by the law of nations, and resisted, at the instance of the admiralty and the law officers of the crown in Doctors' commons, the concession which was supposed to be made by this arrangement, with great earnestness. The ministry seemed to view our claim in the light of an innovation of dangerous tendency, whose admission, especially at the present time, might be deemed an act unworthy of the government. The outrages lately committed on our coast, which made some provision of that kind necessary, as an useful lesson to the commanders of their squadrons, and a reparation for the insults offered to our government, increased the difficulty of obtaining any accommodation whatever. The British commissioners did not fail to represent that which is contained in this article as a strong proof of a conciliating disposition in their government, towards the government and people of the U. S. The limit established was not so extensive as that which we had contended for, and expected to have obtained. We persuade ourselves, however, that the great object which was contemplated by any arrangement of the subject, will result from that which has been made. The article in the treaty, in connexion with the causes which produced it, forms an interesting occurrence in the history of our country, which cannot fail to produce the most salutary consequences. It is fair to presume that the sentiment of respect which G. Britain has shewn by this measure for the U. S. will be felt and observed in future by her squadrons in their conduct on our coasts, and in our bays and harbors. It is equally fair to presume that the example of consideration which it affords in their favor, by a nation so vastly preponderant at sea, will be followed by other powers.

By the thirteenth article, it is agreed that the sum for which bonds shall be given by the commanders of privateers before they receive their commissions, to indemnify those who shall be injured by their misconduct, shall be increased to a greater amount than was required by the 19th article of the treaty of 1794. It is also enjoined, in stronger and more definite terms on the belligerent in this than in the former article, to see that its ships of war and privateers shall observe in a manner the most favorable to neutrals, the acknowledged principles and rules of the law of nations, in the search of merchant vessels. We endeavored to obtain an arrangement more adequate to the object, and relinquished the pursuit of it with regret. While the subject of visitation and search was under consideration, the British commissioners assured us that their government would regulate it in a satisfactory manner to the U. S. by act of Parliament, especially in respect to privateers, which assurance they repeated when the subject was discussed.

The following articles to the twenty-first inclusive, are taken from the treaty of 1794. The British commissioners shewed a desire to retain them, and as it appeared that they had in substance been introduced into the treaty with France of 1801, and that an attempt on our part to omit them, would be thought unaccommodating and captious, we agreed to them.

The twenty-second article contains a new and useful provision, in favor of the unfortunate in the case of shipwreck.

The twenty-third article, after declaring that it is the intention of the high contracting parties, that the people of their respective dominions shall be on the footing of the most favored nations, stipulates, that in case either of the parties, shall hereafter grant any additional advantages in navigation or commerce to any other nation, the citizens or subjects of the other party shall fully participate in them. This article is deemed peculiarly important in many views, but more especially in its application to the British possessions in the East Indies. If it can be shewn that any peculiar accommodation is, or shall be hereafter, granted to any other powers, we became entitled to it of course.

The twenty-fourth article engages, that the parties shall communicate to each other, the laws which their respective legislatures may enact for the abolition or limitation of the African slave trade, and that they will also use their best endeavors to procure the co-operation of other powers, for the complete abolition of that trade. As this engagement reposes on (*the basis of) our laws, it follows that it does not enjoin any obligation unknown to them. If it should be acted on at all, by our government, further than by communicating to this the laws of Congress, as is proposed in the first part of the article, the sphere of its operation would be a very contracted one, till the year 1808. After that period such a co-operation on a more enlarged scale, would become a constitutional measure of the government, and as we think, a suitable one. Mr. Fox had taken great interest in this question, and it is understood, that in suggesting the idea, in the address of the House of Commons to the King, of obtaining the co-operation of other powers, the United States were held particularly in view. The British commissioners proposed the article, and shewed great desire that we should accede to it. As this stipulation was not comprised within the scope of our instructions, we have thought it our duty to explain to you, the cause to which its admission into the treaty is to be attributed.

* *Inserted according to a note received from Messrs. Monroe and Pinkney, for correcting this letter.*

The twenty-fifth article was introduced for the purpose of protecting other powers, having treaties with either party, in the enjoyment of the rights secured by them. The stipulation contained in our treaty with France, in 1803, of certain commercial privileges in favor of French and Spanish subjects, for a defined term in Louisiana, made such a provision particularly necessary.

The twenty-sixth article fixes the term of the treaty to ten years, from the date of the exchange of the ratifications.

We are sorry to add, that this treaty contains no provision against the impressment of our seamen. Our dispatch of the 11th of November, communicated to you the result of our labors on that subject, and our opinion that although this government did not feel itself at liberty to relinquish, formally, by treaty, its claim, to search our merchant vessels for British seamen, its practice would nevertheless be essentially, if not completely abandoned. That opinion has been since confirmed by frequent conferences on the subject with the British commissioners, who have repeatedly assured us, that in their judgment, we were made as secure against the exercise of their pretension by the policy which their government had adopted, in regard to that very delicate and important question as could have been made by treaty. It is proper to observe, however, that the good effect of this disposition, and of its continuance, may depend in a great measure on the means which may be taken by the Congress, hereafter to check desertions from the British service. If the treaty is ratified and a perfect good understanding produced by it between the two countries, 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.

We regret also to be under the necessity of stating, that no provision has been made by the treaty, to indemnify our citizens for their losses, by the late seizures, and other violations of the law of nations. This object engaged our attention in every stage of the negociation, and was not abandoned by the signature of the treaty. On the day it was signed, we stated in explicit terms to the British commissioners, that we could not conclude without having a satisfactory assurance by them, of the part their government intended to take, equally, in regard to the vessels and cargoes which had been condemned, and to the suits that were depending. The principle established in the correspondence between Mr. King and Lord Hawkesbury, we admitted, should form the bound of our claim in respect to the seizures for an imputed illegal trade; for every violation of which, in cases of condemnation, we expected a full indemnity, and a dismission of all the causes still depending that were protected by it. The British commissioners observed, that it was neither their wish or expectation, that we should relinquish our claim; on the contrary, they were willing we should preserve it; with which view they proposed that we should present them a paper, bearing date prior to the signature, which should make the reservation in such form as we thought best suited to the object. They intimated that in cases of vested right, it was not in the power of their government to interfere to the prejudice of the parties, and that it would be hard on the government, and unpopular in the ministry, to apply the public money to such a purpose; still they said nothing to preclude that expectation; on the contrary, they encouraged it, and were still more explicit in suggesting, that the depending cases would not be unfavorably adjudged. They seemed desirous that while we should reserve our claim, that their government should retain a right to pursue such a course of conduct in regard to it, as might be dictated hereafter by circumstances. To enter into an engagement in favor of our claim, in the present state of things, appeared to them, as being likely to expose their government to the imputation of having done it by coercion, and to deprive it of a claim to any merit for such accommodation, as it might under other circumstances be disposed to yield. Should the circumstances of collision, which had taken place between the two countries, be done away, and their commerce and friendly relations be re-established, as they hoped was already in a great measure done, and would be so completely by this treaty, their government they thought would feel itself more at liberty to yield accommodations on this topic, than in the actual state. This was the substance of the communication made us on this subject by the British commissioners, before the signature of the treaty, on which, and our declaring explicitly, that we would reserve the right in the manner they had proposed, in full confidence that their government would respect it, we proceeded to sign the treaty. We have had an interview with the British commissioners since the signature, and were happy to find that they had not forgotten what had passed between us on that occasion. We had asked the interview, as we informed them, for the purpose of conferring on this subject, and of obtaining their sentiments in so distinct a form, as to leave us under no embarrassment in the communication it was our duty to make to you on it. Nothing passed in this interview on their part, to change the ground on which the business had been placed in the former one. They intimated however, that it might be advantageous, and would certainly be proper for us in the present stage, to confer with lord Howick on this subject, since any declaration from him could not fail, according to its import, to merit the peculiar attention of our government.—We have accordingly seen and conferred with lord Howick upon this topic, whose sentiments appeared to correspond strictly with those which had been delivered to us by the British commissioners. He intimated, however, that it would be better for us to address the note which should contain a reservation of our rights to indemnity to him than to the commissioners; to which we assented, as we could not perceive that that circumstance would make any difference in the case. We are engaged in preparing this paper, which we expect to present to his lordship in a few days, though we fear it will not be ready in time to enable us to obtain his answer to it, to be forwarded to you with this dispatch. We shall not fail to communicate to you, without delay, whatever may occur on this subject. We think it our duty, however, to add, that we do not wish our government to be too sanguine in the expectation of a satisfactory result. In the deliberation on this subject it may perhaps be better to presume that such a one may not be obtained, as it is not provided for in the treaty. The above statement is nevertheless perfectly correct, and we beg you to be assured that we shall continue to exert our best endeavors to secure an object which we consider of so much importance. We shall send you a statement of the cases of condemnation, and of the causes still depending, which is less extensive in both views than may have been supposed.

It happened when the negociation had reached a very advanced stage, that an account was received here of the decree of the emperor of France, at Berlin, of November 21, which declared G. Britain and Ireland in a state of blockade, and all British manufactures and the produce of British colonies lawful prize. This circumstance produced a strong impression on this government, which was very seriously felt in our concerns. It seemed probable for some days that it would subject the negociation to a long suspension, if it did not entirely defeat its object. The British commissioners informed us that that decree of the government of France had opposed a powerful obstacle to the conclusion of any treaty with us, before our government should be consulted on the subject, and its answer obtained as to the part it might take in regard to it: that in case the U. S. submitted to a violation of their neutral rights by France in the manner contemplated by that decree, it would be impossible for G. Britain to respect them: that by concluding a treaty with the U. S. by which they should not only bind themselves to the observance of such rights, but agree to concessions or relaxations of what they conceive to be their unquestionable rights of war, after knowing the contents of that decree, they might be understood to restrain themselves from counteracting the policy of France, which it would be improper to do, unless our government should engage to support its rights against the measures of France. In consideration of these circumstances, they proposed that we should proceed in the business so far as to agree on all the articles of a treaty, to reduce them to form, and then transmit the instrument to the U. S. to become obligatory in case our government should enter into a satisfactory engagement of the kind proposed. We replied, in very explicit terms to the British commissioners, that we considered their proposition altogether inadmissible on our part, and not likely to accomplish, if we could agree to it, the object which they contemplated by it: that such a proposition to our government under the circumstances attending it, would amount in substance to an offer to it of the alternative between the treaty and a war with France, since, if our government refused to give the satisfaction which they desired, the treaty would be lost; and if such satisfaction was given and the treaty concluded, and France should persist to execute her decree according to the construction given of it here, war seemed to be inevitable; that if it should happen that our government should approve the treaty, it was not to be presumed that it would make any sacrifice, or stipulate any thing not contained in the instrument especially so very important an act as that alluded to, as the condition on which it was to be obtained: that the arrangement of our differences and other concerns with G. Britain, was an affair which rested on its own ground, and had no connexion with our relations with France: that his majesty's government ought to suppose that the U. S. would not fail in any case to support with becoming dignity their rights with any power, and that it must be sensible that it would be more at liberty to enter into suitable friendly explanations with the government of France, on the subject of the decree in question, after the adjustment of their differences with Britain, than while they existed, as it likewise must be that the prospect of obtaining satisfactory explanations on that point of France, would be better while they acted under their own impulse as an independent and friendly power, than it would be in case they entered into an engagement of the kind proposed with her adversary. The British commissioners admitted that these considerations were entitled to much attention: at length, however, after the subject had been, as we had reason to believe, maturely weighed by the cabinet, they informed us that their government still thought it incumbent on it, to make a reservation of their right to counteract the policy of France, in case our government did not give them the satisfaction they desired, either by suitable assurances before the ratification of the treaty, or by its conduct afterwards. With this view they presented us a paper which we have the honor to transmit with this dispatch. In transmitting to you this paper, it is our duty to observe that we do not consider ourselves a party to it, or as having given it in any the slightest degree our sanction. The incident which produced the paper was unexpected on our part, and without entering into its merits we used our best exertions to diminish its effect in relation to the objects of our negociation. The British commissioners brought the incident into view, and made it the subject of discussion in the manner above stated, as they did the part which it became their government to take in the depending negociation in consequence of it. We therefore thought, not only that we were at liberty, but that it was imperiously our duty to use our best exertions to make the paper which they proposed to present to us, in reference to the decree of France, as little injurious as possible, and even to urge that decree as a strong reason why G. Britain should be more explicit and satisfactory in her definition of neutral rights, as well for the purpose of vindicating herself against the strong denunciation it contained, as to enable our government to urge with more force with the government of France, its objections to the decree. We were glad to find, that these remarks were not altogether without effect, as will appear by the paper referred to, especially the definition it gives of a blockade, which is tolerably correct.

You will observe that the commerce between the United States and the British colonies, which bound them to the east and north, has not been regulated by this treaty. The British commissioners refused to agree to any arrangement of it, in consequence of our declining to admit their Canada and Hudson-bay traders into Louisiana. It has occurred to us that it might be advantageous to the United States and consistent with the views of our government, to comprize both these objects under suitable regulations in a separate convention, especially if they can be made instrumental to a satisfactory establishment of our boundaries. We have reason to think that in the form of a new act, in connexion with these other objects, it would be more agreeable to this government to settle the question of boundary, according to the views of the President and Senate, than by ratifying the convention already entered into with the exception of the fifth article. The British commissioners have expressed their willingness to proceed in the business for the purpose of arranging all these topics in a satisfactory manner, as lord Howick has likewise done; and it seems to be highly important to take advantage of this disposition to settle amicably with this government, at the present time, every remaining cause of strife so far as it may be practicable. Should we undertake to form such a convention, the commercial part of it, with respect to Louisiana as well as the British provinces, will of course be limited to the same term, not to exceed that of the treaty. We shall also be attentive to the conditions on which the traders with the Indian tribes are to be admitted into Louisiana, by being particularly careful that it be done on such conditions as to render it impossible for them to do any injury. We are persuaded that such regulations might be adopted, as would even at this time, have that effect. We are confident that our population will have so far spread over the whole surface of that country, by the time the treaty would expire, as to supercede the necessity of renewing it.

We have the honor to be, with great consideration and esteem,

Sir, Your most obedient servants,

JAMES MONROE,
WM. PINKNEY.

TREATY OF AMITY, COMMERCE AND NAVIGATION,

BETWEEN

HIS BRITANNIC MAJESTY AND THE UNITED STATES OF AMERICA.

His Britannic majesty and the United States of America, being equally desirous to promote and perpetuate the good understanding and friendship which happily subsist between the subjects of the United Kingdom and the citizens of the United States, and for that purpose to regulate the commerce and navigation between their respective countries, territories and people, on the basis of reciprocity and mutual convenience, have respectively named their plenipotentiaries, and have given to them full powers to make and conclude a treaty of amity, navigation and commerce; that is to say, his Britannic majesty has named for his plenipotentiaries Henry Richard Vassall Lord Holland, one of his majesty's privy council, and lord keeper of his majesty's privy seal, and William lord Auckland, one of his majesty's privy council, and president of the committee of council for all matters of trade and foreign plantations; and the President of the United States, by and with the advice of the Senate thereof, hath appointed for their plenipotentiaries James Monroe and William Pinkney, commissioners extraordinary and plenipotentiaries; who, after having exchanged their respective full powers, have agreed on the following articles.

Article 1. There shall be a firm, inviolable, and universal peace, and a true and sincere friendship between his Britannic majesty, his heirs and successors, and the United States of America, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of persons or places.

Art. 2. It is agreed that the several articles of the treaty of amity, commerce and navigation, between his majesty and the United States, made at London on the nineteenth day of November, one thousand seven hundred and ninety-four, which have not expired, nor, as yet, had their full operation and effect, shall be confirmed in their best form, and in their full tenor; and that the contracting parties will also, from time to time, enter into friendly explanations on the subject of the said articles, for the purpose of removing all such doubts as may arise, or have arisen, as to the true import of the same, as well as for the purpose of rendering the said articles more conformable to their mutual wishes and convenience.

Treaty to be continued.

Notice is hereby Given,

THAT application will be made for the renewal of the following lost certificate of United States stock, issued by Joseph Nourse, Register of the Treasury,

LOUISIANA 6 PER CENTS.

In favor of *FRANCIS BARING & Co. of London.* No. 93, DECEMBER 24th, 1803—4000 dollars.

JAMES DAVIDSON, JUN.

May 13——e6w.