STAR.

General Advertiser.

EASTON:—*TUESDAY MORNING*, DECEMBER 5, 1809.

The following Message was issued from the Star-Office, early after its receipt on Saturday, on an Extra, and distributed as far as practicable—now introduced in the paper for preservation.

PRESIDENT'S MESSAGE.

Washington City, November 29 1809.

THE PRESIDENT *of the United States, THIS DAY communicated, by Mr.* GRAHAM, *the following* MESSAGE *to Congress:*

Fellow citizens of the Senate and of the House of Representatives:

At the period of our last meeting, I had the satisfaction of communicating an adjustment with one of the principal belligerent nations, highly important in itself and still more so as presaging a more extended accommodation. It is with deep concern, I am now to inform you, that the favorable prospect has been overclouded, by a refusal of the British government to abide by the act of its Minister Plenipotentiary, and by its ensuing policy towards the United States, as seen through the communications of the minister sent to replace him.

Whatever pleas may be urged for a disavowal of engagements formed by diplomatic functionaries, in cases where by the terms of the engagements a mutual ratification is reserved; or where notice at the time may have been given of a departure from instructions; or in extraordinary cases, essentially violating the principles of equity; a disavowal could not have been apprehended in a case, where no such notice or violation existed; where no such ratification was reserved; & more especially, where, as is now in proof, an engagement, to be executed without any such ratification, was contemplated by the instructions given, and where it had, with good faith, been carried into immediate execution, on the part of the United States.

These considerations not having restrained the British government from disavowing the arrangement, by virtue of which its Orders in Council were to be revoked, and the event authorising the renewal of commercial intercourse, having thus not taken place; it necessarily became a question of equal urgency and importance, whether the act prohibiting that intercourse was not to be considered as remaining in legal force. This question being, after due deliberation, determined in the affirmative, a proclamation to that effect was issued. It could not but happen, however, that a return to this state of things, from that which had followed an execution of the arrangement by the United States, would involve difficulties. With a view to diminish these as much as possible, the instructions from the Secretary of the Treasury, now laid before you, were transmitted to the Collectors of the several ports. If in permitting British vessels to depart, without giving bonds not to proceed to their own ports, it should appear that the tenor of legal authority has not been strictly pursued, it is to be ascribed to the anxious desire which was felt, that no individuals should be injured by so unforeseen an occurrence: And I rely on the regard of Congress for the equitable interests of our own citizens, to adopt whatever further provisions may be found requisite, for a general remission of penalties involuntarily incurred.

The recall of the disavowed Minister having been followed by the appointment of a successor, hopes were indulged that the new mission would contribute to alleviate the disappointment which had been produced, and to remove the causes which had so long embarrassed the good understanding of the two nations. It could not be doubted, that it would at least be charged with conciliatory explanations of the step which had been taken, and with proposals to be substituted for the rejected arrangement. Reasonable and universal as the expectation was, it also has not been fulfilled. From the first official disclosures of the new Minister, it was found that he had received no authority to enter into explanations relative to either branch of the arrangement disavowed; nor any authority to substitute proposals, as to that branch, which concerned the British Orders in Council: And finaly, that his proposals with respect to the other branch, the attack on the frigate Chesapeake, were founded on a presumption, repeatedly declared to be inadmissible by the United States, that the first step towards adjustment was due from them; the proposals at the same time, omitting even a reference to the officer answerable for the murderous aggression, and asserting a claim not less contrary to the British laws, and British practice, than to the principles and obligations of the United States.

The correspondence between the Department of State and this Minister will show, how unessentially the features presented in its commencement have been varied in its progress. It will shew also, that forgetting the respect due to all governments, he did not refrain from imputations on this, which required that no further communications should be received from him. The necessity of this step will be made known to his Britannic Majesty through the Minister Plenipotentiary of the United States in London. And it would indicate a want of confidence due to a government which so well understands and exacts what becomes foreign Ministers near it, not to infer that the misconduct of its own Representatives will be viewed in the same light, in which it has been regarded here. The British government will learn, at the same time, that a ready attention will be given to communications, through any channel which may be substituted. It will be happy, if the change in this respect should be accompanied by a favorable revision of the unfriendly policy, which has been so long pursued towards the United States.

With France, the other belligerent, whose tresspasses on our commercial rights have long been the subject of our just remonstrances, the posture of our relations does not correspond with the measures, taken on the part of the United States, to effect a favorable change. The result of the several communications made to our government, in pursuance of the authorities vested by Congress in the Executive, is contained in the correspondence of our Minister at Paris, now laid before you.

By some of the other belligerents, although professing just and amicable dispositions, injuries materially affecting our commerce have not been duly controlled or repressed. In these cases, the interpositions deemed proper on our part have not been omitted. But it well deserves the consideration of the Legislature, how far both the safety and the honor of the American flag may be consulted, by adequate provisions against that collusive prostitution of it, by individuals, unworthy of the American name, which has so much favored the real or pretended suspicions, under which the honest commerce of their fellow-citizens has suffered.

In relation to the powers on the coast of Barbary, nothing has occurred which is not of a nature rather to inspire confidence than distrust, as to the continuance of the existing amity. With our Indian neighbors, the just and benevolent system, continued towards them, has also preserved peace, and is more and more advancing habits favorable to their civilization and happiness.

From a statement which will be made by the Secretary of War, it will be seen that the fortifications on our maritime frontier are in many of the ports completed; affording the defence which was contemplated, and that a further time will be required to render complete the works in the harbor of New-York, and in some other places. By the enlargement of the works, and the employment of a greater number of hands at the public armories, the supply of small arms, of an improving quality, appears to be annually increasing, at a rate, that with those made on private contract, may be expected to go far towards providing for the public exigency.

The act of Congress providing for the equipment of our vessels of war having been fully carried into execution, I refer to the statement of the Secretary of the Navy for the information which may be proper on that subject. To that statement is added a view of the transfers of appropriations, authorised by the act of the session preceding the last, and of the grounds on which the transfers were made.

Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our Militia, the great bulwark of our security, and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.

The sums which had been previously accumulated in the Treasury, together with the receipts during the year ending on the 30th of September last, (and amounting to more than nine millions of dollars) have enabled us to fulfil all our engagements, and to defray the current expences of government without recurring to any loan. But the insecurity of our commerce, and the consequent diminution of the public revenue, will probably produce a deficiency in the receipts of the ensuing year, for which, and for other details, I refer to the statements which will be transmitted from the Treasury.

In the state which has been presented of our affairs with the great parties to a disastrous and protracted war, carried on in a mode equally injurious and unjust to the United States as a neutral nation, the wisdom of the National Legislature will be again summoned to the important decision of the alternatives before them. That these will be met in a spirit, worthy the councils of a nation, conscious both of its rectitude and of its rights, and careful as well of its honor as of its peace, I have an entire confidence. And that the result will be stamped by a unanimity becoming the occasion, and be supported by every portion of our citizens, with a patriotism enlightened and invigorated by experience, ought as little to be doubted.

In the midst of the wrongs and vexations experienced from external causes, there is much room for congratulation on the prosperity and happiness flowing from our situation at home. The blessing of health has never been more universal. The fruits of the seasons, tho' in particular articles and districts short of their usual redundancy, are more than sufficient for our wants and our comforts. The face of our country every where presents the evidence of laudable enterprise, of extensive capital, and of durable improvement. In a cultivation of the materials, and the extension of useful manufactures, more especially, in the general application to household fabrics, we behold a rapid diminution of our dependence on foreign supplies.—Nor is it unworthy of reflection, that this revolution in our pursuits and habits is in no slight degree a consequence of those impolitic and arbitrary Edicts, by which the contending nations, in endeavoring each of them to obstruct our trade with the other, have so far abridged our means of procuring the productions and manufactures, of which our own are now taking the place.

Recollecting always, that for every advantage which may contribute to distinguish our lot, from that to which others are doomed by the unhappy spirit of the times, we are indebted to that Divine Providence whose goodness has been so remarkably extended to this rising nation, it becomes us to cherish a devout gratitude, and to implore from the same omnipotent source a blessing on the consultations and measures about to be undertaken for the welfare of our beloved country.

JAMES MADISON.

Documents,

WHICH ACCOMPANIED THE *MESSAGE OF THE PRESIDENT* OF THE UNITED STATES.

LETTER FROM MR. ERSKINE,

Envoy Extraordinary and Minister Plenipotentiary of his Britannic Majesty,

TO THE SECRETARY OF STATE.

WASHINGTON, July 31, 1809.

SIR—I have the honor to inclose to you a copy of an order which was passed by His Majesty in Council on the 24th of May last.

In communicating this Order, it is with the deepest regret that I have to inform you, that his Majesty has not thought proper to confirm the late provisional agreement which I had entered into with you on the part of our respective governments.

Neither the present time, nor the occasion, will afford me a favorable opportunity for explaining to you the grounds and reasons upon which I conceived I had conformed to his majesty's wishes, and to the spirit, at least, of my instructions upon that subject; nor, indeed, would any vindication of my conduct (whatever I may have to offer) be of any importance further than as it might tend to shew that no intention existed on my part to practise any deception towards the government of the United States.

I have the satisfaction, however, to call your attention to that part of the inclosed order, which protects the commerce and shipping of the United States from the injury and inconveniences which might have arisen to American citizens from a reliance on the provisional agreement before mentioned; and I cannot but cherish a hope, that no further bad consequences may result from an arrangement, which I had fully believed would have met with his majesty's approbation, and would have led to a complete and cordial understanding between the two countries.

With sentiments of the highest respect and consideration, I have the honor to be, Sir, your most obedient humble servant,

D. M. ERSKINE.

The Honorable Robert Smith, &c. &c. &c.

The Secretary of State to Mr. Erskine.

DEPARTMENT OF STATE, *August 9th*, 1809.

SIR—I have just received from Mr. Pinkney a letter enclosing a printed paper, purporting to be a copy of a dispatch to you from Mr. Canning, which states among other things that "from the report of your conversations with Mr. Madison, Mr. Gallatin and Mr. Smith, it appears:—

"1st. That the American government is prepared, in consequence of his majesty's consenting to withdraw the orders in council of January and November 1807, to withdraw contemporaneously on its part, the interdiction of its harbours to ships of war and all non-intercourse and non-importation acts, so far as respects Great Britain, leaving them in force with respect to France and the powers which adopt or act under her decrees.

"2d. That America is willing to renounce, during the present war, the pretension of carrying on in time of war all trade with the enemy's colonies from which she was excluded during peace.

"3d. Great Britain, for the purpose of securing the operation of the embargo, and the *bona fide* intention of America, to prevent her citizens from trading with France, and the powers adopting and acting under the French decrees, is to be considered as being at liberty to capture all such American vessels, as may be found attempting to trade with the ports of any of these powers; without which security for the observance of the embargo, the raising it nominally with respect to Great-Britain alone would in fact, raise it with respect to all the world."

I have the honor to request you to favor me with such explanations, as your candor will at once suggest, in relation to these imputed conversations.

I forbear to express to you, sir, the surprise that is felt at the extraordinary pretensions set forth in this letter of instruction, and especially at the expectation that this government would, as a preliminary, recognize conditions, two of which are so manifestly irreconcilable to the dignity and interest of the United States. I, however, would remark, that had you deemed it proper to have communicated *in extenso* this letter, it would have been impossible for the President to have perceived in its conditions, or in its spirit, that conciliatory disposition which had been professed, and which, it was hoped, had really existed.

I have the honor to be, &c.

Signed) R. SMITH.

The Hon. David M. Erskine, &c. &c. &c.

From Mr. Erskine to Mr. Smith.

Washington, August 14th, 1809.

SIR—I have the honor to acknowledge the receipt of your letter of the 9th instant, informing me that you had just received a letter from Mr. Pinkney inclosing a printed paper, purporting to be a copy of dispatch to me from Mr. Canning, which states, among other things, "from the report of your conversations with Mr. Madison, Mr. Gallatin and Mr. Smith it appears:

"1st. That the American government is prepared, in the event of his majesty's consenting to withdraw the orders in council of January and November 1807, to withdraw contemporaneously on its part, the interdiction of its harbors to ships of war, and all non-intercourse and non-importation acts so far as respects Great Britain leaving them in force with respect to France and the powers which adopt, or act under her decrees.

"2d. That America is willing to renounce during the present war, the pretension of carrying on, in time of war, all trade with the enemy's conlonies, from which she was excluded during peace.

"3dly. Great Britain, for the purpose of securing the operation of the embargo, and the *bona fide* intention of America to prevent her citizens from trading with France and the powers adopting and acting under the French decrees is to be considered as being at liberty to capture all such American vessels as may be found attempting [to trade,] with the ports of any of these powers, without which security for the observance of the embargo, the raising it nominally with respect to Great Britain alone, would, in fact, raise it, with respect to all the world."

The explanations which you request from me upon that subject shall be given with candor, and I will proceed, accordingly, to lay before you an abstract of the communications which I made to His Majesty's government relative to the unofficial conversations which I had held with Mr. Madison (then Secretary of State), Mr. Gallatin and yourself at the time and upon the occasion alluded to by His Majesty's Secretary of State (Mr. Canning) in that part of his instructions to me of which you inform me you have received a printed copy from Mr. Pinkney.

Upon referring to my despatches, addressed to His Majesty's government of the 3d and 4th December last, in which these communications are detailed, I conclude that the conversations alluded to must have been held some days previous to that period, and were to the following effect:—

Mr. Madison, (then Secretary of State) is represented by me to have urged various arguments tending to prove that the United States had exerted all their efforts to persuade the French government to withdraw their unjust restrictions upon neutral commerce, and that recourse might have been had to measures of more activity and decision against France than mere remonstrances, but that, in the mean time Great Britain had issued her Orders in Council, before it was known whether the United States would acquiesce in the aggressions of France, and thereby rendered it impossible to distinguish between the conduct of the two belligerents, who had equally committed aggressions against the United States.

After some other observations, Mr. Madison is stated by me at that time to have added, that as the world must be convinced that America had in vain taken all the means in her power to obtain from Great Britain and France a just attention to her rights as a neutral power by representations and remonstrances, that she would be fully justified in having recourse to hostilities with either belligerent, and that she only hesitated to do so from the difficulty of contending with both; but that she must be driven even to endeavor to maintain her rights against the two greatest powers in the world unless either of them should relax their restrictions upon neutral commerce; in which case, the United States would at once side with that power against the other which might continue its aggressions.

That every opinion which he entertained respecting the best interests of his country led him to wish that a good understanding should take place between Great Britain and the United States, and that he thought that the obvious advantages which would thereby result to both countries were a sufficient pledge of the sincerity of his sentiments.

These observations, sir, I beg leave to remark, were made to me by Mr. Madison about a month after the intelligence had been received in this country of the rejection by his majesty's government of the proposition made thro' Mr. Pinkney by the President for the removal of the embargo as respected Great Britain, upon condition that the orders in council should be withdrawn as respected the United States: and his sentiments were, as I conceived, expressed to me, in order that I might convey them to his majesty's government, so as to lead to a reconsideration of the proposition above mentioned, with a view to the adjustment of the differences upon that subject between the respective countries. But I never considered that Mr. Madison meant that the government of the United States would pledge themselves beyond the proposition respecting the embargo, as above stated—because that was the extent of the power of the President by the Constitution of the United States.

I understood, very distinctly, that the observations of the Secretary of State were intended to convey an opinion as to what ought and would be the course pursued by the United 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 that period.

With respect to the second point, as stated in your letter to be contained in a "Dispatch 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) he 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 Great Britain were excluded from the ports of the United States, while those of France were permitted to enter—but that 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 G. Britain; but as, in fact, those consequences followed, he conceived they might be considered as removing the two great obstacles to a 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 a trade with the colonies of belligerents in time of war, which was not 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 of 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 of belligerents to the United States had never been called in question, and had been recognised by His Majesty's Supreme Court of Admiralty; and the terms even upon which such colonial produce might be re-exported from the United States had been 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 United 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