

embraced within the boundaries of their dominions. G. Britain has no right to take cognizance of the relations subsisting between the several communities or persons living therein. They form as to her, only parts of the dominions of the United States, and it is altogether immaterial, whether, or how far, under their political institutions and policy, these communities or persons are independent states, allies or subjects. With respect to her and all other foreign nations, they are parts of a whole, of which the United States are the sole and absolute sovereigns.

The allegation of the British plenipotentiaries, that it is inconsistent with the practice or principles of Great Britain to abandon, in her negotiations for peace, those who have co-operated with her in war, is not applicable to the Indians, but on the erroneous assumption of their independence, which, so far as she is concerned, has been fully disproved. And although no power from these tribes to the British government to treat in their behalf, would, for the same reason be admitted by the undersigned, they may nevertheless observe, that the British plenipotentiaries having produced no such powers, having no authority to bind the Indians, to engage for their assent to the pacification, or to secure the continuance of peace on their part whilst speaking of them as allies, do really propose to treat for them not as if they were independent nations, but as if they were the subjects of Great Britain.

The undersigned so far from asking that in relation to the Indians, Great Britain should pursue a course inconsistent with her former practice and principles, only desire that she would follow her own example respecting them, in her former treaties with other European nations, and with the United States. No provision for the Indians is found in the treaty of 1763, by which France ceded Canada to Great Britain, although almost all the Indians living within the territory ceded, or acknowledged to belong to Great Britain, had taken part with France in the war.—No such provision was inserted in the treaty of 1783, between Great Britain and the United States, although almost all the Indian tribes living within the territory recognized by the treaty to belong to the United States, had, during the war, co-operated with Great Britain, and might have been considered as her allies more justly than on the present occasion. So far as concerns the relations between Great Britain & the United States, these Indians can be treated for only on the principles by which amnesties are stipulated in favor of disaffected persons, who, in times of war and invasion, co-operate with the enemy of the nation to which they belong. To go as far as possible in securing the benefit of the peace to the Indians, now the only object professed by the British in their present *sine qua non*, the undersigned offer a stipulation in general terms, that no person or persons, whether subjects, citizens, or Indians, residing within the dominions of either party, shall be molested or annoyed, either in their persons or their property, for any part they may have taken in the war between the U. States and Great Britain; but shall retain all the rights, privileges and possessions, which they respectively had at the commencement of the war; they, on their part, demeaning themselves peaceably, and conformably to their duties to the respective governments.—This the undersigned have no doubt will effectually secure to the Indians peace, if they themselves will observe it, and they will not suppose that Great Britain would wish them included in the peace, but upon that condition.

The undersigned have never intimated that their government had not furnished them with any instructions since January last. On the contrary, they distinctly told the British plenipotentiaries in conference, though it appears to have escaped their recollection, that instructions had been received by the undersigned, dated at the close of the month of June. The undersigned will now add, that those instructions were drawn with a full knowledge of the general pacification in Europe, and with so liberal a consideration of its necessary bearing upon all the differences that had been until then subsisting between Great Britain and the United States, that the undersigned cannot doubt that peace would long since have been concluded, had not an insuperable bar against it been raised by the new and unprecedented demands of the British government.

With respect to the proposition which the British plenipotentiaries inform them they will be prepared to make, in relation to the Canadian boundaries, which appears to them so entirely founded on principles of moderation and justice, but the nature of which, they think proper at present to withhold, the undersigned can only pledge themselves to meet any proposition from the British plenipotentiaries, characterized by moderation and justice, not only with a perfect reciprocity of those sentiments, but with a sincere desire to contribute to the restoration of peace, by every compliance with the wishes of Great Britain, compatible with their duty to their country.

The undersigned have the honor of rendering to the British plenipotentiaries,

the renewed assurance of their high consideration.

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

The British to the American Commissioners.

GENEY, Oct. 8, 1814.

The undersigned have the honor to acknowledge the receipt of the note of the plenipotentiaries of the U. States, dated on the 26th ult.

As the continuance of the negotiation exclusively depends upon the question relating to the pacification and rights of the Indian nations, the undersigned are willing to extend their observations to the other subjects bro't forward in the note of the American plenipotentiaries, further than may be required for necessary explanation.

In adverting for this purpose to the acquisition of Louisiana, the undersigned must observe, that the instrument by which the consent of his catholic majesty is alleged to have been given to the cession of it, has never been made public. His catholic majesty was no party in the treaty by which the cession was made, and if any sanction has been subsequently obtained of him, it must have been, like other contemporaneous acts of that monarch, involuntarily, and, as such, cannot alter the character of the transaction. The marquis of Yrujo, the minister of his catholic majesty at Washington, in a letter addressed to the President of the United States, formally protested against the cession, & the right of France to make it. Yet, in the face of this protestation, so strongly evincing the decided opinion of Spain as to the illegality of the proceeding, the President of the U. States ratified the treaty. Can it be contended that the annexation of Louisiana, under such circumstances, did not mark a spirit of territorial aggrandizement?

His Britannic majesty did certainly express satisfaction when the American government communicated the event, that Louisiana, a valuable colony in the possession of France, with whom the war had just been renewed, instead of remaining in the hands of his enemy, had been ceded to the U. States, at that time professing the most friendly disposition towards Great Britain, and an intention of providing for her interest in the acquisition. But the conditions under which France had acquired Louisiana of Spain, were not communicated; the refusal of Spain to consent to its alienation was not known; the protest of her ambassador had not been made, and many other circumstances attending the transaction, on which it is now unnecessary to dilate, were, as there is good reason to believe, industriously concealed.

The proof of the spirit of aggrandizement, which the undersigned had deduced from the hostile seizure of a great part of the Floridas, under the most frivolous pretences, remains unrefuted; and the undersigned are convinced that the occasion and circumstances under which that unwarrantable act of aggression took place, have given rise throughout Europe to but one sentiment, as to the character of the transaction.

After the previous communication which the undersigned have had the honor of receiving from the American plenipotentiaries, they could not but feel surprized at the information contained in their last note of their having received instructions dated subsequently to January, 1814. The undersigned have no recollection whatever of the American plenipotentiaries having communicated to them, either collectively or individually, at a conference or otherwise, the receipt of instructions from the government of the U. States, dated at the close of the month of June, and they must remind the American plenipotentiaries that their note of the 9th ult. distinctly stated that the instructions of January, 1814, were those under which they were acting. If, therefore, the American plenipotentiaries received instructions drawn up at the close of the month of June, with a liberal consideration of the late events in Europe, the undersigned have a right to complain that while the American government justly considered those events as having a necessary bearing on the existing differences between the two countries, the American plenipotentiaries should have preferred acting under instructions which, from their date, must have been framed without the contemplation of such events.

The British government never required that all that portion of the state of Massachusetts intervening between the province of New Brunswick and Quebec, should be ceded to Great Britain, but only that small portion of unsettled country which interrupts the communication between Halifax and Quebec, there being much doubt whether it does not already belong to G. Britain.

The undersigned are at a loss to understand how Vice Admiral Cochrane's proclamation illustrates any topic connected with the present negotiation or bears upon the conclusion which they contended was to be drawn from the two proclamations of the American

generals. These proclamations distinctly avowing the intention of the American government permanently to annex the Canadas to the U. States, were adduced not as a matter of complaint, but simply for the purpose of proving what had been denied as a fact, viz. that such had been the declared intention of the American government.

The undersigned observe that although the American plenipotentiaries have taken upon themselves generally to deny that the proclamations were authorized or approved by their government, without stating in what mode that disapprobation was expressed, yet they avoid stating that part of those proclamations containing the declaration in question had not been so authorized or approved. It is indeed impossible to imagine, that if the American government had intimated any disapprobation of that part of Gen. Hull's proclamation, the same declaration would have been as confidently repeated four months after by Gen. Smith.

His majesty's government have other and ample means of knowing that the conquest of the Canadas, and their annexation to the U. States, was the object and policy of the American government. For the present the undersigned will content themselves with referring to the Legislature of Massachusetts in June, 1813, in which this intention is announced as matter of notoriety.

The undersigned deny that the American government had proved, or can prove, that previous to the declaration of war by the United States, persons authorized by the government of Great Britain endeavored to excite the Indian nations against the U. States, or that endeavors of that kind, if made by private persons, (which the undersigned have no reason to believe) ever received the countenance of his majesty's government.

The American plenipotentiaries have not denied that the Indian nations had been engaged in war with the United States, before the war with G. Britain had commenced, and they have reluctantly confessed that so far from his majesty having induced the Indians to begin the war, as charged against G. Britain in the notes of the 24th August and 9th ult. the British government actually exerted their endeavors to dissuade the Indian nations from commencing it.

As to the unworthy motive assigned by the American plenipotentiaries to the interference so amicably made on the part of Great Britain, its utter improbability is sufficiently apparent from considering by which party the war was declared. The undersigned, therefore, can only consider it as an additional indication of that hostile disposition which has led to the present unhappy war between the two countries. So long as that disposition continues, it cannot but render any effort on the part of Great Britain to terminate this contest utterly unavailing.

The American plenipotentiaries appear unprepared to state the precise ground upon which they resist the right of his majesty to negotiate with the United States on behalf of the Indian nations, whose co-operation in the war his majesty has found expedient to accept.

The treaty of Greenville, to the words, stipulations, and spirit of which the undersigned have so frequently appealed, and all the treaties previously and subsequently made, between the United States and the Indian nations, show, beyond the possibility of doubt, that the United States have been in the habit of treating with these tribes as independent nations, capable of maintaining the relations of peace and war, and exercising territorial rights.

If this be so, it is difficult to point out the peculiar circumstances in the condition of these nations, which should either exclude them from a treaty of general pacification, or prevent Great Britain, with whom they have co-operated as allies in the war, from proposing stipulations in their behalf at the peace. Unless the American plenipotentiaries are prepared to maintain what they have in effect advanced, that although the Indian nations may be independent in their relations with the United States, yet the circumstance of living within the United States disables them from forming any conditions of alliance with a foreign power, as shall entitle that power to negotiate for them in a treaty of peace.

The principle upon which this proposition is founded, was advanced, but successfully resisted as far back as the treaty of Munster. An attempt was then made to preclude France from negotiating in behalf of certain states and cities in Germany, who had co-operated with her in the war, because although those states and cities might be considered as independent for certain purposes, yet being within the boundary of the German empire, they ought not to become parties in the general pacification with the emperor of Germany, nor ought France to be permitted in that negotiation to mix their rights and interests with her own.

The American plenipotentiaries, probably aware that the notion of such a qualified independence, for certain purposes, and not for others, could not be maintained, either by argument or precedent, have been compelled to ad-

vance the novel and alarming pretensions, that all the Indian nations living within the boundary of the U. States, must in effect, be considered as their subjects, and, consequently, if engaged in war against the United States, become liable to be punished as rebels, or disaffected persons. They have further stated, that all the territory which the Indian nations occupy, is at the disposal of the United States; that the United States have a right to dispose of it; to exercise that right, whenever their policy or interests may seem to them to require it; and to continue them to such spots as may be selected, not by the Indian nations, but by the American government. Pretensions such as these Great Britain can never recognize: however reluctant his royal highness the Prince Regent may be to continue the war, that evil must be preferred, if peace can only be obtained on such conditions.

To support those pretensions, and at the same time to show, that the present conduct of Great Britain is inconsistent with her former practice and principles, the American plenipotentiaries have referred to the treaty of peace of 1783, to that of 1763, and to the negotiations of 1761, during the administration of a minister, whom the American plenipotentiaries have stated, and truly stated, to be high in the estimation of his country.

The omission to provide in the treaty of 1783, for the pacification of the Indian nations, which were to be included in the proposed boundary of the United States, cannot preclude Great Britain from now negotiating in behalf of such tribes or nations, unless it be assumed, that the occasional non-exercise of a right is abandonment of it. Nor can the right of protection, which the American plenipotentiaries have failed in showing to have been ever claimed by Great Britain as incident to sovereignty, have been transferred by Great Britain to the United States, by a treaty, to which the Indian nations were not parties.

In the peace of 1763, it was not necessary for G. B. to treat for the pacification of the Indian nations, and the maintenance of their rights and privileges, because there had been no Indian nations living without the British boundaries, who had not co-operated with Great Britain in the war against France.

With respect to the negotiations of 1761, between G. Britain and France, on which which the American plenipotentiaries more particularly rely, they appear, in the judgement of the undersigned, to have much misunderstood the whole course of that negotiation.

It is very true that the French government brought forward at one period of the negotiation, a proposition, by which a certain territory, lying between the dominions of the two contracting parties, was to have been allotted to the Indian nations. But it does not appear that this formed a part of their ultimatum, and it is clear, that Mr. Pitt, in his answer, did not object to the proposition. He objected, indeed, to the proposed line of demarcation between the countries belonging to the two contracting parties, upon two grounds: first; that the proposed northern line would have given to France, what the French themselves had acknowledged to part of Canada, the whole of which, as enjoyed by his most christian majesty, it had been stipulated, was to be ceded entirely to Great Britain: secondly; that the southern part of the proposed line of demarcation would have included within the boundary of Louisiana, the Cherokees, the Creeks, the Chickasaws, the Choctaws, and another nation, who occupied territories which had never been included within the boundaries of that settlement. So far was Mr. Pitt from rejecting, as alleged by the American plenipotentiaries, the proposition of considering Indian nations as a barrier, that at one period of the negotiation he complained that there was no provision for such a barrier; and he thus energetically urges his objections, in his letter to Mr. Stanley, the British plenipotentiary at Paris, dated the 26th June, 1761: "As to the fixation of new limits to Canada towards the Ohio, it is captious and insidious, thrown out in hope, if agreed to, to shorten thereby the extent of Canada, and to lengthen the boundaries of Louisiana, and in the view to establish, what must not be admitted, namely, that all which is not Canada, is Louisiana, whereby all the intermediate nations and countries, the true barrier to each province, would be given up to France."

The undersigned confidently expect, that the American plenipotentiaries will not again reproach the British government with acting inconsistently with its former practice and principles, or repeat the assertion made in a former note, that a definition of Indian boundary, with a view to a neutral barrier, was a new and unprecedented demand by any European power, and most of all by Great Britain; the very instance selected by the American plenipotentiaries, undeniably proves that such a proposition had been entertained both by Great Britain and France, and that Mr. Pitt, on the part of Great Britain, had more particularly enforced it.

It remains only to notice two objections which the American plenipotentiaries have urged against the proposal of Indian pacification, advanced by the undersigned; 1st, that it is not reciprocal; 2ndly, that as the U. S. could have no security that the Indian nation would conclude a peace on the terms proposed, the proposition would be in effect unilateral.

The article now proposed by the undersigned, and herewith enclosed, is free from both objections, and appears to them so characterized by a spirit of moderation and peace, that they earnestly anticipate the concurrence of the American plenipotentiaries.

In making a last effort in this step of the war, the undersigned are no apprehensive that the motives which have influenced his royal highness the Prince Regent to direct a renewal of the proposition with its present modifications, can be misunderstood or misrepresented. Whatever may be the result of the propositions thus offered, the undersigned deliver it as their ultimatum, and now await with anxiety the answer of the American plenipotentiaries, on which their continuance in this place will depend.

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

(Signed) GAMBIER,  
HENRY GOULBURN,  
WM. ADAMS.  
(TO BE CONCLUDED.)

From the Jamaica Courant of Oct. 31.

In the Courant of the 10th inst. we mentioned that a variety of rumors were prevalent respecting an expedition to be sent from this Island, supposed against St. Augustine, and that among the troops were to be the West India Regt. It now appears that they have received orders to hold themselves in readiness for service, and will shortly commence embarking. We likewise stated in the Courant of the 20th inst. that Rear Admiral Malcolm, with several vessels of war and a number of troops, were expected in this island, and for an expedition destined against N. Orleans. This appears likewise to have been true; the information given at these periods was therefore not without some foundation, and the expedition alluded to under Admiral Malcolm and Colonel Brooke, after proceeding to Negrii where they will remain for 10 or 12 days to receive some supplies and 200 bullocks, will then sail for their destination, either St. Augustine, or New Orleans.

Savannah, Dec. 5.

On the 1st inst. it was expected an attack would be made on Amelia, by the Patriots, who were assembled at Back River, to the number of from 3 to 400, in consequence all was alarm and confusion at Amelia.—The Gun boats had been on in pursuit of the British barges, and returned after having succeeded in re-capturing the Lady of the Lake, from Amelia bound to this port, laden with dry goods. &c

WASHINGTON CITY, Dc. 17.

It is reported, and generally believed, that the President yesterday made the following nominations to the Senate:

BENJAMIN W. CROWNSHIELD, of Massachusetts, to be Secretary of the Navy of the United States.  
WILLIAM EUSTIS, (late Secretary of War) to be our Minister to Holland.

## Kentucky Legislature.

IN SENATE,

FRIDAY, DEC. 16.

Resolved, By the general assembly of the commonwealth of Kentucky, that Thursday the 12th of January next be set apart, agreeably to a resolution of both houses of congress, and proclamation of the president of the United States, as a day of humiliation and prayer, to Him who rules the vast empire of the universe.

The Senate received a message in writing from the Governor, containing information, that the Governor did, on this day, approve and sign enrolled bills which originated in the senate, of the following titles, to wit:

An act authorising the insertion of certain advertisements in the "Winchester Advertiser," printed in Winchester.—The "Weekly Messenger," printed in Russellville.—and an act for the relief the trustees of the Greenville and Greenup seminaries.

HOUSE OF REPRESENTATIVES,

SATURDAY, DEC. 17.

The bill from the senate for founding a hospital in Fayette county, was read the first time—also a bill authorizing the county court to make roads to spinning and carding factories and fulling mills.

The bill allowing tours of duty to the men who lately served under Maj. Dudley, was read the 2d time and ordered a 3d reading.

The bill to tax showmen was ordered to be read a third time to-morrow.

TUESDAY, DEC. 20.

The house received a message from the Governor, announcing the resignation of Jesse BLEDSON, Esq. a Senator from this state in the senate of the U. States, to take effect the 24th inst.