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AGENCY

Montgomery County—John Campbell

DOCUMENTS

FROM OUR COMMISSIONERS AT GHENT, RELATIVE TO THE NEGOTIATION

(CONTINUED.)

The British to the American Commissioners.

GHENT, Sept. 19, 1814.

The undersigned have the honor to acknowledge the receipt of the note addressed to them by the American plenipotentiaries on the 9th inst.

On the greater part of that note, the undersigned have no intention to make comments, having proposed to themselves throughout the negotiation to avoid all unnecessary discussions, more especially when tending to create irritation.

On the question of the north western frontiers, they are happy to find that no material difficulty is likely to arise.

With respect to the boundary of the district of Maine, the undersigned observe with regret, that although the American plenipotentiaries have acknowledged themselves to be instructed to discuss a revision of the boundary line, with a view to prevent uncertainty and dispute, yet, by assuming an exclusive right at once to decide what is or is not a subject of uncertainty and dispute, they have rendered their powers nugatory or inadmissibly partial in their operation.

After the declaration made by the American plenipotentiaries, that the United States will admit of no line of boundary between their territory and that of the Indian nations, because the natural growth and population of the United States would be thereby arrested, it becomes unnecessary further to insist on the proof of a spirit of aggrandizement afforded by the purchase of Louisiana from France, against the known conditions on which it had been ceded by Spain to that country, or the hostile seizure of a great part of the Floridas, under the pretence of a dispute respecting the boundary.

The reason given by the American plenipotentiaries for this declaration, equally applies to the assignment of a boundary to the United States on any side, with whatever view proposed; and the unlimited nature of the pretension would alone have justified Great Britain in seeking more effectually securities against its application to Canada than any which the undersigned have had the honor to propose.

Had the American plenipotentiaries been instructed on the subject of Canada, they would not have asserted that its permanent annexation had not been the declared object of their government. It has been distinctly avowed to be such at different times, particularly by two American generals on their respective invasions of Canada. If the declaration first made had been disapproved, it would not have been repeated. The declarations here referred to are to be found in the proclamation of Gen. Hull in July, 1812, and of General Smyth in November, 1812, copies of which are hereunto annexed.

It must be also from the want of instructions that the American plenipotentiaries have been led to assert that Great Britain has induced the Indians to withdraw from the protection of the United States. The government of the United States cannot have forgotten that Great Britain, so far from inducing the Indians to withdraw themselves from the protection of the U. States, gave the earliest information of the intention of those nations to invade the United States, & exerted herself, though without success, to prevent and appease their hostility. The Indian nations, however, having experienced, as they thought, oppression, instead of protection from the United States, declared war against them previously to the declaration of war by that country against Great Britain. The treaty by which the Indians placed themselves under the protection of the U. States, is now abrogated, and the American government cannot be entitled to claim, as a right, the renewal of an article in a treaty, which has no longer any exist-

ence. The Indian nations are therefore no longer to be considered as under the protection of the United States, (whatever may be the import of that term) & it can only be on the ground that they are regarded as subjects, that the American plenipotentiaries can be authorized to deny the right of Great Britain to interfere on their behalf in the negotiation for peace. To any such claim, it is repeated, that the treaties concluded, and particularly that of Greenville, are in direct opposition.

It is necessary to recur to the manner in which the territory of the United States was at first settled, in order to decide, whether the Indian nations, the original inhabitants of America, shall have some spot assigned to them, where they may be permitted to live in tranquility; nor whether their tranquility can be secured without preventing an uninterrupted system of encroachment upon them under the pretence of purchases.

If the American plenipotentiaries are authorized peremptorily to deny the right of the British government to interfere with the pacification of the Indian nations, and for that reason refuse all negotiation on the subject, the undersigned are at a loss to understand, upon what principle it was, that at the conference of the 9th ultimo, the American plenipotentiaries invited discussion on the subject, and added, that it was not possible for them to decide without discussion, whether an article could be framed which should be mutually satisfactory, and to which they should think themselves, under their discretionary power, warranted in acceding.

The undersigned must further observe, that if the American government has not furnished its plenipotentiaries with any instructions since January last, when the general pacification of Europe could not have been immediately in contemplation, this subsequent silence, after an event so calculated (even in the view which the American plenipotentiaries have taken of it, in their note of the 24th ult.) to influence the negotiation, is, to say the least, no proof of a sincere desire to bring it to a favorable conclusion. The British government has entered into the negotiation with an anxious wish to effect an amicable arrangement. After convulsions unexampled in their nature, extent and duration, the civilized world has need of repose. To obtain this in Europe, Great Britain has made considerable sacrifices. To complete the work of general pacification, it is her earnest wish to establish a peace with the United States, and in her endeavors to accomplish this object, to manifest the same principle of moderation and forbearance; but it is utterly inconsistent with her practice and principles ever to abandon in her negotiations for peace those who have co-operated with her in war.

The undersigned, therefore, repeat that the British government is willing to sign a treaty of peace with the United States on terms honorable to both parties. It has not offered any terms which the United States can justly represent as derogatory to their honor, nor can it be induced to accede to any which are injurious to its own. It is on this ground that the undersigned are authorized distinctly to declare, that they are instructed not to sign a treaty of peace with the plenipotentiaries of the United States, unless the Indian nations are included in it, and restored to all the rights, privileges and territories which they enjoyed in the year 1811, previous to the commencement of the war, by virtue of the treaty of Greenville, and the treaties subsequently concluded between them and the United States. From this point the British plenipotentiaries cannot depart.

They are further instructed to offer for discussion an article by which the contracting parties shall reciprocally bind themselves, according to boundaries to be agreed upon, not to purchase lands occupied by the Indians within their respective lines of demarcation. By making this engagement, subject to revision at the expiration of a given period, it is hoped that the objection to the establishment of a boundary beyond which the settlements of the U. States should be forever excluded, may be effectually obviated.

The undersigned have never stated that the exclusive military possession of the lakes, however conducive they are satisfied that it would be to a good understanding between the two countries, without endangering the security of the United States; was to be considered as a sine qua non in the negotiation. Whenever the question relative to the pacification of the Indian nations, (which, subject to the explanations already given, is a sine qua non), shall be adjusted, the undersigned will be authorized to make a final proposi-

tion on the subject of Canadian boundaries, so entirely founded on principles of moderation & justice, that they feel confident it cannot be rejected. This proposition will be distinctly stated by the undersigned, upon receiving an assurance from the American plenipotentiaries that they consider themselves authorized to conclude a provisional article on the subject, and upon their previously consenting to include the Indian nations in the treaty in the manner above described.

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

(Signed) GAMBIER, HENRY GOULBURN, WILLIAM ADAMS.

The Ministers Plenipotentiary and Extraordinary of the U. States, &c.

The American to the British Commissioners.

GHENT, Sept. 26, 1814.

In replying to the note which the undersigned have had the honor of receiving from his Britannic majesty's plenipotentiaries, dated on the 19th instant, they are happy to concur with them in the sentiment of avoiding unnecessary discussion, especially such as may have a tendency to create irritation. They had hoped that, in the same spirit, the British plenipotentiaries would not have thought allusions again necessary to transactions foreign to this negotiation, relating to the United States, and other independent nations, and not suitable for discussion between the United States and Great Britain. The observation made with respect to Louisiana is the more extraordinary, as the cession of that province was, at the time, communicated to the British government, who expressed their entire satisfaction of it, and has subsequently received the solemn sanction of Spain herself. The undersigned will further say, that whenever the transactions of the United States, in relation to the bounds of Louisiana and Florida, shall be a proper subject of discussion, they will be found not only susceptible of complete justification, but will demonstrate the moderation and forbearance of the American government, and their undeviating respect for the rights of their neighbors.

The undersigned are far from assuming the exclusive right to decide, what is, or is not, a subject of uncertainty or dispute, with regard to the boundary of the district of Maine. But until the British plenipotentiaries shall have shown in what respect the part of that boundary which would be affected by their proposal, is such a subject, the undersigned may be permitted to assert that it is not.

The treaty of 1763 described the boundary as "a line to be drawn along the middle of the river St. Croix, from its mouth in the bay of Fundy, to its source, and from its source directly north to the highlands which divide the rivers which fall into the Atlantic ocean from those which fall into the river St. Lawrence, and thence along the said highlands to the northwesternmost head of Connecticut river."

Doubts having arisen as to the St. Croix designated in the treaty of 1763, a provision was made by that of 1794 for ascertaining it; and it may be fairly inferred, from the limitation of the article to that sole object, that even in the judgment of Great Britain, no other subject of controversy existed in relation to the extension of the boundary line from the source of that river.

That river and its source having been correctly ascertained, the undersigned are prepared to propose the appointment of commissioners by the two governments, to extend the line to the highlands, conformably to the treaty of 1763. The proposal, however, of the British plenipotentiaries was not to ascertain, but to vary those lines in such a manner as to secure a direct communication between Quebec and Halifax; an alteration which could not be effected, without a cession by the United States to Great Britain of all that portion of the state of Massachusetts intervening between the province of New Brunswick and Quebec, although unquestionably included within the boundary lines fixed by that treaty. Whether it was contemplated on the part of Great Britain to obtain the cession, with or without an equivalent in frontier or otherwise, the undersigned, in stating that they were not instructed or authorized to treat on the subject of cession, have not declined to discuss any matter of uncertainty or dispute which the British plenipotentiaries may point out to exist, respecting the boundaries in that or in any other quarter, and are, therefore, not liable to the imputation of having rendered their powers on the subject nugatory, or inadmissibly partial in their operation.

The British plenipotentiaries con-

sidered the undersigned as having declared, "that the United States will admit of no line of boundary between their territory and that of the Indian nations because the natural growth and population of the United States would be thereby arrested." The undersigned, on the contrary, expressly stated in their last note "that the lands inhabited by the Indians were secured to them by boundaries, defined in amicable treaties between them and the U. States;" but they did refuse to assign, in a treaty with Great Britain, a definite and permanent boundary to the Indians living within the limits of the U. States. On this subject, the undersigned have no hesitation in avowing, that the United States, while intending never to acquire lands of the Indians otherwise than peaceably, and with their free consent, are fully determined in that manner, progressively, and in proportion as their growing population may require, to reclaim from the state of nature and to bring into cultivation every portion of the territory contained within their acknowledged boundaries. In thus providing for the support of millions of civilized beings, they will not violate any dictate of justice or humanity, for they will not only give to the few thousand savages, scattered over that territory, an ample equivalent for any right they may surrender, but will always leave them in possession of lands more than they can cultivate, and more than adequate to their subsistence, comfort and enjoyment by cultivation.

If this be a spirit of aggrandizement, the undersigned are prepared to admit, in that sense, its existence; but they must deny that it affords the slightest proof of an intention not to respect the boundaries between them and European nations, or of a desire to encroach upon the territories of Great Britain. If, in the progress of their increasing population, the American people must grow in strength proportioned to their numbers, the undersigned will hope that Great Britain, far from repining at the prospect, will contemplate it with satisfaction. They will not suppose that that government will avow, as the basis of their policy towards the U. S. the system of arresting their natural growth within their own territories, for the sake of preserving a perpetual desert for savages. If Great Britain has made sacrifices to give repose to the civilized world in Europe, no sacrifice is required from her by the U. States to complete the work of general pacification. The negotiation at least evinces, on their part, no disposition to claim any other right, than that of preserving their independence entire, and of governing their own territories without foreign interference.

Of the two proclamations, purported copies of which the British plenipotentiaries have thought proper to enclose with their last note, the undersigned might content themselves with remarking, that neither of them is the act of government. They are enabled however to add, with perfect confidence; that neither of them was authorized or approved by the government. The undersigned are not disposed to consider as the act of the British government, the proclamation of Admiral Cochrane, herewith enclosed, exciting a portion of the population of the United States, under the promise of military employment or of free settlement in the West Indies, to treachery and rebellion. The undersigned very sincerely regret to be obliged to say, that an irresistible mass of evidence consisting principally of correspondence of British officers and agents, part only of which has already been published in America, establishes beyond all rational doubt, the fact, that a constant system of excitement to those hostilities was pursued by the British traders and agents, who had access to the Indians, not only without being discountenanced, but with frequent encouragement by the British authorities; & that if they ever dissuaded the Indians from commencing hostilities, it was only by urging them, as in prudence, to suspend their attacks until Great Britain could recognize them as her allies in the war.

When, in the conference of the 9th ult. the undersigned invited discussion upon the proposal of Indian pacification and boundary, as well as upon all the subjects presented by the British plenipotentiaries for discussion, they expressly stated their motives to be, 1st. To ascertain by discussion, whether an article on the subject could be formed to which they could subscribe, and which would be satisfactory to the British plenipotentiaries; and 2dly. That if no such article could be formed, the American government might be informed of the views of Great Britain on that point, and the British government of the objections on the part of the United States, to any such arrangement. The undersigned have

in fact, already proposed no less than three articles on the subject, all of which, they view as better calculated to secure peace and tranquillity to the Indians, than any of the proposals for that purpose, made by the British plenipotentiaries.

The undersigned had repeated their assurances to the British plenipotentiaries, that peace, so far as it depended on the United States, would immediately follow a peace with Great Britain, and added, that the Indians would thereby be reinstated in the same situation in, which they stood before the commencement of hostilities. The British plenipotentiaries insist, in their last note, that the Indian nations shall be included in the treaty of peace between Great Britain and the United States, and be restored to all the rights, privileges and territories which they enjoyed in the year 1811, previous to their commencement of the war, by virtue of the treaty of Greenville, and the treaties subsequently concluded between them and the United States. Setting aside the subject of boundary, which is presented as for discussion only, there is no apparent difference with respect to the object in view; the pacification and tranquillity of the Indians, and placing them in the same situation in which they stood before the war, all which will be equally obtained in the manner proposed by the undersigned, and the only point of real difference is, the British plenipotentiaries insist that it should be done by including the Indians, as allies of Great Britain, in the treaty of peace, in any manner which will recognize them as independent nations, whom Great Britain, having obtained this recognition, would, hereafter, have the right to consider, in every respect, as such. Thus to recognize those Indians as independent and sovereign nations, would take from the United States, and transfer to those Indians, all the rights of soil and sovereignty over the territory which they inhabit; and this being accomplished, through the agency of Great Britain, would place them effectually and exclusively under her protection, instead of being, as heretofore, under that of the United States. It is not perceived in what respect such a provision would differ from an absolute cession, by the U. S. of the extensive territory in question.

The British plenipotentiaries have repeated the assertion, that the treaty by which the Indians placed themselves under the protection of the U. States, was abrogated by the war; and to consider as under the protection of the U. States, whatever may be the import of the term; and that the right of Great Britain to interfere in their behalf in the negotiation of peace, can only be denied on the ground that they are regarded as subjects. In point of fact, several of the tribes, parties to the treaty of Greenville, have constantly been, and still are, at peace with the United States. Whether that treaty be or be not abrogated, is a question not necessary to be now discussed. The right of the United States to the protection of the Indians within their boundaries, was not acquired by that treaty; it was a necessary consequence of the sovereignty and independence of the United States. Previous to that time, the Indians living within the same territory, were under the protection of his Britannic majesty, as its sovereign. The undersigned may refer the British plenipotentiaries to all the acts of their own government, relative to the subject, for proof, that it has always considered this right of protection as one of the rights of sovereignty, which it needed no Indian treaty to confer, and which the abrogation of no Indian treaty could divest. They will particularly bring to their recollection, that when a similar proposition was made of considering Indian tribes as independent nations, to serve as a barrier between the French and English territories, was made by France to England, it was immediately rejected, by a minister to whom the British nation is accustomed to look back with veneration, and rejected on the express ground that the king would not renounce his claim of protection over the Indians within his dominions. But whatever the relation of the Indians to the United States may be, and whether under their protection or not, Great Britain having, by the treaty of 1763, recognized the sovereignty of the U. States, and agreed to certain limits as their boundaries, has no right to consider any persons or communities, whether Indians or otherwise, residing within those boundaries, as nations independent of the United States.

The United States claim, of right, with respect to all European nations, and particularly with respect to Great Britain, the entire sovereignty over the whole territory, and all the persons