

**James Madison to George Joy, January 17, 1810.
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TO GEORGE JOY.1 D. OF S. MSS.

1 September 23, 1809, Pinkney wrote to Smith:

“Mr. George Joy has gone to Denmark with the view of being useful, as the agent of the parties, in obtaining the Liberation of the American vessels and cargoes captured by the Cruizers of that nation. He wished Instructions from me, so as to give an official air to his Interposition. I declined giving any Instructions both because I was not authorized and did not think it at all necessary to do so. I wrote him a Letter, however, giving as much countenance to his object as I could, which Letter he is to make as much use of as he thinks fit.”— *D. of S. MSS. Despatches.*

Washington, Jan 17th, 1810.

Dear Sir, —I have recd your favor of the 10th. Your anxiety that our Country may be kept out of the vortex of war, is honorable to your judgment as a Patriot, & to your feelings as a man. The same anxiety is, I sincerely believe, felt by the great body of the nation, & by its Public councils; most assuredly by the Executive Branch of them. But the question may be decided for us, by actual hostilities agst. us or by proceedings leaving no choice but between absolute disgrace & resistance by force. May not also, manifestations of patience under injuries & indignities be carried so far as to invite this very dilemma?

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I devoutly wish that the same disposition to cultivate peace by means of justice, which exists here, predominated elsewhere, particularly in G. B. But how can this be supposed, whilst she persists in proceedings, which comprize the essence of hostility; whilst she violates towards us rules, which she enforces agst. us in her own favor; more particularly whilst we see her converting the late reconciliation thro one of the Ministers, into a source of fresh difficulties & animosities thro another. For in this light must be viewed her disavowal of Mr. Erskine, and the impressions made thro his successor.

Had the disavowal been deemed essential to her interests, a worse plaister could not have been devised for the wound necessarily inflicted here. But was the disavowal essential to her interests? was it material to them, taking for the test, her own spontaneous change of system, and her own official language? By the former I refer to her orders of April, restricting their original orders agst neutrals, to a trade with France & Holland; by the latter to the conversation of Mr. Canning with Mr. P., in which he abandons as he could not but do, two of the conditions which had been contemplated; & admits that a non-intercourse law here agst. Holland was not a sine qua non. So that the arrangement of Mr. E. was disavowed essentially for want of a pledge that our non-intercourse would be continued agst. France & her dominions. But why disavow absolutely, why at all, on this account? The law was known to be in force agst. France at the time of the arrangement. It was morally certain that if put in force agst. F whilst she was pleading the British orders, it would not be withdrawn if she should persist in her Decrees after being deprived of this plea. And there would be no fair ground to suppose, that the condition wd. not be pledged & stipulated, if required, as soon as the Requisite Authorities here should be together. The disavowal is the more extraordinary, as the arrangement was to be respected till the 20th of July, and therefore with the addition of four or five weeks only would have afforded an opportunity of knowing the sense of this Govt., and of supplying all that was wanted to satisfy the British Ultimatum. This course was so obvious, and that pursued so opposite, that we are compelled to look to other motives for an explanation, & to include

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among these, a disinclination to put an end to differences from which such advantages are extracted by British Commerce & British Cruisers.

Notwithstanding all these grounds of discontent & discouragement, we are ready as the B. Govt. knows, to join in any new experiment, and thro either our diplomatic channel there or hers here, for a cordial and comprehensive adjustment of matters between the two countries.

Let reparation be made for the acknowledged wrong committed in the case of the Chesapeak, a reparation so cheap to the wrong-doer, yet so material to the honor of the injured party; & let the orders in Council, already repealed as to the avowed object of retaliation; be repealed also as an expedient for substituting an illicit commerce, in place of that to which neutrals have as such, an incontestable right. The way will then be open for negotiation at large; And if the B. Govt would bring into it the same temper as she would find in us; and the same disposition to insist on nothing inconsistent with the rule of doing as she would, or rather as she *will*

be done by, the result could not fail to be happy for both.

Permit me to remark that you are under a mistake in supposing that the Treaty concluded by Messr. M. & P. was rejected because it did not provide that free ships should make free goods. It never was required nor expected that such a stipulation should be inserted. As to deserting Seamen, you will find that G. B. practises agst us the principles we assert agst her, and in fact goes further; that we have always been ready to enter into a convention on that subject founded on reciprocity; and that the documents long since in print shew, that we are willing, on the subject of impressment, to put an end to it, by an arrangement, which most certainly would be better for the British Navy, than that offensive resource; and which might be so managed as to leave both parties at liberty to retain their own ideas of right. Let me add that the acceptance of that Treaty would have very little changed the actual situation of things with G. B. The orders in Council wd. not have been prevented,

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but rather placed on stronger ground; the case of the Chesapke, the same as it is; so also, the case of impressments, of factitious blockades &c all as at present pregnant sources of contention and ill humour.

From this view of the subject, I cannot but persuade myself that you will concur in opinion, that if unfortunately, the calamity you so benevolently dread should visit this hitherto favored Country, the fault will not lye where you would not wish it to lye.

Accept assurances of my esteem & friendship