



AND

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State Papers,

Received by Government from our Ministers in FRANCE AND ENGLAND.

London, Feb. 19, 1810.

SIR,—I received on the 12th instant, by Mr. Powell, whom I had sent some time before to France, a letter from General Armstrong, of which a copy is enclosed: and, keeping in view the instructions contained in your letter to me of the 11th Nov. last, I have written to Lord Wellesley, to enquire whether any, and if any, what blockades of France instituted by Great-Britain during the present war, before the first of January, 1807, are understood here to be in force. A copy of my letter to Lord Wellesley is enclosed.

It is not improbable that this official enquiry will produce a declaration, in answer to it, that none of those blockades are in force: and I should presume that such a declaration will be received in France as substantially satisfying the condition announced to me by General Armstrong.

I am not aware that this subject could have been brought before the British government in any other form than that which I have chosen. It would not, I think, have been proper to have applied for a revocation of the blockades in question, (at least before it is ascertained that they are in existence) or to have professed, in my letter to Lord Wellesley, to found upon General Armstrong's communication on my enquiry as to their actual state. I have, however, supposed it to be indispensable (and have acted accordingly) that I should explain to Lord Wellesley, in conversation, the probability afforded by General Armstrong's letter, that a declaration by this government, to the effect above mentioned, would be followed by the recal of the Berlin decree.

I cannot, perhaps, expect to receive from Lord Wellesley, an answer to my letter in time to send a copy by the John Adams, now in the Downs or at Portsmouth; but I will take it by an early opportunity, and will send care that General Armstrong shall be made acquainted with it without delay.

I have the honor to be, &c.

WM. PINKNEY.

P. S. March 23, 1810.—Since the writing of this letter, Lord Wellesley has sent me the answer (of the 2d inst.) of which a copy is now enclosed. It was not satisfactory, and I pointed out its deficiencies to Lord Wellesley, in conversation, & proposed to him that I should write him another letter requesting explanations. He assented to this course and I have written him the letter of the 7th inst. of which also a copy is enclosed. His reply has been promised very frequently, but has not yet been received.—I have reason to expect that it will be sufficient; but I cannot think of detaining the corvette any longer. The British Packet will furnish me with an opportunity of forwarding it to you—and I will send Mr. Lee with it to Paris, by way of Morlaix. I have the honor, &c.

WM. PINKNEY.

The Hon. R. Smith, &c.

From Gen. Armstrong to Mr. Pinkney.

Paris 25 Jan. 1810.

SIR—A letter from Mr. Sec'y Smith of the first of December last, made it my duty to enquire of his Excellency the Duke of Cadore, what were the conditions on which his Majesty the Emperor would annul his Decree, commonly called the Berlin Decree; and whether, if Great-Britain revoked her blockades of a date anterior to that decree, his Majesty would consent to revoke the said decree? To these questions I have this day received the following answer, which I hasten to convey to you by a special messenger.

ANSWER.

"The only condition required for the revocation by his Majesty the Emperor of the Decree of Berlin, will be the previous revocation by the British government of her blockades of France, or part of France (such as that from the Elbe to Brest, &c.) of a date anterior to that of the aforesaid decree."

Great Cumberland Place, Feb. 15, 1810.

MY LORD,—In pursuance of the intimation which I had the honor to give to your Lordship, a few days ago, I beg to trouble your Lordship with an enquiry, whether any, and if any, what blockades of France, instituted by Great-Britain during the present war, before the 1st day of January, 1807, are understood

by his Majesty's government to be in force. I am not able at present to specify more than one of the blockades to which this enquiry applies; namely, that from the Elbe to Brest, declared in May, 1806, and afterwards limited and modified; but I shall be much obliged to your Lordship for precise information as to the whole.

I have the honor, &c.

WM. PINKNEY.

Most Noble Marq. Wellesley &c.

Foreign Office, March 2, 1810.

SIR—I have the honor to acknowledge the receipt of your note of the 15th ultimo, wherein you request to be informed whether any, and if any, what blockades of France, instituted by Great Britain, during the present war, before the first day of January, 1807, are understood by his Majesty's government to be in force? I have now the honor to acquaint you, that the coast, rivers & ports from the river Elbe to Brest, both inclusive, were notified to be under the restrictions of blockade, with certain modifications, on the 16th of May, 1806, and that these restrictions were afterwards comprehended in the Order of Council of the 7th January, 1807, which Order is still in force.

I have the honor to be, &c.

WELLESLEY.

William Pinkney, Esq.

Great Cumberland Place, 7 March, 1810.

MY LORD.—I have had the honor to receive your Lordship's answer of the 2d instant to my letter of the 15th of last month, concerning the blockades of France, instituted by Great-Britain, during the present war, before the 1st day of January 1807.

I infer from that answer that the blockade notified by G. Britain, in May 1806, from the Elbe to Brest, is not itself in force, and that the restrictions, which it established, rest altogether, so far as such restrictions exist at this time, upon an Order or Orders in Council issued since the first day of January, 1807.

I infer also, either that no other blockade of France was instituted by Great-Britain during the period above mentioned, or that, if any other was instituted during that period, it is not now in force.

May I beg your Lordship to do me the honor to inform me whether these inferences are correct, and, if incorrect, in what respects they are so.

WM. PINKNEY.

The Most Noble Marq. Wellesley.

Foreign Office, March 26th, 1810.

SIR—I have the honor to acknowledge the receipt of your letter of the 7th inst. requesting a further explanation of my letter of the 2d, concerning the blockades of France instituted by Great-Britain during the present war, before the 1st day of January, 1807.

The blockade, notified by Great Britain in May 1806, has never been formally withdrawn; it cannot therefore be accurately stated, that the restrictions, which it established, rest altogether on the Order of Council of the 7th of January, 1807; they are comprehended under the more extensive restrictions of that order. No other blockade of the ports of France, was instituted by Great Britain between the 16th of May, 1806, and the 7th of January, 1807, excepting the blockade of Venice, instituted on the 27th of July, 1806, which is still in force.

I have the honor to be, &c.

WELLESLEY.

William Pinkney, Esq. &c.

Copy of a letter from Gen. Armstrong to the Duke of Cadore, dated Paris, 21st Feb. 1810.

The Minister Plenipotentiary of the United States has the honor to submit to His Excellency the Duke of Cadore the copy of a letter this instant received from Bayonne and begs from him an explanation of the circumstances mentioned in it.

"The Ministerial dispatch under date of the 5th inst. is arrived at St. Sebastian, bearing an order for the immediate transportation, in small vessels, of all the sequestered American cargoes, to Bayonne, to be placed in the Custom-House there. This news is public at St. Sebastian; but what is not so as yet, is, that the same order says

"1st. That these cargoes are to be sent to Bayonne, whether the commodities of which they are composed may have come from English commerce or from the produce of the soil of the United States.

"2dly. That they should be sent to the Custom-House of that place to be sold there."

General Armstrong to Mr. Smith.

Paris, 18th Feb. 1810.

SIR—I wrote a few lines to you yesterday announcing the receipt and transmission of a copy of the Duke of Cadore's note to me of the 14th inst.

After much serious reflection I have thought it best to forbear all notice at present of the errors, as well of fact as of argument, which may be found in the introductory part of that note; to take the Minister at his word; to enter at once upon the proposed negotiation, and, for this purpose, to offer to him a project for renewing the convention of 1800.

This mode will have the advantage of trying the sincerity of the overtures made by him, and perhaps of drawing from him the precise terms on which his Master will accommodate. If these be such as we ought to accept, we shall have a Treaty, in which neither our rights nor our wrongs will be forgotten; if otherwise, there will be enough, both of time and occasion, to do justice to their policy and our own, by a free examination of each.

Extract of a letter to the same from the same.

"10th March. I have at length received a verbal message in answer to my note of the 21st ult. It was from the Minister of Foreign relations, and in the following words: "His Majesty has decided to sell the American property seized in Spain, but the money arising therefrom shall remain in the depot." This message has given occasion to a letter from me marked No. 2."

(No. 2) Paris, 10th March, 1810.

SIR—I had yesterday the honor of receiving a verbal message from your excellency, stating, that "his majesty had decided to sell the American property seized in Spain, but the money arising therefrom should remain in depot."

On receiving this information, two questions suggested themselves—

1st. Whether this decision was or was not, extended to ships, as well as to cargoes? and

2d. Whether the money arising from the sales which might be made under it, would, or would not be subject to the issue of the pending negotiation?

The gentleman charged with the delivery of your message not having been instructed to answer these questions, it becomes my duty to present them to your excellency, and to request a solution of them. Nor is it less a duty, on my part, to examine the ground on which his majesty has been pleased to take this decision, which I understand to be that of reprisal, suggested for the first time in the note you did me the honor to write to me on the 14th ult.—In the 4th paragraph of this note, it is said, that "His majesty could not have calculated on the measures taken by the United States, who, having no grounds of complaint against France, have comprised her in their acts of exclusion, and since the month of May last have prohibited the entry into their ports of French vessels, by subjecting them to confiscation."

It is true that the United States have since the 20th of May last forbidden the entry of French vessels into their harbors—and it is also true that the penalty of confiscation attaches to the violation of his law. But in what respect does this offend France? Will she refuse to us the right of regulating commerce within our own ports? Or will she deny that the law in question is a regulation merely municipal? Examine it both as to object, and means—what does it more than forbid American ships from going into the ports of France, and French ships from coming into those of the United States? And why this prohibition? To avoid injury and insult; to escape that lawlessness, which is declared to be "a forced consequence of the decrees of the British council."

If then its object be purely defensive, what are its means? Simply a law, previously and generally promulgated, operating solely within the territory of the United States, and punishing alike the infractors of it, whether citizens of the said states or others. And what is this but the exercise of a right, common to all nations, of excluding at their will foreign commerce, and of enforcing that exclusion? Can this be deemed a wrong to France? Can this be regarded as a legitimate cause of reprisal on the part of a power, who makes it the first duty of nations to defend their sovereignty, and who even denationalizes the ships of those who will not subscribe to the opinion.

But it has been said that the "United States had nothing to complain of against France."

Was the capture and condemnation of a ship driven on the shores of France by stress of weather and the perils of the sea—nothing? Was the seizure and sequestration of many cargoes bro't to France in ships violating no law and admitted to regular entry at the imperial custom houses—nothing? Was the violation of our maritime rights, consecrated as they have been by the solemn forms of a public treaty—nothing? In a word, was it nothing that our ships were burnt on the high seas, without other offence than that of belonging to the U. States; or other apology, than was to be found in the enhanced safety of the perpetrator? Surely if it be the duty of the U. States to resent the theoretical usurpations of the British orders of Nov. 1807, it cannot be less their duty to complain of the daily and practical outrages on the part of France! It is indeed true that were the people of the U. States destitute of policy, of honor and of energy (as has been insinuated) they might have adopted a system of discrimination between the two great belligerents; they might have drawn imaginary lines between the first and second aggressor; they might have resented in the one a conduct to which they tamely submitted in the other, and in this way have patched up a compromise between honor and interest, equally weak and disgraceful. But such was not the course they pursued, and it is perhaps a necessary consequence of the justice of their measures that they are at this day an independent nation. But I will not press this part of my subject; it would be affrontful to your excellency (knowing as you do, that there are not less than one hundred American ships within his Majesty's possession, or that of his allies) to multiply proofs that the U. States have grounds of complaint against France.

My attention is necessarily called to another part of the same paragraph—which immediately follows the quotation already made. "As soon," says your Excellency, "as his Majesty was informed of this measure (the non-intercourse law) it became his duty to retaliate upon the American vessels, not only within his own territories, but also within the countries under his influence. In the ports of Holland, Spain, Italy and Naples, the American vessels have been seized, because the Americans had seized French vessels."

These remarks divide themselves into the following heads:

1st. The right of his Majesty to seize and confiscate American vessels, within his own territories.

2d. The right to do so within the territories of his allies; and

3d. The reason of that right, viz "because Americans had seized French vessels."

The first of these subjects has been already examined; and the second must be decided like the first, since his Majesty's rights within the limits of his ally cannot be greater than within his own.—If then it has been shewn, that the non-intercourse law was merely defensive in its object; that it was but intended to guard against that state of violence which unhappily prevailed; that it was restricted in its operation to the territory of the United States, and that it was duly promulgated there and in Europe before execution, it will be almost unnecessary to repeat, that a law of such description cannot authorize a measure of reprisal, equally sudden and silent in its enactment and application, founded on no previous wrong, productive of no previous complaint, and operating beyond the limits of his Majesty's territories and within those of sovereigns, who had even invited the commerce of the United States to their ports.

It is therefore the third subject only, the reason of the right, which remains to be examined; and with regard to it I may observe, that if the alleged fact which forms this reason be unfounded, the reason itself fails and the right with it. In this view of the business I may be permitted to enquire, when and where any seizure of a French vessel has taken place under the non-intercourse law? and at the same time to express my firm persuasion, that no such seizure has been made: a persuasion founded alike on the silence of the government and of the journals of the country, and still more on the positive declaration of several well informed and respectable persons who have left Ame-

rica as late as the 26th of December last. My conclusion therefore is, that no French vessel having violated the law, no seizure of such vessel has occurred, and, that the report which has reached Paris is probably founded on a circumstance altogether unconnected with the non-intercourse law or its operation.

Though far from wishing to prolong this letter, I cannot close it without remarking the great and sudden change wrought in his Majesty's sentiments with regard to the defensive system adopted by the United States. The law, which is now believed to furnish ground for reprisal, was first communicated to his Majesty in June or July last, and certainly did not then excite any suspicion or feeling unfriendly to the American government. Far from this, its communication was immediately followed by overtures of accommodation—which, though productive of no positive arrangement, did not make matters worse than they found them.

On the 22d of August last I was honored with a full exposition of the views and principles which had governed, and which should continue to govern his Majesty's policy in relation to the United States, and in this we do not find the slightest trace of complaint against the provisions of the law in question.

At a period later than the 22d of August, an American ship, destined to a port of Spain, was captured by a French privateer. An appeal was made to his Majesty's Minister of war, who, having submitted the case, received orders to liberate all American vessels destined to Spanish ports, which had not violated the Imperial decrees.

Another American ship, at a point of time still later than the capture of the preceding, was brought into the port of Bayonne, but having violated no law of his Majesty, was acquitted by his Council of prizes; and lastly—

In the long conversation I had the honor of holding with your Excellency on the 25th of January, no idea of reprisal was maintained by you nor suspected by me; but on the contrary—in speaking of the seizure of American property in Spain, you expressly declared, that it was not a confiscation.

Can proofs be more conclusive, that from the first promulgation of the law down to the 25th of January last, nothing in the nature of reprisal was contemplated by his Majesty?

What circumstance may have since occurred to produce a change in his opinion, I know not; but the confidence I feel in the open and loyal policy of his Majesty, altogether excludes the idea, that the rule was merely found for the occasion, and made to justify seizures, not otherwise justifiable.

I pray your Excellency to accept, &c. JOHN ARMSTRONG, His Excellency the Duke of Cadore.

Extract of a letter from Gen. Armstrong to Mr. Smith, dated Paris, the 4th of April, 1810.

After seven weeks detention in England, the John Adams has at length got back to France. She arrived in the roads of Havre on the 28th ult.

I informed Mr. Champagny, 1st. that Mr. Pinkney had not been able to send by this conveyance the result of his application to the British government concerning the blockades of France prior to the Berlin decree; but that he hoped to be able to send it in a few days by another conveyance; and 2d. that if he (Mr. Champagny) had any thing to communicate which would have the effect of changing the present relations of the two countries, & which he wished to be early known to the government of the United States, he would do well to let me know it within 24 hours, as the messenger would leave Paris within that time. To this message I received from him the following answer: "That for some days past nothing in the nature of business and unconnected with the marriage of the Emperor could be transacted; and that for some days to come the same cause of delay would continue to operate; that my letters were still before the Emperor, and that he would seize the first moment to get some decision in relation to them." Thus you see every thing is yet in air.

Copy of a letter from Mr. Pinkney to Gen. Armstrong, dated London, 23d March, 1810.

DEAR SIR—Although I have detained the corvette much longer than I wished, I am not yet able to send you the result of my application to this government concerning the British blockades of France prior to the Berlin decree. I