

DOCUMENTS

ACCOMPANYING

THE MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

AT THE

COMMENCEMENT OF THE FIRST SESSION

OF THE

ELEVENTH CONGRESS.

MAY 23, 1809.

Read, and referred to a committee of the whole house on the
state of the Union.

CITY OF WASHINGTON:

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1809.

*Correspondence between the Secretary of State
and David M. Erskine, esq.*

MR. ERSKINE TO MR. SMITH.

Washington, April 17, 1809.

SIR,

I HAVE the honor to inform you that I have received his majesty's commands, to represent to the government of the United States, that his majesty is animated by the most sincere desire for an adjustment of the differences which have unhappily so long prevailed between the two countries, the recapitulation of which might have a tendency to impede, if not prevent an amicable understanding.

It having been represented to his majesty's government, that the congress of the United States, in their proceedings at the opening of the last session, had evinced an intention of passing certain laws, which would place the relations of Great Britain with the United States upon an equal footing, in all respects, with the other belligerent powers; I have accordingly received his majesty's commands, in the event of such laws taking place, to offer, on the part of his majesty, an honorable reparation for the aggression committed by a British naval officer, in the attack on the United States frigate Chesapeake.

Considering the act passed by the congress of the United States on the 1st of March, (usually termed the non-intercourse act) as having produced a state of equality in the relations of the two belligerent

powers with respect to the United States, I have to submit, conformably to instructions, for the consideration of the American government, such terms of satisfaction and reparation, as his majesty is induced to believe will be accepted, in the same spirit of conciliation with which they are proposed.

In addition to the prompt disavowal made by his majesty, on being apprized of the unauthorized act committed by his naval officer, whose recall, as a mark of the king's displeasure, from an highly important and honorable command immediately ensued; his majesty is willing to restore the men forcibly taken out of the Chesapeake, and if acceptable to the American government, to make a suitable provision for the unfortunate sufferers on that occasion.

I have the honor to be, with sentiments of the highest respect and consideration,

Sir,

Your most obedient,

Humble servant,

D. M. ERSKINE.

(Signed)

Hon. ROBERT SMITH, &c. &c. &c.

MR. SMITH TO MR. ERSKINE.

Department of State, April 17, 1809.

SIR,

I have laid before the president your note, in which you have, in the name and by the order of his Britannic majesty, declared that his Britannic majesty is desirous of making an honorable reparation for the aggression committed by a British naval officer in the attack on the United States frigate the Chesapeake; that in addition to his prompt disavowal of the act, his majesty, as a mark of his displeasure, did immediately recall the offending officer from a highly important and honourable command, and that he is

willing to restore the men forcibly taken out of the Chesapeake, and if acceptable to the American government, to make a suitable provision for the unfortunate sufferers on that occasion.

The government of the United States having, at all times, entertained a sincere desire for an adjustment of the differences, which have so long and so unhappily subsisted between the two countries, the president cannot but receive with pleasure assurances that his Britannic majesty is animated by the same disposition; and that he is ready in conformity to this disposition to make atonement for the insult and aggression committed by one of his naval officers in the attack on the United States frigate the Chesapeake.

As it appears, at the same time, that in making this offer, his Britannic majesty derives a motive from the equality now existing in the relations of the United States with the two belligerent powers, the president owes it to the occasion and to himself to let it be understood, that this equality is a result incident to a state of things, growing out of distinct considerations.

With this explanation, as requisite as it is frank, I am authorized to inform you, that the president accepts the note delivered by you, in the name and by the order of his Britannic majesty, and will consider the same with the engagement contained therein, when fulfilled, as a satisfaction for the insult and injury of which he has complained.

But I have it in express charge from the president to state, that while he forbears to insist on a farther punishment of the offending officer, he is not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what is due from his Britannic majesty to his own honor.

I have the honor, &c. &c.

(Signed)

R. SMITH.

Hon. D. M. ERSKINE, Sec. Sec. Washington.

MR. ERSKINE TO MR. SMITH.

Washington, April 18, 1809.

SIR,

I have the honor of informing you, that his majesty, having been persuaded that the honorable reparation which he had caused to be tendered for the unauthorized attack upon the American frigate Chesapeake, would be accepted by the government of the United States in the same spirit of conciliation with which it was proposed, has instructed me to express his satisfaction, should such a happy termination of that affair take place, not only as having removed a painful cause of difference, but as affording a fair prospect of a complete and cordial understanding being re-established between the two countries.

The favorable change in the relations of his majesty with the United States, which has been produced by the act (usually termed the non-intercourse act) passed in the last session of congress, was also anticipated by his majesty, and has encouraged a further hope, that a reconsideration of the existing differences might lead to their satisfactory adjustment.

On these grounds and expectations, I am instructed to communicate to the American government, his majesty's determination of sending to the United States, an envoy extraordinary invested with full powers to conclude a treaty on all the points of the relations between the two countries.

In the mean time, with a view to contribute to the attainment of so desirable an object, his majesty would be willing to withdraw his orders in council of January and November, 1807, so far as respects the United States, in the persuasion that the president would issue a proclamation for the renewal of the intercourse with Great Britain, and that whatever difference of opinion should arise in the interpretation

of the terms of such an agreement, will be removed in the proposed negotiation.

I have the honor to be, with sentiments of the highest consideration and esteem,

Sir,

Your most obedient, humble servant,

(Signed) D. M. ERSKINE.

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

MR. SMITH TO MR. ERSKINE.

Department of State, April 18, 1809.

SIR,

THE note which I had the honor of receiving from you this day, I lost no time in laying before the president, who being sincerely desirous of a satisfactory adjustment of the differences unhappily existing between Great Britain and the United States, has authorized me to assure you, that he will meet with a disposition correspondent with that of his Britannic majesty, the determination of his majesty to send to the United States a special envoy, invested with full powers to conclude a treaty on all the points of the relations between the two countries.

I am further authorized to assure you, that in case his Britannic majesty should, in the mean time, withdraw his orders in council of January and November 1807, so far as respects the United States, the president will not fail to issue a proclamation by virtue of the authority and for the purposes specified in the eleventh section of the statute, commonly called the non-intercourse act.

I have the honor, &c. &c.

(Signed)

R. SMITH.

MR. ERSKINE TO MR. SMITH.

Washington, April 19, 1809.

SIR,

In consequence of the acceptance, by the president, as stated in your letter dated the 18th inst.

of the proposals made by me on the part of his majesty, in my letter of the same day, for the renewal of the intercourse between the respective countries, I am authorized to declare that his majesty's orders in council of January and November, 1807, will have been withdrawn, as respects the United States, on the 10th day of June next.

I have the honor to be, with great respect and consideration,

Sir,

Your most obedient servant,

(Signed)

D. M. ERSKINE.

Hon. ROBERT SMITH, &c. &c. &c.

MR. SMITH TO MR. ERSKINE.

Department of State, April 19, 1809.

SIR,

Having laid before the president your note of this day, containing an assurance, that his Britannic majesty will, on the tenth day of June next, have withdrawn his orders in council of January and November, 1807, so far as respects the United States, I have the honor of informing you that the president will accordingly, and in pursuance of the eleventh section of the statute, commonly called the non-intercourse act, issue a proclamation, so that the trade of the United States with Great Britain may on the same day be renewed, in the manner provided in the said section.

I have the honor, &c. &c.

(Signed)

R. SMITH.

*By the President of the United States of
America.*

A PROCLAMATION.

WHEREAS it is provided by the 11th section of the act of congress, entitled "An act to interdict the commercial intercourse between the United States and

Great Britain and France, and their dependencies, and for other purposes;" that "in case either France or Great Britain shall so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States;" the president is authorized to declare the same by proclamation, after which the trade suspended by the said act, and by an act laying an embargo on all ships and vessels in the ports and harbours of the United States, and the several acts supplementary thereto, may be renewed with the nation so doing. And whereas the honorable David Montague Erskine, his Britannic majesty's envoy extraordinary and minister plenipotentiary, has by the order and in the name of his sovereign declared to this government, that the British orders in council of January and November, 1807, will have been withdrawn as respects the United States, on the 10th day of June next.

NOW THEREFORE, I, JAMES MADISON, President of the United States, do hereby proclaim, that the orders in council aforesaid, will have been withdrawn on the said tenth day of June next; after which day the trade of the United States with Great Britain, as suspended by the act of congress above mentioned, and an act laying an embargo on all ships and vessels in the ports and harbours of the United States, and the several acts supplementary thereto, may be renewed.

Given under my hand and the seal of the United States, at Washington, the nineteenth day of (L. S.) April, in the year of our Lord, one thousand eight hundred and nine, and of the independence of the United States, the thirty-third.

JAMES MADISON.

By the President,

RT. SMITH. *Secretary of State.*

