DOCUMENTS.

(Continued from third page.)

Mr. Jackson to Mr. Smith.
Washington, 27th October, 1809.

SIR,

Finding by your letter of the 19th instant, that, notwithstanding the frequent statements made by me in our conferences of the terms of satisfaction which I am empowered to offer to this country for the unauthorized attack 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, I have the honor to enclose herewith a paper of memoranda containing the conditions on the basis of which I am ready to proceed to draw up with you the necessary official documents in the form proposed in my letter of the 11th inst. or in any other form upon which we may hereafter agree.

I have the honor to be, with great respect,

Sir,
Your most obedient
Humble servant,
F. J. JACKSON.

The Hon. Robert Smith, &c. &c. &c.

The President's Proclamation of July, 1807, prohibiting to British ships of war the entrance into the harbors of the U. States having been annulled, his majesty is willing to restore the seamen taken out of the Chesapeake, on reserving to himself a right to claim in a regular way, by application to the American Government, the discharge of such of them (if any) as shall be proved to be either natural born subjects of his majesty, or deserters from his majesty's service.

His majesty is willing to make a provision for the families of such men as were slain on board the Chesapeake, in consequence of the unauthorized attack upon that frigate, provided that such bounty shall not be extended to the family of any man who shall have been either a natural born subject of his majesty, or a deserter from his majesty's service.

Mr. Smith to Mr. Jackson.
Department of State, Nov. 1, 1809.

SIR,

Your letter of the 23d ult. which was duly received, would have been sooner acknowledged, had I not by sickness been rendered for several days utterly unfit for business.

Although the delay and the apparent reluctance in specifying the grounds of the disavowal of the arrangement with respect to the orders in council, do not correspond with the course of proceeding deemed most becoming the occasion; yet as the explanation has at length been thus 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; it being understood at the same time that his Britannic majesty perseveres in requiring as indispensable conditions on the part of the United States, an entire relinquishment of the right to trade with enemies' colonies, and also permission to the British navy to aid in executing a law of Congress; pretentions, which cannot but render abortive all proposals whatever upon this subject, whether made by the United States or his Britannic majesty.

Whilst you have deemed it proper to offer an explanation with respect to the disavowal of one part of the arrangement, I must remind you that there is not to be found in your letter any like specification of the reasons for the disavowal, nor particularly is it shewn that instructions were violated, as to the other part, viz. the case of the Chesapeake; the case in which in an especial manner an explanation was required, and in which only you professed to have authority to make to this government any overtures.

For the first time it is now disclosed that the subjects, arranged with this government by your predecessor, are held not to be within the authority of a minister plenipotentiary, and that, not having had a "full power distinct from that authority, his transactions on those subjects might of right be disavowed by his government." This disclosure, so contrary to every antecedent supposition and just inference, gives a new aspect to this business. If the authority of your predecessor did not embrace the subjects in question, so as to bind his government, it necessarily follows, that the only credentials yet presented by you being the same with those presented by him, give you no authority to bind it, and that the exhibition of a "full power" for that purpose, such as you doubtless are furnished with, it becomes an indispensable preliminary to further negociation; or, to speak more strictly, was required in the first instance by the view of the matter now disclosed by you. Negociation without this preliminary would not only be a departure from the principle of equality which is the essential basis of it, but would moreover be a disregard of the precautions and of the self-respect enjoined on the attention of the United States by the circumstances which have hitherto taken place.

I need scarcely add, that in the full power alluded to, as a preliminary to negociation, 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.

I abstain, sir, from making any particular animadversions on several irrelevant and improper allusions in your letter, not at all comporting 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 implying a knowledge on the part of this government that the instructions of your predecessor did not authorise the arrangement formed by him. After the explicit and peremptory asseveration that this government had no such knowledge, and that with such a knowledge no such arrangement would have been entered into, the view, which you have again presented of the subject, makes it my duty to apprize you, that such insinuations are inadmissible in the intercourse of a foreign minister with a government that understands what it owes to itself.

I have the honor to be, &c.
(Signed) R. SMITH.

The Honorable F. J. Jackson, &c. &c.

MR. JACKSON TO MR. SMITH.
Washington, 4th Nov. 1809.

SIR,

When I forwarded to my court your letter of the 19th ultimo, and the answer which I returned to it, I imagined, and I may add, I hoped, that the retrospective correspondence, into which you thought it necessary to enter with me had been closed. You will, no doubt, recollect with what reluctance I acquiesced in your intimation on this head; not, as I believe has been seen, from any difficulty in maintaining the justice of the cause which is entrusted to me, but because I was and still am of opinion, that this sort of correspondence is not calculated to remove differences and soothe irritations of the most unfortunate tendency. As, however, I had no choice but to renounce, for the present, the hope of effectuating this desirable object, or to pursue it in the manner prescribed in your letter of the 9th ult. so I am now unwillingly compelled to enter upon the consideration of another letter from you under date of the 1st instant, which but too strongly confirms the opinion I before entertained.

Since, sir, it has been judged expedient to confine to a written form this important and interesting discussion;—since that mode has been declared by you to be indispensable, I will first appeal to the written communications which have passed between us; and I do this with the greater satisfaction, because I consider it to be the chief cause of the present remarkable state of things, that in speaking of engagements contracted or supposed to have been contracted between the two countries, *understandings* or *implied engagements* have been allowed to take place of written compacts, and have been considered, in some instances, as having the same validity. It is furthermore necessary to place in the most unequivocal light a topic, which I observe to be constantly and prominently restated in your letters, notwithstanding the repeated, but, as it should seem, fruitless endeavors used in mine, to clear it from the slightest shadow of obscurity.

You say "that it is understood that "his Britannic majesty perseveres in requiring as indispensable conditions on "the part of the United States, an entire relinquishment of the right to "trade with the enemies colonies, and "also a permission to the British navy to "aid in executing a law of Congress."

This same statement is contained in your letter of the 9th inst. and represented as the substance of what had fallen from me in our previous conferences. In my answer to that letter, I took the liberty of shewing that such a supposition was erroneous, and I have looked in vain to my letter of the 23d, to find in it any suggestion of a similar tenor. I believe, therefore, that by reference to my two letters you will find, that the statement now again brought forward is contained in neither of them, that it made no part of my previous conversations with you, and that I have in no way given room to suppose, that I ever made any such statement at all.

That before the orders in council can be revoked, their object must be obtained in some other way, is unquestionably true; but you may be assured, sir, that there is no wish whatever entertained in England, that the British navy should be employed in executing a law of Congress. If the proposal was made upon that subject, and made, as you now know, because it was believed to be acceptable, here, had been adopted, and had become a mattor of compact between the two countries, and thereby a part, not of the law of Congress, but of the public law binding upon both parties, and which both would have had a common interest in seeing duly executed; in that case the agency of the British navy would not have had the invidious aspect, which is now attempted to be given to it. At present there is no engagement between the two countries, no laws of Congress which bear a reference to any such engagement, and consequently it cannot be wished to take any share whatever in the execution of those laws.

In regard to the colonial trade I need only to observe, that all or nearly all the enemies colonies are blockaded by British squadrons, it cannot therefore be so much an object of solicitude, as you imagine, to obtain the relinquishment of the trade of any country to those colonies. On the contrary you will find it stated in my letter of the 11th ultimo, to be a "matter of indifference "whether the order in council" (on this subject) "be continued, or an ar"rangement by mutual consent substi"tuted in its room."

When I informed you that the agreement concluded here in April last, had been framed in deviation from the instructions given for the occasion, my explanation was intended to apply to both parts of that agreement. That nothing, required by the most scrupulous accuracy, may be wanting, I now add, 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 reserves specified in the paper of memoranda enclosed in my official letter to you of the 27th ultimo.

There is another motive for the disavowal of this part of the arrangement, considered to be so strong and so self-evident upon the very face of the transaction, that I am not commanded to do more than indicate it in the manner I have already done. By this forbearance his majesty conceives that he is giving an additional pledge of his sincere disposition to maintain a good understanding with the United States.

I am somewhat at a loss to give a distinct reply to that part of your letter which relates to Mr. Erskine's authority to conclude with you in virtue of his general letter of credence, because I do not very distinctly understand the tendency of it. I never before heard it doubted that a full power was requisite to enable a minister to conclude a treaty, or that a mere general letter of credence was insufficient for that purpose.

If it were otherwise, and a government were in all cases to be bound by the act, however unauthorized, of an accredited minister, there would be no safety in the appointment of such a minister, and ratifications would be useless. No full power was given in the present case, because it was not a treaty, but the materials for forming a treaty, that was in contemplation.

In his dispatch of the 23d of January, Mr. Secretary Canning distinctly says to Mr. Erskine—"Upon receiv"ing through you on the part of the A"merican government a distinct and "official recognition of the three above"mentioned conditions, his majesty "will lose no time in sending to Ame"rica a minister fully empowered to "consign them to a formal and regular "treaty."

This minister would, of course, have been provided with a full power; but Mr. Erskine was to be guided by his instructions, and had the agreement concluded here been conformable to them, it would without doubt have been ratified by his majesty. I must beg your very particular attention to the circumstance that his majesty's ratification has been withheld, not because the agreement was concluded without a full power, but because it was altogether irreconcilable to the instructions on which it was professedly founded.—The question of the full power was introduced by yourself to give weight, by a quotation from a highly respected author, to your complaint of the disavowal, in answer to which I observed that the quotation did not apply, as Mr. Erskine had no full power. Never did I imagine, or any where attempt, to rest the right of disavowal upon that circumstance:—indubitably his agreement would, nevertheless, have been ratified, had not the instructions, which in this case took the place of a full power, been violated.

I am surprised at the transition by which it appears to you that this part of the subject is connected with the authority empowering me to negociate with you. It will not, I dare say, have escaped your recollection that I informed you at a very early period of our communications, that in addition to the usual credential letter, his majesty had been pleased to invest me with a full power under the great seal of his kingdom, for the express purpose of concluding a treaty or convention. I well remember your testifying your satisfaction at the circumstance; and I have only now to add that I am ready, whenever it suits your convenience, to exchange my full power against that with which you shall be provided, for the progress of our negociation.

I am concerned, sir, to be obliged a second time to appeal to those principles of public law under the sanction and protection of which I was sent to this country. Where there is not freedom of communication in the form substituted for the more usual one of verbal discussion, there can be little useful intercourse between Ministers; and one, at least, of the epithets which you have thought proper to apply to my last letter is such as necessarily abridges that freedom. That any thing herein contained may be irrevalent to the subject it is of course competent in you to endeavor to shew and as far as you succeed in so doing, in so far will my argument lose of its validity—but as to the propriety of my allusions, you must allow me to acknowledge only the decision of my own sovereign, whose commands I obey, and to whom alone I can consider myself responsible. Beyond this it suffices that I do not deviate from the respect due to the government to which I am accredited.

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, and 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.

I have the honor to be, with great respect,

Sir,
Your most obedient,
Humble Servant,
F. J. JACKSON.

The honorable
R. Smith, &c. &c. &c.

MR. SMITH TO MR JACKSON.
Department of State,
November 8, 1809.

SIR,

In my letter of the 19th ult. I stated to you that the declaration in your letter of the 11th, that the despatch "from Mr. Canning to Mr. Erskine of the 23d January, was the only despatch by which the conditions were prescribed to Mr. Erskine, for the conclusion of an arrangement on the matter to which it related, was then for the first time made to this government." And it was added, that if that despatch had been communicated at the time of the arrangement, or if it had been known that the propositions contained in it were the only ones on which he was authorised to make an arrangement, the arrangement would not have been made.

In my letter of the 1st instant, adverting to the repetition in your letter of the 23d ult. of a language implying a knowledge in this government that the instructions of your predecessor did not authorise the arrangement formed by him, an intimation was distinctly given to you, that after the explicit and peremptory asseveration that this government had not any such knowledge, and that with such a knowledge, such an arrangement would not have been made, no such insinuation could be admitted by this government.

Finding that in your reply of the 4th instant, you have used a language which cannot be understood but as reiterating and even aggravating the tame gross insinuation, it only remains, in order to preclude opportunities which are thus abused, to inform you that no further communications will be received from you, and that the necessity of this determination will, without delay, be made known to your government. In the mean time a ready attention will be given to any communications affecting the interests of the two nations, through any other channel that may be substituted.

I have the honor to be, &c.
(Signed) R. SMITH.

The Hon. Francis James Jackson, &c. &c. &c.

Mr. Oakly, his majesty's Secretary of Legation, is desired by Mr. Jackson to state to the Secretary of State that, as Mr. Jackson has been already once most grossly insulted by the inhabitants of the town 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; he conceives it to be indispensible to the safety of himself, of the gentlemen attached to his mission, and of his family, during the remainder of their stay in the United States, to be provided with special passports or safeguards from the American government. This is the more necessary since some of the newspapers of the United States are daily using a language whose only tendency can be to excite the people to commit violence upon Mr. Jackson's person. In consequence he requests that the undermentioned names may be inserted in the document to be furnished him.

Francis James Jackson,
Mrs. Jackson,
Their three Children,
Charles Oakley, Esq.

His majesty's Secretary of Legation,
Mr. George Ottey,
Private Secretary.

SERVANTS.
Robert Clavering,
Francis Martin,
William Attree,
Charles Beecroft,
Richard Lowe,
John Price,
John Lilly,
James Wright,
Amelia George,
Mary Smith,
Harriet Patten.
Martha Wood,
Frances Blacknell.

[Received at the Department of State on the 11th Nov. 1809.]

Mr. OAKELEY is desired by Mr. Jackson to say to the Secretary of State:

That Mr. Jackson has seen with much regret that facts, which it has been his duty to state in his official correspondence have been deemed by the American government to afford a sufficient motive for breaking off an important negociation and for putting an end to all communications whatever with the Minister charged by his Sovereign with that negociation so interesting to both nations, and on one point of which an answer has not even been returned to an official and written overture.

One of the facts alluded to has been admitted by the Secretary of State himself in his letter of the 19th Oct. viz. that the 3 conditions forming the substance of Mr. Erskine's original instruction were submitted to him by that gentleman. The other, viz. that that instruction is the only one in which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement on the matter to which it related, is known to Mr. Jackson by the instructions which he has himself received.

In stating these facts and in adhering to them, as his duty imperiously enjoined him to do Mr. Jackson could not imagine that offence would be taken at it by the American government, as most certainly none could be intended on his part; but since he has been informed by the Secretary of State that no further communications will be received from him, he conceives that he has no alternative that is consistent with what is due to the King's dignity, but to withdraw altogether from the seat of the American government, and await the arrival of his majesty's commands upon the unlooked for turn which has thus been given to his affairs in this country.

Mr. Jackson means to make New York the place of his residence.

WASHINGTON,
13th November, 1809.

(To be Continued in Tuesday's Star.)

Congress.

House of Representatives.

MONDAY, NOVEMBER 27.

This day being the day appointed by law for the meeting of the second session of the eleventh congress, eighty members appeared on the floor of the house. At twelve o'clock the speaker called to order, and the clerk proceeded to call the members.

It being decided that there was a quorum present, Mr. Dawson made a motion to the following effect—That a committee be appointed on the part of the house to join a committee of the senate to wait on the president of the United States, to inform him that the house had formed a quorum, and were ready to receive any communication which he might have to offer. A committee of two was appointed on the part of the house, who soon after returned, and the speaker informed that the senate had not yet formed a quorum.

Mr. *Ely*, then rose and observed that as the Senate had not formed a quorum, the House could not with propriety enter on any business of consequence, he therefore made a motion for adjournment. Lost

Mr. *Nelson* made the usual motion for supplying the members with Newspapers, which was carried.

A resolution was offered by Mr. Nelson, making the hour of 11 in the morning the stated hour for the meeting of the House during the session.—Carried.

After some other desultory conversation, on motion of Mr. Nelson, the House adjourned.

Cabinet and Chair Maker.

THE Subscriber has just commenced the *Cabinet and Chair Making Business* in Easton, in the brick house opposite to Mr. *William Dobson's*—where he intends carrying them on in all their various branches.

He has on hand a handsome stock of the best materials, of which he means to keep a supply; and he has also a Journeyman well acquainted with the newest fashions, and who is thought to be one of the best workmen in the state. He therefore begs leave to solicit a portion of the public patronage, and hopes by his strict attention to business, to give general satisfaction to his employers. He pledges himself, that work done in his shop shall be executed in the best manner, and upon the lowest terms.

The public's obd't. serv't.
JOHN HUNT, jun.
Easton, December 5, 1809.