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Congress of the United States.

INSTRUCTIONS, (CONCLUDED.)

Extract of a letter from the Secretary of State to the Commissioners of the United States, for treating of peace with Great Britain, dated Department of State, June 25, 1814.

"An opportunity offering, I avail myself of it to explain more fully the views of the President on certain subjects already treated on in your instructions, and to communicate his sentiments on some others, not adverted to in them.

"The British government having repealed the orders in council, and the blockade of May, 1806, and all other illegal blockades, and having declared that it would institute no blockade which should not be supported by an adequate force, it was thought better to leave that question on that ground, than to continue the war to obtain a more precise definition of blockade, after the other essential cause of the war, that of impressment, should be removed. But when it is considered that a stipulated definition of blockade will cost Great Britain nothing after having thus recognized the principle, and that such definition is calculated to give additional confidence, in the future security of our commerce, it is expected that she will agree to it. It is true, this cause of war being removed, the United States are under no obligation to continue it, for the want of such stipulated definition, more especially as they retain in their hands the remedy against any new violation of their rights, whenever made.—The same remark is applicable to the case of impressment, for if the British government had issued orders to its cruizers not to impress seamen from our vessels, and notified the same to this government, that cause of war would also have been removed. In making peace it is better for both nations, that the controversy respecting the blockade, should be arranged by treaty, as well as that respecting impressment. The omission to arrange it may be productive of injury. Without a precise definition of blockade, improper pretensions might be set up on each side, respecting their rights, which might possibly hazard the future good understanding between the two countries.

"Should a restitution of territory be agreed on, it will be proper for you to make a provision for settling the boundary between the United States and Great Britain on the St. Lawrence and the lakes, from the point at which the line between them strikes the St. Lawrence, to the northwestern corner of the Lake of the Woods, according to the principles of the treaty of peace.

The settlement of this boundary is important from the circumstance that there are several islands in the river and lakes, of some extent and great value, the dominion over which is claimed by both parties. It may be an advisable course to appoint commissioners on each side, with full powers to adjust, on fair and equitable considerations, this boundary. To enable you to adopt a suitable provision for the purpose, it will be proper for you to recur to the instructions heretofore given on the subject, published in the documents in your possession."

Mr. Monroe Secretary of State to the Plenipotentiaries of the United States, at St. Petersburg. Department of State, Jan. 1st, 1814.

GENTLEMEN.—I have not received a letter from you since your appointment to meet ministers from Great Britain, at St. Petersburg, to negotiate a treaty of peace, under the mediation of the Emperor of Russia. This is doubtless owing to the miscarriage of your despatches.

The message of the President, of which I have the honor to transmit you a copy, will make you acquainted with the progress of the war with Great Britain, to that period, and the other documents which are forwarded, will communicate what has since occurred.

Among the advantages attending our success in Upper Canada was the important one of making capture of General Proctor's baggage, with all the public documents belonging to the British government in his possession. It is probable that these documents will be laid before Congress, as they are of a nature highly interesting to the public. You will understand their true character by extracts of two letters from Governor Cass, which are enclosed to you. By these it appears that the British government has exercised its influence over the Indian tribes within our limits, as well as elsewhere, in peace, for hostile purposes towards the United States; and that the Indian barbarities, since the war, were, in many instances, known to, and sanctioned by the British government.

I have the honor to be, &c. &c. &c.  
(Signed) JAMES MONROE.

Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States, at St. Petersburg. Department of State, Jan. 8th, 1814.

GENTLEMEN.—I have the honor to transmit to you a copy of a letter from Lord Castlereagh to this department, and of a note from Lord Cathcart to the Russian government, with my reply to the communication.

The arrangement of a negotiation to be held at Gottenburg, directly between the U. States and Great Britain, without the aid of the Rus-

sian mediation, makes it necessary that new commissions should be issued correspondent with it, and for this purpose that a new nomination should be made to the Senate. The president instructs me to inform you, that you will both be included in it, and that he wishes you to repair, immediately on the receipt of this, to the appointed rendezvous. It is probable the business may not be limited to yourselves on account of the great interests involved in the result. The commissions and instructions will be duly forwarded to you, as soon as the arrangements shall be finally made.

In taking leave of the Russian government you will be careful to make known to it the sensibility of the President to the friendly disposition of the Emperor, manifested by the offer of his mediation; the regret felt at its rejection by the British government; and a desire that in future the greatest confidence and cordiality, and the best understanding may prevail between the two governments.

I have the honor to be, &c. &c. &c.  
(Signed) JAMES MONROE.

Mr. Monroe, Secretary of State, to the American Plenipotentiaries at Gottenburg. Department of State, Jan. 28, 1814.

GENTLEMEN.—The British government having declined the Russian mediation, and proposed to treat directly with the United States, the President has, on due consideration, thought proper to accept the overture.—To give effect to this arrangement, it was necessary that a new commission should be formed, and for that purpose that a new nomination should be made to the Senate, by whose advice and consent this important trust is committed to you.

You will consider the instructions given to the commission to treat under the mediation of Russia, as applicable to the negotiation with which you are now charged, except as they may be modified by this letter.

I shall call your attention to the most important grounds of the controversy with Great Britain only, and make such remarks on each, and on the whole subject as have occurred since the date of the former instructions, and are deemed applicable to the present juncture, taking into view the negotiation in which you are about to engage.

On impressment, as to the right of the United States to be exempt from it, I have nothing new to add. The sentiments of the President have undergone no change on that important subject.—This degrading practice, which causes our flag must protect the crew, or the United States cannot consider themselves an independent nation. To settle this difference amicably the President is willing, as you are already informed by the former instructions, to remove all pretexts for it, to the British government, by excluding all British seamen from our vessels, and even to extend the exclusion to all British subjects, if necessary, excepting only the few already naturalized, and to stipulate likewise, the surrender of all British seamen deserting in our ports in future from British vessels, public or private. It was presumed by all dispassionate persons that the late law of Congress relative to seamen would effectually accomplish the object. But the President is willing, as you find, to prevent a possibility of failure, to go further.

Should a treaty be made, it is proper, and would have a conciliatory effect, that all our impressed seamen who may be discharged under it, should be paid for their services by the British government, for the time of their detention, the wages which they might have obtained in the merchant service of their own country.

Blockade is the subject next in point of importance, which you will have to arrange. In the instructions bearing date on the 15th of April, 1813, it was remarked, that as the British government had revoked its orders in council, and agreed that no blockade could be legal which was not supported by an adequate force, and that such adequate force should be applied to any blockade which it might hereafter institute, this cause of controversy seemed to be removed. Further reflection, however, has added great force to the expediency and importance of a precise definition of the public law on this subject. There is much cause to presume, that if the repeal of the orders in council had taken place in time to have been known here before the declaration of war, had had the effect of preventing the declaration, not only that no provision would have been obtained against impressment, but that under the name of blockade the same extent of coast would have been covered by proclamation as had been covered by the orders in council. The war, which these abuses and impressment contributed so much to produce, might possibly prevent that consequence. But it would be more satisfactory, if not more safe, to guard against it by a formal definition in the treaty. It is true, should the British government violate again the legitimate principles of blockade, in whatever terms, or under whatever pretext it might be done, the United States would have in their hands a correspondent resort; but a principle object in making peace is to prevent, by the justice and reciprocity of the conditions, a recurrence again to war, for the same cause. If the British government sincerely wishes to make a durable peace with the United States, it can have no reasonable objection to a just definition of blockade, especially as the two governments have agreed in their correspondence, in all its essential features. The instructions of the 15th of April, 1813, have stated in what manner the president is willing to arrange this difference.

On the other neutral rights, enumerated in the former instructions, I shall remark only, that the catalogue is limited in a manner to evince a spirit of accommodation; that the arrangement proposed in each instance is just in itself; that it corresponds with the general spirit of treaties between commercial powers, and that Great Britain has sanctioned it in many treaties, and gone beyond it in some.

On the claim to indemnify for spoliations, I have only to refer you to what was said in the former instructions. I have to add, that should a treaty be formed, it is just in itself, and would have a happy effect on the future relations of the two countries, if indemnity should be stipulated on each side, for the destruction of all unfortified towns, and other private property, contrary to the laws and usages of war. It is equally proper that the negroes taken from the southern states should be returned to their owners, or paid for at their full value. It is known that a shameful traffic has been carried on in the West Indies, by the sale of those persons taken by those who professed to be their deliverers. Of this fact, the proof which has reached this department shall be furnished you. If those slaves are considered as non-combatants, they ought to be restored; if, as property, they ought to be paid for. The treaty of peace contains an article, which recognises this principle.

In the view which I have taken of the conditions on which you are to insist, in the proposed negotiation, you will find, on a comparison of them with those stated in the former instructions, that there is no material difference between them, the two last mentioned claims to indemnity excepted, which have originated since the date of those instructions. The principal object of this review has been to shew, that the sentiments of the President, are the same in every instance, and that the reasons for maintaining them have become more evident and strong since the date of those instructions.

In accepting the overture of the British government to treat independently of the Russian mediation, the U. S. have acted on principles which governed them in every transaction relating to peace since the war. Had the British government accepted the Russian mediation, the U. S. would have treated for themselves, independently of any other power, and had Great Britain and them on just conditions, peace would have been the immediate result. Had she refused to accede to such conditions, and attempted to dictate others, a knowledge of the views of our powers on those points might have been useful to the U. S. In agreeing to treat directly with Great Britain, not only is no concession contemplated, on any point in controversy, but the same desire is cherished to preserve a good understanding with Russia, and other Baltic powers, as if the negotiation had taken place under the mediation of Russia.

It is probable that the British government may have declined the Russian mediation, from the apprehension of an understanding between the United States and Russia, for very different purposes from those which have been contemplated, in the hope that a much better treaty might be obtained of the United States, in a direct negotiation, than could be obtained under the Russian mediation, and with a view to profit of the concession which might thus be made by the United States in future negotiations with the Baltic powers. If this was the object of the British government, and it is not easy to conceive any other, it clearly proves the advantage to be derived in the proposed negotiation, from the aid of those powers, in securing from the British government such conditions as would be satisfactory to all parties. It would be highly honorable as well as advantageous to the United States, if the negotiation with which you are charged should terminate in such a treaty.

I have the honor to be, &c. &c. &c.  
(Signed) JAS. MONROE.

Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States, at Gottenburg. Department of State, Jan. 30, 1814.

GENTLEMEN.—In addition to the claims to indemnity, stated in your preceding instructions, I have to request your attention to the following, to which it is presumed there can be no objection.

On the declaration of war by the U. States, there happened to be, in the ordinary course of commerce, several American vessels and cargoes in the ports of Great Britain, which were seized and condemned; and in one instance, an American ship which fled from Algiers in consequence of the declaration of war by the Bey, to Gibraltar, with the American consul and some public stores on board, shared a like fate.

After the declaration of war, Congress passed an act allowing the British subjects six months, from the date of the declaration, to remove their property out of the United States, in consequence of which many vessels were removed with their cargoes. I add, with confidence, that on a liberal construction of the spirit of the law, some vessels were permitted to depart even after the expiration of the term specified in the law. I will endeavor to put in your possession a list of these cases. A general reciprocal provision, however, will be best adapted to the object in view.

I have the honor to be, &c. &c. &c.  
(Signed) JAS. MONROE.

From the Secretary of State to the Commissioners of the U. States for treating with Great Britain, dated Department of State, Feb. 10, 1814.

GENTLEMEN.—Should you conclude a treaty and not obtain a satisfactory arrangement of the neutral rights, it will be proper for you to provide that the United States shall have ad-

vantage of any stipulations more favorable to neutral nations, that may be established between Great Britain and other powers. A precedent for such a provision is found in a declaration between Great Britain and Russia, bearing date on the 8th October, 1801, explanatory of the 2d section, 3d article, of a convention concluded between them on the 5th of June of the same year.

I have the honor to be, &c. &c. &c.  
(Signed) JAS. MONROE.

Extract of a letter from the Secretary of State to the Commissioners of the United States for treating with Great Britain, dated Department of State, Feb. 14, 1814.

"I received last night your letter of the 15th October, with extracts of letters from Mr. Adams and Mr. Harris of the 22d and 23d of November.

"It appears that you had no knowledge at the date, even of the last letter, of the answer of the British government, to the offer which had been made to it, a second time, of the Russian mediation.—Hence it is to be inferred that the proposition made to this government by the Bramble was made not only without your knowledge, but without the sanction, if not without the knowledge of the Emperor.—Intelligence from other sources, strengthens this inference. If this view of the conduct of the British government is well founded, the motive for it cannot be mistaken. It may fairly be presumed that it was to prevent a good understanding and concert between the United States and Russia and Sweden, on the subject of neutral rights, in the hope that by drawing the negotiation to England, and depriving you of an opportunity of free communication with these powers, a treaty less favorable to the United States might be obtained, which might afterwards be used with advantage by Great Britain in her negotiations with those powers.

By an article in the former instructions, you were authorized in making a treaty to prevent impressment from our vessels to stipulate, provided a certain specified term could not be agreed on, that it might continue in force for the present war in Europe. At that time it seemed probable that the war might last many years. Recent appearances, however, indicate the contrary. Should peace be made in Europe, as the practical evil of which we complain in regard to impressment would cease, it is presumed that the British government would have less objection to a stipulation to forbear that practice for a specified term, than it would have, should the war continue. In concluding a peace with Great Britain, even in case of a previous general peace in Europe, it is important to the United States to obtain such a stipulation."

Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States, at Gottenburg. Department of State, 21st of March, 1814.

GENTLEMEN.—By the cartel Chauncey you will receive this, with duplicates of the commissions to treat with Great Britain; and of the instructions and other documents that were forwarded by the John Adams. This vessel is sent to guard against any accident that might attend the other.

If a satisfactory arrangement can be concluded with Great Britain, the sooner it is accomplished the happier for both countries. If such an arrangement cannot be obtained, it is important for the U. States to be acquainted with it without delay. I hope therefore, to receive from you an account of the state of the negotiation and its prospects, as soon as you may be able to communicate any thing of an interesting nature respecting them.

I have the honor to be, &c. &c. &c.  
(Signed) JAS. MONROE.

Mr. Monroe to the Envoys Extraordinary and Minister Plenipotentiary of the United States. Department of State, June 25, 1814.

GENTLEMEN.—No communication has been received from the joint mission which was appointed to meet the commissioners of the British government, at Gottenburg.—A letter from Mr. Bayard, at Amsterdam, of the 18th of March was the last from either of our commissioners. It was inferred from that letter, and other circumstances, that Mr. Bayard, Mr. Gallatin and Mr. Adams, would be in Gottenburg, and it has been understood, from other sources, that Mr. Clay and Mr. Russell had arrived there about the 15th of April. It is therefore expected that a meeting will have taken place in May, and that we shall soon be made acquainted with your sentiments of the probable result of the negotiation.

It is impossible, with the lights which have reached us, to ascertain the present disposition of the British government towards an accommodation with the United States. We think it probable that the late events in France may have had a tendency to increase its pretensions. At war with Great Britain and injured by France, the United States have sustained the attitude founded on those relations. No reliance was placed on the good offices of France in bringing the war with Great Britain to a satisfactory conclusion. Looking steadily to an honorable peace, and the ultimate attainment of justice from both powers, the President has endeavored, by a consistent and honorable policy, to take advantage of every circumstance that might promote that result. He nevertheless knew that France held a place in the political system of Europe and of the world, which as a check on England, could not fail to be useful to us. What effect the late events may have had, in these respects, is the important

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