

the U. States, in the event of his majesty's orders in council being withdrawn.

In these sentiments and opinions you concurred, as I collected from the tenor of several conversations which I held with you at this period.

With respect to the second point, as stated in your letter to be contained in a 'despatch from Mr. Canning,' I beg leave to offer the following explanation:

In the course of a private interview I had with Mr. Gallatin (the secretary of the treasury) intimated that the non-intercourse law which was then likely to be passed by the congress, might be considered as removing two very important grounds of difference with Great Britain, viz. the non-importation act, as applicable to her alone, and also the president's proclamation, whereby the ships of G. Britain were excluded from the ports of the U. States: while those of F. were permitted to enter—but that by the non-intercourse law, both powers were placed on the same footing. He did not pretend to say that this measure had been taken from any motives of concession to Great Britain; but as, in fact, those consequences followed, he conceived they might be considered as removing the two great obstacles to conciliation.

He adverted also to the probability of an adjustment of another important point in dispute between the two countries, as he said he knew that it was intended by the United States to abandon the attempt to carry on the trade with the colonies of belligerents in time of war, which was allowed in time of peace, and to trust to the being permitted by the French to carry on such trade in peace, so as to entitle them to a continuance of it in time of war.

As it may be very material to ascertain what "trade with the colonies or belligerents" was, in my conception, meant by Mr. Gallatin, as intended to be abandoned by the United States, I feel no hesitation in declaring, that I supposed he alluded to the trade from the colonies of belligerents direct to their mother country, or to the ports of other belligerents, because the right to such trade had been the point in dispute; whereas the right to carry on a trade from the colonies or belligerents to the United States had never been called in question, and had been recognized by his majesty's supreme court of admiralty; and the terms even upon which such colonial produce might be re-exported from the U. States might be formally arranged in a treaty signed in London by the ministers plenipotentiary of both countries, which was not indeed ratified by the president of the U. States; but was not objected to as to that article of it which settled the terms upon which such trade was to be permitted.

Such was the substance, Sir, of the unofficial conversations which I had held with Mr. Madison, Mr. Gallatin and yourself, which I did not consider or represent to his majesty's government as intended with any other view than to endeavor to bring about the repeal of the orders in council by showing that many of the obstacles which had stood in the way of an amicable adjustment of the differences between the two countries were already removed, and that a fair prospect existed of settling what remained; since the United States had exhibited a determination to resist the unjust aggressions upon her neutral rights, which was all that Great Britain had ever required; but I certainly never received any assurances from the American Government that they would pledge themselves to adopt the conditions specified in Mr. Canning's instructions as preliminaries; nor did I ever hold out such expectations to his majesty's government having always stated to them that in the event of his majesty's thinking it just or expedient to cause the orders in council to be withdrawn that the president would take off the embargo as respected Edgland, leaving it in operation against France, and the powers which adopted, or acted under her decrees: according to the authority which was vested in him at that time by the congress of the U. States, and that there was every reason to expect that a satisfactory arrangement might be made upon the points of the colonial trade which had been so long in dispute between the two countries.

As to the third condition referred to by you, specified in Mr. Canning's instructions I have only to remark that I never held any conversations with the members of the government of the U. States relative to it, until my late negotiation—or had ever mentioned the subject to his majesty's government—it having, for the first time been

presented to my consideration in Mr. Canning's dispatch to me of the 23d January, in which that idea is suggested, and is stated to have been assented to by Mr. Pinckney.

It would be unavailing at the present moment, to enter upon the examination of the "pretensions set forth in Mr. Canning's instructions (which you are pleased to term) extraordinary."

I consider it however to be my duty to declare that during my negotiation with you which led to the conclusion of the provisional agreement, I found no reason to believe that any difficulty would occur in the accomplishment of the two former conditions, as far as it was in the power of the president of the U. States to accede to the first, and consistently with the explanation I have before given of the second point; on the contrary I received assurances thro' you, that the president would comply as far as was in his power with the first condition, and that there could be no doubt that the congress would think it incumbent on them to insert the rights of the U. States against such powers as should adopt or act under the decrees of France, as soon as their actual conduct or determinations upon that subject could be ascertained—but that in the mean time, the president had not the power, and could not undertake to pledge himself in the former manner required to that effect.

I received also assurances from you, that no doubt could be reasonably entertained that a satisfactory arrangement might be made in a treaty on the subject of the second condition mentioned in Mr. Canning's instructions according to my explanation of it in the foregoing part of this letter, but that it necessarily would form an article of a treaty in which the various pretensions of the two countries should be settled.

The third condition, you certainly, very distinctly informed me could not be recognized by the president, but you added, with great weight in my mind, that you did not know why any great importance should be attached to such a recognition, because it was impossible that a citizen of the U. States could prefer a complaint to his government on account of the capture of his vessel while engaged in a

trade absolutely interdicted by the law of his country.

Under these circumstances, therefore, finding that I could not obtain the recognitions specified in Mr. Canning's despatch of the 23d January which formed but one part of his instructions to me, in the formal manner required, I considered that it would be in vain to lay before the government of the United States the dispatch in question, which I was at liberty to have done in extenso, had I thought proper.—But as I had such strong grounds for believing that the object of his majesty's government could be attained, though in a different manner, and the spirit at least of my several letters of instructions be fully complied with, I felt a thorough conviction upon my mind that I should be acting in conformity with his majesty's wishes; and accordingly concluded to take provisional agreement on his majesty's behalf with the government of the U. States.

The disavowal by his majesty is a painful proof to me that I had formed an erroneous judgment of his majesty's views, and of the intention of my instructions; and I have most severely to lament that an act of mine, though unintentionally should produce any embarrassments in the relations between the two countries.

It is a great consolation to me, however, to perceive that measures have been adopted by both governments to prevent any losses, and to obviate and inconveniences which might have arisen to the citizens or subjects of either country from a reliance on the fulfilment of that provisional agreement; and I cannot but cherish a hope, that a complete and cordial understanding between the two countries may be effected.

I beg leave to add that it would have given me great happiness to have contributed to so desirable an object, and to offer you the assurances of the great respect, and high consideration, with which I remain, Sir your most obedient and humble servant.

D. M. Erskine.

The hon. R. Smith, &c. &c.

(To be continued.)

From our Correspondent.

Washington, Nov. 29.

The reading the documents accompanying the president's message, occupied the whole of to day. They are very voluminous, and contain mat-

ter of considerable interest. —They consist principally of the correspondence between Mr. Smith and Mr. Jackson, both of whom appear to have written at great length and with freedom. That part of the documents which relates to our relations with France, is very limited and contains nothing new. It authorises no expectation of any change in the policy of Bonaparte. —He has laid down his system with regard to neutrality; and no remonstrances or importunities from us, will turn him from the inflexible purpose of involving us in a war with England. It would be fruitless to attempt an analysis of these papers. I shall however, forward them to you for publication entire, as they issue from the press here.

—Smith's letter of instructions to Mr. Pinckney, on the subject of Jackson's dismissal, is an animated and forcible production. In another document, he treats with great warmth and severity, Mr. Jackson's letter to the consuls, which he terms "an appeal to the people of America." Mr. Jackson, in one of his letters to the secretary of state, complains of the strictures of the news papers, which the secretary rebuts by remarking on the licentiousness of the English press.

Nothing of interest is expected to come before congress for some days to come.

Rel's Phil. Gaz.

#### In the General Court, Indiana Territory.

Etienne Tromble's administrator of Joseph Lamotte, deceased,

vs.

Elie Williams, surviving partner of Elliott and Williams.

#### Tres. Case.

WHEREAS a writ of foreign attachment has been issued from the Clerk's office of the said General court, in favor of the above named Etienne Tromble's administrator *de bonis non*, of Joseph Lamotte, deceased, against the goods and chattels, rights and credits, lands and tenements of the said Elie Williams, surviving partner of Elliott and Williams, returnable to the September term of the present year, of the said General court, and directed to the Sheriff of the county of Knox; which said Sheriff returned thereon that he had attached a tract of land of four hundred acres, number twenty part of the old Donation, in the said county of Knox, as the property of the said Elie Williams.

NOW public notice is hereby given, that unless the said Elie Williams does appear by himself, or his attorney, and enter special bail to the said suit, that judgment by default, will be entered against him, and the property so attached will be sold for the satisfaction of the said plaintiff.

H. Hurst, c. c. c.

G. W. JOHNSTON, P. Q. }  
December 18th, 1809.