

document of any one of the rights which constitute a part of their national independence.

The general proposition, that it was consistent with the principles 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 Great Britain, according to those principles and to her own practice, to interfere in any manner with Indian tribes residing within the territories of the United 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 United 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 United States have now asserted, that the Indians within their boundaries, who have acknowledged the United States as their only protectors, were their subjects, living only at sufferance 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 Great Britain? or that of the treaty with the Cherokees, by which it was declared that the king of Great Britain granted them the privilege to live where they pleased, if those subjects were independent sovereigns, and if those 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 Great Britain with other European powers having American possessions particularly in the treaty of 1763, by which she acquired from France the sovereignty & 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 Indians, of which these boundaries dispose?—It is, indeed, necessary to ask, whether Great Britain ever has permitted, or would permit, any foreign nation, or without her consent, any of her subjects, to acquire lands of 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 Great 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 Great Britain, and all the other European powers in America, the humane and liberal policy of the United 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 all colonial settlements in America, to the exclusion of all rights of uncivilized Indian tribes, has taken occasion to praise the first settlers of New England, and of 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 United States are so far independent, that they live under their own customs, and not under the laws of the United States: that their rights upon the lands where they inhabit, or hunt, are secured to them by boundaries defined in amicable treaties between the United States and themselves; and that whenever those boundaries are varied, it is also by amicable and voluntary treaties, by which they receive from the United 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 other

than the United 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 United 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 in that treaty, but in all the other previous as well as subsequent treaties, between them and the United 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 United States the right of sovereignty and of acquiring soil, and bears no analogy to the proposition of Great Britain which requires the abandonment of both.

The British plenipotentiaries state in their last note, that Great Britain is ready to enter into the same engagement with respect to the Indians living within her line of demarcation, as that which is proposed to the United States. The undersigned will not dwell on the immense inequality of value between the two territories, which, under such an 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 Great Britain not to acquire lands in Canada from the Indians, would be productive of no advantages to the United States, and is, therefore, no equivalent for the sacrifice required of them.—They do not consider that it belongs to the United 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 Great Britain, with their own concerns, and particularly with the Indians living within their territories. It may be the interest of Great 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 scattered tribes of hunters: but it would inflict a vital injury on the United States to have a line run through their territory, beyond which their settlements should for ever be precluded from extending, thereby arresting the natural growth of their population and strength; placing the Indians substantially, by virtue of the proposed guarantee, under the protection of Great Britain; 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 explicitly assured the British plenipotentiaries, that so far as it depended on the United States, it would immediately and necessarily follow a peace with Great 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 re-instated in the same situation in which they stood before the commencement of hostilities. Should a continuance of the war compel the United States to alter their policy towards the Indians, who may still take the part of Great Britain, they alone must be responsible for her own act in having induced them to withdraw themselves from the protection of the United 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, ever in war.

The United 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 Great Britain, in whose behalf she now demands sacrifices of the United States, have, during the present war, shown 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 United States might, at all times, have employed the same kind of force against Great 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 would otherwise have been drawn into the ranks of their enemies. The undersigned, suggesting to the British plenipotentiaries the propriety of an article by which Great Britain and the United States should reciprocally stipulate never hereafter, if they should be

again at war, to employ the 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 no 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 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 different from that fixed by the treaty, and which requires nothing more, in order to be definitely ascertained, than to be surveyed in conformity with its provisions.—This subject not having been a matter of uncertainty or dispute, the undersigned are not instructed upon it; and they can have no authority to cede any part of the state of Massachusetts, even for what the British government might consider a fair equivalent.

In regard to the boundary of the N. W. frontier, so soon as the Indian boundary is disposed of, the undersigned have no objection, with the explanation given by the British plenipotentiaries, in their last note, to discuss the subject.

The undersigned, in their former note, stated with frankness, and will now repeat, that the two propositions, 1st, of assigning in the proposed treaty of peace a definite boundary to the Indians living within the limits of the U. States, beyond which boundary they should stipulate not to acquire, by purchase or otherwise, any territory; 2dly, of securing the exclusive military possession of the lakes to Great Britain; are both inadmissible; and that they cannot subscribe to, and would deem it useless to refer to their government any arrangement, even provisional, containing either of these propositions. With this understanding, the undersigned are now ready to continue the negotiation; and, as they have already expressed, to discuss all the points of difference, or which might hereafter tend in any degree to interrupt the harmony of the two countries.

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

(Signed) J. Q. ADAMS,
J. A. BAYARD,
H. CLAY,
JONA. RUSSELL,
A. GALLATIN,
(TO BE CONTINUED.)

[The following is the conclusion of the Act authorizing the President of the U. States to call upon the several states and territories thereof, for their respective quotas of militia for the defence of the frontiers of the U. States; the first section of which was published in our last.]

AN ACT
To authorize the president of the United States to call upon the several states and territories thereof, for their respective quotas of eighty thousand four hundred thirty militia, for the defence of the frontiers of the United States, against invasion.

Sec. 2. *And be it further enacted,* That the whole number of militia of each state and territory shall be divided into classes, in such manner, as that one man from each class, shall, in the whole, amount, as nearly as may be, to the number required from such state or territory; and after such classification, each class shall furnish, by draft or by contract, one effective able-bodied man, to serve in the militia detached for the term of two years as aforesaid, unless sooner discharged: *Provided nevertheless,* That if any state or territory shall, within three months after the passing of this act, furnish its quota, or any part thereof, required by this act, or other troops in lieu of them, for an equal or longer term of service, the same shall be received into the service of the United States in substitution of the same number of militia called for by this act; and in that case, the draft shall so far cease to take effect. And the draft shall cease to take effect in every case in which any class shall furnish a militia man by contract as aforesaid.

Sec. 3. *And be it further enacted,* That for the purpose of carrying into effect the provisions of the act, with equality and justice to all descriptions

of the militia, it shall be the duty of every officer commanding a company of infantry, to enter upon his muster roll every person subject to militia duty within the beat or district comprehending his company, whether of artillery, cavalry, grenadiers, light infantry, volunteers, or by whatever other denomination distinguished, including all non-commissioned officers and musicians; which muster roll he shall make out, on oath, and return to the officer commanding the battalion, or regiment, to which he belongs; who shall, without delay, return the same to the brigade inspector of his brigade; and the brigade inspectors are hereby required to make out a regular return of all the muster rolls aforesaid, and transmit the same, by mail, free of postage, or otherwise, to the adjutant general of the state or territory; whereupon all the militia of every description, entered upon such muster roll, shall, in like manner, be subject to classification, for the purpose of draft or contribution required by this act, and in all cases of making the draft, where the person drafted shall heretofore have faithfully performed any tour of duty in the militia since the commencement of the war, either as a volunteer or drafted militiaman, whether upon the requisition of the United States, or of any state or territory, he shall be entitled to a deduction for the whole of his former term of service, as aforesaid, from the term of service required by this act; and it shall be the duty of the officer making such draft, at the same time, to make a true and faithful report to the department of war, of all persons drafted by him, who shall previously have performed a tour of service as aforesaid, specifying the nature and duration of such service; whereupon it shall be the duty of the secretary for the department of war, to cause discharges to be granted to all such persons, according to the principles of the aforesaid provision.

Sec. 4. *And be it further enacted,* That the adjutant general shall, on receiving such returns of muster rolls, as aforesaid, ascertain and determine the number of men which shall compose each class, so that one man detached therefrom will make the whole number of men required by this act from such state or territory; and after apportioning the classes and number of men to be detached from the several brigades, regiments, or battalions, shall transmit a copy of the same by mail, free of postage, or otherwise, to the commanding officer of each brigade, who shall, on receiving the same, issue his order to the commanding officers of the regiments or battalions composing his brigade, requiring them to cause the commanding officers of the several companies composing their respective companies into classes, as is required by this act, and each class formed as aforesaid, shall, within twenty days thereafter, furnish, by contract or draft, an able-bodied man, to serve for the term of two years, who shall be delivered over by the class to such officer as shall be appointed to receive and muster the men who are to compose such detachment. And for the purpose of equalizing as much as possible, the contributions of the respective classes, in all cases where any class may furnish a militiaman by contract, it shall be the duty of such militia officer or officers in laying off the respective districts comprehending each class, to apportion the same, as nearly as possible, according to the value of property and the numbers of militiamen subject to draft within each company.

Sec. 5. *And be it further enacted,* That the president of the United States be, and he is hereby authorized and required to organize the militia of each state and territory, called forth in virtue of this act, into division, brigades, regiments, battalions, and companies, as the numbers from each state and territory shall render necessary and proper, conformably to the laws and regulation respecting the organization of the militia of the United States; and the corps of militia aforesaid shall be officered out of the militia officers, at the option and discretion of the constitutional authority in the respective states and territories.

Sec. 6. *And be it further enacted* That every officer non-commissioned officer, or private, of the militia, who shall fail to obey any orders of the proper officer carrying into effect any of the provisions of this act, shall forfeit and pay a sum not exceeding one year's pay, nor less than one month's at the discretion of the said court; and such non-commissioned officer and private shall be liable to be imprisoned, by a like sentence, on failure to pay the fines adjudged against them respectively, for one calendar month for every eight dollars of such fine.

Sec. 7. *And be it further enacted,* That the militia or corps of any state or territory, while employed in the service of the U. States in virtue of this act, shall not be compelled to serve beyond the limits of the U. S. & the limits of an adjoining state or territory: except, that the militia from, or state troops of Kentucky and Tennessee, may be required to serve in the defence, and for protection of Louisiana. That the militia from Pennsylvania and Virginia may be required to serve in the de-

fence and protection of Michigan territory.

Sec. 8. *And be it further enacted* That the militia aforesaid, whilst in the service of the U. States, shall be subject to the same rules and articles of war, as the troops of the U. States, and, in like manner, shall be allowed the same pay, clothing, rations and forage, and entitled to the same privileges and immunities, in all respects, as the troops of the United States.

Sec. 9. *And be it further enacted* That after the classification of the militia as aforesaid, any three classes which in any state or territory, which shall furnish, according to law, two effective able bodied recruits, to serve in the militia of the U. States during the war, shall thereafter be exempt from the militia service required by this act; and to aid them in this respect, such recruits shall be entitled, respectively, to receive the bounty in money or land, according to the provisions of the act, entitled "An act

which allowed to other recruits respectively for the army of the United States; and in all cases where recruits shall be furnished as aforesaid, the same shall be delivered to some recruiting officer, the service of the U. States, who shall immediately give his receipt thereon account of the classes furnishing them, and shall forthwith report to the same to the department of war, specifying in such report, the names and description of such recruits respectively, and the description of the classes of the militia furnishing the same; whereupon it shall be the duty of the secretary for the department of war to grant, without delay, to such classes, a certificate of exemption from the militia service required by this act: which certificate shall, to all intents and purposes, be good and available to the said recruits for their absolute exemption therefrom.

Sec. 10. *And be it further enacted* That in case recruits furnished under the provisions of this act, in addition to the recruits now authorized by law, should amount, in the whole, to a greater number than sufficient to fill the present military establishment, it shall be lawful for the President of the United States to receive such recruits in the service of the United States, as volunteers, such excess; and to form them into regiments, battalions and companies, as the numbers of such excess may render necessary, conformably to the regulations of the present military establishment; and the President of the United States is hereby authorized and required to nominate, on and with the advice of the senate, to appoint as many officers to command such recruits as may be necessary for that purpose, conforming in all respects, to the laws and regulations respecting the organization of the present military establishment, and the pointment and relative rank of officers therein. And the officers hereby authorized to be appointed, shall be ranked upon the same footing, in all respects, with the officers of the same grade in the present military establishment.

From a late London paper. A letter from an officer of his Majesty's ship Regulus, dated Patuxent river, Aug. 30, communicates some particulars of the destruction of the Washington, by the division appointed for that purpose:—

"On the morning of the 25th, I sent with three officers and 200 men down to destroy Fort Washington built to prevent ships coming up the river to attack the town. About 100 barrels of gunpowder, found here, were thrown into the well of the fort; and one of the artillery men most unfortunately dropped a lighted port-fire, about 12 yards distant, full of powder, charged and primed, blew up with the most tremendous explosion I ever heard. One house was unroofed, the walls of two others, which had been burnt an hour before, were shivering down; large pieces of earth, stalk bricks, shot, shells, &c. burst into the air, and falling amongst us (who had no where to run, being on a narrow neck of land, with the sea on the sides,) killed about 12 men, and wounded above 30 more, most of them in a dreadful manner. I had the good fortune to escape with whole skin, but bones but somewhat bruised, and groans of the people, almost buried in the earth, or with legs and arms broken, and the sight of pieces of bodies lying about, was a thousand times more distressing than the loss we met with in the field the day before."

A Whale was taken in the Delaware just below the bridge, near Trenton on Friday, 11th inst.—The Whale passed 150 miles up the river, a distance in fresh water, while the river was swollen by rains, and could not return to the ocean, being checked by a bar or shallow. He measured 210 feet in length, and 11 feet in circumference.

ST. LOUIS, Dec. 1. On the 4th, ult. the house of J. Street of Shawanoe town was blown by powder, and much property destroyed without any loss of lives. It is believed the hand of a villain done mischief.