

wisdom or the justice of our conclusions, upon the great object of our conferences. There could be no objection however, to my giving you on this head such conjectural information as I was able. On the contrary, by fully disclosing to you my own materials for forming an opinion upon it, you would be enabled more distinctly to see that I could take no part in any discussion which you might propose to apply to it, and I could not but be assured that any anxiety you might feel to obtain a knowledge of the facts in question, sprung from considerations which had every claim to my respect; for I knew that your mind was far above the reach of prejudices which would mislead the American embargo to participation in the councils or views of your adversary or of any foreign power whatsoever.

My suggestions were to the following effect: that I believed that no copy of your order of November had arrived in the United States at the date of the President's message; that a recent change in the conduct of France to our prejudice did appear to be known; that intelligence had been received, and a belief entertained, of your intention to adopt some further measure, as a measure of retaliation against France, by which our commerce and our rights would be affected; that there was reason to conclude that you had actually adopted such a measure; that (as I collected from American newspapers) this had appeared from private letters and the newspapers of this country, received in the U. States some days before the message of the President; and probably known to the government; that, in a word, various information concurred to show that our trade was in a state of suspension, and that the efforts of both the belligerent parties, and that the embargo was a measure of wise and peaceful precaution, adopted under this view of reasonably anticipated peril.

You observe in another part of your letter, "that you have always rather wished to refer the argumentative discussion of the subject of the orders in council to the official correspondences which you have more than once been taught to expect me to open upon it." If I should object to any part of this statement, of which the substance is undoubtedly correct, it would be so the words "more than once." Your wish has always appeared to be such as you now represent it; and you had reason to expect that I would commence a written discussion of the orders of November, soon after their publication. I had told you that I should do so, and you had said that there could be no objection to it. But you were afterwards informed that, upon reflection, I had determined to leave the subject where it remained. I should know the pleasure of my government.

The orders had been officially communicated, not to me, but to Mr. Madison, through the British Minister at Washington. It seemed, therefore, to be proper (unless my instructions should make it otherwise) that the view, which the government of the U. States took of them, should find its way to you thro' the same channel; and, accordingly, the letters of Mr. Madison, to which I have referred in my note of the 23d of August did open, at great length a discussion, which I could have no inducement to shun, although I did not continue to think myself authorized to commence it.

It only remains to add that your share in our several conversations was, what you represent it to have been, not considerable, and that your manner, although reserved, was, as it always is, perfectly friendly.

I need not say, that, if in this letter, written under the influence of sincere concern, the proposal I had the honor to lay before you has been unsuccessful, my thing is to be found which you could wish to be otherwise than it is. I shall be the first to regret, that I have not been able to do justice to my own feelings and intentions.

I have the honor to be, with the highest consideration,

Sir, your most obedient,
humble servant,
WM. PINEVEY.

Congress

Wednesday, January 25

Mr. Quincy rose in his place and made the following observations:

MR. SPEAKER,

I rise to perform a great duty. But one imperiously demanded, as I apprehend, by my station, and by the knowledge of facts which I have in possession. By the 2d section of the 1st article of the constitution, this house have "the sole power of impeachment."

This duty, always painful, it must perform, if occasion calls for it. And every member, who has reason to believe that a high crime or misdemeanor has been committed, is bound to state that opinion to the house, and to move such an enquiry as the nature of the supposed offence demands.

Of all the duties of the executive magistrate of this nation, that in relation to the filling of important public offices is the most critical, the most likely to be abused, and the one which this house ought most scrupulously to watch. Beside these appointments are the avenues of corrupt influence. And of all species, perhaps, that is the most dangerous, which keeps men, when acting in high official stations, subject to such influence, by not only the actual perception of the pros and cons of the places which they hold, but by the assurance of further lucrative advancements, in case of continued fidelity to him who holds the distribution of offices. Under this aspect, sir, I do not hesitate to declare my opinion that a high misdemeanor has been committed against the honor of this house to enquire, and either to remove the ground of suspicion, or to establish the fact before the world. This is the charge which I expect to substantiate. That the collectorship of the port of Boston and Charlestown, being a place of great trust and importance, and also of ample emolument, has been for more than two years kept in a manner vacant, and ever since left in the condition of a sinecure, in the hands of one then incumbent, after the executive had all information of the fact, for the purpose of keeping the said office in reserve, for Henry Dearborn, long a member of the present administration, then and now secretary of war.

The facts, I expect, and am prepared to prove are:

1st. That in November, 1806, Benjamin Lincoln, Esq. collector of that port did write to the president of the United States, requesting leave of absence for that year.

2d. That he did receive an answer from the president in December following, expressing a high sense of his revolutionary services, and requesting him to give him a little longer time to look out for a suitable character to fill the said office, and to hold the office till the 1st of March, then following, viz. March 1807, beyond which he assured him he should not be detained. That you, Lincoln, in reply, consented to continue until the last of the said March.

3d. That his appointment in March was made, and that general Lincoln did on the 30th of November 1807, write to the president stating his infirmities and total inability to perform the duties of his office, and to request to be relieved from his office, at a future day, by the end of that year. That to this he never received any answer.

4th. That he has been continued three entire years, without any reason assigned for such continuance, in a situation totally unable to perform any of his duties—so much so, that he has not been in the town of Boston since June last.

So far the facts are to be proved, as I have reason to believe is a court of law. The next fact, I have no doubt, will be made out perfectly to the satisfaction of the house and nation.

5th. That this office has been held in effect vacant for more than 2 years for the purpose of reserving it for Henry Dearborn, then and now secretary at war, by that appointment, and that he, in fact, has been, in this manner received.

I need not use any arguments to show that these facts, if they be proved, constitute, to say the least, a high misdemeanor; into which this house ought to enquire, and to take such course thereupon, as to its wisdom shall seem expedient, under the high duties imposed upon it by the constitution.

I am instantly impelled to this duty, by a paragraph in a paper, the National Intelligencer of this day, which I now hold in my hand. In this paper major General Benjamin Lincoln, one of the chief glories of our revolution; a hero, the halting victim of war; his body all seamed and scarred, with wounds got in the cause of his country; now on the brink of the grave; his laurels never yet tarnished; and though the aged root is descending into the tomb, yet their leaves upturn to the eye a youthful green, and shed all around a fragrant fragrance. This hero, the companion, the beloved friend of Washington, is stigmatized as "A FEDERALIST," whom the forbearance of administration has long retained in office, in opposition to the wishes of a respectable class of the community." I have not language to express my indignation. And I am quickened to a duty which I had before made some preparation to perform. I therefore move the following resolutions:

Resolved, That the president of the United States be requested to lay before this house all correspondences touching the office to resign, and the resignation of his office, by Benjamin Lincoln, Esq. late collector of the port of Boston and Charlestown.

Resolved, That a committee be appointed to enquire into the cause, which prevented the acceptance of the resignation of Benjamin Lincoln, late collector of the port of Boston & Charlestown, in the year 1806 & 7, and into the reasons which have occasioned a postponement of an enquiry, and that they report the result of such enquiry to the house.

Mr. Quincy moved that the resolutions lie on the table, with a view to call them up to-morrow. A discussion ensued, till 4 o'clock, when the motion to lay on the table was withdrawn. The question was then taken on the resolutions, which were rejected: the mover alone voting in the affirmative.

PRESIDENT'S MESSAGE TO CONGRESS

To the Senate and House of Representatives

I TRANSMIT to Congress a Letter recently received from our Minister at St. James', covering one to him from the British Secretary of State, with his reply. These are communicated in forming a sequel to the correspondence which accompanied my message to both houses, of the 17th inst.

TH. JEFFERSON.

January 30, 1808.

London, Nov. 25, 1808.

SIR—I have the honor to send enclosed, a copy of a letter, received last night from Mr. Canning, in answer to my letter to him of the 10th of last month. The tone of this letter renders it impossible to reply to it with a view to a discussion of what it contains; although it is not without further inadvertencies as to facts, and many of the observations are open to exception. I intend, however, to combine, with an acknowledgment of the receipt of it, two short explanations. The first relative to the new and extraordinary conjecture, which it insinuates, that my authority was contingent; and the second, to remind Mr. Canning that my letter of the 19th of Oct. does not, as he imagines, leave unexplained the remark, that "The Provisional nature of my offer, to make my proposal in writing, arose out of circumstances," but on the contrary, that the explanation unambiguously follows that remark.

The Union is not yet returned from France. L. G. G. arrived in London more than three weeks ago, and delivered your letter of the 9th Sept. with duplicates of papers in the case of the Little Whisk, and copies of letters which lately passed between the Department of State and Mr. Erskine.

I have the honor to be, Sir,

WM. PINEVEY.

To the Hon. James Madison, Esq.

London, Dec. 3, 1808.

SIR—I have the honor to send enclosed, a copy of my reply to Mr. Canning's Letter to me of the 23d ult. A copy of the Letter, to which it is an answer, was transmitted a few days since by the British Packet, and a duplicate has been sent to Liverpool. The Union is not yet arrived from France, and we have no intelligence of her.

I have the honor to be, Sir,

WM. PINEVEY.

To the Hon. James Madison, Esq.

FOREIGN OFFICE, Nov. 23.

SIR—I regret exceedingly that necessary and unintermitting pressure of official business has prevented me from finding an earlier opportunity to reply to your letter of the 10th of last month.

The observations which I have to offer upon some parts of that letter are not, indeed, of such a nature, as to make it matter of any great importance whether you receive them a week sooner or later, so they refer to any point of public interest to our governments than to what has passed personally between ourselves.

But I should have been much mortified if you could have been led to believe me deficient in attention to you; the manner, as well as the substance, of the communication which I had the honor to receive from you, evincing it to the most prompt and candid consideration.

Your understanding of the motives, which induced me to accompany my official note, of the 2d of Sept. with my letter of the same date, is so imperfect, as that you seem to imagine that the wish to guard against misrepresentation was the only motive which induced me to write that letter; and that, from that motive alone, I should, in any case, have troubled you with it. Whereas, I must have expressed myself very incorrectly indeed, if I did not convey to you the assurance, that, if what had passed between us in conversation had not been referred to by you in your official letter of the 23d of Aug. I certainly should not have thought it necessary or proper to preserve any written record of your verbal communications, which I understood at the time to be confidential; and which I certainly was so far from attempting to "discourage," that I have no doubt but what I expressed myself (as you say I did) in favour of "the course which you adopted as well suited to the occasion." But you state, at the same time, most correctly, that it was as a "provisional course" that I understood and encouraged this verbal and confidential communication. I never did, nor could understand it as being intended to supersede or supply, the place of an official overture. I never did nor could suppose that the overture of your government and the answer of the British government to it, were intended to be entrusted solely to our recollections. Accordingly, when the period arrived at which you appeared to be prepared to bring forward an official proposal I did, no doubt, express my expectation that I should receive that proposal in writing.

It is highly probable that I did not, (as you say I did not) assign to you as the motive of the wish which I then expressed, my persuasion that written communications are less liable to mistakes than verbal ones, because that consideration is sufficiently obvious, and because the whole course and practice is in that respect so established and inveterate, that I really could not have supposed that the assignment of any specific motive to be necessary to account for my requiring a written statement of your proposals previous to my returning an official answer to them.

I had taken for granted all along that such would, and such must be, the ultimate proceeding on our part, however you might wish to prepare the way for it by preliminary conversations.

In framing your note, I did not pretend to anticipate how much of what had been

stated by you in our several conferences, you would think it proper to repeat in writing. But, whatever the tenor of your note had been, I should have felt it right to conform strictly to it, in the official answer, avoiding any reference to any part of your verbal communications, except such as, by repeating them in writing, I should see that it was your intention to record as official.

I confess, however, I was not prepared for the mixed course which you actually did adopt. I am persuaded (I am sincerely persuaded) without any intention of creating embarrassment, that of referring generally to what had passed in our conferences, as illustrative of your official proposition, and, as tending to support and recommend it, but without specifying the particular points to which such reference was intended to apply; a course which appeared at first sight to leave me no choice except between the two alternatives of either re-capitulating the whole of what you had stated in conversation, for the purpose of comprehending it in the answer, or of conforming myself to your written note, at the hazard of being suspected of suppressing the most material part of your statement.

The expedient to which I had recourse, of accompanying my official note with a separate letter, stating to the best of my recollection, the substance of what I had heard from you in conversation, appeared to me, after much deliberation, to be the most respectful to you.

Such having been the motives that dictated my letter, I cannot regret that it was written, since it has produced, at a period so little distant from the transaction itself, an opportunity of comparing the impressions left on our minds respectively, of what passed in our several conferences, and of correcting any erroneous impressions on either side.

There are two points in which our recollections do appear to differ in some degree.

The first relates to the authority which you had, and that which I understood you to state yourself to have, at the time of your first conference for bringing forward a direct overture, in the name of your government; the second to the expectation which I stated myself to have entertained "more than once," of your opening an official correspondence on the subject of the orders in council.

With respect to the first point you will give me credit when I assure you that my understanding of what was said by you, not only in the first, but in our second conference, was precisely what I have stated it to be in my letter; and you will (I hope) forgive me if, after the most attentive perusal of your letter of the 10th of Oct. and after a careful comparison of different passages in it, while I am compelled by your assurance to acknowledge that I have misapprehended you, I find grounds in your statement to excuse, if not to account for my misapprehension.

According to your recollections, you told me explicitly, in our first conference, "that the substance of what you then suggested, that is to say, that our orders being repealed as to the U. States, the U. States would suspend the embargo as to Great-Britain, was from your government; that the manner of conducting and illustrating the subject (upon which you had no precise orders) was your own," and you even quoted part of your instructions to me which was to that effect.

In a subsequent paragraph you state, that nothing can be more correct than my apprehension that you did not make, nor profess to intend making, an overture in writing, before you had understood and prepared for it such a reception as you felt it deserved; and before you ascertained what shape it would be most proper to give to that overture, and how it would be met by the British government.

And, in another part of your letter you admit that, "when you expressed your readiness to make your proposal in writing, it was (as I have stated) provisionally;" and you informed me that "the provisional nature of your offer arose out of circumstances," the nature of which circumstances you did not explain, nor have I any right to require such an explanation.

But, comparing these several statements together, seeing that, in our first interview, you declared no intention of making a proposal in writing—that in our second interview, (a month or five weeks afterwards) you described that intention as "provisional" and contingent, and protesting at the same time (as I do in the most solemn manner) that I cannot find any trace in my memory of any communications whatever of any part of your instructions, communicated to me as such; seeing also that whatever might be the nature and extent of your instructions from the president of the U. S. as to the substance of the overture to be made to the British government, the manner, the time and the conditions of that overture were evidently communicated by you as left to your own discretion; it surely may be pardonable in me to have mistaken, (as I most unquestionably must)