



AND
North-Carolina State Gazette.

Ours are the plans of fair delightful peace,
Unwar'd by party rage, to live like Brothers.

Vol. IX.

THURSDAY, APRIL 28, 1808.

No. 449.

IMPORTANT DOCUMENTS.

(CONTINUED.)

CORRESPONDENCE

BETWEEN MR. MADISON & MR. ROSE.

Washington, Jan 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 of the differences arising from the encounter of his Majesty's ship Leopard, and the frigate of the United States, the Chesapeake, as long as the proclamation of the President of the United States, of the 2d July, 1807, shall be in force, I beg leave to offer you such farther 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 honor of his flag, 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 inasmuch as its execution has been persevered in, under the knowledge of his Majesty's early, unequivocal, and unqualified 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.—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 an intention of procrastination on the part of his Majesty's government: on the contrary, its anxiety to terminate as expeditiously as possible the discussion of a matter so interesting to both nations, has 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 insure 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 satisfactorily.

Having learnt from you, sir, that it is solely as a measure of precaution, the provisions of the proclamation are 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

dispositions 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 ample security that no attempt can again 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 discussions 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 to demand concession, or redress, as for a wrong committed: into such, the claim to a discontinuance of hostile provisions cannot be construed; but it is simply to require 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 authorise 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,
With the highest consideration,
Sir, your obedient and most
humble servant,

G. H. ROSE.

DEPARTMENT OF STATE,
March 5, 1808.

SIR—I have had the honor to receive and lay before the President your letter of the 26th January, in which you express that you are expressly precluded by your instructions from entering upon any negotiation for the adjustment of the differences arising from the encounter of his Britannic Majesty's ship the Leopard, and the frigate of the United States the Chesapeake, as long as the proclamation of the President of the 2d of 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 G. Britain, whenever in analogous cases, she has been the complaining party.

But as you have submitted to the preliminary demand, certain explanations, with a view doubtless to obviate such an answer, it will best accord with the candor 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 July 2d resulted. These are in general terms referred to by the instrument itself. A more particular notice of a part of them, will here be in place.

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 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, Capt. 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 offender to justice, and finally repelled the officer charged with the regular process for that 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 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 harbor of New-York, as having dominion around her within the distance of her buoys.

All these circumstances were duly made known to the British government, in just expectation of honorable reparation. None has ever been offered. Capt. 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 Capt. 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 within less than a mile from the shore.

The blood of a citizen thus murdered, in a trade from one to another port 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, 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 were sent to G. Britain at the expense of the United States.

Capt. Whitby was notwithstanding honorably 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 aground within a few hundred yards of the shore of North-Carolina, and therefore visibly within the territorial jurisdiction and hospitable protection of the U. States, was fired upon, boarded and burnt, from three British ships of war, under the command of Capt. Douglass. Having completed this outrage on the sovereignty and neutrality of the United States, the British comman-

der 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 ship, impressed citizens of the United States not denied to be such, on the plea that the government of the United States had refused to surrender to the demand of Admiral Berkeley, certain seamen alleged to be British deserters; 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 uncontrolled excesses of the British naval commanders, 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 privilege of our harbors and waters.

This was done by his proclamation of July 2d, 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 uncontrolled, 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 Capt. Douglass.

This officer, neither admonished by reflections on the crisis produced by the attack on the Chesapeake, nor controlled by respect for the law of nations, or the laws of the land, did not cease within our waters to bring to, 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 indications of a hostile approach to Norfolk, but actually obstructed our citizens in the ordinary communication between that and neighboring 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 a nation, who felt for its rights and its honor, to do less than interpose some measure of precaution at least against the repetition of enormities which had been so long uncontrolled 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 on their flag, and to require the satisfaction due for it; indulging the

expectation, that his Majesty would at once perceive it 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 honorable to the sentiments of his Majesty, but was supported by known examples, in which being the complaining party, he had required and obtained, as a 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 St. Domingo, to which Turks island was alleged 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 subjects 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 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 agreed to make full restoration of the captured vessels, and to indemnify the parties interested in them for the losses sustained. They restored likewise 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 Falkland's Islands. These islands lie about one hundred leagues eastward of the straits 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 possession of Port Egmont in one of the islands, the Spaniards being at the same time in possession of another part, 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.

(Continued in the last Page.)

TWIG

WILL stand the ensuing Season at my Stable, and will be let to Mares at the following Terms: To ensure \$20, 16 if paid by the 1st day of January, shall discharge it; ten dollars the Season, eight if discharged by the first day of January, and five dollars the Leap. Good Pasturage gratis. No liability for Accidents.
JOHN FOSTER,
Franklin County, Feb. 20.