



DESPATCHES. CONCLUDED. No. VIII.

The American to the British Commissioners. Ghent, Oct. 15, 1814.

The undersigned have the honor to acknowledge the receipt of the note of the Plenipotentiaries of his Britannic Majesty, dated on the 8th inst. Satisfied of the impossibility of persuading the world that the government of the U. States was liable to any well grounded imputation of a spirit of conquest, or of injustice towards other nations, the undersigned, in affording explanations on several of the topics adverted to by the British Plenipotentiaries during this negotiation, were actuated by the sole motive of removing erroneous impressions.

Still influenced by the same motive, they will now add, that at the time when the Spanish minister was remonstrating at Washington against the transfer of Louisiana, orders were given by his government for its delivery to France; that it was, in fact, delivered a short time after that remonstrance; and that if the treaty by which the U. States acquired it had not been ratified, it would have become, of course, a French colony. The undersigned believe, that the evidence of the assent of Spain to that transfer has been promulgated. They neither admit the alleged inability of the Spanish monarch, nor the inference which the British plenipotentiaries would seem to deduce from it; on the contrary, the assent was voluntarily in 1814, by the same King, who about the same time ceded Trinidad to G. Britain, and prior to the time when he was again engaged in war with her. The cession by France was immediately communicated to Great Britain, no circumstance affecting it, and then within the knowledge of the United States being intentionally concealed from her. She expressed her satisfaction with it; and if in any possible state of the case she would have a right to question the transaction, it does not appear to the undersigned that she is now authorized to do so.

After stating generally, that the proclamations of Generals Hull and Smyth were neither authorized nor approved by their government, the undersigned could not have expected that the British plenipotentiaries would suppose that their statement did not embrace the only part of the proclamations which was the subject of consideration.

The undersigned had indeed hoped that by stating in their note of the 9th ultimo, that the government of the United States, from the commencement of the war, had been disposed to make peace without obtaining any cession of territory, and by referring to their knowledge of that disposition, and to instructions accordingly given from July 1812 to January 1814, they would effectually remove the impression that the annexation of Canada to the U. States was the declared object of their government. Not only have the undersigned been disappointed in this expectation, but the only instance in which the British plenipotentiaries have thought proper to draw from this explicit statement, has been, that either the American government by not giving instructions previous to the pacification of Europe, or the undersigned, by not acting under such instructions, gave no proof of a sincere desire to bring the present negotiations to a favorable conclusion. The undersigned did not allude, in reference to the alleged intention to annex Canada to the United States, to any instructions given by their government subsequently to January last, because, asking at this time for no accession of territory, it was only of its previous disposition that it appeared necessary to produce any proof. So erroneous was the inference drawn by the British plenipotentiaries, in both respects, that it was in virtue of the instructions of June last, that the

undersigned were enabled, in their note of the 24th August, to state, that the causes of the war between the U. States and Great Britain, having disappeared by the maritime pacification of Europe, they had been authorized to agree to its termination upon a mutual restoration of territory, and without making the conclusion of peace to depend on a successful arrangement of those points on which the difference had existed.

Considering the present state of the negotiation, the undersigned will abstain, at this time, from adducing any evidence of remarks upon the influence which has been exerted over the Indian tribes inhabiting the territories of the United States, and the nature of those excitements which have been employed by British traders and agents.

The arguments and facts already brought forward by the undersigned, respecting the political conditions of those tribes, renders it unnecessary for them to make many observations on those of the British plenipotentiaries on that subject. The treaties of 1763 and 1783, were those principally alluded to by the undersigned, to illustrate the practice of G. Britain. They did not admit in the first, nor require in the last, any stipulations respecting the Indians, who, in one case, had been her enemies, and in the other, her allies, and who in both instances, fell by the peace within the dominions of that power, against whom they had been engaged in the preceding war.

The negotiation of 1761 was quoted for the purpose of proving, what appears to be fully established by the answer of England to the ultimatum of France, delivered on the first of September of that year, that his Britannic Majesty would not renounce his right of protection over the Indian tribes reputed to be within his dominions, that is to say, between the British settlements and the Mississippi. Mr. Pitt's letter, cited by the British plenipotentiaries, far from contradicting that position, goes still further.—It states that "the situation of the new limits to Canada, as proposed by France, is intended to shorten the extent of Canada, which was to be ceded to England, & to lengthen the boundaries of Louisiana, which France was to keep and in the view to establish what must not be admitted, namely, that all which is not Canada is Louisiana, whereby all the intermediate nations and countries, the true barrier to each province would be given up to France." This is precisely the principle which was supported by the undersigned, to wit: that the recognition of a boundary, gives up to the nation on whose behalf it is made, all the Indian tribes and countries within that boundary. It was on this principle that the undersigned have confidently relied on the treaty of 1783, which fixes and recognizes the boundary of the United States, without making any reservation respecting Indian tribes.

But the British plenipotentiaries seem to produce a solitary precedent of one European power treating savages inhabiting within the dominions of another, have been compelled in support of their principle, to refer to the German empire, a body consisting of several independent states, recognized as such by the whole world, and separately maintaining with foreign powers the relations belonging to such a condition. Can it be necessary to prove that there is no sort of analogy between the political state of these civilized communities, and that of the wandering tribes of North American savages?

In referring to what the British plenipotentiaries represent as alarming and novel pretensions, that Great Britain can never recognize, the undersigned might complain that these alleged pretensions have not been stated either in terms or in substance, as expressed by themselves. This, however, is the less material, as any further recognition of them by

Great Britain is not necessary nor requested. On the other hand, they can never admit nor recognize the principles or pretensions asserted in the course of this correspondence by the British Plenipotentiaries, and which to them appear novel & alarming.

The article proposed by the British plenipotentiaries, in their last notes, not including the Indian tribes, as parties in the peace and leaving the United States free to effect its object in a mode consonant with the relations which they have constantly maintained with those tribes, partaking also of the nature of an amnesty, and being at the same time reciprocal, is not liable to that objection: and accords with the view uniformly professed by the undersigned, of placing these tribes precisely, and in every respect, in the same situation as that in which they stood before the commencement of hostilities. This article, thus proposing only what the undersigned have so often assured the British plenipotentiaries would necessarily follow, if indeed it has not already, as is highly probable, preceded a peace between Great Britain and the United States. The undersigned agree to admit it, in substance, as a provisional article, subject as originally proposed by the British government, to the approbation or rejection of the United States, which, having given no instructions to the undersigned on this point, cannot be bound by any article they may admit on the subject.

It will, of course, be understood, that if, unhappily, peace should not be the result of the present negotiation, the article thus conditionally agreed to shall be of no effect, and shall not, in any future negotiation be bro't forward by either party, by way of argument or precedent.

This article having been presented as an indispensable preliminary, and being now accepted, the undersigned requested the British plenipotentiaries to communicate to them the project of a treaty embracing all the points deemed material by Great Britain; the undersigned engaging on their part to deliver immediately after a counter project with respect to all the articles to which they may not agree, and on the subjects deemed material by the United States, and, which may be omitted in the British project.

JOHN QUINCY ADAMS, J. A. BAYARD, H. CLAY, JONA. RUSSELL, ALBERT GALLATIN.

No. IX.

The British to the American Commissioners. Ghent, Oct. 21, 1814.

The undersigned have had the honor of receiving the note of the American Plenipotentiaries of the 13th inst, communicating their acceptance of the article which the undersigned had proposed on the subject of the pacification and rights of the Indian nations.

The undersigned are happy in being thus relieved from the necessity of recurring to several topics, which, though they arose in the course of their discussions, have only an incidental connection with the differences remaining to be adjusted between the two countries.

With a view to this adjustment the undersigned, preferring in the present state of the negotiation a general statement to the formal arrangement articles, are willing so far to comply with the request of the American Plenipotentiaries contained in their last note, as to waive the advantage to which they think they were entitled, of requiring from them the first project of a treaty.

The undersigned having stated at the first conference the points upon which his majesty's government considered the discussion between the two countries as likely to turn, cannot better satisfy the request of the American Plenipotentiaries, than by referring them to that conference for a statement of the points which, in the opinion of his majesty's government yet remain to be adjusted.

With respect to the forcible sei-

zure of marines from on board merchant vessels on the high seas, and the right of the King of Great Britain to the allegiance of all his native subjects, and with respect to the maritime rights of the British empire, the undersigned conceive that, after the pretensions asserted by the government of the United States, a more satisfactory proof of the conciliatory spirit of his majesty's government cannot be given than by not requiring any stipulation on those subjects, which, though most important in themselves, no longer in consequence of the maritime pacification of Europe produce the same practical result.

On the subject of the Fisheries, the undersigned expressed with so much frankness at the conference already referred to, the views of their government, that they consider any further observations on that topic unnecessary at the present time.

On the question of the boundary between the dominions of his majesty and those of the United States, the undersigned are led to expect from the discussion which this subject has already undergone, that the Northwestern Boundary from the Lake of the Woods to the Mississippi (the intended arrangements of 1813) will be admitted without objection.

In regard to other boundaries, the American Plenipotentiaries in their note of August 24th appeared in some measure to object to the proposition then made by the undersigned as not being on the basis of *uti possidetis*. The undersigned are willing to treat on that basis, subject to such modifications as mutual convenience may be found to require; and they trust that the American Plenipotentiaries will shew by their ready acceptance of this basis, that they duly appreciate the moderation of his majesty's government in so far consulting the honor and fair pretensions of the United States as in the relative situation of the countries, authorize such a proposition.

The undersigned avail themselves of this opportunity to renew to the American Plenipotentiaries, the assurance of their high consideration.

GAMBIER, HENRY GOULBURN, WILLIAM ADAMS.

No. X.

The American to the British Ministers. October 24, 1814.

The undersigned have the honor to acknowledge the receipt of the note of the British Plenipotentiaries of the 21st instant.

Amongst the general observations which the undersigned, in their note of the 24th August, made on the propositions then brought forward on the part of the British government, they remarked that those propositions were founded neither on the basis of *uti possidetis*, nor on that of *status ante bellum*. But so far were they from suggesting the *uti possidetis* as the basis on which they were disposed to treat, that in the same note they expressly stated that they had been instructed to conclude a peace on the principles of both parties restoring whatever territory they might have taken. The undersigned also declared in that note that they had no authority to cede any part of the territory of the United States, and that to no stipulation to that effect would they subscribe; and in the note of 9th of September, after having shown that the basis of *uti possidetis*, such as was known to exist at the commencement of the negotiation, gave no claim to his Britannic majesty to cessions of territory founded upon the right of conquest, they added, that even if the chances of war should give to the British arms a momentary possession of other parts of the territory of the United States, such events would not alter their views, with regard to the terms of peace to which they would give their consent.

The undersigned can now only repeat those declarations and decline treating upon the basis of *uti possidetis*, or upon any other principle involving a cession of any part of the

United States. As they have uniformly stated, they can treat only upon the principle of a mutual restoration of whatever territory may have been taken by either party. From this principle they cannot recede, and the undersigned, after the repeated declarations of the British plenipotentiaries, that Great Britain had no view to acquisition of territory, in this negotiation, deem it necessary to add, that the utility of its continuance depends on their adherence to this principle.

The undersigned having declared in their note of the 21st of August, that although instructed and prepared to enter into a discussion of all points on which difference or uncertainty had existed, and which might hereafter tend to interrupt the harmony of the two countries, they would not make the conclusion of the peace at all depend upon a successful result of the discussion, and having since agreed to the preliminary article proposed by the British government, had believed that the negotiation, already so long protracted, should not be bro't to an early conclusion, otherwise than by the communication of a project, embracing all the other specific propositions which Great Britain intended to offer. They repeat their request in this respect, and will have no objections to a simultaneous exchange of the projects of both parties. This course will bring fairly into discussion the other topics embraced in the last note of the British plenipotentiaries, to which the undersigned have tho't it unnecessary to advert at the present time.

The undersigned renew to the British Plenipotentiaries, the assurance of their high consideration.

J. Q. ADAMS, J. A. BAYARD, H. CLAY, J. RUSSELL, A. GALLATIN.

No. XI.

Is a short letter from our Commissioners to the Secretary of State, dated 21st Oct. merely mentioning the receipt of the following inclosure from the British Commissioners:

No. XII.

From the British to the American Ministers. October 31.

The undersigned have the honor to acknowledge the receipt of the note addressed to them by the American plenipotentiaries on the 24th inst, in which they object to the basis of *uti possidetis* proposed by the undersigned as that on which they are willing to treat in regard to part of the boundaries between the dominions of his majesty and those of the United States.

The American plenipotentiaries in their note of the 13th inst, requested the undersigned to communicate to them the project of a treaty embracing all the points insisted on by Great Britain, engaging on their part to deliver immediately after a contre projet as to all the articles to which they might not agree, and as to all the subjects deemed material by the United States, and omitted in the project of the undersigned.

The undersigned were accordingly instructed to waive the question of etiquette and the advantage which might result from receiving the first communication, and, confiding in the engagement of the American plenipotentiaries, communicated in their notes of the 21st instant, all the points upon which they are instructed to insist.

The American plenipotentiaries have objected to one essential part of the project thus communicated, but before the undersigned can enter into the discussion of this objection, they must require from the American plenipotentiaries that, pursuant to their engagement, they will deliver a contre-projet containing all their objections to the points submitted by the undersigned, together with a statement of such further points as the government of the United States consider to be material.

The undersigned are authorized to state distinctly, that the article as to the pacification and rights of the Indian nations having been accepted, they have brought forward in their note of the 21st instant, all the propositions they have to offer. They have no further demands to make, no other stipulations on which they are instructed to insist, and they are empowered to sign a treaty of peace