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DESPATCHES—CONTINUED.

No. III.
BRITISH NOTE.

The British to the American Commissioners.

Ghent, Sept. 4, 1814.

The undersigned have the honor to acknowledge the receipt of the note of the American plenipotentiaries, dated the 24th ultimo.

It is with unfeigned regret that the undersigned observe, both in the tone and substance of the whole note, so little proof of any disposition on the part of the Government of the United States to enter into an amicable discussion of the several points submitted by the undersigned in their former communication. The undersigned are perfectly aware, that in bringing forward those points for consideration, and stating with so much frankness, as they did, the views with which they were proposed, they departed from the usual course of negociation, by disclosing all the objects of their government, while those which the American government had in view were withheld; but in so doing they were principally actuated by a sincere desire of bringing the negociation as soon possible to a favorable termination, and in some measure by their willingness to comply with the wishes expressed by the American plenipotentiaries themselves.

It is perfectly true that the war between his majesty and the United States, was declared by the latter power upon the pretence of maritime rights alledged to be asserted by Great Britain, and disputed by the United States.

If the war thus declared by the United States had been carried on by them for objects purely of a maritime nature, or if the attack which has been made on Canada had been for the purpose of diversion, or in the way of defence against the British forces in that quarter, any question as to the boundaries of Canada might have been considered as unnecessary; but it is notorious to the whole world that the conquest of Canada, and its permanent annexation to the United States, was the declared object of the American government. If, in consequence of a different course of events on the continent of Europe, his majesty's government had been enabled to reinforce the British armies in Canada, and the United States had obtained a decided superiority in that quarter, is there any person who doubts that they would have availed themselves of their situation to obtain on the side of Canada important cessions of territory, if not the entire abandonment of that country by G. Britain? Is the American government to be allowed to pursue, so far as its means will enable it, a system of acquisition and aggrandizement to the extent of annexing entire provinces to their dominions, and is his majesty to be precluded from availing himself of his means, so far as they will enable him, to retain those points which the valor of British arms may have placed in his power, because they happen to be situated within the territories allotted under former treaties to the government of the United States?

Such a principle of negociation was never avowed at any period antecedent to that of the revolutionary government of France.

If the policy of the United States had been essentially pacific, as the American plenipotentiaries assert it ought to be, from their poliltical institutions, from the habits of their citizens, and from their physical situation it might not have been necessary to propose the precautionary provisions now under discussion. That, of late years at least, the American government have been influenced by a very different policy; by a spirit of aggrandizement not necessary to their own security, but increasing with the extent of their empire, has been too clearly manifested by their progressive occupation of the Indian territories; by the acquisition of Louisiana; by the more recent attempt to wrest by force of arms from a nation in amity, the two Floridas; and lastly, by the avowed intention of permanently annexing the Canadas to the U. States.

If then the security of the British North American dominions requires any sacrifices on the part of the United States, they must be ascribed to the declared policy of that government in making the war not one of self defence, nor for the redress of grievances, real or pretended, but a part of a system of conquest and aggrandizement.

The British government in its present situation, is bound in duty to endeavor to secure its North American dominions aganist those attempts at conquest, which the American government have avowed to be a principle of their policy, and which as such will undoubtedly be renewed, whenever any succeeding war between the two countries shall afford a prospect of renewing them with success.

The British plenipotentiaries proposed that the military possession of the Lakes, from Lake Ontario to Lake Superior, should be secured to Great Britain, because the command of those Lakes would afford to the American government the means of commencing a war in the heart of Canada, and because the command of them, on the part of Great Britain, has been shewn by experience to be attended with no insecurity to the U. States.

When the relative strength of the two powers in North America is considered, it should be recollected that the British dominions in that quarter do not contain a population of five hundred thousand souls, whereas the territory of the U. States contains a population of more than seven millions; that the naval resources of the United States are at hand for attack, and that the naval resources of G. Britain are on the other side of the Atlantic.

The military possession of those lakes is not therefore, necessary for the protection of the U. States.

The proposal for allowing the territories on the southern banks of the Lakes above mentioned to remain in the possession of the government of the United States, provided no fortifications should be erected on the shores, and no armament permitted on the waters, has been made, for the purpose of manifesting that security and not acquisition of territory, is the object of the British government, and that they have no desire to throw obstacles in the way of any commerce which the people of the U. States may be desirous of carrying on upon the lakes in time of peace.

The undersigned, with the anxious wish to rectify all misunderstanding, have thus more fully explained the grounds upon which they brought forward the propositions contained in their former note respecting the boundaries of the British possessions in N. America.

They do not wish to insist upon them beyond what the circumstances may fairly require. They are ready, amicably, to discuss the details of them with the view to the adoption of any modifications which the American plenipotentiaries, or their government, may have to suggest, if they are not incompatible with the object itself.

With respect to the boundary of the district of Maine, and that of the north western frontier of the U. States, the undersigned were not prepared to anticipate the objections contained in the note of the American plenipotiaries, "that they were instructed to treat for the revision of their boundary lines," with the statement which they have subsequently made, that they had no authority to cede any part, however insignificant, of the territories of the U. States, although the proposal left it open to them to demand an equivalent for such cession either in frontier or otherwise.

The American plenipotentiaries must be aware that the boundary of the district of Maine has never been correctly ascertained; that the one asserted at present by the American government, by which the direct communication between Halifax and Quebec becomes interrupted, was not in the contemplation of the British plenipotentiaries who concluded the treaty of 1783, and that the greater part of the territory in question is actually unoccupied.

The undersigned are persuaded that an arrangement on this point might be easily made if entered into with the spirit of conciliation, without any prejudice to the interests of the district in question.

As the necessity of fixing some boundary for the north western frontier has been mutually acknowledged a proposal for a discussion on that subject cannot be considered as a demand for a cession of territory unless the U. States, are prepared to assert that there is no limit to their territories in that direction, and that availing themselves of the geographical error upon which that part of the treaty of 1783 was founded, they will acknowledge no boundary whatever, then unquestionably any proposition to fix one, be it what it may, must be considered as demanding a large cession of tertory from the U. States.

Is the American government prepared to assert such an unlimitted right, so contrary to the evident intention of the treaty itself? Or, is his majesty's government to understand that the American plenipotentiaries are willing to acknowledge the boundary from the Lake of the Woods to the Mississippi (the arrangement made by the convention in 1803, but not ratified) as that by which their government is ready to abide?

The British plenipotentiaries are instructed to accept favorably such a proposition, or to discuss any other line of boundary which may be submitted for consideration.

It is with equal astonishment and regret the undersigned find that the American plenipotentiaries have not only declined signing any provisional article, by which the Indian nations who have taken part with G. Britain in the present contest may be included in the peace, and may have a boundary assigned to them, but have also thought proper to express surprize at any proposition on the subject having been advanced.

The American plenipotentiaries state, that their government could not have expected such a discussion, and appear resolved, at once to reject any proposition on this head; representing it as a demand contrary to the acknowledged principles of public law, tantamount to a cession of one third of the territorial dominions of the United States and required to be admitted without discussion.

The proposition which is thus represented is, that the Indian nations, which have been during the war in alliance with G. Britain, should at its termination be included in the pacification; and with a view to their permanent tranquility and security, that the British government is willing to take as a basis of an article on the subject of a boundary for those nations, the stipulations which the American government contracted in 1795, subject, however to modifications.

After the declaration, publickly made to those Indian nations by the governor general of Canada, that G. Britain would not desert them, could the American government, really persuade itself that no proposition relating to those nations would be advanced, and did lord Castlereagh's note of the 4th Nov. 1813, imply so great a sacrifice of honor, or exclude from discussion every subject, excepting what immediately related to the maritime question referred to in it?

When the undersigned assured the American Plenipotentiaries of the anxious wish of the British government that the negotiation might terminate in a peace honorable to both parties, it could not have been imagined that the American plenipotentiaries would thence conclude, that his majesty's government was prepared to abandon the Indian nations to their fate, nor could it have been foreseen that the American government would have considered it as derogatory to its honor to admit a proposition by which the tranquility of those nations might be secured.

The British Plenipotentiaries have yet to learn, that it is contrary to the acknowledged principles of public law to include allies in a negotiation for peace, or that it is contrary to the practice of all civilized nations to propose that a provision should be made for their future security.

The treaty of Greenville established the boundaries between the U. States and the Indian nations. The American plenipotentiaries must be aware, that the war, which has since broken out, has abrogated that treaty.——Is it contrary to the established principles of public law for the British government to propose, on behalf of its allies, that this treaty, shall, on the pacification, be considered a subject to such modifications as the case may render necessary? Or is it unreasonable to propose, that this stipulation should be amended, and that on that foundation some arrangement should be made which would provide for the existence of a neutral power between G. Britain and the U. States, calculated to secure to both a longer continuance of the blessings of peace?

So far was that specific proposition respecting the Indian boundaries from being insisted upon in the note, or in the conferences which preceded it, as one to be admitted without discussion, that it would have been difficult to use terms of greater latitude, or which appeared more adapted, not only not to peeclude but to invite discussion.

If the basis proposed could convoy away one third of the territory of the U. States, the American government itself must have conveyed it away by the Greenville treaty of 1795.

It is impossible to read that treaty without remarking how inconsistent present the pretensions of the American government are, with its preamble and provisions. The boundary line between the lands of the U. States, and those of the Indian nation, is therein expressly defined. The general character of the treaty, is that of a treaty with independent nations—and the very stipulation which the American plenipotentiaries refer to, that the Indian nations should sell their lands only to the U. States, tends to prove that, but for that stipulation, the Indians had a general right to dispose of them.

The American government has now for the first time, in effect, declared that all Indian nations within its line of demarkation are its subjects, living there upon sufferance, on lands which it also claims the exclusive right of acquiring, thereby menacing the final extinction of those nations.

Against such a system, the undersigned must formally protest. The undersigned repeat, that the terms on which the proposition has been made for assigning to the Indian nations some boundary, manifest no unwillingness to discuss any other proposition directed to the same object, or even a modification of that which is offered. G. Britain is ready to enter into the same engagements with respect to the Indians living within her line of demarkation, as that which is proposed to the U. States. It can therefore, only be from a complete misaprehension of the proposition, that it can be represented as being not reciprocal. Neither, can it, with any truth, be represented as contrary to the acknowledged principles of public law, as derogatory to the honor, or inconsistent with the rights of the American government, nor as a demand required to be admitted without discussion.

After this full exposition of the sentiments of his majesty's government on the points, above stated, it will be for the American plenipotentiaries to determine, whether they are ready now to continue the negotiations—whether they are disposed to refer to their government for further instructions; or, lastly, whether they will take upon themselves the responsibility of breaking off the negotiation altogether.

The undersigned request the American plenipotentiaries to accept the assurance of their high consideration.

Signed, GAMBIER.
HENRY GOULBURN.
WILLIAM ADAM.

No. IV.

The American to the British Commissioners.

Ghent, Sept. 9th, 1814.

The undersigned have had the honor to receive the note of his Britannic Majesty's Plenipotentiaries, dated the 4th inst. If, in the tone or substance of the former note of the undersigned, the British Commissioners have perceived little proof of any disposition on on the part of the American government, for a discussion of some of the propositions advanced in the first note, which the undersigned had the honor of receiving from them, they will ascribe it to the nature of the propositions themselves, to their apparent incompatibility with the assurances in Lord Castlereagh's letter to the American Secretary of State, proposing this negociation, and with the solemn assurances of the British plenipotentiaries themselves, to the undersigned, at their first conferences with them.

The undersigned, in reference to an observation of the British Plenipotentiaries, must be allowed to say, that the objects which the government of the U. States had in view, have not been withheld.

The subjects considered as suitable for discussion were fairly brought forward, in the conference of the 9th ult. and the terms on which the U. States were willing to conclude the peace, were frankly and expressly declared in the note of the undersigned, dated the 24th ultimo. It had been confidently hoped that the nature of those terms, so evidently framed in a sincere spirit of conciliation, would have induced Great Britain to adopt them as the basis of a treaty; and it is with deep regret that the undersigned, if they have rightly understood the meaning of the last note of the British Pleniposentiaries, perceive that they still insist on the exclusive military possession of the lakes, and on a permanent boundary and independent territory for the Indians residing within the dominions of the United States.

The first demand is grounded on the supposition, that the American government has manifested, by its proceedings towards Spain, by the acquisition of Louisiana, by purchases of Indian lands, and by an avowed intention of permanently annexing the Canades to the U. States, a spirit of aggrandizement and conquest, which justifies the demand of extraordinary sacrifices from them, to provide for the security of the British possessions in America.

In the observations which the undersigned felt it their duty to make on the new demands of the British government, they confined their animadversions to the nature of the demands themselves; they did not seek for illustrations of the policy of G. Britain in her conduct, in various quarters of the globe, towards other nations, for she was not accountable to the U. States. Yet the undersigned will say, that their government has ever been ready to arrange, in the most amicable manner, with Spain, the questions respecting the boundaries of Louisiana and Florida, and that of indemnities acknowledged by Spain due to American citizens. How the peaceable acquisition of Louisiana, or the purchase of lands within the acknowledged territories of the U. States, both made by fair and voluntary treaties for satisfactory equivalents, can be ascribed to a spirit of conquest dangerous to their neighbors, the undersigned are altogether at a loss to understand.

Nor has the conquest of Canada, and its permanent annexation to the U. States, been the declared object of their government. From the commencement of the war to the present time, the American government has been always willing to make peace, without obtaining any cession of territory, and on the sole condition that the maritime questions might be satisfactorily arranged. Such was their disposition in the month of July, 1812, when they instructed Mr. Russell to make the proposal of an armistice; in the month of October, of the same year, when Mr. Monroe answered Amiral Warren's proposal to the same effect; in April, 1813, when instructions were given to three of the undersigned, then appointed to treat of peace, under the mediation of Russia; and in January, 1814, when the instructions under which the undersigned are now acting, were prepared.

The proposition of the British Plenipotentiaries is, that, in order to secure the frontiers of Canada against attack, the U. States should leave their own without defence: and it seems to be forgotten, that if their superior population, and the proximity of their resources give them any advantage in that quarter, it is balanced by the great difference between the military establishments of the two nations. No sudden invasion of Canada by the U. States could be made, without leaving on their Atlantic shores, and on the ocean, exposed to the great superiority of the British force, a mass of American property far more valuable than Canada. In her relative superior force to that of the U. S. in every other quarter, G. Britain may find a pledge much more efficacious for the safety of a single vulnerable point, than in stipulations ruinous to the interests and degrading to the honor of America. The best security for the possessions of both countries will, however, be found in an equal and solid peace; in a mutual respect for the rights of each other, and in the cultivation of a friendly understanding between them. If there be any source of jealousy in relation to Canada itself, it will be found to exist solely in the undue interference of traders and agents, which may be easily removed by proper restraints.

The only American forts on the lakes known to have been, at the commencement of the negociation, held by British force, are Michilimackinac and Niagara. As the U. S. were, at the same time, in possession of Amherstburg and the adjacent country, it is not perceived that the mere occupation of those two forts could give any claim to his Britannic majesty to large cessions of territory, founded upon the right of conquest; and the undersigned may be permitted to add, that even if the chances of war should yield to the British arms a momentary possession of other parts of the territories of the U. S. such events would not alter their views with regard to the terms of peace to which they would give their consent. Without recurring to examples drawn from the revolutionary governments of France, or to a more recent and illustrious triumph of fortitude in adversity, they have been taught by their own history that the occupation of their principal cities would produce no despondency, nor induce their submission to the dismemberment of their empire, or to the abandonment of any one of the rights which constitute a part of their national independence.

The general position, that it was consistent with the principle of public law, and with the practice of civilized nations, to include allies in a treaty of peace, and to provide for their security, never was called in question by the undersigned. But they have denied the right of G. Britain, according to those principles and her own practice, to interfere in any manner with Indian tribes residing within the territories of the United States, as acknowledged by herself, to consider such tribes as her allies, or to tract for them with U. States. They will not repeat the facts and arguments already brought forward by them in support of this position, and which remain unanswered. The observations made by the British plenipotentiaries on the treaty of Greenville, and their assertion that the U. States now, for the first time, deny the absolute independence of the Indian tribes, and claim the exclusive right of purchasing their lands, require, however, some notice.

If the U. States had now asserted, that the Indians within their boundaries, who have acknowledged the U. States as their only protectors were their subjects, living only at sufference on their lands, far from being the first in making that assertion, they would only have followed the example of the principles, uniformly and invariably asserted in substance, and frequently avowed in express terms by the British government itself. What was the meaning of all the colonial charters granted by the British monarchy, from that of Virginia, by Elizabeth, to that of Georgia, by the immediate predecessor of the present king, if the Indians were the sovereigns and proprietors of the lands bestowed by those charters? What was the meaning of that article in the treaty of Utrecht, by which the five nations were described, in terms, as subject to the dominion of G. Britain? or that of the treaty with the Cherokees, by which it was declared that the king of G. Britain granted them the privilege to live where they pleased, if those subjects were independent sovereigns, and if these tenants, at the license of the British king, were the rightful lords of the lands where he granted them permission to live? What was the meaning of that proclamation of his present Britannic majesty issued in 1763, declaring all purchases of lands from the Indians null and void, unless made by treaties held under the sanction of his majesty's government, if the Indians had the right to sell their lands to whom they pleased? What was the meaning of boundary lines of American territories, in all the treaties of G. Britain with other European powers having American possessions, particularly in the treaty of 1763, by which she acquired from France the sovereignty and possession of the Canadas; in her treaty of peace with the U. States in 1783; nay, what is the meaning of the north western boundary line now proposed by the British commissioners themselves, if it is the rightful possession and sovereignty of independent Indians, of which these boundaries dispose? Is it, indeed, necessary to ask, whether G. Britain ever has permitted, or would permit, any foreign nation, or without her consent, any of her subjects, to acquire lands from the Indians, in the territories of the Hudson bay company, or in Canada? In formally protesting against this system, it is not against a novel pretension of the American government, it is against the most solemn acts of their own sovereigns, against the royal proclamations, charters, and treaties of G. Britain, for more than two centuries, from the first settlement of North America to the present day, that the British plenipotentiaries protest.

From the rigor of this system, however, as practised by G. Britain, and all the other European powers in America, the humane and liberal policy of the U. States has voluntarily relaxed. A celebrated writer on the laws of nations, to whose authority British jurists have taken particular satisfaction in appealing, after stating, in the most explicit manner, the legitimacy of colonial settlements in America, the exclusion of all rights of uncivilized Indian tribes, has taken occasion to praise the first settlers of New England, and the founder of Pennsylvania, in having purchased of the Indians the lands they resolved to cultivate notwithstanding their being furnished with a charter from their sovereign. It is this example, which the United States, since they became, by their Independence, the sovereigns of the territory, have adopted and organized into a political system. Under that system the Indians residing within the U. States are so far independent, that they live under their own customs, and not under the laws of the U. States; that their rights upon the lands where they inhabit, or hunt, are secured to them by boundaries defined in amicable treaties between the U. States and themselves; and that whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the U. States ample compensation for every right they have to the lands ceded by them. They are so far dependent as not to have the right to dispose of their lands to any private persons, nor to any power than the U. States, and to be under their protection alone, and not under that of any other power. Whether called subjects, or by whatever name designated, such is the relation between them and the U. States. That relation is neither asserted now for the first time, nor did it originate with the treaty of Greenville. These principles have been uniformly recognized by the Indians themselves, not only by that treaty, but in all the other previous as well as subsequent treaties, between them and the U. States.

The treaty of Greenville neither took from the Indians the right, which they had not, of selling lands within the jurisdiction of the U. States to foreign governments or subjects, nor ceded to them the right of exercising exclusive jurisdiction within the boundary line assigned. It was merely declaratory of the public law, in relation to the parties, founded on principles previously and universally recognized. It left to the U. States the rights of exercising sovereignty and of acquiring soil, and bears no analogy to the proposition of G. Britain, which requires the abandonment of both.

The British plenipotentiaries state in their last note, that G. Britain is ready to enter into the same engagement with respect to the Indians living within her line of demarkation, as that which is proposed to the U. States.—The undersigned will not dwell on the immense inequality of value between the two territories which, under such a arrangement, would be assigned, by each nation respectively to the Indians, and which alone would make the reciprocity merely nominal. The condition which would be thus imposed on G. Britain not to acquire lands in Canada from the Indians, would be productive of no advantage to the U. States, and is, therefore, no equivalent for the sacrifice required of them. They do not consider that it belongs to the U. States in any respect to interfere with the concerns of G. Britain in her American possessions, or with her policy towards the Indians residing there: and they cannot consent to any interference, on the part of G Britain, with their own concerns, and particularly with the Indians living within their territories. It may be the interest of G. Britain to limit her settlements in Canada to their present extent, and to leave the country to the West a perpetual wilderness, to be forever inhabited by scattred tribes of hunters: but it would inflict a vital injury on the U. States to have a line run through her territory, beyond which her settlements should forever be precluded from extending, thereby arresting the natural growth of her population and strength; placing the Indians substantially, by virtue of the proposed guarantee, under the protection of G. Britain; dooming them to perpetual barbarism, and leaving an extensive frontier forever exposed to their savage incursions.

With respect to the mere question of peace with the Indians, the undersigned have already explicitly assured the British plenipotentiaries, that so far as it depended on the U. S. it would immediately and necessarily follow a peace with G. Britain. If this be her sole object, no provision in the treaty to that effect is necessary. Provided the Indians will now consent to it, peace will immediately be made with them, and they will be reinstated in the same situation in which they stood before the commencement of hostilities. Should a continuance of the war compel the U. States to alter their policy towards the Indians, who may still take the part of G. Britain, they alone must be responsible for the consequences of her own act in having induced them to withdraw themselves from the protection of the U States. The employment of savages, whose known rule of warfare is the indiscriminate torture and butchery of women, children and prisoners, is itself a departure from the principles of humanity observed between all civilized and Christian nations, even in war.

The U. States have constantly protested, and still protest against it as an unjustifiable aggravation of the calamities and horrors of war—Of the peculiar atrocities of Indian warfare, the allies of G. Britain in whose behalf she now demands sacrifices of the U. States, have during the present war, shewn many deplorable examples. Among them, the massacre in cold blood, of wounded prisoners, and the refusal of the rights of burial to the dead, under the eyes of British officers, who could only plead their inability to control these savage auxiliaries, have been repeated, and are notorious to the world. The U. States might at all times have employed the same kind of force against G. Britain, to a greater extent than it was in her power to employ against them: but from their reluctance to resort to means so abhorrent to the natural feelings of humanity, they abstained from the use of them until compelled to the alternative of employing themselves Indians, who otherwise would have been drawn into the ranks of their enemies.—The undersigned, suggesting to the British plenipotentiaries the propriety of an article by which G Britain and the U. States should reciprocally stipulate never hereafter, if they should be again at war, to employ savages in it, believe that it would be infinitely more honorable to the humanity and Christian temper of both parties, more advantageous to the Indians themselves, and better adapted to secure their permanent peace, tranquillity, and progressive civilization, than the boundary proposed by the British plenipotentiaries.

With regard to the cession of a part of the District of Maine, as to which the British plenipotentiaries are unable to reconcile the objections made by the undersigned with their previous declaration, they have the honor to observe, that at the conference of the 8th ult. the British plenipotentiaries stated as one of the subjects suitable for discussion, a revision of the boundary line between the British and American territories, with a view to prevent uncertainty and dispute: and that it was on the point thus stated, that the undersigned declared that they were provided with instructions from their government; a declaration which did not imply that they were instructed to make any cession of territory in any quarter, or to agree to a revision of the line, or to any exchange of territory, where no uncertainty or dispute existed.

The undersigned perceive no uncertainty or matter of doubt in the treaty of 1783, with respect to that part of the boundary of the District of Maine which would be affected by the proposal of Great Britain on that subject. They never have understood that the British plenipotentiaries who signed that treaty, had contemplated a boundary differ-