presumption arising out of the hostile nature of the act, and out of the probable consequence to which such an act of hostility must lead.

But with respect to merchant vessels, there is no such presumption.

When mariners, subjects of his majesty, are employed in the private service of foreign individuals, under private civil contracts, the king's subjects, and the foreign individuals with whom they serve, enter into engagements inconsistent with the duty of his majesty's subjects towards him: but to those engagements the government of the foreign nation has not made itself a party.

In such cases, the species of redress which the practice of all times has admitted and sanctioned, is that of taking those subjects at sea, out of the service of such foreign individuals; and recalling them to the discharge of that previous and paramount duty which they owe to their sovereign and to their country.

That the exercise of this right involves some of the dearest interests of Great Britain, your government is ready to acknowledge, and has accordingly authorised you to propose certain regulations, which you apprehend would be equivalent in their effect for the preservation of the interests concerned.

There will be no indisposition here to entertain, at a proper time, the discussion of such proposed regulations.—But when you recollect that many proposals to this effect have already been brought forward, and have been found wholly inadmissible: when you have, yourself, recently had occasion to experience the difficulty of framing any satisfactory arrangement upon the subject; with all the anxiety which is properly felt by both governments for the speedy adjustment of the difference between them, and for the "healing of "that deep wound which you state to "have been inflicted on the national "honor of the United States;" surely it is not well-advised to make the termination of that difference, and the healing that wound dependent wholly on the complete success of an attempt which has already been made so often, and which has hitherto uniformly failed.

Your own reasoning shews, that you are aware of the more than ordinary difficulty which must attend any arrangement for the prevention of desertion, between two nations whose similarity of manners and habits, and whose identity of language, interpose so many impediments to the discrimination of "national character."

To these circumstances, and not (as you almost seem to insinuate) to any [illegible] this right, as with respect to them, is necessarily more frequent than with respect to any other nation; and is felt by them to be more rigid and vexatious. But these circumstances cannot furnish an argument for the suspension of the exercise of the right with respect to America; unless it be contended, that multiplicity of frauds and difficulty of detection are reasons against suspicion or motives for acquiescence.

As little foundation is there for the complaint that the practice has grown out of the recognition of American independence; and that the character of that event is affected by its continuance.

It is needless to repeat that these rights existed in their fullest force, for ages previous to the establishment of the United States as a independent government: and it would be difficult to contend that the recognition of that independence can have operated any change in this respect; unless it can be shewn that in acknowleging the government of the Unied States, Great Britain virtually abdicated her own rights as a naval power, or unless there were any express stipulations, by which the ancient and prescriptive usages of Great Britain, founded in the soundest principles of natural law, though still enforced against other independent nations of the world, were to be suspended whenever they might come in contact with the interests or the feelings of the American people.

I would now recal your attention to the consideration of the question respecting the late transaction between the Leopard and the Chesapeake; which till the receipt of your letter, I imagine to be the only question actually in the discussion between us, and in consideration of the delicacy and pressing importance of which, we had, by common consent, waved the consideration of all other matters pending between our two governments.

Into the discussion of this question I am prepared to enter; with what disposition on the part of his majesty's government, to consult the feelings and the honor of the government of the United States, it is not necessary for me here to declare—for you have yourself done justice to the sincerity of that disposition.

The difficulties in the way of such adjustme[illegible] are already smoothed, by the disavowal, voluntarily offered, at the very outset of the discussion, of the general and unqualified pretension to search ships of war for deserters. There remained only to ascertain the facts of the particular case, and to proportion the reparation to the wrong.

Is the British government now to understand, that you, sir, are not authorised to enter into this question separately and distinctly; without having obtained, as a preliminary concession, the consent of this country to enter into discussion with respect to the practice of searching merchant vessels for deserters?

Whether any arrangement can be devised, by which this practice may admit of modification, without prejudice to the essential rights and interests of Great Britain, is a question which as I have already said, the British government may, at a proper season, be ready to entertain: but whether the consent of G. Britain to the entering into such discussion shall be extorted as the price of an amicable adjustment, as the condition of being admitted to make honorable reparation for an injury, is a question of quite a different sort, and one which can be answered no otherwise than by an unqualified refusal.

I earnestly recommend to you, therefore, to consider whether the instructions, which you have received from your government, may not leave you at liberty to come to an adjustment of the case of the Leopard and the Chesapeake, independently of the other question with which it appears to have been unnecessarily connected.

If your instructions leave you no discretion, I cannot press you to act in contradiction to them. In that case there can be no advantage in pursuing a discussion which you are not authorised to conclude: and I shall have only to regret that the disposition of his majesty to terminate that difference amicably a[illegible] satisfactorily, is for the present rendered unavailing.

In that case, his majesty in pursuance of the disposition of which he has given such signal proofs, will lose no time in sending a minister to America, furnished with the necessary instructions and powers for bringing this unfortunate dispute to a conclusion, consistent with the harmony subsisting between Great Britain and the United States. But in order to avoid the inconvenience which has arisen, from the mixt nature of your instructions, that minister will not be empowered to entertain, as connected with this subjects, any proposition respecting the search of merchant vessels.

It will, however, be far more satisfactory to his majesty to learn, that upon reconsideration, you think yourself authorised to separate the two questions.

I hope you will allow me to express, at the same time the sincere pleasure [illegible] with you, sir, personally, for the re-establishment of a good understanding between our two countries.

I have the honor to be, &c.

(Signed) GEORGE CANNING.

—

Portland Place, Sept. 29, 1807.

SIR—I have had the honor to receive your letter of the 23d of this month, and shall transmit it without delay to my government.

I perceive by it, with great regret, that his Britannic majesty's government is not disposed to enter into an arrangement at this time, of all the differences that have arisen between our governments, respecting the impressment of seamen from American vessels by British cruizers; that it is willing to look to one object only, the late aggression, and provide for it, while the other is left to depend on future adjustment. My government had presumed that his majesty's government would have seen in the recent and greater injury, a strong motive for bringing the whole subject into one view, and providing for it at the same time. The excess of the latter outrage could not fail to revive in the mind of the suffering party, a high sense of former injuries, and it was reasonable to infer that the great injustice inseparable from the practice, of which the incident furnished so striking an example, would have produced between our governments the most prompt and friendly co operation in the means of suppressing it. That the United States have suffered a greater injury by a recent occurrence, than they had done before, cannot be a good reason, and ought to be a motive for delaying redress of the others, especially when it is considered that they were already in a train of amicable accommodation and arrangement.—Since, however, you inform me that his majesty's government is unwilling to take up the subject in a combined view, it is unnecessary for me to press it.

You ask whether I am authorised to separate this latter incident from the general practice, and to treat it as a distinct topic? On this point I have to state that my instructions, which are explicit, enjoin me to consider the whole of this class of injuries as an entire subject; and indeed so intimately are they connected in their nature, that it seems to be difficult, if not impossible, to separate them for any useful purpose to either party. My government being sincere[illegible]ious to plate the re[illegible]lations of the powers, on the solid basis of perf[illegible] friendship, is satisfied, as well [illegible] at has occurred in the general pra[illegible] as by the more awful admonition [illegible]ed from the late incident, that [illegible]y be done with effect, by mountin[illegible] source of the evil, and provid[illegible] adequate remedy for it. In purs[illegible] this great object it is my duty to [illegible]t, that my government does not see [illegible]onfine the remedy proposed to the [illegible]ies which the U. States have suffered continue to suffer, but is desirous [illegible]xtend it to those also which are c[illegible]ained of by G. Britain. Experience [illegible]shewn that both parties complain [illegible]uries, though certainly of a very d[illegible]int character and less urgent nature [illegible]ow much more advisable then i[illegible]not, in every view, for them to [illegible]e into an arrangement which shall [illegible]vide an adequate remedy for [illegible] respective injuries; which shall [illegible] the honor of each government [illegible] what is just and right in respect to [illegible]ther, and enlist the feeling of each [illegible]tion on its side, than to suffer thing[illegible] remain longer in their present sta[illegible] How much more advantageous [illegible]uld not such an arrangement be lik[illegible] to prove to G. Britain, in [illegible] the part[illegible]ar object which she has in view, t[illegible]her adherence to a practice which [illegible]ects a mean which could not fail to [illegible] more productive; a practice which [illegible]not be maintained in principle; which [illegible]eads by immutable causes, that ought [illegible]nspire different sentiments in the part[illegible] to each other, to great and constant [illegible]ate, and which is also considered by [illegible]e U. States as subversive of their ri[illegible]ts and degrading to their character [illegible]an independent power.

[illegible]So much have thought it proper to state, i[illegible]rer to place in a just light, the condu[illegible] of my government on the present [illegible]casion, on this great and very interesting subject of impressment. Well knowing its desire to cultivate the most friendly relations with G. Britain, on just and honorable conditions, it would [illegible] highly impropor that any doubt should be suffered to exist on that point.

You i[illegible]form me that his majesty has determined, in case my instructions do not permit me to separate the late aggression from the general practice of impressment to transfer the business to the Unied States by committing it to a ministe[illegible] who shall be sent there with full povers to conclude it. To that measur[illegible] I am far from being disposed to raise an obstacle, and shall immediately apprise my government of the decision to adopt it. Under such circumstances, I perfectly agree with you in the opinion, that it would be useless to pursue a discussion, which it would be [illegible]factory conclusion.

It is still my duty to give the explanation which you have desired, of the motives which induced the president to adopt the measures announced in his proclamation, of the 2d July last. However great the injury which the United States had received by the aggression complained of, it is just that it should be shewn that the president did not lose sight in those measures of the friendly relations subsisting between the two powers. When the hostile nature of the attack on the Chesapeake, is taken into view, and the general conduct of the British squadron within the waters of the United States, before and after the attack, I am persuaded that there was no limit to which the president would not have been justified in going, which he might have thought essential to the honor and safety of the nation. Before the attack, the British squadron had violated the jurisdiction of the United States, by the impressment of men within it whom the commander had refused to surrender; and after the attack the attitude which he assumed continued to be of a very menacing and hostile character. An act of hostility, it must be admitted, justifies any act of a like nature towards the party who commits it. The president, however, did not believe that his majesty's government had authorised the conduct of the British squadron, and his measures were evidently founded on that belief. They were marked by no circumstance of hostility, or of retaliation towards Great Britain; but were intended simply to preserve order within the jurisdiction of the U. States, to which end the removal of the British squadron without their limits became indispensable. After the acts of violence which had been committed by that squadron, it was impossible that it should remain longer there without increasing the irritation and widening the breach between the two nations, which it was the earnest object of the president to prevent. There certainly existed no desire of giving a preference in favor of the ships of war of one belligerent party to those of another. Before this aggression, it is well known, that his Britannic majesty's ships lay within the waters of the Chesapeake, and enjoyed all the advantages of the most favored nation; it cannot therefore be doubted that my government will be ready to restore them to the same situation, as soon as it can be done consistently with the honor and rights of the United States.

I cannot conclude this communication without expressing my earnest hope, that the differences, which have unhappily arisen between our governments, may soon be settled, on conditions honorable and satisfactory to both the parties. To have co-operated with you in the accomplishment of so great and useful a work, would have been highly gratifying to me. The disposition which you have brought to the discussion, and the sentiments which you communicated on the principal transaction, when the first intelligence of it was received, have inspired me with great confidence, that we should soon have been able to bring it to such a conclusion. To have been a party to it, would have terminated my mission to his majesty in the mode which I have long and sincerely desired.

I have the honor to be, &c.

(Singed) JAMES MONROE.

(To be Continued.)

IMPORTANT COMMUNICATIONS.

SENATE, APRIL 2, 1808.

The following message was received from the President.

To the Senate and House of Representatives of the United States.

Believing that the confidence and union of our fellow citizens, at the present crisis, will be still further confirmed by the publication of the letter of Mr. Champagny to General Armstrong, and that of Mr. Erskine to the Secretary of State, communicated with my message of the 30th ult. and therefore that it may be useful to except them from the confidential character of the other documents accompanying that message, I leave to the consideration of Congress the expediency of making them public.

TH: JEFFERSON.

April 2, 1808.

On motion of Mr. Giles the following letters were ordered to be printed.

Washington, February 23d, 1808.

SIR,

I have the honor to transmit to you the copies of certain orders of Council which his majesty has thought proper to issue in consequence of the hostile conduct of France towards the navigation and commerce of Great Britain and of neutral states.

His majesty has been induced hitherto to forbear recurring to measures of this nature by the expectation that the governments of the neutral states, who have been the objects of the French Decrees, would have been awakened to a just sense of what they owe to their interests and own rights, and would have interposed with effect, either to prevent the execution of the French decrees, or to procure their abrogation.

But his majesty having been disappointed in this just expectation, and perf[illegible] from opposing any effectual resistance, have submitted to whatever regulations France may have prescribed for giving effect to her decrees, can no longer refrain from having recourse to such measures as by retorting on the enemy the inconveniences and evils produced by his injustice and violence, may afford the only remaining chance of putting an end to a system, perseverence in which is not more injurious to his majesty's dominions than to nations not parties to the war between Great Britain and France.

The principles, upon which his majesty finds himself compelled to proceed, would justify a complete and unqualified retaliation on his part of the system announced and acted upon by France, in respect to his majesty's dominions: and his majesty might, therefore, have declared in a state of rigorous and unmitigated blockade, all the coasts and colonies of France and her allies. Such a measure, the maritime power of Great Britain would have enabled his majesty to enforce: nor would those nations, which have acquiesced, without effectual remonstrance, in the French decree of blockade, have derived any right from the perfect execution of a corresponding determination on the part of his majesty, to complain of his majesty's enforcing that measure, which the enemy has executed imperfectly, only from the want of the means of execution.

His majesty however actuated by the same sentiments of moderation by which his majesty's conduct has been uniformly governed, has been desirous of alleviating, as much as possible, the inconveniences necessarily brought upon neutral nations by a state of things so unfavorable to the commercial intercourse of the world; and has therefore anxiously considered what modifications it would be practicable to apply to the principle upon which he is compelled to act, which would not, at the same time that they might afford relief from the pressure of that principle upon neutral or friendly nations, impede or enfeeble its operation upon the enemy.

In pursuance of this desire, the order in council, which, if it had ended with the sixth paragraph, would have been no more than a strict and justifiable retaliation for the French decree of November 1806, proceeds as you will observe, sir, to provide many material exceptions, which are calculated to qualify the operation of the order upon neutral nations, in general, but which must be considered [illegible] most peculiarly favorable to the parti[illegible]ular interests of the United States.

It will not escape you, sir, that by this order in council, thus modified and regulated, the direct intercourse of the United States with the colonies of the enemy is unrestrained; an indulgence which, when it is considered to be (as it really is) not only a mitigation of that principle of just reprisal upon which the order itself is framed, but a deviation in favor of the United States, from that ancient and established principal of maritime law, by which the intercourse with the colonies of an enemy in time of war is limited to the extent which the enemy was accustomed in time of peace to prescribe for it, and which, by reference to the conduct of France in a time of peace, would amount to a complete interdiction, cannot fail to afford to the American government a proof of the amicable disposition of his majesty towards the United States.

You will observe, sir, also that the transportation of the colonial produce of the enemy from the United States to Europe, instead of being altogether prohibited (which would have been the natural retaliation for the rigorous and universal prohibition of British produce and manufactures by France) is freely permitted to the ports of Great Britain, with the power of subsequently re-exporting it to any part of Europe, under certain regulations.

The object of these regulations will be the establishment of such a protecting duty, as shall prevent the enemy from obtaining the produce of his own colonies at a cheaper rate than that of the colonies of Great Britain. In this duty it is evident that America is no otherwise concerned than as being to make an advance to that amount for which it is in her own power amply to indemnify herself at the expence of the foreign consumer.

Another most important relaxation of the principles upon which his majesty's orders proceed is that which licences the importation of all flour and meal, and all grains, tobacco and other articles, the produce of the soil of America with the exception of cotton, through the ports of his majesty's dominions, into those of his enemies, without the payment of any duty on the transit. This is, I beg leave to observe, an instance in which his majesty has deprived his measure of its most efficacious and hurtful operation against the enemy, through motives of consideration for the interests of America. The reason why his majesty could not feel himself at liberty, consistent with what was necessary for the execution of his purpose, in any tolerable degree, to allow this relaxation to apply to cotton, is to be found in the great extent to which France has pushed the manufacture of that article, and the consequent embarrassment upon her trade which a heavy impost upon cotton, as it passes through Great Britain to France, must necessarily produce.

I cannot refrain from calling the attention of the government of the United States to the contrast between the different mode in which his majesty's orders and those of France, are carried into execution. By his majesty's, the utmost consideration is manifested for the interest of those nations whose commerce he is reluctantly compelled to impede, and ample time allowed for their becoming acquainted with the new regulations and conforming to them.—Whereas France, without any previous notice, and without any interval, applies her orders to trade already entered upon in ignorance of any such orders, and subjects to condemnation ships, whose voyage, when commenced, were in strict conformity to all the regulations at that time promulgated by France.

Even with these and other modifications, his majesty is not unaware that a measure extorted from him by the injustice of the enemy, must inevitably produce inconveniences to the neutral parties who are effected by its operation.

The right of his majesty to resort to retaliation cannot be questioned. The suffering occasioned to neutral parties is incidental, and not of his majesty's seeking.

In the exercise of this undoubted right his majesty has studiously endeavored to avoid aggravating unnecessarily the inconveniences suffered by the neutral. And I am commanded by his majesty, especially, to represent to the government of the United States, the earnest desire of his majesty, to see the commerce of the world restored once more to that freedom which is necessary for its prosperity; and his readiness to abandon the system which has been forced upon him, whenever the enemy shall retract the principles which have rendered it necessary; but his majesty entertains the conviction, upon which alone his present measures are founded, that it would be vain to hope for such a retraction, until the enemy shall himself have been made to feel a portion of the evils, which he has endeavored to inflict upon others.

I have the honor to be, with great consideration and respect, sir, your most obedient humble servant.

D. M. ERSKINE.

Hon. James Madison, Sec'ry of State.