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FOR THE PROPRIETOR.

THE TERMS

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*Mr. Pinkney's Letter Concluded.*

I meant to suggest, then, that upon your own principles it would be extremely difficult to decline my proposal, that your orders indicated as to 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 indulgement and justification; that of these orders, that of the 7th of January, 1807, for which the subsequent order of November was said, in your official reply to my note of the 23d of August to be only an extention, an extention in operation not in principle, was promulgated and carried into effect a few weeks only after the Berlin decree had made its appearance, when the American government could not [illegible] that such a decree existed, while there had been no attempt to enforce it, and when it had been expressly declared 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 U. States and France, and from the explanations given to Gen. 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 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 honor and [illegible] orders, so issued, were, to say the least of them, an unreasonable interposition between the injuring & the 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 object 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 the new scheme of warfare; that it enabled you to withdraw, with dignity and even with advantage, what should not have come between France and us, that its [illegible] 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 trade which nourished your most essential manufactures, and various other important sources of your prosperity, that it would not only restore a connexion, valuable in all its views, but prepare the way for the return of neutral kindness, for adjustments greatly to be desired, and in a word for all those consequences which follow in the train of magnanimity & conciliation; exhibited with prudence and 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 5th paragraph of your letter. Having stated that renewed commercial intercourse between G. Britain and the U. S. would be the first effect I remarked, in the progress of the conversation, that the edicts of France could not prevent this intercourse, even if France should adhere to them, although G. 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 U. S. resuming their lawful commerce with this country, after the 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 discussive interviews before mentioned, I had been able to foresee 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 it in consideration of [illegible] which you [illegible] situation" were opposed, has been "raised even before it had been well established," and if "that system," so opposed, "of which extent and continuity were the vital principles, 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 perseverance in such of the retaliatory measures of G. 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, a third party, whose rights and interests your orders deeply [illegible] without [illegible] according to your own shewing that requires their recal; and that too upon terms which cannot but promote the declared purposes of those orders, if any remain 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 G. Britain to have continued her resistance," or that your orders may indefinitely 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 [illegible] observation "that the strength and power of G. 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 still came in aid of "the before mentioned" blockade of the European continent; precisely as 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 produce tions 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) was had in fact prohibited; which, even thro' 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 U. States so immense, you had at least discouraged not only by checks and difficulties in the way of its prosecution, but by manifesting your intention to include it into all the blockades which the hostile or other peculiar policy of G. Britain might require, under and give another as to suit respective views, and that a concise note, which I had in fact prepared since the last meeting, should then be presented and acted upon. You inform me that my wish in this particular could not be attended to; that if I had presented a note, you must be left at perfect liberty to decide upon what it proposed, that you could not [illegible] the eventual introduction of the [illegible] consequence of it; and, in a word, that you would neither invite nor discourage such a proceeding. You added that there were some points, belonging to the subject, which it would be proper to discuss in writing, two of which were the connection between our embargo and your Orders of November, supposed to be implied by my proposal. I remarked that, with an actual result in view and with a wish to arrive at that result without delay, it could not be advisable to entangle ourselves in a written correspondence, undefined as to its scope and duration, upon topics on which we were not likely to agree; and that if I were to frame my note with a knowledge that it was to provoke argument, instead of leading at this crisis to a salutary change in the state of the world, you must be conscious that I too must argue. And where would this end? To what wholesome consequence would it conduct us? At the close of the interview I observed that, as nothing had, materially to me appeared, I should take time to prepare such further proceeding as the occasion required.

On the 26th of August I had the honor to see you again, and, after entering more at large, than I had before believed to be proper, into a consideration of the effect of my proposal on the equity of adhering to your Orders in Council, and, after reading to you parts of my instructions, I delivered an official note in which the proposal was made in the form required.

Something was said at this interview of the affair of the Chesapeake, and the President's proclamations, which, it is not, I presume, necessary to repeat. It will be sufficient to state, that you asked me what was to be done with those subjects? and that my reply was, that they had no connection with the present; but that I could say, with confidence, that my government had every disposition to attend to them, with a view to such an adjustment, as would be honorable to both parties. I did not suppose that it was expected (for you did not intimate such an expectation) that renewed negociation upon these points should, as well as the repeal, upon terms of your orders in council, be invited by a formal overture from the government of America.

I will not trouble you with many observations more.

You state in your letter that "there was one point upon which you were particularly anxious to receive precise information, and upon which, from my candor and frankness, you were fortunate enough to obtain it." This was "whether in case the orders in council of November had been known to the government of the United States, previous to the message of the President proposing the embargo, so as to be a moving consideration to that message." I quote this passage, principally, that I may recall to your recollection, that my suggestions, upon the subject of it, were not made officially, or as being authorised or furnished, by any communication from my government, or in answer to any direct enquiries on your part. They were very briefly made, near the close, as I think, of our third interview, in consequence of your intimation intended perhaps to amount to an enquiry, that my proposal implied, that the embargo had been produced by the orders of November; to which you added that this could not be admitted, and (as I comprehended what you said) that it even required to be made the subject of some notice or discussion in writing as intimately connected with my proposal, if it should be brought forward in that shape; and I understood you to assign this as one of the reasons why a written overture was indispensable. In replying to that intimation, and the remarks which followed it, I professed to speak, as I did in fact speak, from general information only, & disclaimed, as it was my duty to do, all authority to say more, upon the nature & origin of the embargo, than I had some time before communicated to you in obedience to the orders of the President. The purpose of my observations was chiefly to shew that there was no inducement for embarking in formal discussions upon this point, and I assured you that it was not in my power, either as respected instructions from my government, or knowledge of facts, to do so. My opinion was, and I spoke accordingly, that it was one of those questions which might be left completely at rest without the least injury to the