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There could be no hesitation on our part, in informing the British commissioners, that we were not instructed on the subjects of Indian pacification or boundary, and of fisheries. Nor did it seem probable, although neither of these points had been stated with sufficient precision in that first verbal conference, that they could be admitted in any shape. We did not wish, however, to pre-empt the result, or by any hasty proceedings abruptly to break off the negotiation. It was not possible that, on the subject of the Indians, the British government had received erroneous impressions from the Indian traders in Canada, which our representations might remove: And it appeared, at all events, important, to ascertain distinctly the precise intentions of Great Britain on both points. We therefore, thought it advisable to invite the British Commissioners to a general conversation on all the points; stating to them, at the same time, our want of instructions on two of them, and holding out no expectation of the probability of our agreeing to any article respecting them.

At our meeting on the ensuing day we informed the British Commissioners, that upon the first and third points proposed by them we were provided with instructions, and we presented as further subjects considered by our government as suitable for discussion.

1st. A definition of blockade; and as far as might be mutually agreed of other neutral and belligerent rights.

2d. Claims of indemnity in certain cases of capture and seizure.

We then stated that the two subjects, 1st of Indian pacification, and boundary, and 2d of fisheries, were not embraced by our instructions.

We observed, that these points had not been heretofore the grounds of any controversy between the government of G. Britain and that of the U. States, and had not been alluded to by Lord Castlereagh, in his letter proposing the negotiation, it could not be expected that they should have been anticipated and made the subject of instructions by our government; that it was natural to be supposed, that our instructions were confined to those subjects upon which differences between the two countries were known to exist; and that the proposition to define, in a treaty between the U. States and Great Britain, the boundary of the Indian possessions within our territories was new and without example. No such provision had been inserted in the treaty of peace in 1763, nor in any other treaty between the two countries.

No such provision had, to our knowledge, ever been inserted in any treaty made by G. Britain or any other European power in relation to the same description of people, existing under like circumstances. We would say however, that it would not be doubted, that peace with the Indians would certainly follow a peace with Great Britain; that we had information that Commissioners had already been appointed to treat with them—that a treaty to that effect might, perhaps, have been already concluded; and that the United States having no interest, nor any motive, to continue a separate war against the Indians, there could never be a moment when our government would not be disposed to make peace with them.

We then expressed our wish to receive from the British Commissioners a statement of the views and objects of G. Britain upon all points, and our willingness to discuss them all, in order that, even if no arrangement should be agreed on, upon the points not included in our instructions, the government of the U. States, might be possessed of that entire and precise intentions of that of Great Britain, respecting these points, and that the British government might be fully informed of the objections, on the part of the United States, to any such arrangement.

In answer to our remark that these points had not been alluded to by Lord Castlereagh, in his letter proposing the negotiation, it was said that it could not be expected, that in a letter merely intended to invite a negotiation, he should enumerate the topics of discussion, or state the pretensions of his government; since these would depend upon ulterior events, and might arise out of a subsequent state of things.

In reply to our observation, that the proposed stipulation of an Indian boundary was without example in the practice of European nations,

it was asserted, that the Indians must in some sort be considered as an independent people, since treaties were made with them, both by G. Britain and by the U. States; upon which we pointed out the obvious and important difference between the treaties we might make with Indians, living in our territory, and such a treaty as was proposed to be made, respecting them, with a foreign power, who had solemnly acknowledged the territory on which they resided to be part of the U. States.

We were then asked by the British Commissioners whether, in case they should enter further upon the discussion of the several points which had been stated, we could expect that it would terminate by some provisional arrangement on the points which we had no instructions particularly on that respecting the Indians, which arrangement would be subject to the ratification of our government.

We answered that before the subjects were distinctly understood, and the objects in view more precisely disclosed, we could not decide whether it would be possible to form any satisfactory article on the subject, nor pledge ourselves as to the exercise of a discretion under our powers, even with respect to a provisional agreement. We added, that as we should deeply deplore a rupture of the negotiation on any point, it was our anxious desire to employ all possible means to avert an event so serious in its consequences—and that we had not been without hopes that a discussion might correct the effect of any erroneous information which the British government might have received on the subject, which they had proposed as a preliminary basis.

We took this opportunity to remark, that no nation observed a policy more liberal and humane towards the Indians than that pursued by the United States; that our object had been, by all practicable means, to introduce civilization amongst them; that their possessions were secured to them by well defined boundaries, that their persons, lands and other property were now more effectually protected against violence or frauds from any quarter than they had been under any former government—the even our citizens were not allowed to purchase their lands; that when they gave up their title to any portion of their country to the United States, it was by voluntary treaty with our government, who gave them a satisfactory equivalent; and that through these means the U. States had succeeded in preserving, since the treaty of Greenville of 1795, an uninterrupted peace of 16 years, with all the Indian tribes; a period of tranquillity much longer than they were known to have enjoyed heretofore.

It was then expressly stated on our part, that the proposition respecting the Indians was not distinctly understood. We asked whether the pacification and the settlement of a boundary for them, were both made a *sine qua non*? Which was answered in the affirmative. The question was then asked the British Commissioners, whether the proposed Indian boundary was intended to preclude the U. States from the right of purchasing by treaty from the Indians, without the consent of Great Britain, lands lying beyond that boundary? And as a restriction upon the Indians from selling by amicable treaties lands to the U. S. as had been hitherto practised?

To this question, it was first answered by one of the Commissioners, that the Indians would not be restricted from selling their lands, but the U. States would be restricted from purchasing them—and on reflection another of the Commissioners stated, that it was intended that the Indian territories should be a barrier between the British dominions and those of the U. States, that both Great Britain and the United States should be restricted from purchasing their lands—but that the Indians might sell them to a third party.

The proposition respecting Indian boundary thus explained, and connected with the right of sovereignty ascribed to the Indians over the country, amounted to nothing less than a demand of the absolute cession of the rights both of sovereignty and of soil. We cannot abstain from remarking to you, that the subject of Indian boundary was indistinctly stated when first proposed, and that the explanations were at first obscure, and always given with reluctance. And it was declared from the first moment, to be a *sine qua non*, rendering any discussion

unprofitable until it was admitted as a basis. Knowing that we had no power to cede to the Indians any part of our territory, we thought it unnecessary to ask, what probably would not have been answered till the principle was admitted, where the line of demarcation of the Indian country was proposed to be established.

The British Commissioners, after having repeated that their instructions on the subject of the Indians were peremptory, stated that unless we could give some assurance, that our powers would allow us to make at least a provisional arrangement on the subject, any further discussion would be fruitless, and that we must consult their own government on this state of things. They proposed accordingly a suspension of the conferences, until they should have received an answer, it being understood that each party might call a meeting whenever they had any proposition to submit. They despatched a special messenger the same evening, and we are now waiting for the result.

Before the proposed adjournment took place, it was agreed, that there should be a protocol of the conferences, that a statement should for that purpose be drawn up by each party, and that we should meet the next day to compare the statements. We accordingly met again on Wednesday the 10th instant, and ultimately agreed upon what should constitute the protocol of the conferences. A copy of this instrument, we have the honor to transmit with this despatch, and we also enclose a copy of the statement originally drawn up on our part, for the purpose of making known to you the passages to which the British Commissioners objected.

Their objection to some of the passages was, that they appeared to be argumentative, and that the object of the protocol was to contain a mere statement of facts. They, however, objected to the insertion of the answer which they had given to our question respecting the effect of the proposed Indian boundary—but they agreed to an alteration of their original proposition on that subject, which renders it much more explicit than as stated, either in the first conference or in their proposed draught of the protocol. They also objected to the insertion of the fact, that they had proposed to adjourn the conferences, until they could obtain further instructions from their government. The return of their messenger may, perhaps, disclose the motive of their reluctance in that respect.

We have the honor to be, very respectfully, sir, your humble and obedient servants,  
JOHN QUINCY ADAMS,  
J. A. BAYARD,  
H. CLAY,  
JOSEPH RUSSELL.

PROTOCOL OF CONFERENCE.  
Aug. 8th, 1814.

The British and American Commissioners having met, their full powers were respectively produced, which were found satisfactory, and copies thereof were exchanged.

The British commissioners stated the following subjects as those upon which it appeared to them that the discussions between themselves and the American commissioners would be likely to turn.

1. The forcible seizure of mariners from on board merchant ships on the high seas, and in connection with it the right of the king of G. Britain to the allegiance of all his native subjects.
2. That the peace be extended to the Indian allies of G. Britain, and that the boundary of their territory be definitively marked out, as a permanent barrier between the Dominions of Great Britain and the United States. An arrangement on this subject to be a *sine qua non* of a treaty of peace.
3. A revision of the boundary line between the British and American territories with a view to prevent future uncertainty and dispute.

The British Commissioners requested information whether the American Commissioners were instructed to enter into negotiations on the above points? But before they desired any answer, they felt a right to communicate the intentions of their government as to the N. American fisheries, viz. That the British government did not intend to grant to the United States, gratuitously, the privileges formerly granted them, of fishing within the limits of the British sovereignty and of using the shores of the British territories for purposes connected with the fisheries.

August 9.  
The meeting being adjourned to the 9th of Aug. the commissioners met again that day. The American commissioners at this meeting stated, that upon the first and third points proposed by the British commissioners, they were provided with instructions from their government; and that upon the second and fourth of those points, there not having existed heretofore any differences between the two governments, they had not been anticipated by the government of the U. States, and were therefore not provided for in their instructions. That in relation to an Indian pacification, they knew that the government of the U. States had appointed commissioners to treat of peace with the Indians, and that it was not improbable that peace had been made with them.

The American commissioners presented as further subjects considered by the government of the U. S. as suitable for discussion.

1. A definition of blockade, and as far as may be agreed, of other neutral and belligerent rights.
2. Certain claims of indemnity to individuals for captures and seizures preceding and subsequent to the war.
3. They further stated that there were various other points to which their instructions extended, which might with propriety be objects of discussion, either in the negotiation of the peace, or in that of a treaty of commerce, which in the case of a propitious termination of the present conferences they were likewise authorized to conclude. That for the purpose of facilitating the first and most essential object of peace, they had discarded every subject which was not considered as peculiarly connected with that, and presented only those points which appeared to be immediately relevant to this negotiation.

The American commissioners expressed their wish to receive from the British commissioners a statement of the views and objects of G. Britain, upon all the points, and their willingness to discuss them all.

They, the American commissioners, were asked, whether, if those of G. Britain should enter further upon this discussion, particularly respecting the Indian boundary, the American commissioners could expect that it would terminate by some provisional arrangement, which they could conclude, subject to the ratification of their government.

They answered, that as any arrangement to which they could agree upon the subject must be without specific authority from their government, it was not possible for them, previous to discussion, to decide whether any article on the subject could be formed which would be mutually satisfactory, and to which they should think themselves, under their discretionary powers, justified in acceding.

The meeting was adjourned.  
True copy.  
CHRISTOPHER HUGHES, jun.  
Secretary of legation.

Draught of original protocol made by the American ministers, of the two first conferences held with the British commissioners.

At a meeting between the commissioners of his Britannic Majesty and those of the U. States of America, for negotiating and concluding a peace, held at Ghent, 8th of Aug. 1814, the following points were presented by the commissioners on the part of Great-Britain as subjects for discussion.

1. The forcible seizure of mariners on board of merchant vessels, and the claim of allegiance of his Britannic Majesty upon all the native born subjects of Great-Britain.
2. The Indian allies of Great-Britain to be included in the pacification, and a boundary to be settled between the dominions of the Indians and those of the United States. Both parts of this point are considered by the British government as a *sine qua non* to the conclusion of a treaty.
3. The revision of a boundary line between the territories of the U. States and those of G. Britain, adjoining them in North-America.
4. The fisheries—Respecting which the British government will not allow the people of the U. States the privilege of landing and drying fish within the territorial jurisdiction of G. Britain without an equivalent.

The American commissioners were requested to say, whether their instructions from their government authorized them to treat upon these several points; and to state on their part such other points as they might be further instructed to propose for discussion.

The meeting was adjourned.

Tuesday the 9th Aug. on which day the commissioners met again.

The American commissioners at this meeting stated, that upon the first and third points proposed by the British commissioners, they were provided with instructions from their government; and that upon the second and fourth of those points, there not having existed heretofore any differences between the two governments, they had not been anticipated by the government of the U. States, and were therefore not provided for in their instructions. That in relation to an Indian pacification, they knew that the government of the U. States had appointed commissioners to treat of peace with the Indians; and that it was not improbable that peace had been made with them.

The American commissioners presented as further points (subjects) considered by the government of the U. States as suitable for discussion.

1. A definition of blockade, and as far as may be agreed, of other neutral and belligerent rights.
2. Certain claims of indemnity to individuals for captures and seizures, preceding and subsequent to the war.
3. They further stated, that there were various other points to which their instructions extended, which might with propriety be objects of discussion, either in the negotiation of the peace or in that of a treaty of commerce, which in case of a propitious termination of the present conferences they were likewise authorized to conclude. That for the purpose of facilitating the first and most essential object of peace, they had discarded every subject which was not considered as peculiarly connected with that, and presented only those points, which appeared to be immediately relevant to this negotiation.

The American commissioners expressed their wish to receive from the British commissioners a statement of the views and objects of G. Britain upon all the points, and their willingness to discuss them all, in order that if no arrangement could be agreed to upon the points not in their instructions, which would come within the scope of the powers committed to their discretion, the government of the U. States might be put in possession of the entire and precise intentions of that of G. Britain with regard to such points; and that the British government might be fully informed of the objections on the part of the U. S. to any such arrangement.

They, the American commissioners, were asked whether, if those of G. Britain should enter further upon the discussion, particularly respecting the Indian boundary, the American commissioners could expect that it would terminate by some provisional arrangement which they could conclude, subject to the ratification of their government?

They answered, that as any arrangement to which they could agree upon the subject, must be with specific authority from their government, it was not possible for them, previous to discussions, to decide whether an article on the subject could be formed which would be mutually satisfactory, and to which they should think themselves, under the discretionary powers, justified in acceding.

The British commissioners declined entering upon the discussion, unless the American commissioners would say, that they considered it within their discretion to make a provisional arrangement on the subject, conformable to the view of it prescribed by the British government, and proposed to adjourn the conferences for the purpose of consulting their own government on this state of things.

The British commissioners were asked, whether it was understood as an effect of the proposed boundary for the Indians, that the U. S. would be precluded from the right of purchasing territory from the Indians within that boundary by amicable treaty with the Indians themselves, without the consent of G. Britain? And whether it was understood to operate as a restriction upon the Indians from settling by such amicable treaties lands to the U. S. as has been hitherto practised?

They answered, that it was understood, that the Indian territories should be a barrier between the British possessions and those of the U. S. that the U. S. and G. Britain should both be restricted from such purchases of lands; but that the Indians would not be restricted from selling to any third party.

The meeting was adjourned to Wednesday 10th August.  
True copy.  
C. HUGHES, Jr.  
Secretary to the mission extraordinary.  
[Remainder in our next.]