

MR. JACKSON'S DISMISSAL—ITS IMPORTANT CONSEQUENCES—ITS PRETENDED JUSTIFICATION.

We come now to the consideration of the most momentous question which the United States have ever been called upon to decide since the declaration of Independence; and it is astonishing with what an apparent apathy this question is considered by men of all ranks, of all grades of understanding and acquirements. They seem to treat it as if it bore some degree of resemblance to the questions which have for several years past agitated the public mind, and as if it was certain that, like them, it would end in noisy and rapid declamation. It is, however, no less a question than that of a ruinous war, or a disgraceful peace. The position in which the late dismissal of Mr. Jackson has placed the United States, is one from which they can never extricate themselves with honor; and they may esteem themselves the favorites of Heaven if they escape from it without serious calamity. Our fate no longer depends on the wavering, noisy and vapouring councils of boisterous demagogues, but upon the policy and prudence of another nation, upon whose good-will we can no longer calculate.—Let us explain ourselves.

The right to dismiss a foreign Minister for indecorous, or offensive conduct, (however it may have been questioned, and indeed denied, as we shall shew, by Mr. Madison's party) can never be doubted by any man acquainted with public law, nor will be contested by any person who is alive to the true interests and honor of his country. If the offence is palpable and unquestionable, no nation which regards its character, and which wishes to preserve peace, will hesitate to recal its Minister who has been guilty of such an offence. The harmony of the two nations is not in such a case in any degree affected.

But if the case be a questionable one, and especially if the time, conduct and circumstances be such as to render it obvious that it was either intended as an affront, or as an excuse for the rupture of negotiation, it becomes impossible for the injured nation to recal its Minister, to disgrace him in the eyes of the world, and to renew the interrupted intercourse.

If such a dismissal be, moreover, accompanied with circumstances of insult and aggravation, war may be expected to follow; and Mr. Giles, in this case, with a spirit truly prophetic, has predicted that such will probably be the result. Why that gentleman should have presumed it, if Mr. Jackson had been rightfully dismissed for his own personal misconduct, we leave to the public to decide. Should, however, Great-Britain not deem it for her interests, in this instance, to declare war, let us consider what will be our own predicament? We pretend that we have sustained great and unexplained wrongs. Great-Britain will not send us another Minister if, (as it will appear) Mr. Jackson has been guilty of no breach of decorum. We shall be compelled, from the invariable usage of nations, and respect to our national character, to recal Mr. Pinkney.—What then will become of our long-continued complaints; of those deep and premeditated injuries with which our present administration has so frequently filled the public ear, and with which they have so often and so successfully inflamed the public passions?

Are we to submit to them, without redress? or, if we are, shall we forego, forever, the advantages arising from a free commerce not only to Great-Britain, but to all the countries to which she now interdicts our entry. War then on our side seems to be our only choice, unless we shall prefer to submit. Great-Britain never can send another Minister to this country; and surely our government never will make another advance to her.—It would be a concession that we were in the wrong to which so lofty a pride as that which dictated the dismissal of Mr. Jackson, for merely an intimation not perceptible to ordinary understandings, could never submit.

Such then are the serious consequences of this measure—consequences far more important than any which have yet followed from any measure adopted by any administration in our country. Either war upon us by Great-Britain, war by us against her, or a submission to all her alleged wrongs, and a total suspension of intercourse with her, until either she or ourselves shall so far forget our pride and honor as to court a renewal of intercourse.

Now, serious and alarming as this position is, no honorable man, no man who regards the rights and dignity of his country, will regret the consequences, if the measure was called for by our honor—if not, let the censure fall upon those persons who rashly advised so hasty and momentous a step. The administration have defended this measure by the example of General Washington in the case of Genet—the allusion is an unfortunate one, on every account. I had intended to cite this case against them, and I could not have dreamed that Mr. Madison or his friends would have had the imprudence to induce us to take a retrospective view of that disgraceful scene.—That these men, who now affect to be so alive to the national honor, who are so ready to take offence at a look, a word, an insinuation, shall remind us of a period in which not only the honor of the country was trampled under foot, but in which the foreign agents who insulted us were honored, feasted and set up in hostile array by our citizens against their own government, is among the marvellous events of even times on which we have fallen. Genet was not dismissed, his recal only was requested, and his personal and political friends, Thomas Jefferson and James Madison, knew it full well; Genet was not recalled to be recalled merely for any insulting language towards our own government;—It was for a long continued series of overt acts, for which he might have been tried and punished, that Mr. Genet was suspended.—It was for assuming the functions of his office before he was accredited; for promoting military expeditions in our territory; for resisting the executions of the laws; for openly defying the executive authority, to which was only superadded personal insults, which were repeated for several months before the

prudence and patience of General Washington were exhausted.—Mr. Jefferson and Mr. Madison can tell, why the President was so forbearing.—They can tell us how large, how powerful was the combination of their friends, against our government, and in favor of Genet.

Let us now proceed to examine the concealed insult, which is said to lurk somewhere in Mr. Jackson's correspondence. There were several interesting circumstances attending the disclosure of this pretended insult, which led many judicious men to suspect, that the transaction would not bear the closest examination. The people at large are not capable of expending the time and devoting the attention necessary to the perusal and comparison of a long correspondence expressed in the studied language of diplomatic men. It was known to the administration, that if an unequivocal declaration should be made to the public, that Mr. Jackson had insulted our government, this would reach every head, and inflame every heart in the United States, while the slow and laborious vindication or disproof of such a charge, received with distrust, into minds already prejudiced, would make but a feeble progress. The act of publishing the statement of Mr. Jackson's insult in the *National Intelligencer* was the act of the government: That statement proves to be a copy of the official note addressed to Mr. Jackson. The government then, ten days only before the meeting of Congress, publish an account of the dismissal and of its pretended causes and call upon the people to resent this conduct before any evidence of it was laid before them.—The *National Intelligencer* endeavored to excite the highest degree of irritation and succeeded in it. Finding that the public mind would become too much excited, they changed their tone, and begged the people to restrain their rage, and not to violate the immunities of Mr. Jackson's office by an outrage on his person. If the formal notice of the insult was the act of the government, so also was this; and yet this very administration make it a subject of complaint against Mr. Jackson that he demanded a safe-conduct against the populace whom the patrons of the *Intelligencer* endeavored to appease, and whose fury they appeared to dread. A second circumstance, which tended to excite a suspicion of unfairness, was the attempt to divert the public attention from the alleged insult which was the avowed cause of the rupture of the negotiation, to the propositions pretended to have been made by Mr. Jackson. This was a subject more complex, more difficult for the people to comprehend. But the resort to it was a subterfuge which we shall endeavor to remove. A third circumstance, which has a very suspicious appearance, is the change in the terms of the charge brought against Mr. Jackson. We were at first told, that he had given the lie direct.—When the *National Intelligencer* led us to suppose, that he had charged the government with the knowledge of Mr. Erskine's instructions, of which they had declared they had no knowledge; we supposed the contradiction was upon some plain, specific, and important fact; but as soon as Mr. Jackson's explanation appeared, it was thought necessary to write a letter to Mr. Pinkney, and to explain the charge. A very different view is given of the affair in this letter from the first statement in the *Intelligencer*. This leads us to a belief that if Mr. Jackson's circular had not reached the press, we should never have seen Mr. Smith's very extraordinary letter to Mr. Pinkney. Under circumstances so inauspicious to truth, did this transaction appear before the public. Let us now proceed to shew, from the documents, that there is not even a shadow for the charge as it stands corrected, and dwindled down to pigmy size in the letter to Mr. Pinkney. The charge as it is now corrected and explained, may be found in the following extract from Mr. Smith's letter to Mr. Pinkney, of November 23d, 1809:

"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 had stated it, as made known to him by the instructions of Mr. Canning, that the instructions to Mr. Erskine 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.—The objection was that a knowledge of this restriction of Mr. Erskine was imputed to this Government, and the repetition of the imputation after it had been peremptorily disclaimed."

The amount of this paragraph and charge is simply this, that Mr. Jackson either by direct assertion, implication, inference, or insinuation, did either say or suggest "that our Government knew that Mr. Erskine had no other instructions than those which they admit were made known to them," and that he repeated this insinuation after our Government disclaimed such knowledge.—Had Mr. Jackson so have conducted he would have been not only insolent, but extremely weak.—For it would have been ridiculous in him to impute to our government the knowledge of such a negative, which it was almost impossible they could have known, besides that such an imputation would have been contradictory to other parts of his own letters.—In his letter of the 11th of October he tells Mr. Smith "that although when he left England it was believed that Mr. Erskine had shewn his instructions in extenso—yet it now appeared he did not." This was a candid admission of Mr. Smith's declaration on this subject; and in the same letter he adds "that the letter of the 23d January, from Mr. Canning to Mr. Erskine, was the only dispatch by which the conditions of an arrangement were prescribed;" and he adds no insinuation or inference that our government knew this to be the fact. On the contrary, the declaration to Mr. Smith, in so solemn and formal a manner, implied, unavoidably implied, that our government did not know that fact before. If, then, it would have been absurd and contradictory in Mr. Jackson to have insinuated such a knowledge of the restriction of Mr. Erskine, let us see whether in point of fact he was guilty of this folly. The first instance in which any mention is made of the instructions of Mr. Erskine is in Mr. Jackson's first letter of October 11th. After stating that it was believed that Mr. Erskine had communicated his powers in extenso, when Mr. Jackson left England, and admitting the fact unconditionally and frankly "that he had not," he proceeds to state, that by Mr. Erskine's letters it appeared that the three conditions which formed the basis of his instructions had

been made known to our Cabinet, and that all the arguments and observations upon those conditions by our Minister had been stated by Mr. Erskine to his own government, from all which he infers, that the substitution of other articles instead of those proposed by Great-Britain was a proof that the conditions were known to us. He only adds to this simple and intelligible idea, one remark, "that our government must now perceive how widely the agreement differs from the conditions prescribed, and of course how just were the claims of Great-Britain to refuse her assent to it." Is there in all this the remotest intimation, inference or insinuation that our Cabinet knew or might have known, or might have inferred that these were Mr. Erskine's only instructions?—We confess we cannot perceive any such insinuation. On the subject of instructions Mr. Jackson adds, that the dispatch of the 23d January was the only one by which the terms were prescribed.—This clause is simple, unaccompanied with any inference or insinuation whatever; and we assert, confidently, that no other passage can be found in this first letter relative to this subject. In Mr. Smith's reply to this letter we ought to expect to find not only a reproof or notice of any offensive terms, had there been any, but a particular designation of the part which was deemed offensive.—Mr. Smith does express his surprise, that Mr. Jackson should lay so much stress on the want of complaint on the part of our Cabinet, and on the substitution of other terms instead of those which Mr. Erskine was authorized to propose;—but he does not intimate that Mr. Jackson had drawn from those circumstances a conclusion that our Government had a knowledge of the restricted powers of Mr. Erskine. Now, as Mr. Jackson had not in fact, as we have shewn, drawn any such conclusion, and as Mr. Smith did not tell him that he supposed he had, how could that Minister divine it or give any explanation of it? Mr. Smith adds, "that if the Government had known that the conditions presented by Mr. Erskine were the only ones on which he was authorized to make the arrangement, it never would have been made."—This was the moment for him to have told Mr. Jackson, that he understood him to insinuate in his first letter, that our Government had such knowledge. This was omitted. Why? Because Mr. Jackson had made no such insinuation.—But if he had made it, it would have been no offence until our government denied it, which they never did, till this clause was inserted in Mr. Smith's letter of October 19th. The offence if any must be found, therefore, in the subsequent correspondence.—The next letter from Mr. Jackson in reply to this denial now first made by our Government of their knowledge of the restricted nature of Mr. Erskine's powers, is dated October 23d.—In this letter he most delicately abstains from any insinuation of the knowledge of our Government of Mr. Erskine's restrictions.—The only sentences in relation to this subject are the following, and are in strict and exact conformity to the facts admitted by our Cabinet:—

"These instructions (Mr. Erskine's) I now understand by your letter as well as the deductions which I took the liberty of making in mine, of the 11th inst. were at the time in substance made known to you."

"You are already acquainted with that which was given (alluding to the communication of Mr. Canning's letter to Mr. Erskine which was shewn to Mr. Pinkney) and I have had the honor of informing you that it was the only one by which the conditions were prescribed."

These are the only sentences which effect this question in this letter. It is impossible to conceive of language more clear—it is difficult to form an idea of expressions more respectful or less offensive. Yet the next we hear from Mr. Smith on this subject, is in the highest possible tone of haughtiness and affront: He assured Mr. Jackson, without any qualification, that his language was improper and irrelevant, and that Mr. Jackson had insinuated which we have proved he had not—that our government knew that Mr. Erskine's instructions did not authorize him to conclude the arrangement, and that he must not repeat the insinuation which he had never made. Mr. Jackson had insinuated only what our government admitted, that they knew the substance of Mr. Erskine's powers, and the only inference he made was that his Majesty was not held by an agreement which so essentially departed from them. The language of Mr. Jackson heretofore was not considered good cause for dismissing him: But we are told that in his last letter he persisted in the same insinuations, with aggravating circumstances. In that letter we affirm that not one line can be found alluding to the contested point: There is a moderation accompanied with firmness which Mr. Smith would do well to imitate. The only passage which can be pretended to refer to the dispute is the last paragraph, where Mr. Jackson regrets that he should be charged in unqualified terms with irrelevant and improper arguments, and adds "that he should not think of uttering an insinuation where he was unable to substantiate a fact." Now it is said, and said with justice, that if Mr. Jackson had made an improper insinuation before, this was in effect an adherence to it, and an offensive one. This we admit; but as he had made no insinuation, as we have proved, but of facts admitted by our Cabinet, and especially as he had not made the insinuation now charged upon him, it was not a breach of delicacy to assert that he had made no insinuations unsupported by facts.

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St. John, 29th January, 1810.