## NORTH-CAROLINA GAZETTE.

Outearethe plantoftstr, delightin Peace, Unwarp'd by party rage, to live like Brothe re

Vol. XV.

FRIDAY, OCTOBER 28, 1814.

No. 788.

Washington, Oct. 17.

THE INSTRUCTIONS. To the Senate and House of Representatives of

I now transmit to Congress copies of the peructions to the Plemipetentiacies of the United States, charged with a gotiating a Peace with Great Britain, as referred to in my message of the 10th instant. JAMES MADISON.

Washington, Oct. 13, 1814.

Mr. Monroe, Secreta y of State, to the Plenipotentiaries of the United States, for treatag of peace with Great & itain, dated Department of State, April 15, 1813.

GENTLEMEN-I hat the horzer on uit to receive from Mr. Adims two letters, one bearing date on the 30th September and the other on the 17th October last, communicating the overture of the Empefor of Russia to promote p ace by his friendly mediation between the United States and Great Britain. On the day following, Mr. Daschkoff, the Russian Minister, made a similar communication to this department. The subject, has, in consequence, been duly considered, and I have now to make known to you the result.

The President has not besitated to accept the mediation of Russia and be indulges a strong hope that it will pro duce the desired effect. It is not known that Great Britain has a ceded to the proposition, but it is presumed that she will not decline it. The Pre sident thought it improper to-postpone his decision, until he should hear of that of the British G verbment. Sincerely desirous of peace, he has been willing to avail himself of every opportunity which might tend to promote it, on just and honorible conditions, and in accepting this eventure he has been particularly grathed to evince by the minaet of it. the distinguished consideration which the United States entertain for the Emperor Alexander. Soud the British government accept the med ation, the negociation to which it leads will be held at St. Perersbu g. The President commits it to you, for which a commission is en losed, and he has appointed Mr. Harris Secretaty of the mission.

The impresement of our seamen and illegal blo kucles, as exemplified more particularly in the orders in the war. Had not Great Britai per evered obstinately in the violation of these important rights, the war would not have been declared. It will cease as soon as these rights are respected. The proposition made by Mr. Ru-s- H to the British Government immedia ttely after the war, and the answer given by this desprement to Admiral Warren's letter since, shew the were willing to adjust the controverty relative to impressment. This has been further evin ed by a

n consequence of that report By accommodate this important differtace, the United States are disposed to exclude British seamen altogether being effectually done, the British government can have no pretext for the practice. How shall it be done? By restraints to be imposed by each pation on the natura ization of the otner, excluding at the same time all others not naturalized -or shall the night of tach nation to naturalize the seamen of the other to be prohibited, & each exclude from its serv e the natives of the other; whatever the rule is, it ought to be reciprocal. If Great Brihin is allowed to naturalize Ameri ten seamen, the United States should enjoy the same privilege. Li it is demanded that the United States shall exclude from their service all native British subjects, a like exclusion of American citizens from the British bervice ought to be reciprocated. The mode also should be common to both countries. Each should be at liberty to give the same facilities, or be bound to impose the same sestraints that

the other does. The President is H willing to agree to either alternative and to carry it into effect by the most eligible regulations that can be devis-

If the first alternative is adopted, the extent of the proposed exclusion will depend on the impediments to naturalization, on the efficacy of the regulations to prevent imposition. and the fidelity of their execution .-The greater the difficulty in a quring the right of citizenship, the easier will it be to avaid imposition, and the more complete the desired exclusion The law of the last session of Congress relative to seamen proves how sincerely desirous the Legislative as well as Executive branch of our Go versy on conditions which may be ! satisfactory to Great Britain. By that law it is made indispensable for every British subject who may here. after become a citizen, to reside five years without intermisson within the United States, and so many guards are imposed to prevent frauds, that it seems to be impossible that, they should be elu ! d. No British - abject ! can be employed in a public or pri vate ship of the United States, unless he produces to the commander in one instance, and to the collector in the other, a certified copy of the ct h which he became naturalized. A list of the crew, in the case of a vivate ship, must be taken, certified and recorded by the collector, and the consuls or commercial agents of Great Buit in may object to any sezmen, and attend the investigation .-The commander of a public ship receiving a person not duly qualified s all forfeit a thousand dollars, and the commander or owner of a private ship, knowing thereof, five hundred dollars, to be recovered in an action of debt; one half to the informer and one had to the United States. It is also made penal, punishable as a feloby by imprison n nt and labor from three to five years, or by fine, from 5 hundred to one thousand dollars, for any person to forge or counterfeit, or to pass, or use any forged or counterfeited certificate of citizenship, or

It may fairly be presumed that if touncil, were the principle auses of this law should be carried intogeffect, it w uld exclude all British seamen rom our service.

to sell or dispose of one.

By requiring five years continued residence in the United Statet, as the condition of citizenship, few if any British seamen would ever take advantage of it. Such as had left G. Bricain, and had resided five years in this country, would be likely to abandon the sea forever. And by making ground on which the United States it the duty of the commanders of our public, and of the collectors, in the case of private ships, to require an authenticated copy from the clerk of report of the committee of Foreign | the court, before which a British sub-R lations of the House of Represent feet, wno offered his service, had been twives, and an act of Congress passed naturalized, as indispensable to his aim ssion, and highly penal in eith r these documents you will see that to to take a person not duly quaified, and by allowing also British agents to object to any one offering his service, and to prosecute by suit the might be for receiving an improper person, it seems to be impossible that such should be received.

If the second alternative is adopted; that is, if all native British subjects are to be hereafter excluded from our service, it is important that the stipulation providing for it should operate so as not to affect those who have been already naturalized. By our law all the rights of natives are given to naturalized citizens. It is contended by some that these complete rights do not extend beyond the limits of the United States; that in naturalizing a fo eigner, no state can absolve him from the obligation which he owes to his former goverment, and that he becomes a citizen in a qualified sense only. This doctrine, if true in any case, is less applicable to the United States than to any other power. Expatriation seems to be a natural right, and by the original cha-

ompact, on principles, and particularv by the unqualified investment of the adopted cit zen with the full ights of the native, all that the United States could de, to place him on he same footing, has been done. In o int of interest, the object is of little mportance to either party. The number to be affected by the stipulation is inconsiderable; nor can that be a cause of surprise, when the character of that class of men is considered. It rarely happens that a seaman who settles on a farm, or engages in a trade, and pursuses it for any length of time returns to sea. His vouthful days are exhausted in his first occu ation. He leaves it with vern ant, is to adjust this contro- regret, and adopts another, either in consequence of marriage, of disease,

or as an asylum for age. To a stipulation whi h shall operate prospectively only, the same chjection doe not apply. In n turaliz ing foreigners, the United States may prescribe the limit to which their privileges shall extend. If it is made a condition that no native British subject, who may hereafter become a citizen, shall be employed in our public or private ships, their exclusion will violate no right. Those who might become citizens, afterwardwould acquire the right; subject to that condition, and would be bound by it. To such a stipulation the President is willing to assent, although he would much prefer the alternative of restraints on naturalization; and to prevent frauds and to carry the same fully into effect, you are authorised to apply all the restraints and checks, with the necessary modifications, to suit the case, that are provided in the act above recited, relative to seamen, for the purposes of that

In requiring that the stipulation to exclude British seamen from our service, with the regulations for carrying it into effect, be made reciprocal; the President desires that you make a provision, authorizing the United States, if they should be so disposed, to dispense with the obligations imposed by it on American cit zens .-The liberal spirit of our Government and laws is unfriendly to restraints on our citizens, such at least as are imposed on British subjects from becoming members of other societies. This has been shown in the law of the last session relative to camen to which your particular attention has been already drawn. This provision may likewise be reciprocated if de-

The President is not particularly solicitous that either of these alternatives (making the propos d reservation in case the latter br) should be preferred. To secure the United States against impressment he is will ling t adopt either. He expects in return that a clear and distinct p ovi sion shall be made against the prac tice. The precise form in which it may be done is not insisted on, provided the import is explicit. All that is required is, that in consideration of the act to be performed on the part the American service. This commender or collector, as the case of the United States, the British Government shall stipulate in some adequate manner, to terminate or forbear the practice of impressment from American vessels.

It has been suggested as an exped ent mode for the adjustment of this controversy, that British cruisers should have a right to search our vessels for British seamon, but that the Commanders thereof should be subjected to penalties, in case they made mistakes, and took from them Ame rican citizens. By this the British Government would acquire the right of search for seamen, with that of impressing from our vessels the subjects of all other Powers. It will not es cape your attention, that by admitting the right, in any case, we give up the principle, and leave the door open to every kind of abuse. The same objection is applicable to any and every other arrangement, which withholds the respect due to our flag by not aleg

racter of our institutions, founded by | lowing it to protect the crew sailing | make it the duty of each party to deunder it.

If the first alternative should be adopted, it will follow, that none of the British sermen who may be in the United States at the time the Treat akes effect, and who shall not become citizens, will be admitted into our service, until they acquire that right.

If the second is adopted, the number of native British seamen, who have been naturalized, and will be ad missible into our service, will not, it is believed, exceed a few hundred. all others who may be in the United States at the time the treaty takes ef fect, or who may arrive afterwards, will be excluded.

As a necessary incident to an adjustment on the principle of either alternative, it is expected that all American seamen, who have been impressed, will be discharged, and that those who have been naturalized, under the Birish laws, by compulsive service, will be permitted to with-

I have to repeat that the great ob at which you have to secure, in regard to impressment, is, that our flag shall protect the crew, and providing for this in a satisfactory manner, that you are authorized to secure Great Britain (fectually against the employment of her seamen in the service of the United States. This it is believed would be done by the adoption of either of the above alternatives, and the application to that which may be adopted, of the checks contained in the law of the last session relative to seamen, in aid of which it will always be in the power of G. B. to make regulations operating in her own ports, with a view to the same effect. To terminate, however, this controversy in a manner satisfactory to both parties, the President is willing, should other checks be suggested as likely to be more effectual, consistent with the spirit of our constitution, that you should adopt them. The strong teas ture of he first alternative which auhorizes the natu alization of seamen, requires their conti ued residence in the United States for five years, as indispensable to the attainment of that right. In case this alternative be adopted, the President is willing for example, to secure a compliance with that condition, to make it the duty of of each alien, who may be desirous to become a citizen, to appear in court very veat, for the term of five years, till his right shall be completed. This xample is given, not as a limitation, but an illustration of your power; for the exclusion of British seamen from our service, no repugnance is felt. To such exclusion the amicable adjustment of this controversy with G. Britain affords a strong motive, but not the only one. It is a growing sentiment in the United States, that they ought to depend on their own population, for the supply of their ships of war and merchant service; experience has shewn the tit is an abundant resource. In expressing this sentiment, you will do it in a manner to inspire more fully a confidence, that the arrangement which you may enter into, will be carried faithfully into effect, without derogating, however, from the conciliatory wirit of the accommodation.

A strong desire has heretofore been expressed by the British government to obtain of the U. States an arrangement to prevent the desertion of British scamen, when in our ports, and it cannot be doubted, that a stipulation to that effect would be highly satisfactory, as well as useful to G. Britain. It is fairly to be presumed that it, alone, would afford to the British government a string in ducement to enter into a satisfactory arrangement of the differences relating to impressment. The claim is not inadmissible, especially as the U. States have a reciprocal interest in the restoration of deserters from American vessels in British ports,-You may therefore agree to an artile, such as hath been heretofore authorized by the U. States, which shall

liver them up.

Of the right of the United States to be exempted from the degrading practice of impressment, so much has been already said, and with such ability, that it would be useless, especially to you, who are otherwise so well acquainted with it, to dilate on its merits. I must observe, however, that the practice is utterly repuguant to the law of nations; that it is supported by no treaty with any nation; that it was never acquiesced in by any; and that a submission to it by the United States, would be the abaudonment, in favor of G. Britain, of all claim to neutral rights, and of all other rights on the ocean,

This practice is not founded on any belliger at right. The greatest extent to which the belligerent claim has been carried, over the vessels of neutral nations, is, to board, & take from them, persons in the land and sea service of an en my, contraband of war, on enemy's preperty. All nations agree respecting the two first articles, but there has been and still exists a diversity of opinion as to the last. On that and other questions of considerable importance, disputes have arisen which are yet unsettled. The Empress Catharine of Russia. a distinguished advocate of just principles, placed herself in 1780 at the head of neutral nations, in favor of a liberal construction of their rights, and her successors have generally followed her example. In all the discussions on these topics, we find nothing of the British claim to impressment; no acknowledgment of it in an treaty, or proof of submiss sion to it by any power. If instances have occurred in which British cruizers have taken British seamen from the vessels of other nations, they were, as it is presumed, in cases either not acquiesced in, or of an extraordinary nature only, aff rding no countenance to their practice and pretension in relation to the U. States. Cases of this kind, if su h there be, afford no proof of a systematic claim in the British government to impressment, or of submission to it by other powers. This laim has been et up against the U ted States only. who have in consequence thereof

been compelled to discuss its merits. This claim is in fact traced to ano her source, the allegiance due by British subjects to their sovereign, and his right by virtue thereof, to their service. This has been distinctly stated in a late declaration by the Prince Regent. Knowing the nature of the claim, we know also the extent of the right and obligations incident to it. Allegiance is a political relation between a Sovereign and his People. It is the obligation which binds the latter in return for the protection which they received. These reciprocal duties have the same limit. They are confined to the dominions of the sovereign, beyond which he bas no rights, can afford no protection and can of course claim no allegiance. A citizen or subject of one power, entering the dominions of another. owes allegiance to the latter, in return for the protection he receives. Whether a sovereign has a right to claim the service of such of his subjects as have left his own dominions is a question, respecting which also a difterence of opinion may exist. It is certain that no sovereign has a right to pursue his subjects into the territories of another, be the motive for it what it may. Such an entry, without the consent of the other power. would be a violation of its territory, and an act of hostility. Offenders. even conspirators, connot be pursued by one power into the territory of another, nor are they delivered up by the latter, except in compliance with treaties, or by favor. That the vessels of a oation are considered a part of its territory, with the exception of the belligerent right only, is a principle too well established to be brought into discussion. Each state

[Continued on the 4th Paged]