readily consoled, if I did not reflect that in condescending to listen even for a Moment, to what must have struck you as an Irregularity, as vain and nugatory in its Purpose as reprehensible in its Principle, you must at least have given me Credit for good Intentions, and for a strong Desire sincerely felt, although erroneously obeyed, that our Countries should find themselves in that relative Position which suits the Interests and tends to the Happiness of both.

When I professed a Readiness to make my Proposal in Writing, it was, as you state, provisionally ; but I did not intimate that I was acting without Authority, nor did I comprehend that such was, as I now know it to have been, your Impression. The
provisional

provisional Nature of my Offer arose out of Circumstances, and was afterwards pressed upon Conviction, that if it was meant to adopt the Views of the President nothing more could be necessary. I understood you to be desirous of ascertaining whether I was empowered and disposed, with a View to a final Arrangement, to present what I had suggested in a written Form, as an Overture originating with my Government. I said, of course, that every Thing being first matured, a Note should be presented, but that I would, with your Permission, take a little Time to consider of the Manner and Terms. I did not at that Time suppose that we were conversing about a written Proposal, which was to be made only to be rejected, or even for the Purpose of Deliberation, and consequently in professing my Willingness to make it as soon as we were prepared for it, I presumed that I had done all that you desired ; and I was confirmed in this Opinion, not only by your saying Nothing, as I supposed, to the contrary, but by your requesting me, as I was about to leave the Room, to employ myself before the next Interview upon such a Note as we had been talking of ; and then retracting that Request by observing, that I would doubtless first desire to know what were your Ideas and Intentions upon the Subject, of it, with which I was given to understand I should be made acquainted at another Conference.

At the Third Interview, after speaking of a Transaction upon the Lakes, of which your Traders complained,

complained, and of another Occurrence in the Bay of Passamaguddy, you observed that you had thought loud and anxiously upon what I had suggested to you; that the Subject had at first struck you as being much more simple than upon careful Examination it had been found to be; that in the actual State of the World it behoved both you and me to move in this Affair with every possible Degree of Circumspection; that without some explicit Proposal on my Part in Writing, upon which the British Government could deliberate and act, nothing could be done; and finally, that you must leave me to consult my own Discretion whether I would make such a Proposal.

It appeared to me, that if this Determination should be persisted in, my Overture was not likely to be successful, and I urged accordingly the Propriety of going on in a Course which would lead us to a better Issue; that Course was, that we should understand one another as to our respective Views, and that a concise Note, which I had in fact prepared since the last Meeting, should then be presented and acted upon. You informed me, that my Wish in this Particular could not be acceded to; that if I presented a Note you must be left at perfect Liberty to decide upon what it proposed; that you could not give me even an Intimation of the probable Consequences of it; and in a Word, that you would neither invite nor discourage such a Proceeding. You added, that there were some Points belonging
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to the Subject which it would be proper to discuss in Writing, One of which was, the Connection between our Embargo, and your Orders of November, supposed to be implied by my Proposal; I remarked, that with an actual Result in View, and with a Wish to arrive at that Result without Delay, it could not be advisable to entangle ourselves in a written Correspondence, undefined as to its Scope and Duration, upon Topics upon which we were not likely to agree; and that if I were to frame my Note with a Knowledge that it was to provoke Argument, instead of leading at this Crisis to a salutary Change in the State of the World, you must be conscious that I too must argue;—and where would this end? To what wholesome Consequence would it conduct us?—At the Close of the Interview I observed, that as the Footing upon which the Subject was now placed, made Delay of no Importance, I should take Time to prepare such farther Proceeding as the Occasion required.

On the 26th of August, I had the Honour to see you again; and after entering more at large than I had before believed to be proper, into a Consideration of the Effect of my Proposal on the Equity of adhering to your Orders in Council; and after reading to you Part of my Instructions, I delivered an official Note, in which the Proposal was made in the Form required.

Something was said at this Interview of the Affair of the Chesapeake, and the President's Proclamation, which

which it is not, I presume, necessary to repeat ; it will be sufficient to state, that you asked me what was to be done with these Subjects? And that my Reply was, that they had no Connection with the present ; but that I could say with Confidence, that my Government had every Disposition to attend to them, with a View to such an Adjustment as would be honourable to both Parties. I did not suppose that it was expected (for you did not intimate such an Expectation) that renewed Negotiation upon these Points should, as well as the Repeal, upon Terms of your Orders in Council, be invited by a formal Overture from the Government of America.

I will not trouble you with many Observations more.

You state in your Letter, that “ there was one
 “ Point upon which you were particularly anxious
 “ to receive precise Information, and upon which,
 “ from my Candour and Frankness, you were fortunate enough to obtain it.”—This was, “ Whether, in Fact, the Orders in Council of November
 “ had been known to the Government of the United
 “ States previously to the Message of the President
 “ proposing the Embargo, so as to be a moving
 “ Consideration to that Message?”—I quote this Passage, principally, that I may recal to your Recollection that my Suggestions upon the Subject of it were not made officially, or as being authorized

or

or furnished by any Communication from my Government, or in Answer to any direct Enquiries on your Part. They were very briefly made, near the Close, as I think, of our third Interview, in consequence of your Intimation (intended, perhaps, to amount to an Enquiry) that my Proposal implied that the Embargo had been produced by the Orders of November; to which you added, that this could not be admitted, and (as I comprehended what you said) that it even required to be made the Subject of some Notice of Discussion in Writing, as intimately connected with my Proposal, if it should be brought forward in that Shape. And I understood you to assign this as one of the Reasons why a written Overture was indispensable.

In replying to that Intimation, and the Remarks which followed it, I professed to speak, as I did in Fact speak, from general Information only, and disclaimed, as it was my Duty to do, all Authority to say more, upon the Nature and Origin of the Embargo, than I had some Time before communicated to you, in Obedience to the Orders of the President. The Purpose of my Observations was chiefly to shew that there was no Inducement for embarking in formal Discussions upon this Point; and I assured you that it was not in my Power, either as respected Instructions from my Government or Knowledge of Facts, to do so. My Opinion was, and I spoke accordingly, that it was one of those Questions which might be left completely at rest, without the least
Injury.

Injury to the Wisdom or the Justice of our Conclusions upon the great Object of our Conferences.

There could be no Objection, however, to my giving you on this Head such conjectural Information as I was able. On the contrary, by fully disclosing to you my own Materials for forming an Opinion upon it, you would be enabled more distinctly to see, that I could take no Part in any Discussion which you might propose to apply to it. And I could not but be assured that any Anxiety you might feel to obtain a Knowledge of the Facts in Question, sprung from Considerations which had every Claim to my Respect, for I knew that your Mind was far above the Reach of Prejudices which would ascribe the American Embargo to Participation in the Councils or Views of your Adversary, or of any Foreign Power whatsoever.

My Suggestions were to the following Effect; that I believed that no Copy of your Orders of November had arrived in the United States at the Date of the President's Message; that a recent Change in the Conduct of France to our Prejudice did appear to be known; that Intelligence had been received, and a Belief entertained, of your Intention to adopt some further Measure, as a Measure of Retaliation against France by which our Commerce and our Rights would be affected; that there was Reason to conclude that you had actually adopted such a Measure; that (as I collected from American Newspapers) this had appeared from private Letters, and the

Newspapers of this Country received in the United States some Days before the Message of the President, and probably known to the Government; that in a Word, various Information concurred to shew that our Trade was likely to be assailed by the combined Efforts of both the Belligerent Parties; and that the Embargo was a Measure of wise and peaceful Precaution, adopted under this View of reasonably anticipated Peril.

You observe, in another Part of your Letter, “ that you have always rather wished to see the “ argumentative Discussion of the Subject of the “ Orders in Council to the Official Correspondence, “ which you have more than once been taught to “ expect me to open upon it.” If I should object to any Part of this Statement, of which the Substance is undoubtedly correct, it would be to the Words “ more than once.” Your Wish has always appeared to be such as you now represent it; and you had Reason to expect that I would commence a written Discussion of the Orders of November soon after their Publication. I had told you that I should do so, and you said that there could be no Objection to it. But you were afterwards informed, that upon Reflection, I had determined to leave the Subject where it was, until I should know the Pleasure of my Government.

The Orders had been officially communicated, not to me, but to Mr. Madison through the British Minister at Washington. It seemed therefore to be
proper

proper (unless my Instructions should make it otherwise) that the View which the Government of the United States took of them should find its Way to you through the same Channel; and accordingly, the Letters of Mr. Madison, to which I have referred in my Note of the 23d of August, did open at great Length a Discussion which I could have no Inducement to share, although I did not continue to think myself authorized to commence it.

It only remains to add, that your Share in our several Conversations was what you represent it to have been, not considerable, and that your Manner, although reserved, was as it always is, perfectly friendly.

I need not say, that if in this Letter, written under the Influence of sincere Concern that the Proposal I had the Honour to lay before you has been unsuccessful, any Thing is to be found which you could wish to be otherwise than it is, I shall be the first to regret that I have not been able to do Justice to my own Feelings and Intentions.

I have the Honour, &c.

(Signed) *Wm. Pinkney.*

No. 3.

COPY of a Letter from Mr. Secretary
Canning to Mr. Pinkney; dated Novem-
ber 22d, 1808.

Sir, Foreign Office, Nov. 22d, 1808.

I REGRET exceedingly that an unusual and un-
intermitting Pressure of official Business has pre-
vented me from finding an earlier Opportunity to
reply to your Letter of the 10th of last Month.

The Observations which I have to offer upon
some Parts of that Letter are not, indeed, of such a
Nature as to make it Matter of any great Impor-
tance whether you receive them a Week sooner or
later, as they refer less to any Point of Public
Interest to our two Governments than to what has
passed, personally, between ourselves.

But I should have been much mortified if you
could have been led to believe me deficient in At-
tention to you; the Manner as well as the Sub-
stance of the Communication which I have had the
Honour to receive from you, entitling it to the most
prompt and candid Consideration.

Your understanding of the Motives which in-
duced me to accompany my official Note of the
23d of September, with my Letter of the same
Date,

Date, is so far imperfect as that you seem to imagine that the Wish to guard against Misrepresentation was the only Motive which induced me to write that Letter ; and that, from that Motive alone I should, in any Case, have troubled you with it :—Whereas I must have expressed myself very incorrectly indeed, if I did not convey to you the Assurance, that if what passed between us in Conversation had not been referred to by you in your official Letter of the 23d. of August, I certainly should not have thought it necessary or proper to preserve any written Record of your verbal communications, which I understood at the Time to be confidential, and which I certainly was so far from attempting or intending to “ discountenance,” that I have no Doubt but I expressed myself, as you say I did, in Favour of “ the Course which you adopted, as well suited to the “ Occasion.” But you state at the same Time, most correctly, that it was a “ preparatory” course, that I understood and encouraged this verbal and confidential Communication. I never did nor could understand it as being intended to supersede or supply the Place of an official Overture. I never did nor could suppose that the Overture of your Government, and the Answer of the British Government to it, were intended to be entrusted solely to our respective Recollections. Accordingly, when the Period arrived at which you appeared to be prepared to bring forward an official Proposal, I did, no Doubt, express my Expectation that I should receive that Proposal in Writing.

It is highly probable that I did not (as you say I did not) assign to you as the Motive of the With which I then expressed, my Persuasion that written Communications are less liable to mistake than verbal ones, because that Consideration is sufficiently obvious, and because the whole Course and Practice of Office is in that Respect so established and invariable, that I really could not have supposed the Assignment of any specific Motive to be necessary to account for my requiring a written Statement of your Proposals previous to my returning an official Answer to them.

I had taken for granted all along that such would, and such must be the ultimate Proceeding on your Part however you might wish to prepare the Way for it by Preliminary Conversations.

In framing your Note, I did not pretend to anticipate how much of what had been stated by you in our several Conferences, you would think it proper to repeat in Writing. But whatever the Tenor of your Note had been, I should have felt it Right to conform strictly to it, in the official Answer; avoiding any Reference to any Part of your verbal Communications, except such as by repeating them in Writing, I should see that it was your Intention to record as official.

I confess, however, I was not prepared for the mixed Course which you actually did adopt; I am persuaded (I am sincerely persuaded) without any
Intention

Intention of creating Embarrassment; that of referring generally to what had passed in our Conferences, as illustrative of your official Proposition, and as tending to support and to recommend it, but without specifying the particular Points to which such Reference was intended to apply; a Course which appeared at first Sight to leave me no Choice except between the two Alternatives, of either recapitulating the Whole of what you had stated in Conversation, for the Purpose of comprehending it in the Answer, or of confining myself to your written Note, at the Hazard of being suspected of suppressing the most material Part of your Statements.

The Expedient to which I had Recourse of accompanying my official Note with a separate Letter, stating, to the best of my Recollection, the Substance of what I had heard from you in Conversation, appeared to me, after much Deliberation, to be the most respectful to you.

Such having been the Motives which dictated my Letter, I cannot regret that it was written; since it has produced, at a Period so little distant from the Transaction itself, an Opportunity of comparing the Impressions left on our Minds respectively of what passed in our several Conferences, and of correcting any erroneous Impression on either Side.

There are two Points in which our Recollections do appear to differ in some Degree.

The first relates to the Authority which you had, and that which I understood you to state yourself to have at the Time of our first Conference, for bringing forward a direct Overture in the Name of your Government ; the second to the Expectation which I stated myself to have entertained " more than once," of your opening an official Correspondence on the Subject of the Orders in Council.

With respect to the first Point, you will give me Credit when I assure you, that my Understanding of what was said by you not only in our first, but in our second Conference, was precisely what I have stated it to be in my Letter ; and you will (I hope) forgive me, if, after the most attentive Perusal of your Letter of the 10th of October, and after a careful Comparison of different Passages in it, while I am compelled by your Assurance to acknowledge that I must have misapprehended you, I find Grounds in your Statement to excuse, if not to account for, my Misapprehension.

According to your Recollection, you told me explicitly in our first Conference, " that the Substance of what you then suggested, that is to say, " that our Orders being repealed as to the United States, the United States would suspend the Embargo as to Great Britain, was from your Government : that the Manner of conducting and illustrating the Subject (upon which you had no precise Orders) was your own ;" and you even
quoted

quoted Part of your Instructions to me, which was to that Effect.

In a subsequent Paragraph you state, that “ nothing can be more correct than my Apprehension that you did not make, nor profess to intend making an Overture in Writing, before you had endeavoured to prepare for it such a Reception as you felt it deserved, and before you could ascertain what Shape it would be most proper to give to that Overture, and how it would be met by the British Government.”

And in another Part of your Letter, you admit, that “ when you expressed your Readiness to make your Proposal in Writing it was (as I have stated) *provisionally* ;” and you inform me “ that the provisional Nature of your Offer arose out of Circumstances ;” the Nature of which Circumstances you do not explain, nor have I any Right to require such an Explanation.

But comparing the several Statements together, seeing that in our first Interview you declared no Intention of making a Proposal in Writing ; that in our second Interview (a Month or five Weeks afterwards) you described that Intention as “ provisional” and contingent ; and protesting at the same Time (as I do in the most solemn Manner) that I cannot find any Trace in my Memory of any Communication whatever of any Part of your Instructions,

communicated to me *as such*;—feeling also that, whatever might be the Nature and Extent of your Instructions from the President of the United States, as to the Substance of the Overture to be made to the British Government, the Manner, the Time, and the Conditions of that Overture were evidently considered by you as left to your own Discretion; it surely may be pardonable in me to have mistaken (as I most unquestionably must have done) the precise Limits at which the Authority of your Government ended, and your own Discretion began; and to have imagined (what I very innocently did) that a Proposition, over which you appeared to have a Power so nearly absolute, was a Proposition in a great Measure of your own Suggestion. I do not mean that I supposed you to bring forward such a Measure without Reference to the Knowledge which you must of course have had of the general Feeling, Disposition, and Intentions of your Government, but without its specific Instructions for that Purpose at that Time.

In attributing to you this Exercise of Judgement, in Addition to the many others which it is confessed you were at Liberty to exercise, I really intended to convey no Imputation disrespectful to you; I can conceive Abundance of Cases in which it would have been not only excusable but highly meritorious.

My Mistake was at least a very harmless one, as whether the Fact were that you had no precise Authority

thority to give in an official Proposal, or that you had such an Authority, but subject to Contingencies which had not occurred, the practical Result must be of Necessity the same.

What those Contingencies might be it is not for me to enquire; but if they were of the Nature of which I now cannot but conjecture they may have been; if the Overture which you were authorized to make to the British Government, was to be shaped and timed according to the Result of any other Overture to any other Government; I am then at once able to account for these Appearances which misled me into a Belief of the Want of a precise Authority on your Part.

This Consideration leads me to the other Point on which alone there appears a Difference between us upon any Matter of Fact, but a Difference by no Means so wide as it appears.

Admitting the general Correctness of the Statement of my Expectation which I was taught to entertain, of a written Communication from you on the Subject of the Orders in Council, you add, that it was however only in November last, and immediately after the Publication of the Orders in Council, that you had directly announced to me your Intention of opening a Correspondence upon them; an Intention from which you afterwards desisted, "until you should receive the Pleasure of your Government:" The Correctness of this Statement

ment I do not dispute ; but you, I am sure will agree with me, Sir, in recollecting how many Times “ more than once,” since the Period of that first Intention of your’s being announced and withdrawn, my Expectations that you were about to “ receive the Pleasure of your Government” upon this Subject, have been excited by the Notification in America, and the Destination hither of Ships employed by the United States, as it was generally supposed, for the special Purpose of conveying Representations or Proposals from the American Government to the Governments of France and Great Britain, upon the Subject of their respective Maritime Decrees and Orders.

Such was the universal Belief both in America and in England, upon the Arrival of the Osage, upon that of the Hope, of the St. Michael, and of another Vessel named I think the Union. I have certainly no Right to affirm that you shared in the Expectation which so universally prevailed. I have no Right to say, that the Government of the United States designedly created that Expectation, but that it did prevail, and that I very sincerely believed it to be well founded ; you, I think, must do me the Justice to recollect ; as in one Instance at least, that of the Osage, so strong was my Persuasion that you must have received Instructions from your Government, that I took the Liberty of sending to you to enquire, whether you had not some Communication to make to me, and received for Answer that you had none.

It

It is to these Missions that I particularly referred when I said, that I had “ more than once expected you to open a Correspondence with me on the Subject of the Orders in Council.” This Expectation it was that alone prevented the sending Instructions to Mr. Erskine, to reply to the Note addressed to him by Mr. Maddison on the 25th of March, in Answer to that Note of Mr. Erskine’s in which he communicated the Orders in Council. And, in allusion to these Missions, particularly to that of the Osage, and to the Expectations which had been founded here upon the Return here of that Vessel after its Voyage to France, it was, that I made that Declaration in Parliament, which I see has been the Subject of some Misapprehension, (I will not say Misrepresentation) in America; that “ since the Termination of Mr. Rose’s Mission, the American Government had not made any Communication here in the Shape of Remonstrance, or in a Tone of Irritation.”

I am not aware, Sir, that there is any other Part of your Letter which requires that I should trouble you with many Observations.

Your Report of your Answer to the Enquiry which I took the Liberty of making, “ whether the Orders in Council of November were known to the Government of the United States, previously to the Message of the President proposing the Embargo, so as to be a moving Consideration to that Message,”

“ sage,”

“page,” does not appear to differ in any material Degree, from my Statement of it. That your Answer to such an Enquiry was official, or authorized by your Government, I did not assert nor presume. I have already said, that it was not till you had in your official Letter of the 23d of August referred to what passed in Conversation, that I should have thought any such Reference allowable on my Part; and even then, the generality of your Reference precluded me from judging correctly how much of what you had stated in Conversation was from official Authority, how much from your own personal Information or Opinion.

You inform me, that your Answer to this Question was of the latter Description only; but even if it were only from your individual Authority, it was very material, and was highly gratifying to learn that the Embargo, which had been sometimes represented both here and in America, as the direct and immediate Consequence of the Orders in Council of November, and as produced solely by them, was, in your Opinion, “a Measure of Precaution against “reasonably anticipated Peril.”

The Purpose of this Letter is not to renew the Discussion upon the Subject of your Proposal, but merely to clear up any Misunderstanding which had existed between us in the Course of that Discussion.

I cannot

I cannot conclude, however, without adverting very shortly to that Part of your Letter, in which you argue that the Failure of France in the Attempt to realize her gigantic Project of the Annihilation of the Commerce of this Country, removes all Pretext for the Continuance of the retaliatory System of Great Britain.

This Impotency of the Enemy to carry his Projects of Violence and Injustice into Execution might with more Propriety be pleaded with him as a Motive for withdrawing Decrees at once so indefensible and so little efficacious for their Purpose, than represented as creating an Obligation upon Great Britain to desist from the Measures of defensive Retaliation which those Decrees have necessarily occasioned. If the Foundation of the retaliatory System of Great Britain was (as we contend it to have been) originally just, that System will be justifiably continued in force, not so long only as the Decrees which produced it are mischievously operative, but until they are unequivocally abandoned; and if it be thus consistent with Justice to persevere in that System, it is surely no mean Motive of Policy for such Perseverance, that a premature Departure from it, while the Enemy's original Provocation remains unrepealed, might lead to false Conclusions as to the Efficacy of the Decrees of France, and might hold out a dangerous Temptation to that Power to resort to the same System on any future Occasion; a Result, which not Great Britain alone, but all
 commercial

commercial Nations are deeply interested in preventing.

I have now, Sir, only to express my Sense of the Candour and Liberality with which this Discussion has been conducted on your Part, and my Acknowledgments for the Justice which you render to my Disposition to treat you at all Times with reciprocal Respect, and to listen to you with the Attention to which, personally as well as officially, you have every Claim.

I cannot forego the Hope, that it may yet fall to our Lot to be instrumental in the Renewal of that good Understanding between our Two Governments which is as congenial to the Feelings as it is essential to the Interests of both Countries; which nothing but the forced and unnatural State of the World could have interrupted; and which there is, on the Part of the British Government, the most anxious and unabated Desire to restore.

I have the Honour to be, &c.

(Signed) *George Canning.*

William Pinkney Esquire,
&c. &c. &c.

No. 4.

COPY of a Letter from Mr. Pinkney
to Mr. Secretary Canning, dated No-
vember 28th, 1808.

Great Cumberland Place,

Sir,

Nov. 28th, 1808.

I HAVE had the Honour to receive your Letter of
the 22d Instant, and to transmit a Copy of it
to my Government.

Without desiring to protract a Discussion, in the
Conduct of which neither your Sincerity nor mine
will I feel assured be doubted by any one, I may be
permitted to say that the Authority under which I
acted in our late Communications was not contin-
gent, as you now appear to conjecture; and that the
Remark contained in my Letter of the 10th of Oc-
tober, "that the provisional Nature of my Offer to
"make my Proposal in Writing, arose out of Cir-
"cumstances," will be found explained in the
same Letter by Passages which immediately follow
the Remark.

I have said in my Letter of the 10th of October,
that "I had no precise Instructions" as to the
"Manner of conducting and illustrating the Sub-
"ject" confided to my Management; but you will
suffer

suffer me to enter my friendly Protest against all Suppositions that " the Manner, the Time, and the " Conditions of the Overture" were " left to my " own Discretion;" that I had a Power " nearly " absolute" over it; or that it was " in a great " Measure of my own Suggestion."

I will trouble you no farther, Sir, on this Occasion, than to assure you, that nothing could give me more sincere Pleasure than to see fulfilled the Hope which you express, that it may yet fall to our Lot to be instrumental in the Renewal of good Understanding between our Governments.

I have the Honour to be, &c.

(Signed) *Wm. Pinckney.*

INSTRUCTIONS

TO

The Honourable David M. Erskine,

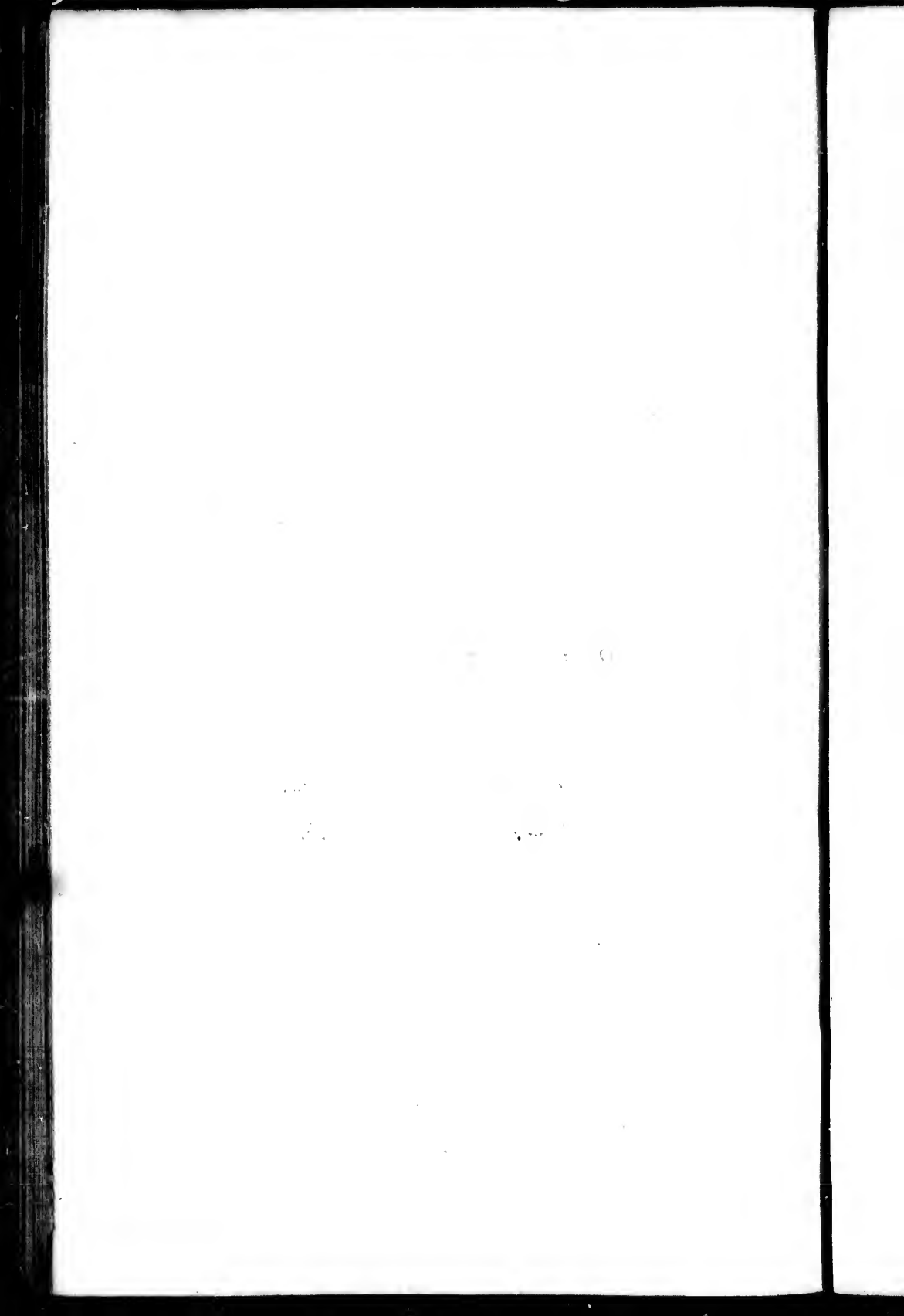
AND

CORRESPONDENCE

BETWEEN

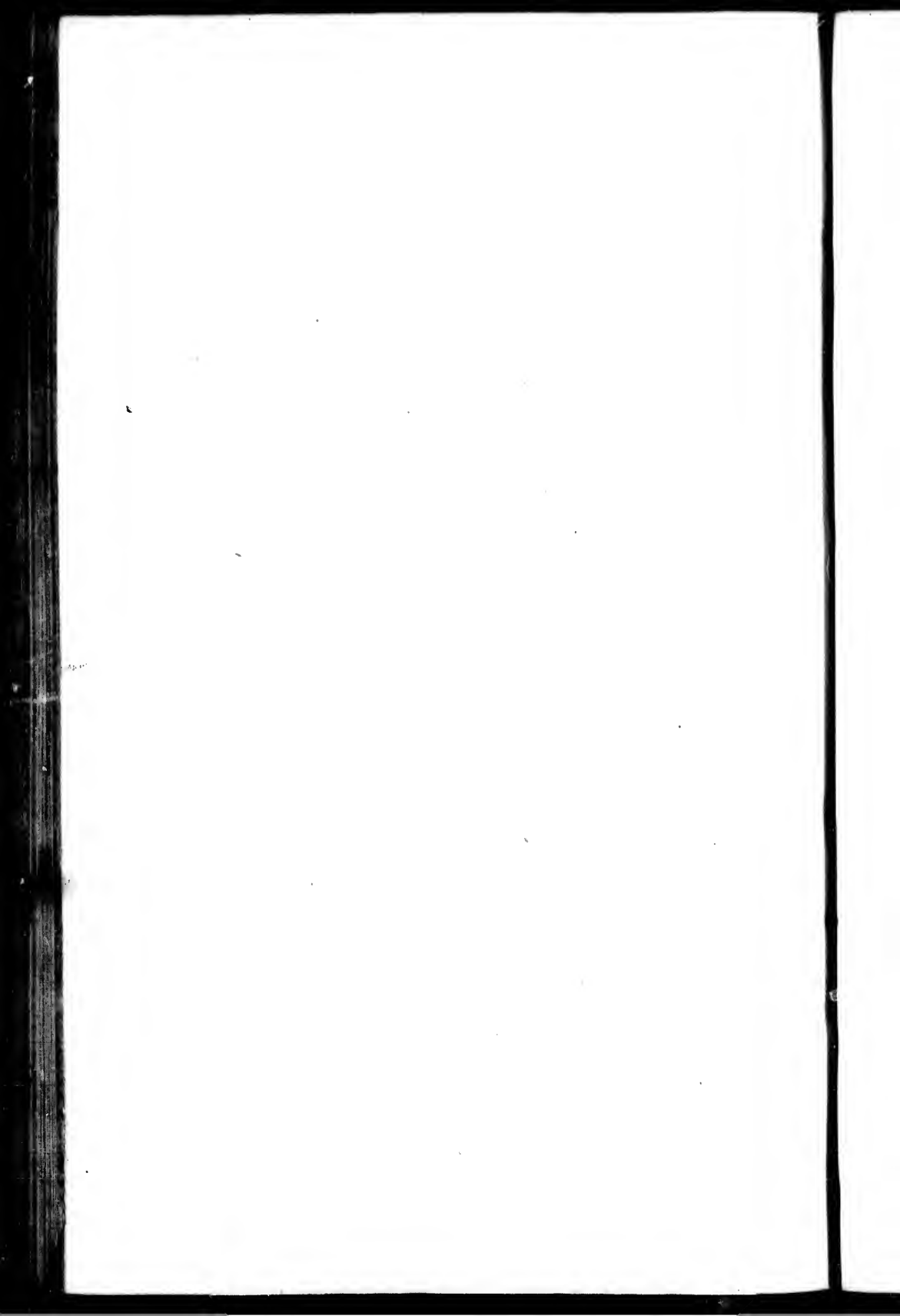
The Honourable David M. Erskine,

And the Honourable Robert Smith.



LIST OF PAPERS.

- No. 1. COPY of a Dispatch from Mr. Secretary Canning to the Honourable D. M. Erskine, dated Foreign Office, January 23d, 1809.
- No. 2. Copy of a Letter from the Honourable D. M. Erskine to the Honourable Robert Smith, dated Washington, April 17th, 1809.
- No. 3. Copy of a Letter from the Honourable Robert Smith to the Honourable D. M. Erskine, dated Department of State, April 17th, 1809.
- No. 4. Copy of a Letter from the Honourable D. M. Erskine to the Honourable Robert Smith, dated Washington, April 18th, 1809.
- No. 5. Copy of a Letter from the Honourable Robert Smith to the Honourable D. M. Erskine, dated Department of State, April 18th, 1809.
- No. 6. Copy of a Letter from the Honourable D. M. Erskine to the Honourable Robert Smith, dated Washington, April 19th, 1809.
- No. 7. Copy of a Letter from the Honourable Robert Smith to the Honourable D. M. Erskine, dated Department of State, April 19th, 1809.



P A P E R S.

No. 1.

COPY of a Dispatch from Mr. Secretary
Canning to the Honourable D. M.
Erskine ; dated Foreign Office, 23d Ja-
nuary 1809.

Sir,

IF there really exist in those Individuals who are
to have a leading Share in the new Administra-
tion of the United States, that Disposition to come
to a complete and cordial Understanding with
Great Britain, of which you have received from
them such positive Assurances ; in meeting that Dis-
position, it would be usefess and unprofitable to re-
cur to a Recapitulation of the Causes from which
the Differences between the two Governments have
arisen, or of the Arguments already so often repeated
in support of that System of Retaliation to which
His Majesty has unwillingly had Recourse.

That System His Majesty must unquestionably
continue to maintain, unless the Object of it can be
otherwise accomplished.

But after the Profession on the Part of so many of the leading Members of the Government of the United States, of a sincere Desire to contribute to that Object in a Manner which should render the Continuance of the System adopted by the British Government unnecessary, it is thought Right that a fair Opportunity should be afforded to the American Government to explain its Meaning, and to give Proof of its Sincerity.

The Extension of the Interdiction of the American Harbours to the Ships of War of France as well as of Great Britain, is, as stated in my former Dispatch, an acceptable Symptom of a System of Impartiality towards both Belligerents; the first that has been publicly manifested by the American Government.

The like Extension of the Non-importation Act to other Belligerents is equally proper in this View. These Measures remove those preliminary Objections, which must otherwise have precluded any useful or amicable Discussion.

In this State of Things, it is possible for Great Britain to entertain Propositions, which, while such manifest Partiality was shewn to her Enemies, were not consistent either with her Dignity or her Interest.

From the Report of your Conversations with Mr. Madison, Mr. Gallatin, and Mr. Smith, it appears;—

1st.

1st.—That the American Government is prepared, in the Event of His Majesty's consenting to withdraw the Orders in Council of January and November 1807, to withdraw contemporaneously on its Part the Interdiction of its Harbours to Ships of War, and all Non-intercourse and Non-importation Acts, so far as respects Great Britain: leaving them in Force with respect to France, and the Powers which adopt or act under her Decrees; —

2dly. (What is of the utmost Importance, as precluding a new Source of Misunderstanding, which might arise after the Adjustment of the other Questions), That America is willing to renounce, during the present War, the Pretension of carrying on in Time of War all Trade with the Enemy's Colonies, from which she was excluded during Peace; —

3dly. Great Britain, for the Purpose of securing the Operation of the Embargo, and of the bonâ fide Intention of America to prevent her Citizens from trading with France, and the Powers adopting and acting under the French Decrees, is to be considered as being at Liberty to capture all such American Vessels as may be found attempting to trade with the Ports of any of these Powers; without which Security for the Observance of the Embargo, the raising it nominally with respect to Great Britain alone, would, in Fact, raise it with respect to all the World.

On these Conditions His Majesty would consent to withdraw the Orders in Council of January and November 1807, so far as respects America.

As the First and Second of these Conditions are the Suggestions of the Persons in Authority in America to you, and as Mr. Pinkney has recently (but for the first Time) expressed to me his Opinion, that there will be no Indisposition on the Part of his Government to the Enforcement by the Naval Power of Great Britain of the Regulations of America with respect to France, and the Countries to which these Regulations continue to apply, but that his Government was itself aware, that without such Enforcement those Regulations must be altogether Nugatory; I flatter myself that there will be no Difficulty in obtaining a distinct and official Recognition of these Conditions from the American Government.

For this Purpose you are at Liberty to communicate this Dispatch *in extenso* to the American Secretary of State.

Upon receiving through you, on the Part of the American Government, a distinct and official Recognition of the Three above-mentioned Conditions, His Majesty will lose no Time in sending to America a Minister fully empowered to consign them to a formal and regular Treaty.

As, however, it is possible that the Delay which must intervene before the actual Conclusion of a Treaty may appear to the American Government to deprive this Arrangement of Part of its Benefits, I

am to authorize you, if the American Government should be desirous of acting upon the Agreement before it is reduced into a regular Forum, (either by the immediate Repeal of the Embargo, and the other Acts in Question, or by engaging to repeal them on a particular Day) to assure the American Government of His Majesty's Readiness to meet such a Disposition in the Manner best calculated to give it immediate Effect.

Upon the Receipt here of an official Note, containing an Engagement for the Adoption by the American Government of the Three Conditions above specified, His Majesty will be prepared, on the Faith of such Engagement, either immediately (if the Repeal shall have been immediate in America) or on any Day specified by the American Government for that Repeal, reciprocally to recal the Orders in Council, without waiting for the Conclusion of the Treaty; and you are authorized, in the Circumstances herein described, to take such reciprocal Engagement on His Majesty's Behalf.

I am, &c.

(Signed) *George Canning.*

No. 2.

COPY of a Note from Mr. Erskine to the Secretary of State of the United States ; dated Washington, April 17th, 1809.

Sir,

I HAVE the Honour to inform you, that I have received His Majesty's Commands to represent to the Government of the United States, that His Majesty is animated by the most sincere Desire for an Adjustment of the Differences which have unhappily so long prevailed between the two Countries, the Recapitulation of which might have a Tendency to impede, if not to prevent, an amicable Understanding.

It having been represented to His Majesty's Government, that the Congress of the United States, in their Proceedings at the opening of the last Session, had evinced an Intention of passing certain Laws which would place the Relations of Great Britain with the United States upon an equal Footing, in all Respects, with the other Belligerent Powers, I have accordingly received His Majesty's Commands, in the Event of such Laws taking place, to offer on the Part of His Majesty, an honourable Reparation for the Aggression committed by a British Naval Officer in the Attack on the United States Frigate, the *Chefapeake*.

Considering

Considering the Act passed by the Congress of the United States, on the First of March (usually termed the Non-intercourse Act) as having produced a State of Equality in the Relations of the two Belligerent Powers, with respect to the United States, I have to submit, conformably to my Instructions, for the Consideration of the American Government, such Terms of Satisfaction and Reparation as His Majesty is induced to believe will be accepted in the same Spirit of Conciliation with which they are proposed.

In addition to the prompt Disavowal made by His Majesty, on being apprised of the unauthorized Act committed by His Naval Officer, whose Recall, as a Mark of the King's Displeasure, from an highly important and honourable Command, immediately ensued, His Majesty is willing to restore the Men forcibly taken out of the Chesapeake, and, if acceptable to the American Government, to make a suitable Provision for the unfortunate Sufferers on that Occasion.

I have the Honour to be, &c.

(Signed) *D. M. Erskine.*

No. 3.

COPY of a Letter from the Secretary of State of the United States to the Honourable D. M. Erskine;—dated Department of State, April 17th, 1809.

Sir,

I HAVE laid before the President your Note, in which you have, in the Name and by the Order of His Britannic Majesty, declared that His Britannic Majesty is desirous of making an honourable Reparation for the Aggression committed by a British Naval Officer in the Attack on the United States Frigate the Chesapeake; that in addition to this prompt Disavowal of the Act, His Majesty, as a Mark of his Displeasure, did immediately recal the offending Officer from an highly important and honourable Command; and that He is willing to restore the Men forcibly taken out of the Chesapeake, and, if acceptable to the American Government, to make a suitable Provision for the unfortunate Sufferers on that Occasion.

The Government of the United States, having, at all Times, entertained a sincere Desire for an Adjustment of the Differences which have so long and so unhappily subsisted between the two Countries, the President cannot but receive with Pleasure, Assurances that His Britannic Majesty is actuated by the same Disposition, and that he is ready, in Conformity
to

to this Disposition, to make Atonement for the Insult and Aggression committed by one of His Naval Officers, in the Attack on the United States Frigate the Chesapeake.

As it appears at the same Time, that in making this Offer, His Britannic Majesty derives a Motive from the Equality now existing in the Relations of the United States with the Two Belligerent Powers, the President owes it to the Occasion, and to himself, to let it be understood, that this Equality is a Result incident to a State of Things growing out of distinct Considerations.

With this Explanation, as requisite as it is frank, I am authorized to inform you, that the President accepts the Note delivered by you, in the Name and by the Order of His Britannic Majesty; and will consider the same with the Engagement therein, when fulfilled, as a Satisfaction for the Insult and Injury of which he has complained.—But I have it in express Charge from the President to state, that, while he forbears to insist on a further Punishment of the offending Officer, he is not the less sensible of the Justice and Utility of such an Example, nor the less persuaded that it would best comport with what is due from His Britannic Majesty to his own Honour.

I have, &c. &c.

(Signed) *R. Smith.*

The Honourable David Montague Erskine,
&c. &c.

No. 4.

COPY of a Letter from Mr. Erskine to
Mr. Smith, dated Washington, April
18th, 1809.

Sir,

I HAVE the Honour of informing you, that His Majesty having been persuaded that the honourable Reparation which he had caused to be tendered for the unauthorized Attack on the American Frigate Chesapeake would be accepted by the Government of the United States in the same Spirit of Conciliation with which it was proposed, has instructed me to express His Satisfaction should such a happy Termination of that Affair take place, not only as having removed a painful Cause of Difference, but as affording a fair Prospect of a complete and cordial Understanding being established between the Two Countries.

The favourable Change in the Relations of His Majesty with the United States, which has been produced by the Act (usually termed the Non-intercourse Act) passed in the last Session of Congress, was also anticipated by His Majesty, and has encouraged a further Hope that a Reconsideration of the existing Differences might lead to their satisfactory Adjustment.

On

On these Grounds and Expectations I am instructed to communicate to the American Government His Majesty's Determination of sending to the United States an Envoy invested with full Powers to conclude a Treaty on all the Points of the Relations between the Two Countries.

In the mean Time, with a View to contribute to the Attainment of so desirable an Object, His Majesty would be willing to withdraw His Orders in Council of January and November 1807, so far as respects the United States, in the Persuasion that the President would issue a Proclamation for the Renewal of the Intercourse with Great Britain; and that whatever Difference of Opinion should arise in the Interpretation of the Terms of such an Agreement, will be removed in the present Negotiation.

I have the Honour to be, &c.

(Signed) *D. M. Erskine.*

The Hon. Rob. Smith.

No. 5.

COPY of a Letter from Mr. Smith to the Honourable D. M. Erskine; dated Department of State, 18th April 1809.

SIR,

THE Note, which I had the Honour of receiving from you this Day, I lost no Time in laying before the President, who, being sincerely desirous of a satisfactory Adjustment of the Differences unhappily subsisting between Great Britain and the United States, has authorized me to assure you, that he will meet, with a Disposition correspondent with that of His Britannic Majesty, the Determination of His Majesty to send to the United States a Special Envoy, invested with full Powers to conclude a Treaty on all the Points of the Relations between the Two Countries.

I am further authorized to assure you, that in case His Britannic Majesty should, in the mean Time, withdraw His Orders in Council of January and November 1807, so far as respects the United States, the President will not fail to issue a Proclamation, by virtue of the Authority and for the Purposes specified in the Eleventh Section of the Statute commonly called the Non-Intercourse Act.

I have the Honour to be,

Sir, &c.

(Signed)

R. Smith.

No. 6.

COPY of a Letter from Mr. Erskine to
Mr. Smith, dated Washington, April 19,
1809.

Sir,

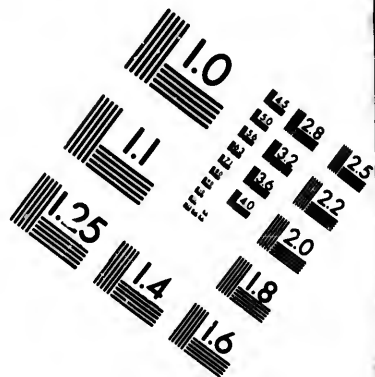
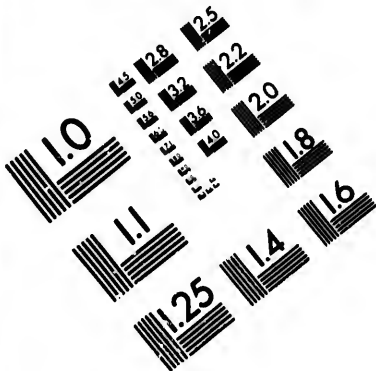
IN consequence of the Acceptance by the President, as stated in your Letter dated the 18th Instant, of the Proposals made by me on the Part of His Majesty, in my Letter of the same Day, for the Renewal of the Intercourse between the respective Countries, I am authorized to declare that His Majesty's Orders in Council of January and November 1807, will have been withdrawn, so far as respects the United States, on the 10th Day of June next.

I have the Honour to be, &c.

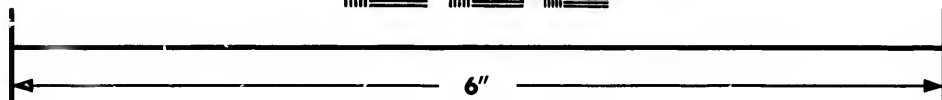
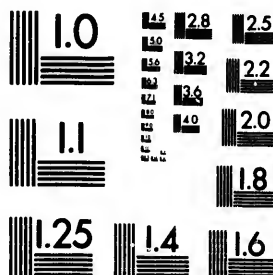
(Signed) *D. M. Erskine.*

The Honourable Robert Smith,
&c. &c. &c.





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N^o. 7.

COPY of a Letter from the Honourable
Robert Smith to the Honourable D. M.
Erskine;—dated Department of State,
April 19th, 1809.

Sir,

HAVING laid before the President your Note of
this Day, containing an Assurance that His
Britannic Majesty will, on the 10th of June next,
have withdrawn His Orders in Council of January
and November 1807. so far as respects the United
States, I have the Honour of informing you, that
the President will accordingly, and in pursuance of
the Eleventh Section of the Statute commonly called
the Non-intercourse Act, issue a Proclamation, so that
the Trade of the United States with Great Britain
may on the same Day be renewed, in the Manner
provided in the said Section.

I have the Honour to be, &c.

(Signed) *R. Smith.*

The Honourable D. M. Erskine,
&c. &c. &c.



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