

Political Synopsis.

No. 3.

Vol. 1.

Thursday, November 17, 1814.

TARBOROUGH, N. C.

PUBLISHED, WEEKLY, BY T. S. HANNON.

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CONGRESS.

THE INSTRUCTIONS.

Letter from the Secretary of State to the Commissioners of the United States, for treating of peace with Great Britain, dated

Department of State, June 23, 1814.

"An opportunity offering, I avail myself of it to explain more fully the views of the President on certain subjects already treated on in your instructions, and to communicate his sentiments on some others, not adverted to in them.

"The British government having repealed the orders in council, and the blockade of May, 1806, and all other illegal blockades, and having declared that it would institute no blockade which should not be supported by an adequate force, it was thought better to leave that question on that ground, than to continue the war to obtain a more precise definition of blockade, after the other essential cause of the war, that of impressment, should be removed. But when it is considered that a stipulated definition of blockade will cost Great Britain nothing after having thus recognized the principle, and that such definition is calculated to give additional confidence, in the future security of our commerce, it is expected that she will agree to it. It is true, this cause of war being removed, the United States are under no obligation to continue it, for the want of such stipulated definition, more especially as they retain in their hands the remedy against any new violation of their rights, whenever made.—The same remark is applicable to the case of impressment, for if the British government had issued orders to its cruisers not to impress seamen from our vessels, and notified the same to this government, that cause of war would also have been removed. In making peace it is better for both nations, that the controversy respecting the blockade, should be arranged by treaty, as well as that respecting impressment.—The omission to arrange it may be productive of injury. Without a precise definition of blockade, improper pretensions might be set up on each side, respecting their rights, which might possibly hazard the future good understanding between the two countries.

"Should a restitution of territory be agreed on, it will be proper for you to make a provision for settling the boundary between the United States and Great Britain on the St. Lawrence and the lakes, from the point at which the line between them strikes the St. Lawrence, to the north-western corner of the Lake of the Woods, according to the principles of the treaty of peace.

"The settlement of this boundary is important from the circumstance that there are several islands in the river and lakes, of some extent and great value, the dominion over which is claimed by both parties. It may be an advisable course to appoint commissioners on each side, with full powers to adjust, on fair and equitable considerations, this boundary. To enable you to adopt a suitable provision for the purpose, it will be proper for you to recur to the instructions heretofore given on the subject, published in the documents in your possession."

Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States at St. Petersburg.

Department of State, Jan. 1st, 1814.

GENTLEMEN,—I have not received a letter from you since your appointment to meet ministers from Great Britain, at St. Petersburg, to negotiate a treaty of peace under the mediation of the Emperor of Russia. This is doubtless owing to the miscarriage of your despatches.

The message of the President, of which I have the honor to transmit you a copy, will make you acquainted with the progress of the war with G. Britain, to that period, and the other documents which are forwarded, will communicate what has since occurred.

Among the advantages attending our success in Upper Canada was the important one of making capture of Gen. Proctor's baggage with all the public documents belonging to the British government in his possession. It is probable that these documents will be laid before Congress, as they are of a nature highly interesting to the public. You will understand their true character by extracts of two letters from Governor Cais, which are enclosed to you. By these it appears that the British government has exercised its influence over the Indian Tribes within our limits, as well as elsewhere, in peace, for hostile purposes towards the United States: and that the Indian Tribes, since the war, were, in many instances, known to, and sanctioned by the British government.

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

Mr. Monroe, Secretary of State, to the Plenipotentiaries of the United States, at St. Petersburg.

Department of State, Jan. 8th, 1814.

GENTLEMEN—I have the honor to transmit to you a copy of a letter from Lord Catterlagh to this department, and of a note from Lord Cathcart to the Russian government, with my reply to the communication.

The arrangement of a negotiation to be held at Gottenburg, directly between the U. States and G. Britain, without the aid of the Russian mediation, makes it necessary that new commissions should be issued correspondent with it, and for this purpose that a new nomination should be made to the Senate. The President instructs me to inform you, that you will both be included in it, and that he wishes you to repair, immediately on the receipt of this, to the appointed rendezvous. It is probable the business may not be limited to yourselves on the account of the great interests involved in the result. The commissions and instructions will be duly forwarded to you, as soon as the arrangements can be finally made.

In taking leave of the Russian government you will be careful to make known to it the sensibility of the President to the friendly disposition of the Emperor, manifested by the offer of his mediation; the regret felt at its rejection by the British government; and a desire that in future the greatest confidence and cordiality, and the best understanding may prevail between the two governments.

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

Mr. Monroe, Secretary of State, to the American Plenipotentiaries at Gottenburg.

Department of State, Jan. 28, 1814.

GENTLEMEN,—The British government having declined the Russian mediation, and proposed to treat directly with the United States, the President has, on due consideration, thought proper to accept the overture. To give effect to this arrangement, it was necessary that a new commission should be formed, and for that purpose that a new nomination should be made to the Senate, by whose advice and consent this important trust is committed to you.

You will consider the instructions given to the commission to treat under the mediation of Russia, as applicable to the negotiation with which you are now charged, except as they may be modified by this letter.

I shall call your attention to the most important grounds of the controversy with G. Britain only, and make such remarks on each, and on the whole subject as have occurred since the date of the former instructions, and are deemed applicable to the present juncture, taking into view the negotiation in which you are about to engage.

On impressment, as to the right of the United States to be exempt from it, I have nothing new to add. The sentiments of the President have undergone no change on that important subject. This degrading practice must cease; our flag must protect the crew, or the United States cannot consider themselves an independent nation. To settle this difference amicably the President is willing, as you are already informed by the former instructions, to remove all pretexts for it, to the British government, by excluding all British seamen from our vessels, and even to extend the exclusion to all British subjects, if necessary, excepting the few already naturalized, and to stipulate likewise the surrender of all British seamen

deferting in our ports in future from British vessels, public or private. It was presumed by all dispassionate persons that the late law of Congress relative to seamen would effectually accomplish the object. But the President is willing, as you find, to prevent a possibility of failure, to go further.

Should a treaty be made, it is proper, and would have a conciliatory effect, that all our impressed seamen who may be discharged under it, should be paid for their services by the British government, for the time of their detention, the wages they might have obtained in the merchant service of their own country.

Blockade is the subject next in point of importance, which you will have to arrange. In the instructions bearing date on the 5th of April, 1813, it was remarked, that as the British government had revoked its orders in council, and agreed that no blockade could be legal which was not supported by an adequate force, and that such adequate force should be applied to any blockade which it might hereafter institute, this cause of controversy seemed to be removed. Further reflection, however, has added great force to the expediency and importance of a precise definition of the public law on this subject. There is much cause to presume, that, if the repeal of the orders in council had taken place in time to have been known here before the declaration of war had had the effect of preventing the declaration, not only that no provision would have been obtained against impressment, but that under the name of blockade the same extent of coast would have been covered by proclamation as had been covered by the orders in council. The war, which these abuses and impressment contributed so much to produce, might possibly prevent that consequence. But it would be more satisfactory, if not more safe, to guard against it by a formal definition in the treaty. It is true, should the British government violate again the legitimate principles of blockade, in whatever terms or under whatever pretext it might be done, the United States would be left to their hands a correspondent resort; but a principle object in making peace is to prevent, by the justice and reciprocity of the conditions, a recurrence again to war, for the same cause. If the British government sincerely wishes to make a durable peace with the United States, it can have no reasonable objection to a just definition of blockade, especially as the two governments have agreed in their correspondence, in all its essential features. The instructions of the 15th of April, 1813, have stated in what manner the President is willing to arrange this difference.

On the other neutral rights, enumerated in the former instructions, I shall remark only, that the catalogue is limited in a manner to evince a spirit of accommodation; that the arrangement proposed in each instance is just in itself; that it corresponds with the general spirit of treaties between commercial powers, and that Great Britain has sanctioned it in many treaties and gone beyond it in some.

On the claim to indemnity for spoliations, I have only to refer you to what was said in the former instructions. I have to add, that should a treaty be formed, it is just in itself, and would have a happy effect on the future relations of the two countries, if indemnity should be stipulated on each side, for the destruction of all unfortified towns, and other private property, contrary to the laws and usages of war. It is equally proper that the negroes taken from the southern states should be restored to their owners, or paid for at their full value. It is known that a shameful traffic has been carried on in the West Indies, by the sale of those persons there, by those who professed to be their deliverers. Of this fact, the proof which has reached this department shall be furnished you. If these slaves are considered as non-combatants, they ought to be restored—if as property, they ought to be paid for. The treaty of peace contains an article, which recognizes this principle.

In the view which I have taken of the condition, on which you are to insist, in the proposed negotiation, you will find, on a comparison of them with those stated in the former instructions, that there is no material difference between them, the two last mentioned claims to indemnity excepted, which have originated since the date of the instructions. The principal object of this review has been to show,

that the sentiments of the President are the same in every instance, and that the reasons for maintaining them have become more evident and strong since the date of those instructions.

In accepting the overture of the British government to treat independently of the Russian mediation, the U. States have acted on principles which have governed them in every transaction relating to peace since the war. Had the British government accepted the Russian mediation, the U. S. would have treated for themselves, independently of any other power, and had Great Britain met them on just conditions peace would have been the immediate result. Had she refused to accede to such conditions, and attempted to dictate others, a knowledge of the views of other powers on those points might have been useful to the U. States. In agreeing to treat directly with G. Britain, not only is no concession contemplated on any point in controversy, but the same desire is cherished to preserve a good understanding with Russia, and other Baltic powers, as if the negotiation had taken place under the mediation of Russia.

It is probable that the British government may have declined the Russian mediation, from the apprehension of an understanding between the U. States and Russia, for very different purposes from those which have been contemplated, in the hope that a much better treaty might have been obtained of the United States, in a direct negotiation, than could be obtained under the Russian mediation, and with a view to profit of the concession which might thus be made by the U. S. in future negotiations with the Baltic powers. If this was the object of the British government, and it is not easy to conceive any other, it clearly proves the advantage to be derived in the proposed negotiation, from the aid of those powers, in securing from the British government such conditions as would be satisfactory to all parties. It would be highly honorable as well as advantageous to the U. S. if the negotiation with which you are charged should terminate in such a treaty.

I have the honor to be, &c.

(Signed) JAS. MONROE.

Mr. Monroe, Secretary of State, to the Plenipotentiaries of the U. States at Gottenburg.

Department of State, Jan. 30, 1814.

GENTLEMEN,—In addition to the claims to indemnity, stated in your preceding instructions, I have to request your attention to the following, to which it is presumed there can be no objection.

On the declaration of war by the U. S. there happened to be, in the ordinary course of commerce, several American vessels and cargoes in the ports of G. Britain, which were seized and condemned; and, in one instance, an American ship which fled from Algiers, in consequence of the declaration of war by the Dey, to Gibraltar, with the American consul and some public stores on board, shared a like fate.

After the declaration of war, Congress passed an act allowing the British subjects six months, from the date of the declaration, to remove their property out of the U. States, in consequence of which many vessels were removed with their cargoes. I add, with confidence, that on a liberal construction of the spirit of the law, some vessels were permitted to depart even after the expiration of the term specified in the law. I will endeavor to put in your possession a list of these cases. A general reciprocal provision, however, will be best adapted to the object in view.

I have the honor to be, &c.

(Signed) JAMES MONROE.

From the Secretary of State to the Commissioners of the U. States for treating with G. Britain, given

Department of State, Feb. 10, 1814.

GENTLEMEN—Should you conclude a treaty and not obtain a satisfactory arrangement of the neutral rights, it will be proper for you to provide that the United States shall have advantage of any stipulations more favorable to neutral nations, that may be established between Great Britain and other powers. A precedent for such provision is found in a declaration between Great Britain and Russia, bearing date on the 8th October, 1801, explanatory of the 2d section, 3d article, of a convention concluded between them on the 5th of June of the same year.

I have the honor to be, &c.

(Signed) JAMES MONROE.