

MR. SMITH'S OFFENSIVE INSINUATIONS,
AND IRRITATING LANGUAGE TO MR.
JACKSON.

WE have shewn, that neither the original charge of insult, preferred against Mr. Jackson, in the note, by which his functions were suspended, nor the milder and corrected explanations of that charge, in the letter from Mr. Smith to Mr. Pinkney, can be supported by any fair construction of Mr. Jackson's letters. What, then, is the result?—Why, that the certainty of a continuance of a state of irritation and danger, and the possibility of the horrid calamities of war, are to be endured by the people of the United States, on account of an imaginary insult, of such extreme tenuity, of such an imperceptible and intangible form, that it requires all the sophistry of Mr. Giles, in a speech of twenty pages, to present a faint and feeble picture of it.—An insult of so subtle and changeable a nature, that every man who would point it out, varies in the selection of the offensive passage, and in the construction of the parts selected.

Who are the men, who would thus inflame the nation to mortal hatred and inexorable rage? Are they the same persons, who, in a moment of pretended reconciliation, told his Britannic Majesty that his offer of reparation for the Chesapeake did not comport with his honor or dignity? Or are we to be hurried on to our ruin, under the belief, that sensibility and rights are all on our side, and that while the Sovereign of another nation shall not even look away at us, we may, without offence, impeach his good faith, and question his honor!

Let us endeavour, for the first time, towards Great-Britain, to adopt the golden rule of Christianity, which if it be not respected as an authority in our Cabinet, it is hoped, has yet some influence with the sober and religious part of our People; and while we are courting a war, on account of pretended insults, in the letters of Mr. Jackson, let us see whether the language of Mr. Smith be wholly faultless—in short, whether it be not unnecessarily affrontive.

The correspondence, in the late case, was opened by Mr. Smith, by his letter of the 9th of October, and we doubt, whether so abrupt, so rude and offensive a note can be found in the whole annals of diplomacy, if we except the uniform tenor of the French correspondence with us.

This letter is in the nature of a manifesto, rather than of a friendly enquiry. It charges Great-Britain with perfidy—it declares, by anticipation, that she had no apology for it—it alleges, that she had made no explanations of her conduct, but that she had accompanied this neglect by new and insulting pretensions. It goes further—it specifies those pretensions, though, as we shall hereafter shew, they had been absolutely denied by the British minister, in previous conversations, and in fact no such propositions have ever been suggested by him. After all these charges, as unqualified, unmeasured and indecorous in their language as they turn out to be unfounded in point of fact, the common rules of diplomacy would have required that Mr. Smith should have concluded, which he did not, with some expressions of confidence in the disposition of his Britannic Majesty to reconcile his conduct with good faith, and with the principles of justice. These professions, insincere enough to be sure, are a species of counterfeit coins of little or no intrinsic value, but which usage has rendered an indispensable medium of diplomatic intercourse.—And who ought more scrupulously to adhere to the use of them, than our inflammable rulers, who can calmly hazard the existence of a nation, for a supposed failure of etiquette?

If Mr. Jackson had replied to this letter of Mr. Smith, (which, we must recollect, was the commencement of the correspondence) "that the temper in which Mr. Smith's letter was conceived, too much resembled the ungracious tone in which Mr. Erskine's arrangement was expressed, to leave any hope of benefit from the protraction of the intercourse," all impartial men would have thought him justified.

That it must have had, and that it in fact, did have, as was doubtless intended, an inauspicious and unfavorable effect on Mr. Jackson's mind, and on the future style of the negotiation, there can be no doubt. It is not a favorable mode of commencing a settlement of ancient controversies, to begin with a blow.

The second instance of indecorum on the part of Mr. Smith, which falls very little short of contradiction, and whatever it may fail of amounting to that, may be fairly placed to the account of prevarication, is of vast importance, because the same insult, if it be one, to the British Minister, is repeated by Mr. Madison in his Message. It is the allegation made in Mr. Smith's first letter, that he learned with surprise and regret, that Mr. Jackson, so far from coming prepared to make explanations for the disavowal of Mr. Erskine's arrangement, had been directed to insist upon terms, inadmissible and affrontive.

Mr. Smith represented in this introductory letter:—

1st. That Mr. Jackson, had no instructions to make any explanation of the disavowal of Mr. Erskine's agreement.

2dly. That in the affair of the Chesapeake, he had no authority to assign any reasons for the refusal to accept that part of Mr. Erskine's agreement, but that his powers were limited merely to tendering a note, offering the terms of satisfaction, on condition, that he should receive a simultaneous answer from our Government, accepting those terms as satisfactory.

3dly. That he was not authorized to offer any new proposals for the repeal of the Orders in Council of Nov. 1807.

And lastly, That it was the intention of the British Government, not to revoke those orders, but upon the three famous conditions, which were declared inadmissible by our government, and which had formed the basis of Mr. Erskine's instructions.

Now I propose to prove, not only that this statement was in every respect, except as to the third proposition, untrue and unsupported by the correspondence; but that it was offensively adhered to, after Mr. Jackson's explicit declarations to the contrary, not only by Mr. Smith, but by Mr. Madison in his message.

If this shall be made out satisfactorily—if it shall be proved in a manner to defy contradiction, or refutation, then it will follow that our government are chargeable, not only with an unfair, but a disreputable misrepresentation of the views of the British Cabinet, and with a formal contradiction of Mr. Jackson's solemn asseverations. It should here be remembered, that Mr. Jackson is the representative of a Sovereign power, which treats with us on equal terms, and that to call in question his veracity, is to doubt the veracity or honor of his Sovereign.

Let us take up each point distinctly, and in the order in which Mr. Smith states them—

1st. Did Mr. Jackson tell Mr. Smith that he had no instructions to offer any explanation of the disavowal of Mr. Erskine's agreement—and that he failed to make any?

Mr. Jackson admits, that he had made no formal communication of the motives for the disavowal, for which he assigns two reasons—

1st. That Mr. Canning had hastened with an ardent zeal to satisfy our Government before any complaint had been made by our Minister, to explain to Mr. Pinkney the motives of the disavowal; and this not by an empty and insincere declaration of Mr. Erskine's having violated his orders, but by a candid disclosure of his actual instructions.

This was more than the laws of nations required.—It would have been sufficient to have declared, he had no full powers, but Great-Britain was unwilling that her good faith should be called in question.—She would not defend herself on ordinary and sufficient ground.—She produces the private instructions and demonstrates the violation of them in toto. Those instructions moreover, were supposed to have emanated from our own proposals, and the would have been justified, in retorting the breach of faith upon us; but the delicately abtained.—She confined herself to her own justification, and by the laws of nations, by our own former example in former treaties made by us she was fully exonerated.

2dly. The second reason for not having offered an explicit defence of the disavowal through Mr. Jackson, was that Mr. Erskine had been directed to make it, and it was supposed, when Mr. Jackson came away, that he done it. Great-Britain he declares, was unwilling to rest so long under the imputation of a want of good faith, and therefore instantly ordered her Minister here to explain her motives.

One would suppose this would satisfy the most fastidious and captious Government, but Mr. Jackson, anxious to remove every possible objection to an amicable adjustment adds,

"But, if beyond this, any incidental discussion, or explanation, should be wished for by this Government, I came fully prepared to enter into them—I even consider them to have taken place between us.—I have certainly derived great satisfaction from the several hours we have spent in conference on these subjects."

We here perceive, that the explanations had in fact been made, though not in the formal manner which the scrupulous nicety of our Government, required.—We see, moreover, that he came fully authorized to supply whatever was deficient in the explanations of Mr. Canning or Mr. Erskine.

To this fair offer, Mr. Smith replies in his letter of October 19, that his objection was not so much to the want of explanation as to the failure of that solemnity and formality which such an important case required.—Let us examine this principle:—We make a bargain with a Minister without demanding his powers.—It appears not only that he possessed none, but that he had violated his positive and clear instructions.—The law of nations in such a case requires no apology from the nation which refuses to confirm the agreement of its unauthorized and culpable agent.—We on the other hand demand not an explanation which was given to us, and which we had no right to require, but a solemn and formal embassy, and a penitential and apologetic document, from a nation, which had only exercised its acknowledged rights.

We may judge from this circumstance of the temper with which this negotiation has been conducted, and how impossible it is, that Great-Britain should ever satisfy our Cabinet. "We should not be contented, said Mr. Ames, with a temper like this, if the Treaty left King George his Island, not even if he stipulated to pay rent for it."

But Mr. Smith, not content with this haughty requisition, proceeds, in the same letter, to contradict Mr. Jackson. "As you have disclaimed any authority to offer explanations for the disavowal," &c. [See page 47 of the printed documents.]

Mr. Jackson, however irritated by this repetition, after his express offer to make any additional explanation which might be deemed necessary, in place of recriminating language, chooses the more prudent course of taking away all pretext from his opponent, by stating formally the grounds of the disavowal:

"I have therefore no hesitation in informing you, that his Majesty was pleased to disavow the agreement concluded between you and Mr. Erskine, because it was concluded in violation of that gentleman's instructions, and altogether without authority to agree to the terms of it."

Here one would suppose this question at rest. The true, the only, and two sufficient reasons were assigned, which ought to have satisfied any impartial and honorable mind.

Still the pertinacity of our Minister did not cease.—Still it was deemed necessary to affront his Britannic Majesty, through his representative. In Mr. Smith's letter to Mr. Pinkney, (page 82, of the printed documents) he says, that besides Mr. Jackson's indistinct and reluctant explanation of the reasons for the disavowal, he did not make his proposal till he had made such progress in his offensive insinuation as made it proper to wait the issue of his reply was about to be given to it.

It is here seen, that this most distinct, plain, correct and forcible explanation—an explanation the most perfect that could be given, couched in distinct and appropriate language, to wit: That Mr. Erskine had no authority, and had violated his instructions, is declared to be reluctant and inexplicit. Nor did the misrepresentation and contradiction end here. It ascended to a higher source—Mr. Madison, long after this, referring solely to this point, declares in his Message, that,

"It could not be doubted that the new minister could at least be charged with conciliatory explanations."

"Reasonable and universal as this expectation was, it also has not been fulfilled."

We now pass to the second charge of Mr. Smith against Mr. Jackson, and the British Cabinet, that Mr. Jackson not only assigned no reason for the disavowal of that part of Mr. Erskine's arrangement which regarded the Chesapeake, but that he had only proposed to tender a note offering a satisfaction which should be simultaneous with our acceptance of the satisfaction.

This charge in its first branch is totally unfounded; and in the second part of it, the ground taken by the British Minister is perfectly defensible not only by the law of nations, but by the circumstances which attended their former offer of satisfaction for this unauthorized injury.

1st. Then, the first part of the charge that Mr. Jackson, did not come prepared to assign any reason for the rejection of this part of the agreement, is unfounded.

Mr. Jackson in his first letter declares,

"That he was authorized to renew the offer made by Erskine, notwithstanding the ungracious manner in which it had been formerly received. You have said, addressing Mr. Smith, that you so fully understood the particulars of that offer, that I deem it unnecessary to recapitulate them here."

This clause tenders specifically the terms, because Mr. Erskine's arrangement was in our own possession, and Mr. Smith had declared his full knowledge of them. It does more: It assigns the reason why that part of the agreement was not fulfilled—"because of the ungracious manner in which it was accepted."

We have shewn in a former number, in what the ungraciousness of this manner consisted—but shall it be insisted that Mr. Jackson was bound to repeat the offensive terms? If a man calls me a liar or a thief, is it not enough for me to allude to his offensive epithets, but must I be compelled to repeat the outrageous expressions?

But Mr. Jackson is more explicit; he tells Mr. Smith, "That his Majesty would be justified in rejecting that agreement not only on account of the form in which his Minister had tendered it, but of the manner in which that tender had been received." He adds, "that he had elucidated that observation by a reference to the particular expressions which made the terms of satisfaction appear unacceptable to the American government, at the very moment when they were accepted."

The just and honorable pride of Mr. Jackson forbade his repeating to the world the insulting expressions, but an American who thinks as I do, that our government put an unnecessary impediment in the way of adjustment, is restrained by no such delicacy.

It was because our government declared "that the offer made by his Britannic Majesty did not comport with his honor and dignity:" that it was dishonorable in him to make it: that the agreement was rejected. This is the reason assigned, and yet we are told this is no explanation. A Virginia nobleman would not hesitate to take away the life of a fellow-citizen on such a ground, and yet we are told this is no reasonable ground for rejecting a bargain.

This phrase purpose introduced, shews, as Mr. Jackson says, that the satisfaction given was unacceptable to our government, and yet we complain that this unacceptable and insufficient satisfaction is withheld!—*Prob Pudor!*

The second part of this charge in relation to the Chesapeake is now to be considered. It is affrontive to us? It is injurious that Great-Britain should insist upon having our acceptance of the satisfaction simultaneous, contemporaneous with the offer? It is unreasonable that she should insist on seeing the letter agreeing to receive the satisfaction? We think not, because,

1st. Mr. Jackson states that this is the invariable course of European governments in like cases.

Is this denied by Mr. Smith? We have three letters of his, after this assertion, and Mr. Jackson's principles are not questioned—but,

2dly. If no such usage had before existed, here were special reasons for the adoption of such a rule.

Great-Britain, through Mr. Erskine, had rendered a full satisfaction for the Chesapeake affair, which had been accepted by us—but owing to her neglect of demanding our answer and agreeing to it beforehand, our government had inserted the most affrontive language ever introduced into a diplomatic correspondence. Was it then unreasonable, that Great-Britain should be unwilling again to confide in our delicacy—again to repose in our sense of decorum?

But lastly, here was serious controversy about to be adjusted, here was a trespass on our rights about to be compromised by the payment of money, and the acknowledgment of wrong.

Did any prudent man ever pay his money, or tender his satisfaction without seeing his discharge, without reading his receipt in full? If such imprudence does not occur in private life, how could it be expected of a nation which had no extraordinary reason to confide in our good will?

But Mr. Smith and Mr. Madison, so far from confiding in these positive assurances of Mr. Jackson of his powers in relation to the Chesapeake, and of his being clothed with the fullest authority, continue in the future correspondence and in the Message after the whole negotiation was closed, to insinuate that he had no competent power—that he had made no specific offer, and that his intimations were accompanied with inadmissible pretensions on this point.

I shall hereafter distinctly examine these pretensions which are declared inadmissible, but at present my object is simply to shew, and that I have fully done, that our Cabinet have in very indecorous language contradicted Mr. Jackson's most solemn asseverations, and misrepresented in a glaring manner his observations.

As to the third charge brought against Great-Britain, that of having made no proposals for the repeal of the orders in council, it is the only one in which our Government, have not come to a flat contradiction of Mr. Jackson's declarations.

But it will be seen that they do not stand on better ground as to this charge.