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There are the plans of fair, delightful Peace,
Unwar'd by party rage, to live like Brothers.

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DOCUMENTS

Accompanying the President's Message;
CONTINUED.

Extracts from a letter of Mr. Smith, Secretary of State, to Mr. Pinkney, dated Department of State, November 2, 1810.

"With the duplicate of my letter to you, of the 19th ult. I now send to you a copy of the President's Proclamation, founded on the repeal of the Berlin and Milan Decrees. Enclosed you will also receive a copy of my letter to Gen. Armstrong, of this day, which will afford you a view of the reservations and understanding under which this proclamation has been issued.

"To the copy of the Proclamation herewith transmitted, in relation to West-Florida, and to my letter to Gen. Armstrong, touching the same, I refer you for information, as to the views of this government, in taking possession of that country, and as to the considerations which had constrained the President, at this juncture, to resort to this measure.

"This dispatch will be delivered to you, by one of the officers of the United States' frigate Essex, who will have orders to return to his ship, as soon as he shall have received such letters, as you may deem it necessary to transmit to this department."

From Mr. Smith to Mr. Pinkney.

Department of State, Nov. 15, 1810.

SIR—From a review of the conduct of the British government, in relation to a Plenipotentiary successor to Mr. Jackson, as presented in your several communications, including even those brought by the Hornet, at which date, and on which inviting occasion, the subject does not appear to have been within the attention of the government, the President thinks it improper, that the U. S. should continue to be represented at London by a Minister Plenipotentiary. In case, therefore, no appointment of a successor to Mr. Jackson, of that grade, should have taken place at the receipt of this letter, you will consider your functions as suspended, and you will accordingly take your leave of absence, charging a fit person with the affairs of the legation.

Considering the season at which this instruction may have its effect, and the possibility of a satisfactory change in the posture of our relations with Great-Britain, the time of your return to the United States is left to your discretion and convenience.

The Secretary of State, to Gen. Armstrong.

Department of State, June 26, 1810.

SIR—Your letters of the 17th, 18th and 21st of February, and 10th, 15th, 21st and 24th of March, with their several enclosures were received on the 21st of May.

As the "John Adams" is daily expected, and as your further communications by her will better enable me to adapt to the actual state of our affairs with the French government, the observations proper to be made in relation to their seizure of our property, and to the letter of the Duke of Cadore of the 14th February, it is by the President deemed expedient not to make, at this time, any such animadversions. I cannot, however, forbear informing you, that a high indignation is felt by the President, as well as by the public, at this act of violence on our property, and at the outrage, both in the language and in the matter of the letter of the Duke of Cadore, so justly portrayed in your note to him of the 16th of March.

The particular object of this letter is to add, to my dispatches of the 4th and 22d of May, another chance of hastening into your hands a copy of the act of Congress of the last session, concerning the commercial intercourse between the U. States and G. Britain and France.

In the 4th section of this act, you will perceive a new modification of the authority given to the President. If there be sincerity in the language held out at different times by the French government, and especially in the late overture to proceed to amicable and just arrangements, in case of our refusal to submit to the British orders in council, no pretext can be found for longer declining to put an end to the decrees of which the United States have so justly complained. By putting in force, agreeably to the terms of this statute, the non-intercourse against G. Britain, the very species of resistance would be made which France had been constantly representing as most efficacious. It may be added, that the form in which

the law now presents the overture, is as well calculated, as the overture itself, to gain a favorable attention, inasmuch as it may be regarded by the belligerent first accepting it, as a promise to itself, and a threat only to its adversary.

If, however, the arrangement contemplated by the law should be acceptable to the French government, you will understand it to be the purpose of the President, not to proceed in giving it effect, in case the late seizure of the property of the citizens of the U. States has been followed by an absolute confiscation, and restoration be finally refused. The only ground, short of a preliminary restoration of the property, on which the contemplated arrangement can be made, will be an understanding that the confiscation is reversible, and that it will become immediately the subject of discussion, with a reasonable prospect of justice to our injured citizens.

The Secretary of State, to Gen. Armstrong.

Department of State, July 2d, 1810.

SIR—The enclosed is a copy of a letter of instruction to Mr. Pinkney, bearing the same date with this letter. You will thence perceive, that if the answer of the British government to the representation and requisition which our minister at London may make, should be of a satisfactory nature, it will be transmitted to you without delay. In that case, you will make a proper use of it for obtaining a repeal of the Berlin decree, and you will proceed, concurrently with Mr. Pinkney, in bringing about successive removals by the two governments of all their predatory edicts.

I avail myself of this occasion to state to you, that it is deemed of great importance that our ministers at foreign courts, and especially at Paris and London, should be kept, the one by the other, informed of the state of our affairs at each.

The Secretary of State, to General Armstrong.

Department of State, July 5th, 1810.

SIR—The arrival of the John Adams, brought your letters of the 1st, 4th, 7th and 16th April.

From that of the 16th April, it appears, that the seizures of the American property, lately made, had been followed up by its actual sale, and that the proceeds had been deposited in the emperor's *casse priee*. You have presented, in such just colours, the enormity of this outrage, that I have only to signify to you, that the President entirely approves the step that has been taken by you, and that he does not doubt that it will be followed by you, or the person who may succeed you, with such further interpositions, as may be deemed advisable. He instructs you, particularly, to make the French government sensible of the deep impression made here, by so signal an aggression on the principles of justice and of good faith; and to demand every reparation of which the case is susceptible. If, be not the purpose of the French government to remove every idea of friendly adjustment with the United States, it would seem impossible but that a reconsideration of this violent proceeding must lead to a redress of it, as a preliminary to a general accommodation of the differences between the two countries.

At the date of the last communication from Mr. Pinkney, he had not obtained from the British government an acceptance of the condition, on which the French government was willing to concur, in putting an end to all the edicts of both, against our neutral commerce. If he should afterwards have succeeded, you will, of course, on receiving information of the fact, immediately claim, from the French government, the fulfilment of its promise; and by transmitting the result to Mr. Pinkney, you will co-operate with him in completing the removal of all the illegal obstructions to our commerce.

Among the documents, now sent, is another copy of the act of Congress, repealing the non-intercourse law, but authorising a renewal of it against Great-Britain, in case France shall repeal her edicts, and Great Britain refuse to follow the example, and *vice versa*. You have been already informed, that the President is ready to exercise the power vested in him for such a purpose, as soon as the occasion shall arise. Should the other experiment, in the hands of Mr. Pinkney, have failed, you will make the act of Congress, and the disposition of the President, the subject of a formal communication to the French govern-

ment; and it is not easy to conceive any ground, even specious, on which the overture, specified in the act, can be declined.

If the non-intercourse law, in any of its modifications, was objectionable to the emperor of the French, that law no longer exists.

If he be ready, as has been declared, in the letter of the Duke of Cadore, of February 14th, to do justice to the U. States, in the case of a pledge on their part not to submit to the British edicts, the opportunity for making good the declaration is now afforded. Instead of submission, the President is ready, by renewing the non-intercourse against Great Britain, to oppose to her orders in council a measure, which is of a character that ought to satisfy any reasonable expectation.

If it should be necessary, for you to meet the question, whether the non-intercourse will be renewed against G. Britain, in case she should not comprehend, in the repeal of her edicts, her blockades, which are not consistent with the law of nations, you may, should it be found necessary, let it be understood, that a repeal of the illegal blockades, of a date prior to the Berlin decree, namely, that of May, 1806, will be included in the condition, required of Great Britain; that particular blockade having been avowed to be comprehended in, and of course identified with, the orders in council. With respect to blockades of a subsequent date, or not against France, you will press the reasonableness of leaving them, together with future blockades, not warranted by public law, to be proceeded against, by the U. States, in the manner they may chuse to adopt.

As has been heretofore stated to you a satisfactory provision for restoring the property, lately surprized and seized, by the order, or at the instance, of the French government, must be combined with a repeal of the French edicts, with a view to a non-intercourse with Great Britain; such a provision being an indispensable evidence of the just purpose of France towards the United States.—And you will, moreover, be careful, in arranging such a provision, for that particular case of stipulations, not to weaken the ground on which a redress of others may be justly pursued.

If the act of Congress, which has legalised a free trade with both the belligerents, without guarding against British interruptions of it with France, whilst France cannot materially interrupt it with Great Britain, be complained of, as leaving the trade on the worst possible footing for France, and on the best possible one for Great Britain, the French government may be reminded of the other feature of the act, which puts it in their own power to obtain either an interruption of our trade with Great Britain, or a repeal of her interruption of it with France.

Among the considerations which belong to this subject, it may be remarked, that it might have been reasonably expected, by the United States, that a repeal of the French decrees, would have resulted from the British order in council of April, 1809. This order expressly revoked the preceding orders of November, 1807, heretofore urged by France in justification of her decrees, and was not only different in its extent and in its details, but was essentially different in its policy.

The policy of the orders of 1807 was, by cutting off all commercial supplies, to retort on her enemies the distress, which the French decree was intended to inflict on Great Britain.

The policy of the order of April, 1809, if not avowedly, was most certainly to prevent such supplies, by shutting out those only which might flow from neutral sources, in order thereby to favor a surreptitious monopoly to British traders. In order to counteract this policy, it was the manifest interest of France, to have favored the rival and cheaper supplies through neutrals; instead of which, she has co-operated with the monopolising views of Great Britain, by a rigorous exclusion of neutrals from her ports. She has, in fact, reversed the operation, originally professed by her decrees. Instead of annoying her enemy at the expense of a friend, she annoys a friend for the benefit of her enemy.

If the French government should accede to the overture, contained in the act of Congress, by repealing or so modifying its decrees, as that they will cease to violate our neutral rights, you will,

if necessary, transmit the repeal, properly authenticated, to Mr. Pinkney, by a special messenger; and you will hasten and ensure the receipt of it here, by engaging a vessel, if no equivalent conveyance should offer, to bring it directly from France, and by sending several copies to Mr. Pinkney to be forwarded from British ports.

The Secretary of State, to General Armstrong.

Department of State, July 17, 1810.

SIR—You will herewith receive duplicates of my letters to you of the 20th June, and 2d and 5th of July.

This despatch you will receive from lieutenant Miller, of the Navy, who is to proceed from New York in the sloop of war the Hornet. This public vessel has been ordered to England and to France, not only for the purpose of transmitting despatches to you and to our minister in London, but for the further purpose of affording you as well as him a safe opportunity of conveying to this department, before the next meeting of Congress, full information of the ultimate policy, in relation to the United States, of the governments of England and France. And with a view to ensure her return to the U. States in due season, her commanding officer has received orders not to remain in any port of Europe after the first day of October next. With respect therefore to the time you will detain Mr. Miller in Paris, you will be influenced by the information which you may receive from him, as to the orders he may have from the commanding officer of the Hornet.

Extracts of a letter from Mr. Smith, to Gen. Armstrong, dated

Department of State, Nov. 2, 1810.

"You will herewith receive a printed copy of the proclamation, which, conformably to the act of Congress, has been issued by the President, on the revocation of the Berlin and Milan decrees. You will however, let the French government understand that this has been done on the ground that the repeal of these decrees does involve an extinguishment of all the edicts of France actually involving our neutral rights, & that the reservations under the expression 'it being understood,' are not conditions precedent affecting the operation of the repeal; and on the ground also, that the United States are not pledged against the blockades of Great Britain, beyond what is stated in my letter to you of the 5th July. It is to be remarked, moreover, that in issuing the proclamation, it has been presumed that the requisition contained in that letter, on the subject of the sequestered property will have been satisfied. This presumption is not only favored by the natural connection of the policy and justice of a reversal of that sequestration with the repeal of the decrees, but is strengthened by concurrent accounts, through different channels, that such property, as has been sequestered has been actually restored.

"The enclosed copy of my last letter to Mr. Pinkney, of the 19th ultimo, will afford you a distinct view of the line of conduct presented to him in relation to the British orders and blockades.

"This dispatch will be delivered to you by one of the officers of the U. States' frigate Essex, who will have orders to return to his ship, as soon as he shall have received such despatches as you may deem it necessary to transmit to this department."

Mr. Smith to General Armstrong.

Department of State, Nov. 5, 1810.

SIR—As the ground on which the French government has deemed it expedient to place the revocation of its decrees, may suggest to it the further pretext of requiring a restoration of the French property seized here under the non-intercourse law, as a condition to their restoring the American property condemned or sequestered under the French decree of March, you are authorized, in case a restoration can be thus and not otherwise obtained, to acquiesce in such an arrangement, and if necessary to give to such arrangement a conventional form, requiring the sanction of the Senate. You will however, take care to avoid any expressions implying an acknowledgement on the part of the United States, that the non-intercourse law, which was not retrospective, has any analogy to the French decree, the injustice of which essentially consists in its retrospective operation. In truth the arrangement on the part of the United States, will be little more

than nominal, as will appear by the enclosed copy of a letter from the treasury department. It may be proper to remark that the third section of the act of May, for the recovery of forfeitures under the non-intercourse law, contemplated violations, by our own citizens, rather than French violations, which could not have been of sufficient importance to have called for such a provision, pointing particularly at them.

[Here follow several letters from Mr. Pinkney, and a correspondence between General Armstrong and Mr. Pinkney on the subject of blockades by Great-Britain and France, which letters were published in the Raleigh Register on the 28th June last, and are therefore here omitted.]

Mr. Pinkney to Mr. Smith.

London, Feb 23d, 1810.

SIR—I have the honor to transmit, enclosed, a copy of a notification of the blockade of the coast and ports of Spain, from Gijon to the French territory, received from Lord Wellesley, two days ago. I have not yet given any answer to this communication.

Lord Wellesley to Mr. Pinkney.

Foreign Office, Feb 20th, 1810.

The undersigned, his Majesty's principal Secretary of State for foreign affairs, has received his Majesty's commands, to inform Mr. Pinkney, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, that the King has judged it expedient, to signify his commands, to the Lords Commissioners of the Admiralty, to establish a strict blockade of the coast and ports of Spain, from Gijon to the French territory; which will be maintained and enforced, according to the usages of war, acknowledged and observed in similar cases.

Mr. Pinkney is therefore requested to apprise the American Consuls and Merchants, residing in England, that the whole of the Spanish coast, above-mentioned, is, and must be considered as in a state of blockade; and that, from this time, all the measures, authorised by the law of nations, and the respective treaties, between his Majesty and the different neutral powers, will be adopted and executed, with respect to vessels attempting to violate the said blockade, after this notice.

Mr. Pinkney to Mr. Smith.

London, March 21, 1810.

SIR—On the 27th of November, Mr. Brownell delivered to me, your letters of the 11th, 14th and 23d of the preceding month; and on the Saturday following, I had a conference with the Marquis Wellesley; in the course of which, I explained to him fully, the grounds upon which I was instructed to request Mr. Jackson's immediate recall, and upon which the official intercourse between that Minister and the American government, had been suspended.

Lord Wellesley's reception of what I said to him was frank and friendly; and I left him with a persuasion that we should have no cause to be dissatisfied with the final course of his government, on the subjects of our conference.

We agreed in opinion, that this interview could only be introductory to a more formal proceeding on my part; and it was accordingly settled between us, that I should present an official letter, to the effect of my verbal communication.

Having prepared such a letter, I carried it myself to Downing Street, a few days afterwards, and accompanied the delivery of it to Lord Wellesley, with some explanatory observations, with which it is not, I presume, necessary to trouble you. You will find a copy of this letter enclosed, and will be able to collect from it, the substance of the greater part of the statements and remarks, which I thought it my duty to make, in the conversation above-mentioned.

Although I was aware, that the answer to my letter would not be very hastily given, I certainly was not prepared to expect the delay, which has actually occurred. The President will do me the justice to believe, that I have used every exertion, consistent with discretion and the nature of the occasion, to shorten that delay, which, though not ascribable, as I persuade myself to any motive unfriendly or disrespectful to the U. States, may, I am sensible, have been productive of some disadvantages. A copy of the answer received on the day of its date is enclosed.

(Continued in the last page.)