

Justification of the disavowal to the departure of Mr. Erskine from his instructions, without showing what those instructions were, and to allusions to an expression in the arrangement, without giving to his meaning the distinctness pre-requisite to a just reply.

It appears, however, that he lays great stress on the proposal enclosed in his letter of the 27th October, as at once indicating the departure of Mr. Erskine from his instructions, and as containing the conditions on the basis of which he was ready to enter on an adjustment. And from a note from the Secretary of the British Legation, it appears that he has complained of not having received an answer to this proposal, as he had before complained that no answer had been given to his verbal disclosures on this head in his interviews with me.

With respect to his intimations in conversations as they were preceded by no proper assignment of the reasons for not having executed the original adjustment, it cannot be necessary to remark that no such notice, as he wished to obtain, could with any sort of propriety have been taken of them.

With respect to his written project, it will suffice to remark: 1st. That besides his reluctant and indistinct explanation of the disavowal of the original adjustment, he did not present his proposal, until he had made such progress in his offensive insinuations as made it proper to wait the issue of the reply about to be given to it, and that this issue had necessarily put a stop to further communications.

2dly. That although he had given us to understand that the ordinary credentials, such alone as he had delivered, could not bind his government in such a case, his proposal had neither been preceded by, nor accompanied with the exhibition of other commission or full power: Nor, indeed, has he ever given sufficient reason to suppose that he had any such full power to exhibit in relation to this particular case. It is true, that in his letter of the 23d October, he has stated an authority eventually to conclude a convention between the two countries. 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 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. It is true also, that in his letter of the 4th November subsequent to his proposal, he says he was possessed of a full power in due form for the express purpose of concluding a treaty or convention.

But it still remains uncertain, whether by the treaty or convention to which it related, was not meant an eventual or provisional treaty on the general relations between the two countries, without any reference to the case of the Chesapeake. Certain it is, that the British government in former like cases, as will be seen by the adjustment of that part of the affair at Nootka Sound, which is analogous to this case, did not consider any such distinct full power as necessary; nor is there the slightest ground for supposing that Mr. Erskine, although confessedly instructed to adjust this very case of the Chesapeake, was furnished with any authority distinct from his credential letter. That Mr. Jackson has any such commission is the less to be supposed, as it is but barely possible, that possessing it, he should not, on some occasion, or in some form, have used a language susceptible of no possible doubt on this point.

But proceeding 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 disavowed. Mr. Jackson, if not on others, is, on this point, explicit. "I now add," says he, "that the deviation consisted in not recording in the official document signed here, the abrogation of the President's proclamation of the 2d July, 1807, as well as the two referrals specified in the paper of memoranda enclosed in my official letter to you of the 27th ult."

Considering then the conditions in the proposal as an ultimatum, in what light are we compelled to view such an attempt to repair the outrage committed on the frigate Chesapeake, and to heal the disappointment produced by a disavowal of a previous equitable reparation?

It is impossible on such an occasion not to recal the circumstances which constituted the character of the outrage to which such an ultimatum is now applied. A national ship, proceeding on an important service, was watched by a superior naval force, enjoying at the time the hospitality of our ports, was followed and scarcely out of our waters when she was, after an insulting summons, attacked in an hostile manner, and the ship so injured as to require expensive repairs, the expedition frustrated, a number of the crew killed and wounded, several carried into captivity, and one of them put to death under a military sentence. The three seamen, though American citizens, and therefore on every supposition detained as wrongfully as the ship would have been detained, have notwithstanding remained in captivity between two and three years; and it may be added, after it has long ceased to be denied, that they are American citizens.

Under these circumstances we are called upon to ransom the captives.

1st. By acknowledging that a precautionary proclamation, justified by events preceding the outrage, by the outrage itself, and by what immediately followed it, was unjustifiable, and that a repeal of it was properly a condition precedent to a reparation for the outrage. And this requisition is repeated, too, after such an acknowledgment had been uniformly asserted by this government to be utterly inadmissible, and what is particularly remarkable, at a time when the proclamation, as is well understood, was no longer in force. The occasion obviously invited a silent assumption of the existing fact, and this would have excluded the difficulty heretofore found to be insuperable.

2d. By throwing into complete oblivion the conduct of the officer answerable for the murderous transaction, with a knowledge too on our part, that instead of being punished or even brought to trial, he has been honoured by his government with a new and more important command.

3d. By admitting 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 had been naturalized in due form under the laws of the United States.

It has not been explained, whether it was meant, as the universality of the term "deserters" would import, to include American citizens who might have left the British service.—But what possible consideration could have induced the British government to expect that the United States could admit a principle, that would deprive our naturalized citizens of the legal privileges, which they hold in common with their native fellow-citizens. The British government ought not to have made such a proposition; because it not only like others, naturalizes aliens, but in relation to the United States has even refused to discharge from the British service native citizens of the United States, involuntarily detained. If an American seaman has resided in Great-Britain, or has married therein, or has accepted a bounty in her naval service, his discharge therefrom on the regular application to the British government, has been invariably refused by its board of admiralty. This I state on the authority of the official reports made to this department. It is therefore truly astonishing that, with a knowledge of these facts, such a pretension should have been advanced at all; but above all, that it should have been made a *sine qua non* to an act of plain justice, already so long delayed. This is the more to be regretted, as

the omen does not favor the belief we would willingly cherish, that no predetermination exists in the councils of his Britannic Majesty, irreconcilable to an amicable arrangement of an affair, which, affecting so deeply the honor of the United States, must precede a general regulation of the mutual interest of the two countries.

After the correspondence with Mr. Jackson was terminated, two notes, of which copies are herewith sent to you, were presented to me in the name and by the hand of Mr. Oakeley, the British Secretary of Legation.

The first requested a document, having the effect of a special passport or safe guard to Mr. Jackson and his family, during their stay in the United States. As the laws of this country allow an unobstructed passage through every part of it, and, with the law of nations, equally in force, protect public ministers, and their families in all their privileges, such an application was regarded as somewhat singular. There was no hesitation, however, in furnishing a certificate, of his public character, and to be used in any mode he might choose. But what surprised most was the reasons assigned for the application. The insult he alluded to was then, for the first time, brought to the knowledge of this government. It had, indeed, been among the rumours of the day, that some unbecoming scene had taken place at Norfolk or Hampton between some officers belonging to the Africaine and some of the inhabitants, and that it originated in the indelicacy of the former. No attention having been called for, and no inquiries made, the truth of the case is unknown. But it was never supposed that Mr. Jackson himself who was on board the frigate had been personally insulted. Nor is it yet perceived in what way he considers it as having happened. It is needless to remark that any representation on the subject would have instantly received every proper attention.

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 would probably never have entertained an apprehension of that sort. If he meant to animadvert on the free language of the newspapers, he might justly be reminded, that our laws, as those of his country, set bounds to that freedom: that the freedom of British prints however great with respect to public characters of the United States, has never been a topic 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 British press and that of the other nations of Europe.

The second note seems to be essentially intended as a justification of the conduct of Mr. Jackson in that part of his correspondence which has 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 the place of his reply to my promissory 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.

It was never objected to him that he had stated it as a fact that the three propositions in question had been submitted to me by Mr. Erskine, nor that he stated it, as made known to him by the instructions of Mr. Canning that the instruction to Mr. Erskine containing those three conditions was the only one from which his authority was derived to conclude an arrangement in the matter to which it related. 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 was so gross an attack on the honor and veracity of the government, as to forbid all farther communications from him. Care was, nevertheless, taken at the same time, to leave the door open for such as might be made through any other channel, however little the probability that any satisfactory communications would be received through any channel here.

To the other enclosures I add a printed copy of a paper purporting to be a circular letter from Mr. Jackson to the British consuls in the United States. This paper speaks for itself. As its contents entirely correspond with the paper last referred to, as they were unnecessary for the ostensible object of the letter, which was to make known Mr. Jackson's change of residence, and as the paper was at once put into circulation, it can only be regarded as a virtual address to the American people of a representation previously addressed to their government—a procedure which cannot fail to be seen in its true light by his sovereign.

The observations to which so much extent has been given in this letter, with those contained in the correspondence with Mr. Jackson, will make you acquainted with the conduct and the character he has developed, with the necessity of the step taken in refusing further communications from him, and with the grounds on which the President instructs you to request that he may be immediately recalled. You are particularly instructed, at the same time in making these communications, to do it in a manner that will leave no doubt of the undiminished desire of the United States to unite in all the means best calculated to establish the relations of the two countries on the solid foundations of justice, of friendship, and of mutual interest.

With great respect, &c. R. SMITH.
Wm. Pinkney, Esq. &c. &c.

MR. CANNING TO MR. PINKNEY.
Foreign Office, May 27, 1809.

SIR—According to the intimation which I gave to you in our last conference, I have now the honor to inclose to you a copy of the Order in Council which his Majesty has directed to be issued for the purpose of preventing as far as possible any inconvenience or detriment to the merchants of the United States, who may have entered into commercial speculations on the faith of the unauthorized engagements of Mr. Erskine previously to the notification in America of his Majesty's disavowal of those engagements.

Having had the honor to read to you in *extenso* the instructions with which Mr. Erskine was furnished, it is not necessary for me to enter into an explanation of those points in which Mr. Erskine has acted, not only not in conformity, but in direct contradiction of them.

I forbear equally from troubling you, Sir, with any comment on the manner in which Mr. Erskine's communications have been received by the American Government, or upon the terms and spirit of Mr. Smith's share of the consideration.

Such observations will be communicated more properly through the minister, whom his Majesty has directed to proceed to America—not on any special mission (which Mr. Erskine was not authorized 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.

I have the honor to be, with great consideration, Sir, your most obedient humble servant,
(Signed) GEORGE CANNING.

[Here follows the Order in Council of May 24, 1809, as already given in the public papers.]

MR. PINKNEY'S ANSWER.
Great Cumberland Place, May 29, 1809.

SIR—I have received the communication which you did me the honour to address to me on the 27th instant, and will hasten to transmit it to the Secretary of State of the United States.

No instructions or information from my government concerning the transactions in America, to which your communication alludes, having yet reached me, I can only express my concern that the conciliatory arrangements, concerted and concluded, as you have done me the honour to inform me, between the American Secretary of State and his Majesty's accredited Minister at Washington, acting in consequence, and professing to act in pursuance, of regular instructions from his court, are not likely to have all that effect which was naturally to have been expected from them.

I have the honour to be,
With great consideration,
Sir, your most obedient humble servant,
WILLIAM PINKNEY.
The Right Hon. George Canning &c. &c. &c.

Then followed, the Proclamation reviving the non-intercourse law as to England, Mr. Gallatin's instructions respecting the same, and a few notes on our Negotiations with France, the most important of which is Mr. Champagny's letter announcing the *unalterable determination* of the Emperor.—The letter was published in this Gazette of the 18th of December, 1809.

From the BOSTON COLUMBIAN CENTINEL.
The Diplomatic Policy of Mr. MADISON Unveiled.
No. II.

BEFORE we endeavor to display to our readers one of the deepest, and most extraordinary political negotiations which our annals have recorded, a negotiation which establishes beyond a doubt a determination either to quarrel with *Great-Britain* or to prevent a peace with her on any terms; it will be useful to consider whether we had a right to expect such conduct in Mr. MADISON—whether it comports with, or is opposed to former views of his character.—This is extremely important both to him, and to us in forming a correct judgment of his measures.—For if Mr. MADISON has heretofore manifested an impartial and unbiassed disposition towards the two great belligerents—if he has discovered a sincere wish to preserve a good understanding with *Great-Britain*, and a proper spirit of indignation at the injuries of *France*, it would require pretty strong evidence before we could believe him capable of forming so deliberate a plan to force the former into an open rupture.—If on the other hand, his late conduct shall appear to be perfectly consistent with the former history of his life—if a state of ill humor and ill will towards *Great-Britain* shall appear to have been the prevailing temperament of his mind, and especially if it shall turn out that he has acquired his influence with his own party chiefly by fostering such prejudices, surely it will not be deemed uncharitable to consider the unwearied pains which have been taken to produce an irreconcilable rupture, as resulting from a fixed and premeditated plan.

Mr. MADISON came into Congress in the year 1778—Our open alliance with *France* had just then taken place—The views, the ambitious and interested views which led the Cabinet of *Versailles* to adopt our cause, and which were so frankly acknowledged in Mr. GENET's instructions, were even at that early period discovered by the Delegates from the Eastern States. It was soon perceived that our independence was one of the last objects which entered into the policy of *France*—A separation from *Great-Britain* accompanied by such weakness on our part as should render us dependent on herself was the extent of her good will towards us.

It would astonish those, who are ignorant of the intriguing policy of *France* to be informed, what was the fact, that this ally so full of professions, moved every wheel in the political machine to prevent our growth, and to check our solid independence.—To this end, she early fomented a party in Congress.—To this end she even intrigued with our common enemy.—To this end she endeavored to diminish our territorial claims.—To this end she opposed the cession of the Fisheries to us.—To this end in short she insisted that even our Independence should not be a *sine qua non* of a treaty. But the most extraordinary part of this history is, that men could be found in our own councils ready to cooperate in the French views. It is however a fact, that there existed in Congress a *Gallican* and an *Anti-Gallican* interest—that the New-England Delegates were without an exception, of the latter description, and that Mr. MADISON and a formidable party belonged to the former.—We do not mean to intimate actual corruption to which it is believed he was always superior, but strong prepossessions.—It is a fact that our ministers were instructed to follow the advice of *Mons. De Vergennes* in relation to a peace—that it was even debated whether the fisheries should be made an indispensable condition—and that an attempt was made to censure Mr. ADAMS and Mr. JAY, for the honorable peace which in spite of French intrigues they had effected.

Thus early and deeply seated in the marrow, were Mr. MADISON's Gallick prejudices, and it surely cannot excite surprise that a man who in 1779 and 1780 could pause between the interests of the United States and the wishes of *France*, should in 1808 and 1809 glide over, nay almost gloss over the unexampled outrages of the same nation.

"With *France* (says the Guardian of our rights, when communicating to Congress the late insufferable letter of CHAMPAGNY, indicating his Majesty's unalterable will) with *France* the other belligerent, the posture of our affairs does not correspond with the measures taken on the part of the United States to effect a favorable change."

But whether this is owing to accident, to the failure of our dispatches, or to the insolent pretensions of *France*, our Executive gives no intimation.—Why? Because every man in the nation reads the speech of the President, while