



## AND North-Carolina State Gazette.

Ourate the plans of fair & delightful peace,  
Unaw'd by party rage, to live like Brothers.

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### IMPORTANT DOCUMENTS.

(CONTINUED.)

#### CORRESPONDENCE.

MR. ROSE TO MR. MADISON.

Washington, March 17, 1808.

SIR—Being deeply impressed with the sense of his majesty's conduct, that full effect should be given to those views of justice and moderation, by which his conduct has been regulated through the whole of the unfortunate transaction whence the present differences have arisen; and of the disappointment with which he would learn the frustration of his just and equitable purposes; I have felt it incumbent upon me, on the receipt of the letter which you did me the honour to address to me on the 5th inst. to apply anew to this matter the most ample and serious consideration. It is with the most painful sensations of regret, that I find myself on the result of it under the necessity of declining to enter into the terms of negotiation, which by direction of the President of the United States, you therein offer. I do not feel myself competent, in the present instance, to depart from those instructions, which I stated in my letter of the 26th of January last, and which preclude me from acceding to the condition thus proposed.

I should add, that I am absolutely prohibited from entering upon matters unconnected with the specific object I am authorised to discuss, much less can I thus give any pledge concerning them. The condition suggested, moreover, leads to the direct inference, that the proclamation of the President of the United States of the 2nd of July, 1807, is maintained either as an equivalent for reparation for the time being, or as a compulsion to make it.

It is with the most profound regret, that I feel myself under the necessity of declaring, that I am unable to act upon the terms thus proposed; as it becomes my duty to inform you, in conformity to my instructions, that on the rejection of the demand stated in my former letter, on the part of his majesty, my mission is terminated. And as his majesty's government in providing me with those instructions, did not conceive that after the declaration of his sentiments respecting the affair of the Chesapeake was made known to this government, the state of any transactions pending or uncompleted between the two nations, could justify the perseverance in the enforcement of the President's proclamation, I can exercise no discretion on this point.

As on a former occasion I detailed, though minutely, the motives for that demand, on the part of his majesty, which I with so much concern learn to be deemed inadmissible by the government of the United States; I should here abstain from an exposition of them, which visibly can have no further effect upon the negotiation, if I did not deem it essential that they should not be left under any misapprehension, which I might be able to remove. I shall therefore take a short review of the transaction which has given rise to these discussions, in order the more correctly to determine the soundness of the principles upon which that demand is made.

Certain deserters from his majesty's navy, many of them his natural born subjects, having entered into the service of the United States, were repeatedly and fruitlessly demanded by the British officers, of the recruiting officers of the United States; but were retained in their new service. As it was a matter of notoriety that several of these deserters were on board the frigate of the United States, the Chesapeake, they were demanded of that frigate on the high seas, by his majesty's ship Leopard, and all knowledge of their presence on board being denied, she was attacked, and four of them, one avowedly a native Englishman, were taken out of her. Without being deterred by the consideration of how far circumstances hostile in their nature, had provoked, though they undoubtedly by no means justified, this act of the Bri-

tish officer, his majesty's government directed that a positive disavowal of the right of search asserted in this case; and of the act of the British officer, as being unauthorised; and a promise of reparation, should be conveyed to the American minister in London, before he had made any representation by order of the United States.

This disavowal made on the second day of August last, was transmitted by him to his government, before the 6th of that month; but before Mr. Monroe had received his orders to demand reparation, his majesty learnt, with what surprize it is needless to dwell upon, that the President of the United States had interdicted by proclamation, bearing date the 2d July, 1807, the entry of all their ports to the whole of his navy; this surprize was certainly increased, when in the letter delivered by that minister, to require redress for the wrong, although it went into details unconnected with it; not only no concern was expressed on the part of the United States, at having felt themselves compelled to enact measures of so much injury and indignity towards a friendly power; but no mention was made of the causes of such measures being resorted to, or even of the fact of their having been adopted. In addition to the embarrassment arising from these circumstances, and the insufficiency of the explanations subsequently given to Mr. Canning; the introduction of a subject foreign to that of the complaint, because the main impediment to the success of the discussion which took place in London. When I had the honour to open the negotiation with you, sir, as I had learnt that the President's proclamation was still in force it became my duty, conformably to my instructions, to require its recall, as a preliminary to further discussion; had it not been in force, I was not ordered to have taken it into consideration in the adjustment of reparation; and it was considered as hardly possible, that it should not have been recalled, immediately upon the knowledge of his majesty's disavowal of the attack on the Chesapeake, as an unauthorised act. But his majesty could not suffer the negotiation to be carried on, on his behalf, under an interdict, which even if justifiable in the first moment of irritation, cannot be continued after the declaration of his majesty's sentiments upon the transaction, except in a spirit of hostility.

It might have been fairly contended, that in the first instance, the exercise of such an act of power, before reparation was refused or unduly protracted, was incompatible with the purposes and essence of pacific negotiation, and with a demand of redress through that channel; but such have been his majesty's conciliatory views, that this argument has not been insisted on, although it might now be the more forcibly urged, as it appears that the government of the United States was from the first sensible that, even had hostility been meditated by the British government, it would not have commenced it in such a manner. But the exception taken, is to the enforcement continued up to the present time, of measures highly unfriendly in their tendency, persisted in, not only after the disavowal in question; the promise of the proffer of suitable reparation, & the renewed assurances of his majesty's amicable dispositions, but, after security has been given in a public instrument bearing date the 16th of October, 1807, that the claim to the seizure of deserters from the national ships of other powers, cannot again be brought forward by his majesty's naval officers, it is unnecessary to dwell upon the injury and indignity to which his majesty's service is exposed, both as touching the freedom and security of correspondence of his agents, and accredited ministers of the United States, or as resulting from a measure, which in time of war, excludes the whole of his navy from all their ports; which ports are completely open to the fleets of his enemies. It will be sufficient to observe, that even where exemptions from it are granted, they are made subject to

such conditions, that of the three last British ships of war, which have entered these ports upon public business, two of them, his majesty's ship Statira, having on board a minister sent out for the adjustment of the present differences, and a schooner bearing dispatches, in consequence of their inability to procure pilots, were obliged to enter their waters without such assistance, and were exposed to considerable danger. Great Britain, by the forms established, could repair the wrongs committed, even to the satisfaction of the United States, no otherwise than by the channel of negotiation; yet she avowed distinctly, that a wrong was committed, and that she was ready to make reparation for it; it cannot, therefore, be contended, that the unavoidable delay of actual reparation, subjected her to the imputation of persisting in an aggression, which was disclaimed from the first; if this is true, however much she will regret any impediment in the adjustment of a difference, in which the feelings of this nation are so materially interested, can she consistently with a due care of her own honour and interests, allow it to be concluded on her part under an adherence to a conduct, which has a decided character of enmity in the proceedings held towards her by the other party.

I know not in what view the perseverance in the President's proclamation, up to this moment, can be considered, but in that of a measure of retaliation; or of self-assumed reparation; or a measure intended to compel reparation; unless it be that which, if I rightly understand, you define it to be, a measure of precaution.

If, when a wrong is committed, retaliation is instantly resorted to by the injured party, the door to pacific adjustment is closed, and the means of conciliation are precluded. The right to demand reparation is incompatible with the assumption of it. When parties are in a state of mutual hostility, they are so far on a footing, and as such they may treat: But a party disclaiming every unfriendly intention, and giving unequivocal proofs of an amicable disposition, cannot be expected to treat with another, whose conduct towards it has the direct effects of actual hostility. If then, the enforcement of the President's proclamation, up to the present moment, is a measure of self-assumed reparation, it is directly repugnant to the spirit and fact of amicable negotiation; if it is a measure to compel reparation, it is equally so; and by the perseverance in it, G. Britain is dispensed with the duty of proffering redress. But if it is a measure of precaution, in order to secure reparation, or in order to compel it, it falls under the objections I have just stated. If it is a precaution adopted as a guard against acts of violence apprehended on the part of his majesty's naval officers, it surely cannot be considered as being as effectual a security as that arising from the renewed assurances of his majesty's friendly disposition, which imply a due observance of the rights of nations with which Great Britain is in amity, by all persons holding authority under his majesty's government, from the disavowal of the pretension of the search of national ships; and from the further assurance of that disavowal, given in his majesty's proclamation of the 16th of October last: Neither under these concurrent circumstances can the plea of necessity be maintained, and if such a proceeding has not the character of aggression. If these concurrent securities against such an apprehension have any value, the necessity no longer exists; if they are of no value, negotiation cannot be attempted as the basis upon which it rests, the mutual confidence of the two parties would be wholly wanting.

From the moment after the unfortunate affair of the Chesapeake, that his majesty's naval commanders, in these waters had ascertained that they were safe from the effervescences of that popular fury, under which the most glaring outrages were committed, and by which they

were very naturally led to the supposition that they were objects of particular hostility, and that a state of war against them, requiring precautions on their part had commenced, no conduct has been imputed to them, which could vindicate the necessity of maintaining in force the President's proclamation. Since that time such of those officers as have been necessitated by the circumstances of the war to remain in these waters, have held no communication with the shore, except in an instance too trifling to dwell upon, and instantly disavowed by the commanding officer; and they have acquiesced quietly in various privations, highly prejudicial to the service they were upon, and in consequence of an interdict, which, had they been regardless of their duties towards a state, in amity with their sovereign, and had they not carefully repressed the feelings its tone and language had a direct tendency to provoke in them, would have rather excited, than have averted the evils it was stated to be intended to prevent; were they regardful of these duties, it was unnecessary. Had they felt themselves obliged completely to evacuate the waters of the United States, especially whilst an enemy's squadron was harbored in them, they could have done it; but under the admission of hostile compulsion, and under such compulsion, carried into full effect, his majesty could not have dissembled the extent of the injury received.

In the several cases adduced, in which G. Britain required certain preliminaries, previously to entering into negotiation, she regulated her conduct by the same principles to which she now adheres; and refused, whilst no hostility was exhibited on her part, to treat with powers, whose proceedings denoted it towards her; and who maintained their right in what they had assumed.

From the considerations thus offered, I trust that neither the order of reason, or that of usage, are in contradiction to the demand I have urged, nor am I aware how the order of time opposes the revocation in the first instance, of that act, which affects injuriously one of the parties, and is still avowed by the other. The subject is thus presented to you, sir, in the light in which it was natural that it should offer itself to his majesty's government. It certainly conceived the President's proclamation to rest chiefly, and most materially upon the attack made upon the frigate of the United States, the Chesapeake, by his majesty's ship Leopard, although other topics were adduced as accessories. In this apprehension it may be held to have been sufficiently warranted, by the precise time at which, and the circumstances under which, it was issued, and by its whole context; and the more so, as the impulse under which it was drawn up appears to have been so sudden as to have precluded a due examination of all the grounds of allegation contained in it. And here I beg leave to assure you, that with respect to the spirit and tone of that instrument, it would be highly satisfactory to me, if I could feel myself justified in expressing on the part of his majesty, any degree of coincidence with the opinions you have announced, or when thus appealed to, and making every allowance for the irritation of the moment, I could dissemble the extreme surprize experienced by Great Britain, that the government of a friendly nation, even before an amicable demand of reparation was made; and yet meaning to make that demand; should have issued an edict directing measures of injury very disproportionate to what it knew was an unauthorised offence, and both in its terms and its purpose so injurious to the government to which that demand was to be addressed, and tending to call forth in both nations the feelings under which a friendly adjustment would be the most difficult. But if, as I learn from you, sir, the proclamation rests substantially on other causes, it is then peculiarly to be regretted, that together with the demand for redress made in Sep-

tember last, the government of the United States did not think fit to offer a negotiation, or an explanation of so momentous a measure, or to declare that its recall must be more or less connected with the adjustment of other alleged wrongs. Neither did it think it necessary to return any answer to the remonstrance given in by his majesty's envoy at Washington, on the 13th July, 1807, in which he represented "that he considered that interdict to be so unfriendly in its object, and so injurious in its consequences to his majesty's interests, that he could not refrain from expressing the most sincere regret, that it ever should have been issued, and most earnestly deprecating its being enforced."

It could not be supposed, that a circumstance of so great weight could be overlooked by his majesty's government, in determining the line of conduct to be held in the negotiation; and as little could it be expected to pass it over, when on the failure of the discussion with Mr. Monroe, it directed a special mission to be sent to the United States. It had the less reason to imagine that any other grievances could be connected with that, for the adjustment of which I am empowered to negotiate, as Mr. Monroe in his letter to Mr. Canning of the 29th of July last, had stated with respect to other subjects of remonstrance, that it was improper to mingle with them the present more serious cause of complaint; an opinion to which Mr. Canning declared his perfect assent, in his letter to that minister of the 2d of the subsequent month; so that this act was left as single and distinct, to be singly and distinctly considered. His majesty's government therefore could not consistently with any view of the subject then before it, or indeed with the just object of my mission, direct or empower me to enter upon matters not connected with that of the Chesapeake; and they could with the less propriety do it, as in order to render the adjustment of differences of such a nature the more easy and the more conspicuous, the minister charged especially with such offices, have been with few, if any exceptions, restricted to the precise affair to be negotiated. With respect, therefore, to those other causes of complaint, upon which you inform me that the President's proclamation rests, I cannot be furnished with documents enabling me either to admit or to controvert those statements of grievance foreign to the attack upon that ship, contained in your letter; or authorised to discuss the matters themselves. I shall, therefore, not allow myself to offer such comments as my personal knowledge of some of those transactions are portrayed, and the disadvantageous light in which his majesty's government is represented to have acted respecting them. I am moreover led to this persuasion, that my government will be the more easily able to rescue itself from exculpation by the inferences arising from passages in Mr. Monroe's letters to Mr. Secretary Canning, of the 29th of September last, that the differences unhappily existing between the two nations were in a train of adjustment.

If his majesty has not permitted me to enter into the discussion of the search of neutral merchant ships for British seamen, together with the adjustment of the amount of reparation for the attack upon the Chesapeake, it was no wise with a view of precluding the further agitation of that question at a suitable time; but it was that the negotiation might be relieved from the embarrassment arising from the connection of the present matter with one so foreign to it; and, as it was not too well known, so difficult to be adjusted, of a right distinctly disclaimed, with one which Great Britain has at all times asserted, of enforcing her claim to the services of her natural born subjects, when found on board merchant vessels of other nations; a claim which she founds in that principle of universal law which gives to the state the right of requiring the aid and assistance of her native citizens. The