

RALEIGH, (N. C.)

PRINTED, WEEKLY, BY ALEX. LUCAS.

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State Papers.

THE NEGOCIATION, (CONTINUED.)
No. III.

The British to the American Commissioners.
Chant, Sept. 4, 1814.

The undersigned have the honor to acknowledge the receipt of the note of the American plenipotentiaries, dated the 24th ultimo.

It is with unfeigned regret that the undersigned observe, both in the tone and substance of the whole note, so little proof of any disposition on the part of the government of the United States to enter into an amicable discussion of the several points submitted by the undersigned in their former communication. The undersigned are perfectly aware, that in bringing forward those points for consideration, and stating with so much frankness, as they did, the views with which they were proposed, they departed from the usual course of negotiation, by disclosing all the objects of their government, while those which the American government had in view were withheld; but in so doing they were principally actuated by a sincere desire of bringing the negotiation as soon as possible to a favorable termination, and in some measure by their willingness to comply with the wishes expressed by the American plenipotentiaries themselves.

It is perfectly true that the war between his majesty and the United States, was declared by the latter power upon the pretence of maritime rights alleged to be asserted by Great Britain, and disputed by the United States.

If the war thus declared by the United States had been carried on by them for objects purely of a maritime nature, or if the attack which has been made on Canada had been for the purpose of diversion, or in the way of defence against the British forces in that quarter, any question as to the boundaries of Canada might have been considered as unnecessary; but it is notorious to the whole world that the conquest of Canada, and its permanent annexation to the United States, was the declared object of the American government. If, in consequence of a different course of events on the continent of Europe, his majesty's government had been unable to reinforce the British armies in Canada, and the United States had obtained a decided superiority in that quarter, is there any person who doubts that they would have availed themselves of their situation to obtain on the side of Canada important cessions of territory, if not the entire abandonment of that country by Great Britain? Is the American government to be allowed to pursue, so far as its means will enable it, a system of acquisition and aggrandizement to the extent of annexing entire provinces to their dominions, and is his majesty to be precluded from availing himself of his means, so far as they will enable him, to retain those points which the valor of British arms may have placed in his power, because they happen to be situated within the territories allotted under former treaties to the government of the United States?

Such a principle of negotiation was never avowed at any period antecedent to that of the revolutionary government of France.

If the policy of the United States had been essentially pacific, as the American plenipotentiaries assert it ought to be, from their political institutions, from the habits of their citizens, and from the physical situation, it might not have been necessary to propose the precautionary provisions now under discussion. That, of late years at least, the American government have been influenced by a very different policy; by a spirit of aggrandizement not necessary to their own security, but increasing with the extent of their empire, has been too clearly manifested by their progressive occupation of the Indian territories; by the acquisition of Louisiana; by the more recent attempt to wrest by force of arms from a nation in amity, the two Floridas; and, lastly, by the avowed intention of permanently annexing the Canadas to the U. States.

If, then, the security of the British North American dominions requires any sacrifices on the part of the United States, they must be ascribed to the declared policy of that government in making the war not one of self-defence, nor for the redress of grievances, real or pretended, but a part of a system of conquest and aggrandizement.

The British government, in its present situation, is bound in duty to endeavor to secure its North American dominions against those attempts at conquest, which the American government have avowed to be a principle of their policy, and which as such will, undoubtedly be renewed, whenever any succeeding war between the two countries shall afford a prospect of renewing them with success.

The British plenipotentiaries proposed that the military possession of the lakes, from lake Ontario to lake superior, should be secured to Great Britain, because the command of those lakes would afford to the American government the means of commencing a war in the heart of Canada, and because the command of them, on the part of Great Britain, has been shown by

experience to be attended with no insecurity to the United States.

When the relative strength of the two powers in North America is considered, it should be recollected that the British dominions in that quarter do not contain a population of five hundred thousand souls, whereas the territory of the United States contains a population of more than seven millions; that the naval resources of the U. States are at hand for attack, and that the naval resources of Great Britain are on the other side of the Atlantic.

The military possession of those lakes is not, therefore, necessary for the protection of the U. States.

The proposal for allowing the territories on the southern banks of the lakes above mentioned to remain in the possession of the government of the United States, provided no fortifications should be erected on the shores, and no armament permitted on the waters, has been made, for the purpose of manifesting, that security and not acquisition of territory is the object of the British government, and that they have no desire to throw obstacles in the way of any commerce which the people of the United States may be desirous of carrying on upon the lakes in time of peace.

The undersigned, with the anxious wish to rectify all misunderstanding have thus more fully explained the grounds upon which they brought forward the propositions contained in their former note respecting the boundaries of the British dominions in North America.

They do not wish to insist upon them beyond what the circumstances may fairly require. They are ready, amicably, to discuss the details of them with a view to the adoption of any modifications which the American plenipotentiaries, or their government, may have to suggest, if they are not incompatible with the object itself.

With respect to the boundary of the district of Maine, and that of the North Western frontier of the U. S. the undersigned were not prepared to anticipate the objections contained in the note of the American plenipotentiaries, "that they were instructed to treat for the revision of their boundary lines," with the statement which they have subsequently made, that they had no authority to cede any part, however insignificant of the territories of the U. S. although the proposal left it open to them to demand an equivalent for such cession either in frontier or otherwise.

The American plenipotentiaries must be aware that the boundary of the district of Maine has never been correctly ascertained; that the one asserted at present by the American government, by which the direct communication between Halifax and Quebec becomes interrupted, was not in contemplation of the British plenipotentiaries, who concluded the treaty of 1783, and that the greater part of the territory in question is actually unoccupied.

The undersigned are persuaded that an arrangement on this point might be easily made, if entered into with the spirit of conciliation, without any prejudice to the interests of the district in question.

As the necessity for fixing some boundary for the north western frontier has been mutually acknowledged, a proposal for a discussion on that subject cannot be considered as a demand for a cession of territory, unless the U. S. are prepared to assert that there is no limit to their territories in that direction, and that, availing themselves of the geographical error upon which that part of the treaty of 1783 was founded, they will acknowledge no boundary whatever, then unquestionably any proposition to fix one, be it what it may, must be considered as demanding a large cession of territory from the U. S.

Is the American government prepared to assert such an unlimited right, so contrary to the evident intention of the treaty itself? Or is his majesty's government to understand that the American plenipotentiaries are willing to acknowledge the boundary from the Lake of the Woods to the Mississippi (the arrangement made by a convention in 1803, but not ratified) as that by which their government is ready to abide?

The British plenipotentiaries are instructed to accept favorably such a proposition, or to discuss any other line of boundary when may be submitted for consideration.

It is with equal astonishment and regret the undersigned find that the American plenipotentiaries have not declined signing any provisional article, by which the Indian nations who have taken part with G. Britain in the present contest may be included in the peace, and may have a boundary assigned to them, but have also thought proper to express surprize at any proposition on the subject having been advanced.

The American plenipotentiaries state, that their government could not have expected such a discussion, and appear resolved, at once, to reject any proposition on this head; representing it as a demand contrary to the acknowledged principles of public law, tantamount to a cession of one third of the territorial dominions of the U. States, and required to be admitted without discussion.

The proposition which is thus represented is, that the Indian nations, which have been during the war in alliance with Great Britain, should at its termination be included in the pacification; and, with a view to their permanent tranquility and security, that the British government is willing to take as a basis of an article on the subject of a boundary for those nations, the stipulations which the American government contracted in 1793, subject however, to modifications.

After the declaration publicly made to these Indian nations by the governor general of Canada, that Great Britain would not desert them, could the American government really persuade itself that no proposition relating to those nations would be advanced, and did lord Castlereagh's note of the 4th November, 1813, imply so great a sacrifice of honor, or exclude from discussion every subject, excepting what immediately related to the maritime questions referred to in it?

When the undersigned assured the American Plenipotentiaries of the anxious wish of the British government that the negotiation might terminate in a peace honorable to both parties, it could not have been imagined that the American plenipotentiaries would thence conclude, that his majesty's government was prepared to abandon the Indian nations to their fate, nor could it have been foreseen that the American government would have considered it as derogatory to its honor to admit a proposition by which the tranquility of those nations might be secured.

The British Plenipotentiaries have yet to learn that it is contrary to the acknowledged principles of public law to include allies in a negotiation for peace, or that it is contrary to the practice of all civilized nations to propose that a provision should be made for their future security.

The treaty of Greenville established the boundaries between the United States and the Indian nations. The American Plenipotentiaries must be aware, that the war, which has since broken out has abrogated that treaty. Is it contrary to the established principles of public law for the British government to propose, on behalf of its allies, that this treaty shall, on the pacification, be considered subject to such modifications as the case may render necessary? Or is it unreasonable to propose, that this stipulation should be amended, and that on that foundation some arrangement should be made which would provide for the existence of a neutral power between Great Britain and the United States, calculated to secure to both a longer continuance of the blessings of peace?

So far as that specific proposition respecting the Indian boundaries from being insisted upon in the note, or in the conference which preceded it, as one to be admitted without discussion, that it would have been difficult to use terms of greater attitude, or which appeared more adapted, not only not to preclude but to invite discussion.

If the basis proposed could convey away one third of the territory of the U. States, the American government itself must have conveyed it away by the Greenville treaty of 1795.

It is impossible to read that treaty without remarking how inconsistent the present pretensions of the American government are, with its preamble and provisions. The boundary line between the lands of the U. States and those of the Indian nations, is therein expressly defined. The general character of the treaty, is that of a treaty with independent nations; and the very stipulation which the American plenipotentiaries refer to, that the Indian nations should sell their lands only to the U. States, tends to prove that, but for that stipulation, the Indians had a general right to dispose of them.

The American government has now for the first time, in effect, declared that all Indian nations within its line of demarkation are its subjects, living there upon sufferance, on lands which it also claims the exclusive right of acquiring, thereby menacing the final extinction of those nations.

Against such a system, the undersigned must formally protest. The undersigned repeat, that terms on which the proposition has been made for assigning to the Indian nations some boundary, manifest no unwillingness to discuss any other proposition directed to the same object, or even a modification, of that which is offered. Great Britain is ready to enter into the same engagements with respect to the Indians living within her line of demarkation, as that which is proposed to the United States. It can, therefore, only be from a complete misapprehension of the proposition, that it can be represented as being not reciprocal. Neither can it, with any truth, be represented as contrary to the acknowledged principles of public law, as derogatory to the honor, or inconsistent with the rights of the American government, nor as a demand required to be admitted without discussion.

After this full exposition of the sentiments of his majesty's government on the points above stated, it will be for the American plenipotentiaries to determine, whether they are ready now to continue the negotiations; whether they are disposed to refer to their government for further instructions; or, lastly, whether they will take upon themselves the responsibility of breaking off the negotiation altogether.

The undersigned request the American plenipotentiaries to accept the assurance of their high consideration.

No. IV.

The American to the British Commissioners.

Chant, September 9th, 1814.

The undersigned had the honor to receive the note of his Britannic majesty's Plenipotentiaries, dated the 4th inst. In the tone or substance of the former note of the undersigned, the British Commissioners have perceived little proof of any disposition on the part of the American government, for a discussion of some of the propositions advanced in the first note, which the undersigned had the honor of receiv-

ing from them, they will ascribe it to the nature of the propositions themselves, to their apparent incompatibility with the assurances in Lord Castlereagh's letter to the American Secretary of State, proposing this negotiation, and with the solemn assurances of the British Plenipotentiaries themselves, to the undersigned, at the first conference with them.

The undersigned in reference to an observation of the British Plenipotentiaries, must be allowed to say, that the objects which the government of the U. S. had in view, have not been withheld.

The subjects considered as suitable for discussion were fairly brought forward, in the conference of the 9th ult. and the terms on which the United States were willing to conclude the peace, frankly and expressly declared in the note of the undersigned, dated the 24th ultimo. It had been confidently hoped that the nature of those terms, so evidently framed in a sincere spirit of conciliation, would have induced G. Britain to adopt them as the basis of a treaty; and it is with deep regret that the undersigned, if they have rightly understood the meaning of the last note of the British Plenipotentiaries, perceive that they still insist on the exclusive military possession of the lakes, and on a permanent boundary and independent territory for the Indians residing within the dominions of the U. States.

The first demand is grounded on the supposition, that the American government has manifested, by its proceedings towards Spain, by the acquisition of Louisiana, by purchases of Indian lands, and by an avowed intention of permanently annexing the Canadas to the United States, a spirit of aggrandizement and conquest which justifies the demand of extraordinary sacrifices from them, to provide for the security of the British possessions in America.

In the observations which the undersigned felt it their duty to make on the new demands of the British government, they confined their animadversions to the nature of the demands themselves; they did not seek for illustrations of the policy of Great Britain in her conduct, in various quarters of the globe, towards other nations, for she was not accountable to the United States. Yet the undersigned will say, that their government has ever been ready to arrange, in the most amicable manner, with Spain, the questions respecting the boundaries of Louisiana and Florida, and that of indemnities acknowledged by Spain due to American citizens. How the peaceable acquisition of Louisiana or the purchase of lands within the acknowledged territory of the United States, both made by fair and voluntary treaties for satisfactory equivalents, can be ascribed to a spirit of conquest dangerous to their neighbours the undersigned are altogether at a loss to understand.

Nor has the conquest of Canada and its permanent annexation to the United States, been the declared object of their government. From the commencement of the war to the present time, the American government has been always willing to make peace, without obtaining any cession of territory, and on the sole condition that the maritime question might be satisfactorily arranged.—Such was their disposition in the month of July 1812, when they instructed Mr. Russell to make the proposal of an armistice; in the month of Oct. of the same year, when Mr. Monroe answered Admiral Warren's proposal to the same effect; in April, 1813, when instructions were given to three of the undersigned, then appointed to treat of peace, under the mediation of Russia, and in January 1814, when the instructions under which the undersigned are now acting were prepared.

The proposition of the British Plenipotentiaries is, that, in order to secure the frontier of Canada against attack, the United States should leave their own without defence; and it seems to be forgotten, that if their superior population, and the proximity of their resources give them any advantage in that quarter, it is balanced by the great difference between the military establishments of the two nations. No sudden invasion of Canada by the United States could be made without leaving on their Atlantic shores and on the ocean, exposed to the great superiority of the British force a mass of American property far more valuable than Canada. In her relative superior force to that of the United States in every other quarter, Great Britain may find a pledge much more efficacious for the safety of a single vulnerable point, than in stipulations ruinous to the interests and degrading to the honor of America. The best security for the possessions of both countries will, however be found in an equal and solid peace; in a mutual respect for the rights of each other, and in the cultivation of a friendly understanding between them. If there be any source of jealousy in relation to Canada itself, it will be found to exist solely in the undue interference of traders and agents, which may be easily removed by proper restraints.

The only American forts on the Lakes known to have been, at the commencement of the Negotiation, held by British force, were Michilimackinac and Niagara. As the U. States were at the same time in possession of Amherstburg and the adjacent country, it is not conceived that the mere occupation of those two forts could give any claim to his Britannic majesty to large cessions of territory, founded upon the right of conquest; and the undersigned may be permitted to add, that even if the chances of war should yield to the British arms a momentary possession of other parts of

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