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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING,

In pursuance of a resolution of the House of Representatives of the 17th ult.)

THE Correspondence

Which led to the Treaty of Ghent, &c. &c.

FEBRUARY 25, 1822.

Read, and ordered to lie upon the table.

WASHINGTON:

PRINTED BY GILES & SEATON.

1822.

**TO THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES:**

I transmit to the House of Representatives a report from the Secretary of State, with the documents accompanying it, in pursuance of a resolution of the House, of the 17th of January last.

JAMES MONROE.

Washington, 21st February, 1822.

DEPARTMENT OF STATE,

Washington, 21st February, 1822.

The Secretary of State, to whom has been referred the resolution of the House of Representatives, of the 17th January, requesting the President of the United States to cause to be laid before the House all the correspondence which led to the Treaty of Ghent, together with the protocol, which has not been made public, and which, in his opinion, it may not be improper to disclose, has the honor to submit to the President the papers embraced by that resolution.

JOHN QUINCY ADAMS.

The PRESIDENT of the U. States.

CORRESPONDENCE, &c.

American Note No. 6, in answer to British Note No. 6.

Ghent, November 10, 1814.

The undersigned have the honor to acknowledge the receipt of the note addressed to them by His Britannic Majesty's Plenipotentiaries, on the 31st ultimo.

The undersigned had considered an interchange of the project of a treaty as the course best calculated to exclude useless and desultory discussion, to confine the attention of both parties to the precise object to be adjusted between the two nations, and to hasten the conclusion of the peace so desirable to both. Finding, in the note of the British plenipotentiaries of the — ultimo, a mere reference to the points proposed by them in the first conference, with the offer of assuming the basis of *uti possidetis*, on which the undersigned had in substance already declined to treat; they did not consider it as the project of a treaty presented in compliance with their request. They proposed, in their note of the 24th ultimo, that the exchange of the two projects should be made at the same time. And it is not without some surprise, that the undersigned observe, in the note to which they now have the honor of replying, that the British plenipotentiaries consider their note as containing the project of a treaty, to which the undersigned are supposed to be pledged to return a counter-project.

Believing that where both parties are sincerely desirous of bringing a negotiation to a happy termination, the advantage of giving or of receiving the first draft is not of a magnitude to be made a subject of controversy, and convinced that their government is too sincerely desirous of that auspicious result to approve of its being delayed for a moment upon any question of etiquette, the undersigned have the honor to enclose herewith the project of a treaty, accompanied with some observations upon several of the articles which may more fully elucidate their object in proposing them.

The British plenipotentiaries stated, in their last note, that they had no other propositions to offer, nor other demands to make, than those contained in their note of the 21st ultimo, which, with the reference to their former declaration respecting the fisheries, contains only two propositions, viz: that of fixing the boundary from the Lake of the Woods to the Mississippi; and that of adopting, with respect to the other boundaries, the basis of *uti possidetis*.

In answer to the declaration made by the British plenipotentiaries respecting the fisheries, the undersigned, referring to what passed

in the conference of the 9th August, can only state, that they are not authorized to bring into discussion any of the rights or liberties which the United States have heretofore enjoyed in relation thereto. From their nature and from the peculiar character of the treaty of 1783, by which they were recognized, no further stipulation has been deemed necessary by the government of the United States, to entitle them to the full enjoyment of all of them.

The undersigned have already, in their last note, explicitly declined treating on the basis of *uti possidetis*. They cannot agree to any other principle than that of mutual restoration of territory, and have accordingly prepared an article founded on that basis. They are willing even to extend the same principle to the other objects in dispute between the two nations; and in proposing all the other articles included in this project, they wish to be distinctly understood, that they are ready to sign a treaty, placing the two countries, in respect to all the subjects of difference between them, in the same state they were in at the commencement of the present war; reserving to each party all its rights, and leaving whatever may remain of controversy between them, for future and pacific negotiation.

The British plenipotentiaries having, in their note of the 4th of September, communicated the disposition of their government to receive favorably a proposition which should acknowledge the boundary from the Lake of the Woods to the Mississippi, or to discuss any other line of boundary which might be submitted for consideration, the undersigned answered, that as soon as the proposition of Indian boundary should be disposed of, they would have no objection, with the explanation given by the British plenipotentiaries, to discuss the subject.

The government of the United States had, prior to the acquisition of Louisiana, been disposed to agree to the boundary, from the Lake of the Woods to the Mississippi, from a wish not only to arrange that subject, but also to settle, in a definitive manner, the differences respecting the boundary and islands in the Bay of Passamaquoddy: and its assent to the proposed stipulation of that boundary was refused on account of the acquisition of Louisiana, the boundaries of which might have been affected by it. The undersigned cannot agree to fix the boundaries in that quarter, unless that of Louisiana be also provided for in the arrangement. They accordingly submit for consideration the article on that subject which appears to have been agreed on between the British and American commissioners in the project of convention of the year 1807.

In respect to the intended review of the other boundaries between the British and American territories, with the view to prevent future uncertainty and dispute the undersigned propose the reference of the whole subject to commissioners: and they present accordingly five articles, drawn on the principles formerly adopted by the two powers for settling the question respecting the river St. Croix.

The article already agreed on, respecting the Indian pacification, is included in the project of the undersigned. In conformity with their former suggestion, they offer another, intended to restrain the

hostilities, and to prevent the employment, of the savages in war, and one reciprocally granting a general amnesty.

The only other subjects which has been presented by the undersigned as suitable for discussion, were those respecting seamen, blockade, and indemnities.

Keeping in view the declaration made by Lord Castlereagh, in his note of the 29th of August, 1812, to Mr. Russell, and in his letter of the 4th November, 1813, to Mr. Monroe, the undersigned propose only a temporary article, intended, without affecting the rights or pretensions of either country, to attempt to accomplish, by means less liable to vexation, the object for which impressment has hitherto been thought necessary by Great Britain. The proposed agreement being purely conditional, and limited in duration, each party will be bound only so far, and so long, as the other shall fulfil its conditions; and at the end of the term fixed for the duration of the article, or whenever either party may fail to perform his engagement, the rights of both will be as valid and entire as they were before the agreement.

The article respecting blockades is believed to be in perfect conformity with the principles of the law of nations as acknowledged by both nations. The definition is borrowed from the treaty of 1801, between Great Britain and Russia, and the residue of the article from the unratified treaty of 1806, between Great Britain and the United States.

That relating to indemnities, consists of two parts: the first for irregular seizures, captures, and condemnations of American property, contrary to the established laws and usages of nations, previous to the commencement of the war; and the second for similar irregularities committed during the war, and contrary to the known and established usages of war, between civilized nations. The cases of the first apply exclusively to claims of the citizens of the United States, because, the causes of such claims were then confined, by the relative situation of the parties, to one side. It is presumed, that the British government will itself be sensible of the justice of making indemnity for injuries committed by its officers, in violation of principles avowed and recognized by itself; particularly in the letter from Lord Hawkesbury to Mr. King, of 11th April, 1801, and in that from Mr. Merry to Mr. Madison, of 12th April, 1804; and that the same justice will be admitted, in cases where the territorial jurisdiction of the United States was violated, and where the injury was occasioned by the retrospective effects of the British Orders in Council, of June, 1803, as to the return from the contraband voyages, and of the Orders in Council, of January 7, 1807.

With regard to the Orders in Council, of November, 1807, and of April, 1809, the undersigned will observe, that these having been issued solely on the ground of retaliation against France, and their object having altogether ceased, it is just to indemnify the citizens of the United States for losses experienced by the effect of measures intended to operate against the enemy of Great Britain, and which

fell almost exclusively on a country, which was no party to the war. The United States have never ceased, and at this time continue to demand, from France, indemnity for the losses they have experienced by the effect of the decrees of her government, in violation of the law of nations.

The cases of the second part of this article apply equally to both the belligerent parties. They have been, during the war, subjects of crimination on both sides. The American government can give no stronger and more signal proof of its disapprobation of every departure, under color of its authority, from the established usages of legitimate warfare between civilized nations, than by the offer of mutual reparation.

The article fixing a limitation for captures at sea, does not seem to require any comment.

The undersigned present their entire project in this specific form, with the full expectation of receiving from the British plenipotentiaries their explicit answer respecting all the articles embraced in it, and a project also reduced to specific propositions, and embracing all the objects which they intend to bring forward.

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

JOHN QUINCY ADAMS,
J. A. BAYARD,
HENRY CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

To the **PLENIPOTENTIARIES**
of His Britannic Majesty, &c. &c. &c. Ghent.

Copy of a projet of a treaty of peace submitted by the American to the British Plenipotentiaries at Ghent, on the 10th day of Nov. 1814.

Treaty of Peace and Amity between his Britannic Majesty and the United States of America.

His Britannic Majesty and the United States of America desirous of terminating the war which has unhappily subsisted between the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding, between them, have for that purpose, appointed their respective plenipotentiaries, that is to say: His Britannic Majesty on his part has appointed the right honorable James Lord Gambier, admiral of the White Squadron of his Majesty's fleet, Henry Goulburn, Esquire, a member of the Imperial Parliament and under Secretary of State, and William Adams, Esq. Doctor of Civil Laws; and the President of the United States, by and with advice and consent of the Senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States, who, after a reciprocal communication of their respective full powers, have agreed upon the following articles:

ARTICLE 1.

There shall be a firm and universal peace between his Britannic Majesty and the United States, and between their respective countries, territories, cities, towns, and people of every degree, without exception of persons or places. All hostilities both by sea and land shall immediately cease. All persons on both sides shall be set at liberty. All territory, places, and possessions, without exception, taken by either party from the other during the war, or which may be taken after the signing of this treaty, shall be restored without delay, and without causing any destruction, or carrying away any artillery or other public property, or any slaves or other private property; and all archives, records, deeds, and papers, either of a public nature or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be forthwith restored and delivered to the proper authorities and persons to whom they respectively belong.

ARTICLE 2.

Immediately after the respective ratifications of this treaty orders shall be sent to the armies, squadrons, officers, subjects, and citizens of the two powers, to cease from all hostilities. And to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the signing of this treaty, it is reciprocally agreed that the vessels and effects which may be taken in the channel and in the north seas after the space of — from that of the sig-

nature hereof, shall be restored on each side: that the term shall be — from the channel and the North Seas to the Canary Islands, inclusively, whether in the ocean or the Mediterranean: of — from the said Canary islands to the equinoctial line or equator, and of — in all other parts of the world, without exception.

ARTICLE 3.

Whereas that portion of the boundary between the dominions of his Britannic Majesty in North America, and those of the United States, from the mouth of the river St. Croix, (as the said mouth was ascertained by the commissioners appointed for that purpose, to the bay of Fundy, has not yet been regulated and determined; and, whereas, the respective rights and claims of his Britannic Majesty and of the United States, to the several islands in the bay of Passamaquoddy, and to the island of Grand Menan, have never been finally adjusted and determined, the said islands being claimed on the part of the United States as lying within twenty leagues of their shores, and south of a line drawn due east from the mouth of the river St. Croix; and on the part of his Britannic Majesty, as having been, at or before the former treaty of peace, between the two boundaries within the limits of the province of Nova Scotia: In order, therefore, finally to decide these several questions, it is agreed that they shall be referred to three commissioners, to be appointed in the following manner, viz: one commissioner shall be appointed by his Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two commissioners, shall have power to choose a third; and if they cannot agree, they shall each propose one person, and of the two names so proposed, one shall be drawn by lot, in the presence of the two original commissioners, and the three commissioners so appointed, shall be sworn impartially to examine and decide the said questions according to such evidence as shall respectively be laid before them, on the part of the British government and the United States. The said commissioners shall meet at — and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners, or a majority of them, shall, by a declaration under their hands and seals, determine the boundary aforesaid, from the mouth of the river St. Croix to the bay of Fundy; and decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the former treaty of peace. And both parties agree to consider such decision as final and conclusive.

ARTICLE 4.

Whereas neither that point of the high-lands lying due north from the source of the river St. Croix, and designated in the former treaty of peace between the two powers, as the northwest angle of No-

va Scotia, nor the northwesternmost head of Connecticut river, has yet been ascertained: And whereas that part of the boundary line between the dominions of the two powers, which extends from the source of the river St. Croix, directly north, to the above mentioned northwest angle of Nova Scotia; thence, along the said high-lands, which divide those rivers, that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river; thence, down, along the middle of that river, to the forty-fifth degree of north latitude; thence, by a line due west, on said latitude, until it strikes the river Iroquois, or Cataraguy, has not yet been surveyed: It is agreed, that, for these several purposes, three commissioners shall be appointed, sworn (*mutatis mutandis*) and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article; the said commissioners shall meet at ———, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners, or a majority of them, shall have power to ascertain and determine the points above mentioned, in conformity with the provisions of the said treaty of peace, and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois, or Cataraguy, to be surveyed and marked according to the said provisions. The said commissioners, or a majority of them, shall make a map of the said boundary, and annex to it a declaration, under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the northwest angle of Nova Scotia; of the northwesternmost head of Connecticut river, and of such other points of the said boundary as they may deem proper; and both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary.

ARTICLE 5.

Whereas, by the former treaty of peace, that portion of the boundary of the United States from the point where the forty-fifth degree of north latitude strikes the river Iroquois, or Cataraguy, to the lake Superior, was declared to be along the middle of said river, into lake Ontario, through the middle of said lake, until it strikes the communication by water between that lake and lake Erie; thence, along the middle of said communication, into lake Erie; through the middle of said lake until it arrives at the water communication into the lake Huron; thence, through the middle of said lake, to the water communication between that lake and lake Superior: And whereas doubts have arisen what was the middle of the said river, lakes, and water communications, and whether certain islands lying in the same were within the dominions of His Britannic Majesty or of the United States: In order, therefore, finally to decide these questions, they shall be referred to three commissioners, to be appointed, sworn, (*mutatis mutandis*) and authorized to act exactly in the manner di-

rected with respect to those mentioned in the next preceding article. The said commissioners shall meet, in the first instance, at —, and shall have power to adjourn to such other place, or places, as they shall think fit. The said commissioners, or a majority of them, shall, by a declaration under their hands and seals, designate the boundary through the said river, lakes, and water communications, and decide to which of the two contracting parties the several islands lying within the said rivers, lakes, and water communications, do respectively belong, in conformity with the true intent of the former treaty of peace. And both parties agree to consider such decision as final and conclusive.

ARTICLE 6.

It is further agreed, that the said last mentioned commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they, or a majority of them, are hereby, authorized, upon their oaths, impartially to fix and determine, according to the true intent of the said former treaty of peace, that part of the boundary between the dominions of the two powers which extends from the water communication between lake Huron and lake Superior, to the most northwestern point of the Lake of the Woods; to decide to which of the two parties the several islands lying in the lakes, water communications, and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said former treaty of peace, and to cause such parts of the said boundary as require it to be surveyed and marked. The said commissioners, or a majority of them, shall, by a declaration, under their hands and seals, designate the boundary aforesaid, state their decision on the questions thus referred to them, and particularize the latitude and longitude of the most northwestern point of the Lake of the Woods, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such decision as final and conclusive.

ARTICLE 7.

The several boards of commissioners mentioned in the four preceding articles shall, respectively, have power to appoint a secretary, and to employ such surveyors, or other persons, as they shall judge necessary. Duplicates of their respective declarations and decisions, of the statement of their accounts, and of the journal of their proceedings, shall be delivered by them to the agents of His Britannic Majesty, and to the agents of the United States, who may be respectively appointed, and authorized to manage the business in behalf of their respective governments. The said commissioners shall be respectively paid in such manner as shall be agreed between the two parties; such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending

the said commissions shall be defrayed, jointly, by the two parties, the same being previously ascertained and allowed by the majority of the commissioners. And in the case of death, sickness, resignation, or necessary absence, the place of every such commissioner, respectively, shall be supplied in the same manner as such commissioner was first appointed, and the new commissioner shall take the same oath or affirmation, and do the same duties.

It is further agreed between the two parties, that, in case any of the islands mentioned in any of the preceding articles, which were in the possession of one of the parties prior to the commencement of the present war between the two countries, should, by the decision of any of the boards of commissioners aforesaid, fall within the dominions of the other party, all grants of lands made previous to that time, by the party having had such possession, shall be as valid as if such island or islands had, by such decision or decisions, been adjudged to be within the dominions of the party having had such possession.

ARTICLE 8.

It is agreed that a line, drawn due north or south, (as the case may be) from the most northwestern point of the Lake of the Woods, until it shall intersect the forty-ninth parallel of north latitude, and from the point of such intersection, due west, along and with the said parallel, shall be the dividing line between his Majesty's territories and those of the United States to the westward of the said lake, as far as their said respective territories extend in that quarter; and that the said line shall, to that extent, form the southern boundary of his Majesty's said territories, and the northern boundary of the said territories of the United States: Provided, that nothing in the present article shall be construed to extend to the northwest coast of America, or to the territories belonging to, or claimed by, either party, on the continent of America, to the westward of the Stony Mountains.

ARTICLE 9.

The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities.

Provided always, that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

And His Britannic Majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war

at the time of such ratification, and forthwith to restore to such tribes, or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities.

Provided always, that such tribes or nations shall agree to desist from all hostilities against his Britannic Majesty and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

ARTICLE 10.

His Britannic Majesty and the United States shall, by all the means in their power, restrain the Indians living within their respective dominions from committing hostilities against the territory, citizens, or subjects, of the other party: and both powers also agree and mutually pledge themselves, if at any time war should unhappily break out between them, not to employ any Indians, nor to admit of their aid and co-operation in the prosecution of the war against the other party.

ARTICLE 11.

Each party shall effectually exclude from its naval and commercial service all seamen, seafaring or other persons, subjects or citizens of the other party, not naturalized by the respective governments of the two parties, before the — day of —; seamen or other persons, subjects of either party, who shall desert from public or private ships or vessels, shall, when found within the jurisdiction of the other party, be surrendered, provided they be demanded within — from the time of their desertion.

No person whatever shall, upon the high seas, and without the jurisdiction of either party, be demanded or taken out of any ship or vessel, belonging to subjects or citizens of any of the parties, by the public or private armed ships or vessels belonging to, or in the service of, the other, unless such person be, at the time, in the actual employment of an enemy of such other party. This article shall continue in force for the term of — years. Nothing in this article contained shall be construed thereafter to affect or impair the rights of either party.

ARTICLE 12.

If either of the contracting parties shall hereafter be engaged in war against any third power, to which war the other of the parties shall remain neutral, it is agreed that every vessel of the neutral party, sailing for a port or place belonging to the enemy of the belligerent, without knowing that the same is besieged, blockaded, or invested, may be turned away from such port or place, but shall not be detained, nor her cargo, if not contraband, be confiscated, unless, after such notice, she shall again attempt to enter: but she shall be

permitted to go to any other port or place she may think proper; nor shall any vessel or goods of either party, that may have entered into such port or place before the same was besieged, blockaded, or invested by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be returned to the proprietors thereof: and, in order to determine what characterizes a blockaded port, that denomination is given only to a port where there is, by the disposition of the power which attacks it with ships, stationary, or sufficiently near, an evident danger in entering.

ARTICLE 13.

It is agreed that indemnity shall be made by his Britannic Majesty to the citizens of the United States, for all losses and damages sustained by them during the late war between Great Britain and France, and prior to the commencement of the present war, by reason of irregular or illegal captures, seizures, or condemnations of vessels and other property, under color of authority, contrary to the known and established rules of the law of nations. And it is also agreed, that indemnity shall be made by each of the contracting parties, to the subjects or citizens of the other party, for all losses and damages sustained subsequent to the commencement of the present war, by reason of the seizure or condemnation of the vessels or cargoes, belonging to the subjects or citizens of the one party, which, in the ordinary course of commerce, happened at the commencement of hostilities to be in the ports of the other party; and by reason of the destruction of unfortified towns, and the pillage or destruction of private property, and the enticement and carrying away of negroes, contrary to the known and established rules and usages of war between civilized nations.

It is agreed, that, for the purpose of determining the indemnities due by each contracting party, in conformity with the provisions of this article, commissioners shall be appointed in the following manner, viz: One commissioner shall be named by his Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said two commissioners shall agree in the choice of a third; or, if they cannot agree, they shall each propose one person, and of the two names so proposed, one shall be taken by lot, in the presence of the two original commissioners, and the three commissioners, thus appointed, shall be sworn, and authorized and empowered, impartially, to examine into all such claims and complaints, and to determine the indemnities which may be justly due for the same.

The said commississners shall meet at ——— and shall have power to adjourn to such other place, or places, as they shall think fit; they shall also have power to appoint a secretary, swear and examine witnesses, and have all assistance and facilities necessary to effect the object of their appointment.

The award of the said commissioners, or a majority of them, shall in all cases be final and conclusive, both as to the justice of the claim, and as to the amount of the sum to be paid to the claimant and claimants. And his Britannic Majesty and the United States agree and undertake to cause the sums so awarded to be due by them, respectively, to be paid in specie, to such claimant and claimants without deduction, and at such place or places, time or times, as shall be awarded by the commissioners.

ARTICLE 14.

It is also agreed, that no person or persons, residing within the dominions of one of the parties, who may have taken part with the other party, in the war between Great Britain and the United States, shall, on that account, be prosecuted, molested, or annoyed, either in his person or property; and that all such persons disposed to remove into the dominions of the other party, shall be allowed the term of —— months, freely to sell their property, of every nature and description whatsoever, and to remove accordingly.

ARTICLE 15.

This treaty, when the same shall have been ratified on both sides, and the respective ratifications mutually exchanged, shall be binding on both parties, and the ratification shall be exchanged at —— in the space of —— months from this day, or sooner, if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have thereunto affixed our seals.

Done at Ghent, the —— day of —— one thousand eight hundred and fourteen.

British Note, No. 7.

The undersigned have had the honor to receive the note and projet of a Treaty of Peace presented by the American Plenipotentiaries on the 10th instant.

The undersigned are of opinion that the most convenient course for them to adopt will be to return this projet with their marginal alterations and suggestions on the several articles of which it is composed. The existing differences between the two governments will thus be brought more immediately in view, and it is hoped that, by confining the discussions to one projet, the negotiations may sooner be brought to a favorable conclusion. The first part of the 10th article appears to be unnecessary, and the stipulation contained in the whole of it altogether inadmissible. Though His Majesty's government sincerely hopes that a renewal of the war between His Majesty and the United States may be far distant, yet the undersigned can-

not consent to enter into any engagement as to what shall be the conduct of their government, if such a war should unfortunately occur.

With respect to the 11th and 12th articles, His Majesty's government has strongly manifested its sincere disposition to the speedy restoration of peace, by agreeing, under all the present circumstances, to conclude the treaty without any stipulation on the points to which these articles relate. No advantage can arise from entering into discussions, upon a successful result of which the American Plenipotentiaries have stated, more than once, that they will not make the conclusion of the peace at all to depend.

With respect to the 13th article, the indemnifications proposed by it, as applied to the actual circumstances of the war, are so unprecedented and objectionable, that any further perseverance of the American Plenipotentiaries in requiring them, is not anticipated by the undersigned: if, however, contrary to expectation, indemnifications of this kind should be required, all hope of bringing the negotiations to a favorable issue must prove abortive. The undersigned are instructed explicitly to declare, that as their government makes no claim on account of losses sustained by British subjects arising out of a war declared by the United States, so neither can their government agree to make compensation for losses, sustained in such a war by the American people.

The undersigned are, however, willing to agree to a stipulation by which it shall be provided, that the courts of justice in each country shall be open to the just demands of the respective people, and that no obstruction be thrown in the way of their recovery of the rights, claims, or debts, of any kind respectively due or belonging to them.

With respect to the 14th article, the undersigned do not concur in the necessity for any such stipulation as is there proposed.

The undersigned think proper to add, that, with respect to particular alterations suggested by them in various articles of the projet, they are ready to enter into such explanations as may be required of them, with the sincere desire of endeavoring to reconcile the pretensions brought forward on the part of their respective governments.

The undersigned have forborne to insist upon the basis of *uti possidetis*, to the advantage of which they consider their country fully entitled. But should this negotiation terminate in a way contrary to their hopes and just expectations, they must protest against any claim or demand being urged by the American government in any future negotiation, in consequence of the facilities which His Majesty's government have now shown themselves willing to afford to the speedy restoration of peace.

The undersigned avail themselves of the present opportunity to renew to the Plenipotentiaries of the United States the assurances of their high consideration.

GAMBIER,
HENRY GOULBURN,
WILLIAM ADAMS.

GHENT, Nov. 26th, 1814.

Project of a Treaty, as returned by the British to the American Plenipotentiaries, 26th November, 1814.

Treaty of Peace and Amity, between his Britannic majesty, and the United States of America.

The following marginal remarks and alterations were made and proposed by the British plenipotentiaries.

Note. It is proposed to omit altogether the words that are underlined.

His Britannic majesty and the United States of America, desirous of terminating the war which has unhappily subsisted between the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding, between them, have, for that purpose, appointed their respective plenipotentiaries, that is to say, his Britannic Majesty on his part has appointed the right honorable James Lord Gambier, Admiral of the White Squadron of his majesty's fleet, Henry Goulburn, Esq. a member of the Imperial Parliament, and under Secretary of State, and William Adams, Esq. Doctor of Civil Laws; and the President of the United States, by and with advice and consent of the Senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin, citizens of the United States, who, after a reciprocal communication of their respective full powers, have agreed upon the following articles.

ARTICLE 1.

ARTICLE 1.

There shall be a firm and universal peace between his Britannic majesty and the United States and between their respective countries, territories, cities, towns, and people, of every degree, without exception of (1) persons or places. All hostilities, both by sea and land, shall imme-

(1) places or

(1) after the exchange of the ratifications as herein after mentioned.

* It is thought more advisable that the provision respecting prisoners of war, should be the subject of a separate article; the draft of an article on this subject is subjoined.

(2) belonging to

(3) and taken by

(4) of the

(5) originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratification of this treaty.

(6) as far as may be practicable.

ARTICLE 2.

(7) shall have been exchanged,

(8) exchange of the ratifications

(9) the period of the exchange of the ratifications,

(10) the same term of ——— for all parts of the Mediterranean.

diately cease.(1) *All persons on both sides shall be set at liberty.**

All territory, places, and possessions, without exception, *taken by* (2) either party *from* (3) the other during the war, or which may be taken after the signing of this Treaty, shall be restored without delay, and without causing any destruction, or carrying away any (4) artillery or other public property, or any slaves or other private property, (5) and all archives, records, deeds, and papers, either of a public nature or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be (6) forthwith restored, and delivered to the proper authorities and persons to whom they respectively belong.

ARTICLE 2.

Immediately after the *respective* ratifications of this treaty, (7) orders shall be sent to the armies, squadrons, officers, subjects, and citizens, of the two powers, to cease from all hostilities: and to prevent all causes of complaint, which might arise on account of the prizes which may be taken at sea, after the (8) *signing* of this treaty, it is reciprocally agreed, that the vessels and effects which may be taken in the channel, and in the North seas, after the space of ——— from (9) *that of the signature* hereof, shall be restored on each side: that the term shall be ——— from the channel and the North seas to the Canary Islands inclusively, (10) *whether in the ocean or the Mediterranean* of ——— from the said Canary Islands to the equinoctial line or

equator, and of ——— in all other parts of the world without exception.

ARTICLE 3.

Whereas it was stipulated by the second article in the treaty of peace of 1783, between His Britannic Majesty and the United States of America, that the boundary of the United States should comprehend "all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall, respectively, touch the Bay of Fundy, and the Atlantic ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia:" And whereas claims have been made by the government of the United States to certain islands in the Bay of Fundy, which said islands are claimed as belonging to His Britannic Majesty, as having been at the time of, and previous to, the aforesaid treaty of 1783, within the limits of the province of Nova Scotia: In order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two commissioners, to be appointed in the following manner, viz. one commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof, and the said two commissioners, so appointed, shall be sworn impartially to examine and decide upon the said claims, according

ARTICLE 3.

Whereas, that portion of the boundary between the dominions of His Britannic Majesty in North America, and those of the United States, from the mouth of the river St. Croix (as the said mouth was ascertained by the commissioners appointed for that purpose) to the Bay of Fundy, has not yet been regulated and determined: And whereas, the respective rights and claims of His Britannic Majesty and of the United States, to the several islands in the Bay of Passamaquoddy, and to the island of Grand Menan, have never been finally adjusted and determined, the said islands being claimed on the part of the United States as lying within twenty leagues of their shores, and south of a line drawn due east from the mouth of the river St. Croix and on the part of His Britannic Majesty, as having been, at or before the former treaty of peace between the two boundaries, within the limits of the province of Nova Scotia: In order, therefore, finally to decide these several questions, it is agreed that they shall be referred to three commissioners, to be appointed in the following manner, viz. one commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senat thereof, and the said two commissioners shall have power to choose a third, and if they cannot agree they shall each propose one person, and the two names, so proposed, one shall be drawn by

to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively. The said commissioners shall meet at ———, and shall have power to adjourn to such other place, or places, as they shall think fit. The said commissioners shall, by a declaration or report, under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the said treaty of peace of 1783: and if the said commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive.

It is further agreed, that, in the event of the two commissioners differing upon all, or any, of the matters so referred to them, or in the event of both, or either of the said commissioners refusing, or declining, or wilfully omitting, to act as such, they shall make, jointly or separately, a report, or reports, as well to the government of His Britannic Majesty as to that of the United States, stating, in detail, the points on which they differ, and the grounds upon which their respective opinions have been formed; or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And his Britannic Majesty, and the government of the United States, hereby agree to refer the report, or reports, of the said commissioners to some friendly sovereign, or state, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report, or reports, or upon the report of one com-

lot, in the presence of the two original commissioners, and the three commissioners, so appointed, shall be sworn impartially to examine and decide the said questions, according to such evidence as shall respectively be laid before them on the part of the British government, and of the United States. The said commissioners shall meet at ———, and shall have power to adjourn to such other place, or places, as they shall think fit. The said commissioners, or a majority of them, shall, by a declaration under their hands and seals, determine the boundary aforesaid from the mouth of the river St. Croix to the Bay of Fundy, and decide to which of the two contracting parties the several islands aforesaid do respectively belong, in conformity with the true intent of the former treaty of peace. And both parties agree to consider such decision as final and conclusive.

missioner, together with the grounds upon which the other commissioner shall have so refused, declined, or omitted to act, as the case may be. And if the commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done in such manner that the said statement may be referred to such friendly sovereign or state, together with the report of such other commissioner, then such sovereign, or state, shall decide, ex parte, upon the said report alone. And His Britannic Majesty, and the government of the United States, engage to consider the decision of such friendly sovereign, or state, to be final and conclusive on all the matters so referred.

ARTICLE 4.

ARTICLE 4.

Whereas, neither that point of the Highlands lying due north from the source of the river St. Croix, and designated in the former treaty of peace between the two powers as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut river, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two powers, which extends from the source of the river St. Croix directly north to the above mentioned northwest angle of Nova Scotia; thence, along the said Highlands, which divide those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river; thence, down along the middle of that ri-

(1) Two.

(2) Unless otherwise specified in the present article.

(3) Of 1783.

(4) And, in the event of the said two commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them; and such reference to a friendly sovereign or state shall be made, in all respects, as in the latter part of the third article is contained, and in as full a manner as if the same was herein repeated.

ver to the forty-fifth degree of north latitude; thence, by a line due west, on said latitude, until it strikes the river Iroquois, or Cataraguy, has not yet been surveyed. It is agreed that, for these several purposes *three* (1) commissioners shall be appointed, sworn (*mutatis mutandis*) and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article.(2) The said commissioners shall meet at ———, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners, *or a majority of them*, shall have power to ascertain and determine the points above mentioned, in conformity with the provisions of the said treaty of peace,(3) and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois, or Cataraguy, to be surveyed and marked according to the said provisions.

The said commissioners, *or a majority of them*, shall make a map of the said boundary, and annex to it a declaration, under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the northwest angle of Nova Scotia, of the northwesternmost head of Connecticut river, and of such other points of the said boundary as they may deem proper; and both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary.(4)

ARTICLE 5.

ARTICLE 5.

Whereas, by the former treaty of peace, that portion of the boundary of the United States, from the point where the forty-fifth degree of north latitude strikes the river Iroquois, or Cataraguy, to the Lake Superior, was declared to be along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence, along the middle of said communication, into Lake Erie, through the middle of said lake until it arrives at the water communication into the Lake Huron; thence, through the middle of said lake,⁽¹⁾ to the water communication between that lake and Lake Superior: And whereas doubts have arisen what was the middle of the said river, lakes, and water communications, and whether certain islands, lying in the same, were within the dominions of his Britannic Majesty, or of the United States: In order, therefore, finally to decide these *questions*, (1) they shall be referred to (2) *three* commissioners, to be appointed, sworn (*mutatis mutandis*) and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article. (3) The said commissioners shall meet, in the first instance, at —, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners, or a majority of them, shall, by a (4) declaration, under their hands and seals, designate the boundary through the said river, lakes, and water communications, and decide to which of the two contract-

(1) Doubts;

(2) Two.

(3) Unless otherwise specified in this present article.

(4) Report or

(1) said treaty of 1783.

(2) designation and

(3) And in the event of the said two commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them; and such reference to a friendly sovereign or state shall be made, in all respects, as in the latter part of the third article is contained, and in as full a manner as if the same was herein repeated.

ARTICLE 6.

(4) Two.

(5) Of 1783.

(6) Of 1783.

ing parties the several islands lying within the said rivers, lakes, and water communications, do respectively belong, in conformity with the true intent of the (1) *former treaty of peace*; and both parties agree to consider such (2) decision as final and conclusive. (3)

ARTICLE 6.

It is further agreed, that the said (4) last mentioned commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they, *or a majority of them*, are hereby, authorized, upon their oaths, impartially to fix and determine, according to the true intent of the said *former treaty of peace*, (5) that part of the boundary between the dominions of the two powers, which extends from the water communication between Lake Huron and Lake Superior, to the most northwestern point of the Lake of the Woods: to decide to which of the two parties the several islands lying in the lakes, water communications, and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said *former treaty of peace*, (6) and to cause such parts of the said boundary as require it to be

(1) Report or.

(2) Points.

(3) Parts of.

(4) Designation and.

(5) And in the event of the said two commissioners differing, or both or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them; and such reference to a friendly sovereign or state shall be made in all respects as in the latter part of the third article is contained, and in as full a manner, as if the same was herein repeated.

ARTICLE 7.

(6) Two.

(7) All. (8) Reports.

(9) Statements.

(10) And.

surveyed and marked. The said commissioners, or a majority of them, shall by a (1) *declaration*, under their hands and seals, designate the boundary aforesaid, state their decision on the (2) *questions* thus referred to them, and particularize the latitude and longitude of the most northwestern point of the Lake of the Woods, and of such other (3) *points* on the said boundary, as they may deem proper: and both parties agree to consider such (4) decision, as final and conclusive. (5)

ARTICLE 7.

The several boards of (6) commissioners mentioned in the four preceding articles, shall respectively have power to appoint a secretary, and to employ such surveyors, or other persons, as they shall judge necessary. Duplicates of (7) their respective (8) declarations (9) and decisions *of the statement* (10) of their accounts, and of the journal of their proceedings, shall be delivered by them to the agents of his Britannic Majesty, and to the agents of the United States, who may be respectively appointed and authorized to manage the business in behalf of their respective governments. The said commissioners shall be

(1) Contracting.

(2) Equally.

(3) Contracting.

(4) Or of the sovereign or state so referred to, as in many of the preceding articles contained.

respectively paid in such manner as shall be agreed between the two (1) parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty; and all other expenses attending the said commissions, shall be defrayed (2) *jointly* by the two parties, *the same being previously ascertained and allowed by the majority of the commissioners.* And in the case of death, sickness, resignation, or necessary absence, the place of every such commissioner, respectively, shall be supplied, in the same manner as such commissioner was first appointed; and the new commissioner shall take the same oath, or affirmation, and do the same duties.

It is further agreed between the two (3) parties, that, in case any of the islands mentioned in any of the preceding articles, which were in the possession of one of the parties, prior to the commencement of the present war between the two countries, should, by the decision of any of the boards of commissioners aforesaid, (4) fall within the dominions of the other party, all grants of lands made previous to that time, by the party having had such possession, shall be as valid, as if such island or islands had, by such decision or decisions, been adjudged to be within the dominions of the party having had such possession.

ARTICLE 8.

It is agreed that a line, drawn due west, from the Lake of the Woods, along the 49th parallel of north latitude, shall be the line of demarcation between His

ARTICLE 8.

It is agreed that a line, drawn due north or south, (as the case may be) from the most northwestern point of the Lake of the Woods, until it shall intersect the forty-

Britannic Majesty's territories and those of the United States, to the westward of the said Lake, so far as the territories of the United States extend in that quarter; and the said line shall to that extent form the southern boundary of His Britannic Majesty's territories, and the northern boundary of the territories of the United States. It being always distinctly understood, that nothing in the present article shall be construed to extend to the Northwest Coast of America, or to territories belonging to, or claimed by, either party, on the continent of America, westward of the Stony Mountains. (And it is further agreed, the subjects of His Britannic Majesty shall, at all times, have access) from His Britannic Majesty's territories, by land or inland navigation, into the aforesaid territories of the United States to the river Mississippi, with their goods, effects, and merchandise, and that His Britannic Majesty's subjects shall have and enjoy the free navigation of the said river.

ARTICLE 9.

Approved.

ninth parallel of north latitude, and from the point of such intersection due west, along and with, the said parallel, shall be the dividing line between His Majesty's territories and those of the United States, to the westward of the said Lake, as far as their said respective territories extend in that quarter; and that the said line shall, to that extent, form the southern boundary of His Majesty's said territories, and the northern boundary of the said territories of the United States: Provided, that nothing in the present article shall be construed to extend to the Northwest Coast of America, or to the territories belonging to, or claimed by, either party, on the continent of America, to the westward of the Stony Mountains.

ARTICLE 9.

The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war, at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed, or been entitled to, in 1811, previous to such hostilities: Provided always, that such tribes or nations shall agree to desist from

all hostilities against the United States of America, their citizens, and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And his Britannic Majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war, at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in 1811, previous to such hostilities: Provided always, that such tribes or nations shall agree to desist from all hostilities against his Britannic Majesty and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

ARTICLE 10.

Inadmissible.

ARTICLE 10.

His Britannic Majesty and the United States shall, by all the means in their power, restrain the Indians living within their respective dominions from committing hostilities against the territory, citizens, or subjects, of the other party. And both powers also agree and mutually pledge themselves, if at any time war should unhappily break out between them, not to employ any Indians, nor to admit of their aid and co-operation in the prosecution of the war against the other party.

ARTICLE 11.

Inadmissible.

ARTICLE 11.

Each party shall effectually exclude from its naval and commercial service, all seamen, seafaring, or other persons, subjects or citizens of the other party, not naturalized by the respective governments of the two parties before the — day of —.

Seamen, or other persons, subjects of either party, who shall desert from public or private ships or vessels, shall, when found within the jurisdiction of the other party, be surrendered, provided they be demanded within— from the time of their desertion.

No person whatever shall, upon the high seas, and without the jurisdiction of either party, be demanded, or taken out of any ship or vessel belonging to subjects or citizens of any of the parties, by the public or private armed ships or vessels belonging to, or in the service of, the other, unless such person be, at the time, in the actual employment of an enemy of such other party.

This article shall continue in force for the term of — years. Nothing in this article contained shall be construed thereafter to affect or impair the rights of either party.

ARTICLE 12.

Inadmissible.

ARTICLE 12.

If either of the contracting parties shall hereafter be engaged in a war against any third power, to which war the other of the parties shall remain neutral, it is agreed that every vessel of the neutral party sailing for a port or place belonging to the enemy of the belligerent, without knowing that the same is besieged, block-

aded, or invested, may be turned away from such port or place, but shall not be detained, nor her cargo, if not contraband, be confiscated, unless, after such notice, she shall again attempt to enter; but she shall be permitted to go to any other port or place she may think proper. Nor shall any vessel or goods of either party, that may have entered into such port or place before the same was besieged, blockaded, or invested, by the other, and be found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the proprietors thereof: And, in order to determine what characterizes a blockaded port, that denomination is given only to a port where there is, by the disposition of the power which attacks it with ships stationary or sufficiently near, an evident danger in entering.

ARTICLE 13.

Inadmissible.

ARTICLE 13.

It is agreed that indemnity shall be made by his Britannic Majesty to the citizens of the United States, for all losses and damages sustained by them during the late war between Great Britain and France, and prior to the commencement of the present war, by reason of irregular or illegal captures, seizures, or condemnations of vessels and other property, under color of authority, contrary to the known and established rules of the law of nations. And it is also agreed, that indemnity shall be made, by each of the contracting parties, to the subjects or citizens of the other party, for all losses and damage sustained subsequent to the commencement of the war.

sent war, by reason of the seizure or condemnation of the vessels or cargoes, belonging to the subjects or citizens of the other party, which, in the ordinary course of commerce, happened, at the commencement of hostilities, to be in the ports of the other party; and by reason of the destruction of unfortified towns, and the pillage or destruction of private property, and the enticement and carrying away of negroes, contrary to the known and established rules and usages of war, between civilized nations.

It is agreed that, for the purpose of determining the indemnities due by each contracting party, in conformity with the provisions of this article, commissioners shall be appointed, in the following manner, viz: One commissioner shall be named by his Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said two commissioners shall agree in the choice of a third; or, if they cannot agree, they shall each propose one person, and of the two names so proposed, one shall be taken by lot, in the presence of the two original commissioners, and the three commissioners, thus appointed, shall be sworn and authorized and empowered, impartially, to examine into all such claims and complaints, and to determine the indemnities which may be justly due for the same.

The said commissioners shall meet at —, and shall have power to adjourn to such other place or places as they shall think fit; they shall also have power to appoint a secretary, swear and ex-

amine witnesses, and have all assistance and facilities necessary to effect the object of their appointment.

The award of the said commissioners, or a majority of them, shall, in all cases, be final and conclusive, both as to the justice of the claim and as to the amount of the sum to be paid to the claimant and claimants; and his Britannic Majesty and the United States agree and undertake to cause the sums so awarded to be due by them, respectively, to be paid in specie, to such claimant and claimants, without deduction, and at such place or places, time or times, as shall be awarded by the commissioners.

ARTICLE 14.

Inadmissible.

ARTICLE 14.

It is also agreed, that no person or persons, residing within the dominions of one of the parties, who may have taken part with the other party in the war between Great Britain and the United States, shall, on that account, be prosecuted, molested, or annoyed, either in his person or property; and that all such persons disposed to remove into the dominions of the other party, shall be allowed the term of — months, freely to sell their property, of every nature and description whatsoever, and to remove accordingly.

ARTICLE 15.

ARTICLE 15.

This treaty, when the same shall have been ratified on both sides, and the *respective* ratifications mutually exchanged, shall be binding on both parties, and the ratifications shall be exchange-

(1) Washington, with all practicable dispatch.
 (2) practicable.

ed at (1)— in the space of—
 months from this day, or sooner if
 possible. (2)

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have thereunto affixed our seals.

Done at Ghent, the —day
 of — one thousand eight hundred and fourteen.

True copy of the projet submitted by the American to the British ministers, and also of the marginal changes, propositions, and remarks, made by the latter on returning their answer to the American ministers' note, communicating said projet of a treaty.

C. HUGHES, Jr.

Secretary American Mission extraordinary.

*Draft of article to be inserted immediately after article 2d of the American projet.**

All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable, after the ratification of this treaty shall have been exchanged, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other, for the sustenance and maintenance of such prisoners.

American No. 7, in reply to British No. 7.

GHENT, 30th Nov. 1814.

The undersigned have had the honor to receive the note of the British Plenipotentiaries of the 26th instant, together with their marginal alterations and suggestions on the several articles of the Project of a Treaty of Peace, proposed by the undersigned.

The undersigned consent that the day of the exchange of ratifications be substituted to that of the signature of the treaty, as the time for the cessation of hostilities, and for regulating the periods after which prizes at sea shall be restored: it being understood that measures shall be adopted for a speedy exchange of ratifications, and that the periods in the second article shall be fixed in a manner corresponding with this alteration.

The undersigned will also agree to the new article respecting prisoners, and to the mode of reference proposed by the British Plenipotentiaries.

* Proposed by the British Ministers.

potentiaries in the third, fourth, fifth, sixth, and seventh articles, instead of that which had been proposed by the undersigned. But, in order to prevent delay, they will suggest that a time be fixed, within which the Commissioners shall make their decisions and reports.

The undersigned will decline insisting upon the 10th, 12th, and 14th articles, and upon so much of the 13th article as relates to indemnities for losses and damages sustained subsequent to the commencement of the present war. They wish to discuss the cases of vessels and property, in port when war was declared or known; and have the honor to enclose a copy of the provision made in that respect by the United States. They will also waive the residue of that (the 13th) article, and the 11th article, it being understood that the rights of both powers on the subject of seamen, and the claims of the citizens and subjects of the two contracting parties, to indemnities for losses and damages sustained prior to the commencement of the war, shall not be affected, or impaired, by the omission in the treaty of any specific provision with respect to those two subjects.

In forbearing to insist upon the discussion of subjects deeply involving interests important to their country, and upon which the undersigned view the proposals offered by them for consideration as founded on principles the most moderate and conciliatory, they give the strongest evidence of the anxious wish of their government that the negotiation should be brought to a happy issue.

Sincerely participating in the desire expressed by the British Plenipotentiaries, of endeavoring to reconcile the pretensions of both governments on the few subjects remaining for discussion, the undersigned have also assented to most of the alterations, proposed by the British Plenipotentiaries, to those parts of the projet which they have not entirely rejected. To some of these alterations the undersigned are compelled by their duty to object. They have already stated, and now repeat, that, whilst requiring of Great Britain no sacrifice whatever, the government of the United States has not authorized the undersigned to agree to any stipulation involving any cession of territory, or the dereliction of any of the essential rights of the people of the United States.

The objections of the undersigned are to one of the alterations suggested by the British plenipotentiaries in the first article; to some parts of the preamble of the third article; and to the eighth article; and they have also some other verbal alterations to suggest. They request a conference, at such time and place as may suit the British Plenipotentiaries, for the purpose of discussing those points, and of agreeing on the places and times left in blank in several of the articles.

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

JOHN QUINCY ADAMS,
JAMES A. BAYARD,
H. CLAY,
JONA. RUSSELL,
ALBERT GALLATIN.

To the Plenipotentiaries of His Britannic Majesty. &c. &c. &c.

Extract of a law of the United States passed July 6th, 1812.

“Sec. 6. *And be it further enacted,* That the President of the United States be, and he is hereby, authorized, to give, at any time, within six months after the passage of this act, passports for the safe transportation of any ship or other property belonging to British subjects, and which is now within the limits of the United States.”

British Note No. 8.

The undersigned have the honor to acknowledge the receipt of the note addressed to them by the American Plenipotentiaries, and, in compliance with their request for a conference, shall be happy to receive them at the Chartreux to-morrow at 12 o'clock.

The undersigned request the American Plenipotentiaries to accept the assurance of their high consideration.

GAMBIER,
HENRY GOULBURN.
WILLIAM ADAMS.

GHENT, Nov. 30, 1814.

Protocol of a Conference, held the 1st December 1814, at Ghent.

At a conference held this day, the American plenipotentiaries proposed the following alterations in their project, as amended by the British Plenipotentiaries.

1. In article 1st, strike out the alteration consisting of the words “belonging to,” “and taken by,” and preserve the original reading, viz. “taken by either party from the other.”

This alteration was objected to by the British plenipotentiaries, and after some discussion, reserved by them for the consideration of their government.

2. Transpose alteration consisting of the words “originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty,” after the words “public property.”

Agreed to by the British plenipotentiaries.

3. Article 2d. The term to be 15 days in the channel, in the north seas, in all parts of the Atlantic Ocean to the equinoctial line or equator, and in all parts of the Mediterranean. Two months in the Atlantic Ocean, to the latitude of the Cape of Good Hope, and three months in all other parts of the world.

In lieu of this alteration, the British plenipotentiaries proposed the following, viz. “That all vessels and effects which may be taken after the space of 12 days from the period of the exchange of the

said ratifications, upon all parts of the coasts of North America, from the latitude of 23° north, to the latitude of 47° north, and as far eastward in the Atlantic Ocean as the 65° of west longitude from the meridian of Greenwich, shall be restored on each side. That the term shall be thirty days in all other parts of the Atlantic Ocean, as far eastward as the entrance of the British Channel, and southward as far as the equinoctial line or equator, and the same time for the Gulf of Mexico and all parts of the West Indies. Forty days for the British Channel and the North Seas. The same time for all parts of the Mediterranean, and one hundred and fifty days for all other parts of the world, without exception." Which was reserved by the American Plenipotentiaries for consideration.

4. Article 3d. After the words "all islands within twenty leagues of," insert "any part of" and substitute "points" for "point," after the words "to be drawn due east from the."

Agreed to by the British plenipotentiaries.

5. Article 3d. Strike out the words "whereas claims have been made by the government of the United States to certain Islands in the Bay of Fundy," and insert, "whereas the several Islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the island of Grand Menan, in the said Bay of Fundy, are claimed by the United States, as being comprehended within the aforesaid boundaries."

Agreed to by the British plenipotentiaries.

6. Article 7th. In the alteration, consisting of the words "or of the sovereign or state so referred to as in many of the preceding articles contained," substitute "any" to "many."

Not insisted on; the British plenipotentiaries consenting to substitute the words "the four next," for the marginal words "many of the."

7. Articles 3, 4, 5, and 6. Provide that the decisions of the commissioners shall be made within a limited time.

Objected to by the British plenipotentiaries.

8. Article 8th. Substitute, after the words "to the westward of the said Lake so far as," the words "their said respective territories," instead of the words "the territories of the United States."

Agreed to by the British plenipotentiaries.

9. Article 8th. Strike out from the words "and it is further agreed," to the end.

Reserved by the British plenipotentiaries for the consideration of their government.

10. The American plenipotentiaries also proposed the following amendment to Article 8th, viz. "The inhabitants of the United States shall continue to enjoy the liberty to take, dry, and cure fish, in places within the exclusive jurisdiction of Great Britain, as secured by the former treaty of peace; and the navigation of the river Mississippi, within the exclusive jurisdiction of the United States, shall remain free and open to the subjects of Great Britain, in the manner secured by the said treaty: and it is further agreed, that the

subjects of his Britannic majesty shall at all times have access, from such place as may be selected for that purpose, in his Britannic majesty's aforesaid territories, west, and within three hundred miles of the Lake of the Woods, in the aforesaid territories of the United States, to the river Mississippi, in order to enjoy the benefit of the navigation of that river, with their goods, effects, and merchandise, whose importation into the said states shall not be entirely prohibited, on the payment of the same duties as would be payable on the importation of the same into the Atlantic ports of the said states, and on conforming with the usual custom-house regulations."

This amendment was left with the British plenipotentiaries for consideration.

The American plenipotentiaries also intimated their willingness to omit Article 8th altogether, if that course should appear more advisable to the British plenipotentiaries.

The American plenipotentiaries further proposed, in conformity with their note of November 30th, indemnifications for ships detained in British ports on the breaking out of the war, and afterwards condemned: which was resisted by the British plenipotentiaries.

After much discussion on this point, the conference was adjourned.

Protocol of conference on December 10th, 1814.—Ghent.

The protocol of the preceding conference, held on the 1st instant, was settled.

The British plenipotentiaries stated that their government could not consent to omit the words in article 1st, "belonging to either party and taken by the other," unless some modification should be introduced, either by excepting from mutual restitution all those territories which are made by any articles of the treaty the subject of reference to commissioners, or by excepting the Passamaquoddy Islands alone.

Received by the American plenipotentiaries for consideration.

The British plenipotentiaries then stated that, with respect to the 8th article, their government offered, in lieu of the American proposals, to retain the amended article as far as the words "stony mountains," and to insert the following stipulation:

"His Britannic Majesty agrees to enter into negotiation with the United States of America respecting the terms, conditions, and regulations, under which the inhabitants of the said United States shall have the liberty of taking fish on certain parts of the coast of Newfoundland, and other his Britannic Majesty's dominions in North America, and of drying and curing fish in the unsettled bays, harbors, and creeks, of Nova Scotia, Magdalen Islands, and Labrador, as stipulated in the latter part of the 3d article of the treaty of 1783, in consideration of a fair equivalent, to be agreed upon between his

Majesty and the said United States, and granted by the said United States for such liberty aforesaid.

“The United States of America agree to enter into negotiation with his Britannic Majesty respecting the terms, conditions, and regulations, under which the navigation of the river Mississippi, from its source to the ocean, as stipulated in the 8th article of the treaty of 1783, shall remain free and open to the subjects of Great Britain, in consideration of a fair equivalent, to be agreed upon between his Majesty and the United States, and granted by his Majesty.”

Received by the American plenipotentiaries for consideration.

In the 7th article the British plenipotentiaries proposed, after the words “all grants of land made previous to,” to omit the words “to that time,” and insert “previous to the commencement of the war;” so that the line would read “all grants of land made previous to the commencement of the war.”

Agreed to.

The British plenipotentiaries proposed the insertion of the following article relative to the slave trade.

“Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both his Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall exert every means in their power to accomplish so desirable an object.”

Received for consideration.

The British plenipotentiaries proposed the following provision:

“That the citizens or subjects of each of the contracting parties may reciprocally sue in the courts of the other, and shall meet with no impediment to the recovery of all such estates, rights, properties, or securities, as may be due to them by the laws of the country in whose courts they shall sue.”

Received for consideration.

The British plenipotentiaries proposed in the preamble to the project of the treaty to omit the words “Admiral of the White Squadron,” and insert “late Admiral of the White, now Admiral of the Red” in lieu of them:

Agreed to.

The American plenipotentiaries stated that possibly doubts might arise as to the geographical accuracy of the words at the beginning of the 8th article—“a line drawn due west from the Lake of the Woods along the 49th parallel of north latitude.”

It was agreed that an alteration should be made to guard against such possible inaccuracy.

The American plenipotentiaries proposed the following alteration in the draft delivered to them by the British plenipotentiaries, relative to the manner of filling up the blanks in article 2d: “Extend the term of 12 days to 50 degrees north latitude, and to the 36th west longitude; include the British and Irish channels in the term of 30 days; include the Baltic in the term of 40 days; instead of term of

150 days, insert 60 days for Atlantic, as far as latitude of Cape of Good Hope; 90 days for every other part of the world south of the equator; 120 days for all other parts of the world."

The conference then ended.

Protocol of conference on December 12th, 1814.

The protocol of the preceding conference, held on the 10th instant, was settled.

After much discussion relative to the 1st and 8th articles, the conference ended by the American plenipotentiaries undertaking to return an answer, in writing, to the propositions brought forward by the British plenipotentiaries, at the last conference.

American note, No. 8, written after the conference of 12th of December, 1814.

GHENT, December 14th, 1814

The undersigned, having considered the propositions offered, in the conference of the 10th instant, by the British plenipotentiaries, on the few subjects which remain to be adjusted, now have the honor of making the communication which they promised.

The first of them relates to the mutual restoration of the territory taken by either party from the other, during the war. In admitting this principle, which the undersigned had repeatedly declared to be the only one upon which they were authorized to treat, the British plenipotentiaries had, at first, proposed an alteration in the article offered by the undersigned, limiting the stipulation of restoring territory taken during the war, to territory belonging to the party from which it was taken. The objection of the undersigned to this alteration was, that a part of the territory thus taken being claimed by both parties, and made a subject of conference by the treaty, the alteration would leave it in the power of one party to judge whether any portion of territory taken by him during the war, did, or did not, belong to the other party, laying thereby, in the very instrument of pacification, the foundation of an immediate misunderstanding, the moment that instrument should be carried into execution.

The British plenipotentiaries have now proposed to omit the words originally offered by them, provided, that the Passamaquoddy Islands should alone be excepted from the mutual restitution of territory.

The consequence of the undersigned to this solitary exception, if founded on the alleged right of Great Britain to those islands, might be construed as an implied admission of a better title on her part than on that of the United States, and would necessarily affect their claim. The only ground for the exception consists in the allegation of the British plenipotentiaries that Great Britain had, during some period subsequent to the treaty of peace of 1783, exercised jurisdiction over those islands, and that the United States had subsequently occupied

them, contrary to the remonstrances of the British government, and before the question of title had been adjusted.

Under these considerations, the undersigned, unwilling to prevent the conclusion of the treaty of peace, will take upon themselves the responsibility of agreeing to the exception proposed, with a provision, that the claim of the United States shall not, thereby, be in any manner affected. The undersigned, have accordingly prepared a clause to that effect, and which provides, also, that the temporary possession may not be converted into permanent occupancy. They had agreed to the alteration proposed by the British plenipotentiaries in the mode of reference of the several boundaries and territory in dispute, under the expectation that the proposed exception to a general restoration would not be insisted on, and they will add, that the objection to the temporary possession by Great Britain of the Passamaquoddy Islands, would be considerably lessened by adopting a mode of reference, which would insure a speedy and certain decision.

To the stipulation now proposed by the British plenipotentiaries as a substitute for the last paragraph of the 8th article, the undersigned cannot accede.

The proposition made, respecting the navigation of the Mississippi, in the alteration first proposed by the British plenipotentiaries to that article, was unexpected. In their note of the 31st of October, they had stated, that they had brought forward in their note of the 21st of the same month, all the propositions which they had to offer: and that subject was not mentioned either in this last mentioned note, or in the first conference to which it referred. In order to obviate any difficulty arising from a presumed connection between that subject and that of the boundary proposed by the 8th article, the undersigned expressed their willingness to omit the article altogether. For the purpose of meeting what they believed to be the wishes of the British Government, they proposed the insertion of an article which should recognize the right of Great Britain to the navigation of that river, and that of the United States to a liberty in certain fisheries, which the British Government considered as abrogated by the war. To such an article, which they viewed as merely declaratory, the undersigned had no objection, and have offered to accede. They do not, however, want any new article on either of those subjects: they have offered to be silent with regard to both. To the stipulation now proposed, or to any other, abandoning, or implying the abandonment of, any right in the fisheries claimed by the United States, they cannot subscribe. As a stipulation merely, that the parties will hereafter negotiate concerning the subjects in question, it appears also unnecessary. Yet, to an engagement couched in general terms, so as to embrace all the subjects of difference not yet adjusted, or so expressed, as to imply in no manner whatever an abandonment of any right, claimed by the United States, the undersigned are ready to agree.

Since neither of the two additional articles proposed by the British plenipotentiaries was included amongst, or is connected with, the subjects previously brought forward by them, it is presumed they

are offered only for consideration, as embracing objects of common and equal interest to both parties. The undersigned will accede to the substance of the article to promote the abolition of the slave trade. They cannot admit the other article, which, to them, appears unnecessary. The courts of the United States will, without it, be equally open to the claims of British subjects; and they rely that, without it, the British courts will be equally open to the claims of the citizens of the United States.

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

JOHN QUINCY ADAMS,
JAMES A. BAYARD,
HENRY CLAY,
JONATHAN RUSSELL,
ALBERT GALLATIN.

To the **PLENIPOTENTIARIES** of his
Britannic Majesty, &c. &c. &c.

Such of the Islands in the Bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said Islands shall have been made, in conformity with the 4th article of this treaty. But if such decision shall not have taken place within years after the exchange of the ratifications of this treaty, such Islands shall be restored to, and until such decision may take place, shall be retained by, the party who had possession of the same at the commencement of the war. No disposition made by this treaty of the intermediate possession of the islands and territories, claimed by both parties, shall, in any manner whatever, be construed to affect the right of either.

British Note No. 10, in answer to American No. 8.

The undersigned have had the honor to receive the note of the American plenipotentiaries, dated on the 14th inst. stating their consent to except the Passamaquoddy Islands from the mutual restitution of territory captured during the war, provided the claim of the United States shall not be in any manner affected thereby. To the article proposed by the American plenipotentiaries, so far as it is adapted to this object, the undersigned are willing to agree; but they object, as before intimated by them, to that part of the proposed article which would make it imperative on the commissioners to decide the question within any fixed time, trusting that on this head the American plenipotentiaries will be satisfied with their declaration, that it is the intention of his majesty's government to do all that belongs to them to obtain a decision without loss of time. The projet of the article subjoined, will be found to omit the clause intended to

enforce a decision within some limited time, and to contain a slight alteration in the third clause, by substituting in the place of the words "intermediate possession," the words, "as to such possession."

So far as regards the substitution proposed by the undersigned, for the last clause of the 3th article, as it was offered solely with the hope of attaining the object of the amendment tendered by the American plenipotentiaries at the conference of the 1st instant, no difficulty will be made in withdrawing it.

The undersigned, referring to the declaration made by them at the conference of the 8th of August, that the privileges of fishing within the limits of the British sovereignty, and of using the British territories for purposes connected with the fisheries, were what Great Britain did not intend to grant without equivalent, are not desirous of introducing any article upon the subject. With the view of removing what they consider as the only objection to the immediate conclusion of the treaty, the undersigned agree to adopt the proposal made by the American plenipotentiaries, made at the conference of the 1st instant, and repeated in their last note, of omitting the 8th article altogether.

The undersigned avail themselves of this opportunity to renew to the plenipotentiaries of the United States the assurance of their high consideration.

GAMBIER,
HENRY GOULDBURN
WILLIAM ADAMS.

Ghent, December 22, 1814.

Accompanying British Note No. 10.

Such of the islands in the Bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the article of this treaty.

No disposition made by this treaty, as to such possession of the islands and territories claimed by both parties, shall, in any manner whatever, be construed to affect the right of either.

Protocol of Conference.

GHEENT, 23d December, 1814.

At a conference held this day, the protocol of the preceding conference was settled.

The American plenipotentiaries intimated their readiness to accede to the propositions contained in the note of the British plenipotentiaries, of the 22d instant.

The following alterations were then agreed to:

In the first article, after the word "cease," omit the words "after the exchange of the ratifications," and insert "as soon as the treaty shall have been ratified by both parties." Substitute the word "whatsoever" for the words "without exception." Restore the words "taken by either party from the other," in the room of the words "belonging to either party and taken by." After the words "signing of this treaty," insert the words "excepting only the islands hereinafter mentioned." After the words "respectively belong," insert, verbatim, the words of the amendment inclosed in the note of the British plenipotentiaries of the 22d instant, filling up the blank with the word "fourth."

2d Article. The second article was altered so as to read as follows:

ARTICLE 2.

Immediately after the ratification of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects, and citizens, of the two powers, to cease from all hostilities; and to prevent all causes of complaint, which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed, that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees north to the latitude of fifty degrees north, and as far eastward in the Atlantic ocean as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side; that the time shall be thirty days in all other parts of the Atlantic ocean north of the equinoctial line or equator; and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the West Indies; forty days for the North Seas, for the Baltic, and for all other parts of the Mediterranean; sixty days for the Atlantic ocean, south of the equator, as far as the latitude of the Cape of Good Hope; ninety days for every other part of the world south of the equator, and one hundred and twenty days for all other parts of the world without exception.

It was agreed that the article respecting prisoners of war should be the third article, and that the words "as hereinafter mentioned," should be substituted for the words "shall have been exchanged."

The articles numbered in the original projet 3, 4, 5, 6, 7, to be respectively numbered 4, 5, 6, 7, 8.

In the 4th article, it was agreed that the blank should be filled up with the words "St. Andrews, in the province of New Brunswick."

In the 5th article, it was agreed that the blank should be filled up with the words "St. Andrews, in the province of New Brunswick."

Near the end of the 5th article, substitute the word "fourth" for "third."

In the 6th article, it was agreed to fill up the blank with the words "Albany, in the state of New York," and to substitute the word "fourth" for "third," in the concluding paragraph.

In the 7th article, substitute the word "fourth" for "third," in the last paragraph.

It was agreed that the article respecting the African slave trade should be the 10th article, and that the words "use their best endeavors," should be substituted for the words "exert every means in their power."

The 15th article of the projet to be numbered 11: it was agreed to insert in it, after the words "on both sides," the words "without alteration by either of the contracting parties."

Omit the words "with all practicable despatch." Fill up the blank with the word "four." Insert after the word "done," the words "in triplicate." The British plenipotentiaries urged the article formerly proposed by them, as to suits of law to be prosecuted by the citizens or subjects of one nation in the courts of justice of the other. Resisted by the American plenipotentiaries.

The conference was adjourned to the 24th inst. for the purpose of signing the treaty.

The American Plenipotentiaries to the Secretary of State.

Ghent, 25th December, 1814.

SIR: We have the honor of transmitting herewith, one of the three copies of the treaty of peace between Great Britain and the United States, signed last evening by the plenipotentiaries of his Britannic Majesty and by us.

The papers, of which copies are likewise now forwarded, will exhibit to you so fully the progress of the negotiation since the departure of the Chauncey, that few additional remarks from us will be necessary. It may be proper for us, however, to state, that in the interval between the time when our first projet of a treaty was sent to the British plenipotentiaries, and that when they communicated to us the answer to it, the despatches which we had sent by Mr. Dallas, and the instructions to us, which had been published in the United States, were republished in England.

In declining to insist on the articles respecting impressment and indemnities, we made a formal declaration, that the rights of both parties, on the subject of seamen and the claims to indemnities for losses and damages sustained prior to the commencement of the war, should not be affected or impaired by the omission, in the treaty, of a specific provision on these two subjects.

From the time when the projet of the treaty, presented by us, was returned, with the proposed alterations, it was apparent, that unless new pretensions on the part of Great Britain should be advanced, the

only important differences remaining to be discussed, were those relating to the mutual restoration of territory, taken during the war; to the navigation of the Mississippi by British subjects, and to the right of the people of the United States to the fisheries within the British jurisdiction. Instead of a general restitution of captured territory, which we had proposed, the British government, at first, wished to confine it to the territory taken by either party belonging to the other. On our objecting, that this would make each party the judge, whether territory taken did or did not belong to the other, and thereby occasion new disputes, they acknowledged it to be their object, that each party should, until a decision had taken place with respect to the title, retain possession of all the territory claimed by both parties, which might have been taken by such party during the war. They proposed, however, to limit the exception from mutual restitution, to the islands in the Bay of Passamaquoddy. As it had been, on both sides, admitted, that the title to these islands was disputed, and as the method of settling amicably those disputes was provided for in the treaty, we had not expected that the British government would adhere to the demand of retaining the temporary possession of those islands. We insisted, therefore, on their being included in the general restoration, until we had reason to believe that our further perseverance would have hazarded the conclusion of the peace itself; we finally consented, as an alternative preferable to the continuance of the war, to this exception, upon condition that it should not be understood as impairing, in any manner, the right of the United States to these islands. We also urged for a stipulation, requiring an ultimate decision upon the title within a limited time; but to this we also found opposed an insuperable objection, and we were finally induced to accept, in its stead, a declaration of the British plenipotentiaries that no unnecessary delay of the decision should be interposed on the part of Great Britain.

At the first conference on the 8th of August, the British plenipotentiaries had notified to us, that the British government did not intend, henceforth, to allow to the people of the United States, without an equivalent, the liberties to fish, and to dry and cure fish, within the exclusive British jurisdiction, stipulated, in their favor, by the latter part of the third article of the treaty of peace of 1783. And, in their note of the 19th of August, the British plenipotentiaries had demanded a new stipulation to secure to British subjects the right of navigating the Mississippi: a demand, which, unless warranted by another article of that same treaty of 1783, we could not perceive that Great Britain had any colorable pretence for making. Our instructions had forbidden us to suffer our right to the fisheries to be brought into discussion, and had not authorised us to make any distinction in the several provisions of the third article of the treaty of 1783, or between that article and any other of the same treaty. We had no equivalent to offer for a new recognition of our right to any part of the fisheries, and we had no power to grant any equivalent which might be asked for it by the British government. We

contended that the whole treaty of 1783, must be considered as one entire and permanent compact, not liable, like ordinary treaties, to be abrogated by a subsequent war between the parties to it; as an instrument recognizing the rights and liberties enjoyed by the people of the United States as an independent nation, and containing the terms and conditions on which the two parts of one empire had mutually agreed thenceforth to constitute two distinct and separate nations. In consenting, by that treaty, that a part of the North American continent should remain subject to the British jurisdiction, the people of the United States had reserved to themselves the liberty, which they had ever before enjoyed, of fishing upon that part of the coasts, and of drying and curing fish upon the shores; and this reservation had been agreed to by the other contracting party. We saw not why this liberty, then no new grant, but a mere recognition of a prior right, always enjoyed, should be forfeited by a war, any more than any other of the rights of our national independence, or why we should need a new stipulation for its enjoyment more than we needed a new article to declare that the king of Great Britain treated with us as free, sovereign, and independent states. We stated this principle, in general terms, to the British plenipotentiaries, in the note which we sent to them with our project of the treaty; and we alleged it as the ground upon which no new stipulation was deemed by our government necessary to secure to the people of the United States all the rights and liberties, stipulated in their favor, by the treaty of 1783. No reply to that part of our note was given by the British plenipotentiaries; but, in returning our project of a treaty, they added a clause to one of the articles, stipulating a right for British subjects to navigate the Mississippi. Without adverting to the ground of prior and immemorial usage, if the principle were just that the treaty of 1783, from its peculiar character, remained in force in all its parts, notwithstanding the war, no new stipulation was necessary to secure to the subjects of Great Britain the right of navigating the Mississippi, as far as that right was secured by the treaty of 1783; as, on the other hand, no stipulation was necessary to secure to the people of the United States the liberty to fish, and to dry and cure fish, within the exclusive jurisdiction of Great Britain. If they asked the navigation of the Mississippi as a new claim, they could not expect we should grant it without an equivalent: if they asked it because it had been granted in 1783, they must recognize the claim of the people of the United States to the liberty to fish and to dry and cure fish, in question. To place both points beyond all future controversy, a majority of us determined to offer to admit an article confirming both rights: or, we offered at the same time, to be silent in the treaty upon both, and to leave out altogether the article defining the boundary from the Lake of the Woods westward. They finally agreed to this last proposal, but not until they had proposed an article stipulating for a future negotiation for an equivalent to be given by Great Britain for the navigation of the Mississippi, and by the United States for the liberty as to the fisheries within

British jurisdiction. This article was unnecessary, with respect to its professed object, since both governments had it in their power, without it, to negotiate upon these subjects if they pleased. We rejected it, although its adoption would have secured the boundary of the 49th degree of latitude west of the Lake of the Woods, because it would have been a formal abandonment, on our part, of our claim to the liberty as to the fisheries, recognized by the treaty of 1783.

You will perceive by the correspondence that the 9th article was offered us as a *sine qua non* and an ultimatum. We accepted it, not without much hesitation, as the only alternative to a rupture of the negotiation, and with a perfect understanding that our government was free to reject it, as we were not authorized to subscribe to it.

To guard against any accident which might happen in the transmission of a single copy of the treaty to the United States, the British plenipotentiaries have consented to execute it in triplicate: and as the treaty with the British ratification may be exposed to the same danger, the times for the cessation of hostilities, the restoration of captures at sea, and the release of prisoners, have been fixed, not from the exchange of ratifications, but from the ratification on both sides, without alteration by either of the contracting parties. We consented to the introduction of this latter provision, at the desire of the British plenipotentiaries, who were willing to take a full, but were unwilling to incur the risk of a partial ratification, as the period from which the peace should be considered as concluded.

We are informed by them that Mr. Baker, their secretary, is to go out to America with the British ratification.

We have the honor to be, very respectfully, sir,

Your most humble and obedient servants,

JOHN QUINCY ADAMS.

J. A. BAYARD.

H. CLAY.

JONA. RUSSELL,

ALBERT GALLATIN.

Extract of a letter from Jonathan Russell, Esq. to the Secretary of State, dated Ghent, 25th December, 1814.

“My necessary occupation, at this moment, in aiding my colleagues to prepare our joint despatches, puts it out of my power to furnish you with any details or observations exclusively my own.

“As, however, you will perceive by our despatch to you of this date, that a majority only of the mission was in favor of offering to the British plenipotentiaries, an article confirming the British right to the navigation of the Mississippi, and ours to the liberty as to the fisheries, it becomes me, in candor, to acknowledge, that I was in the minority on that question. I must reserve to myself the power

of communicating to you, hereafter, the reasons which influenced me to differ from a majority of my colleagues on that occasion; and if they be insufficient to support my opinion, I persuade myself they will, at least, vindicate my motives."

Mr. Gallatin to the Secretary of State.

Ghent, 25th December, 1814.

SIR: The treaty which we signed yesterday, with the British Ministers, is, in my opinion, as favorable as could be expected, under existing circumstances, so far as they were known to us. The attitude taken by the state of Massachusetts, and the appearances in some of the neighbouring states, had a most unfavorable effect. Of the probable result of the congress at Vienna we had no correct information. The views of all the European powers were precisely known from day to day, to the British Ministry. From neither of them did we, in any shape, receive any intimation of their intentions, of the general prospect of Europe, or of the interest they took in our contest with Great Britain. I have some reason to believe that all of them were desirous that it might continue. They did not intend to assist us; they appeared indifferent about our difficulties, but they rejoiced at any thing which might occupy, and eventually weaken our enemy. The manner in which the campaign has terminated; the evidence afforded, by its events, of our ability to resist, alone, the now very formidable military power of England; and our having been able, without any foreign assistance, and after she had made such an effort, to obtain peace on equal terms, will raise our character and consequence in Europe. This, joined with the naval victories, and the belief that we alone can fight the English on their element, will make us to be courted as much as we have been neglected by foreign governments. As to the *people* of Europe, public opinion was already most decidedly in our favor. I anticipate a settlement with Spain on our own terms, and the immediate chastisement of the Algerines. Permit me to suggest the propriety of despatching a squadron for that purpose, without losing a single moment.

I have little to add to our public despatch on the subject of the terms of the treaty. I really think, that there is nothing but nominal in the Indian article, as adopted. With respect to precedent, you will find two, though neither is altogether in point, viz. the — article of the treaty of Utrecht, and the latter part of the — article of our treaty with Spain. You know, that there was no alternative between breaking off the negotiations, and accepting the article; and that we accepted it, only as provisional, and subject to your approbation or rejection.

The exception of Moose Island, from the general restoration of territory, is the only point, on which it is possible that we might have

obtained an alteration, if we had adhered to our opposition to it. The British Government had long fluctuated on the question of peace: a favorable account from Vienna, the report of some success in the Gulf of Mexico, or any other incident, might produce a change in their disposition; they had, already, after the question had been referred to them, declared that they could not consent to a relinquishment of that point. We thought it too hazardous to risk the peace on the question of the temporary possession of that small island, since the question of title was fully reserved; and it was, therefore, no cession of territory.

On the subject of the fisheries, within the jurisdiction of Great Britain, we have certainly done all that could be done. If, according to the construction of the treaty of 1783, which we assumed, the right was not abrogated by the war, it remains entire, since we most explicitly refused to renounce it, either directly or indirectly. In that case, it is only an unsettled subject of difference between the two countries. If the right must be considered as abrogated by the war, we cannot regain it without an equivalent. We had none to give but the recognition of their right to navigate the Mississippi, and we offered it. On this last supposition, this right is also lost to them; and, in a general point of view, we have certainly lost nothing. But we have done all that was practicable in support of the right to those fisheries—1st, by the ground we assumed, respecting the construction of the treaty of 1783—2d, by the offer to recognize the British right, to the navigation of the Mississippi—3dly, by refusing to accept from Great Britain, both her implied renunciation of the right of that navigation, and the convenient boundary of 49°, for the whole extent of our and her territories, west of the Lake of the Woods, rather than to make an implied renunciation, on our part, to the right of America, to those particular fisheries.

I believe that Great Britain is very desirous of obtaining the northern part of Maine, say from about 47° north latitude, to the northern extremity of that district, as claimed by us. They hope that the river, which empties into the bay des Chaleurs, in the Gulf of St. Lawrence, has its source so far west as to intervene between the head waters of the river St. John's, and those of the streams emptying into the river St. Lawrence: so that the line north from the source of the river St. Croix will first strike the heights of land which divide the waters emptying into the Atlantic Ocean (river St. John's) from those emptying into the *Gulf* of St. Lawrence, (river des Chaleurs,) and afterwards the heights of land which divide the waters emptying into the *Gulf* of St. Lawrence, (river des Chaleurs,) from those emptying into the river St. Lawrence; but, that the said line never can, in the words of the treaty, strike any spot of land actually dividing the waters emptying into the Atlantic ocean, from those which fall into the *river* St. Lawrence. Such will be the foundation of their disputing our claim to the northern part of that territory; but, feeling that it is not very solid, I am apt to think that they will be disposed to offer the whole of Passamaquoddy bay, and

the disputed fisheries, as an equivalent for the portion of northern territory, which they want, in order to connect New-Brunswick and Quebec. This may account for their tenacity, with respect to the temporary possession of Moose Island, and for their refusing to accept the recognition of their right to the navigation of the Mississippi, provided they recognize ours, to the fisheries.

That northern territory is of no importance to us, and belongs to the United States, and not to Massachusetts, which has not the shadow of a claim to any land north of 45°, to the eastward of the Penobscot river, as you may easily convince yourself of, by recurring to her charters.

I have the honor to be, with respect, &c.

ALBERT GALLATIN.

The Hon. the SECRETARY OF STATE

Of the United States, Washington.