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DOCUMENTS

Accompanying the President's Message of the 22d ult.

(Continued from our list.)

No.

London, August 4th, 1807.

I avail myself of the opportunity afforded by Mr. Pickney, to communicate to you a copy of a correspondence, and the substance of a conference, between Mr. Canning and myself, relative to the late aggression on the peace and sovereignty of the United States, by the British ship *Leopard*, in an attack on the Chesapeake, off the capes of Virginia.

Mr. Canning's private letter of July 25, which gave the first intelligence of the occurrence, left it doubtful whether the British officers had been culpable in it, and as I knew how very reprehensible their conduct had been on our coast, on many other occasions, and to what height the sensibility of our citizens had been excited by it, I thought it not improbable that something might have occurred to divide the blame between the parties. It was under that impression that my answer was written. On the next day the leading features of the transaction were presented to the public through the medium of the gazettes, which were taken from private accounts received directly from Halifax, by a vessel which had been dispatched by Admiral Berkeley as the official one. By these it was evident that the British officer was completely the aggressor, in an outrage of gross enormity, attended with circumstances which increased the offence. It was understood likewise from good authority, that the official intelligence which the government had received, corroborated with and confirmed the other accounts already before the public.

On full consideration of these circumstances, I concluded that it would be highly improper for me to leave the matter on the ground which Mr. Canning had placed it. I could see no other mode in him to obtain further information relative to the transaction, than for the purpose of ascertaining whether the men said to be deserters, and for whom an attack was made, were American citizens or British subjects; to which it was impossible to give any answer. I thought it indispensable therefore to urge the government to observe the principle and to employ such a vessel as would be necessary to the United States, as their honor obviously required. It appeared to me, that any delay in taking this step which depended on an abstract principle, and required no argument to illustrate, or facts to support, would have a tendency to weaken a claim which was unquestionable, and to countenance the idea that it would not be supportable with suitable energy.

I had, before the knowledge of this event, obtained the appointment of an interview with Mr. Canning on other business, to take place on the 29th ultimo. We met according to the appointment; I observed, in opening the conference, that although the topics which had brought us together, were important, the late occurrence at the entrance of the Chesapeake, had in a great measure put them out of sight. He expressed his regret that such an event, which would at all times furnish cause of concern, should have happened at the present time. He asked if the men in question were American citizens, or British subjects? I replied that that was a point which could not come into view in the case; that it was one which according as the truth might be, would make the cause more or less popular, in either country, but could not affect the principle; that on principle, a ship of war proceeded off all the people on board, and could not be entered to be searched for deserters, or for any purpose, without violating the sovereignty of the nation whose flag she bore; that in the present case I had been assured that the men were American citizens, and that the British minister at Washington had been made acquainted with it. He said little on the subject, but by the tendency of what he did say, seemed to imply that his government could not bear the sight of the consideration above alluded to, nor indeed did he admit by any thing that escaped him, that the abstract principle itself would not be insisted on. His remarks however were generally of a conciliatory and friendly character, without pledging himself on any point, he seemed desirous to satisfy me, that no new orders had been issued by the present ministry to the commandant of the British squadron at Halifax. I observed, that as the men which had passed between us, were informal, and on a very limited view of the subject, on my part, it would be proper for me, now, that the circumstances were better known, to present him an official note on it; he admitted the propriety of it.

I then drew Mr. Canning's attention to the subjects on which I had asked the interview; being the case of the *Impetuous*, captain Love's correspondence, the conduct of captain Douglas, and of the British squadron generally on our coast. I observed that I had here often postponed any official communication on these points, from a desire to connect them with the greater objects depending between our governments, and of course, from motives the most friendly; that I brought them to his view at this time, in consequence I Mr. Pickney and myself having commenced the other business, as he knew had been done; he promised to attend to them.

On the 29th July, I wrote Mr. Canning the note which I had promised him in the late interview: I addressed it in terms which I thought suitable to the occasion, observing to state in it, that I took the step from a sense of duty, applicable to my station as the resident minister, and without authority from my government; I considered the act as that of the British officer, in which the government had no agency, was not bound to support, and which it would be honorable for it to disavow. I flattered myself that some advantage might arise from the measure, and that under the circumstances in which it was taken, no injury possibly could result. It is directed on the 3d instant, which though addressed in rather a harsh tone, may be considered as conveying essentially the point desired. It is my intention to say nothing more to him on the subject, till I hear from you, and in the meantime to observe the most conciliatory conduct in all the circumstances which will admit.

Such is the state of this country at the present crisis, that it is impossible to foresee what will be its course of conduct towards the United States. There has been at all times, since the commencement of the present war, a strong party here for extending its advantages to them. This party is composed of the ship owners, the navy, the East and West India companies, and several political characters of great consequence in the state. So powerful is this explanation, that it is not certain that nothing can be obtained by negotiation on any point, but what may be extorted by necessity. The divisions to the north ought to inspire me with anxiety, but with respect to the northern powers, it seems to have produced directly the opposite effect. A fleet of about 25 ships of the line, with a suitable number of frigates, and above 30,000 men, has been lately equipped, and

sent to the Baltic, as it is said, to take possession of the Danish and Russian navies. This measure is imputed to an understanding which it is supposed has been established between the cabinets of Russia and Paris by the late peace, and which has for its object a concert of measures for the purpose of attempting to force on this country a maritime code, more favorable to neutral nations. The motive assigned for the expedition, is that of taking possession of the Danish fleet, to keep it out of the hands of the French; that the Russian fleet is one of the objects is not so generally believed, though perhaps not less probable.

Mr. Pickney and myself have taken the first step in our business. We will write you in a few days the state of it. You may be assured that we shall do every thing in our power to promote, in the mode most likely to succeed, the object of our instructions and the interests of our country. Want of time prevents my going into further detail.

I have the honor to be,
with great consideration, Sir,
your most obedient servant,
JAMES MONROE.

JAMES MADISON, Esq.
Secretary of State, Washington.

FROM MR. CANNING TO MR. MONROE.

Foreign Office, August 8, 1807.

SIR,
Having received from his majesty's minister in America, an official printed paper, purporting to be a copy of a proclamation of the President of the United States, I have to request that you will be pleased to acquaint me, whether you have received any communication from your government which enables you to pronounce if such paper be authentic?

In the event of your being empowered to admit its authenticity, I have further 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 proclamation of the President, without requiring, or waiting for, any explanation, on the part of the British government, with respect to the late unfortunate transaction, upon which the determination to resort to these measures is pronounced to be founded?

I have the honor to be, &c.
(Signed) GEORGE CANNING.

P. S. I have the honor to enclose an American newspaper, containing a copy of the paper in question.

MR. MONROE TO MR. CANNING.

Portland Place, August 9, 1807.

SIR—I have the honor to acknowledge the receipt of your note of yesterday, and should not hesitate 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 honor to be, &c.
(Signed) JAMES MONROE.

MR. MONROE TO THE SECRETARY OF STATE OF THE UNITED STATES.

London, August 14, 1807.

SIR—I had the honor to transmit you with my letter of the 4th inst. a copy of a correspondence with Mr. Canning, relative to the late aggression in the case of the Chesapeake frigate. You will receive with this a copy of a more recent one on the same subject.

By Mr. Canning's queries in his last note, I was led to consider as preparatory to an embargo on American vessels. I could not conceive why he should request information of me, whether the President's proclamation was authentic, and when it would be carried into effect, if it was not intended to found some measure on my reply of an unfriendly nature. The information desired was not necessary to remove any doubts of his government on the points to which it applied, or to enable him to do justice to the United States, in regard to the aggression of which they complained. The presumption that an embargo was intended, grounded strength from the circumstance that most of the gazettes had recommended, and that the public mind seemed to be essentially prepared for it. It was my most earnest wish to prevent, as far as in my power, so unjust and pernicious a procedure. As the measure contemplated, whatever it might be, seemed to be suspended for my answer, I was extremely solicitous, by the manner, to deprive this government of all pretext for any of the kind alluded to. By replying generally that I had no instructions from my government, and could state nothing on its part respecting the late occurrence, I avoided giving a direct answer to Mr. Canning's queries; and by drawing his attention to the application which it was to be presumed would soon be made on the part of my government, on that subject, I endeavored to show more strongly the impolicy and injustice which would stamp any such measure on the part of Great Britain in the present stage.

No step has yet been taken by this government of an unfriendly character, towards the United States; and from the communication which Mr. Canning made to the House of Commons on the day he received my last note, which you will find in the gazettes sent, I am persuaded that things will remain in the state in which they are, till your dispatch is received. I trust that a disposition exists to make such reparation on the point in question, as will be satisfactory to the United States, and that it will be practicable and not difficult to preserve the friendly relations subsisting between the two countries. The party however in favor of war, consisting of the combined interests mentioned in my last, is strong and active, so that it is impossible to foresee the result.

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

TO MR. CANNING.

No. 10.

Mr. Monroe presents his compliments to Mr. Canning, and has the honor to inform him, that he has just received instructions from his government relative to the late attack of 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 assurances of his high consideration.

Portland Place, Sept. 1, 1807.

FROM MR. CANNING.

No. 11.
Foreign Office, Sept. 1, 1807.

Mr. Canning presents his compliments to Mr. Monroe, and requests the honor of seeing him at the Foreign office on Thursday next, at twelve o'clock.

Mr. Canning would have proposed to see Mr. Monroe to-morrow, if he had not been under the necessity of attending the levee and council at the Queen's palace.

Mr. Canning requests Mr. Monroe to accept the assurances of his high consideration.

JAMES MONROE, Esq. &c. &c. &c.

No. 12.
TO MR. CANNING.

Portland Place, Sept. 7, 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 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 honor to transmit you, it is shown 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 indignity and injury to a friendly power.

The pretext for this aggression could not but heighten the sense of injury which the act itself was so signally calculated to excite. My government was sought to interfere in it, that there was no limit to a pretence 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 has directed the decision in one instance, will in another, the obstacle which has hitherto embarrassed it in the other.

The national character of the men who were taken thus violently from 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 uncontroverted principle, which ought not in any view, to be affected by appealing to national sensibilities on either side. I have however the honor 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 honor, 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 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 honor of my government and of the whole nation has been greatly outraged by the aggression; and that it becomes the honor of his majesty's government to make a distinguished reparation for it.

In presenting, in this friendly manner, this important subject to the consideration of his majesty's government, I am particularly instructed to request its attention to the great care to which this, and so many other injuries of a like kind may be traced; the impression of men from the merchant vessels of the United States. In many essential circumstances, the objections which are applicable to them, resemble those from ships of war, are equally applicable to those from merchant vessels. To the individual who suffers 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 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 on without violence and injustice. Is there a question of contraband, is the vessel destined to be cleared out 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 U. 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 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 whims 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 inflexible 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 inflexible criterion in those cases, would be sure to produce endless error in the other. Who is so skillful in physiognomy as to distinguish between an American and an Englishman, especially among the whole 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 not to see in it the assertion of a claim which is utterly incompatible with that great event. When the character of this claim, and the pernicious tendency of the practice, are maturely weighed, it must furnish cause for 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 delicate concern—and I am justly desirous, 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 impression, 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 worst range, has become identified with the general practice, in the feelings and sympathies of the nation, and in the sentiment 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 honor 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 injury, 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 these documents to my government, by whom, I trust, they are by this time received.

I have the honor to be, with great consideration, Sir,
Your most obedient humble servant,
(Signed) JAMES MONROE.

The Rt. Hon. GEORGE CANNING,
&c. &c. &c.

MR. MONROE TO MR. CANNING.

Mr. Monroe presents his compliments to Mr. Canning, and has the honor to inform him that he called at his office yesterday, for the purpose of making some remarks on the subject treated in the note which he addressed on the instant 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 most 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.

Portland Place, Sept. 9th, 1807.

FROM MR. CANNING, IN ANSWER.

Mr. Canning presents his compliments to Mr. Monroe, and will be happy to have the honor of seeing him at the foreign office to-morrow at 12 o'clock.

Mr. Canning has but this minute received Mr. Monroe's note.

Darlington House, Wednesday, Sept. 9, 1807, 3-4 p. 8, P. M.

Duplicate. No.

London, September 16, 1807.

SIR—I had the honor to receive your letter of July 6th, by Dr. Bullus, on the 31st ultimo, and did not lose a moment in entering on the business communicated to me by it, in the manner which seemed most likely to obtain success. The details shall be communicated to you in my next dispatch. All that I can state at present is, that the whole subject has been placed fully before this government, in as strong an appeal to its interest and judgment as I could make, and that as a week has elapsed since my official note was presented, I am in daily expectation of receiving its decision on it. The moment is in many views very favorable to a satisfactory result, but still it is not in my power, from any thing that has occurred, to speak with confidence of it. The joint negotiation committed to Mr. Pickney and myself, was suspended by the intelligence of the affair with our frigate, and has never been revived since. That intelligence reached this about a week after Mr. Purviance, so that we had only been able with the utmost diligence, to take the preliminary step of presenting to Mr. Canning, in conformity to our instructions, a project, and of explaining to him in the most minute and comprehensive