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STATE PAPERS.

FROM MR. ERSKINE'S PAMPHLET.

No. III.—Despatch from Mr. Secretary Canning to the Honorable David Erskine, dated Foreign Office, 23d January, 1809.

Sir—Your despatches, from No. 46 to No. 49, both inclusive, have been received and laid before the King.

The most serious attention of his Majesty's government has been directed to the important matter treated in those despatches, and especially to those confidential communications which you represent yourself to have received from different individuals, of weight and influence in the American government, respecting the political relations of Great-Britain and the United States.

It must be confessed, that the conciliatory disposition which these individuals describe to you as existing on the part of the American administration, does not appear either in the acts of the government or in the debates of Congress. But the intimations which have been given to you of the difference between the personal sentiments of Mr. Jefferson, and those of his probable successor in the Presidency, with respect to this country, and the hopes which you have been led to entertain, that the beginning of the new Presidency may be favorable to a change of policy in America, if opportunity and encouragement for such a change shall be afforded by this country; have induced his Majesty's government to review and consider the most important points of disagreement between the two governments; and I have received his Majesty's commands to send you such instructions on those subjects, as must, if the government of the United States be seriously disposed to accommodation, lead to an immediate and satisfactory adjustment.

The first of these points is the affair of the Chesapeake.

Nothing prevented an amicable conclusion of this discussion by Mr. Rose, except the refusal of the American government to withdraw the proclamation issued on the 2d July 1807, by which the ships of war of Great-Britain were interdicted from the harbors of the United States, while those of France continued to be allowed a free resort to them.

The construction given by Mr. Madison to the resolution of the committee, to whom the consideration of the foreign relations of the United States was referred at the opening of the present session of Congress, undoubtedly goes a considerable way to remove the objection to which the proclamation was liable.

Of the exclusion of the ships of war of both belligerents from the ports of a neutral state, neither belligerent has a right to complain. The parity of that regulation alone, gave it a character of hostility.

If therefore the ships of war of France shall in point of fact have been excluded from the ports of the United States, and such ships of that description as were in those ports at the time of passing the resolution shall have been warned to depart, his Majesty would no longer insist upon the formal recall of the proclamation as a preliminary to the adjustment of the difference arising from the affair of the Chesapeake.

It is still necessary however that either the proclamation should be withdrawn, or its operation formally declared to be at an end; but it will be sufficient if that withdrawal or declaration is recorded (according to the arrangement which Mr. Madison professed himself ready to adopt) in the same instrument, or at the same time, with the terms of reparation which his Majesty is now willing to offer.

The terms of reparation which Mr. Rose was authorized to propose, were in substance: 1st. A formal disavowal by his Majesty of the act of Admiral Berkeley.

2d. The restoration of the men forcibly taken from on board the Chesapeake, reserving to his Majesty the right of claiming in a regular way from the American government, the discharge of such of them as might prove upon investigation to be either natural born subjects of his Majesty, or deserters from his Majesty's service.

3d. A pecuniary provision suitable to their respective situations in life, for the widows or orphans of such men (not being natural born subjects of his Majesty, nor deserters of his Majesty's service) as may have been unfortunately killed on board the Chesapeake.

In return for these concessions his Majesty required 1st. A disavowal on the part of

the American government of the detention by Commodore Barron of deserters from his Majesty's service. Of his denial of having such persons on board the ship, under his command, and his refusal to deliver them up upon demand: 2d. A like disavowal of the outrages committed on the persons or property of his Majesty's subjects at Norfolk or elsewhere, in consequence of this affair, an engagement was also to be required that the American government should not in future countenance any of its agents, civil or military, in encouraging desertion from his Majesty's service.

This last point being according to a statement in your No. 47, to be provided for by a special act of Congress, it is not necessary to obtain any specific engagement or declaration respecting it: and as it is above all things desirable to simplify as much as possible the conclusion of an arrangement which has been so long pending; as a recurrence to the details of the affair of the Chesapeake, of the causes which led to it, and of the discussions immediately arising out of it, might lead to complicated and fruitless controversy, his Majesty on his part would be contented at present to waive any demand for retrospective disavowals on the part of the government of the United States; that government being, on the other hand, contented to receive back the men forcibly taken out of the Chesapeake, as the single and sufficient act of reparation.

To which however, his Majesty will still be willing to add the provision for the widows and orphans of the men killed in the action; but as an act of his Majesty's spontaneous generosity.

This arrangement I have every reason to believe, both from what Mr. Pinckney has stated to me and what Mr. Rose reports of Mr. Madison's unofficial conversation, would be satisfactory to the American government upon this subject.

Whether this arrangement shall be settled by a formal convention or by the exchange of ministerial notes dated the same day, and reciprocally delivered at the same time, is left to the decision of yourself and the American minister.

I have only to add (though I see no ground to apprehend that such a demand is likely to be brought forward) that you are steadily and peremptorily to refuse any demand for any mark of his Majesty's displeasure to Admiral Berkeley, than that which was in the first instance manifested, by that officer's immediate recall.

You are to open the subject of the Chesapeake separately and distinctly. The manner in which the proposal for the adjustment of that difference may be received, will be the best test of the general disposition of the American government, and will naturally indicate the course to be pursued in respect to the further instructions which I shall proceed to communicate to you in another despatch. I am, &c.

(Signed) GEO. CANNING.

No. IV.—Despatch from Mr. Secretary Canning to the Hon. David Erskine, dated Foreign Office, 23d Jan. 1809.

Sir—If there really exists in those individuals who are to have a leading share in the new administration of the United States, that disposition to come to a complete and equal understanding with Great-Britain, of which you have received from them such positive assurances; in meeting that disposition it would be useless and unprofitable to recur 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 a profession on the part of so many 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 harbors to the ships of war of France as well as of Great-Britain, is, as stated in my other despatch, an acceptable symptom of impartiality towards the belligerents. The first that has been publicly manifested by the American government.

The like extension of the Non-Importation act of the other belligerents is equally proper in this view. These measures remove those preliminary objections which just otherwise have precluded any useful or amicable discussion.

In this state of things it is possible for G.

Britain to entertain propositions which, while such manifested partiality was shown to her enemies, were not consistent either with her dignity or her interest.

From the report of your conversation with Mr. Madison, Mr. Gallatin, and Mr. Smith, it appears—

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 harbors to ships of war, and all Non-Inter-course and Non-Importation acts, so far as respects Great-Britain, leaving them in force with respect to France, & the powers which adopt or act under her decrees.

2d. 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 enemies of Great-Britain, from which she was excluded during peace.

3d. Great-Britain, for the purpose of securing the operation of the Embargo, and of the bona 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 those 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. Pinckney 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 of the naval power of Great-Britain, of the regulations of America with respect to France, and the countries to which those regulations continue to apply, but that his government was itself aware that, without such enforcement, those regulations must be altogether unavailing, I flatter myself that there will be no difficulty in obtaining a distinct and official recognition of those conditions from the American government.

For this purpose you are at liberty to communicate this despatch 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 abovementioned conditions, his Majesty will use 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 its benefits, I am to authorize you, if the American government should be desirous of acting upon the agreement before it is reduced to a regular form, 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 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 recall the Orders in Council without waiting for the conclusion of a treaty.

And you are authorized in the circumstances herein described, to make such reciprocal engagement on his Majesty's behalf.

I am, &c.

(Signed) GEO. CANNING.

No. V. Is a letter from Mr. Canning, communicating the intention of a special mission.

No. VI. Is the despatch on which Mr. Erskine and his advocates relied for his justification in making his arrangement, it was not before published.

No. VI.—Despatch from Mr. Secretary Canning to the Hon. David Erskine, dated Foreign Office, 23d Jan. 1809.

Sir—In your despatch No. 47, among the other important suggestions which you state yourself to have received from Mr. Gallatin, is one, the purport of which is, that suppo-

sing all the existing differences between the two countries to be done away, the system of their commercial intercourse might be better regulated by the short and simple agreement, either to admit each others productions on equal and reciprocal duties, or reciprocally to place each on the footing of the most favored nation, than by any more minute and complicated provisions.

The sentiments upon which the suggestion appears to be founded, are so much in unison with those entertained here, that I am to direct you, in the event of the subjects mentioned in my despatches being put in a train of adjustment, to endeavor to obtain from the American government some more precise and authentic exposition of their views upon the subject, to be transmitted here for consideration, if possible, at the same time with their answers upon the subjects of those other despatches.

It will not, however, be desirable that those answers should be delayed for this purpose.

But you are authorized to assure the American government of the readiness with which we shall be prepared to enter into the amicable discussion of the commercial relations of the two countries, on the basis of the letter of the two principles proposed by Mr. Gallatin, whenever these obstacles, which stood in the way of the renewal of their intercourse, shall have been happily removed.

In this case, as in respect to the subject of my other despatches, you will see that the sincerity of the good disposition professed by the persons composing the new administration, is the point the most important in the view of the British government.

If such a disposition really exists, all difficulties will (as Mr. Gallatin has expressed himself) be easily smoothed away.

If unfortunately this hope should be disappointed, Great-Britain has only to continue the system of self defence and retaliation upon her enemies to which she has been compelled to have recourse, with the consciousness of having eagerly seized the first opportunity that appeared to be offered to her, of obtaining, through an amicable arrangement with America, the object for which that system was established.

I am, &c.

(Signed) GEO. CANNING.

No. VII. Has been already published, is dated 16th March, with an inclosure of the 23d March.

No. VIII. Is a letter from Mr. Erskine, dated the 13th April 1809, accompanied with several inclosures, containing Mr. Erskine's correspondence with Mr. Smith, before the conclusion of his arrangement.

No. IX. Is a letter from Mr. Erskine not before published—the inclosures referred to are the letters which passed between Mr. Erskine and Mr. Smith, when the arrangement was concluded.

No. IX.—Despatch from the Hon. David Erskine to Mr. Secretary Canning, dated Washington, April 20th, 1809.

Sir—As the instructions contained in your despatches, Nos. 1 and 2, directed me to regulate my conduct in making propositions on the part of his Majesty to this government, according to the general disposition which might be shown by them to come to a complete and cordial understanding with Great-Britain, I accordingly used all my efforts to discover whether the professions of such a disposition which had been so often repeated to me unofficially, and lately in the most formal manner, were sincere.—The result of further communication persuaded me, that the sentiments of this government had been truly represented to me; and I was confirmed in that opinion by the favorable reception of the reparation tendered by his Majesty for the affair of the Chesapeake, the details of which I have given in my preceding number.

With this conviction upon my mind I examined with the greatest attention the tenor of your instructions contained in your despatch No. 1, and particularly the three conditions upon which his Majesty was willing to withdraw the Orders in Council of January and November 1807, as respects the U. States.

The first of them I considered would be of course officially recognized by the American government, since the 11th section of the act of Congress, usually termed the Non-Inter-course act, provided for such a contingent proposition.

The second condition named by you, I knew would be acquiesced in, not only from the declarations which had been made to me by most of the members of this government, but from the universal opinion of the members of weight and influence in both houses of Congress, that the principles and objects sought to be established by that rule were equitable, and would ever be insisted upon by Great-Britain.

I foresaw, however, that a difficulty must arise in obtaining a formal recognition on that