

**James Madison to Thomas Jefferson, September 11, 1809. Transcription: The Writings of James Madison, ed. Gaillard Hunt. New York: G.P. Putnam's Sons, 1900-1910.**

**TO THOMAS JEFFERSON. MAD. MSS.**

Montpellier, Sepr 11, 1809.

Dear Sir, —I send herewith a few papers which have come to my hands, along with those addressed to myself.

Jackson, according to a note sent from Annapolis, to Mr. Smith, was to be in Washington on Friday evening last. The letters from Mr Pinkney, brought by him, were dated June 23, and merely rehearsed a conversation with Canning; from which it would seem that C readily admitted that his second condition (Colonial trade) had no connection with the subject, and that it was not to be expected the U. States would accede to the 3d, (G. B. to execute our laws.)<sup>1</sup> Why,

<sup>1</sup> Only an extract of Pinkney's chief letter was sent to Congress. It may be seen in *Am. State Papers, For. Affs., III., 303*, and *Annals of Cong., 11th Cong., 2d Sess., Part 2, p. 2074*, and is indicated in the complete letter which follows by an asterisk at the beginning and end of the extract. The closing sentence of Secretary Smith's letter of April 17th (written by Madison) to Erskine, to which Canning took exception, was as follows:

“But I have it in express charge from the President to state that, while he forbears to insist on a further punishment of the offending officer [Berkeley], he is not the less sensible

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of the justice and utility of such an example, nor the less persuaded that it would best comport with what is due His Britannic Majesty to his own honor.”

Pinkney's letter to Smith was as follows:

“ London, June 23, 1809.

“ Sir,

“I had an Interview yesterday with Mr. Canning, of which I will trouble you with a very brief account.

“As the orders in Council of the 24th. of May did not extend to the Dutch Settlement of Batavia, and as an American Trade with that Settlement was supposed to be affected by the order of the 26th. of April, I suggested to Mr. Canning the propriety of a supplemental order on that point. His Idea was that the omission of Batavia in the order of the 24th. of May must have been an oversight, and that it would be set to rights as I proposed. Of course he could not speak positively on such a Subject.

“American Vessels, taking Cargoes to Holland, are not allowed by the order of May to clear out from that Country, with Return Cargoes, after the 1st of July. I supposed that the homeward Voyage ought, upon every principle, to have been placed upon the same Footing with the outward, and that both should have been considered as forming one Transaction and equally resting upon the Faith of Mr. Erskine's arrangement. Mr. Canning did not appear to be convinced that this was a correct View of the Case; but he took a Note of what I said upon it for Consideration. The Importance of this alteration will depend upon the Manner in which our Vessels may be received & treated in Holland. This is still doubtful, but I hope to be able in a few Days to give you precise Information on that point.

“It seemed to be desirable that, before Mr. Jackson's Departure this Government should determine to avoid the Error of taking formal Exception to your letter of the 17th of April

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to Mr. Erskine; and, accordingly, I availed myself of this occasion to enter very fully into that subject. I need not state in Detail the Grounds upon which I recommended that Mr. Jackson should not be directed or even permitted to attribute to that Letter in his official Discussions with you any thing of that Harshness which had at first been supposed to belong to it. I ought to say, however, that I thought myself bound to contrast the Spirit and Terms of your Letter with the strong Imputations contained in the introductory part of Mr. Canning's Instructions to Mr. Erskine of the 23 of January, which introductory part, as well as the Body of the Instructions, Mr. Erskine was authorized, without any apparent necessity, to communicate to you, and which has, moreover been lately published to the World, with still less of the Appearance of Necessity, through the House of Commons; and that I dwelt, with the same object upon Mr. Canning's official reply to my Letter of the 23d of August last, and pointed out in as conciliatory a Way as possible but nevertheless with great Explicitness the Course of Recrimination which a Complaint by the British Government of the Temper imputed to your Letter would inevitably produce, and how perniciously it might affect the Relations of the two Countries without any Chance of doing Good.

“It was not necessary, or perhaps proper, that I should make many Comments upon your Letter; and I added, in fact, very little to a confident Denial that it was written in any other than a just and friendly Spirit or that it was liable to the Charge of Harshness. The last Sentence of it has been felt with some Sensibility here; but I am inclined to think that no Stress will now be laid upon it. It would be obviously unjust as well as injudicious to do so and although I am quite sure that you would meet, with that Moderation by which national Dignity is best supported, a Disposition on the part of this Government to press this Punctilio into Notice, it certainly is not to be wished that any thing of the Sort should be attempted.

“\*In conversing upon the first of the conditions, upon the obtaining of which Mr. Erskine was to promise the Repeal of the British orders in Council and a special Mission, I collected, from what was said by Mr. Canning, that the Exemption of Holland from the

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Effect of our Embargo & non-Intercourse would not have been much objected to by the British Government, if the Government of the United States had been willing to concede the first condition subject to that Exemption. Mr. Canning observed that the Expedient of an actual Blockade of Holland had occurred to them as being capable of meeting that Exemption; but that Mr. Erskine had obtained no Pledge, express or implied, or in any Form, that we would enforce our non-Intercourse System against *France* and her Dependencies—that our mutual System would, if not re-enacted or continued as to France, terminate with the present Session of Congress—that, for aught that appeared to the contrary in your correspondence with Mr. Erskine or in the President's proclamation, the Embargo and non Intercourse Laws might be suffered without any Breach of Faith to expire, or might even be repealed immediately, notwithstanding the Perseverance of France in her Berlin and other Edicts—and that Mr. Erskine had in Truth secured nothing more, as the Consideration of the Recall of the orders in Council, than the Renewal of American Intercourse with Great Britain.

“Upon the second of the Conditions mentioned in Mr. Erskine's Instructions I made several Remarks. I stated that it had no necessary connection with the principal subject—that it had lost its Importance to Great Britain by the Reduction of almost all the Colonies of her Enemies—that Batavia was understood not to be affected by it—that it could not apply to Guadaloupe (the only other unconquered colony) since it was admitted that we were not excluded from a Trade with Guadaloupe in Peace—that I did not know what the Government of the United States would, upon sufficient Inducements, consent to do upon this point; but that it could scarcely be expected to give the implied Sanction, which this Condition called upon it to give, to the Rules of the War of 1756, without any equivlaent or reciprocal Stipulation whatsoever.—Mr. Canning admitted that the second condition had no necessary connection with the orders in Council, and he intimated that they would have been content to leave the Subject of it to future Discussion and arrangement. He added that this condition was inserted in Mr. Erskine's Instructions because it had appeared from

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his own Report of Conversations with official persons at Washington that there would be no difficulty in agreeing to it.

“Upon the third Condition I said a very few Words. I restated what I had thrown out upon the matter of it in an informal Conversation in January—and expressed my regret that it should have been misapprehended. Mr. Canning immediately said that he was himself of opinion that the Idea upon which that condition turns could not well find its way into a stipulation—that he had, nevertheless, believed it to be proper to propose the condition to the United States—that he should have been satisfied with the Rejection of it—and that the Consequence would have been that they should have intercepted the Commerce to which it referred, if any such commerce should be attempted.\*

“In conclusion I urged the Importance of sending out Mr. Jackson as promptly as possible, with such liberal Instructions as would be likely, if acted upon as they ought to be, to conduct the two countries to peace and Friendship. I was told that Mr. Jackson would probably sail in ten days, and I had much Reason to hope that his orders would not be such as to render adjustment impracticable.

“I shall commit this letter to Mr. Jackson's care. It is rather a prevailing notion here that this Gentleman's conduct will not and cannot be what we all wish, and that a better choice might have been made. I trust, however, that you will find him anxious to reestablish a good understanding with us, and that with some small occasional allowances he will do very well. It must be granted, however, that the Crisis seems to require a minister of mild Deportment, studious to soften asperities, and incapable, from Temperament, of being betrayed into an offensive manner of discharging his Duty.”— *D. of S. MSS. Despatches.*

then, make them ultimata? or if not ultimata, why reject the arrangement of E. for not including them? For as to the first article, if he does not fly from his language to P., the continuance of the non-intercourse against France cannot be denied to be a substantial fulfilment of it. From this view of the matter, it might be inferred that Jackson

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comes with a real olive in his hand. But besides the general slipperiness of his superior, some ideas fell from him in his conversation with P. justifying distrust of his views.

The bearer of this is Mr. Palmer, a young man, respectable I believe, of New York. He is very remarkable as a linguist, and for the most part self-taught. He is perhaps the only American, never out of his own Country, who has dipt as much into the Chinese.

The letter herewith for Capt: Coles, was to have gone by the last mail. If no earlier conveyance shd. offer I beg the favor of its being sent to the post office in time for the next. Be assured always of my affectionate respects.

As we wish not to be from home, in case any of our friends from Monticello should indulge us with a visit, be so good as to drop us notice of the time.

I have mustered up the weather journals, and wd. send them by the present oppy but that they wd. encumber too much. The fall of water I find has been noted for not more than 7 or 8 years. The other items much longer.