



AND

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DIPLOMATIC CORRESPONDENCE.

AMERICA AND GREAT-BRITAIN.

Extract of a letter from Wm. Pinkney, Esq. to Mr. Secretary of State, dated London, March 21, 1810.

On the 27th of Nov. Mr. Brownell delivered to me your letters of the 11th, 14th and 25th of the preceding month, and on the Saturday following I had a conference with the Marquis Wellesley, in the course of which I explained to him fully the grounds upon which I was instructed to request Mr. Jackson's immediate recall, and upon which the official intercourse between that Minister and the American government had been suspended.

Lord Wellesley's reception of what I said to him was frank and friendly; and I left him with a persuasion that we should have no cause to be dissatisfied with the final course of his government on the subjects of our conference.

We agreed in opinion that this intercourse could only be introductory to a formal proceeding on my part; and it was accordingly settled between us that I should present an official letter, to the effect of my verbal communication.

Having prepared such a letter, I carried it myself to Downing-street a few days afterwards, and accompanied the delivery of it to Lord Wellesley with some explanatory observations, with which it is not, I presume, necessary I should trouble you. You will find a copy of this letter enclosed, and will be able to collect from it the substance of the greater part of the statements and remarks which I thought it my duty to make in the conversation above mentioned.

A copy of the answer, received on the day of its date, is enclosed.

Great-Commodore Place, 3d Jun 1810

My Lord,

In the course of the official correspondence which has lately taken place between the Secretary of State of the United States and Mr. Jackson, his Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington, it has unfortunately happened that Mr. Jackson has made it necessary that I should receive the commands of the President to request his recall, and that, in the mean time, the intercourse between that Minister and the American government should be suspended.

I am quite certain, my Lord, that I can best consult your Lordship's wish in the respect which I owe to his Majesty's government, by executing my duty on this occasion with perfect simplicity and frankness. My instructions prevent to that course as required by the honor of the two governments, and I trusted to the confidence which the President entertains in the disposition of his Majesty's government to view in that respect the subject to which they relate. With such inducements to exclude from this communication every thing which is not intimately connected with its purpose, and, on the other hand, to deal forth with candor and explicitness the facts and considerations which really belong to the case, I should be unparadoxical if I fatigued your Lordship with unnecessary details, or affected any reserve.

It is known to your Lordship that Mr. Jackson arrived in America, as the successor of Mr. Erskine, while the disappointment produced by the disavowal of the arrangement of the 19th of April, was yet recent, and while some other causes of dissatisfaction, which had been made to associate themselves with that disappointment, were in operation. But your Lordship also knows that his reception by the American government was marked by all that kindness and respect which were due to the representative of a sovereign with whom the United States were sincerely desirous of maintaining the most friendly relations.

Whatever were the hopes which Mr. Jackson's mission had inspired, of satisfactory explanations and adjustments upon the prominent points of difference between the two countries, they certainly were not much encouraged by the conferences, in which, as far as he thought proper, he opened to Mr. Smith, upon his arrival, the nature and extent of his powers and the views of his government. After an experiment deemed by the government of the U. States to be sufficient, it appeared that these conferences, necessarily liable to misapprehension and want of precision,

were not likely to lead to any practical conclusion.

Accordingly, on the 9th of October, Mr. Smith addressed a letter to Mr. Jackson, in which, after stating the course of proceeding which the American government had supposed itself entitled to expect from him, with regard to the rejected arrangement and the matters embraced by it, and after recapitulating what Mr. Smith believed to have passed in their recent interviews relative to those subjects, he intimated that it was thought expedient that their further discussions, on that particular occasion, should be in writing.

It is evident, my Lord, from Mr. Jackson's reply of the 11th of the same month, that he received this limitation (which, carefully restricted as it was, he seems to have been willing to understand in a general sense) with considerable sensibility. He speaks of it in that reply as being without example in the annals of diplomacy; as a step against which it was fit to enter his protest; as a violation in his person of the most essential rights of a public minister; as a new difficulty thrown in the way of a restoration of a thorough good understanding between the two countries.

I need not remark to your Lordship, that nothing of all this could with propriety be said of a proceeding, in itself entirely regular and usual, required by the state of the discussions to which only it was to be applied, and proposed in a manner perfectly decorous and unexceptionable. The government of the United States had expected from Mr. Jackson an explanation of the grounds of the refusal on the part of his government to abide by Mr. Erskine's arrangement, accompanied by a substitution of other propositions. It had been collected from Mr. Jackson's conversations, that he had no power whatsoever to give any such explanation; or, in the business of the orders in council, to offer any substitute for the rejected agreement; or, in the affair of the Chesapeake, to offer any substitute that could be accepted; and it had been inferred, from the same conversations, that, even if the American government should propose a substitute for that part of the disavowed adjustment which regarded the orders in council, the substitute could not be agreed to (if indeed Mr. Jackson had power to do more than discuss it) unless it should distinctly recognize conditions which had already been declared to be wholly inadmissible. To what valuable end, my Lord, loose conversations, having in view either no definite result, or none that was attainable, could, under such circumstances and upon such topics, be continued, it would not be easy to discover; and I think I may venture to assume that the subsequent written correspondence has completely shown that they could not have been otherwise than fruitless, and that they were not too soon abandoned for that more formal course, to which from the beginning they could only be considered as preparatory.

After remonstrating against the wish of the American government to give to the further communications a written form, Mr. Jackson disposes himself to conform to it; and, speaking in the same letter of the disavowal of the arrangement of April, he declares that he was not provided with instructions to explain the motives of it; and he seems to intimate that explanation through him was unnecessary, not only because it had already been made through other channels, but because the government of the United States had entered into the arrangement with a knowledge that it could only lead to the consequences that actually followed. In the conclusion of the fourth paragraph of the letter he informs Mr. Smith, that the dispatch of Mr. Erskine, "which Mr. Smith had made the basis of an official correspondence with the latter Minister and which had been read to the American Minister in London," was the only dispatch by which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement with the United States on the matter to which it related.

Mr. Smith's answer to this letter bears date the 19th of October; and I beg your Lordship's permission to introduce from it the following quotation: "The stress you have laid on what you have been pleased to state as the substitution of the terms finally agreed on" (in the arrangement of April on the orders in council) "for the terms first

proposed" (by Mr. Erskine) "has excited no small degree of surprize. Certain it is that your predecessor did present for my consideration the same conditions which appear in the present document—that he was disposed to urge them more than the nature of two of them (both palpably inadmissible, and one more than merely inadmissible) could permit—and that, on finding his first proposal unsuccessful, the more reasonable terms, comprized in the arrangement respecting the orders in council, were adopted—And what is there in this to countenance the conclusion you have drawn in favor of the right of his Britannick Majesty to disavow the proceeding? Is any thing more common in public negotiations, than to begin with a higher demand, and, that failing, to descend to a lower? To have, if not two sets of instructions, two, or more than two grades of propositions; to begin with what is the most desirable, and to end with what is found to be admissible, in case the more desirable should not be attainable? This must be obvious to every understanding, and is confirmed by universal experience.

What are the real and entire instructions given to your predecessor, is a question essentially between him and his government. That he had, or at least that he believed he had sufficient authority to conclude the arrangement, his formal assurances during our discussions were such as to leave no room to doubt. His subsequent letter of the 15th of June, renewing his assurances to me, "that the terms of the agreement so happily concluded by the recent negotiation will be strictly fulfilled on the part of his Majesty," is an evident indication of what his persuasion then was as to his instructions. And with a view to shew what his impressions have been, even since the disavowal, I must take the liberty of referring you to the annexed extracts (see C) from his official letters of the 31st of July and of the 14th of August.

The declaration, that the dispatch from Mr. Canning to Mr. Erskine of the 25th of January is the only dispatch by which the conditions were prescribed Mr. Erskine for the conclusion of an arrangement on the matter to which it relates, is now for the first time made to this government. And I need hardly add that if that dispatch had been communicated at the time of the arrangement, or if it had been known that the propositions contained in it, and which were at first presented by Mr. Erskine, were the only ones on which he was authorized to make an arrangement, the arrangement would not have been made."

I suppose, my Lord, that it was impossible to disclaim for the American government, in more precise & intelligible language than is found in this quotation, all knowledge of Mr. Erskine's instructions incompatible with a sincere, honorable and justifiable belief that he was, as he professed to be, fully authorized to make the agreement in which he undertook to pledge the faith of his Majesty's government. Yet in Mr. Jackson's next letter (of the 22d of October) to Mr. Smith, he says—"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 in violation of that gentleman's instructions, and altogether without authority to subscribe to the terms of it. These instructions I now understand by your letter, as also from the obvious deductions which I took the liberty of making in mine of the 11th instant, were at the time in substance made known to you. No stronger illustration can be given of the deviation from them which occurred, than by a reference to the terms of your agreement."

Your Lordship will allow me to take for granted that this passage cannot be misunderstood. Its direct and evident tendency is to fasten upon the government of the United States an imputation most injurious to its honor and veracity. The charge that it had all along been substantially apprized, however it might affect to be ignorant, of the instructions which Mr. Erskine's arrangement was said to have violated, had before been insinuated; but it is here openly made, in reply, too, to a paper, in which the contrary is formally declared by the official organ of the American government.

This harsh accusation, enhanced by the tone of the letter in which it appeared, was in all respects as extraordi-

nary as it was offensive. It took the shape of an inference from facts and asseverations which necessarily led to the opposite conclusion. It was preferred as an answer to a claim of explanation, which Mr. Jackson professed not to be authorized by his government to offer at all, but which he chose so to offer from himself as to convert explanation into insult. It was advanced, not only without proof, and against proof, but against all color of probability. It could scarcely have been advanced under any conviction that it was necessary to the cause which Mr. Jackson was to maintain; for his Majesty's government had disavowed Mr. Erskine's arrangement, according to Mr. Jackson's own representation, without any reference to the knowledge which this accusation imputed to the government of the United States; and it need not be stated that no allusion whatever was made to it by Mr. Secretary Canning, in those formal communications to which Mr. Jackson has mentioned. It was not, moreover, to have been expected, that, in the apparent state of Mr. Jackson's powers, and in the actual posture of his negotiation, he would seek to insinuate where he could not arrange, & sharpen disappointment by studied and unprovoked indignity. The course, which the government of the U. States adopted on this painful occasion, was such as at once demonstrated a sincere respect for the public character with which he was invested, and a due sense of its own dignity. Mr. Jackson's conduct had left a feeble hope that further intercourse with him, unproductive of good as it must be, might still be reconcilable with the honor of the American government. A fair opportunity was accordingly presented to him of making it so, by Mr. Smith's letter of the 1st of November, of which I beg leave to insert the concluding paragraph: "I abstain, sir, from making any particular animadversions on several irrelevant and improper allusions in your letter, not at all commensurate with the professed disposition to adjust in an amicable manner, the differences unhappily subsisting between the two countries—But it would be improper to conclude the few observations, to which I purposely limit myself, without adverting to your repetition of a language importing a knowledge on the part of this government, that the instructions of your predecessor did not authorize the arrangement formed by him. After the explicit and peremptory asseveration, that this government had no such knowledge, and that with such knowledge no such arrangement would have been entered into, the view which you again presented of the subject, makes it my duty to apprise you that such insinuations are inadmissible in the intercourse of a foreign minister with a government that understands what it owes to itself."

Whatever was the sense, in which Mr. Jackson had used the expressions to which the American government took exception, he was now aware of the sense in which they were understood; and, consequently, was called upon, if he had been misapprehended, to say so. His expressions conveyed an injurious meaning, supported moreover by the context; and the notice taken of them had not exceeded the bounds of just admonition. To have explained away even an imaginary allusion, would have been no degradation; but when an occasion was thus offered to qualify and to severely impute upon the government to which he was accredited, it could scarcely be otherwise than a duty to take immediate advantage of it.

Such, however was not Mr. Jackson's opinion. He preferred answering the appeal which had been made to him, by reiterating with aggravation the offensive insinuation. He says, in the last paragraph of his letter of the 4th of November to Mr. Smith: "You will find, 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. To facts, such as I have become acquainted with them, I have scrupulously adhered. In so doing, I must continue, whenever the good faith of his Majesty's government is called in question, to vindicate its honor and dignity in the manner that appears to me best calculated for that purpose."

To this, my Lord, there could be but one reply. Official intercourse with Mr. Jackson could no longer be pro-

ductive of any effects that were not rather to be avoided than desired; and it was plainly impossible that it should continue. He was, therefore, informed by Mr. Smith, in a letter of the 8th of November, in which he recapitulated the inducements to this unavoidable step that no further communications would be received from him; that the necessity of this determination would without delay be made known to his government—and that, in the mean time, a ready attention would be given to any communication, affecting the interests of the two nations, thro' any other channel that might be substituted.

The President has been pleased to direct that I should make known this necessity to his Majesty's government, and at the same time request that Mr. Jackson be recalled. And I am particularly instructed to do this, in a manner that will leave no doubt of the undiminished desire of the U. 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. I am further particularly instructed, my Lord, to make his Majesty's government sensible, that, in requiring the recall of Mr. Jackson, the United States do not wish to be understood as in any degree obstructing communications which may, to a friendly accommodation, but that, on the contrary, they sincerely retain the desire, which they have constantly professed, to facilitate so happy an event, and that nothing will be more agreeable to them than to find the minister, who has rendered himself so justly obnoxious, replaced by another who, with a different character, may carry with him all the authorities and instructions requisite for the complete success of his mission; or, if the attainment of this object through my agency should be considered more expeditious or otherwise preferable, that it will be a course entirely satisfactory to the U. States.

These instructions, which I lay before your Lordship without disguise, require no comment.

Before I conclude this letter, it may be proper very shortly to advert to two communications, received by Mr. Secretary Smith from Mr. Oakley, after the correspondence with Mr. Jackson had ceased.

The first of these communications (of which I am not able to ascertain the date) requested a document having the effect of a special passport or safeguard for Mr. Jackson and his family, during their further stay in the United States. This application was looked upon as somewhat singular—but the document, of which the necessity was not yet perceived, was nevertheless furnished. The reasons assigned for this application excited some surprize. I have troubled your Lordship, in conversation, with a few remarks, from my instructions, upon one of those reasons, which I will take the liberty to repeat. The paper in question states that Mr. Jackson "had already been once most grossly insulted by the inhabitants of Hampton, in the unprovoked language of abuse held by them to several officers bearing the King's uniform; when those officers were themselves violently assaulted and put in imminent danger."

I am given to understand, my Lord, that the insult, here alluded to, was for the first time brought under the notice of the American government by this paper; that it had, indeed, been among the rumors of the day, that some unbecoming scene had taken place at Hampton or Norfolk, between some officers belonging to the Africaine frigate and some of the inhabitants, and that it took its rise in the indiscretion of the former; that no attention to the circumstance having been called for, and no enquiry having been made, the truth of the case is unknown—but that it had never been supposed that Mr. Jackson himself, who was on board the frigate, had been personally insulted; nor is it yet understood in what way the supposed insult was so. I am authorized to add, that any complaint or representation on the subject would instantly have received every proper attention.

The other communication (of which the substance was soon after published to the American people in the form of a circular letter from Mr. Jackson to the British Consuls in the U. S.) seems to have been intended as a justification of his conduct in that part of his correspondence which had given umbrage to the American government. This