DOCUMENTS

ACCOMPANYING THE PRESIDENT'S MESSAGE, OF NOV. 8, 1808.

(Continued)

Gen. Armstrong to Mr. Madison.

PARIS, 17 *Feb.* 1808.

Extract.

"Enclosed is a copy of the answer from the minister of marine to my letter of the 13th inst. in relation to the sale of a part of the cargo of the ship James Adams. It would now appear, that the promises of forbearance made by another department are applicable only to vessels sequestered in the ports and not to such as have been captured at sea."

5th division of prizes.

Extract of a letter from the Minister of Marine to Gen. Armstrong, dated Paris, 15th Feb. 1808.

TRANSLATION.

"I observe to you moreover that the question now is not as to a vessel sequestered in port; but as to a prize made at sea, and seized for a contravention of the decree of the 17th of December last; that the provisional sale ordered on account of the "average" is for the interest as well of the captured as of the captors, and that it is directed according to the case provided for by the regulation of the 2d Prairial, 11th year."

Gen. Armstrong to Mr. Madison.

PARIS, 1*st Dec.* 1807.

SIR,

I have this moment received a letter from his majesty's minister of foreign relations, of which I subjoin a copy, and am, sir, &c. &c.

JOHN ARMSTRONG.

Mr. Champagny to Gen. Armstrong.

TRANSLATION.

MILAN, 24*th Nov.* 1807.

SIR,

The execution of the measures taken against the English commerce has frequently caused reclamatious on your part. The intention of his majesty, without doubt, is, that every particular abuse may be repressed; but the federal government cannot make any complaint against the measures themselves, and while the United States allow that their vessels may be visited by England, that she may drag them into her ports and turn them from their destination, while they do not oblige England to respect their flag and the merchandize which it covers—while they permit that power to apply to them the absurd rules of blockade which it has set up with a view of injurying France—they bind themselves by that tolerance towards England to allow also the application of the measures of reprisals which France is obliged to employ against her. His majesty regrets, without doubt, to have been forced to recur to such measures: he knows also that the commercial classes may have to suffer in consequence of them, particularly those who having habitual relations with England, using a common language, and often mixing their interests, might more frequently occasion an apprehension of some commercial connivance with the English, masmuch as they would have greater facility in covering it. This circumstance made it necessary to use towards them precautions more exact, and an unceasing watchfulness, in order not to be exposed to abuses, which might result from a less constant vigilance. But it is not to France, it is to England that these inconveniences to individuals ought to be imputed. She it is who has given the example of measures unjust, illegal and infringing on the sovereignty of nations. To oblige her to renounce them it has become necessary to combat her with her own arms: in violating the rights of all nations she has united them all by a common interest, and it is for them to have recourse to force against her—to forbid her the search *(la visite)* of their vessels—the taking away of their crews—and to declare themselves against measures which wound their dignity and their independence. The unjust pretensions of England will be kept up as long as those whose rights she violates are silent—& what government has had more to complain of against her than the U. States? All the difficulties which have given rise to your reclamations, sir, would be removed with ease, if the government of the United States, after complaining of the injustice and violence of England, took with the whole continent the part of guaranteeing itself therefrom, England has introduced into the maritime war an entire disregard for the rights of nations: it is only in forcing her to a peace, that it is possible to recover them. On this point the interest of all nations is the same—all have their honor and their independence to defend.

Accept, sir, &c.

CHAMPAGNY.

General Armstrong to Mr. Madison.

EXTRACT. PARIS, 5*th April*, 1808.

"I received the dispatches you did me the honor to address to me by Mr. Lewis on the 26th ult.

"Though I had complained often and earnestly of both the principles and operation of the emperor's decrees of November, 1806 and December 1807, (having written at least twenty notes on the different cases which have arisen under them) yet as the President's orders were express, that on receipt of your letter I should superad to whatever representations might have been previously made, a formal remonstrance against those decrees, I did not lose a moment in writing and presenting the enclosed note; the terms of which will I hope appear to be such as were proper or necessary to the case, and calculated either to obtain a recal of the illegal measures, or to leave in full force the rights accruing to the United States from a failure on the part of France to recal them. To this note I have not yet received an answer, nor have I reason to expect one soon; as the emperor has left Paris (it is said for Spain) and had, at no time before he set out, indicated any alteration in the views which originally produced the decrees in question.

"Mr. Pinckney found means (in the return to the continent of M. D'Alopeus) to communicate the President's views on the subject of the general embargo, and particularly the desire he had that it should not be considered as a measure of hostility against any foreign nation. Some explanations of this kind, were perhaps necessary in England where, from the misrepresentations of of our own people, the character of the policy was likely to be misunderstood; but as neither the same, nor any other reason existed for making them here, none have been offered."

General Armstrong to Mr. Champagny.

Paris, April 2, 1808.

SIR—Having submitted to the government of the United States, copies of the imperial decrees of the 21st Nov. 1806 and 17th Dec. 1807, and of the expositions which your excellency has been pleased at different times to give of them, I have received the instructions of the President to remonstrate against both the provisions and operation of the said decrees on the ground of their infracting as well the positive stipulations of a particular treaty, as the incontestible principles of public law.

In discharging this duty your Excellency will permit me to recall to your remembrance the 12th and 14th articles of the treaty made between the United States and France, on the 30th Sept. 1800. These articles provide that—

"It shall be lawful for the citizens of either country to sail with their ships and merchandize (contraband goods always excepted) from any port whatever to any port of the enemy of the other, and to sail and trade with their ships and merchandize with perfect security and liberty from their countries, ports and places of those who are enemies of both, or of either party, without any opposition or disturbance whatever; and to pass not only directly from the places and ports of the enemy aforesaid, to neutral ports and places but also from one place belonging to an enemy to another place belonging to an enemy, whether they be or not, under the jurisdiction of the same power, unless such ports and places shall be actually blockaded, besieged or invested."

"2. That vessels sailing for a port or place belonging to an enemy without knowledge that the same is either besieged, blockaded or invested, may be turned away from such port or place, that they shall not be detained, nor any part of their cargo (not contraband) confiscated, unless, after notice of such blockade or investment, they shall again attempt to enter; but they shall be permitted to go to any other port or place they shall think proper."

"3. That free ships shall give a freedom to goods and that every thing shall be deemed to be free and exempt, which shall be found on board the ships belonging to the citizens of either of the contracting parties, although the whole lading or any part thereof should appertain to the enemies of either, contraband goods being always excepted."

These stipulations are not more clear in themselves, nor of more indisputable application and authority in the present case, than the two injunctions of public law by which they are enforced, viz. that local regulations (excepting by virtue of convention) cannot apply to foreign nations on the high seas, without violating the rights of one, and the freedom of the other; that blockades can only exist when places are so invested that no serious attempt can be made to approach them without exposing the parties making them to imminent danger; that merchant vessels may be visited without any degradation to the flag of the nation to which they belong, &c. &c.—But why multiply proofs of a position which is not denied. Does not the official report of your enlightened predecessor of the 21st November, 1806, admit the illegitimacy of the original decrees? Does it not expressly say that the doctrines of blockade introduced by England, are monstrous and indefensible, and that the practice, like the doctrine, is a mockery of right and an insult upon reason? Her strictures so severe, because so just, what can be said for the policy of France, which differs in nothing from that of England? Has your excellency attempted to defend either the theory or the practice of this policy on the ground of its conformity to the principles of public law.—Or have you done more at any time, or on any accasion, than to seek a justification for it on the bare suggestion that the United States have acquiesced in the measures of England? And how has even this suggestion been maintained? By an exposition of the wrongs inflicted on American commerce, and which have been noteriously practiced by all the belligerents in turn! Have not the ships of the United States been encountered by all? Have they not been turned from their original destination? Have they not been dragged into foreign ports for adjudication?—Have they not in the several instances been burnt on the high seas? Is not the argument founded on this state of things equally good for either or for all the belligerents? And can France derive from its rights which do not equally accrue to her enemies? There is however another and a better answer to this suggestion which your excellency has already seen in the letter, I had the honor of writing to you on the 16th February last, viz. that the suggestion is neither well nor plausibly founded—and that the United States neither have submitted nor will submit to the usurpations of Great Britain, nor to those of any other nation.

Accept, Sir, &c. &c.

JOHN ARMSTRONG.

His Excellency the Minister of Foreign Affairs.

Extract of a letter from general Armstrong to Mr. Madison.

Paris, April 12, 1808.

"I have detained Mr. Lewis till to day, on the supposition that my letter of the 2d instant would be answered.—This was however a mere accommodation to forms, as the absence of the emperor and of the minister of foreign relations render this supposition highly improbable. There being then no public reason for Mr. Lewis's longer stay in Paris, and the permission to the Osage to prosecute her voyage to England, not including one to return to France, I have thought it best that he should embark with such dispatches as were ready, proceed to Falmouth in England, and thence, after receiving Mr. Pinkney's orders, return with all possible expedition to the United States. He has accordingly been instructed to this effect."

Extract of a letter from General Armstrong to the Secretary of State, dated

Paris, June 25th, 1808.

"The St. Michael arrived at L'Orient on the 1st instant, and, like the Osage, was immediately put under sequestration. It was not till the 8th that Mr. Baker arrived here.

The remonstrance ordered, with respec to the terms of M. Champagny's letter of the 15th January, shall be executed the moment the prince of Benevento returns from Valencay; and I hope in way which while it makes the French government sensible of the offensiveness of those terms, will not obstruct the road to friendly and respectful explanations on its part.

To give this a chance of finding Mr. Livingston at Bordeaux, I must close it here."

With very high respect, sir,
Your obedient servant,
(Signed)
JOHN ARMSTRONG.

James Madison, Esq. Secretary of State.

Paris, July 18th, 1808.

SIR—I avail myself of the detention of the Arcturus, to transmit copies of two letters, which I have written to M. de Champagny. The one, in execution of the president's orders with regard to the offensive terms employed by that minister in his note of the 15th of January last; the other demanding from him, on the part of his government, an avowal or disavowal of the conduct of rear admiral Bandin, in burning, or otherwise destroying on the high seas, four American ships and their cargoes.

I have the honor to be,
Sir,
With very high consideration,
Your most obedient and
Very humble servant.
(Signed)
JOHN ARMSTRONG.

James Madison, Esq. Secretary of State.

Extract of a letter from general Armstrong to M. Champagny, dated

Paris, July 4, 1808.

SIR—It has been made the duty of the undersigned to bring to the view of the French government, an official note addressed to him on the 15th January last by his majesty's minister of exterior relations; and which, in the opinion of the president is calculated to derogate from the rights of the United States, as an independent nation. The note is in the following words, viz. *(See M. Champagny's letter of the 15th Jan.* 1808.*)*

On this note, the undersigned would remark:

1st. That the United States have a right to elect their own policy with regard to England, as they have with regard to France, and that it is only while they continue to exercise this right, without suffering any degree of restraint from either power, that they can maintain the independent relation in which they stand to both: Whence it follows, that to have pronounced in the peremptory tone of the preceding note, the effects which the measures of the British government ought to have produced on their councils and conduct, was a language less adopted to accomplish its own object, than to offend against the respect due from one independent nation to another: and

2. That the alternative to be found in the last paragraph, and which leaves the United States to choose between an acquiescence in the views of France, against Great Britain, and a confiscation of all American property, sequestered by order of his imperial majesty, is equally offensive to both governments; to France, as it would impute to her a proposition founded in wrong to individuals; and to the United States, as it would imply, on their part, a subjugation to pecuniary interests, totally inconsistent with their principles, and highly dishonorable to their character.

His excellency will be persuaded that the president, in directing the undersigned to make this representation, had no objection in view, beyond that of seeking an explanation which cannot but tend to promote the harmony of the two powers.

The minister plenipotentiary of the United States.

(Signed)
JOHN ARMSTRONG.

His Excellency the Minister of Foreign Relations.

Copy of a letter from general Armstrong to M. Champagny, dated

Paris, July 10, 1808.

SIR—Your excellency will see, by the enclosed extracts from two letters, which his majesty's minister of marine has done me the honor to address to me, on the 18th of April and 13th of June last, that the property taken from the four American ships destroyed by rear admiral Bandin, has been placed under the jurisdiction of the imperial council of prizes, to be judged by it, as a case of ordinary capture.

To your excellency, it will be unnecessary to remark, that whatever may be the decision of this council, in relation to the merchandize which has been *saved*, the case presents a question of much higher import and entirely beyond the jurisdiction of a maritime court, viz. the kind and degree of reparation which shall be due for the ships and merchandize which have been *destroyed?* And, by way of opening this subject, your excellency will permit me to ask—whether his majesty's government does or does not, justify the conduct of rear Admiral Bandin in burning, or otherwise destroyed on the high seas, the ships and merchandize of a neutral and friendly power?

I pray your excellency, &c.
(Signed)
JOHN ARMSTRONG.

M. Champagny.

Extract of a letter from gen. Armstrong to the Secretary of State, dated

Paris, 26th July, 1808.

"It would have given me the highest pleasure to have drawn from this government such explanations on the general subject of our differences with them, as would have met the friendly and equitable views of the United States, but I owe it as well to you as to myself to declare, that every attempt for that purpose, hitherto made, has failed, and under circumstances which by no means indicate any change, in this respect, for themselves."

With very high consideration,
I am, sir,
Your most obedient servant,
(Signed)
JOHN ARMSTRONG.

James Madison, Esquire,
Secretary of State.

Extract of a letter from general Armstrong, to the secretary of state, dated

Paris, 7th August, 1808.

"I wrote a few lines to you yesterday.—Two weeks have gone by without any new condemnation. My remonstrances continue to remain unanswered."

"P. S. I enclose a copy of my note of yesterday to M. de Champagny."

Copy of a letter from gen. Armstrong, dated *Paris, August 6th*, 1808.

Mr. Armstrong presents his compliments to M. de Champagny, and begs leave to inform him, that having for some months past made trial of the artificial waters of Tivoli, without any useful effect, his physician has prescribed for him those of Bourbon D'Archambault. Should M. de Champagny have any communications to make to Mr. Armstrong, he will be pleased to address them as usual, to the Hotel de Legation Americaine, Rue Vanguard, No. 100, whence they will be regularly and promptly transmitted to Bourbon.

On leaving Paris, Mr. Armstrong thinks proper to state his regrets, that the political relations of the two powers should continue to wear an aspect less auspicious to their future good understanding than is wished for by those who are the friends of both.

That his majesty has a right to make such municipal regulations as he may deem proper, with regard to foreign commerce; neither is nor has been denied. For example, he may forbid the entry into the ports of France of American ships which have touched in England, or been destined to England; and he may either sequester or confiscate such vessels of the United States as shall infract these laws, after due promulgation and notice thereof; but beyond this, the United States hope and believe that his majesty will not go.

M. de Champagny will not fail to seize the distinction which these remarks present, between the authority of municipal regulations & that of the public law, and will decide whether it does or does not offer a ground on which the good understanding, so long and so usefully maintained between the U. States and France, may be preserved, and a degree of intercourse between them revived, which shall have the effect of reanimating their former industry.

Does his majesty fear that the balance of trade, arising from this renewed industry, would go to the advantage of England?—Means are certainly not wanting to prevent this consequence: would it not be entirely avoided by making it a condition of the commerce in question, that all ships leaving France shall take, (in some article, or articles of her produce or manufacture) the full amount of the cargoes they bring hither?

Ships sailing under this regulation would or would not go voluntarily to England. If they went voluntarily, it would only be because that country afforded the best markets for the productions of France, in which case the habitual results would be entirely changed, and England, ceasing to receive a balance for her manufactures, would begin to pay one to the United States on the productions of France. Could France wish a state of commerce more prosperous than this?

If, on the other hand, the American ships did not go voluntarily to England, but were captured and sent in for adjudication, it may be fairly presumed, that the United States could no longer hesitate about becoming a party to the war against England.

Thus in either case the interests of his majesty would be directly advanced by the measure: in the one, the wants of France and her colonies would be not only regularly supplied, but she would herself become an entrepot for the supply of the continent; in the other, the wishes of his majesty, as expressed in February last, would be directly promoted.

Mr. Armstrong has the honor of renewing to M. de Champagny the assurances of his very high consideration.

To his excellency M. de Champagny, minister of exterior relations.

Extract of a lettter from general Armstrong to the secretary of state, dated *Bourbon L'Archambault, 28th Aug.* 1808.

"Since my arrival at this place, I have been honored by the receipt of your dispatch of the 21st ultimo, and would immediately return to Paris, to renew my discussions with M. de Champagny, either personally as you suggest, or by writing, had I not the most solemn conviction that any new experiment made at the present moment, in either form, and of official character, would certainly be useless and probably injurious."

BRITISH DOCUMENTS.

Copies, and extracts of letters from Mr. Madison to Mr. Pinkney.

Extract of a letter from Mr. Madison, secretary of state, to Mr. Pinkney, minister of the United States, London, dated

Department of state, December 23d, 1807.

"Mr. Erskine having been so good as to let me know, that the mail of this evening will carry his dispatches for a British packet, which will sail from N. York immediately on their arrival there; and other conveyances now sailing, I avail myself of the opportunity to enclose you a copy of a message from the President to congress, and their act in pursuance of it, laying an immediate embargo on our vessels and exports. The policy and the causes of the measure are explained in the message itself. But it may be proper to authorise you to assure the British government, as have been just expressed to its minister here, that the act is a measure of precaution only, called for by the occasion; that it is to be considered as neither hostile in its character, nor as justifying, or inviting, or leading to hostility with any nation whatever, and particularly as opposing no obstacle whatever, to amicable negociations and satisfactory adjustments with Great Britain, on the subjects of difference between the two countries."

"The suddenness of the present opportunity does not allow me time to add more than a newspaper containing part of the proceedings of congress in relation to the embargo."

"P. S. As you may be able to find conveyance to Paris, whither none will for some time offer hence, I request the favor of you to communicate to general Armstrong the contents of this letter, and through him, or otherwise, to Mr. Irving at Madrid."

(To be continued.)

ALMANACS, FOR THE YEAR 1809,
For sale at the Star-Office.