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LETTER V.

To the People of the United States.

The third question I proposed to consider was, what terms the President must have instructed his commissioners, Messieurs Adams, Bayard, and Gallatin, to propose or admit, on the subject of impressments, as indispensable to obtain the consent of the British government to make peace?

On the 16th of June, 1812, two days before Congress passed the bill for declaring war against G. Britain, Mr. Bayard in the senate of the U. S. moved to postpone the further consideration of the bill to the 31st of October. In his speech in support of this motion, he examined the alleged causes for the war proposed to be declared; and on the only alleged cause for which Mr. Madison now continues the war, Mr. Bayard said—

"The question as to the impressment of our seamen did not present insuperable difficulties. Britain never contended for a right to impress American seamen. The right she claims, is to take her own subjects found in our merchant service. She exercises the right in relation to her own private vessels. This right she never will nor can give up. If our merchant flag was a sure protection to British seamen who sailed under it, the British navy must be unmanned by desertion; while our merchants can and do pay a dollar for every sailing a sailor can earn in the naval service of his country.

"Can it be expected that a nation which depends for its existence upon its naval strength, would yield a principle threatening the destruction of its maritime power?—No war of any duration, however disastrous, will ever extort this concession; she may as well fall with arms in her hands, as to seal quietly the bond of her ruin."

These sentiments of Mr. Bayard's are forcibly expressed, and every intelligent and impartial reader must subscribe to their correctness; and admit that duty and necessity, requires of G. Britain that she maintain her claim of right to take her own subjects found on board our merchant vessels, although from the difficulty of distinguishing American from British seamen, the former may sometimes be mistaken for the latter. But this difficulty as Mr. Bayard remarks, is not insuperable.

Eight months after they had declared war, the same congress proposed a remedy for the evil complained of; and a law was passed forbidding, under severe penalties, the employment of British seamen on board the public or private vessels of the U. S. The provisions of the law were indeed general, declaring it unlawful to employ on board the public or private vessels of the U. S. any person except citizens, or persons of colour, natives of the U. S. But the real object of the law was, to provide against the employment of British subjects, (the law is not to take effect till after the termination of the war with Britain) and pride alone prevented its being confined to them; for we had not and could not have a like dispute about seamen with any other nation; the difference of language precluding the possibility of mistake. But after stoutly denying, for many years, the right of G. Britain to take her own seamen from our merchant vessels, and making her occasional exercise of that right one of the original causes of the war, and the sole cause for continuing it, our rulers were unwilling to retrace their steps, and by limiting the law to the exclusion of British subjects only from our vessels, tacitly acknowledge her right to take them, unless a special provision were made so to exclude them.

Whether the provisions of this law are of themselves adequate to its object, I shall not now enquire; nor is it necessary; because defects may

be supplied by treaty, pursuant to its eleventh section; whenever the president shall direct negotiations to be made.

Take the decided opinion of Mr. Bayard, above recited, in connexion with his uniform declaration to his friends, before his departure for Russia, that his instructions were such as to admit the making of a practicable treaty—that is; one which should give reasonable satisfaction to G. Britain as well as to the U. S. —and we can make but one just inference—That he and his colleagues are instructed, without devoting the right of G. Britain to take her own subjects from our merchant vessels—to stipulate that if she will forbear to exercise that right—or, in other words, if she will cease to take any persons (her enemies excepted) from the merchant vessels of the U. S. on the high seas or elsewhere without her own jurisdiction, the U. S. will make effectual provisions to prevent any British subjects from being employed in the public and private vessels of the U. S. which provisions may be prescribed in the treaty. This stipulation being offered, G. Britain, it is expected, will on her part agree and stipulate, that such provisions being made, and for so long time as they shall be rendered effectual in practice, she will forbear to take any persons (her enemies excepted) from the merchant vessels of the U. S.

Although the British government may entertain some doubts relative to the efficacy of the provisions for excluding her seamen from the vessels of the U. S. yet it is to be presumed they will consent to make the experiment. And this difficulty being overcome, it will certainly be practicable to make a treaty on all other points adapted to the interests of both countries. That the terms will be as advantageous to the U. S. as were attainable before our hostile disposition towards her had been long and uniformly displayed; before we had made direct war on her manufactures and commerce, by an embargo, non-intercourse and non-importation laws; and before we had declared war in form, and insidiously attempted to take forcible possession of her territory and to seduce her subjects from their allegiance; is hardly to be expected. Yet as she never sought, but wished to avoid this war; as peace will enable her to apply her sea and land forces now employed in America to other purposes more useful to herself and the world; and as it will again open our ports to her marine, and restore that vast and active commerce which formerly existed and was so highly beneficial to both countries; it may be confidently expected that the terms of peace and commerce acceptable to her will not be acceptable to the people of the U. S.

4. Having stated what must be the essential condition of a peace with G. Britain, I am now to show that it was as well known to our administration six years ago, as at the time when the mission to Russia was instituted, that Great-Britain would not, and consistently with her safety, could not relinquish the right (the like right belonging to us and every other maritime nation) of taking her own seamen found on board neutral merchant vessels on the high seas; especially the merchant vessels of the U. S. on board of which many thousands (probably not less than 15 or 20) were employed, when Mr. Jefferson's deceitful embargo was imposed, which set them and twice as many of our own seamen adrift. But Mr. Jefferson, the secretary of state Mr. Madison cordially co-operating with him, obstinately persisted in denying that right, and in demanding a relinquishment of the practice under it, as the indispensable condition of a treaty with G. Britain.

I have already alluded to the instructions given to Mr. Monroe in 1804, and to him and Mr. Pinkney in 1806, on the subject of impressments. They were enjoined to insist on a relinquishment of the practice of impressment from our merchant vessels on the high seas, and without the jurisdiction of Great-Britain, without which their negotiation was

to be at an end. But those ministers found the attainment of this object impracticable. The Lords Holland and Aukland were the British commissioners duly authorised to treat with them; and of the dispositions of those noblemen and of the whole British ministry and nation in general, towards the U. S. Messrs. Monroe and Pinkney bear very honourable testimony. They say—"The temper which the British commissioners have obviously brought to the negotiation, corresponding with that which has been manifested towards the mission by those who had official stations here, as well as by the public in general, is as friendly and respectable to our government and country as could be desired." Mr. Fox, always distinguished as the friend of the U. S. was at that time prime minister. Under these circumstances then, if ever was the concession demanded to be expected, but all the efforts of our ministers to that end were fruitless.

On the subject of impressment (says Monroe and Pinkney) it was soon apparent that they (the British commissioners) felt the strongest repugnance to a formal renunciation or abandonment of their claim to take from our vessels on the high seas, such seamen as should appear to be their own subjects; and they pressed upon us with much zeal, as a substitute for such an abandonment, a provision that the persons composing the crews of our ships, should be furnished with authentic documents of citizenship, the nature and form of which should be settled by treaty; that those documents should completely protect those to whom they related; but that subject to such protections, the ships of war of G. Britain should continue to visit and impress on the main ocean as heretofore. *The British commissioners supported and enforced their objection to an abandonment of their claim on the same strong ground that Mr. Bayard took in his speech before quoted. They said—"If they should consent to make our commercial navy a floating asylum for all the British seamen who, tempted by higher wages, should quit their service for ours, the effect of such a concession upon their maritime strength, on which G. Britain depended, not only for her prosperity but her safety, might be fatal."

In their letter to Mr. Madison of Nov. 11, 1807, Messrs. Monroe and Pinkney mention the ground on which G. Britain claimed a right to take by force her seamen from on board the merchant vessels of other powers on the high seas: "that as the high seas were extra-territorial, the merchant vessels of other powers navigating them, were not admitted to possess such a jurisdiction as to protect British subjects from the exercise of the king's prerogative over them;" and that prerogative was stated to be "his right to require the service of all his seafaring subjects against the enemy."

This was the result of an investigation of the subject by the proper law officers of the crown, as stated in their report delivered to Messrs. Monroe and Pinkney on the 5th of Nov. 1806. The next day (say they) Lords Holland and Aukland "stated explicitly, but in a very conciliating manner, that it was not in their power to adopt an article in the spirit of their project; which required that the vessels of the U. S. should protect their crews; that the board of admiralty and the crown officers in Doctor's Commons, (the high court of admiralty) had been consulted, and were all united, without exception, in the opinion that the right of their government in the case in question, was well founded, and ought not to be relinquished." The British commissioners added, that under such circumstances, no ministry would be willing to make the relinquishment, "however pressing the emergency might be."

Thus situated, Messrs. Monroe and Pinkney and the British commissioners again met, and came to

* Monroe and Pinkney's letter of Sept. 11, 1806, to Mr. Madison.

the main question, "should the negotiation cease?" The British commissioners expressed an earnest desire that it should not. And Monroe and Pinkney, prompted by a desire to provide substantially (seeing they could not prevail to have it done formally by an express article in the treaty) for the security of our seamen against impressments, listened to a proposition of the British commissioners, communicated in a note under their hands, by the order of their government, which, with all the circumstances connected with it, place the security of American seamen against impressments on such grounds as satisfied Mr. Monroe and Mr. Pinkney. They say "we persuade ourselves that by accepting the invitation which it gives, and proceeding in the negotiation, we shall place the business almost, if not altogether, on as good a footing as we should have done by treaty, had the project which we offered them been accepted." Messrs. Monroe and Pinkney I doubt not were also influenced to the acceptance of this provision by the manifest sincerity of the British government, and the good will of the public in general towards the U. S. which were pledges for the beneficial operation of that provision, until some other, completely effectual, could be devised. But Mr. Monroe seems then not well to have understood the true character of his old master; and neither he nor Mr. Pinkney suspected at that time, that Mr. Jefferson did not desire any treaty with G. Britain; and that he required a treaty stipulation against impressments, and a *sine qua non*, (an indispensable condition) knew that the British government would never agree that on the high seas the flag of the U. S. should protect British seamen sailing under it against the rightful claims of their own country. But this must be the subject of another letter.

TIMOTHY PICKERING.

Sept. 1813.

LETTER VI.

5. I shall now offer those reasons which induce the belief that the demand made by Mr. Jefferson and his faithful adjunct, Mr. Madison, that the British government should relinquish their claim to take their own seamen from our merchant vessels, was persisted in on purpose to prevent the conclusion of a treaty with Great Britain: instead of which they chose embargo, non-intercourse, non-importation and war.

In my last letter I quoted the observations of Mr. Bayard on the subject of impressments. I shall now recite his opinion on the subject of this letter, expressed in his speech in the senate on the 14th of February 1809. Mr. Bayard has for many years been a member of Congress, is perfectly well acquainted with our public affairs, and has ever been distinguished for his abilities and discernment. For these reasons, (although the most discerning may sometimes err) his opinions and observations would merit great attention. But I the rather quote his sentiments at this time because he has been selected by president Madison for one of his commissioners to negotiate a peace and treaty with G. Britain, of which the question of impressments constitutes the most prominent article; for on its decision will depend the restoration of peace, or a continuance of the war.

Speaking of the treaty negotiated with G. B. by Messrs. Monroe and Pinkney, and concluded on the 31st December 1806, Mr. Bayard says—"Your commissioners who negotiated the treaty, found that it was impracticable to obtain the cession of the principle relative to impressments for which they contended; and upon their own responsibility, to their great honor, to preserve the peace of the two countries, accepted assurances from the British ministry, which in their opinion, and I have no doubt, in fact, would have effectually removed the abuses of which we complain. Mr. Bayard then recites a part of their letter of Nov. 11th, in which they express their opinion of the efficacy of the informal arrangements they had accepted for the security

of our seamen, confirmed by frequent conferences with the British commissioners on the policy their government had adopted on that subject. Mr. Monroe and Mr. Pinkney then add—"It is proper to observe, however, that the good effect of this disposition, and its continuance, may depend in a great measure, on the means which may be taken by congress hereafter, to check desertions from the British service. If the treaty is ratified, and a perfect good understanding produced between the two nations, it will be easy for their governments by friendly communications, to state to each other what they respectively desire, and in that mode to arrange the business as satisfactorily as it could be done by treaty." Mr. Bayard then remarks—"Such was the policy upon which our commissioners were wisely disposed to leave this delicate affair.—And would to God, that our president wishing as sincerely as his friends profess for him, to accommodate differences between the two countries, had as prudently agreed to the arrangement made for him by his ministers! What has been the consequence of this excessive anxiety to secure our seamen? Why, that your service has lost more sailors in one year of embargo, than it would have lost in ten years of impressment. But, sir, in this lies the secret—a secret I will dare to pronounce: Your President never meant to have a treaty with Great Britain. If he had intended it he would have taken the treaty of the 31st of Dec. 1806. If he had intended it he would never have fettered the commissioners with *sine qua non* which were insuperable. It was an invariable article in the instructions, to form to treaty unless the claim to search merchant vessels for deserters was utterly abandoned: This was never expected; and at the arduous crisis at which it was insisted upon, it was impossible to expect it."

In another part of his speech, Mr. Bayard says—"To me it has always appeared that your president was taken by surprise when he found the British treaty laid at his door. His instructions to his ministers precluded the possibility of a treaty and it never entered into his head that they would have been daring enough to conclude a treaty against his orders. But the ministers having obtained what they considered the substance, disregarded the form, and sent a treaty as little looked for as desired."

To this statement of facts, with the reasoning thereon, the force of which it will not be easy to resist, might be added a series of other facts all concurring to show Mr. Jefferson's aim to have been not to close but to widen the breach between the U. States and Great Britain—the ultimate and natural consequence of which has been war. But these I omit; and shall content myself with repeating here what I before published. Mr. Jefferson's own confession to a gentleman of my acquaintance who pressed him on the necessity of a treaty of commerce and friendship with G. Britain; and to whom (apparently to put an end to his importunity) Mr. Jefferson answered—"In truth I do not wish to have any treaty with G. Britain"—or in words of that import.

But it may be asked, why should Mr. Jefferson be so averse to a treaty with G. Britain?—A former friend of his lately expressed to me his opinion, that it arose "from his fear of the overwhelming power of Buonaparte."—More than five years ago it occurred to me that Mr. Jefferson's ruinous measures might be influenced by that dishonorable passion, "By false policy (I remarked) or by inordinate fears, our country may be betrayed and subjugated to France as surely as by corruption." And it is an unquestionable fact, that in 1807, Mr. Jefferson expressed his opinion (I believe with little reserve) that Great Britain would soon sink under the weight of her national debt and the arms of Buonaparte.—One reason he assigned why he desired no treaty with her was, "that before a treaty could be ratified with G. Britain, she might cease to be an independent nation." If this furnishes some apology for his speaking

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the commencement of the late session of congress, our readers will recollect that the reporter for this paper was seated among the stenographers on the floor of the House of Representatives.—By a subsequent resolution Speaker was required to furnish for more stenographers, and they by the same resolution all to be seated in the gallery. For some reasons and to the public unknown, this resolution has never been complied with by the Speaker; of course we could not sit as reporters in the house this session. Although, therefore, we have made every exertion that our disadvantageous situation would permit, to furnish our readers with the proceedings and debates of congress, yet many omissions have been inevitable, and these have in no measure been supplied by the lame and mutilated abstracts which have been published in the National Intelligencer. This Gazette is under the absolute control of the administration, and through report and through good report, to support the interests and measures of its masters. Hence it has happened during the late session, although there is a stenographer, and has a seat on the floor, but very barren abstracts of the congressional business have been furnished, and almost every article has been suppressed. The means for this suppression may be discovered in the manner in which the debates have been conducted, & the issue the most of them.—They certainly could never have raised the reputation of the majority in congress, or have tended to strengthen the administration among the people. The debates have been extremely interesting and upon the most important subjects. Bold truths have been freely spoken, the errors and weaknesses of the administration have been exposed.—But as our reporter was excluded, and as Gales has chosen to suppress the debates, all has been lost to the people. This evil must be remedied.—Federal Reporters are excluded the lower, they must with other citizens enter the galleries. But under the resolution above alluded to, before the next session, we presume, new and additional accommodations will be provided for stenographers. And if there is a stenographer in the country competent to report the debates on all subjects in the house, he will be procured for the next session of Congress. It is our determination, if sufficient encouragement is afforded, to issue, besides our present publication, a daily paper during the session.

Facts and events are daily occurring at the seat of government, extremely interesting to all classes of society; and the earliest publicity should be given them through the country.

Those who are willing to patronize the Daily Paper, will send on their names without delay, post-paid. We have no other object in view but to serve the cause, to do which effectually it is necessary to keep pace with the Court Gazette, which scarcely ever issues, without containing some misrepresentation and deception to the injury of the people. The affairs of administration have become so desperate, that the practice of suppressing altogether or disclosing important information, and of frequently disseminating the boldest falsehoods, requires every effort to increase and strengthen the guards of truth, to counteract a system of organized deception and falsehood, destructive of the public morals, and aimed against the best interests of the nation. The Daily National Intelligencer is chiefly supported by Federal merchants, whose business requires constant and early information. If that information can be as readily derived from some other than the impure source now relied on, it is to be presumed there will be no hesitation in discontinuing patronage to such mischievous print whose proprietors and directors are immediately interested in deceiving the public, to further the sinister views of an embarrassed ministry.

50 Dollars Reward.

Ran away from Sabulra, near Hager's-Town, Washington county, (MD) on the 14th inst. a negro slave who calls himself BILLY GUY, the property of the subscriber. Bill is about 5 feet high or 7 inches high, rather of a lighter complexion than the generality of blacks, extremely awkward and ungainly in his address and particularly in his walk, and has a wild and suspicious stare when accosted. He is between 20 and 21 years of age and was raised by Mr. Benjamin Harrison of West River, at which place he has a mother and other relations. The above reward will be given to any person who shall secure him in any goal in the United States, if taken out of Washington county. O. H. W. STULL, Washington County, 21 July 16th, 1813.