Reflections Upon the Late Correspondence Between Mr. Secretary Smith and Francis James Jackson, Esq.
REFLECTIONS

UPON THE LATE CORRESPONDENCE

BETWEEN

MR. SECRETARY SMITH,

AND

FRANCIS JAMES JACKSON, ESQ.

MINISTER PLENIPOTENTIARY

OF HIS BRITANNIC MAJESTY.

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UPON few subjects of national concern have erroneous impressions been so universally entertained, as upon the late negociation with Mr. Jackson. Deception the most consummate, and misrepresentations foul and disreputable, have even bewildered and misled federalists of rank and distinction. Such an extraordinary occurrence is attributable, alone, to the machiavellian arts, and masterly management of the skilful jugglers in politicks who direct the government of our country.

Holding in their own hands the testimony which must ultimately regulate publick opinion, and apprehending that a fair and equitable developement of facts would produce their own condemnation, all their engines have been set at work to forestal publick opinion, by creating first and false impressions. Fortunately for the honour and security of our country, arts so vile, and practices so baleful, have had but a temporary effect. The delusion is passing off as the falsehoods which produce it are discovered. The motives of our ministers are at length discerned, and from the progress of publick sentiment, it cannot be doubted, that the impostors who have conspired against the true interests and happiness of these states, must soon experience the mortification and disgrace, of being abandoned by every honest man in the community.
All the documents relating to the rupture of the late negotiation and the dismissal of the British minister, being now before the publick, it is a duty especially enjoined upon every friend to his country, critically to investigate the causes leading to this lamentable issue, which the advocates of liberty throughout the globe may yet have occasion to bewail.

Upon examining the correspondence between the diplomatick functionaries of the two governments, there is not a man in the country who, bearing in mind the cause of dismissal originally avowed, will not be able promptly and correctly to decide upon its merits. While the letters of the British minister are to be admired for their energy of style and elegance of diction, they are plain and intelligible and well adapted to the meanest capacity. All classes of citizens may peruse them with a perfect confidence of thoroughly comprehending the subjects to which they relate, so far as the mysterious policy and oblique views of this government are susceptible of explanation. If, after a scrupulous and minute examination of the documents appertaining to Mr. Jackson's dismissal, the dark sinuosities of our cabinet's politicks are not glaringly exposed, it will be ascribable to the reader's blindness or stupidity, not the awkwardness of the diplomatist.

In our "Reflections" upon Mr. Jackson's dismissal, we mean to examine as thoroughly as may be, the documents before the publick, and more particularly the secretary of state's despatch to Mr. Pinkney, which was published in this country as soon as, if not before, it was forwarded to our minister in England, tending thereby to aggravate the difficulties, multiply the embarrassments, and to heighten the delicacy of his intercourse with the ministry of England, if forsooth, it was expected that he would be permitted to continue in the exercise of his diplomatick functions.

By the publication of the instructions to Mr. Pinkney, those diplomatick usages assented to and practised under by all well regulated governments from time immemorial, were
violated. The letter itself abounds with fallacies and misrepresentations vitally affecting the character of our cabinet for veracity, and placing the reputation of the American government in a light which every friend of his country must feel abashed to view. We shall be able before our animadversions upon this letter are brought to a close, not only to display in strong colours the manifest injustice and impropriety of the procedure, but to satisfy every impartial reader that our cabinet has been guilty of a flagrant departure from truth as well as custom.

We shall not deny that there existed inducements too tempting to be resisted, to submit this document to the consideration of the people, before it was received by our minister at the court of St. James. Mr. Madison had too much penetration not to foresee that the decision of the American people would be against their faithless rulers, unless the correspondence should be accompanied by an insidious and inflammatory appeal to their passions and their prejudices.—He was conscious that the case made out and presented to their consideration in the correspondence between Mr. Smith and Mr. Jackson, could not fail to bring odium upon the executive; and knowing that the lips of the dismissed minister were hermetically sealed, he resolved to issue his manifesto, not only containing an artful address to the angry passions of his own fellow citizens, but an appeal to the English people fraught with invidious allusions to their own government. But this, and various other objections of great weight and importance will be more properly reserved, until suggested in the proper order of investigation.

That a government professedly jealous of its reputation for veracity, should publish, in the shape of an instruction to one of its foreign ministers, a statement of which it, at the same time supplies the means of detecting its untruth, implies so strong a reliance upon the power of passionate misrepresentation over the minds of the people, as to render it, if not unsafe, apparently vain to speak to them in the language of
sober truth and reason. Falsehood may obtain a momentary triumph, but truth has so often survived the ebulitions of passion, and confounded the best efforts of prevarication, that it is the duty of every good citizen, who is not overcome by clamour or abashed by the audacity of French partizans, to expose to his fellow countrymen the artifices of the hypocrite, and the ignorance of those who serve him. We must no longer be misled by the delusive hope that with the end of Jefferson's reign, Jefferson's maxims and Jefferson's measures were no more to embarrass and oppress the country—The ruinous policy of this infatuated leader of a faction, is about to return upon us with invigorated influence, and thank God, in the worst of times, men have been found with firmness and consistency to stay the torrent of popular prejudice—men who at all hazards will avail themselves of the right given by their laws and constitution, to hold up to publick scorn and detestation the shuffling conduct of political jugglers.

The first assertion made by Mr. Smith in his letter to Mr. Pinkney, is contained in the first sentence of the letter. In these words:

"My letters in the correspondence with Mr. Jackson, already transmitted to you, sufficiently evince the disappointment that was felt, on finding that he had not been charged to make to the government either the frank explanations or the liberal propositions which the occasion required."

When two men of only ordinary understandings, employ interviews of several hours each for the express purpose of discussing and explaining a subject, and one of them then says that no explanation has taken place, such an assertion, if made by a third person, would be considered as conveying a strong impeachment, either of his veracity or his intellect. But if the discussions then assumed (no matter from what motive) a written form, and the explanations previously given are renewed and enlarged upon, what will be thought of that man's boldness and his regard for veracity, who thus, in the face of evidence furnished by himself, again
asserts that no explanation had taken place. Such a man, is mr. secretary Smith, lately an attorney at the bar of Baltimore. In his letter to mr. Pinkney of the twenty-third of November, he positively asserts that *no explanations had been made*, when a letter supposed to be written by himself, on the first of the same month, contains the following paragraph.

"Yet as the explanation has at length been made, it only remains, as to that part of the disavowed arrangement, to regret that such considerations should have been allowed to outweigh the solid objections to the disavowal."

The explanation may not have been satisfactory, yet if mr. Smith is to be believed, *it was made* anterior to the first of November, notwithstanding he admits the fact on that day and denies it on the twenty-third of the same month. As to its not having been *frank*, there is the strongest evidence in the correspondence, of mr. Jackson's having given the same explanation, verbally, in his first interview with the secretary, which he afterwards committed to writing. But it is always to be remembered that the said secretary professes so bad memory, and of this statesman-like qualification, he does in fact appear frequently to have occasion to take advantage.

But as to the *liberal propositions* that were expected from the british minister, it should not be forgotten that, those which mr. Erskine was charged to make, and about which so much clamour has been since raised, did in fact originate with the american government. The proof of this fact is to be found in mr. Erskine's letter to mr. Smith of the fourteenth of August. This letter is competent testimony to prove a fact against the administration, because it is referred to by mr. Smith himself to substantiate facts in his own behalf.—Mr. Erskine asserts positively in this letter that he was given to understand that, if England revoked her orders in council, this country would keep in force the non-intercourse in regard to France. No matter in what shape
or form, or by what authority, whether that of congress or of the president, but such was the naked proposition made to him, and transmitted by him to his government. It was upon this offer voluntarily made by messrs. Madison, Gallatin and Smith, the instructions of twenty-third of January were predicated and the conditions in these instructions prescribed. If the change in the aspect of European affairs induced our cabinet to repent of the terms proposed and to retract their offer, instead of taking airs upon the occasion, they should at least have discovered some modesty and forbearance upon their refusal to comply with a bargain, the conditions of which originated with themselves.

The second point, that of renouncing during the present war, the colonial trade, from which the United States are excluded in time of peace, was suggested to Mr. Erskine by Mr. Gallatin. He said to Mr. Erskine "that he knew that it was intended by the United States to abandon the attempt to carry on a trade with the colonies of belligerents in time of war which was not allowed in time of peace, and to trust to their being permitted by the French to carry on such a trade in peace, so as to entitle them to a continuance of it in time of war." This piece of testimony is also extracted from Mr. Erskine's letter of the fourteenth of August, admitted by Mr. Secretary Smith to be good authority.

Here then is another important suggestion thrown out by one of the members of our cabinet, and in consequence sent to England for the consideration of the British government.

The third is admitted to have been started in England, and was acquiesced in by Mr. Pinkney. Not only so, but Mr. Smith, touching this point made the following remarks to Mr. Erskine, "you added what had great weight in my mind, that you did not see why any great importance should be attached to such a recognition, because it would be impossible that a citizen of the United States could prefer a complaint to his government, on account of the capture of his vessels while engaged in a trade absolutely interdicted by
the laws of his country."—And yet Mr. Smith now professes to feel such a lively sensibility to the nation's honour, that he bounces at the bare suggestion that the navy of England is to enforce a law of the United States. And yet, notwithstanding Mr. Pinkney's acquiescence, he now says, or Mr. Smith says for him, that his meaning was mistaken; but he nowhere pretends to say that he protested against the idea as offensive, or called it an attempt to execute, by the British navy, a law of congress. This version has been ingeniously adopted here since it has been found convenient for the purpose of rousing the sensibilities of the people, and to excite them against England, and yet we may presume that Mr. Pinkney understands the rights and constitution of his country, full as well as Robert Smith, and ought to understand them better than the English ministry.

Here then are the three tremendous propositions, two of which were actually suggested by our own government, and the third assented to by our own minister plenipotentiary in England. Being thrown into the shape of an instruction by Mr. Canning, they are declared to be inadmissible and offensive, and the mere presentation of them by the British minister for foreign affairs, has brought upon him the charge of indecorum. These are Mr. Smith's words: "In urging it, Mr. Canning has taken a ground forbidden by those principles of decorum which regulate and mark the proceedings of governments towards each other." This indecorous remark has been made by Mr. Smith since the change of ministry in England, and is a mean and contemptible mode of gratifying an old resentment against a minister who so well understood the interest and honour of his sovereign.

But let us for the sake of the argument grant the whole enchainment of their argument. Let us suppose that Mr. Erskine, did misunderstand Mr. Madison, Mr. Gallatin, and his good friend Mr. Smith. In consequence he sent to England an erroneous statement of their sentiments. Mr. Canning adopts his error and under such erroneous impressions
writes his famous instructions of the twenty-third of January. Upon the receipt of Mr. Erskine's arrangement, the mistake is discovered, and he sees that in his anxiety to gratify the American government by removing the orders in council, he has proposed something for that purpose, which although it came originally from themselves, they now declare to be inadmissible and offensive. What does Mr. Canning then? Does he insist upon these offensive terms? Does he make them a *sine qua non* for holding any further communication with Robert Smith? No—he simply says, "we have been under a mistake—either you did not explain yourself well, or we misunderstood you. This is not what you wished for—but we are still desirous of coming to terms with you; be so good as to let us know what it is you really want, and we will see if it be possible to agree to it."

Such (reduced to familiar language) is the sum and substance of Mr. Jackson's overture gathered from his letters, and of the liberal propositions which Robert Smith says he did *not* make.

But as it is by a *quibble* that Mr. Madison and Mr. Smith both flatter themselves to get round the charge of misrepresentation in solemnly declaring that Mr. Jackson was not authorised to substitute any propositions to take place of the arrangement disavowed, it ought to be remembered that *it was not England that first made propositions to get rid of the orders in council*. She never pretended to be otherwise than well satisfied with them. It was our government that complained of them, and made proposals for their removal. If therefore those proposals fail, especially if it be on her side they fail, we, and not England, are bound to substitute other "*liberal propositions"* in lieu of them. But if we do not, has England complained and by means the most unjustifiable attempted to excite a fermentation against this country, and throw their actual relations both commercial and political, into a state of inflammatory confusion? No—England says through her minister, "if you are no longer satisfied with
terms of your own proposing, it is well, you cannot blame us for it. We like our orders in council—let things remain as they are. We are only brought back to the point from which we started when Mr. Erskine proceeded to make his unauthorised arrangement." This is what Mr. Secretary Smith calls an endeavour to resume the arrangement of April.

Now if this language of the British minister has any meaning, it is that he wished to resume that subject, only so far as it might suit the views of this country. If we chose not to resume it, but to increase the difficulties already existing between the two governments, the British minister was of course well satisfied to let things remain as they are, viz. to leave in force both the orders in council and the non-intercourse act.

It is this indifference, probably, that constitutes the essence of his offence—Of the manner of his committing it, as depicted by Secretary Smith, we shall hereafter speak. In the mean time, we again earnestly entreat those who undertake to decide upon the merits of the negotiation, and enter into vehement debates without understanding the subject, to read the correspondence with that attention, which the subject certainly deserves.
MR. secretary Smith, in his extraordinary despatch to mr. Pinkney, betrays the real matter of offence given to our government by the british minister, to consist in his wish, "to bring into discussion the object of the april arrangement, in a way that would imply that we were aware that it was not binding on his government." This implication is the sum total of his offence, though many improper and irrelevant allusions have been brought in aid of the charge.

That the idea and dread of such an implication, should be uppermost in the guilty minds of those who knew that they had seen the whole of mr. Erskine's numbered despatch, and who were afraid of being detected in an untruth and in a base act of duplicity and seduction towards unsuspecting innocence, is most natural. But let us enquire whether this "implication," this "gross insinuation," is any where to be found in mr. Jackson's letters.

If the misconduct, of which Robert Smith is suspected—and the more suspected from his over anxiety to clear himself of the suspicion; if the official proof of this treason to both countries, of having concluded with mr. Erskine, an arrangement, with the knowledge, that his instructions did not authorise it, is to be found any where, it is in the fact of his having communicated to the secretary of state his instructions in extenso. If this was done, no other evidence need be adduced of secretary Smith's guilt. How then does mr. Jackson treat this point? In his first letter, he says, it was not, on his leaving England, known "whether mr. Erskine had, according to the liberty allowed him, communicated to you in extenso his original instructions.—It now appears that he did not." Here then is a complete acquittal of the offensive charge which he is supposed to
have brought: an acquittal that would have satisfied any but a guilty conscience. It matters not whether Mr. Jackson, really believed in the negative, of what he thus subscribed, it may even reasonably be supposed, if we allow him but a moderate share of penetration, that he did—but he took the assurance of the secretary of state as it was given, and as one to which he was bound officially, whatever his private opinion might be, to give credit. He thus expresses himself: "As you declare that the despatch was not communicated in extenso, I must suppose it was not." Had he meant to offend, or to give the lie to our government, as has been falsely asserted, would he have held this language? Had he even wished to prove upon them the fact of which they were so suspiciously anxious to clear themselves, would he have pronounced this unequivocal acquittal? Certainly not. He appears only desirous of stating what Mr. Erskine's instructions really were, in order to prove, by showing how far they had been violated, that his government had a right to disavow the arrangement. How could he do this more pertinently than by referring to what the secretary of state himself declared that he knew of Mr. Erskine's instructions. By his own confession, the three conditions were made known to him, and to them Mr. Jackson always refers, not by implication, but specifically. He says, you knew the conditions; compare them with what was done, and you will at once see how the instructions were violated. Had he meant to make a gross insinuation he might have referred to something that Secretary Smith was, or pretended to be ignorant of. He might have maintained that he knew something which he professed not to know, and was important to be concealed. Had Mr. Jackson's object been to insult, he would have done this, instead of always bringing him back to what Mr. Smith himself confessed he did know. He could therefore, mean only what was the obvious and unavoidable purport of his assertion; and none but a guilty conscience, would have been so strenuous in requiring of him, to unsay that which he had not said.
As to the responsibility of the British government for the disavowal, it appears nowhere to have been denied. On the contrary, it was admitted, and acted upon by the British secretary of state, both in his communications with our minister at London, and in his instructions, first to Mr. Erskine, and afterwards to Mr. Jackson. Through each of these channels did our government receive full and ample explanations of the disavowal—explanations such as they ought to have forebore to demand, conscious as they were, that they had seduced a weak minister to an act which they knew was contrary to the interest, the honour and the intention of his government. As to the frankness of those explanations voluntarily given in the first instance, and afterwards repeated, nothing could exceed them.—As soon as the news reached England, Mr. Canning communicated in extenso to Mr. Pinkney, his original instruction to Mr. Erskine. Our minister was also unreservedly informed of every thing that bore upon the then state of the case, and Mr. Jackson came, as he offered to prove to our government by exhibiting his power, fully prepared to enter into every part of it, and it will not be denied, actually employed several hours in explaining to our government the motives of what had been done by his own. But still this was not sufficient. Something more was required of him. He was still asked for explanations, as if none had been given. If the truth were known, it is more than probable that our cabinet was weak enough to expect an apology. We take it for granted that whatever may have been the individual wish of Mr. Jackson upon this subject, his government did not authorise him to apologize, inasmuch as they were justified by the laws of nations and the principles of justice in disavowing the unauthorised act of their agent. As to the explanations, we repeat that even the narrow intellects of Secretary Smith must have recognized the motives of the disavowal. The framers of that arrangement might have considered them insufficient, but it can hardly be said that they were not very clearly and unequivocally specified.
Secretary Smith says it was thought best, in the first instance "to repel his observations argumentatively." And what pray are the arguments he adduces in reply to Mr. Jackson? Why that his declaration of Mr. Canning's despatch being the only despatch in which the conditions were prescribed to Mr. Erskine was then made for the first time. And what is there surprising or objectionable in this? Who would have ever thought of making such a declaration until it was asserted that Mr. Erskine had been furnished with double instructions, and until it was attempted to rest upon so gross a fabrication a charge of the most infamous nature against the British government. And after all, what was there in this declaration and counter declaration of the two parties that could be construed into an offence?—They might have been both true, and yet of a nature not to give umbrage to either party. Where then is the insult to be found? Where does the offensive part of the correspondence begin? It commences in Secretary Smith's letter of November first. Till then there had been arguments and assertions made on both sides, conveyed indeed in that kind of strong language which is usual in diplomatick controversies, but no where transgressing the bounds of decency or diverging from the limits of civility or decorum. But in this letter, the secretary of state, as if he were at a loss for argument, and had exhausted the whole stock of his ingenuity, begins calling names, and in the place of reasons advances pointed and offensive epithets. He tells the British minister that his allusions are "irrelevant and improper."—Is this a becoming language for one minister to hold to another at least upon an equality with him? Would it be brooked in private life? Who was it that constituted Robert Smith a judge over the conduct of a foreign minister in advocating the cause of his government? It is true that he had before erected himself as the arbiter of the honour of sovereigns, and declared that he knew best what comported with the honour of the king of England. The minister might therefore have no right to be
surprised at being no better treated than the sovereign who sent him; but it is not every man who will tamely submit to the "premonitions" of Robert Smith, whether addressed to his government or himself; and the secretary has here got, according to the vulgar saying, his Rowland for an Oliver.

It is clear then that whatever there may be offensive in this correspondence, originated with the american minister, and that Mr. Jackson was called on to repel an insult offered to his sovereign in his person. It was easier no doubt, after this, to put an end to all communication with him, than to show by fair argument that he was wrong. That course was therefore preferred, especially as it had the additional advantage of getting rid of a man whose pliability was not brought into the form which suited the secretary's accustomed mode of business.

As to the avowed motive of "shutting the door" upon the british minister, it has been seen that the insulting declarations, not insinuations, came from Mr. Smith, and that he had made such "disclosures" and in such a spirit as would sooner have put an end to all discussions, if it had not been the determined purpose of the british minister to suffer no difficulty to interfere with the interest which as he says, "both nations have in fostering a mutual and solid friendship and cordiality."

We cannot close this article without once more referring to Mr. Smith's complaint that sufficient reasons had not been alleged for the disavowal.—We have heretofore fully replied to this part of the complaint, but we omitted to notice that, cogent reasons were advanced why the honour of the english government could not consent to a repeal of the orders in council until the object of them should be answered in some other way—That is until there was an assurance on the part of this government to resist the french decrees. The honour of the english nation required such an assurance—Not that kind of honour which would "cower under the imperial eagle for protection," and tolerates the insulting man-
dates of one government while it denies the just rights of
embassy to another;—not that kind of honour which calls the
seizing, burning, and plundering of our vessels mere "tres-
passes," which while it palliates a cowardly neglect of our
"seafaring brethren" who are pining in French dungeons, by
traducing their characters, encourages the tyrant's outrage.
Not that kind of counting-house honour graduated by profit
and loss, but that which, bottomed on national glory and na-
tional happiness, exhibits to the world the god-like spectacle
of a nation fearlessly asserting her rights, whilst the rest of
the world is supplicating mercy at the footstool of a ruthless
tyrant.—It is indeed a consolation to every lover of the
country to know that "from whatever countries ho-
nourable and manly resistance to such a spirit may
have been banished, it will still be found in the
sovereign of the British nation, and in the hearts
of his subjects."
NUMBER III.

SECRETARY Smith observes in his despatch to Mr. Pinkney, that he "will not dwell on his (Mr. Jackson's) reluctance, to give up the uncertainties of verbal for the precision of written discussion." We agree with the secretary that the less he said upon the subject the better.

In the first place, nothing could be more ungracious than such a general prohibition to a minister who was just arrived, and who was not charged with having given rise, in his conferences, to any misunderstanding. If our cabinet considered the negotiation to have arrived at that state of maturity that, it was advisable to reduce the respective propositions of the governments to writing, the correct course would have been to write a letter to the British minister without announcing their determination to withhold from him the privilege of verbal communication. Such a letter he would of course have answered, and thus a written, instead of a verbal discussion would have been engaged, without our government being chargeable with the abrupt and offensive step which they took in less than a fortnight's negotiation with a new minister, of whose dispositions and instructions they certainly knew, that he professed to be well disposed to a good understanding between the two countries, and if we are not deceived, gave some acknowledged proofs of it, and that he considered his instructions to be consonant to such a state of things. For what is the obvious meaning of this inhibition, coupled as it was with the clamorous complaint made by the government of the disavowal of Erskine's arrangement? Why, that as there had been a misunderstanding between him and Robert Smith, and Albert Gallatin, and as England had broke her faith, no credit ought henceforward to be given to her minister, who ever he
might be. The meaning of the matter was so clear that the British minister could not fail to draw the correct inference; and will any man of sense or honour advance the opinion, that a minister in the very outset of his negotiation ought to submit to so gross an insinuation without noticing it in distinct but decorous terms? Unlike France, the British nation has always preserved at least the appearance of being tenacious of her honour and good faith, and the minister would have misrepresented his sovereign, who could pass by such an "implication" without noticing it in a pointed manner.

When it was seen how he regarded the "insinuation," a shuffle was contrived to say that it was not meant to be "a general prohibition of all verbal communication whatever." It was merely confined to this particular occasion. Now this is in direct contradiction to the secretary's first intimation—but if we are not misinformed, he did in his goodness let the British minister know that he should be glad to see him at any time, and to converse with him upon any indifferent subjects. That is, to converse with him unoffically upon official subjects, or privately upon subjects of no concern at all. Most excellent! We can easily conceive Mr. Jackson's amazement at having it suggested to him, that he was come four thousand miles for the sake of enjoying Robert Smith's agreeable conversation upon indifferent subjects. We should like to know what "all the Smiths" would have said if Mr. Jackson had opened his mission by declaring that he could only talk to our government about the properties of a little crustaceous animal called the terrapin, about the Indian summer, the beauties of the Potomack, or the Washington races and the misadventures of poor Post-boy; but that if they wanted to know any thing of business, he would write them a long letter, and they must give him an answer which would lead neither party to the point.

Mr. Jackson knew, and all the world know, that there was never yet a difference adjusted and a treaty concluded solely by written discussions. Such a thing is scarcely prac-
ticable, especially when there are many points of uncommon delicacy and intricacy to be adjusted. Foreign missions would be idle if such a practice were to prevail, and we had as well at once order home all our ministers abroad, and declare war against every power with whom there is an exchange of ministers. We have already seen in the April arrangement where two ministers sat at their desks, and write at each other, and, without coming to any conversation, which might in five minutes obviate misunderstandings, they blunder on until at last they put their hands to something which throws two nations in a flame.—Many are the cases (and this was one of them) in which warmth of feeling and some asperity of sentiment was to be expected. Is it not the business of ministers to calm the one and to soften the other? Mr. Smith desired to do neither. He foresaw the consequences and was eager to arrive at the result. He knew that in conversation expressions can be modified and softened so as to deprive them of their irritating qualities. Many circumstances can be dropped or thrown into a shade, and if those who treat are sincerely disposed to accommodation, they will find means (unless they be more ignorant and awkward than Mr. Attorney Smith) to satisfy what the sensibility of their own government demands without grievously wounding that of another. This appears to have been the object of the British minister from the manner in which he treated the offensive expressions gratuitously brought forward by Robert Smith in his note of the eighteenth of April. It was impossible, we will not say for a sovereign, but for any man, to submit to the impertinent sneer of a pettifogging attorney, although chance may have invested him with the robes of office. It would have been very “becoming the occasion” to have plucked all the fine feathers from the jackdaw’s tail and to have exposed him to the laughter of his fellows.—But the British government through her minister, did not think fit to permit the interests of the two nations to be sacrificed to the vulgar and unseemly incivility which Robert
Smith thought "becoming the occasion." Upon the whole we may conclude that, written were preferred to verbal communications, because the cunning secretary could not draw upon the ingenuity and abilities of Mr. Madison in his conferences, both of which could be consulted and brought into active employment in a correspondence.

But it is said that additional illustration is given by Mr. Jackson's letter of the utility of written discussion. Certainly, if it was beforehand intended to put into his mouth things which he had never said, he ought to be the first to rejoice at the course that was taken.—We find indeed in the subsequent part of his correspondence, that he is well pleased at it. He had soon occasion to be so, as we see that he directly and distinctly denies a very material part of the statement imputed to him by Robert Smith. He even shows, not only that he did not, but that from the secretary's own version he could not; it was not possible that he should have made that statement. He shows that there was as well absurdity as falsehood in imputing it to him, for that it was obviously in contradiction with another part of the secretary's own representation. To get rid of this difficulty, as usual, a quibble has been resorted to. It is now stated by Robert Smith and the hirelings of the faction which supports him, that Mr. Jackson says he could not have made the statement with the particular view which seemed to be supposed, and it is more than insinuated that he did however in fact make it.—Now a recurrence to what that "particular view" must be, will sufficiently show that the statement was not and could not have been made at all.

It is observed to Mr. Jackson, that he had disclosed his instructions which prescribed certain peremptory conditions. He says, I do no such thing.—"I make you no proposals, suggest no conditions, but am to receive proposals from you; —when you have made them, I will tell you how far I can accede to them—I will tell you what my terms are." Mr. Jackson had nothing to do with the conditions or terms ac-
ceded to by mr. Erskine, except to give to our government "good and solid" reasons for the disavowal. This he did, although it had been previously done in England to mr. Pinkney, by communicating to him in extenso the violated instructions. Mr. Canning then, on the twenty-seventh of May, in a note to mr. Pinkney, informed him that mr. Jackson would not come to this country "on any special mission (which mr. Erskine was not authorised to promise, except upon conditions not one of which he has obtained,) but as the successor of mr. Erskine, whom his majesty has not lost a moment in recalling." Mr. Jackson then, was avowedly not sent upon any special mission, which our government knew, and therefore any apology from him, or propositions to be substituted to the disavowed arrangement was not to be expected, nor were they necessary.—The arrangement being lawfully annulled, he was to enter upon the negotiation as though no such arrangement had ever been made. Each government was to resume its former attitude; which made us the party making propositions for the repeal of the orders in council, and not England begging to get rid of our non-intercourse act, which in fact she really appears to regard with a perfect indifference, although it was boasted as the mean of forcing her to terms.

Here then we see the "particular view," viz.—that of answering by anticipation, mr. Smith's proposals. But as Robert Smith is a great adept at confounding things in themselves most distinct, is it not possible that mr. Jackson may in some other way, have stated what the pretensions of his court had been? Is it not likely that he told the secretary what mr. Erskine ought to have obtained instead of the only favour, that he did obtain, that of the renewal of trade; and the secretary mistook this for a fresh proposal of the british government? If we combine this strong presumption with secretary Smith's avowed defect of memory, and with the other parts of mr. Jackson's letters, we shall easily disentangle the subject from the maze in which our government, by
its insinuations, implications and innuendoes, is now endeavouring to involve it, to the confusion of the understandings of those who are about to decide on the merits of the question. What then must be the degree of assurance that would intimate that Mr. Jackson had not essentially objected in the first instance to the statement laid before him of the overtures which he had made by word of mouth? and what are we to think of the pertinacity with which, in spite of his constant and repeated denial, the same statement is attempted to be palmed upon him, merely for the purpose of holding out to the people of this country, that Great Britain was making proposals offensive to its dignity and derogatory to its sovereignty.

As for the partial and inconsistent views of the subject, which are said to have taken place of its real merits, that is the question which essentially belongs to the two governments. If the British minister has been so deficient in his logick, and so superior in sophistry to the lawyer that he had to do with, that lawyer will doubtless have to plume himself upon an eminence which he has not heretofore enjoyed, and he will no doubt consider it as a farther recommendation to that promotion to the bench of our national judicature, which those who are anxious for the prosperity of our foreign affairs look forward to with so much impatience.

From the view which we have so far been enabled to take of the secretary's despatch to Mr. Pinkney, we have made it appear with very little difficulty that, that extraordinary document abounds with misrepresentations, prevarications, and inconsistencies. From the style and matter of the latter, and more particularly its communication to congress and immediate publication, it is evident that it was designed for the people and not for Mr. Pinkney; and we think it is no mistake to say, that much of the despatch is directed particularly at Mr. Jackson, for the low and ignoble purpose of wounding his feelings. It is in this way that lawyer Smith's vengeance is to be appeased and his overflowing resentment
to be gratified. But it should be remembered that such a procedure, instead of exalting the dignity of the nation and advancing its prosperity, will have the effect of depreciating our national character and increasing the difficulties in which our foreign relations are involved. Abroad and at home, the respectability of our government was already sufficiently sunk in the estimation of those whose opinions are to be valued, but it is doomed to be depressed still lower by the weak and intriguing administration of Madison and his cunning attorney Smith.
NUMBER IV.

We now come to the main subjects of controversy between the two governments, and we find that secretary Smith has made the wonderful discovery that, with respect to the orders in council, the ground of the disavowal is the difference between the arrangement and the printed despatch from Mr. Canning of the twenty-third of January. It is true that this had been often repeated to him by the British minister, as likewise the fact that the ground of the disavowal as to the affair of the Chesapeake, was the difference between the arrangement and Mr. Erskine's instructions, but by some, even for Robert Smith, unaccountable density of intellects, he never could understand it, but was continually calling for the explanations of an explanation. He was either obstinately blind and wilfully perverse, or he was incapable of comprehending plain and unequivocal language. He seemed to have a fancy for a tale twice told, and for the want of something to say himself, he wished it told again.

After demanding innumerable explanations, and cudgelling his brains, the aspiring secretary at last stumbled upon the true cause of the disavowal, and sets himself very gravely to work to show that the cause is a very bad one. That such should be the opinions of both Mr. Madison and his secretary is nothing surprising. After closing a bargain with a seduced minister, by which they freed themselves from the obnoxious measures and fatal policy they had been pursuing, and at the same time ridded themselves of the orders in council without the smallest sacrifice, and also, by means of the arrangement, gained the little incidental advantage of carrying their elections in Maryland, New-York, &c. they could not help feeling a reluctance at the loss of those tem-
porary advantages—But in arguing the matter fairly, and examining the propriety and legitimacy of the cause, not only as americans, but as impartial judges of the affairs of nations. Mr. Smith's view of the subject will not suffice. We must enquire whether the cause be consistent with right and justice; and even Mr. Madison himself has not ventured to deny it, although he abundantly insinuates it in his message to congress, and through the whole course of his correspondence with the british minister. On this point we would recommend Mr. Madison rather to adopt the sentiments of that minister, who spurns at the imputation of having "uttered an insinuation where he could not substantiate a fact."

But let us see how the secretary treats the three points of this difference.

As to the first, "the colonial trade," he asks why, as it has become of little practical importance, has it been made a ground of disavowal? We will tell the gentleman. It was done for these three obvious reasons we presume:

1st. Because it was necessary to the retaliatory system adopted by England against France.

2nd. Having become of such little practical importance, it was not asking any great favour or concession of the United States, especially as England has always denied their right to such a trade.

3d. Because, above all, a cabinet minister of the United States had told Mr. Erskine that he knew that it was intended by the United States "to abandon the attempt to carry on a trade with the colonies of belligerents in time of war which was not allowed in time of peace."

Under those circumstances, what could have been more natural than that the british government should avail itself of an intention thus announced, which also tallied with its own views, in order to come to an agreement, which by conciliating the wishes of this country, would remove the ground of past differences.
But the colonial trade is, it seems, nowise connected with the orders in council. Why then was the renunciation of it by America so strongly urged by Mr. Gallatin, as a mean of coming to an arrangement, of which the revocation of the orders in council, was to be the principal feature? This subject might not have been introduced had it not been for Mr. Gallatin. He alone is chargeable with the share it has had in frustrating the desired arrangement.—It would have been easy for England to have relied upon the non-intercourse act of this country, or if that were thought insufficient in the West-Indies, as it was known to be in Europe, an order in council specially applicable to that particular case, may have been resorted to by England, and thus found its way into the instruction of the twenty-third of January.

But it seems this was a mistake—this was not the meaning of the secretary of the treasury—he pretends that he said no such thing to Mr. Erskine.

It is impossible not to observe how frequently, but how very opportunely these mistakes occur.—Mr. Gallatin is mistaken, Mr. Pinkney is mistaken, and yet these mistakes have always the effect of holding out an advantage to another party, in order to obtain something in our own favour, which advantage we think it afterwards better to withhold—and wonderful to tell, these mistakes are only discovered when it suits the views of one party to raise a clamour against the other. Had there really been a mistake with Mr. Gallatin, what could have prevented Mr. Erskine from finding it out? From the beginning of 1808, the time when the conversation is stated to have taken place, until April, 1809, when the arrangement was made, Mr. Erskine continued at Washington, during the whole period, had frequent conferences with Mr. Gallatin, and therefore abundant opportunities of correcting first impressions, if there had been any idea that they were erroneous. Still Mr. Smith tells Mr. Pinkney, (and who would not believe a man of Mr. Smith's veracity) that this condition originated in a mistake, and he has the assurance
to ask why has it been persisted in after the error was made known? To this a very simple answer may be given—it is that it has not been persisted in. We refer to the correspondence to support the assertion. Does not Mr. Jackson, in every letter he writes, and in various paragraphs of each letter, state and restate this, even to satiety? and as Mr. Jackson is supposed to be a man of an irritable temper, we give him credit for much patience and forbearance in not suffering it to be ruffled by the frequent "gross" and intentional misrepresentations of his language, which was conveyed in the most unequivocal terms, and corrected afterwards according to the secretary's own suggestion. By what milder name can we call Mr. Smith's perverse misstatements, but gross and intentional misrepresentations, made with a view to lead Mr. Pinkney into further errors and mistakes, and unjustly to prejudice the people of England against their minister. When Mr. Jackson saw things repeatedly and by main force thrust into his conversations and correspondence which he had repeatedly and solemnly denied and protested against, what must he have thought, as well of the personal respect towards him as of the sentiments entertained towards his country? Such hardihood and "gross indecorum," however, Mr. Smith may have thought it "becoming the occasion," would have irritated any man, and ought not to have been tolerated. Yet we find, Mr. Jackson, in strong but dignified language reiterating his explanations in language, which would defy the "quirks and quibbles" of any but a cunning attorney.

This conduct of Mr. Smith is the more provoking and blameworthy when we recollect the avowed cause of the unprecedented and unauspicious treatment which Mr. Jackson has received at the hands of our government. Imputing to our government something that they denied, was made the plea for Mr. Jackson's dismissal, and yet Mr. Smith with perfect impunity, asserts, reasserts, denies, contradicts, puts words in his mouth which he never used, and to cap the
climax of his rudeness roundly accuses the minister with "improper and irrelevant allusions."—Such conduct in our secretary was considered the quintessence of diplomatic firmness and propriety, but would cut the thread of an English envoy's existence.

Suppose Mr. Jackson had really been so "indecorous" as to represent Mr. Madison as saying in his official letters things that he had assured him that he had not said, and did not mean to say, and was to repeat this in the most solemn manner, what, according to the rule of action adopted by our government, would have been done? Why according to our own principles, and the spirit of the late proceedings, he would not have been allowed to remain an hour in the District of Columbia. He would have been sent off even before it could have been known to our friends at Paris, who would thus, for once, have been taken by surprise in their calculations of our "complacency."

Let us suppose further that the "odious and execrable" minister Canning, (whom a sage member of our legislature said he would have burnt* upon Gallows Hill if he had been there) had made Mr. Pinkney appear to say things that he never did say, and insisted upon his unsaying what he had not said;—suppose our minister to have been grossly insulted "by implication," and then to have been dismissed for doing what in fact he did not, but Mr. Canning himself had done, what we ask, would have been the feelings of the American people? All parties would have united in one voice to demand reparation for the insult.

Is there no reciprocity of rights and duties between a foreign minister and the government which receives him? If such conduct be not personally offensive to the ambassadour.

* In the debate upon Mr. J. H. Thomas's resolutions disapproving of the embargo, general Stansbury uttered these memorable words: "We did burn the gin on Gallows Hill, and with it the orders in council; and if Mr. Canning had been there, we should like to have burnt him too."
of a great power thus wilfully to misrepresent his meaning, it at all events, shows no disposition to come to friendly terms with that power. From the commencement of the negociation, nay before it had commenced, our government betrayed a fixed determination to thwart all the efforts of England to adjust our differences.

In the course of the negociation mr. Jackson so often told our government that he did not propose or look to the terms of mr. Erskine’s arrangement, that we might almost tax him with the intention of manifesting an offensive indifference to us, and since the government were determined to be offended, they might rather have fixed upon this than their own ground for the purpose, for he twice said in the course of a fortnight, that “it was a matter of indifference whether the order in council be continued, or an arrangement by mutual consent, substituted in its room.” Whose fault is it then if the orders in council have not been repealed? Our government has made no attempt at an arrangement with mr. Jackson or they may have been rescinded.
NUMBER V.

Mr. Smith informs Mr. Pinkney, that "another point in the despatch and not in the arrangement is that the British navy might capture our trade to ports prohibited by the United States."

The indignation of our doughty secretary has been marvelously excited by the mere suggestion of a compact so dishonorable to an independent nation. He assails his brother secretary in England with about the same vigour and effect that the knight of La Mancha displayed in attacking the windmills. Mr. Canning was known to be out of office, and therefore our valourous Baltimore secretary very nobly kicks at him as he is down. It is true that this is done with somewhat more decency than by the renowned senator from Virginia, but it must also be true that the vulgar and disgusting topicks of abuse against Mr. Canning, with which his speech is replete, were furnished by the authors of the paragraph of the despatch to Mr. Pinkney.

Here we have again one of our convenient mistakes, and Mr. Canning has "indecorously" persisted in it. Here too we say, as we said before, that he has done no such thing; and we say more, viz.—that the president and his secretary knew that he did not, at the very time they penned their despatch to Mr. Pinkney which we are considering. They had been told over and over again that "there was no wish whatever entertained in England that the British navy should be employed in executing a law of Congress." This is a written declaration made by Mr. Jackson in his correspondence with Mr. Smith, and yet in the face of truth the matter is otherwise represented to Mr. Pinkney, that they might have a ground of clamour against England and the British navy. We call upon Mr. Smith to say whether misrepres-
sentations so palpable and unbecoming, comport with the honour and dignity of a private gentleman, much less a secretary of state? Was it not most eminently "forbidden by those principles of decorum which mark the proceedings of governments towards each other?"

But the British minister is said to have glossed this extraordinary idea, which is now magnificently called an attribute of Mr. Madison's sovereignty, not to be approached but with a degree of awe and reverence "becoming the occasion." It does appear that the British government was willing to go so far as to make it a matter of solemn compact between the two countries, and would no doubt have parted with as much sovereignty as it gained, as we are so fond of a quid pro quo.—But what does Mr. Erskine say that Robert Smith told him touching this point of controversy? It is very possible that he did not mention it to Mr. Madison, further than the sly peep which he may have had at Mr. Erskine's despatch—But at all events this part of the subject appears to have been submitted to him (Robert Smith) and as he says, strongly urged. Well, what appear to have been Mr. Smith's impressions at that time? Does he fly in a passion and call it an invasion of our national sovereignty? No not at all, he rather encourages Mr. Erskine to suppose that no great objection will be made to it. He merely intimates that it might be rejected in a certain form—that it is unnecessary, because the thing could be done without any stipulation. It was a thing to which no great importance, in his opinion, could be attached, for, says he to Mr. Erskine, you have only to capture our vessels under the circumstances you describe; "it would be impossible that a citizen of the United States would prefer a complaint to his government on account of the capture of his vessel while engaged in a trade absolutely interdicted by the laws of his country." Hence what would be an invasion of national honour and sovereignty when reduced to the form of a compact, is entirely innocent and admissible when done as a matter of implied right.
Those who were willing to think favourably of Mr. Madison, would have thought that a sense of feeling for the dignity of our diplomatick intercourse with other nations, if not in mercy to himself and secretary, would have brought him to a pause before he penned the pompous paragraph about sovereignty, and printed it in the same collection, where it would travel cheek by jowl with the clear and unsophisticated paragraph quoted from the conference of the secretary. As to the necessity of the condition itself, or some equivalent for it, no man who knows the practice of merchants will doubt of it. It cannot be doubted, and even our cabinet will not pretend to say that the far-famed non-intercourse law is an equivalent for it. If they do, they will find themselves as much at variance with the treasury, as we have just shown they were at variance with their foreign secretary.

Would not the English have been the verriest ideots, if they had believed that American vessels would have abstained from trading with France, when the non-intercourse act as regarded England was removed. They know too well how far this act is efficacious in regard to themselves, to trust to its strict observance towards France. They know that, in spite of all our acts and proclamations and penalties, they have and will continue to have as much of our intercourse as they choose, and knowing this they are determined that France shall not enjoy the same advantage. They blockade the ports of France and Holland because they know we have not the power to do that which their navy does most effectually, viz.—prevent our citizen generals and general citizens from running into a french port. Is it not an undeniable fact that in spite of our restrictions, vessels are every day sailing for England, by which not only the laws are broken, the people demoralized, but we are deprived of the use of our best vessels and best seamen, who either remain in Europe, in continued violation of our laws, carrying on a trade with foreign nations, or are forced by want of subsistence to enlist in a foreign navy?—If therefore we had been sincere in our
restrictions upon the trade with France, we ought to have entertained different feelings towards England, than those of indignation for her proffered assistance. It cannot be doubted that we should derive the same aid from the French navy in executing the non-intercourse law in regard to England, if the said navy dared but show itself out of its own waters, but in the latter event perhaps we should feel more grateful.

We have at last come to the third condition “which alone properly belongs to the subject.” It requires as a sine qua non of the revocation of the orders in council, that the non-intercourse act should be repealed as regards England, and left in force as regards France.

The worthy secretary tells us that these two things were in their nature incompatible. If this be true, why were they held out to Mr. Erskine as a lure to induce him to propose to his government the revocation of the orders in council? This very condition originated with our cabinet, and was only adopted by Mr. Canning from Mr. Erskine's reports of his conversations with Mr. Madison and Mr. Smith, and from a previous overture made by Mr. Pinkney, in consequence of instructions from these very ministers. If, when this condition of American origin, came back to Washington in the despatch of the twenty-third of January, it was found that there had been such a multiplication of mistakes that even the chief magistrate as well as his several secretaries had been represented as proposing a thing which he had not the power to perform, the simple course would have been to have said so at once, and for Mr. Erskine to inform his government that what they had contemplated was impracticable. The American people in this way would have known that it was to that interpretation of our constitution that the continuance of the orders in council was owing. Mr. Madison is answerable only for a part of this embarrassing dilemma. He and his man Friday no doubt supposed that they were showing a wonderful specimen of their diplomatick address in
throwing out a bait for the British minister's credulity, but Mr. Erskine is still more seriously responsible for having lost sight of his instructions, and accepting terms diametrically opposite to them. This however, as has been stated, is, "a question essentially between him and his government."

However, since we have been told so by such high authority, we must admit that this condition was at variance with our constitution. In that case no arrangement ought to have been made, and some one of the various expedients now stated as having been incumbent upon Great Britain, might have been suggested by us for her adoption. But it is said that it was the duty of England to know and attend to our constitution, to have acquiesced in the effects of it, and been satisfied to infer from the spirit of our former communications that we meant to do her justice. The nature of our constitution is a question dehors the dispute between the two governments. The British or any other government has nothing to do with the nature of our constitution but through the executive. Would it accord with the "principles of decorum which mark the proceedings of governments towards each other" for one government to insinuate that the ministry of another government did not understand its own constitution? or made propositions repugnant to that constitution which they could not lawfully perform? The British government was bound to believe that Messrs. Madison and Smith were competent to carry into full effect any arrangement which they might propose, and if they possessed not the power to do so they ought not to have made the arrangement. It is ridiculous to suppose that other countries will sacrifice their interests out of tenderness to the various interpretations which might be put upon our constitution. Indeed Mr. Madison and his secretary were so anxious to complete the arrangement of April, that they disregarded all legal considerations to accomplish their purposes. As we have conclusively shown upon a former occasion, Mr. Madison violated the act of Congress by renewing commercial intercourse
with England before the orders in council had actually been repealed. His proclamations renewing and suspending intercourse with England were both promulged in direct violation of the act of congress. But mr. Madison anticipated so many important advantages by the april arrangement, that he could not resist the temptation to assume the necessary power which had not been delegated.

But mr. Smith speaks of the spirit of our communication!! How wofully would John Bull have been deceived if he had pinned his faith upon that, for in what did this spirit show itself? The poor seduced minister’s ink was scarcely dry in the pen with which he signed this auspicious arrangement, before two acts were done by our government, both of which were manifestly, (and are now avowedly) “gross” infractions of the spirit if not the letter of it. The first was the exemption of Holland from the non-intercourse laws, although admitted by all the world to be a dependency of France, and evidently designed by congress to be included in the provision of the law. The second—the admission into our ports of the ships of war of France, who had not complied with our terms, on the same footing with those of England who had. These are actions, by which the “spirit” and views of a government may be better judged of than by empty words. But the matter was with difficulty stopped here. It is notorious that after the arrangement was concluded, mr. Giles, fearing that the british government might possibly ratify it, was desirous, instead of admitting the vessels of war of the two belligerents into our ports and waters, to prohibit the entrance of both. Although all material disputes with England were supposed to have been done away, the proclamation revoked, or merged in the non-intercourse act, the affair of the Chesapeake atoned for, yet did the Virginia demagogue contend among his political friends that british vessels of war should be excluded from our waters.
We argue from facts, and not presumption. These are solemn truths not to be denied, and we know of no time when they could be better brought forward than now, when the ill-faith of England is the constant theme of democratick clamour and abuse. Although this conduct in our cabinet deserves no milder name than treachery, nothing has been advanced on the part of the administration even in extenuation of these flagrant breaches of that spirit of honest and fair dealing in which all national transactions ought to be conceived and executed. For the present we only point them out to the reprobation of those of our citizens who have not the patience to follow Robert Smith through all the windings of his politicks. But it will be well, in a very few words to explain how it happened that, amidst all these opposing considerations, any arrangement at all was made in April last.

It has been already seen for what purposes such an arrangement was wanted by our electioneering president and his secretary's brother the redoubtable hero of Mud Island. But how was Mr. Erskine brought into their views? Why by making him believe that if he did not obtain the precise conditions that were prescribed to him, he obtained what was an equivalent for them: an understanding that they should all in substance, if not in the exact form required, be carried into effect by this government. Such certainly was the persuasion of Mr. Erskine, and it is the only justification of his conduct—Where those who put upon him this belief, knowing that it would not and could not be realized, will find their justification, is a question which it becomes not us, though it is highly "becoming the occasion," to determine.
We have shewn that there could not be in reason any reliance on the part of the British government, on the spirit of Mr. Smith's communications, and that if England had been simple enough to rely upon appearances so entirely false and illusory, she would have been grossly deceived, and rendered the object of contempt and ridicule throughout Europe. It would have furnished matter for French mirth and bon mots as long as the Napoleon dynasty shall exist.

Our secretary goes on in the continuance of his instruction to Mr. Pinkney, to calculate with true mercantile nicety what would be the profit and loss balance of the account if England had, upon our own terms, repealed her orders in council. Here let us once more warn our countrymen against the very natural, and in other respects venial error of judging of this point only by their interest and feelings as Americans; and never to forget that there are two parties to this transaction, and that the English have feelings and interests as well as ourselves.

We speak from feeling when we say that the arrangement as obligingly subscribed by Mr. Erskine, was such as every citizen of these states, in the fullness of his patriotism ought to wish to see ratified. It not only fostered our interests, and paid unsparing homage to the superiour steadiness of our national policy, but it ministered also most copiously to our national vanity.—Who amongst us would not exult to see that those measures which we had for two years reprobated, and without the recall of which we had denounced the vengeance of our national hostility against Great-Britain, should be brought as a peace offering to the shrine of our omnipotence? Who is there that did not in April last, advantageously if not tauntingly, compare the firm perseverance and effi-
acious vigour of our own government with the vacillating councils, the vapouring declarations of the british ministry, who had so soon and without any equivalent or the slightest compensation, abandoned their far-famed orders, which they had so often said they would maintain against a world in arms? Who, we say, in this republican land could be insensible to the titillation with which every republican fibre must so sensitively vibrate upon seeing the mighty monarch of the british isles instructed in the nice principles of national honour, by a (till lately) obscure attorney of Baltimore?—These were considerations of great and legitimate joyfulness and exultation to every true american. But alas! every true american must be sensible that as a portion of his civil liberty is sacrificed in order to preserve the great and valuable bulk of the remainder, so must we, in our national concerns, give up a part of the very highest degree of our patriotick enjoyment in which we love to luxuriate, in order to preserve that order and tranquillity with other nations which are indispensible to our welfare. Let us therefore for one moment soberly and dispassionately enquire whether Great Britain ought to have been expected to make the sacrifice involved in mr. Erskine's arrangement.

That we as americans, looking not beyond a little temporary triumph and advantage, should wish her so to do, and should crown with laurels the statesman-like temples of Robert Smith, had he otherwise than by a legerdemain deception obtained such an advantage, we most readily grant. But in honour and in reason could we expect it of the british government, that without any new motive or advantage they should be ready to give up a system which had been repeatedly and solemnly declared (no matter whether right or wrong) to be essential to their national interests and inseparable from their national honour?

Secretary Smith has undertaken to decide the question, and gives his opinion that England has no sufficient motives to persevere in her system and ought to abandon it. This
unfledged diplomatist, puffed up with conceit of his great political abilities, very gravely endeavours to prove that such is the true policy of England. He runs to his counting house, takes down his ledger, and informs us that the orders in council are of no avail, because they do not cause the tea and coffee sipped by imperial and other lips at the coteries of Paris to be above three cents per pound dearer, than if no such order existed. He tells us, if we cannot carry our eggs and butter to Amsterdam we have a market very near as good in the neighbouring town of Tonningen, and that Frenchmen will as readily come there as they would to Bordeaux or to Antwerp, and he snaps his fingers at the fuss and bustle attempted to be made by pretending to injure France by such orders as these. But, waving for a moment, this great statesman's jocularity, we would beseech our countrymen to pause and say, whether this trifling difference as it regards us, should, in sober seriousness, be made a plea for embarrassing and counteracting the efforts of a nation, fighting not only for her own existence, but for ours. Mr. Smith, in his attempt to be jocose, and to gratify himself with a malignant sneer, forgot that he was weakening and bringing ridicule upon his own counting house logick. It is well to elucidate points of controversy and national policy by supposed cases. If, for instance, a man, living in Calvert, have a market for his produce in Gay-street, and a fire has broke out in it, shall he hinder the inhabitants from extinguishing the fire because by their misfortune he is obliged to remove for the sale of his goods into the street adjoining? and if amongst our social neighbours we should reprobate such a conduct, what shall we say of those who, in the great community of the universe, administer fuel (for their own paltry gain) to that great conflagration which threatens the destruction of the whole fabric of national independence. But our vain secretary gets rid of this subject with a sneer, and thinks that by his shop-keeping calculations he has cut up by the very roots
the plans of the British ministry for opposing Bonaparte's spirit of universal dominion.

Whether our secretary's calculation or his sneer will have most effect in intimidating the British government; or in propitiating his friend and family connection Napoleon, remains to be discovered. We have already seen what effect it produced upon the mind of Mr. Jackson, by his letter of October twenty-third. He says,

"Without minutely calculating what may be the degree of pressure felt at Paris by the difference in the price of goods whether landed at Havre or at Hamburg: I will in my turn, appeal to your judgment, sir, whether it be not a strong and solid reason, worthy to guide the councils of a great and powerful monarch, to set bounds to that spirit of encroachment and universal dominion which would bend all things to its own standard? Is it nothing in the present state of the world, when the agents of France authoritatively announce to their victims, 'that Europe is submitting and surrendering by degrees,' that the world should know, that there is a nation, which, by that divine goodness so strongly appealed to in the paper to which I allude, (Angereau's proclamation to the Catalonians) is enabled to falsify the assertion? Is it not important at such a moment, that Europe and America should be convinced, that from whatever countries honourable and manly resistance to such a spirit may have been banished, it will still be found in the sovereign of the British nation and in the hearts of his subjects."

This eloquent, spirited and impressive appeal, with Englishmen, alone would cover a multitude of errors.—We much fear that the calculations of our secretary will go but a very little way to counteract its effects, nor are they of a nature to relieve these states from the embarrassments under which they have been and still are languishing. One thing at least is certain, that in contemplating this subject, considerations of national honour and dignity have been entirely thrown aside or turned into ridicule by our secretary. On
the subject immediately following indeed they are abundantly reproduced in the words if not in the conduct of our executive.

On the outrage committed by the British in the attack of the Chesapeake there existed at the time, throughout the whole union, but one feeling of just and virtuous indignation, nor was an attempt anywhere made to lessen the influence of the universal sentiment produced by that occurrence.

When it was found that the unauthorised act of an individual was promptly disavowed and that an honourable satisfaction was spontaneously offered in the manner best calculated to evince the sincerity of one party and to gratify the wounded feelings of the other, it was no longer thought by the reflecting part of the community to be a cause of war. On the subject of Mr. Rose's mission there seemed to be a pretty general opinion on both sides the Atlantic, that an unnecessary attention to punctilio was shown by the negotiators of both nations, and no doubt both would have reason to rejoice at this time if a little more of reciprocal concession had been manifested. But Mr. Rose was justified by an adherence to his instructions and our government was no doubt equally defensible in acting with becoming firmness in a case so vitally affecting the best feelings of the country. There can be no question with any real American that if a step farther was indispensibly required on either side to arrive at an accommodation, that step ought to have been taken by the British minister.—But it was prevented by a determination evinced on the part of our cabinet not to accept of any reparation that could reasonably be required, knowing that it would be a source of continual irritation with the people, and would increase their prejudices against England. That our government never wished the affair of the Chesapeake settled, was plainly betrayed by the attempt made to connect it with the other matters of dispute, and has been fully confirmed by the manner in which Mr. Jackson's proposition upon that head had been treated.
When the negociation was resumed by Mr. Erskine after the failure of Mr. Rose's mission, there existed less difficulty in regard to it, and although he appears from the correspondence recently published to have deviated from his instructions on this as on the other topick, yet there is great reason to believe that had it not been for the "indecorous" and even offensive style of our secretary's official correspondence on the occasion, the arrangement on this head may have been allowed to stand good. It is true that Mr. Jackson does mention several very essential points upon which his predecessor's instructions were disregarded; but we are led to think that this circumstance would not of itself have been an insurmountable obstacle by reference to a passage in his letter of the eleventh of October, in which he speaks of the offensive expressions "which at all events put it totally out of his majesty's power to ratify and confirm any act in which such expressions were contained." These expressions, he says, he had especially pointed out to the secretary of state, which by the way, is a sufficient answer to the secretary's assertion, that he had not given to his meaning the distinctness prerequisite to a just reply. If such precision would not satisfy our honest secretary, it would be right in him to set an example of precision by saying precisely what he wanted. Who knows but that our aspiring secretary sought the glory of being brought into a personal "collision" with the king of England, but we must say that Mr. Jackson consulted better both the dignity of his sovereign, and the interests of this country, and showed a true spirit of conciliation by not gratifying Robert Smith in his ambitious wish.

It seems however, that whatever way he acted he was to be always in the wrong—if he combined the two objects he was wrong, if he separated them he was wrong; and upon this as upon all other occasions it is determined that all verbal communications should go for nothing, they are noticed only to be denounced as vague and unsatisfactory. The probability is, and we do not say it without having drawn on
good sources for our information, that Mr. Jackson, like his predecessor, kept the two subjects of the Chesapeake and the orders in council quite distinct in conversation. This we presume Mr. Smith will not deny, as he has neither denied, or authorised his name-sake the editor of the Intelligencer to deny, that Mr. Erskine's letters, and more particularly that of the fourteenth of August so often referred to, were revised and altered by Mr. Secretary Smith to suit his own purposes.

It was the original ground assumed by the English government, that the Chesapeake grievance should be kept distinct from all other points of controversy, and although the mild sage of Monticello at first took the studs upon that point, it was so palpably reasonable and just, that it was relinquished as soon as the extent of Mr. Rose's instructions were known, and it was discovered that the negotiation could be broken off and his mission defeated upon a more plausible ground. We see no reason why Mr. Jackson should have consented to unite the subjects. Indeed we are credibly informed that Secretary Smith was always desirous of confounding the two subjects, and treated the Chesapeake business as one of very subordinate importance.

In the correspondence, which, be it always remembered, is begun by the Secretary of State, we find that the two subjects, although upon a former occasion separated by consent, are by him brought together in the very outset and confounded in the series of proposals, which he states as having proceeded from the British minister. If that minister in his reply assents by implication to such a course, he has in so far certainly departed from the rule of negotiation laid down by mutual consent, but in this respect he can be said only to have followed the example set him by the Secretary of State.
NUMBER VII.

In the commentary contained on this correspondence, in the instruction to Mr. Pinkney, we are presented only with one side of the question. The other is not only carefully kept out of view, but Mr. Smith affects a kind of confidence, that, nothing can be said derogatory to the purity of intention and integrity of the executive. But when the reports of the British minister to his government reach the public eye, we may expect to see things in a very different light, and that some of the self-assumed positions under which our secretary is enjoying an imaginary superiority will wear an entirely different aspect. To this are to be imputed the pains taken by him to discredit all verbal communications, by cutting off Mr. Jackson from it after two interviews, and by subsequently destroying the value of those which had already taken place.

When the publication is made, which it probably will be by the British ministry, we shall have an opportunity of knowing whether Mr. Jackson, did not fully and satisfactorily explain the motives of the disavowal, or shew in what the arrangement differed from Mr. Erskine's instructions; whether or not in speaking of Mr. Smith's "premonition" to the king of England, he did or did not, and if not, why he did not "give to his meaning the distinctness prerequisite to a just reply." We rather suspect that Mr. Smith's resentment, which is not a little keen, was kindled by that very "distinctness," the total absence of which he affects to complain of.

It should appear that from the first moment of the minister's communication on this subject, to that of the rupture of all communication with him, Mr. Jackson had not been able to obtain a word even of acknowledgment of the overtures he had made respecting the Chesapeake. Although
the secretary nowhere denies that he received, and to avoid the possibility of miscomprehension had caused them to be repeated to him, and had affected to lay them before the president, still does he not condescend to let the minister know whether his offer of satisfaction is to be admitted or not. It is said to have been the first subject of discussion, and the offer consequently was made before the alleged offence was given to our government, and yet by the confession of the secretary nothing like a reply was resolved upon. This, however, is easily accounted for. Our sapient rulers thought it wise to keep open a subject of irritation and discontent between the two countries, lest too much progress should be made in their reconciliation. It seems, Mr. Jackson, complained both verbally and in writing of this reserve of our executive. Such complaints were certainly well founded, for whether his proposals were acceptable or not, the least that he had a right to expect was a civil answer, to a civil and conciliatory suggestion.

But in this stage of the negotiation, we are strongly bewildered by a studied ambiguity of expressions, which characterise the despatch to Mr. Pinkney, where those things which are in themselves most distinct, are purposely, and as lawyers say, with malice aforethought confounded together.

The secretary of state remarks upon the written projects of the British minister, that he had given a reluctant and indistinct explanation of the cause of the disavowal. The correspondence itself contradicts the assertion. The explanation appears to have been given in the very outset, and as to the distinctness of what had passed, Mr. Jackson appears in a very cool way to convey in his letter of the twenty-seventh of October, an impression of some impatience at the dullness of comprehension, manifested on this head by our secretary. We quote the following sentence from the letter mentioned, as authority for what we say.

"Finding by your letter of the nineteenth instant that, "notwithstanding the frequent statements made by me in our
"conferences of the terms of satisfaction which I am em-
powered to offer to this country for the unauthorised at-
tack made by one of his majesty’s ships of war, upon the
frigate of the United States the Chesapeake, I have not had
the good fortune to make myself distinctly understood by
you, &c." This we must confess has somewhat the ap-
pearance of a quiz upon the secretary, as it shews that much
had before passed, which he either would not or could not
understand, in either of which cases his mental or concilia-
tory faculties were deeply implicated. Mr. Smith, further
asserts, that the british minister’s proposals, were not pre-
sented until he had made a certain progress in his offensive
insinuations, but we find in the correspondence that mr.
Jackson had, before writing his letter of the twenty-seventh
of October, made those same proposals. So confident is he
upon that subject that, even in his first letter of the eleventh
of October, we find him quoting the secretary in these words,
"you have said that you so fully understood the particulars
of that offer, that I deem it unnecessary to recapitulate
them here; I regret that since they were so fully under-
stood by you, you should not yet have been enabled to state
"to me either in our personal communications, or in the
letter which I am now answering, whether they are con-
sidered by the president as satisfactory, or whether they
"are such as he ultimately means to accept." This extract is
from his first letter, previous to which it is not pretended that
any offensive insinuation was made; how then could mr.
Smith have the assurance to state to mr. Pinkney that mr.
Jackson did not present his proposal until he had made a cer-
tain progress in his offensive insinuations? These offensive
insinuations it can be little doubted, are to be found only in
the nature of the conduct which our rulers have adopted
towards England, and unless controlled by the people will
persevere in the total destruction of their honour, prosperity
and happiness. We heartily accord in the sentiments ex-
pressed by mr. Elliott, that unless the administration is con-
rolled by the people, their liberties are imminently threatened.

On coming to the secretary's second head of remarks on the written project, which he says "will suffice," we are overcome with shame at the "gross" ignorance and perversity manifested by a publick functionary of our country, holding a situation so pre-eminently ostensible, as to expose the american government in an especial manner to the scorn and criticisms of foreign countries.

The secretary in this part of his despatch to mr. Pinkney reiterates the blunder of supposing that a minister's ordinary credential letter could bind his government to any act that it might suit his fancy to do in its name. He says that this was denied by mr. Jackson, and yet he produced no other authority for what he was to do. No principle of publick law is better settled than, that the unauthorised act of an agent is not binding upon his government. In betraying or affecting ignorance upon this point, however, the secretary does not stand unsupported in the cabinet. The president, in his previous message to congress advanced similar principles, in order to his own justification and the crimination of the english government. Particular attention should be bestowed upon the following passage from mr. Madison's message, not less remarkable, for its daring boldness, than its cunning.

"Whatever pleas may be urged for a disavowal of engagements formed by diplomatick functionaries in cases where by the terms of the engagements a mutual ratification is reserved, or where notice at the time may have been given of a departure from instructions; or in extraordinary cases, essentially violating the principles of equity; a disavowal could not have been apprehended in a case where no such notice or violation existed; where no such ratification was reserved, and more especially, where as it is now in proof, an engagement to be executed without any such ratification was contemplated by the instructions given, and where it had,
with good faith, been carried into immediate execution, on the part of the United States."

The positions here laid down are not only objectionable in point of fact but untenable in principle according to the most approved ancient and modern authorities. For the chief magistrate of "the most enlightened nation in the world" to commit so flagrant a departure from truth, and to contend for principles manifestly against law; the inducements must have been potent and enticing. He well knew that in this way his conduct could alone be justified, and he esteemed it far preferable to attack the whole code of national law and to commit a deviation from truth, than to risk his political influence. But it is for the people in the cooler moments of sober reflection, to examine the truth of the assertions, and to test the correctness of the principles advanced by their rulers.

Mr. Madison says that a disavowal could not have been apprehended in a case where no violation of instructions existed, and where no ratification was reserved.

In this short sentence a false assertion and a false principle of law are advanced.

In the very teeth of Mr. Erskine's instructions, the president asserts that they were not violated, and he contends that the right of ratification must be reserved, or there can be, rightfully, no disavowal.

We are at a loss to know in what language to assail Mr. Madison's assertion that Mr. Erskine did not violate his instructions by the April arrangement. The departure from instructions is a matter so self-evident, and at this time so universally admitted, that the falsehood can only be accounted for by a reliance upon the ignorance and infatuation of the people, and a conviction of its necessity to recover the reputation of the cabinet which had been compromitted by the fraud and imposition practised upon Mr. Erskine on that occasion. But it is not the least surprising part of this business, that the president, who pretends not to have known any thing of the extent and nature of the instructions, should
contend that they communicated greater powers, or embraced other objects than those stated by the British minister, and appearing upon the face of the instructions themselves. Leaving the matter of fact to the conscience of Mr. Madison, which will be, or is now stung by the keenest remorse, we shall proceed to test the principle of national law which he has advanced.

The question is simplified as much as possible, when presented in the following form:

*Is the act of an agent or minister binding upon his constituent, when he exceeds or violates his instructions?*

Really it would seem to be a task of offensive supererogation to discuss a point so long settled, and the decision of which is so perfectly consonant with reason and justice. No law can be bottomed in the good and safety of mankind, which would expose the dearest rights of a nation to be sacrificed by the treachery or misconceptions of an individual. But it is urged on the other hand, that such a construction opens the door to perfidy and fraud, and places it in the power of a faithless nation to inflict serious injuries upon those who repose upon their justice. The rule of law being ascertained and universal, where a treaty or convention is agreed upon, part of which is to be executed *instanter*, to guard against a breach of faith the contracting parties have a right, and are bound in duty to enquire into the nature and extent of the authority which the agents have been respectively invested with by their constituents.——If the authority or instructions be exhibited, and the arrangement or stipulations are concluded in conformity with them, the parties are irrevocably bound by every tie of honour and principle of justice to carry them into full effect. But if either party neglect or think fit to wave his right to be made acquainted with the power under which the other acts, he cannot consistently complain, but of his own negligence or indiscretion, if the other party refuse to abide by his act. Having the right to insist on a disclosure of specific powers, or not to
conclude an arrangement, which is in part to be immediately executed, if he notwithstanding, do conclude, and proceed on his part to the faithful fulfilment of the stipulations, he does so at his own peril and responsibility, and his dispensing with a right and incurring a voluntary risk does not create an obligation on the other party. These principles are perfectly equitable, and we shall now refer to authorities to show that they are legal.

Puffendorff it is true, is a very old authority, and is hardly recognized in some cases, as authority at all, by modern writers on the laws of nations. But we do not weaken our positions by quoting him, when his principles are supported and corroborated by civilians of a later date. He says that a representative cannot legally bind his constituent, unless his act is done in good faith to him. "Nam haud quidquam me obligabit, quod iste mala fide egit, et ubi per nefariam fraudem me circumvenit. Quin et hoc includit bona fides ut quod ab isto gestum est, ab honore et commodo mandatis non abhorret, saltum prout presentia tempora ferunt."

Burlemagui an higher authority than the one just quoted, though not frequently referred to at this day, lays it down in his chapter, on "publick treaties in general" that "treaties concluded by ministers oblige the sovereign and state, ONLY, when the ministers have been duly authorised to make them, and have done nothing contrary to their orders and instructions."

This authority is directly in point, and bears with peculiar force upon the case in question. But we need not rely upon Burlemagui, when we can refer to authorities of a more modern date. As our cabinet are particularly fond of reposing the justice of their case upon Vattel, we will take them up upon their own grounds, and turn their own authority against them.

In book iv. section 77, he says—"by a very well grounded custom any engagements which the minister should enter into, are at present of no force among sovereigns, unless ratified by his principal."
Book ii. chapter 12, section 156. "Sovereigns treat with each other by their proxies who are invested with sufficient power, and who are commonly called plenipotentiaries. We here apply all the rules of the law of nature to things that are done by commission. The rights of the proxy are expressed in the instructions that are given to him: he ought not to deviate from them; but every thing he promises within the extent of his powers, binds his constituent. At present, in order to avoid all danger and difficulty, princes reserve to themselves the ratification of what has been concluded on in their names by the ministers, &c. Every thing that their ministers have concluded remaining without force, till the prince's ratification, there is less danger in giving him a full power. But to refuse with honour to ratify what has been concluded on by virtue of a full power, it is necessary that the sovereign should have strong and solid reasons, and that he should show in particular that his minister has deviated from his instructions."

Again—Book iv. "The instructions contain the king's secret mandate, the orders to which the minister must carefully conform, and which limit his powers."

Now it is sufficient to state, that Mr. Erskine had no full power to conclude what he uniformly calls the provisional arrangement, except that which is derived from the "conditions" contained in his instructions, (and which our government were acquainted with) and those instructions themselves show, that he had no power for what he did. Therefore if they concluded with a knowledge of his instructions they were privy to their violation, and if not, they acted at their own risk.

We will now refer to another authority of a later date than any that we have quoted, which together with those we have before quoted fully decide the question as to departure from instructions.

Martens, book xi, chapter 1, section 3, says, "The parties must have power to consent. The treaty must have been
contracted in the name and by the authority of the sovereign power—Any thing that has been promised by the chief, or his agent beyond the limits of the authority with which the state has entrusted him, is at most, no more than a simple promise (sponsio.) which only obliges the person who promises, to procure its ratification, without binding the state, which, of course, may refuse its ratification. On the contrary every thing that has been stipulated by an agent in conformity to his full powers, ought to become obligatory upon the state, from the moment of signing, without ever waiting for the ratification. However, not to expose a state to the errors of a single person, it is now become a general maxim, that publick conventions (but not simple military arrangements in time of war) do not become obligatory till ratified. The motive of this custom clearly proves that the ratification can never be refused with justice, EXCEPT when he who is charged with the negotiations, keeping within compass with respect to his publick full powers, HAS GONE BEYOND HIS SECRET INSTRUCTIONS, and consequently has rendered himself liable to punishment.

The authorities which we have taken the trouble to collect are all in direct opposition to the pretensions set up by our government, and effectually expose the principles laid down by the president's message. Those principles so laid down could have been designed for no other purpose than to mislead the judgment of the weak and uninformed, and we entertain too great an opinion of mr. Madison's knowledge of the laws of nations not to believe that he knew them to be untenable. But it all tends to show, that it has been considered indispensable to resort to sophistry, erroneous premises and false conclusions to support a rotten cause.

As our honest and enlightened rulers are such sticklers for fair dealing and good faith, between governments, and are in the habit of so often repeating the charge of perfidy against England, we deem it not amiss, to mention a few
cases where the American government has acted in direct opposition to the very principles which they now defend.—

We will pass by the treaty signed by Messrs. Monroe and Pinkney which Mr. Jefferson rejected with contumely, without even laying it before the Senate, and cite those which admit of less cavil.

1st. In the year 1802, Mr. Charles Pinkney, furnished with due power, made a convention with the government of Spain, contracting for regulations compensating our citizens and her subjects for certain injuries mutually received. The convention was not carried into effect, it was conceived to be in some minor details disadvantageous, though many of our citizens have to deplore that the relief it embraced was cast away.

2nd. Mr. King's convention with the British government for ascertaining the northern and eastern boundary of the United States was also refused to be ratified by Mr. Jefferson, though Mr. King's powers were strictly regarded by him in the negotiation.

3d. We now quote a case which occurred during General Washington's presidency.

The 12th article of Jay's treaty made with full power, was refused to be ratified for only one of the reasons now urged by Great Britain, because it was deemed disadvantageous.

4th. One of the most essential articles of the treaty with France of the thirtieth of September, 1800, was refused to be ratified by our government.

These cases show that it has always been held by our government that a convention or treaty, although concluded in virtue of a full power, is not obligatory until ratified. With what face then can it now be made a ground of complaint against England, that she has refused to ratify a "provisional arrangement" made in direct violation of specific instructions? According to the best authorities, relied on by our government, and cases where they themselves have been the party disavowing, the act of a minister is held not to be
binding until ratified by his principal, still Great Britain is perfidious *in more than one case in which she was a party* because she claims the same rights which we have heretofore exercised, and which the laws of nations give to her and all other nations.

In speaking of his full power, we presume the British minister did not mean to apply it to the case of the Chesapeake, for this obvious reason, because he says that which supersedes the necessity of any full power at all, viz: *that he was authorised to carry the conditions he proposes immediately into execution.* The exhibition of a full power was unnecessary to the attainment of our wishes in this particular. The most that the secretary in his dear bought experience could require, was an inspection of his instructions, such as *he says* he did *not* obtain from Mr. Erskine—However Mr. Jackson made no difficulties upon this subject. If a *full power* were wished for, Mr. Jackson said that he *was possessed of one, and offered to exchange it against that of the secretary of state.*—Notwithstanding this solemn declaration, superadded to that of *his having a commission under the seal of the kingdom of England,* Mr. Smith tells Mr. Pinkney, "*it is clear that the authority referred to, whatever it may be, is derived from instructions subject to his own discretion, and not from a patent commission such as might be properly called for.*" The right to call for the exhibition of Mr. Jackson's power is a question rendered altogether unnecessary to investigate, in as much as he voluntarily offered an exchange of powers.—Why was he not taken at his word, by which it would have been at once discovered whether or not he was invested with such a power. If he had been detected in the attempt imputed to him of deceiving our government, Mr. Smith would have been justified in alleging, a charge of falsehood against him to Mr. Pinkney. As it is, he has given him the *lie direct* not only without evidence, but in the face of his solemn "as* *severation!" How far the civil and courteous accusation may comport with "*those principles of decorum which regulate and
mark the proceedings of governments towards each other” we leave to diplomatick gentlemen to decide.

But Mr. Smith seems to ground another charge against the British minister upon the fact that “his instructions were subject to his own discretion.” This too, is done in the teeth of the following paragraph from his own letter to Mr. Jackson of the first of November, in which he says, “I need only add, that in the full power alluded to, as a preliminary to negotiation, is not intended to be included either the whole extent or any part of your instructions for the exercise of it. These of course, as you have justly remarked, remain subject to your own discretion.” And yet Mr. Smith grounds a complaint to Mr. Pinkney upon the declaration that these “very instructions were subject to his own discretion.” It cannot be concealed that the true grievance was that Mr. Jackson’s instructions were subject to his discretion instead of Mr. Smith’s—The secretary sought the same indulgence that Mr. Erskine was so very accommodating as to grant him. In his game with that gentleman, though he did not “get out by honours,” he won the odd trick by getting a peep into his adversary’s hand, and it would have been a mark of weakness and credulity indeed in Mr. Jackson after becoming acquainted with the gentleman’s play if he had not taken good care to hold his cards close.

We repeat that the secretary had an excellent opportunity if he had thought fit to embrace it to take Mr. Jackson at his word, and see what sort of a power he had. If it were unsatisfactory it would have been time enough and proper to say so. But instead of this obvious proceeding, it was found more convenient to unite and confound the two parts of the negotiation in order that what might be wanting in one to make up his story might be taken from the other.—It could not be in relation to the Chesapeake that a treaty or convention was to be framed. Mr. Jackson expressly suggests in his first letter, that that subject should be disposed
of by a declaration and counter declaration, and, as we have just observed, no where does he seem to apply to it the necessity of a full power, so that our secretary's diplomatick erudition may have been reserved for a greater occasion than in studying the Nootka negociation. He would do better to employ it in learning that a minister may be invested with a full power and yet have only authority "eventually" to conclude a treaty. But the secretary affects not to understand what was meant by this expression.—He says, "without adverting to the ambiguity of the term eventually with the mark of emphasis attached to it, and to other uncertainties in the phraseology, it is clear" and so forth. In what this ambiguity and uncertainty of phraseology consist the secretary has not taken the trouble to point out.—His prudence in this respect has got the better of his boldness and assurance. Does it follow that because a minister has a full power he therefore must in all events conclude? The use of a full power would necessarily be regulated by his instructions, and to say that he will only eventually conclude, means that, in the event of the two parties agreeing upon the terms which they are mutually authorised by their instructions to accept, a treaty would be concluded. This is the obvious and indeed only meaning, in this case, of the term "eventually" whether marked with emphasis or not. But the secretary to make out his case, lawyer like, twists and tortures it into a thousand oblique interpretations if a different construction should prevail, with what security could a minister be trusted with any discretionary power whatever at the distance of four thousand miles from his government, unless the quality of keeping his instructions subject to his own discretion is pre-supposed in a minister? Our secretary's reasoning upon this subject betrays such an ignorance of his departmental duties, that we blush for the exposure which will be thus exhibited to astonished Europe. But what better could have been expected from an unpolished and raw politician snatched from
an obscure station at the bar of Baltimore, and all at once converted into a cabinet minister? If Mr. Madison repent of his bargain in a secretary he will do well hereafter to attend to the law maxim good among purchasers—Caveat Emptor. We have no allusion to bribery. If the secretary is sceptical upon this head his brother can inform him that we never make "insinuations," it is our custom to speak out boldly, and accuse without reserve, where an accusation will be serviceable.
"PROCEEDING," as says our secretary, to the proposal itself, it is to be kept in mind that the conditions forming its basis, are the very conditions, for the deviating from which mr. Erskine's adjustment was disapproved." We would ask what danger could there be that this would not be remembered? The best evidence of good faith which England could have given would be a renewal of the offer of those conditions which mr. Erskine was instructed to propose—It cannot be denied that mr. Jackson was willing and authorised to accede to them, but he was so far conciliatory in his conduct that he would not urge conditions already "declared to be unacceptable." Whether they were now to be considered in the light of an ultimatum, or whether they might not have been modified in negociation with mr. Jackson so as to have been rendered acceptable, is a question which, but for the indecorum and impetuosity of secretary Smith, we need not be at a loss to solve. If he had had the decorum to return an answer to that minister's letter, and the command of temper not to have quarrelled with him before the reply was known, we should now know with certainty how far it were or were not possible to come to some arrangement upon this unfortunate subject.

Whether this were the proper time for recalling all the circumstances of the attack on the Chesapeake, except it were for the purpose of arousing in favour of the president and his secretary the half-appeased sensibilities of the country, may be doubted; but no honest true hearted american, or any one not absolutely so abandoned to faction and self-interested democracy as to be callous to the honour and proud feelings of his country, can doubt that, if the picture
be not overcharged, if England has in reality committed such unheard of and unatoned injuries and insults, our country has been laid lower by the imbecility and cowardice, if not the treachery of the Jeffersons the Madisons, and the democratick Smiths, than even those who uniformly distrusted them could believe possible. If the picture of our wrongs drawn by Mr. Madison and sent to our minister in England be a just representation, why are not measures taken to heal our wounded honour? Why has Mr. Madison shrunk from the responsibility of recommending to Congress measures compatible with the dignity and character of the nation he presides over? He will neither accept nor take honourable reparation. He tells his people that the nation's honour is bleeding at every pore; he essays every art to awaken their sensibilities, and still does he fear to point out the mode of "applying or originating the remedy." What under the circumstances described in the despatch to Mr. Pinkney, would have been the conduct of a federal administration? Would they have gone crying about the world, with whining complaints of the affronts that they had received, and announced at the same time that they were unable to avenge them as became a free and independent people? Would they have adopted the conduct of a pampered, snivelling school-boy, who whines out his grievances to some pedantick pedagogue, who reads a bloated lecture or remonstrance to his wronger? England herself, situated as we are, has set an example worthy of imitation. Her ministry presented to the Spanish court the conditions upon which alone they would forbear to go to war; and would not our pseudo-patriots, odious as they justly are to every true lover of his country, have had the zealous support of a very great portion of their countrymen, if they had imitated the conduct of England? If the administration had made up its mind at once as to the only admissible terms of reparation and those terms had been just, the nation with one voice would have supported them.
But instead of this, it is evident that their own minds have never been made up as to the atonement which ought to be received, and they affect to think it derogatory to the nation's honour to say what would be a sufficient reparation.—

Upon this subject we agree with the opinion advanced by the able and independent editor of *The American Citizen*. "If," says he, "we have a right to demand satisfaction, we ought neither to be ignorant of the nature or extent of the satisfaction to which we are entitled, nor backward in advancing our claim. Such backwardness would indicate, at least, that our government is undecided, as to the principles to which we should adhere." The same editor of a democratick paper says further: "The truth is, and I state it with old fashioned republican bluntness, the government were resolved from the commencement not to negotiate."

We shall not here advocate the opinion that the affair of the Chesapeake was a just cause of war after England has disavowed the conduct of her admiral, and spontaneously offered us reparation; but we may and do declare for ourselves and all true federalists, that our lives and our fortunes, and every connection still more dear to us, would have been brought a cheerful sacrifice in this and any other contest in which the honour of our country was seriously involved.—

But true honour and courage will never be satisfied with seeing the efforts of the country evaporate in whimpering complaints or empty boastings—in armaments of "Aquatico terrene vehicles," or unexecuted militia trainings. Peace upon just and honourable terms or undisguised war, are the only alternatives. But our rulers know that either would throw them out of power, and as they "prefer the people's favour to the people's good" they will give us neither.

Let us now see what the terms were that we have for the third time rejected.

1st. It is said that we were to acknowledge that the proclamation of 1807 was unjustifiable. We do not find that
mr. Jackson in his letter of the twenty-seventh of October, demands any such thing. He does not even ask us to mention the proclamation or to say any thing about it. He merely "assumed the existing fact," and goes on to tell us what the terms are that he is empowered to offer. Whether those terms are such as we should be contented with, may be subject to various opinions, but at least those who say they are not, should be prepared to obtain better by force of arms. They should not hesitate to appeal ad ultimam rationem regum et rerumpublicarum.

2nd. We are told that our government was distinctly and peremptorily informed, previous to the secretary's insulting note about the king of England's honour, and of course previous to the vapouring paragraph in his despatch to mr. Pinkney about the "murderous transaction," that no farther punishment would be inflicted upon admiral Berkley. That, therefore, if it was thought right to insist upon it, was a cause of war—but was it dignified, was it manly, was it not mean and cowardly, when we found we could obtain no more, to accept the insufficient reparation, and to make up the difference by calling names and using "murderous" epithets?

3dly. We are told by the secretary, that we were called on "to admit a right on the part of great Britain to claim a discharge from our service of deserters generally, and particularly of her natural born subjects, without excepting such as have been naturalized in due form under the laws of the United States. Here again is the minister grossly misrepresented in his meaning. He offered that the men taken out of the Chesapeake should be delivered to this country, reserving a right to claim such of them (that is the men taken from the Chesapeake) as may be proved to be british subjects or deserters from the british service. Is there any thing in this offensive, unreasonable, or unjust? Shall we set up a right to encourage british subjects to desert their country's standard, and to harbour and protect these deserters? Shall
we go to war with England because she protests against the practice and refuses to sanction it? The special reserve suggested by Mr. Jackson no doubt had a view to the very particular circumstances of these men, who, if we recollect right, were encouraged to desert from their ships; who were paraded about the streets of Norfolk in defiance of and in the presence of their own officers, and whose existence on board the Chesapeake was formally and officially denied—Was this an ordinary case of desertion, or was it not one that would have justified at any time a regular application for the men’s discharge? And after all what was to be reserved? a right to claim their discharge. This does not necessarily involve an obligation in our government to accede to that claim. Any body may ask a favour or an act of justice of another; but it does not of course follow that it shall be granted. The admission of this right, which in fact can be denied to no power, would not have bound our executive to give up the men if they had not otherwise seen reason for it.—The British sovereign consistently with his own honour and duty and affection to his people, could not do less than urge his claim to the services of his subjects.

The other reserve appears to us still less exceptionable. The British government was willing to make provision for the families of the killed and wounded, but in doing this they did not wish to reward the treachery of their own renegades. Could we expect them to do this? and was there anything dishonourable in admitting a reserve to provide against it? As to the question of naturalization which Mr. Smith speaks of as though his opinions are to regulate those of foreign nations, we apprehend that whatever may be the facility which it suits our views to give to the reception of itinerant landsmen, or Mr. Jefferson’s renegade “sea-faring brethren,” from foreign services, we should never persuade those powers to give up the right of enforcing the allegiance
of such persons, which can in no case, consistently with the
most approved principles of public law, be foresworn. While
we contend against the right of English impressment, let us
not deprive England of the services of her subjects. Where
our sailors are impressed, we have always understood, that
where a regular and well authenticated application for their
release is made by our consul to the British admiralty, he is
not refused, except in cases where an enlistment or marriage
in the British dominions has subsequently taken place.
NUMBER IX.

After the correspondence with Mr. Jackson, which it has been the purpose of the foregoing reflections to examine and elucidate, had closed, there was carried on between our government and the British mission a sort of extra-official communication of which, it appears, Mr. Oakley was made the organ. It may indeed have been a matter of no small difficulty, after the minister himself had been debarred from all personal communication with the executive, and then that the latter had notified the determination not to receive any communication whatever from him, to find a proper channel through which an attempt might be made to prevent the necessity of a complete rupture. After having been twice rebuffed in a manner that was at first ungracious and repulsive, but which came at last to be highly offensive, it evinced no small anxiety to arrive at a conciliatory adjustment and a very characteristical spirit of forbearance in Mr. Jackson, when we find him, notwithstanding all these discouraging appearances, fertile in the invention of means to prevent that catastrophe which every well-wisher of these states is now deploring, and which cannot fail to make a deep impression of regret, however mixed with indignation, upon the English government.

When Mr. Jackson received Secretary Smith's valedictory, or rather maledictory letter of November eighth, he had to consider what was the probable result of the situation in which he was thus suddenly and unexpectedly placed by that letter. Cut off by the mandatory act of the executive from all communication with them—exposed to the various calumnies and misrepresentations to which such a reproof on their part could not fail to give rise even amongst the well
meaning part of the community—a butt to the envenomed outrages of a venal herd of French partizans, whose audacity could only be equalled by the execrable meanness of their scurrility, he had to consider what was most fitting the exigency of the moment, what was at once due to his own personal feelings and safety, either separated from, or connected with the high and important character with which he was invested.

That our government had withdrawn from Mr. Jackson their countenance and support, if not their ultimate protection, was no longer a matter of apprehension. By making themselves a party to the atrocious calumnies with which a press disgraceful to the fair fame of our country had endeavoured to overwhelm that minister, they had torn the veil of sanctity, hitherto respected even by the most barbarous tribes, with which immemorial usage had until now covered the ambassadorial character, and protected it from insult.

If the government of "the most enlightened nation in the world" could so far forget the respect due to its own intellectual superiority, what was he to expect from the unenlightened crowd who fill our streets, and who like many of their betters might think "a discarded minister" a very legitimate object of their revilings and of their personal violence? Neither was Mr. Jackson wrong if he anticipated some further indecorous attacks upon him from the very quarter from which he ought to have received protection in his public capacity, in whatever light the ministry might choose to represent his private conduct, or the policy of his court.—

And yet our secretary in his despatch to Mr. Pinkney, affects to take umbrage at Mr. Jackson's demand of a protection or safeguard for himself and suite. The following is the secretary's language:

"Another ground on which a protection was asked for, is the supposed tendency of the language of our newspapers to excite popular violence on Mr. Jackson's person. Had he been longer and better acquainted with the habits and spirit of the American people he probably would never have enter-
tained an impression of that sort.—If he meant to animadvert on the free language of our newspapers, he might justly be reminded that our laws, as those of his own country, set bounds to that freedom; that the freedom of British prints, however great with respect to publick characters of the United States, has never been a topick of complaint, and that supposing the latitude of the American press to exceed that of Great Britain, the difference is infinitely less in this respect between the two, than between the British press and that of the other nations of Europe.”

How pregnant with meanness, malignity and contemptible littleness is the above extract! How like the Smiths! But what better could be expected from men whom the exalted dignity of office cannot inspire with feelings of lofty honour and magnanimity? Such low and grovelling insinuations, such invidious allusions prove with what accuracy we delineated the features of Amæus.

But is it not truly surprising indeed that, after the treatment which Mr. Jackson received, and the danger which threatened him, his request of a protection should be converted into a ground of complaint against him?—After he had been threatened to be tarred and feathered, after his effigy had been burnt, after one of our gin-burning legislators had declared that had the king of England’s secretary of state been on the spot he should have been burnt also, ought we really to be surprised that Mr. Jackson should think it necessary to apply to the executive for that protection to which he was so eminently entitled? Mr. Smith says “had he been better acquainted with the habits and spirit of the American people, he probably would never have entertained an impression of that sort.” Such a declaration may do very well to find its way to foreign governments through a despatch to our minister, but will excite ridicule and laughter at home. Our secretary resided too long in Baltimore to be ignorant of the turbulent spirit of the people, and the facility with which mobs are raised, and excited to acts of
illegal violence. He well knows that tarring and feathering is a favourite democratick amusement, and by a governor of this state has been solemnly and officially pronounced consistent with the spirit of the laws and constitution, and the usage of our ancestors. Mr. Jackson was denounced at the seat of government, and was accordingly considered a fit object for popular vengeance. Justice to the two governments, and his duty to himself and family, required of him to demand a safe-guard.

In other countries it is usual to distinguish the domicil of an ambassadour, either by the exposure upon it of his sovereign's arms, or by a written designation of the proprietor's name and quality. That custom may have been thought superfluous in this young nation, which is yet sufficiently unsophisticated to be clear of the grosser views and corruption of the older hemisphere. We have indeed heard that over the hotel of the vendee general may be seen a little eagle and an inscription in small characters announcing the official abode of the French legation, and we are informed that similar devices are to be seen upon the houses of the corps diplomatique resident in the capital of the great nation. Here, however, no such precaution, until now, had been considered necessary. It was reserved for our present philosophical rulers to throw a doubt over the national character on one of the points which in its transactions with foreign states most impressively affects a nation's honour.

Having taken neither of these precautions above mentioned, which we are told are not usual in England, where the observance of decorum towards foreign ministers is better understood, we may regard this absence of doubt or fear, notwithstanding the unauspicious omens calculated to create them with which Mr. Jackson was greeted on his arrival, as a compliment paid to the native inoffensiveness of our citizens, when left to the unbiassed exercise of their natural propensities. We may also suppose that Mr. Jackson thought it easier to prevent than to remedy an evil that might arise
out of a popular insult, which the government in the true spirit of their official organ *The Intelligencer*, might find it convenient to excite and afterwards pretend to quell. In either or both of these suppositions Mr. Jackson certainly consulted the interests of both nations in having timely recourse to the executive. If after the commission of any outrage he had come with a grievous complaint of some mischance that had occurred, would it not have been said by administration, "it was not, indeed, to be anticipated, but why did you not apply in time, in order that steps may have been taken to prevent such an outrage?"

The secretary affects great surprise at the reasons assigned for the demand of a passport and protection. No such surprise ought to have existed, because even independent of the motives of Mr. Jackson's application, there were others in abundance by which it must be not only justified but approved. But we have to observe as to the first of those mentioned by our secretary, that if we have not been grossly misinformed, the said secretary has been, in this instance too, guilty of what we will not be so unmannerly as to call the lie direct, but of a slight deviation from the strict veracity becoming his ostensible situation. We have heard that though the affair at Hampton was brought to the knowledge of Mr. Smith if not of the government, though not perhaps in a form of regular complaint by which the secretary might have been induced to make some inquiries, and we also have heard from pretty good authority, that the subject *did not* "instantly receive every proper attention." The publication lately made of the report of the officers who landed at Hampton to their captain, shows how the matter passed. *The truth of the case is not unknown*. And we may there compare the unvarnished tale of an individual, supported by the testimony of numerous unsuspected witnesses, with the bombastick affidavit of a democratick village leader, or lawyer, who thinks that vapouring at the head of a mob against two or three unprotected individuals, and talking of the
sanctity of his assylum where no attempt was made to violate it, may be a wonderful and irresistible proof of patriotick spirit.

As for the other ground—the supposed tendency of our newspapers to excite popular violence on Mr. Jackson's person we shall not be suspected of wishing to say any thing that may have a "tendency" to abridge the liberty of our free discussions—but we must repeat here what we have often before taken occasion to assert, that the language of ministerial prints towards this gentleman, whether in his diplomatick capacity as a minister, or in his individual character as a stranger visiting our shores, is altogether unjustifiable and is a disgrace to us as a civilized nation. For several weeks before it was known that Mr. Jackson had sailed for the United States, he was assailed in the same violent and disgusting manner in which he has since been pursued. Mr. Smith is not ignorant that the government paper joined in the general cry set up by the whole democratick kennel, and from the style and character of his despatch to Mr. Pinkney, it is not an extravagant conjecture, that he had some participation in the inflammatory publications which appeared against Mr. Jackson before his arrival in this country. But what must be the surprise of honest men, when they see an executive officer of our country, in order to excuse or palliate the licentiousness of the american press, have recourse to an implied approbation of that of the continent of Europe. Mr. Smith's allusions to the british press are invidious and derogatory to the dignity of our government. They betray a grovelling and ignoble spirit which should rather have been sought after in an ale-house, than in the cabinet of "the most enlightened nation of the world." But the secretary dwells upon this subject for no other reason, than, as his brother says, ad captandum. Such trash may suit the vulgar and vitiated palate, but can excite no other sensation among men of sense, than contempt and disgust.
NUMBER X.

The second note, it seems, which Mr. Jackson sent by the hands of his secretary, Mr. Oakley, had not the good fortune to obtain Mr. Smith's approbation, either as to its form or substance. Mr. Smith speaks of it to Mr. Pinkney in the manner following.

"The second note seems to be essentially intended as a justification of the conduct of Mr. Jackson, in that part of his correspondence which had given umbrage. If he intended it as a conciliatory advance he ought not to have preceded it by a demand of passports, nor by the spirit or the manner in which that demand was made. He ought in fact, if such was his object, to have substituted an explanation in place of his reply to my premonitory letter.—But whether he had one or other, or both of these objects in view it was necessary for him to have done more than is attempted in this paper."

Here we have a new view, not indeed for the first time presented, of democratik diplomacy. A foreign minister, educated in the first schools of Europe, is sent, forsooth, to the enlightened attorney of Baltimore, to be instructed in the mysteries of his profession, and the attorney undertakes to premonish him as to the errors into which he might otherwise fall. Indeed, we must allow that the expensive embassies and various diplomatick establishments of the courts of Europe, are made to very little purpose when it is necessary to have recourse to such channels of instruction. But, however contemptibly we may, in this instance, think of the adviser, let us examine whether the advice itself be in any degree more worthy of consideration than the giver of it.

Our secretary says, the note ought not to have been preceded by the demand for passports, nor by the spirit or
manner in which that demand was made. We have made particular enquiry concerning this point, as it is one that might give a peculiar colour to the transaction, and we find that our secretary was well informed at the time, and consequently that he knew, when he wrote to mr. Pinkney, that the document required was for the purpose of remaining in, not of quitting the United States. That mr. Jackson’s stay could not be long, after the notification he had received from our government, must be obvious enough, and that he had abundant and additional reasons to apprehend, after the conduct they had observed towards him, an increase of indignity, will not, we think, be denied. We cannot therefore agree that either the demand of the passports, qualified as it was by the assurance that they were to be used in the country and not for the purpose of leaving it, or the motives that were assigned for making that demand, were circumstances that should have given umbrage to our government, or have caused them to neglect the opportunity which the british minister here again afforded them of renewing the negociation. To be thus fastidious in our pretensions towards other powers, we should before hand take care that there be nothing in our proceedings at which they might with justice take offence—and whoever has observed the treatment which Great Britain and the british ambassador has met with at our hands, will not surely pretend that there was not enough in it to excite resentment in a mind not previously disposed to friendship and conciliation.

As to the period at which this note was sent, and which mr. secretary Smith says ought to have been anticipated, it must be in the judgment of every man of common honour and feeling, to decide whether the said secretary’s letter of the first of november, was not such as precluded the possibility at that time of any friendly advance or explanation.—He there roundly charges the minister of a great power with “improper” conduct, than which a grosser or more insulting charge could not well find its place in a letter raised above
the style of a democratick newspaper. Is a foreign minister, against whom so insolent an attack is made and who has fresh in his recollection an attack still more insolent against the sovereign of his own country, to sit quietly down and beg Mr. Smith's pardon for having dared to assert his own rights, and to vindicate the good faith of his country?—What there was "improper" in Mr. Jackson's previous correspondence the secretary did not condescend to point out. As to the irrelevancy of his allusions, Mr. Jackson replied in the only way in which the charge would admit of a reply, and with perfect temper and decorum. Had the secretary specified what he meant by "improper allusions," it is probable, that the minister would have answered that charge also more specifically, although, whether it were general or particular, we must confess that he seems to have put it upon the most correct footing, by saying that he was not answerable to the secretary but to his own sovereign on such a point—but at the same time to denote that he was not insensible of what was due to our government, and that consequently he could have no intention of offending it; he adds, "Beyond this point it suffices, that I do not deviate from the respect due to the government to which I am accredited."

Will the secretary be kind enough to inform the people, what were the several irrelevant and improper allusions on which he so kindly says, that he will not make any particular animadversions? We are left to guess at his meaning, which he has for very sufficient purposes, made obscure and even unintelligible. In so doing, we find only two allusions in Mr. Jackson's letter, the first relating to Augereau's proclamation to the Catalonians, the second to the rejection, by our late and present president, of Mr. Monroe's treaty. As to the first, we imagine Mr. Smith will not say, that we were to become all at once, so chivalrous as to take under our republican protection the autocratical reputation of the great Napoleon and his satellites. What is our
country upon a footing of such close and sentimental intimacy with his imperial majesty? is that majesty so very sacred in our eyes, that our secretary could not bear even the breath of improbation to be puffed upon the immaculate reputation of one of his myrmidons? Was the cut-throat notoriety of the butcher Augereau, a fit subject on which to display our nice and fastidious delicacy in receiving a communication from another power? What more could we have done, if France, instead of plundering our citizens and burning their vessels, which gives so little umbrage to our executive, had really been the good and faithful friend which the Jeffersons and Madisons wish their deluded fellow citizens to believe that she is? Or, let it be asked, have we ever shown a similar alacrity in protecting the impeached veracity, or in vindicating the offended delicacy of the british government? Has the french diplomacy afforded no occasion on which we might have exercised the same scrupulous regard to the reputation of a third party? In replying for instance as our secretary must unquestionably have done, to count Champagny's letter, dated Altenburg, augst the twenty-second, has he told him that he made several "improper and irrelevant allusions," when he talked of England being returned to a state of barbarism, and being willing to sell her prisoners as slaves; speaks plainly of her mercantile avidity, (a very improper allusion when addressed to an american) of her maritime tyranny; of her arbitrary acts; and kindly "insinuates" that if the United States do not see all these matters in the same light with himself, they are unmindful of their independence, of the maintenance of their honour, of their sovereignty, and their dignity.

If mr. Jackson did indeed intend the note now under consideration as a justification of his conduct, he must be not a little mortified to find that an attempt to propitiate such a man as Robert Smith had met with such a reception—but we confess that we do not any where see a trace that mr. Jackson had thought any justification of his conduct necessary,
however, well satisfied he may have been to place things in such a situation, that the negotiation may have been renewed. He has all along moved in the straight and even path of his official duty, and in the same he appears willing to progress when he says that in the exercise of his duty "he could not imagine that offence would be taken at it by the American government, as most certainly none could be intended on his part." To a man of honour such an explanation would have been held sufficient, but as our government from the commencement never intended to negotiate, it could not be expected that this opportunity would be improved, to affect a reconciliation.
THE secretary tells us (that is the people of America and of England, for whom, rather than for Mr. Pinkney, we must again observe that this despatch was intended) that whatever object Mr. Jackson had in view, it was necessary that he should do more than is attempted in the note in question. But what it was that he required of him is not told us, nor does this appear anywhere to have been distinctly stated to Mr. Jackson himself. We have heard indeed, that some general notification was made to him, that his note was not quite satisfactory, and that, to be received again within the pale of our republican community, he must furthermore tranquillize the uneasy conscience of Robert Smith, by certifying under his hand and seal of office that the secretary had, at the time, no knowledge that Mr. Erskine was violating his instructions.—We have heard also that this proposal, which was wrapt up in a great many phrases of difficult and doubtful import, appeared so strange to the British minister, that he sent a third note, which has not yet been made publick, to require an exact specification of what was wished from him, and that Mr. Oakley, who was the bearer of this overture too was turned out of the room before he could obtain permission to deliver it; and that it was by this act of rude and abrupt deportment on the part of Mr. Smith that the last scene of this unfortunate drama was closed.

Such, we know was the report current at the time in Washington, and in circles were the truth was likely to be ascertained. Unless Mr. Smith is more callous and hardened than even we suppose him, he will not venture a denial of what we state. We will not undertake to certify it of our own knowledge, but it will be easy if unfounded for the many satellites of the Smith confederacy with which this city
abounds, to contradict the version; and to state what more in fact was required of the British minister as the sacrifice of atonement for his supposed offences.

It was never, says the secretary, objected to Mr. Jackson, that he had stated as a fact that the three propositions in question had been submitted to me by Mr. Erskine; nor that Mr. Canning's despatch containing those three conditions was the only one from which his authority was derived, to conclude an arrangement on the matter to which it related. We beg our readers to pause with us for an instant to reconsider the structure of this paragraph, the most portentous, perhaps of the whole series of the most extraordinary production now under our consideration, this sentence contains the whole essence of our secretary's defence, and the main point upon which his special pleading will be made to turn. Those who take only a cursory view of this sentence will perhaps be at a loss to discover wherein the mystery consists. But there will not, we are persuaded, be wanting others who will perceive that in one part of the sentence the three famous conditions are denominated such; and in another they are called merely "propositions." The finesse of this distinction was, we own, hidden so deep under the surface that we were ourselves at a loss to discover the full importance of it; but after a little enquiry and reflection, we undertake to give the following as the true explanation of the artifice.

The conditions were prescribed as such to Mr. Erskine, and were therefore the precise rule by which he was to regulate his conduct; and in as far as he deviated from them, in so far it is acknowledged that he violated his instructions, and afforded his government a just motive for disavowing him. —But this, it is at the same time maintained, was a matter essentially between him and his court, and it is sufficient for this country, that he never made known to us these conditions. —So far from it, so far was the secretary from ever supposing that there existed any such conditions, he only remembers Mr. Erskine one day walking casually into his
room, and telling him that he had some proposals to make to him, which having scarcely listened to, the secretary laughed at him, and the whole matter ended in a joke.—As the two parties here concerned are celebrated for a certain degree of facetiousness, we were at first disposed to believe that they might have selected this as a fit occasion for exercising their jocularity at the expense of the embargo and non-intercourse, as it is often seen in the world, that as an old friend can be no otherwise made useful, he is still reserved to pass an occasional joke upon.—We however, reflected that the two individuals in question, although themselves of little intrinsick weight, did nevertheless represent, the one the sovereign of a great empire, and the other the seventeen stripes of this rising republick; and it occurred to us, that it would be doing them great injustice in their professional capacities to admit the possibility that they should have treated thus lightly so grave and important a subject.

Whilst we were thus musing, the Washington mail brought to our office the documents which accompanied the president's message to congress, and in turning to page thirty-two of the official edition, we found mr. Jackson quoting from a despatch sent by his predecessor to mr. Canning, in which he says that "he had submitted to mr. Smith's consideration, the three conditions specified in his instructions and that he had received from him verbatim et seriatim observations upon each of the three conditions: and, moreover, certain reasons which induced mr. Smith to think that others might be substituted in lieu of them"—The perusal of this passage in mr. Jackson's letter of the eleventh of october, afforded us, we own, no small relief from the apprehension we were about to entertain, that the most important affairs of the two countries were treated by the ministers on either side with so much levity. For we here find a due solemnity in the proceedings of the two negociators, and a careful, if not a laborious operation of their minds, as applied, with becoming reflection, to the topicks under their consideration, so that
it would be difficult, if not impossible to say that they had shown any unfit levity or inattention upon the occasion.

First we find the British envoy Mr. Erskine, submitting to the consideration of our foreign secretary, the three conditions which formed the substance, (and the whole substance be it remembered) of his instructions: here then, the secretary must have given to them his full consideration, must have viewed them in all their bearings, and must have made himself master of their full and entire meaning; for we see, secondly, that he observes upon each of them to the British envoy. We are not told what was the purport of these observations, but we are led to conclude that they contain the grounds for rejecting the three conditions, and that their object was, in fact, to reject them, since it appears, thirdly, that Mr. Smith stated to Mr. Erskine his reasons for thinking that other conditions might be substituted in lieu of those which were contained in Mr. Erskine's instructions, and which he had, as before said, made known to Mr. Secretary Smith.

Such we perceive by Mr. Jackson's statement to have been the progress of this part of the negotiation; and so natural does it appear in itself, and so analogous to what we conceive to be the ordinary course of such transactions, that we should have thought little farther about it, had we not remembered that this was an unilateral representation, and that it became us to enquire progressively, to see what Mr. Smith himself would say of it.

At page forty-six we gather from our secretary the following declaration, as it is addressed to Mr. Jackson in answer to the foregoing statement. "Certain it is that your predecessor did present for my consideration, the three conditions which now appear in the printed document—that he was disposed to urge them more than the nature of two of them (both palpably inadmissible and one more than inadmissible) could permit; and that, finding his first proposal unsuccessful, the more reasonable terms comprised in the arrangement respecting the orders in council were adopted."
Here again we see the full operation of the minds of both negotiators, as represented by the second of them to whom we have had recourse—we see nearly the same statement made by Mr. Smith as by Mr. Erskine of the manner in which the transaction passed, we see that it was invested with all the gravity and fore-thought due to the occasion, and we are therefore compelled to believe that our friend the secretary has been misinformed as to the truth of this matter, and that in fact no such trifling occurred as that which would, from his representation, appear upon the face of this transaction.

This conclusion we must own, involves us in a dilemma of another sort. What, for instance, are we to believe of that man who, after so gravely, so considerately, so circumstantially, negotiating with another upon certain conditions, should, in the face of his own admission of the fact, have the effrontery to say that these conditions were totally unknown to him, and at another moment, sliding away from this falsehood to declare that Mr. Erskine presented them only as proposals—had laid no great stress upon them, and had proceeded by an easy transition, to adopt the more reasonable terms of the April arrangement. Is not this shuffling prevarication, falsehood, beyond any thing that the annals of pettifogging ever before presented? Is it thus that “the most enlightened nation upon earth” is to be represented in its intercourse with foreign nations? Oh shame! where is thy blush? Oh secretary! where wilt thou seek refuge from the indignation of men?

If we understand the English language, a condition means a thing which is given or received in return for the performance of some other condition or engagement. Diplomatick usage has indeed so far strengthened the common acceptance of the term, as to super-add the Latin words “sine qua non” to imply that the proffered condition is not to take effect without the other condition or equivalent, which is in the contemplation of the offering party, being obtained. In this light we are to understand that Mr. Erskine’s instruc-
tions of the twenty-third of January were given to him and accordingly presented to our secretary. If he was nevertheless seduced by the wily arts of our diplomatick Lothario to depart from the path so plainly chalked out for him, and to adopt other conditions, it may indeed, as is now maintained, be a question essentially between him and his government, but it can be no matter of surprise, much less of complaint, that his government disavowed him, nor can it afford a pretence for our government to say that the conditions, upon which, and upon which alone, he was authorised to treat, were unknown to them.
NUMBER XII.

"The objection was that a knowledge of this restriction of the authority of Mr. Erskine was imputed to this government, and the repetition of the imputation even after it had been peremptorily disclaimed."

This sentence of Mr. Smith's letter of instructions to Mr. Pinkney contains what lawyers would call the *corpus delicti*, the whole sum and substance of the British minister's offence, the matter of the indictment; and upon this issue must the question doubtless turn between our government and those who think that they have acted in this momentous affair, with violence, and a total disregard to the interests of the country. To a calm and deliberate enquiry into this point, therefore, we propose to devote some portion of this day's paper, and considering ourselves as composing a part of the grand inquest of the nation before whom our rulers have thought proper to drag a foreign envoy, we do not shrink from the duties imposed upon us in that capacity, in spite of base combinations against us, and we call upon the accusers to make good their charge. We must however, as it is the bounden duty of all who exercise so sacred a function, divest our minds of all extraneous impressions, and, without attending to the many intemperate and therefore suspicious representations of the case with which the government papers and the government agents have endeavoured to prepossess the public, confine our attention solely to the evidence that is brought before us, and conscientiously give our verdict upon its merits.

Our readers will perceive that in placing the matter in this light, we go beyond the verge which strict candour and impartiality to both parties would mark out, and whatever
there be of error or unfairness in so doing must be placed to
the account of there being no farther testimony within our
reach, and of our having, we confess, with every inclination
and firm purpose, strictly to observe our own rule, still some
small portion of national bias, and a repugnance which ev-
ery true american must feel, to see his government placed
in the wrong. If we lay aside, therefore, the representa-
tions and publications of their partizans upon this subject,
we must remember that we are called upon to pronounce an
accusatory verdict, to find or not to find a true bill, and
that we are debarred from hearing either what the accused
would say to us, if we could call upon him for his defence,
or what he has already said to his own constituents, who are,
properly speaking, his competent judges, and without whose
declaration an impartial world will not hastily pronounce a
judgment upon the case on which we are about to form and
deliver an opinion.

In examining the correspondence with the most scrutiniz-
ing eye, we can find only two passages on which we suppose
that the secretary of state means to support the charges made
in the indictment, viz.—the imputation, and the repetition of
it. In fact we may and must assume them as the evidence
on his part of what would be called the overt acts of the case,
because there are, throughout the whole series of the letters
no other passages which in any way relate to the charge be-
fore us.

First, then, we will give Mr. Secretary Smith an ad-

tege to which he is not in fact strictly entitled, by admit-
ing a piece of a priori evidence, which he has not himself
brought forward, but which we find in Mr. Jackson's first
letter of the eleventh of October.

He there states as follows, in answer to a letter conveying
if not a direct charge at least a very gross insinuation of bad
faith against his government, that "it was not known when
I left England, whether Mr. Erskine had, according to the
liberty allowed him, communicated to you in extenso his
original instructions. It now appears that he did not."

Here we should pause and say that these seven words would be sufficient to repel the charge, and we should upon the strength of them decide the case, if it were not possible that in going through the letters, some other contradictory passage might be found to invalidate or perhaps altogether to do them away. What does Mr. Jackson next say? "But in reverting to his (Mr. Erskine's) official correspondence, and particularly to a despatch addressed on the twentieth of April to his majesty's secretary of state for foreign affairs, I find that he there states that he had submitted to your consideration the three conditions specified in those instructions;" and farther, after speaking of the observations made by Mr. Smith upon those conditions, and of the terms that were substituted in lieu of them, he says, "but the very act of substitution evidently shows that those original conditions were in fact very explicitly communicated to you, and by you of course laid before the president for his consideration."

Now here, if any where, is to be found the gross insult and imputation so often mentioned; for what comes afterwards will be seen to be only a repetition of this observation and of the information leading to it. And do we here find one word, or even hint about the restriction of the authority of Mr. Erskine? Nothing in fact appears of it, nothing indeed could have entered the writer's mind, because, as Mr. Erskine's instructions contained three simple propositions which were or were not to be accepted as the price of the orders in council, there could be no idea of putting a negative injunction in addition to them, and saying "you shall not upon any other terms, agree to the revocation of the orders." Had it been the business or wish of Mr. Jackson to inculpate the government, he would have gone beyond his present observation, and would have asked Mr. Smith whether Mr. Erkine ever told him that there were other conditions contained in his instructions, by which he was authorised to con-
clude the agreement which he did. This question must have been answered in the negative.—Mr. Erskine never could and never did pretend that his instructions authorised what he did. It is known to many persons who can bear witness to the fact, that in their presence, shortly after signing the agreement, he expressed doubts to Mr. Smith of its being ratified, and this must of necessity lead us to suppose that something of a similar tendency passed at the time of the signature, and must, at all events, make it appear somewhat strange that so much surprise should be testified at the disavowal.

Let us now analyse Mr. Jackson's expressions. It is said he conveys an imputation. This, then, must be in the shape of a positive assertion—and we find no such assertion in the printed correspondence. It is not pretended; he asserts only, that the three conditions were made known to Mr. Smith; or the imputation may be implied; and this, if we abide by the secretary's own letter of the first of November, must be his meaning. He speaks there of a language implying "a knowledge," &c. How is this implied? or if it be so, does not the secretary himself furnish grounds for it? Mr. Jackson says the conditions were made known to Mr. Smith, who acknowledges the truth of the declaration. Thus far, then, there is no contradiction between them—they are agreed. But what (if any) is the conclusion which Mr. Jackson draws from this fact? Does he add—"You must therefore have known that Mr. Erskine was not authorised to do what he did?" No—he says nothing like it. His inference is altogether unconnected with such a declaration. It goes only to that he evidently has all along had in view, and which he would have been altogether unworthy his station, if he had not maintained. He says, "the conditions were communicated to you—you therefore know them—compare them with the agreement you made, you will then see that Mr. Erskine violated his instructions, and you will then also see that his government had a right to disavow him." This is the chain of rea-
soning which mr. Jackson appears to us to have followed. We take it abstractedly, and upon the merits only of the passages which we have quoted; but if taken in connection with other passages, and upon a fair review of the whole context, the conviction is irresistible to our minds that no other meaning can be applied to him.

We proceed now to his letter of the twenty-third October, upon which, although it is only a repetition of a former letter, the secretary of state has thought it most convenient to ground his charge.

After acceding to the demand of our government by giving the reasons of the disavowal, mr. Jackson here says, "These instructions (mr. Erskine's) I now understand by your letter, as well as from the obvious deduction which I took the liberty of making in mine of the eleventh instant, were, at the time in substance made known to you; no stronger illustration, therefore, can be given of the deviation from them which occurred than by a reference to the terms of your agreement." What then is here again the object of mr. Jackson? No other than to show that, as mr. Erskine had violated his instructions, the arrangement made by him might of right be disavowed. This is the simple course of the proceeding. The british minister says "my predecessor violated his instructions." The secretary of state asks in what respect—to which he is answered that, as he himself knew the conditions on which mr. Erskine was authorised to conclude, he might himself compare them with the agreement and would see in what he had disobeyed his orders.

It is true that mr. Jackson might have himself enumerated the terms both of mr. Erskine's instructions and of the april arrangement, and have saved mr. Smith trouble by drawing himself the comparison, but as mr. Smith professed to be acquainted with the former, and could not but be well acquainted with the latter, and might appear to be a more natural as well as a shorter mode to refer him to the view which he might himself take of the subject. But in doing
this, does he maintain any thing that the secretary had denied? On the contrary he only accepts the secretary's own declaration, and takes up a position which results from his (the secretary's) own letter. The conclusion at which Mr. Jackson aims, and we may say, arrives, is one from which his opponent might think it right to dissent. He says "from the terms of Mr. Erskine's instructions and the communication of them so made, and admitted by you to have been made, I derive the right of my court to disavow the arrangement. Mr. Smith may dispute this right, and deny it upon any ground that he pleases, but we deny that in the maintenance of it that there is any thing that can be construed into an offence to our government, much less into that sort of outrageous insult, which would alone justify the course that has been pursued.

From this we must proceed to Mr. Jackson's letter of the fourth of November, which, although it was written in answer to one of the most insolent and irritating attacks that ever was made by one minister upon another, we shall consider only as it does or does not corroborate and identify itself with the preceding quotations from his former letters.—It must be remembered however, as inseparably connected with the charge we are examining, that this letter of Mr. Jackson of the fourth of November is the first that was written by him under the direct influence of the charge, and for the purpose of repelling it. In his preceding letters, he does not even appear to have suspected that the government had taken offence, but as they treated the subject, as they have since said, argumentatively, so he meets them on that ground, and assuming their own data, argues with them in favour of the right of disavowal. Here, however, he is told unequivocally that his arguments had given offence, and that, having used a language implying something that was denied here, such insinuations were inadmissible. This is the charge now under consideration, and we must see how Mr. Jackson meets it, whether as our
government says, by reiterating and even aggravating the insult, or, as it is maintained by others, by a denial of the charge, not unaccompanied by something like an impulse of indignation at such a charge having been made. "You will find," says he to Mr. Smith, "that in my correspondence with you I have carefully avoided drawing conclusions that did not necessarily follow from the premises advanced by me, and least of all should I think of uttering an insinuation where I was unable to substantiate a fact." What then are the conclusions which Mr. Jackson avoided drawing? Those of which he is accused. What are the premises advanced by him? That the three conditions were communicated to Mr. Smith.—What the conclusion, in his opinion, which necessarily follows from this fact? Why that his government had a right to disavow Mr. Erskine, and that that right must now be known to our government, because they have been informed that the three conditions were the only terms on which he was authorised to make any arrangement. Does he anywhere say that they knew it at the time of making the arrangement? He does not. He on the contrary expressly says that they obtained that information from himself. "I have the honour of informing you that it was the only one by which the conditions on which he was to conclude were prescribed." How would he have thought of inserting this sentence in his letter of the eleventh of October, when he meant to charge the Executive with knowing the circumstance mentioned in it on the nineteenth of April preceding. He knew that Mr. Smith was under a contrary impression. From Mr. Smith himself he had learnt that it was believed that Mr. Erskine had two sets of instructions by one of which the arrangement was authorised; and it was to do away this belief he gives him the information that such was not the case, that he had but one instruction. Mr. Jackson, therefore, in this very act acknowledges that this government did not know what they pretend to be imputed to them, but that they were under a contrary, although er-
roneous impression; he would not otherwise have given them the information which he does in order to set them right. Are then the premises of which Mr. Jackson speaks, those which we have here adduced? We are bound to say that they are, because no other are any where discoverable. Does the conclusion which Mr. Jackson has drawn, viz.—the right of disavowal, follow from them? This may be a question of public law which it is not the purpose here to solve, but to our understandings it is quite clear that Mr. Jackson contends for no other, and that consequently no offence need be taken at what he says.

But it is no where said that he asserted what has given so much offence here. It is implied only in his letter, for he insinuates it. This he meets with something more than a negative. He denies having drawn the offensive conclusion, but "least of all," he adds, "should I think of uttering an insinuation where I was unable to substantiate a fact;" which was the same thing as saying, I will not insinuate the fact, because I cannot substantiate it, and Mr. Jackson had previously admitted that the fact did not exist. Of the truth of this double denial, our conviction is contained in what has already been said—and we shall only now further say, that the charge which was here made upon Mr. Jackson, that of having insinuated something that he could not or would not assert, contained in it something so mean and dishonourable, that we only wonder that he did not repel it in terms of stronger and more lively indignation than are to be found in his reply to the secretary of state.
NUMBER XIII.

It will be seen by what has already been said, that we have abstained from putting this subject on any other footing than that of a gross insult upon our government by the British minister. We have gone through all the evidence which has been adduced, and we are bound, before God, our country and our conscience, to indorse the bill of indictment "not found."

Our government has not made good the charge thus preferred, and on them must therefore fall the odium of having brought forward a false accusation. With the American people too they have a heavy account to settle, and they must not expect that, having to satisfy them, carried our enquiries into the inmost recesses of a stranger's mind, we shall shrink from examining the conduct (and the motives of it) which they have displayed upon the present occasion. After all, the publick of this country forms but a partial tribunal, naturally biassed, as we have before confessed ourselves to be, by an excusable partiality, to whatever even in its failings, is American. The world at large will judge how far a spirit of conciliation has, from the beginning appeared in the divers acts of our government towards the British minister, and how far he was or was not justified in writing what he has written in the circumstances in which he was placed; and more especially whether those circumstances were not of a nature to prove a total disinclination, on the part of the president and his secretary, to come to any attainable terms of accommodation with Great Britain.

The outcry that was raised against that country as to the disavowal of Erskine's arrangement (an outcry that originated in sinister and party purposes, since our government
knew as well then as they do now, that the disavowal itself was unjustifiable upon every principle of publick law, (as it has been proved to them upon the strength of their own quotations)—the abuse, savage and unprecedented, even among savages, which was heaped, first in the columns of the government paper, on the minister who was upon his way to negotiate with us for a right understanding of past differences—the continuation of this and similar outrages upon his arrival, and during his residence amongst us—the pains taken by government to produce towards him discreditable luke-warmness in others, and to discourage those hospitable habits of social intercourse which have hitherto distinguished this country—these were all circumstances not tending to a friendly or conciliatory understanding.—Then again in official transactions—the studied and predetermined absence of the president from the seat of government, when it was announced to him that a british minister was on his way thither—the impertinent civility of our Baltimore secretary in going for two days to Washington "to take a look" at the new minister, and to see, if possible, "what stuff he was made of," and returning immediately to enjoy himself in his private residence when he ought to have been engaged in his official duties—the denial, six days after our minister's introduction to the executive, of all personal access and verbal intercourse, of which we agree with him in thinking that there does not exist another instance in the annals of diplomacy—the uncourteous style of the secretary of state's first letter to him, in which he purposely misrepresents the tenure of his overture—we say purposely, because when corrected in this respect, Mr. Smith does not refrain from repeating, in every subsequent letter, and in the most contumelious manner, the same imaginary statement which had been denied by the british minister—lastly, the rude and insolent attack made upon him in the letter of the fourth of november, which led to the still more censur-
able, because more premeditated, measure of his dismissal, and which was followed by the undignified and disgusting topics of abuse again circulated by the government, through their own immediate newspaper the Intelligencer, and others not less under their controul:—these and other topics, will in due time, form a proper ground of enquiry into the conduct of our government, as the best interests of the country are involved in it.

We shall not be deterred from entering into this enquiry by the insidious measures that have been resorted to of making the legislative body a party to the errors, misrepresentations and absurdities of the executive. Mr. Giles's resolutions were designed to carry along the discontented rabble and the confirmed partizans of France, who are always ready to go to any extremity. With men of intelligence, who have a real interest in the nation's welfare, they will excite no other feelings than those of horror and disgust. They give to the whole transaction a character of vulgar ferocity, that must of necessity lower us in the estimation of other nations.

The only remaining particular in Mr. Smith's despatch to Mr. Pinckney, is the enclosure of a circular letter, said to have been addressed by Mr. Jackson to the British consuls in the United States. That this letter was written and sent by that gentleman to the persons who are subordinate to him in the British agency, we are to take for granted, because, as was said by a member of the House of Representatives, it has never been denied. There could indeed be no motive for this denial since it is admitted on all hands, that in writing the letter Mr. Jackson was only exercising a legitimate, and in the circumstances of the case, an highly necessary part of his official duty. Whether the object of the letter were to make known to the consuls Mr. Jackson's change of residence, or the motives of that change, is a question into which it is altogether impertinent in Mr. sec-
retary Smith to enter. If mr. Jackson had determined upon appealing to the people, he would not have been at a loss to bring forward a multiplicity of other grounds, upon which he might well think that such an appeal, if otherwise justifiable, would be successfully attended to.

Mr. Smith complains, that the letter is a repetition of what had been previously addressed to our government, and draws from this an argument in support of the absurd notion that, some half dozen lines thrown into the form of a circular letter addressed to the british consuls, was designed as an appeal to the people. Mr. Smith has reason to be too well acquainted with the acuteness and sound judgment of mr. Jackson to believe that, if he really designed the letter as an appeal he would not have selected out of such a multiplicity of good causes of complaint, some that would have found their way directly to the feelings of the people. But the more grievous matter of allegation against this circular, is that the substance of one sentence it contained, is also to be found in a letter written to the secretary, forming part of their correspondenc. Granted. Surely mr. Smith with all his effrontery, will not have the audacity to urge this as matter of aggravation. Did not the National Intelligencer of the thirteenth november, which first announced the rupture, contain a repetition, almost in the very words used in mr. Smith's letter, of what our government had previously addressed to the british minister? Who is bold enough to deny this fact? Thus far then is a perfect similarity of proceeding: but it is said that our government was at liberty to publish what they pleased against the british minister, by way of an appeal to the people, but that he had no similar right, and was bound to sit quietly down under whatever imputations it might be found convenient to cast upon him. That is to say, because Bob Smith's ignorance and deficiency in every qualification requisite in a minister, enabled mr. Jackson to gain the vantage ground and expose the pettifogging attor-
ney to general ridicule, Mr. Jackson's hands are to be tied and his lips sealed, while the secretary seats himself at the desk of Sam. Harrison Smith, to write false and inflammatory paragraphs, and argue over to the people, the topics of negotiation, at the same time converting to his use such parts of the previous correspondence, as he pleased.

This might be a question of very doubtful issue, if submitted to the judgment of diplomatick men. But, however it should be decided, there can be no question of the indecency and illiberality of a government availing itself of such an advantage over a foreign minister, thus insulated in our community, and at such a distance from the support that he might derive from his own government. But waving all other considerations, how does the matter stand as to fact? Did Mr. Jackson publish this letter? We have the most unquestionable authority for saying that he did not, and that it was done without his knowledge and privity. What then is to become of this pretended appeal to the people?

What of that part of the joint resolution of congress grounded upon this supposed publication of a paper which the senate voted to be an insult, without officially knowing its contents. So much for the indecent precipitation of a factional demagogue, urged on by the still more unpardonable hastiness of a democratick servant of the publiquick; has plunged the good sense of our legislature.

It will be of no avail to urge that a great, and the most enlightened part of that legislature was strenuously opposed to the resolutions and entered their protests against them in speeches fraught with talent, patriotism and logical correctness. Still the stigma remains upon our national character. We have to answer to posterity for having passed resolutions, neither of which can be supported by the evidence brought in support of them; one of which is known not to be founded on fact, and the other to rest entirely upon the constructive inference of the original mover, opposed to some of the most
lucid arguments that have ever been presented on the floor of any deliberative assembly.

What, for instance, if the object of Mr. Giles and his associates had been any other than to mislead the people and to raise their passions by deceptive means, would have been the difficulty of calling for evidence to prove whether or not Mr. Jackson did publish his letter to the consuls? Why not call upon the printer for his declarations upon that point? What prevented this but the fear that the result of such an enquiry would not satisfy the wishes of those who had made assertions, either knowing them to be groundless, to say the least, without duly ascertaining that there was a foundation for them. If, as we assert and confidently believe, the publication of the circular did not take place by the agency or with the knowledge of Mr. Jackson, what is there to become of the second branch of the resolution of congress? What of the complaint, upon this subject, which is conveyed to the British government through Mr. Pinkney? Will it now appear to the world that both congress and the executive have pledged themselves to an untruth; and that although there can be little doubt of the British government readily complying with the request made by our executive that Mr. Jackson may be immediately recalled, yet that the motives of that request are not, cannot be, those which our rulers have pretended, and that we may wait long enough before the communications which we may hope for through any other channel will arrive.

Upon the general impropriety, the unprecedented meanness, of the publication of the letter to Mr. Pinkney, now under consideration, we have yet a few words to say. This is a proceeding worthy of the worst acts of the worst period of a Jacobin directory, and to such only can it be assimilated. With what face can we accuse Mr. Jackson of an appeal to the people of America, in the very same breath that we appeal against him, and against his government, to the
people of great Britain? What can there be more mean, more cowardly than to issue to the world a volume of vulgar and coarse invectives against that gentleman after depriving him of every means of reply and defence, only to receive the plaudits of an enfuriated populace, of a populace misled and roused to anger by the authors of these opprobrious charges? Was it that our secretary was conscious of his own general inferiority, that he thus deprived the British minister of the privilege of verbal intercourse, because the pen of Mr. Madison was better calculated than the tongue of Robert Smith to confound his arguments? Was it because they had both failed in so doing that they were determined to issue a pleading, to which he had been before hand deprived of the means of replying?

Thus it is that the fair fame, the peaceful habits, the increasing prosperity of our country are sacrificed to the unhallowed purposes of democratick violence, and under partiality to an unprincipled and upstart tyrant. Thus it is that the cause of truth is brought a victim to the shrine of vulgar ambition. Volumes might be written upon so interesting a subject, but the writer of these pages acknowledges his inability to add any thing in point of strength or argument to the unanswerable and therefore unanswered speech of one of our most distinguished statesmen, the illustrious representative of the state of Massachusetts, Josiah Quincy. With his words we will conclude, recommending them to the deep reflection, the daily consideration, and finally to the unqualified adoption of our democratick president, and those who are put in authority under him.

"I declare distinctly that I oppose and vote against this resolution from no one consideration relative to Great Britain and the United States; from none of friendship or animosity to any one man or any set of men; but simply and solely for this one reason, that in my conception, the assertion contained in this resolution is a falsehood."
"But it is said that this resolution must be taken as "a test of patriotism." To this I have but one answer. If patriotism ask me to assert a falsehood, I have no hesitation in telling patriotism, "I am not prepared to make that sacrifice."

The duty we owe to our country is indeed among the most solemn and impressive of all obligations; yet, high as it may be, is nevertheless subordinate to that which we owe to that being, with whose name and character truth is identified. In this respect I deem myself acting upon this resolution under a higher responsibility than either to this house or this people."

FINIS.