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DOCUMENT

ACCOMPANYING THE PRESIDENT'S MESSAGE, OF JAN. 17, 1809.

(Concluded.)

London, October 11, 1803.

SIR,

I have the honor to transmit enclosed a copy of my reply to Mr. Canning's letter to me of the 23d of last month, accompanying his official answer of the same date to my note of the 23d of August.

I have the honor to be,

With the highest consideration,

SIR,

Your most obedient humble servant,

WM. PINKNEY.

Hon. James Madison, &c. &c.

—

TO MR. CANNING.

Great Cumberland Place, Oct. 10, 1808.

SIR,

If my reply to the letter, which you did me the honor to address to me on the 23d of last month, should be of greater length than the occasion may be thought to require, you will, I am sure, impute it to its real cause, an earnest desire on my part, arising from a feeling of sincere respect for you that the statement which I am to give of facts deemed by you to be important, should be full as well as accurate.

I will not fatigue you, sir, with assurances that no person could be less disposed than I am, to find fault with the object of your letter, which appears to be, to guard against all misrepresentation of "what has passed in our late interviews beyond what you find recorded in my note." You have told me that I have, personally, no concern in that object, and I did not require to be told that my government has as little. I understand, indeed, that the circumstance, which has suggested a peculiar motive for this proceeding, was one of those newspaper misrepresentations, which every day produces, where the press is free, which find no credit and beget no consequence, and for which it is greatly to be feared your expedient will provide no remedy. Of my conduct, when that circumstance occurred, in giving you unsolicited proofs that I had transmitted to Mr. Secretary Madison, a faithful report of our conferences mistaken by public rumor or private conjecture, it is not necessary for me to speak; for you have yourself done justice to it.

The motive, to which I am indebted for the honor of your letter, appears to have been instrumental in producing another effect equally unexceptionable. But you will allow me to say, that, until the receipt of that letter, I had not been apprised, by the slightest intimation, that it was in any decree owing to such a cause that you declined, on the part of his majesty's government, after two conferences, in which I had been suffered, if not encouraged, to unfold myself, individually as well as officially, at great length and with perfect frankness, to give an answer to my verbal overture.

At our first interview, (on the 29th of June) verbal communication was not discountenanced, but commended: for, after I had made myself understood as to the purpose for which the interview had been requested, you asked me if I thought of taking a more formal course—but immediately added that you presumed I did not; for that the course I had adopted was well suited to the occasion. My reply was in substance, that the freedom of conversation was better adapted to our subject, and more likely to conduct us to an advantageous conclusion, than the constraint and formality of written intercourse, and that I had not intended to present a note.—At the second interview (on the 22d of July) it did not occur to me that I had any reason to conclude, and certainly I did not conclude, that verbal communication had not continued to be acceptable as a preparatory course; and it was not until the third interview (on the 29th of July) that it was rejected as inadmissible. But even then I was not told, and had not the smallest suspicion, that this rejection was to be ascribed, either wholly or partially to the motive which your letter has since announced to me. That this motive had, nevertheless, all the influence now imputed to it I am entirely confident, and I take notice of it only because, as I have not mentioned it to my government in my official account of our conferences, I can no otherwise justify the omission, either to it or to you, than by shewing that I had in truth no knowledge of the fact when that account was transmitted.

I may take occasion to set forth, in the present letter, the important of all that can be material of our several conversations, according to my recollection of them; but there are some points to which I ought to pay a more particular attention because you have thought them entitled to it; although I should myself, perhaps, have been inclined to think that they had lost much of their importance by the presentation of my note, and the receipt of your written answer; both of which are perfectly intelligible upon these points at least, without the aid of the conferences that preceded them.

You observe that the principal points, in which the suggestions, brought forward by me in personal conference, appear to you to have differed in some degree from the proposal stated by me in writing, are two; the first that in conversation the proposal itself was not distinctly stated as an overture authorised by my government: the second that the beneficial consequences, likely to result to this country from the acceptance of that proposal, were "pursued" through more ample "illustrations."

With regard to the first of these supposed differences, I feel persuaded, sir, that upon further recollection, it will occur to you, that at our first conference, I told you explicitly that the substance of what I then suggested, that is to say, that your orders being repealed as to us, we would suspend the embargo as to Great Britain, was from my government: but that the manner of conducting and illustrating the subject, upon which I had no precise orders, was my own.—I even repeated to you the words of my instructions as they were upon my memory; and I did not understand, either then or afterwards, that there was any doubt as to their existence or their sufficiency, or any desire to have a more exact and formal communication of them while the result of our discussions was distant and uncertain. I said undoubtedly that I had been directed to require the revocation of the British orders in council; but I said also that although the government of the United States still supposed itself to be authorised to expect their repeal upon the ground of right as it existed from the first (a subject, however, which I informed you I did not wish at that time to agitate) I was notwithstanding empowered to give you the above mention assurances, which would, as I presumed, hold out inducements to G. Britain as well on the score of policy as on that of justice, to fulfil that expectation. I should scarcely have undertaken to offer such assurances as from myself, or upon my own "conviction," that the President would act in conformity with them. And I should still less (if that were possible) have ventured to ask of you that you would make them, in that form, the subject of repeated conferrences, and even of referrence to others, as placing the question of a recall, or continuance of the orders in council, upon new grounds of prudence and equity.

If it is merely intended, (as I doubt not it is) to say that I did not make, or declare my intention to make, my overture in writing, before I had endeavoured to prepare for it by personal explanations such a reception as I felt it deserved, and before I could ascertain what shape it would be most proper to give to it, or how it would be met by this government, nothing can be more correct.

It was my sincere wish that my proposal, which I believed to be advantageous to G. Britain, as well as honourable to the United States, should be accepted; and accordingly, I preferred a mode of proceeding which, while it was calculated to avoid unprofitable discussions, upon topics of some delicacy and great difficulty, would furnish opportunities for frank and friendly communication upon all the bearings of my proposal, and lead to the result at which I aimed, if that result should be practicable, in such way as, upon mature reflection, and after a liberal interchange of sentiments, should be found to be most for the honor of our respective governments. These views were laid before you without reserve, and seemed to be approved: and I confess to you, sir, that when I was afterwards informed that, if I would obtain an answer to my overture, I must make it in writing, and that I must not look for any previous intimation of the nature of that answer, I did not allow myself any longer to anticipate with much confidence such an issue as I desired.

The second difference which your letter supposes to exist between my note and verbal suggestions, cannot, I think, in any view be very material. I will say something upon it, however.

My note declares that if I forbear to pursue certain ideas through all the illustrations of which they are susceptible, it is because our personal conferences, as well as the obvious nature of the ideas themselves, render it unnecessary. This implies, undoubtedly, that more had been said in our conferences explanatory of these ideas, than is to be found in the note itself; and that implication can scarcely be otherwise than true, if I "expatiated largely," as you very justly say I did, "upon the consequences of a suspension of the embargo as to G. Britain, while it still continued to be enforced against France."

The general idea to which the note refers is that justice and interest conspired to recommend that you should take advantage of my proposal. The particular positions are, that, if your orders and our embargo should be rescinded, in the manner suggested, our commercial intercourse would be immediately revived: that, if France followed your example and retracted her decrees, the avowed purpose of your orders would be accomplished—that, if France refused to retract, the American embargo, continuing as to her, would occupy the place of your orders, and perform their office, even better than they could perform it themselves, without any of the disadvantages inseperable from such a system.

It is certain that in our conversations I endeavoured to prove that these general and particular notions were founded in truth, by a variety of argument, thrown out in a very desultory way, with more zeal than precision and with that entire freedom which unlimited confidence in your candor, and a firm opinion that the views of my government would derive new titles to respect from a full examination, were calculated to produce.

I should not deal ingenuously with you, sir, if I were to pretend that I think myself able to recapitulate these disjointed arguments as they were actually delivered. And I am quite sure that I shall consult your gratification, as well as my own credit, by declining such an undertaking. But I think I can state, in a condensed form, what I intended you should understand; and I presume that what I did say was not very wide of my real impressions.

Upon the footing on which my overture would place the justice of the British orders, I did not go into much detail, at any one of the three interviews mentioned in your letter. But, combining my unconnected and occasional observations on that point as they were made at different times, and more especially as they were afterwards given and enlarged upon when I had the honor to see you on the 26th of August (of which, however, it is proper to say I have only a very scanty memorandum) their import will not, perhaps, be found to be much if at all mistaken in such parts of the following statement as relate to that branch of the subject.

I meant to suggest then, that upon your own principles it would be extremely difficult to decline my proposal, that your orders inculcate, as the duty of neutral nations, resistance to the maritime decrees of France, as overturning the public law of the world, and professedly rely upon that duty, and an imputed abandonment of it, for their inducement and their justification; that, of these orders, that of the 7th of January, 1807, (of which the subsequent orders of November are said, in your official reply to my note of the 23d of August, to be only an extension, "an extension in operation not to principal") was promulgated and carried into effect a few weeks only after the Berlin decree had made its appearance, when the American government could not possibly know that such a decree existed, when there had been no attempt to enforce it, and when it had become probable that it would not be enforced at all to the prejudice of neutral rights, that the other orders were issued before the American government, with reference to any practical violation of its rights, by an attempt to execute the Berlin decree, in a sense different from the stipulations of the treaty subsisting between the United States and France, and from the explanations given to general Armstrong by the French minister of marine, and afterwards impliedly confirmed by general Champagny as well as by a correspondent practice, had any sufficient opportunity of opposing that decree otherwise than it did oppose it; that your orders, thus proceeding upon an assumed acquiescence not existing in fact, retaliated prematurely, and retaliated a thousand fold, through the rights of the United States—wrongs rather threatened than felt, which you were not authorised to presume the United States would not themselves repel as their honors and their interests required; that orders, so issued, were, to say the least of them an unseasonable interposition between the injuring and injured party in a way the most fatal to the latter; that by taking justice into your own hands, before you were entitled to do so at the expence of every thing like neutral rights, and even at the expence of other rights justly the objects of yet greater sensibility, and by inflicting upon neutral nations, or rather upon the United States, the only neutral nation, injuries infinitely more severe and extensive than it was in the power of France to inflict, you embarrassed and confounded, and rendered impracticable, that very resistance which you demanded of us; that my proposal destroyed all imaginable motives for continuing whatever might have been the motives for adopting this new scheme of warfare; that it enabled you to withdraw with diguity and even with advantage, what should not have come between France and us; that its necessary tendency was to place us at issue with that power, or in other words; in the precise situation in which you have maintained we ought to be placed, if it should persist in its obnoxious edicts; that the continuance of our embargo, so modified, would be at least equivalent to your orders; for that in their most efficient state, your orders could do no more, as regards the United States, than cut off their trade with France and the countries connected with her; and that our embargo remaining as to France and those countries, would do exactly the same, that if the two courses were barely, or even nearly upon a level in point of expediency, Great Britain ought to be forward to adopt that which was consistent with the rights and respectful to the feelings of others; that my proposal however had powerful recommendations which the orders in council had not; that it would re-establish without the hazard of any disadvantage, before new habits had rendered it difficult if not impossible, a traffic which nourished your most essential manufactures, and various other important sources of your prosperity; that it would not only restore a connection, valuable in all its views, but prepare the way for the return of mutual kindness, for adjustments greatly to be desired, and in a word for all those consequences which follow in the train of magnanimity and conciliation, associated with prudence & justice.

Among the observations intended to illustrate my opinion of the certain, probable, and possible effects of the concurrent acts which my proposal had in view, were those to which you allude in the 6th paragraph of your letter. Having stated that renewed commercial intercourse between Great Britain and the United States, would be the first effect, I remarked in the progress of the conversation, that the edicts of France could not prevent that intercourse, even if France should adhere to them, although Great Britain, by her superior naval means might be able to prevent the converse of it; that the power of France upon the seas was in no degree adequate to such a purpose, and if it were otherwise, that it was not to be supposed that the United States resuming their lawful commerce with this country, after a recal of the British orders in council, would take no measures against systematic interruptions of that commerce by force and violence, if such should be attempted.

If, when I was honored with the different interviews before mentioned, I had been able to conjecture the nature of the arguments which were to have an influence against my proposal as I now find them stated in your answer to my note, I should probably have ventured to suggest, in addition to the remarks actually submitted to your consideration, that, if "the blockade of the European continent," by France and the powers subservient to or in combination with her, to which your orders as "a temperate but determined retaliation" were opposed, has been "raised even before it had been well established," and if "the system," so opposed, "of which extent and continuity were the vital principle has been broken up into fragments utterly harmless and contemptible," there seems scarcely to be left, in your own view of the subject, any intelligible justification for perseverence in such of the retaliatory measures of Great Britain, as operate through the acknowledged rights of a power confessedly no party to that combination, and ready to fulfil her fair neutral obligations, if you will suffer her to do so. Under such circumstances, to abandon what is admitted to have lost its only legitimate object, is not "concession;" it is simple justice. To France, indeed, it might be concession. But it is not France, it is the government of America, neither subservient to France, nor combined with France, a third party, whose rights and interests your orders deeply affect, without any adequate necessity according to your own shewing, that requires their recal; and that too upon terms which cannot but promote the declared purposes of these orders, if any remained to be promoted. I say "without any adequate necessity according to your own shewing;" for I am persuaded, sir, you do not mean to tell us, as upon a hasty perusal of your answer to my note might be imagined that those rights and interests are to be set at nought, lest "a doubt should remain to distant times of the determination and the ability of Great Britain to have continued her resistance," or that your orders may, indefinitively, give a new law to the ocean, lest the motive to their repeal should be mistaken by your enemy. If this might indeed be so, you will perhaps permit me to say, that highly as we may be disposed to prize the firm attitude and vast means of your country at this eventful moment, it would possibly suggest to some minds a reluctant doubt on the subject of your observation "that the strength and power of Great Britain are not for herself only, but for the world."

I might also have been led to intimate that my proposal could apparently lose nothing by admitting that "by some unfortunate concurrence of circumstances, without any hostile intention the American embargo did come in aid of the then before mentioned' blockade of the European continent, precisely at the very moment when, if that blockade could have succeeded at all this interposition of the American government would most effectually have contributed to its success." Yet I should probably have thought myself bound to remind you that, whatever may be the truth of this speculation, the same embargo withheld our tonnage and our productions from that communication with the colonies of your enemies and with the European continent, which you had asserted your right to prevent; which as a direct communication (with the continent) you had in fact prohibited; which, even through British ports or in other qualified forms, you had professed to tolerate, not as that which could be claimed, but as an indulgence that could at any time be withdrawn; which as a traffic for the United States to engage in, you had at least discouraged, not only by checks and difficulties in the way of its prosecution, but by manifesting your intentions to mould it into all the shapes which the belligerent, fiscal or other peculiar policy of Great Britain might require, and to subject it to the exclusive jurisdiction of her municipal code, armed with all the prerogatives of that universal law to which nations are accustomed to look for the rights of neutral commerce.

In giving an account of our second conference you say "that, though not stating myself to be authorised by my goverment formally to offer the suspension of the embargo, as an immediate consequence of the repeal of the orders in council, yet I did profess my readiness to take upon myself to make that offer, provided that you would give me before hand an unofficial assurance, that coupled with that offer, so made, the demand of the repeal of the orders would be favourably received, that you, of course, declined to give any such previous assurance; but, as I appeared to attach great importance to this suggestion, and you were led to think that a compliance with it might relieve me from a difficulty in executing the instructions of my government, you consented to take a few days to consider of it, and to reserve your definitive answer until you should see me again." You then observed that you "never doubted, in your own mind, as to the inexpedien-