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ITINERARY AND CHRONOLOGY

OF

THOMAS JEFFERSON

1803-1807

- | | | |
|------------|-----|---|
| 1803.—July | | At Washington.
Frames Louisiana Amendment to the Constitution. |
| | 16. | Cabinet discuss Louisiana Treaty.
Drafts "Queries" as to Louisiana. |
| | 22. | At Monticello. |
| | 24. | Makes informal reply to Ward Committee of Philadelphia.
Appoints Monroe Minister to Great Britain. |
| Oct. | 1. | At Washington. |
| | 17. | Sends Third Annual Message. |
| | 20. | Louisiana Treaty ratified by Senate. |
| Nov. | ? | Frames rules of Public Etiquette.
Drafts bill for government of Louisiana. |
| | 4. | Sends message on Barbary Powers. |
| | 14. | Transmits information concerning Louisiana. |
| | 30. | Transmits additional information concerning Louisiana. |
| Dec. | 5. | Sends message on Barbary War. |
| | 21. | Sends message on Spanish Claims. |
| | 24. | Replies to Address of Legislature of Tennessee. |
| 1804.—Jan. | 8. | Offers Monroe governorship of Louisiana. |
| | 18. | Sends message on taking possession of Louisiana. |
| | 26. | Called on by Burr. |
| Feb. | 18. | Cabinet discussion of Louisiana boundaries.
Approves act organizing Louisiana and Orleans. |
| Apr. | 6. | At Monticello. |
| | 17. | Daughter, Mary Eppes, dies. |

Itinerary and Chronology

- 1804.—May 1. At Washington.
 26. Cabinet settle Tripoline terms.
 Offers Armstrong French mission.
 Appoints Monroe Minister to Spain.
- Aug. 7. At Monticello.
- Oct. 6. At Washington.
 8. Cabinet discuss Spanish affairs.
 Drafts bill for Harbor Protection.
- Nov. Re-elected President of United States.
 8. Sends Fourth Annual Message.
 19. Nominates Bowdoin Minister to Spain.
- 1805.—Feb. 2. Electoral votes counted by Congress.
- Mar. 2. Attorney-General Lincoln resigns.
 Robert Smith appointed Attorney-General.
 Jacob Crowninshield appointed Secretary of Navy.
 3. Approves bill for Harbor Protection.
 4. Inaugurated as President.
 13. At Monticello.
- April 19. At Washington.
- July 4. Prepares Notes on Armed Vessels.
 8. Cabinet discuss neutral commerce.
 20. At Monticello.
- Aug. Prepares Notes on Conduct in 1780-1.
 Suggests alliance with Great Britain.
- Oct. 11. At Washington.
- Nov. 12. Cabinet discuss Spanish affairs.
 14. Cabinet frame terms for Spain.
 19. Cabinet modify Spanish terms.
- Dec. 3. Sends Fifth Annual Message.
 4. Drafts resolutions on Spain for Congress.
 6. Sends confidential message on Spain.
 Drafts bill for a naval militia.
 Drafts bill classifying militia.
- Dec. 20. John Breckenridge nominated Attorney-General.
- 1806.—Jan. 13. Sends message on Tripoline Affairs.
 17. Sends message on Neutral Commerce.
- Feb. 6. Sends confidential message on Great Britain.
 8. Drafts resolutions concerning Spain.
 Warned by Daveiss of Burr's plot.
 19. Sends message on Western Exploration.
 24. Aids Barlow to draft bill for a National University.
 Drafts bill for settling Orleans territory.
 28. Nominates Bowdoin and Armstrong joint commissioners to Spain.

- 1806.—Mar. 14. Pinkney selected by Cabinet for English mission.
 15? Has interview with Burr.
 20. Sends special message on Spanish Boundaries.
 24. Offers Cary commissionership to Spain.
 Sends confidential message on Great Britain.
 25. Cabinet decision on Spanish affairs.
 Apr. 19. Writes letter to Alexander of Russia.
 Nominates Monroe and Pinkney joint commissioners to Great Britain.
 May 1. Cabinet discuss *Leander* incident.
 3. Issues *Leander* proclamation.
 10. At Monticello.
 June 7. At Washington.
 July 26. At Monticello.
 Oct. 4. At Washington.
 22. Cabinet discuss Burr plot.
 25. Cabinet decision on Burr.
 Nov. 8. Orders to Wilkinson, *in re* Burr.
 27. Issues proclamation against Burr.
 Dec. 2. Sends Sixth Annual Message.
 3. Sends special message on Great Britain.
 15. Message on distressed French prepared, but not sent.
 20. Issues proclamation against *Cambrian*.
- 1807.—Jan. 1. Elected President of American Philosophical Society.
 6. Burr expedition leaves Chickasaw Bluffs.
 Great Britain adopts Orders in Council.
 14. Aids Hening in preparation of Virginia statutes.
 16. Randolph resolution *in re* Burr adopted.
 17. Burr surrenders to Meade.
 20. Appoints Rodney Attorney-General.
 22. Sends message on Burr.
 23. Senate passes bill to suspend Habeas Corpus.
 26. House rejects bill to suspend Habeas Corpus.
 28. Sends additional message on Burr.
 31. Sends message on Cumberland Road.
 Drafts amendment to Volunteer Bill.
 Feb. 2. Cabinet council on British negotiations.
 3. Notifies British negotiators of disapproval of treaty.
 10. Sends message on Gunboats.
 14. Sends reply to Massachusetts address.
 19. Spain issues commercial decree.
 28. Writes to King of Holland.

- 1807.—Feb. 28. Burr arrested.
- Mar. 2. Signs bill to end slave trade.
3. British Treaty arrives.
21. Sends circular letter to State governors.
30. Burr trial begins.
- Apr. 1. Burr released on bail.
Leaves Washington.
Arrives at Monticello.
- May 13. Leaves Monticello.
17. Arrives at Washington.
19. Writes Short of his intention to refuse renomination.
20. Sends new instruction to English negotiators.
29. Receives French medal for design of mould-board.
- June 1. Frames tariff on French wines.
13. Subpoenaed to attend Burr trial.
22. *Chesapeake* frigate captured.
- July 2. Issues proclamation against British war-ships.
4. Cabinet agrees to call Congress.
- Aug. 1. Leaves Washington.
5. Arrives at Monticello.
- Sept. 1. Proposes to seize the Floridas.
Burr acquitted.
9. Leaves Monticello for Bedford.
17. Arrives at Monticello.
30. Leaves Monticello.
- Oct. 3. Arrives at Washington.
Sends Seventh Annual Message.
30. Burr trial ends.
- Nov. 11. Great Britain extends Orders in Council.
13. Sends reply to Society of Friends.
18. Sends reply to Baptists.
23. Sends message on Burr Trial.
- Dec. 7. Sends confidential message on Great Britain.
10. Sends reply to Assembly of Vermont.
Sends reply to Legislature of New Jersey.
14. Sends reply to Washington Society of Tammany
Non-importation Act goes into effect.
17. France issues supplementary decree concerning
neutral commerce.
18. Sends message on Commercial Depredations.
21. Sends reply to Baptist Association.
22. Embargo Act signed.

CORRESPONDENCE
AND
OFFICIAL PAPERS
1803-1807



CORRESPONDENCE

AND

OFFICIAL PAPERS

1803-1807

DRAFTS OF AN AMENDMENT TO THE CONSTITUTION.¹

J. MSS.

[July, 1803.]

The province of Louisiana is incorporated with the U. S. and made part thereof. The rights of occupancy in the soil, and of self government, are confirmed to the Indian Louisiana, as ceded by France to the U. S. is made a part of the U. S. Its white inhabitants shall be citizens, and stand, as to their rights & obligations, on the same foot-

¹ As early as January of 1803, Jefferson had written to Gallatin:

“ . . . You are right, in my opinion, as to Mr. L’s proposition; there is no constitutional difficulty as to the acquisition of territory, and whether, when acquired, it may be taken into the Union by the Constitution as it now stands, will become a question of expediency. I think it will be safer not to permit the enlargement of the Union but by amendment of the Constitution.”

In pursuance of this view, upon receiving news of the cession, he drew up the first of the amendments in above printed papers, and sent it to the Secretary of the Navy. In reply, Smith wrote him:

“July 9, '03. ✓

“SIR,—I am greatly pleased with the ideas suggested in the proposed amendment of the Constitution and I sincerely hope that they

inhabitants, as they now exist. Pre-emption only of the portions rightfully occupied by them, & a succession to the occupancy of such as they may abandon, with the full ing with other citizens of the U S. in analogous situations. Save only that as to the portion thereof lying North of an East & West line drawn through the mouth of

will be adopted by the Legislature of the Union. But I am rather inclined to think that they ought not all to be ingrafted upon the Constitution. Your great object is to prevent emigrations excepting to a certain portion of the ceded territory. This could be effectually accomplished by a Constitutional prohibition that Congress should not erect or establish in that portion of the ceded territory situated North of Lat. 32 degrees any new State or territorial government and that they should not grant to any people excepting Indians any right or title relative to any part of the said portion of the said territory. All other powers of making exchanges, working mines etc. would then remain in Congress to be exercised at discretion; and in the exercise of this discretion, subject as it would be to the three aforementioned restrictions I do not perceive that any thing could be done which would counteract your present intentions.

"The rights of occupancy in the soil ought to be secured to the Indians and Government ought, in my opinion, to endeavour to obtain for them the exclusive occupation of the Northern portion of Louisiana excepting such posts as may be necessary to our trade and intercourse with them. But ought not this to be a subject of legislative provision? If the Indian rights of occupancy be a part of the Constitution might not the Government be hereafter thereby much entangled? Under such a Constitutional guarantee the Indians might harass our military posts or our settlements in the Southern portion or elsewhere in the most wanton manner and we could not disturb their rights of occupancy without a formal alteration of the Constitution.

"Under the idea that so many & such undefined restrictions as you have proposed to be engrafted upon the Constitution might in process of time embarrass the government and might probably not be acceptable to Congress, I have respectfully submitted to your consideration the enclosed sketch."

The paper enclosed by Smith is as follows:

"Amendment proposed to the Constitution to be added to S. 3. Art. 4.

"Louisiana being in virtue of the Treaty &c. incorporated with the United States and being thereby a part of the Territory thereof Congress shall have power to dispose of and make all needful rules and

rights of possession as well as of property & sovereignty in whatever is not or shall cease to be so rightfully occupied by them shall belong to the U. S.

Arkansa river, no new State shall be established, nor any grants of land made, other than to Indians in exchange for equivalent portions of land occupied by them, until

regulations respecting the same as fully and effectually as if the same had been at the time of the establishment of the Constitution a part of the Territory of the U. States: provided nevertheless that Congress shall not have power to erect or establish in that portion of Louisiana which is situated North of the Latitude of $\frac{32}{2}$ degrees any new State or territorial government nor to grant to any citizen or citizens or other individual or individuals excepting Indians any right or title whatever to any part of the said portion of Louisiana until a new Amendment of the Constitution shall give that authority."

Jefferson further wrote to John C. Breckenridge:

"MONTICELLO, Aug 12, '03.

"DEAR SIR,—The enclosed letter, tho' directed to you, was intended to me also, and was left open with a request, that when perused, I would forward it to you. It gives me occasion to write a word to you on the subject of Louisiana, which being a new one, an interchange of sentiments may produce correct ideas before we are to act on them.

"Our information as to the country is very incomplete; we have taken measures to obtain it in full as to the settled part, which I hope to receive in time for Congress. The boundaries, which I deem not admitting question, are the high lands on the western side of the Missisipi enclosing all it's waters, the Missouri of course, and terminating in the line drawn from the northwestern point of the Lake of the Woods to the nearest source of the Missipi, as lately settled between Gr Britain and the U S. We have some claims, to extend on the sea coast Westwardly to the Rio Norte or Bravo, and better, to go Eastwardly to the Rio Perdido, between Mobile & Pensacola, the antient boundary of Louisiana. These claims will be a subject of negociation with Spain, and if, as soon as she is at war, we push them strongly with one hand, holding out a price in the other, we shall certainly obtain the Floridas, and all in good time. In the meanwhile, without waiting for permission, we shall enter into the exercise of the natural right we have always insisted on with Spain, to wit, that of a nation holding the upper part of streams, having a right of innocent passage thro' them to the ocean. We shall prepare her to see us practise, on this, & she will not oppose it by force.

"Objections are raising to the Eastward against the vast extent of

The legislature of the Union shall have authority to exchange the right of occupancy in portions where the U. S. have full right for lands possessed by Indians within the

authorised by further subsequent amendment to the Constitution shall be made for these purposes.

Florida also, whenever it may be rightfully obtained,

our boundaries, and propositions are made to exchange Louisiana, or a part of it, for the Floridas. But, as I have said, we shall get the Floridas without, and I would not give one inch of the waters of the Mississippi to any nation, because I see in a light very important to our peace the exclusive right to it's navigation, & the admission of no nation into it, but as into the Potomak or Delaware, with our consent & under our police. These federalists see in this acquisition the formation of a new confederacy, embracing all the waters of the Missipi, on both sides of it, and a separation of it's Eastern waters from us. These combinations depend on so many circumstances which we cannot foresee, that I place little reliance on them. We have seldom seen neighborhood produce affection among nations. The reverse is almost the universal truth. Besides, if it should become the great interest of those nations to separate from this, if their happiness should depend on it so strongly as to induce them to go through that convulsion, why should the Atlantic States dread it? But especially why should we, their present inhabitants, take side in such a question? When I view the Atlantic States, procuring for those on the Eastern waters of the Missipi friendly instead of hostile neighbors on it's Western waters, I do not view it as an Englishman would the procuring future blessings for the French nation, with whom he has no relations of blood or affection. The future inhabitants of the Atlantic & Missipi States will be our sons. We leave them in distinct but bordering establishments. We think we see their happiness in their union, & we wish it. Events may prove it otherwise; and if they see their interest in separation, why should we take side with our Atlantic rather than our Missipi descendants? It is the elder and the younger son differing. God bless them both, & keep them in union, if it be for their good, but separate them, if it be better. The inhabited part of Louisiana, from Point Coupée to the sea, will of course be immediately a territorial government, and soon a State. But above that, the best use we can make of the country for some time, will be to give establishments in it to the Indians on the East side of the Missipi, in exchange for their present country, and open land offices in the last, & thus make this acquisition the means of filling up the Eastern side, instead of drawing off it's population. When we shall be full on this side, we may lay off a range of States on the Western bank from the

U. S. on the East side of the Mississippi: to exchange lands on the East side of the river for those of the white inhabitants on the West side thereof and above the latitude of 31 de-

shall become a part of the U S. Its white inhabitants shall thereupon be Citizens & shall stand, as to their rights & obligations, on the same footing with other citizens of

head to the mouth, & so, range after range, advancing compactly as we multiply.

"This treaty must of course be laid before both Houses, because both have important functions to exercise respecting it. They, I presume, will see their duty to their country in ratifying & paying for it, so as to secure a good which would otherwise probably be never again in their power. But I suppose they must then appeal to *the nation* for an additional article to the Constitution, approving & confirming an act which the nation had not previously authorized. The constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution. The Legislature in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify & pay for it, and throw themselves on their country for doing for them unauthorized what we know they would have done for themselves had they been in a situation to do it. It is the case of a guardian, investing the money of his ward in purchasing an important adjacent territory; & saying to him when of age, I did this for your good; I pretend to no right to bind you: you may disavow me, and I must get out of the scrape as I can: I thought it my duty to risk myself for you. But we shall not be disavowed by the nation, and their act of indemnity will confirm & not weaken the Constitution, by more strongly marking out its lines.

"We have nothing later from Europe than the public papers give. I hope yourself and all the Western members will make a sacred point of being at the first day of the meeting of Congress; for *vestra res agitur*.

"Accept my affectionate salutations & assurances of esteem & respect."

After writing thus, Jefferson thought it wise to change his views, and under date of Aug. 18th, he again wrote to Breckenridge:

"DEAR SIR,—I wrote you on the 12th inst. on the subject of Louisiana, and the constitutional provision which might be necessary for it. A letter received yesterday shews that nothing must be said on

grees: to maintain in any part of the province such military posts as may be requisite for peace or safety: to exercise police over all persons therein, not being Indian inhabitants: the U S. in analogous situations.

that subject which may give a pretext for retracting; but that we should do sub-silentio what shall be found necessary. Be so good therefore as to consider that part of my letter as confidential. It strengthens the reasons for desiring the presence of every friend to the treaty on the first day of the session. Perhaps you can impress this necessity on the Senators of the western states by private letter. Accept my friendly salutations & assurances of great respect & esteem."

On the same day, he wrote to Thomas Paine:

"DEAR SIR,—On the 10th inst. I wrote you on the subject of Louisiana, and mentioned the question of a supplement to the constitution on that account. A letter received yesterday renders it prudent to say nothing on that subject, but to do sub-silentio what shall be found necessary. That part of my letter therefore be so good as to consider as confidential. Accept my friendly salutations & assurances of great esteem & respect."

The reason for this change is given in a letter to the Secretary of State:

"MONTICELLO, Aug. 18, 1803.

"DEAR SIR,—I enclose you two letters from Rob. R. Livingston. That of the 2d of June is just intelligible enough in the unciphered parts to create anxieties which perhaps the cipher may remove. I communicate them for your information, & shall be glad to receive them deciphered. I infer that the less we say about constitutional difficulties respecting Louisiana the better, and that what is necessary for surmounting them must be done sub-silentio. . . .

"Mr. King said to Mr. Gallatin that the idea of selling Louisiana was, 4 weeks before the treaty, assimilated at Paris with the sale of Dunkirk by Charles the 2d, and that Mr. Livingston had not at that time the least expectation of success. Accept my affectionate salutations and assurances of constant esteem."

To the same correspondent, he wrote on August 25th, saying:

"I suppose Monroe will touch on the limits of Louisiana only incidentally, inasmuch as its extension to Perdido curtails Florida, & renders it of less worth. I have used my spare moments to investigate,

to work salt springs, or mines
of coal, metals and other min-
erals within the possession of
the U. S. or in any others with
the consent of the possessors;
to regulate trade & intercourse

by the help of my books here, the subject of the limits of Louisiana. I am satisfied our right to the Perdido is substantial, & can be opposed by a quibble on form only; and our right Westwardly to the Bay of St. Bernard, may be strongly maintained. I will use the first leisure to make a statement of the facts & principles on which this depends. Further reflection on the amendmt to the Constitution necessary in the case of Louisiana, satisfies me it will be better to give general powers, with specified exceptions, somewhat in the way stated below."

The paper so enclosed is the second one above printed. A copy of this same paper was sent to the Attorney-General, with the following paper:

"MONTICELLO, Aug. 30, 1803.

"DEAR SIR,—The enclosed letter came to hand by yesterday's post. You will be sensible of the circumstances which make it improper that I should hazard a formal answer, as well as of the desire its friendly aspect naturally excites, that those concerned in it should understand that the spirit they express is friendly viewed. You can judge also from your knolege of the ground, whether it may be usefully encouraged. I take the liberty, therefore, of availing myself of your neighborhood to Boston, and of your friendship to me, to request you to say to the capt. and others verbally whatever you think would be proper, as expressive of my sentiments on the subject. With respect to the day on which they wish to fix their anniversary, they may be told, that disapproving myself of transferring the honors and veneration for the great birthday of our republic to any individual, or of dividing them with individuals, I have declined letting my own birthday be known, & have engaged my family not to communicate it. This has been the uniform answer to every application of the kind.

"On further consideration as to the amendment to our Constitution respecting Louisiana, I have thought it better, instead of enumerating the powers which Congress may exercise, to give them the same powers they have as to other portions of the Union generally, and to enumerate the special exceptions, in some such form as the following: . . .

"I quote this for your consideration, observing that the less that is said about any constitutional difficulty, the better; and that it will be

between the Indian inhabitants and all other persons; to explore and ascertain the geography of the province, its productions and other interesting circumstances; to

desirable for Congress to do what is necessary, *in silence*. I find but one opinion as to the necessity of shutting up the country for some time. We meet in Washington the 25th proximo to prepare for Congress. Accept my affectionate salutations & great esteem & respect."

In addition, Jefferson wrote to Wilson Cary Nicholas:

"MONTICELLO, Sep. 7, 1803.

"DEAR SIR,—Your favor of the 3d was delivered me at court; but we were much disappointed at not seeing you here, Mr. Madison & the Gov. being here at the time. I enclose you a letter from Monroe on the subject of the late treaty. You will observe a hint in it, to do without delay what we are bound to do. There is reason, in the opinion of our ministers, to believe, that if the thing were to do over again, it could not be obtained, & that if we give the least opening, they will declare the treaty void. A warning amounting to that has been given to them, & an unusual kind of letter written by their minister to our Secretary of State, direct. Whatever Congress shall think it necessary to do, should be done with as little debate as possible, & particularly so far as respects the constitutional difficulty. I am aware of the force of the observations you make on the power given by the Constn to Congress, to admit new States into the Union, without restraining the subject to the territory then constituting the U S. But when I consider that the limits of the U S are precisely fixed by the treaty of 1783, that the Constitution expressly declares itself to be made for the U S, I cannot help believing the intention was to permit Congress to admit into the Union new States, which should be formed out of the territory for which, & under whose authority alone, they were then acting. I do not believe it was meant that they might receive England, Ireland, Holland, &c. into it, which would be the case on your construction. When an instrument admits two constructions, the one safe, the other dangerous, the one precise, the other indefinite, I prefer that which is safe & precise. I had rather ask an enlargement of power from the nation, where it is found necessary, than to assume it by a construction which would make our powers boundless. Our peculiar security is in possession of a written Constitution. Let us not make it a blank paper by construction. I say the same as to the opinion of those who consider the grant of the treaty making power as

open roads and navigation therein where necessary for beneficial communication; & to establish agencies and factories therein for the cultivation of commerce, peace & good understanding with the Indians residing there.

The legislature shall have

boundless. If it is, then we have no Constitution. If it has bounds, they can be no others than the definitions of the powers which that instrument gives. It specifies & delineates the operations permitted to the federal government, and gives all the powers necessary to carry these into execution. Whatever of these enumerated objects is proper for a law, Congress may make the law; whatever is proper to be executed by way of a treaty, the President & Senate may enter into the treaty; whatever is to be done by a judicial sentence, the judges may pass the sentence. Nothing is more likely than that their enumeration of powers is defective. This is the ordinary case of all human works. Let us go on then perfecting it, by adding, by way of amendment to the Constitution, those powers which time & trial show are still wanting. But it has been taken too much for granted, that by this rigorous construction the treaty power would be reduced to nothing. I had occasion once to examine its effect on the French treaty, made by the old Congress, & found that out of thirty odd articles which that contained, there were one, two, or three only which could not now be stipulated under our present Constitution. I confess, then, I think it important, in the present case, to set an example against broad construction, by appealing for new power to the people. If, however, our friends shall think differently, certainly I shall acquiesce with satisfaction; confiding, that the good sense of our country will correct the evil of construction when it shall produce ill effects.

"No apologies for writing or speaking to me freely are necessary. On the contrary, nothing my friends can do is so dear to me, & proves to me their friendship so clearly, as the information they give me of their sentiments & those of others on interesting points where I am to act, and where information & warning is so essential to excite in me that due reflection which ought to precede action. I leave this about the 21st, and shall hope the District Court will give me an opportunity of seeing you.

"Accept my affectionate salutations, & assurances of cordial esteem & respect."

no authority to dispose of the lands of the province otherwise than as hereinbefore permitted, until a new Amendment of the constitution shall give that authority. Except as to that portion thereof which lies South of the latitude of 31 degrees; which whenever they deem expedient, they may erect into a territorial Government, either separate or as making part with one on the eastern side of the river, vesting the inhabitants thereof with all the rights possessed by other territorial citizens of the U. S.¹

TO HORATIO GATES ²

WASHINGTON, July 11, '03.

DEAR GENERAL,—I accept with pleasure, and with pleasure reciprocate your congratulations on the acquisition of Louisiana: for it is a subject of mutual congratulations as it interests every man of the nation. The territory acquired, as it includes all the waters of the Missouri & Mississippi, has more than

¹ The following is on a separate slip immediately following the above; but it is not in Jefferson's handwriting:

“Together with such tract or tracts elsewhere, within the Province not exceeding in the whole, one million acres, as particular circumstances may in the Opinion of Congress render it expedient to dispose of.”

² From the original in the possession of Dr. Thomas Addis Emmet of New York.

doubled the area of the U. S. and the new part is not inferior to the old in soil, climate, productions & important communications. If our legislature dispose of it with the wisdom we have a right to expect, they may make it the means of tempting all our Indians on the East side of the Mississippi to remove to the West, and of condensing instead of scattering our population. I find our opposition is very willing to pluck feathers from Monroe, although not fond of sticking them into Livingston's coat. The truth is both have a just portion of merit and were it necessary or proper it could be shewn that each has rendered peculiar service, & of important value. These grumblers too are very uneasy lest the administration should share some little credit for the acquisition, the whole of which they ascribe to the accident of war. They would be cruelly mortified could they see our files from April 1801, the first organization of the administration, but more especially from April 1802. They would see that tho' we could not say when war would arise, yet we said with energy what would take place when it should arise. We did not, by our intrigues, produce the war: but we availed ourselves of it when it happened. The other party saw the case now existing on which our representations were predicted, and the wisdom of timely sacrifice. But when these people make the war give us everything, they authorize us to ask what the war gave us in their day? They had a war. What did they make it bring us? Instead of making our neutrality the grounds of gain to their country, they were for plunging into the war. And if they

were now in place, they would not be at war against the Alliests & disorganizers of France. They were for making their country an appendage to England. We are friendly, cordially and conscientiously friendly to England, but we are not hostile to France. We will be rigorously just and sincerely friendly to both. I do not believe we shall have as much to swallow from them as our predecessors had.

With respect to the territory acquired, I do not think it will be a separate government as you imagine. I presume the island of N. Orleans and the settled country on the opposite bank, will be annexed to the Mississippi territory. We shall certainly endeavor to introduce the American laws there & that cannot be done but by amalgamating the people with such a body of Americans as may take the lead in legislation & government. Of course they will be under the Governor of Mississippi. The rest of the territory will probably be locked up from American settlement, and under the self-government of the native occupants.

You know that every sentence from me is put on the rack by our opponents, to be tortured into something they can make use of. No caution therefore I am sure is necessary against letting my letter go out of your hands. I am always happy to hear from you, and to know that you preserve your health. Present me respectfully to Mrs. Gates, and accept yourself my affectionate salutations and assurances of great respect & esteem.

TO THE SECRETARY OF THE TREASURY J. MSS.

(ALBERT GALLATIN.)

July 12, 1803.

* * * It is difficult to see what Mr. Bond would be at. I suppose he aims at our citizen laws. There is a distinction which we ought to make ourselves, and with which the belligerent powers ought to be content. Where, after the commencement of a war, a merchant of either comes here and is naturalized, the purpose is probably fraudulent against the other, and intended to cloak their commerce under our flag. This we should honestly discountenance, and never reclaim their property when captured. But merchants from either, settled and made citizens before a war, are citizens to every purpose of commerce, and not to be distinguished in our proceedings from natives. Every attempt of Great Britain to enforce her principle of "once a subject and always a subject" beyond the case of *her own subjects* ought to be repelled. A copy of General Muhlenberg's letter, stating the fact of citizenship accurately, ought to satisfy Mr. Bond, unless he can disprove the fact: or unless, admitting the fact, he at once attacks our principle: on that ground we will meet his government.

As to the patronage of the Republican Bank at Providence, I am decidedly in favor of making all the banks Republican, by sharing deposits among them in proportion to the dispositions they show; if the law now forbids it, we should not permit another session of Congress to pass without amending it. It is material to the safety of Republicanism to detach

the mercantile interests from its enemies and incorporate them into the body of its friends. A merchant is naturally a Republican, and can be otherwise only from a vitiated state of things. Affectionate salutations.

TO THE SPECIAL COMMISSIONER ON SPANISH BOUNDARY

(EPHRAIM KIRBY.)

J. MSS.

WASHINGTON, July 15, 1803.

DEAR SIR,—I yesterday signed a commission appointing you one of the commissioners to receive & determine the titles of lands held on the East side of Pearl river. The place of sessions will be Fort Stoddard. I am happy in having in that commission the name of a person already so well known to the public as to ensure their confidence. The other commissioner will be Mr. Robert Carter Nicholas of Kentucky, son of the late George Nicholas of that state. I am desirous of appointing to the register's office, some worthy inhabitant of that part of the country, but I have never been able to get a recommendation of anyone. He should be of perfect integrity, good understanding, and, if a lawyer, so much the better. Under these circumstances I have thought it best to ask you to take charge of a blank commission, to be filled up by yourself as soon after your arrival there, as you can acquire information of the best character. Your own judgment will suggest to you the advantage of keeping it entirely secret that you have such a power, in order that you may obtain disinterested information. But I am obliged to impose on you

another task, quite out of the line of your official duty, yet within that of a citizen of the U. S. We have had no means of acquiring any knolege of the number, nature & extent of our settlements west of Pearl river: Yet it is extremely important that we should receive accurate information. I have therefore taken the liberty of stating some queries to which I will pray your attention, and that you will take all the pains you can to obtain for me full and faithful answers.¹ I leave this place within a few days for Monticello to remain there through the months of August and September. I pray you to accept my friendly salutations & assurances of great esteem & respect.

QUERIES AS TO LOUISIANA

J. MSS.

[July 15? 1803?]

1. What are the boundaries of Louisiana, and on what authority does each portion of them rest?

¹ Queries.

1. What are the settlements of citizens on the east side of Pearl river? Stating their geographical position, extent & numbers.
2. Are there good lands adjoining them to render them capable of enlargement?
3. Have they encroached on the Indians?
4. Are the settlements in a course of enlargement by persons setting down on lands without title?
5. The general character of the inhabitants & from whence they are?
6. A special list by name of all such individuals worthy of appointment to such offices as may be necessary among them, and characters so particularized as that we may know for what each is fit.
7. A general account of the Spanish settlements in the adjacent country, stating all material circumstances relative to them, particularly their geographical position & numbers. Those on the Chatahouchy, Excambier, Mobile, & Pascagoula rivers especially.
8. Their military posts, the position & strength of each, and especially on the Mobile.

2. What is the distance from New Orleans to the nearest point of the western boundary?
3. Into what divisions is the province laid off?
4. What officers civil or military are appointed to each division, and what to the general government with a definition of their powers?
5. What emoluments have they, and from what source derived?
6. What are the annual expenses of the province drawn from the Treasury?
7. What are the nett receipts of the Treasury, & from what taxes or other resources are they drawn?
8. On what footing is the church & clergy, what lands have they and from what other funds are they supported?
9. What is the population of the province distinguishing between white and black, but excluding Indians, on the East side of the Mississippi? Of the settlement on the west side next the mouth? Of each district settlement in the other parts of the province? And what the geographical position and extent of each of these settlements?
10. What are the foundations of their land titles? And what their tenure?
11. What is the quantity of granted lands as near as can be estimated?
12. What is the quantity ungranted in the Island of New Orleans, and in the settlement adjacent on the west side?
13. What are the lands appropriated to the public use?

14. What buildings, fortifications, or other fixed property belong to the public?
15. What is the quantity & general limits of the lands fit for the culture of sugar? What proportion is granted & what ungranted?
16. Whence is their code of laws derived? A copy of it, if in print.
17. What are the best maps, general or particular, of the whole or parts of the province? Copies of them if to be had in print.¹

¹ The purpose of these queries is told by Jefferson in a letter to William Dunbar:

“WASHINGTON, July 17th, 1803.

“DEAR SIR,—Before you receive this, you will have heard, through the channel of the public papers, of the cession of Louisiana by France to the United States. The terms as stated in the *National Intelligencer*, are accurate. That the treaty may be ratified in time, I have found it necessary to convene Congress on the 17th of October; and it is very important for the happiness of the country that they should possess all the information which can be obtained respecting it, that they make the best arrangement practicable for its good government. It is the most necessary, because, they will be obliged to ask from the People an amendment of the Constitution, authorizing their receiving the province into the Union, and providing for its government; and the limitations of power which shall be given by that amendment, will be unalterable but by the same authority. I have, therefore, sent some queries to Mr. Clark of New Orleans, to be answered by such person as he shall think best qualified, and to be returned to me before the meeting of Congress; and knowing that you have turned your attention to many of the subjects, I enclose you a copy of them, and ask the favor of you to give me what information you can, in answer to such of them as you shall select as lying within the scope of your information. I am encouraged to propose thus to trouble you, by a thorough persuasion of your readiness and desire to serve the public cause by whatever shall be in your power; and by the belief that you are one of those who will sincerely rejoice at our success in relieving you, by peaceable means, from a powerful and enterprising neighbor; and establishing, on a permanent basis, the tranquility, security, and prosperity, of that interesting country. I tender you my friendly salutations and assurances of great esteem and respect.

“P. S. July 18—Since writing the preceding, your favor of June

TO WILLIAM DUANE

J. MSS.

MONTICELLO, July 24, 1803.

DEAR SIR,—The address of the Ward committee of Philada on the subject of removals from office was

10th has been received. The exchange of a peaceable for a warring neighbor at New Orleans, was, undoubtedly, ground of just and great disquietude on our part: and the necessity of acquiring the country could not be unperceived by any. The question which divided our Legislature (but not the nation) was, whether we should take it at once, and enter single handed into war with the most powerful nation on the earth, or place things on the best footing practicable for the present, and avail ourselves of the first war in Europe, which it was clear was at no great distance, to obtain the country as the price of our neutrality, or as a reprisal for wrongs which we were sure enough to receive. The war happened somewhat sooner than was expected: but our measures were previously taken, and the thing took the best turn for both parties. Those who were honest in their reasons for preferring immediate war, will, in their candor, rejoice that their opinion was not followed. They may, indeed, still believe it was the best opinion according to the probabilities. We, however believed otherwise, and they, I am sure, will be glad that we did. The letter of yesterday will show you my desire of receiving information from you, and I shall be always thankful for it. My wish is to have everything, compare all together, and to do what, on the whole, I conscientiously think for the best. I repeat my satisfaction and esteem."

A second letter to Dunbar, on this matter, was as follows:

"MONTICELLO, Sep. 21, 1803.

"DEAR SIR,—Your favor in answer to my queries came to hand a few days ago, and I thank you for the matter it contains & the promptness with which it has been furnished. Just on my departure from this place, where I habitually pass the sickly months of Aug. & Sep. I have time only to ask information on a particular point. It has been affirmed by respectable authority, that Spain on receiving the East & West Florida of the English, did not continue that distinction, but restored Louisiana to it's antient boundary the Perdido, and that the country from the Perdido to the Iberville has been ever since considered as a part of Louisiana, & governed by the governor of Louisiana residing at New Orleans: While the country from the Perdido Eastwardly to the Atlantic has been called as antiently, by the simple name of Florida, & governed by the governor of Florida residing at St. Augustine. The terms of the treaty render this fact very interesting

received at Washington on the 17th inst. I cannot answer it, because I have given no answers to the many others I have received from other quarters. Your are sensible what use an unfriendly party would make of such answers by putting all their expressions to the torture; and altho' no person wishes more than I do to learn the opinions of respected *individuals*, because they enable me to examine, and often to correct my own, yet I am not satisfied that I ought to admit the addresses even of those bodies of men which are organized by the Constitution (the houses of legislature for instance), to influence the appointment to office for which the Constitution has chosen to rely on the independence and integrity of the Executive, controlled by the Senate, chosen both of them by the whole union. Still less of those bodies whose organization is unknown to the Constitution. As revolutionary instruments (when nothing but revolution will cure the evils of the state) they are necessary and indispensable, and the right to use them is inalienable by the people; but to admit them as ordinary & habitual instruments as a part of the machinery of the Constitution, would be to change that machinery by introducing moving powers foreign to it, and to an extent depending solely on local views, and therefore incalculable. The opinions offered by *individuals*, and of right, are

if true, inasmuch as it fills up the measure of reasoning which fixes the extent of the cession Eastwardly to the Perdido. I write the present to ask of you to ascertain this fact & to give the information as quickly as possible, as it may yet be received in time to determine our proceedings. Accept my friendly salutations & assurances of great esteem & respect."

on a different ground; they are sanctioned by the constitution; which has also prescribed, when they chuse to act in bodies, the organization, objects & rights of those bodies. Altho' this view of the subject forbids me, in my own judgment, to give answers to addresses of this kind, yet the one now under consideration is couched in terms so friendly and respectful, and from persons, many of whom I know to have been firm patriots, some of them in revolutionary times and others in those of terror, & doubt not that all are of the same valuable character, that I cannot restrain the desire they should individually understand the reasons why no formal answer is given: That they should see it proceeds from my view of the constitution and the judgment I form of my duties to it, and not from a want of respect & esteem for them, or their opinions, which given individually will ever be valued by me. I beg leave therefore to avail myself of my acquaintance with you, & of your friendly dispositions to communicate to them individually the considerations expressed in this letter, which is merely private and to yourself, and which I ask you not to put out of your own hands lest directly or by copy it should get into those of the common adversary, and become matter for those malignant perversions which no sentiments however just, no expressions however correct can escape.

It may perhaps at first view be thought that my answer to the Newhaven letter was not within my own rule. But that letter was expressed to be from the writers individually, & not as an organized body

chosen to represent and express the public opinion. The occasion too which it furnished had for some time been wished for, of explaining to the republican part of the nation my sense of their just rights to participation to office, and the proceedings adopted for attaining it after due inquiry into the general sentiment of the several states. The purpose there explained was to remove some of the least deserving officers, but generally to prefer the milder measure of waiting till accidental vacancies should furnish opportunity of giving to republicans their *due proportion* of office. To this we have steadily adhered. Many vacancies have been made by death and resignation, many by removal for malversation in office and for open, active and virulent abuse of official influence in opposition to the order of things established by the will of the nation. Such removals continue to be made on sufficient proof. The places have been steadily filled with republican characters until of 316 offices in all the U. S. subject to appointment and removal by me, 130 only are held by federalists. I do not include in this estimate the judiciary & military because not removable but by established process, nor the officers of the Internal revenue because discontinued by law, nor postmasters or any others not named by me. And this has been effected in little more than two years by means so moderate and just as cannot fail to be approved in future. Whether a participation of office in proportion to numbers should be effected in each state separately or in the whole states taken together is difficult to decide, and has not yet been settled in my own mind.

It is a question of vast complications. But suppose we were to apply the rule of Pennsylvania distinctly from the Union. In the state of Pennsylvania 8 offices only are subject to my nomination and informal removal. Of these 5 are in the hands of republicans, 3 of federalists, to wit

	<i>Republican.</i>	<i>Federal.</i>
The attorney	Dallas	Naval officer
Marshal	Smith	Surveyor
Collector	Muhlenberg	Commisr of Loans
Purveyor	Coxe	
Superintdt Mily Stores	Irving	

In the hands of the former is the appointment of every subordinate officer, not a single one (but their clerks) being appointable by the latter. Taking a view of this subject in the only year I can now come at, the clerk hire of the naval officer & surveyor is only 2196 D. that of the commr of loans 2500-4696. The compensation of the nav. off. & surveyor were 7651 D. in that year. The residue of custom house expenses were 46268 D. constituting the compensation and patronage of the collector, except about 1500 D. to the officers of the revenue cutter who are republican. The emoluments & patronage of the 5 other republican officers I have no materials for estimating; but they are not small. Considering numbers therefore as the ratio of participation, it stands at 5 to 3. But taking emolument and patronage as the measure, our actual share is much greater. I cannot therefore suppose that our friends had sufficiently examined the fact when they alleged that, in "Philadelphia public employment under the general government, in all it's grades, with scarcely an exception,

is confined not to federalists merely, but to apostates, persecutors and enemies of representative government."

I give full credit to the wisdom of the measures pursued by the gov'r. of Pennsylvania in removals from office. I have no doubt he followed the wish of the state: and *he* had no other to consult. But in the general government each state is to be administered not on it's local principles, but on the principles of all the states formed into a general result. That I should administer the affairs of Massachusetts & Connecticut, for example, on federal principles, could not be approved. I dare say too that the extensive removals from office in Pennsylva. may have contributed to the great conversion which has been manifested among it's citizens. But I respect them too much to believe it has been the exclusive or even the principle motive. I presume the sound measures of their government, & of the general one, have weighed more in their estimation and conversion, than the consideration of the particular agents employed.

I read with extreme gratification the approbation expressed of the general measures of the present administration. I verily believe our friends have not differed with us on a single *measure* of importance. It is only as to the distribution of office that some difference of opinion has appeared. But that difference will I think be lessened when facts & principles are more accurately scanned, and it's impression still more so when justice is done to motives, and to the duty of pursuing that which on mature consideration is deemed to be right.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, July 31, 03.

DEAR SIR,—I return you the petition of Samuel Miller with the pardon signed. Mr. Kelty had spoken to me on this subject and told me that he and Mr. Craunch should join in a recommendation. I wish Mr. Wagner would obtain this before he delivers the pardon. I return also Mr. King's letter which has really important matter, especially what respects the *mare clausum*, the abandonment of the colonial system, & emancipation of S. America. On the subject of our seamen as both parties were agreed against impressments at sea, and concealments in port, I suppose we may practice on those two articles as things understood, altho' no convention was signed. I see that the principle of free bottoms, free goods must be left to make its way by treaty with particular nations. Great Britain will never yield to it willingly and she cannot be forced.

I think I have selected a governor for Louisiana, as perfect in all points as we can expect. Sound judgment, standing in society, knolege of the world, wealth, liberality, familiarity with the French language, and having a French wife. You will perceive I am describing Sumpter. I do not know a more proper character for the place. I wish we could find a diplomatist or two equally eligible, for Europe. Accept my affectionate salutations.

TO JOHN DICKINSON

J. MSS.

MONTICELLO, Aug. 9, 1803.

DEAR SIR,—Your friendly favor of the 1st inst. is received with that welcome which always accompanies the approbation of the wise & good. The acquisition of New Orleans would of itself have been a great thing, as it would have ensured to our western brethren the means of exporting their produce: but that of Louisiana is inappreciable, because, giving us the sole dominion of the Mississippi, it excludes those bickerings with foreign powers, which we know of a certainty would have put us at war with France immediately: and it secures to us the course of a peaceable nation.

The *unquestioned* bounds of Louisiana are the Iberville & Mississippi on the east, the Mexicana, or the Highlands east of it, on the west; then from the head of the Mexicana gaining the highlands which include the waters of the Mississippi, and following those highlands round the head springs of the western waters of the Mississippi to its source where we join the English or perhaps to the Lake of the Woods. This may be considered as a triangle, one leg of which is the length of the Missouri, the other of the Mississippi, and the hypotenuse running from the source of the Missouri to the mouth of the Mississippi. I should be averse to exchanging any part of this for the Floridas, because it would let Spain into the Mississippi on the principle of natural right, we have always urged & are now urging to her, that a nation inhabiting the upper part of a stream has a right of innocent passage down that stream to the

ocean: and because the Floridas will fall to us peaceably the first war Spain is engaged in. We have some pretensions to extend the western territory of Louisiana to the Rio Norte, or Bravo; and still stronger the eastern boundary to the Rio Perdido between the rivers Mobile & Pensacola. These last are so strong that France had not relinquished them & our negotiator expressly declared we should claim them, by properly availing ourselves of these with offers of a price, and our peace, we shall get the Floridas in good time. But in the meantime we shall enter on the exercise of the right of passing down all the rivers which rising in our territory, run thro' the Floridas. Spain will not oppose it by force. But there is a difficulty in this acquisition which presents a handle to the malcontents among us, though they have not yet discovered it. Our confederation is certainly confined to the limits established by the revolution. The general government has no powers but such as the constitution has given it; and it has not given it a power of holding foreign territory, & still less of incorporating it into the Union. An amendment of the Constitution seems necessary for this. In the meantime we must ratify & pay our money, as we have treated, for a thing beyond the constitution, and rely on the nation to sanction an act done for its great good, without its previous authority. With respect to the disposal of the country, we must take the island of New Orleans and west side of the river as high up as Point Coupee, containing nearly the whole inhabitants, say about 50,000, and erect it into a state, or annex it to the Mississippi territory: and

shut up all the rest from settlement for a long time to come, endeavoring to exchange some of the country there unoccupied by Indians for the lands held by the Indians on this side the Mississippi, who will be glad to cede us their country here for an equivalent there: and we may sell out our lands here & pay the whole debt contracted before it comes due. The impost which will be paid by the inhabitants ceded will pay half the interest of the price we give: so that we really add only half the price to our debt. I have indulged myself in these details because the subject being new, it is advantageous to interchange ideas on it and to get our notions all corrected before we are obliged to act on them. In this idea I receive & shall receive with pleasure anything which may occur to you. Accept my affectionate salutations & assurances of my constant & great esteem & respect.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, Sept. 14, 03.

DEAR SIR,—I now return you the several papers received by the last post, except those soliciting office, which as usual, are put into my bundle of like papers. I think it possible that Spain, recollecting our former eagerness for the island of N. Orleans, may imagine she can, by a free delivery of that, redeem the residue of Louisiana: and that she may withhold the peaceable cession of it. In that case no doubt force must be used. However the importance

of this measure, the time & the means, will be for discussion at our meeting on the 25th. In the meantime I think Clarke might be trusted with a general hint of the possibility of opposition from Spain, & an instruction to sound in every direction, but with so much caution as to avoid suspicion, and to inform us whether he discovers any symptoms of doubt as to the delivery, to let us know the force Spain has there, where posted, how the inhabitants are likely to act, if we march a force there, and what numbers of them could be armed & brought to act in opposition to us. We have time to receive this information before the day of ratification, and it would guide us in our provision of force for the object. Accept my affectionate salutations & respects.

TO DOCTOR BENJAMIN RUSH

J. MSS.

WASHINGTON, Octr 4, 03.

DEAR SIR,—No one would more willingly than myself pay the just tribute due to the services of Capt. Barry, by writing a letter of condolence to his widow, as you suggest. But when one undertakes to administer justice, it must be with an even hand, & by rule; what is done for one, must be done for every one in equal degree. To what a train of attentions would this draw a President? How difficult would it be to draw the line between that degree of merit entitled to such a testimonial of it, & that not so entitled? If drawn in a particular case differently from what the friends of the deceased would judge right, what

offence would it give, & of the most tender kind? How much offence would be given by accidental inattentions, or want of information? The first step into such an undertaking ought to be well weighed. On the death of Dr. Franklin, the King & Convention of France went into mourning. So did the House of Reps. of the U. S.: the Senate refused. I proposed to General Washington that the executive department should wear mourning; he declined it, because he said he should not know where to draw the line, if he once began that ceremony. Mr. Adams was then Vice President, & I thought Genl. W. had his eye on him, whom he certainly did not love. I told him the world had drawn so broad a line between himself & Dr. Franklin, on the one side, and the residue of mankind, on the other, that we might wear mourning for them, and the question still remain new & undecided as to all others. He thought it best, however, to avoid it. On these considerations alone, however well affected to the merit of Commodore Barry, I think it prudent not to engage myself in a practice which may become embarrassing.

Tremendous times in Europe! How mighty this battle of lions & tygers! With what sensations should the common herd of cattle look on it? With no partialities, certainly. If they can so far worry one another as to destroy their power of tyrannizing, the one over the earth, the other the waters, the world may perhaps enjoy peace, till they recruit again.

Affectionate & respectful salutations.

THIRD ANNUAL MESSAGE ¹

J. MSS.

October 17, 1803.

To the Senate and House of Representatives of the United States:

In calling you together, fellow citizens, at an earlier day than was contemplated by the act of the

¹ A draft of this message was submitted to Madison, who on Oct. 1st returned the following notes to the president:

"(o) for 'before' is suggested 'without,' the former seeming to imply that after the suspension, an assignt had been made.

"(1) After or for 'friendly' insert 'proper.'

"Omit 'without difficulty or delay.' There was perhaps somewhat of both, and it may become expedient to say so to Spain.

"(2) The enlightened mind of the first consul of France saw in its true point of view the importance of an arrangement on this subject which might contribute most towards perpetuating the peace and friendship, and promoting the interest of both nations; and the property and sovereignty of all Louisiana, as it had been ceded to France by Spain, was conveyed to the U. States by instruments bearing date on the 30th day of April last. These stipulations (instruments) will be immediately laid before the Senate, and if sanctioned by its concurrence will without delay be communicated to the House of Reps. for the exercise of its constitutional functions thereon.

"Such a modification of the paragraph is meant to avoid the implication that the transfer made by France, was covered by the terms 'territory adjacent to ours' which describe our proposition. It will also avoid, what the theory of our constitution does not seem to have met, the influence of deliberations and anticipations of the H. of Reps. on a Treaty depending in the Senate. It is not conceived that the course here suggested can produce much delay, since the tenor of the treaty being sufficiently known, the mind of the house can be preparing itself for the requisite provisions. Delay would be more likely to arise from the novelty and doubtfulness of a communication in the first instance, of a treaty negotiated by the Executive, to both Houses for their respective deliberations.

"(3) After 'assure' are proposed 'in due season, and under prudent arrangements, important aids to our Treasury, as well as,' an ample &c.

"Query: If the two or three succeeding Ps. be not more adapted to the separate and subsequent communication if adopted as above suggested.

"(4) For the first sentence may be substituted 'in the territory between the Mississippi and the Ohio, another valuable acquisition has

last session of Congress, I have not been insensible to the personal inconveniences necessarily resulting from an unexpected change in your arrangements. But matters of great public concernment have rendered this call necessary, and the interest you feel in these will supersede in your minds all private considerations.

Congress witnessed, at their last session, the extraordinary agitation produced in the public mind by

been made by a treaty &c.' As it stands, it does not sufficiently distinguish the nature of the one acquisition from that of the other, and seems to imply that the acquisition from France was wholly on the other side of the Mississippi.

"May it not be as well to omit the detail of the stipulated considerations, and particularly, that of the Roman Catholic Pastor. The jealousy of some may see in it a principle, not according with the exemption of Religion from civil power. In the Indian Treaty it will be less noticed than in a President's message.

"'Tho' not so indispensable since the acquisition of the other bank' conveys an idea that an immediate settlement of the other bank is in view, and may thence strengthen objections in certain quarters to the treaty with France.

"With a tacit allusion to profit, 'is yet well' may be struck out and 'may be the more worthy' inserted.

"The last sentence in this P. may be omitted, if the reason applied to a former one be thought good.

"(5) 'Must also be expected' better perhaps 'are also to be apprehended' for 'both' 'all' or 'the' belligerent &c. Holland already makes more than two.

"After 'cover of our flag' substitute 'for vessels not entitled to, infecting thereby with suspicion the property of the real American and committing us to the risk of war to redress wrongs not our own.' Instead of 'to expect from every nation,' which does not follow well the antecedent 'endeavor' may be inserted 'to exact, to draw.'

"This member of the sentence may indeed be dispensed with, being comprehended in the ensuing member, viz. 'maintain the character of an independent one &c.'

"'Maintain' being repeated several times within a small compass, 'pursue this course,' may be preferable.

"(6) For this conclusion, is offered for consideration the following

the suspension of our right of deposit at the port of New Orleans, no assignment of another place having been made according to treaty. They were sensible that the continuance of that privation would be more injurious to our nation than any consequences which could flow from any mode of redress, but reposing just confidence in the good faith of the government whose officer had committed the wrong, friendly and reasonable representations were resorted to, and the right of deposit was restored.

Previous, however, to this period, we had not been unaware of the danger to which our peace would be

'for the possibility of failure in these reasonable expectations, it will rest with the wisdom of Congress to consider how far and in what form, provision may be properly made, for suspensions of intercourse when it cannot be maintained on principles of justice and self-respect,' or 'and therewith prevented, the necessity of remedial provisions on the part of the U. States.'

"(7) for 'unconcerned in'—'and from.' "

On Oct. 3d, the President wrote to Gallatin:

"Th. Jefferson asks the favor of Mr. Gallatin to examine with rigor the enclosed project of the message to Congress, and to note on a separate paper the alterations he thinks advantageous. As it is to go through the hands of the other gentlemen of the Cabinet, his immediate attention to it is desirable. He also asks the favor of Mr. Gallatin to meet the heads of Department here to-morrow at ten o'clock."

He further wrote him on Oct. 17th:

"Will you be so good as to enable me this morning to fill up the blank in the following passage of the message.

"An account of the receipts & expenditures of the year ending the 30th of Sep. last, with the estimates for the ensuing year, will be laid before you by the Secy. of the Treasy so soon as the receipts of the last quarter shall be returned from the more distant states. It is already ascertained that the amount paid into the Treasury for that year will exceed

& that the revenue accrued during the same term, exceeds the sum counted on as sufficient for our current expenses, and to extinguish the public debt within the period heretofore proposed."

perpetually exposed while so important a key to the commerce of the western country remained under foreign power. Difficulties, too, were presenting themselves as to the navigation of other streams, which, arising within our territories, pass through those adjacent. Propositions had, therefore, been authorized for obtaining, on fair conditions, the sovereignty of New Orleans, and of other possessions in that quarter interesting to our quiet, to such extent as was deemed practicable; and the provisional appropriation of two millions of dollars, to be applied and accounted for by the president of the United States, intended as part of the price, was considered as conveying the sanction of Congress to the acquisition proposed. The enlightened government of France saw, with just discernment, the importance to both nations of such liberal arrangements as might best and permanently promote the peace, friendship, and interests of both; and the property and sovereignty of all Louisiana, which had been restored to them, have on certain conditions been transferred to the United States by instruments bearing date the 30th of April last. When these shall have received the constitutional sanction of the senate, they will without delay be communicated to the representatives also, for the exercise of their functions, as to those conditions which are within the powers vested by the constitution in Congress. While the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the western States, and an uncontrolled navigation through their whole course, free from

collision with other powers and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our posterity, and a wide-spread field for the blessings of freedom and equal laws.

With the wisdom of Congress it will rest to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country; for its incorporation into our Union; for rendering the change of government a blessing to our newly-adopted brethren; for securing to them the rights of conscience and of property: for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them, and for ascertaining the geography of the country acquired. Such materials for your information, relative to its affairs in general, as the short space of time has permitted me to collect, will be laid before you when the subject shall be in a state for your consideration.

Another important acquisition of territory has also been made since the last session of Congress. The friendly tribe of Kaskaskia Indians with which we have never had a difference, reduced by the wars and wants of savage life to a few individuals unable to defend themselves against the neighboring tribes, has transferred its country to the United States, reserving only for its members what is sufficient to maintain them in an agricultural way. The considerations stipulated are, that we shall extend to them our patronage and protection, and give them certain

annual aids in money, in implements of agriculture, and other articles of their choice. This country, among the most fertile within our limits, extending along the Mississippi from the mouth of the Illinois to and up the Ohio, though not so necessary as a barrier since the acquisition of the other bank, may yet be well worthy of being laid open to immediate settlement, as its inhabitants may descend with rapidity in support of the lower country should future circumstances expose that to a foreign enterprise. As the stipulations in this treaty also involve matters within the competence of both houses only, it will be laid before Congress as soon as the senate shall have advised its ratification.

With many other Indian tribes, improvements in agriculture and household manufacture are advancing, and with all our peace and friendship are established on grounds much firmer than heretofore. The measure adopted of establishing trading houses among them, and of furnishing them necessaries in exchange for their commodities, at such moderated prices as leave no gain, but cover us from loss, has the most conciliatory and useful effect upon them, and is that which will best secure their peace and good will.

The small vessels authorized by Congress with a view to the Mediterranean service, have been sent into that sea, and will be able more effectually to confine the Tripoline cruisers within their harbors, and supersede the necessity of convoy to our commerce in that quarter. They will sensibly lessen the expenses of that service the ensuing year.

A further knowledge of the ground in the north-eastern and north-western angles of the United States has evinced that the boundaries established by the treaty of Paris, between the British territories and ours in those parts, were too imperfectly described to be susceptible of execution. It has therefore been thought worthy of attention, for preserving and cherishing the harmony and useful intercourse subsisting between the two nations, to remove by timely arrangements what unfavorable incidents might otherwise render a ground of future misunderstanding. A convention has therefore been entered into, which provides for a practicable demarkation of those limits to the satisfaction of both parties.

An account of the receipts and expenditures of the year ending 30th September last, with the estimates for the service of the ensuing year, will be laid before you by the secretary of the treasury so soon as the receipts of the last quarter shall be returned from the more distant states. It is already ascertained that the amount paid into the treasury for that year has been between eleven and twelve millions of dollars, and that the revenue accrued during the same term exceeds the sum counted on as sufficient for our current expenses, and to extinguish the public debt within the period heretofore proposed.

The amount of debt paid for the same year is about three millions one hundred thousand dollars, exclusive of interest, and making, with the payment of the preceding year, a discharge of more than eight millions and a half of dollars of the principal of that debt, besides the accruing interest; and there

remain in the treasury nearly six millions of dollars. Of these, eight hundred and eighty thousand have been reserved for payment of the first instalment due under the British convention of January 8th, 1802, and two millions are what have been before mentioned as placed by Congress under the power and accountability of the president, toward the price of New Orleans and other territories acquired, which, remaining untouched, are still applicable to that object, and go in diminution of the sum to be funded for it.

Should the acquisition of Louisiana be constitutionally confirmed and carried into effect, a sum of nearly thirteen millions of dollars will then be added to our public debt, most of which is payable after fifteen years; before which term the present existing debts will all be discharged by the established operation of the sinking fund. When we contemplate the ordinary annual augmentation of imposts from increasing population and wealth, the augmentation of the same revenue by its extension to the new acquisition, and the economies which may still be introduced into our public expenditures, I cannot but hope that Congress in reviewing their resources will find means to meet the intermediate interests of this additional debt without recurring to new taxes, and applying to this object only the ordinary progression of our revenue. Its extraordinary increase in times of foreign war will be the proper and sufficient fund for any measures of safety or precaution which that state of things may render necessary in our neutral position.

Remittances for the instalments of our foreign debt having been found impracticable without loss, it has not been thought expedient to use the power given by a former act of Congress of continuing them by reloans, and of redeeming instead thereof equal sums of domestic debt, although no difficulty was found in obtaining that accommodation.

The sum of fifty thousand dollars appropriated by Congress for providing gun-boats, remains unexpended. The favorable and peaceful turn of affairs on the Mississippi rendered an immediate execution of that law unnecessary, and time was desirable in order that the institution of that branch of our force might begin on models the most approved by experience. The same issue of events dispensed with a resort to the appropriation of a million and a half of dollars contemplated for purposes which were effected by happier means.

We have seen with sincere concern the flames of war lighted up again in Europe, and nations with which we have the most friendly and useful relations engaged in mutual destruction. While we regret the miseries in which we see others involved let us bow with gratitude to that kind Providence which, inspiring with wisdom and moderation our late legislative councils while placed under the urgency of the greatest wrongs, guarded us from hastily entering into the sanguinary contest, and left us only to look on and to pity its ravages. These will be heaviest on those immediately engaged. Yet the nations pursuing peace will not be exempt from all evil. In the course of this conflict, let it be our endeavor, as it

is our interest and desire, to cultivate the friendship of the belligerent nations by every act of justice and of incessant kindness; to receive their armed vessels with hospitality from the distresses of the sea, but to administer the means of annoyance to none; to establish in our harbors such a police as may maintain law and order; to restrain our citizens from embarking individually in a war in which their country takes no part; to punish severely those persons, citizen or alien, who shall usurp the cover of our flag for vessels not entitled to it, infecting thereby with suspicion those of real Americans, and committing us into controversies for the redress of wrongs not our own; to exact from every nation the observance, toward our vessels and citizens, of those principles and practices which all civilized people acknowledge; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong. Congress will consider whether the existing laws enable us efficaciously to maintain this course with our citizens in all places, and with others while within the limits of our jurisdiction, and will give them the new modifications necessary for these objects. Some contraventions of right have already taken place, both within our jurisdictional limits and on the high seas. The friendly disposition of the governments from whose agents they have proceeded, as well as their wisdom and regard for justice, leave us in reasonable expectation that they will be rectified and prevented in future; and that no act will be countenanced by them which threatens to disturb our friendly inter-

course. Separated by a wide ocean from the nations of Europe, and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them and theirs to us, it cannot be the interest of any to assail us, nor ours to disturb them. We should be most unwise, indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness; of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force. How desirable then must it be, in a government like ours, to see its citizens adopt individually the views, the interests, and the conduct which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships, and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow citizens, that you will duly estimate the importance of neutral dispositions toward the observance of neutral conduct, that you will be sensible how much it is our duty to look on the bloody arena spread before us with commiseration indeed, but with no other wish than to see it closed, I am persuaded you will cordially cherish these dispositions in all discussions among yourselves, and in all communications with your constituents; and I anticipate with satisfaction the measures of wisdom which the great interests now committed to *you* will give you an opportunity of providing, and *myself* that of approving and

carrying into execution with the fidelity I owe to my country.

SPECIAL MESSAGE ON LOUISIANA

J. MSS.

October 21, 1803.

*To the Senate and House of Representatives of the
United States:*

In my communications to you of the 17th instant, I informed you that the conventions had been entered into with the government of France for the cession of Louisiana to the United States. These, with the advice and consent of the Senate, having now been ratified, and my ratification exchanged for that of the first consul of France in due form, they are communicated to you for consideration in your legislative capacity. You will observe that some important conditions cannot be carried into execution, but with the aid of the legislature; and that time presses a decision on them without delay.

The ulterior provisions, also suggested in the same communication, for the occupation and government of the country, will call for early attention. Such information relative to its government, as time and distance have enabled me to obtain, will be ready to be laid before you within a few days. But, as permanent arrangements for this object may require time and deliberation, it is for your consideration whether you will not, forthwith, make such temporary provisions for the preservation, in the meanwhile, of order and tranquillity in the country, as the case may require.

TO THE SECRETARY OF THE TREASURY J. MSS.

(ALBERT GALLATIN.)

October 29, 1803.

I must ask the favor of you to meet the heads of Departments here to-morrow at 12 o'clock and afterwards to dine with us. The object is to decide definitely on the arrangements which are to be despatched westwardly the next day. General Dearborn and myself had concluded to submit to the meeting a plan little different from that suggested in your letter of yesterday. To wit, to send orders to Claiborne and Wilkinson to march instantly five hundred regulars (which are prepared) from Fort Adams, and one thousand militia from the Mississippi Territory (if the information from Laussat to them shall indicate refusal from Spain). To send hence on the same day a call on the Governor of Tennessee for two thousand volunteers, and of Kentucky for four thousand, to be officered, organized, accoutred, and mustered on a day to be named, such as that Claiborne and Wilkinson might by that day send them information whether they would be wanted, and to march or do otherwise accordingly. I had since thought myself to propose that, on receiving information that there would be resistance, they should send sufficient parties of regulars and militia across the Mississippi to take by surprise New Madrid, St. Genevieve, St. Louis, and all the other small posts, and that all this should be made as much as possible the act of France, by including Laussat, with the aid of Clark, to raise an insurrectionary force of the inhabitants, to which ours might

be only auxiliary. But all this, with much more, is to be considered to-morrow. Affectionate salutations.¹

¹ On the subject of Louisiana, Jefferson further wrote to Gallatin:

“Nov. 9, 1803.

“The memoranda you inclosed me from Mr. Clarke deserve great attention. Such articles of them as depend on the executive shall be arranged for the next post. The following articles belong to the legislature.

“The administration of justice to be prompt. Perhaps the judges should be obliged to hold their courts weekly, at least for some time to come.

“The ships of resident owners to be naturalized, and in general the laws of the U. S., respecting navigation, importation, exportation &c., to be extended to the ports of the ceded territory.

“The hospital to be provided for.

“Slaves not to be imported, except from such of the U. S. as prohibit importation.

“Without looking at the old territorial ordinance, I had imagined it best to found a government for the territory or territories of *lower* Louisiana on that basis. But on examining it, I find it will not do at all; that it would turn all their laws topsy turvy. Still I believe it best to appoint a governor & three judges, with legislative powers; only providing that the judges shall form the laws, & the governor have a negative only, subject further to the negative of a national legislature. The existing laws of the country being now in force, the new legislature will of course introduce the trial by jury in *criminal* cases, first; the habeas corpus, the freedom of the press, freedom of religion, &c., as soon as can be, and in general draw their laws and organization to the mould of ours by degrees as they find practicable without exciting too much discontent. In proportion as we find the people there riper for receiving these first principles of freedom, congress may from session to session confirm their enjoyment of them.

“As you have so many more opportunities than I have of free confidence with individual members, perhaps you may be able to give them these hints to make what use of them they please. Affectionate salutations.

“P. S. My idea that upper Louisiana should be continued under its present form of government, only making it subordinate to the national government, and independent of lower Louisiana. No other government can protect it from intruders.”

RULES OF ETIQUETTE ¹

J. MSS.

[Nov. ? 1803.]

I. In order to bring the members of society together in the first instance, the custom of the country has established that residents shall pay the first visit to strangers, and, among strangers, first comers to later comers, foreign and domestic; the character of stranger ceasing after the first visits. To this rule there is a single exception. Foreign ministers, from the necessity of making themselves known, pay the first visit to the ministers of the nation, which is returned.

II. When brought together in society, all are perfectly equal, whether foreign or domestic, titled or untitled, in or out of office.

All other observances are but exemplifications of these two principles.

I. 1st. The families of foreign ministers, arriving at the seat of government, receive the first visit from those of the national ministers, as from all other residents.

2d. Members of the Legislature and of the Judiciary, independent of their offices, have a right as strangers to receive the first visit.

II. 1st. No title being admitted here, those of foreigners give no precedence.

2d. Differences of grade among diplomatic members, give no precedence.

3d. At public ceremonies, to which the government invites the presence of foreign ministers and

¹ Endorsed in Jefferson's hand: "This rough paper contains what was agreed upon."

their families, a convenient seat or station will be provided for them, with any other strangers invited and the families of the national ministers, each taking place as they arrive, and without any precedence.

4th. To maintain the principle of equality, or of *pêle mêle*, and prevent the growth of precedence out of courtesy, the members of the Executive will practice at their own houses, and recommend an adherence to the ancient usage of the country, of gentlemen in mass giving precedence to the ladies in mass, in passing from one apartment where they are assembled into another.

TO THE U. S. MINISTER TO FRANCE

J. MSS.

(ROBERT R. LIVINGSTON.)

WASHINGTON, NOV. 4, 1803.

DEAR SIR,—A report reaches us this day from Baltimore, (on probable, but not certain grounds,) that Mr. Jerome Bonaparte, brother of the First Consul, was yesterday¹ married to Miss Patterson, of that city. The effect of this measure on the mind of the First Consul, is not for me to suppose; but as it might occur to him, *prima facie*, that the Executive of the U. S. ought to have prevented it, I have thought it advisable to mention the subject to you, that, if necessary, you may by explanations set that idea to rights. You know that by our laws, all persons are free to enter into marriage, if of 21 years of age, no one having a power to restrain it, not even their

¹ November 8. It is now said that it did not take place on the 3d, but will this day.—T. J.

parents; and that under that age, no one can prevent it but the parent or guardian. The lady is under age, and the parents, placed between her affections, which were strongly fixed, and the considerations opposing the measure, yielded with pain & anxiety to the former. Mr. Patterson is the President of the Bank of Baltimore, the wealthiest man in Maryland, perhaps in the U. S., except Mr. Carroll; a man of great virtue & respectability; the mother is the sister of the lady of General Saml Smith; and, consequently, the station of the family in society is with the first of the U. S. These circumstances fix rank in a country where there are no hereditary titles.

Your treaty has obtained nearly a general approbation. The federalists spoke & voted against it, but they are now so reduced in their numbers as to be nothing. The question on its ratification in the Senate was decided by 24 against 7, which was 10 more than enough. The vote in the H. of R. for making provision for its execution was carried by 89 against 23, which was a majority of 66, and the necessary bills are going through the Houses by greater majorities. Mr. Pichon, according to instructions from his government, proposed to have added to the ratification a protestation against any failure in time or other circumstances of execution, on our part. He was told, that in that case we should annex a counter protestation, which would leave the thing exactly where it was. That this transaction had been conducted, from the commencement of the negotiation to this stage of it, with a frankness & sincerity honorable to both nations, and comfortable

to the heart of an honest man to review; that to annex to this last chapter of the transaction such an evidence of mutual distrust, was to change its aspect dishonorably for us both, and contrary to truth as to us; for that we had not the smallest doubt that France would punctually execute its part; & I assured Mr. Pichon that I had more confidence in the word of the First Consul than in all the parchment we could sign. He saw that we had ratified the treaty; that both branches had passed, by great majorities, one of the bills for execution, & would soon pass the other two; that no circumstance remained that could leave a doubt of our punctual performance; & like an able & an honest minister, (which he is in the highest degree,) he undertook to do what he knew his employers would do themselves, were they here spectators of all the existing circumstances, and exchanged the ratifications purely and simply: so that this instrument goes to the world as an evidence of the candor & confidence of the nations in each other, which will have the best effects. This was the more justifiable, as Mr. Pichon knew that Spain had entered with us a protestation against our ratification of the treaty, grounded 1st, on the assertion that the First Consul had not executed the conditions of the treaties of cession; & 2^{ly}, that he had broken a solemn promise not to alienate the country to any nation. We answered, that these were private questions between France & Spain, which they must settle together; that we derived our title from the First Consul, & did not doubt his guarantee of it; and we, four days ago, sent off orders to the Governor

of the Mississippi territory & General Wilkinson to move down with the troops at hand to New Orleans, to receive the possession from Mr. Laussat. If he is heartily disposed to carry the order of the Consul into execution, he can probably command a voluntary force at New Orleans, and will have the aid of ours also, if he desires it, to take the possession, & deliver it to us. If he is not so disposed, *we* shall take the possession, & it will rest with the government of France, by adopting the act as their own, & obtaining the confirmation of Spain, to supply the non-execution of their stipulation to deliver, & to entitle themselves to the compleat execution of our part of the agreements. In the meantime, the Legislature is passing the bills, and we are preparing everything to be done on our part towards execution; and we shall not avail ourselves of the three months' delay after possession of the province, allowed by the treaty for the delivery of the stock, but shall deliver it the moment that possession is known here, which will be on the 18th day after it has taken place.

* * *

TO JOHN BRECKENRIDGE

J. MSS.

WASHINGTON NOV. 24, 03.

DEAR SIR,—I thought I perceived in you the other day a dread of the job of preparing a constitution for the new acquisition. With more boldness than wisdom I therefore determined to prepare a canvass, give it a few daubs of outline, and send it to you to fill up. I yesterday morning took up the subject and scribbled

off the inclosed. In communicating it to you I must do it in confidence that you will never let any person know that I have put pen to paper on the subject and that if you think the inclosed can be of any aid to you you will take the trouble to copy it & return me the original. I am this particular, because you know with what bloody teeth & fangs the federalists will attack any sentiment or principle known to come from me, & what blackguardisms & personalities they make it the occasion of vomiting forth. My time does not permit me to go into explanation of the inclosed by letter. I will only observe therefore as to a single feature of the legislature, that the idea of an Assembly of Notables came into my head while writing, as a thing more familiar & pleasing to the French, than a legislation of judges. True it removes their dependence from the judges to the Executive: but this is what they are used to & would prefer. Should Congress reject the nomination of judges for 4 years & make them during good behavior, as is probable, then, should the judges take a kink in their heads in favor of leaving the present laws of Louisiana unaltered, that evil will continue for their lives, unamended by us, and become so inveterate that we may never be able to introduce the uniformity of law so desirable. The making the same persons so directly judges & legislators is more against principle, than to make the same persons Executive, and the elector of the legislative members. The former too are placed above all responsibility, the latter is under a perpetual control if he goes wrong. The judges have to act on 9. out of 10. of the laws which are made; the

governor not on one in 10. But strike it out & insert the judges if you think it better, as it was a sudden conceit to which I am not attached; and make what alterations you please, as I had never [had] before time to think on the subject, or form the outlines of any plan, & probably shall not again. Accept my friendly salutations.

TO JOHN RANDOLPH

J. MSS.

WASHINGTON, Dec. 1, 03.

DEAR SIR,—The explanation in your letter of yesterday was quite unnecessary to me. I have had too satisfactory proofs of your friendly regard, to be disposed to suspect anything of a contrary aspect. I understood perfectly the expressions stated in the newspaper to which you allude, to mean, that “tho’ the proposition came from the *republican quarter* of the House, yet you should not concur with it.” I am aware that in parts of the Union, & even with persons to whom Mr. Eppes and Mr. Randolph are unknown, & myself little known, it will be presumed from their connection, that what comes from them comes from me. No men on earth are more independent in their sentiments than they are, nor any one less disposed than I am to influence the opinions of others. We rarely speak of politics, or of the proceedings of the House, but merely historically, and I carefully avoid expressing an opinion on them, in their presence, that we may all be at our ease. With other members, I have believed that more unreserved communications would be advantageous to the public.

This has been, perhaps, prevented by mutual delicacy. I have been afraid to express opinions unasked, lest I should be suspected of wishing to direct the legislative action of members. They have avoided asking communications from me, probably, lest they should be suspected of wishing to fish out executive secrets. I see too many proofs of the imperfection of human reason, to entertain wonder or intolerance at any difference of opinion on any subject; and acquiesce in that difference as easily as on a difference of feature or form; experience having long taught me the reasonableness of mutual sacrifices of opinion among those who are to act together for any common object, and the expediency of doing what good we can, when we cannot do all we would wish.

Accept my friendly salutations, and assurances of great esteem & respect.

TO DE WITT CLINTON

J. MSS.

WASHINGTON, Dec. 2, 03.

DEAR SIR,—Your favor of the 26th ult. has been received. Mr. Van Wyck's appointment as commr. of bankruptcy only awaits Mr. Sandford's resignation. The papers in the case of Lt. Wolstencroft shall be recommended to the inquiries & attentions of the Secretary at War. I should think it indeed a serious misfortune should a change in the administration of your government be hazarded before its present principles be well established through all its parts. Yet, on reflection, you will be sensible that the delicacy of my situation, considering who may be competitors,

forbids my intermeddling, even so far as to write the letter you suggest. I can therefore only brood in silence over my secret wishes.

I am less able to give you the proceedings of Congress than your correspondents who are of that body. More difference of opinion seems to exist as to the manner of disposing of Louisiana, than I had imagined possible: and our leading friends are not yet sufficiently aware of the necessity of accommodation & mutual sacrifice of opinion for conducting a numerous assembly, where the opposition too is drilled to act in phalanx on every question. Altho' it is acknowledged that our new fellow citizens are as yet as incapable of self government as children, yet some cannot bring themselves to suspend its principles for a single moment. The temporary or territorial government of that country therefore will encounter great difficulty. The question too whether the settlement of upper Louisiana shall be prohibited occasions a great division of our friends. Some are for prohibiting it till another amendment of the constn shall permit it; others for prohibiting by authority of the legislature only, a third set for permitting immediate settlement. Those of the first opinion apprehend that if the legislature may open a land office there, it will become the ruling principle of elections, & end in a yazoo scheme; those of the 2d opinion fear they may never get an amendment of the constitution permitting the settlement. Accept my friendly salutations & assurances of great esteem & respect.

TO THE SECRETARY OF THE TREASURY J. MSS.

(ALBERT GALLATIN.)

WASHINGTON, Dec. 13, 03.

The Attorney Genl having considered and decided that the prescription in the law for establishing a bank, that the officers in the subordinate offices of discount & deposit, shall be appointed "on the same terms and in the same manner practised in the principal bank," does not extend to them the principle of rotation, established by the Legislature in the body of directors in the principal bank, it follows that the extension of that principle has been merely a voluntary & prudential act of the principal bank, from which they are free to depart. I think the extension was wise & proper on their part, because the Legislature having deemed rotation useful in the principal bank constituted by them, there would be the same reason for it in the subordinate banks to be established by the principal. It breaks in upon the *esprit de corps* so apt to prevail in permanent bodies; it gives a chance for the public eye penetrating into the sanctuary of those proceedings & practices, which the avarice of the directors may introduce for their personal emolument, & which the resentments of excluded directors, or the honesty of those duly admitted, might betray to the public; and it gives an opportunity at the end of the year, or at other periods, of correcting a choice, which, on trial, proves to have been unfortunate; an evil of which themselves complain in their distant institutions. Whether, however, they have a power to alter this, or not, the executive has no right to

decide; & their consultation with you has been merely an act of complaisance, or a desire to shield so important an innovation under the cover of executive sanction. But ought we to volunteer our sanction in such a case? Ought we to disarm ourselves of any fair right of animadversion, whenever that institution shall be a legitimate subject of consideration? I own, I think the most proper answer would be, that we do not think ourselves authorized to give an opinion on the question.

From a passage in the letter of the President, I observe an idea of establishing a branch bank of the U. S. in New Orleans. This institution is one of the most deadly hostility existing, against the principles & form of our Constitution. The nation is, at this time, so strong & united in it's sentiments, that it cannot be shaken at this moment. But suppose a series of untoward events should occur, sufficient to bring into doubt the competency of a republican government to meet a crisis of great danger, or to unhinge the confidence of the people in the public functionaries; an institution like this, penetrating by it's branches every part of the Union, acting by command & in phalanx, may, in a critical moment, upset the government. I deem no government safe which is under the vassalage of any self-constituted authorities, or any other authority than that of the nation, or it's regular functionaries. What an obstruction could not this bank of the U. S., with all it's branch banks, be in time of war? It might dictate to us the peace we should accept, or withdraw it's aids. Ought we then to give further

growth to an institution so powerful, so hostile? That it is so hostile we know, 1, from a knowledge of the principles of the persons composing the body of directors in every bank, principal or branch; and those of most of the stockholders: 2, from their opposition to the measures & principles of the government, & to the election of those friendly to them: and 3, from the sentiments of the newspapers they support. Now, while we are strong, it is the greatest duty we owe to the safety of our Constitution, to bring this powerful enemy to a perfect subordination under it's authorities. The first measure would be to reduce them to an equal footing only with other banks, as to the favors of the government. But, in order to be able to meet a general combination of the banks against us, in a critical emergency, could we not make a beginning towards an independent use of our own money, towards holding our own bank in all the deposits where it is received, and letting the treasurer give his draft or note, for payment at any particular place, which, in a well-conducted government, ought to have as much credit as any private draft, or bank note, or bill, and would give us the same facilities which we derive from the banks? I pray you to turn this subject in your mind, and to give it the benefit of your knowledge of details; whereas, I have only very general views of the subject. Affectionate salutations.

TO THE SPECIAL ENVOY

J. MSS.

(JAMES MONROE.)

WASHINGTON, Jan. 8, 1804.

DEAR SIR,—A confidential opportunity offering by Mr. Baring, I can venture to write to you with less reserve than common conveyances admit. The 150 livres you paid to Mr. Chas for me shall be replaced in the hands of Mr. Lewis your manager here, with thanks to you for honoring what you had no reason to doubt was a just claim on me. I do not know him personally or any otherwise than by his history of our Revolution, & of Buonaparte, a single copy of which he sent me. I never heard of any other being sent, nor should I have undertaken, or he expected me, to be the vender of his books here, to keep accounts and make remittances for him. If he has sent any copies for sale to my care, I have never heard of them. Isaac Coles, son of Colo. Coles our neighbor is gone to London, Paris, &c. He asked from me a letter to you. I told him I had been obliged to make it a rule to give no letters of introduction while in my present office; but that in my first letter to you I would mention to you the reason why I gave him none. He is a most worthy young man, & one whom I had intended to have asked to be my Secretary, had Mr. Harvie declined the offer. You know the worth of his family. I inclose you two letters for Mr. Williams, asking you from your knolege of persons and things to use your discretion for me, and deliver whichever you think best, suppressing the other. With respect to my correspondence with literary characters in Europe, to the great

mass of those who send me copies of their works, being otherwise unknown to me, or perhaps not advantageously known, I return them simple notes of thanks, sometimes saying I have no doubt *I shall* have great satisfaction in perusing their works as soon as my occupations will permit; and, where I have found the work to possess merit, saying so in a complimentary way. With Volney, Dupont, Cabanis, Cepede, I had intimate & very friendly intercourse in France, & with the two first here. With Sr. John Sinclair I had the same in France & England, and with Mr. Strickland here. To these persons I write freely on subjects of literature, and to a certain degree on politics, respecting however their personal opinions, and their situation so as not to compromit them were a letter intercepted. Indeed what I write to them in this way are for the most part such truths & sentiments as would do us good if known to their government, and, as probably as not, are communicated to them. To the Earl Buchan I have written one letter in answer to the compliment of a volume of his which he sent me. He is an honorable, patriotic, & virtuous character, was in correspondence with Dr. Franklin and General Washington, & had every title to a respectful answer from me. I expressed myself to him in terms which were true, & therefore the more satisfactory to him. I have received a volume of geology, of great merit, from Fauflas de St. Fond. I did not know him personally, nor do I know the standing he holds in society or his government; but an intimate acquaintance of his here gives me a good account of him as an amiable

and virtuous man. My answer to him will be more than a mere compliment of thanks, but confined to the branch of science which is the subject of his work. An opening has been given me of making a communication which will be acceptable to the emperor Alexander, either directly or indirectly, and as from one private individual to another. I have not decided whether to do it or not. This is the whole extent of the literary correspondence which I now keep up in Europe, and I set the more value on it inasmuch as I can make private friendships instrumental to the public good by inspiring a confidence which is denied to public, and official communications.

I expect this evening's post will bring us the account that Louisiana was formally delivered to us about the 16th of December. This acquisition is seen by our constituents in all it's importance, & they do justice to all those who have been instrumental towards it. Fortunately, the federal leaders have had the imprudence to oppose it pertinaciously, which has given an occasion to a great proportion of their quondam honest adherents to abandon them and join the republican standard. They feel themselves now irretrievably lost, and are ceasing to make further opposition in the states, or anywhere but in Congress. I except however N. Hampshire, Mass. Connect. & Delaware. The 1st will be with us in the course of this year; Connecticut is advancing with a slow but steady step, never losing the ground she gains; Massachusetts has a Republicanism of so flaccid a texture, and Delaware so much affected by

every little topical information, that we must wait for them with patience & good Humour. Congress is now engaged in a bill for the government of Louisiana. It is impossible to foresee in what shape it will come out. They talk of giving 5,000 D. to the Governor, but the bill also proposes to commence at the close of this session. I have in private conversations demonstrated to individuals that that is impossible; that the necessary officers cannot be mustered there under 6 months. If they give that time for it's commencement, it may admit our appointing you to that office, as I presume you could be in place with a term not much beyond that, & in the interval the Secretary of the state would govern. But the idea of the public as to the importance of that office would not bear a long absence of the principal. You are not to calculate that 5,000 D. would place you by any means as much at your ease there as 9,000 D. where you are. In that station you cannot avoid expensive hospitality. Where you are, altho' it is not pleasant to fall short in returning civilities, yet necessity has rendered this so familiar in Europe as not to lessen respect for the person whose circumstances do not permit a return of hospitalities. I see by your letters the pain which this situation gives you, and I can estimate its acuteness from the generosity of your nature. But, my dear friend, calculate with mathematical rigour the pain annexed to each branch of the dilemma & pursue that which brings the least. To give up entertainment, & to live with the most rigorous economy till you have cleared yourself of every demand is a pain for a

definite time only: but to return here with accumulated encumbrances on you, will fill your life with torture. We wish to do everything for you which law & rule will permit. But more than this would injure you as much as us. Believing that the mission to Spain will enable you to suspend expense greatly in London, & to apply your salary during your absence to the clearing off your debt, you will be instructed to proceed there as soon as you shall have regulated certain points of neutral right for us with England, or as soon as you find nothing in that way can be done. This you should hurry as much as possible, that you may proceed to Spain, for settling with that court the boundaries of Louisiana. On this subject Mr. Madison will send you the copy of a memoir of mine, written last summer while I was among my books at Monticello. We scarcely expect any liberal or just settlement with Spain, and are perfectly determined to obtain or to take our just limits. How far you will suffer yourself to be detained there by the procrastinations of artifice or indolence must depend on the prospects which arise, and on your own determination to accept the government of Louisiana, which will admit but of a limited delay. It is probable that the inhabitants of Louisiana on the left bank of the Mississippi and inland Eastwardly to a considerable extent, will very soon claim to be received under our jurisdiction, and that this end of W. Florida will thus be peaceably got possession of. For Mobile and the Eastern end we shall await favorable conjunctures. If they refuse to let our vessels have free ingress & egress in the Mobile

to & from the Tombiggy settlements, and if Spain is at war, the crisis there will be speedy. Fulwar Skipwith wishes office in Louisiana. But he should be made sensible of the impossibility of an office remaining vacant till we can import an incumbent from Europe. That of Govr. is the only one for which the law has made that sort of provision. Besides he has been so long absent from America, that he cannot have habits and feelings, and the tact necessary to be in unison with his countrymen here. He is much fitter for any matters of business (below that of diplomacy) which we may have to do in Europe. There is here a great sense of the inadequacy of C. Pinckney to the office he is in. His continuance is made a subject of standing reproach to myself personally, by whom the appointment was made before I had collected the administration. He declared at the time that nothing would induce him to continue so as not to be here at the ensuing Presidential election. I am persuaded he expected to be proposed at it as V. P. After he got to Europe his letters asked only a continuance of two years. But he now does not drop the least hint of a voluntary return. Pray, my dear sir, avail yourself of his vanity, his expectations, his fears, and whatever will weigh with him to induce him to ask leave to return, and obtain from him to be the bearer of the letter yourself. You will render us in this the most acceptable service possible. His enemies here are perpetually dragging his character in the dirt, and charging it on the administration. He does, or ought to know this, and to feel the necessity of coming home

to vindicate himself, if he looks to anything further in the career of honor.

You ask for small news. Mr. Randolph & Mr. Eppes are both of Congress, and now with me, their wives lying in at home. Trist was appointed collector of Natchez and on the removal of that office down to New Orleans will be continued there. His family still remain in Albemarle, but will join him in the spring. Dr. Bache has been to N. Orleans as Physician to the hospital there. He is returned to Philadelphia where his wife is, and where they will probably remain. Peachey Gilmer has married Miss House, and will go with the family to N. Orleans. Mr. Short has been to Kentucky, and will return to Europe in the spring. The deaths of Samuel Adams & Judge Pendleton you will have heard of. Colo. N. Lewis, Divers & the Carrs are all well and their families. Sam. Carr is now living in Albemarle. J. F. Mercer's quarrel with his counsel has carried him over openly to the federalists. He is now in the Maryland legislature entirely thrown off by the republicans. He has never seen or written on these things to Mr. Madison or myself. When mentioning your going to N. Orleans & that the salary there would not increase the ease of your situation, I meant to have added that the only considerations which might make it eligible to you were the facility of getting there the richest land in the world, the extraordinary profitableness of their culture, and that the removal of your slaves there might immediately put you under way. You alone however can weigh these things for yourself, and after all, it may depend

on the time the legislature may give for commencing the new government. But, let us hear from you as soon as you can determine, that we may not incur the blame of waiting for nothing. Mr. Merry is with us, and we believe him to be personally as desirable a character as could have been sent us. But he is unluckily associated with one of an opposite character in every point. She has already disturbed our harmony extremely. He began by claiming the first visit from the national ministers. He corrected himself in this. But a pretension to take precedence at dinners &c. over all others is persevered in. We have told him that the principle of society, as well as of government, with us, is the equality of the individuals composing it. That no man here would come to a dinner, where he was to be marked with inferiority to any other. That we might as well attempt to force our principle of equality at St. James's as he his principle of precedent here. I had been in the habit, when I invited female company (having no lady in my family) to ask one of the ladies of the 4. secretaries to come & take care of my company; and as she was to do the honors of the table I handed her to dinner myself. That Mr. Merry might not construe this as giving them a precedence over Mrs. Merry, I have discontinued it. And here as well as in private houses, the *pêle-mêle* practice, is adhered to. They have got Yrujo to take a zealous part in the claim of precedence: it has excited generally emotions of great contempt and indignation, (in which the members of the legislature participate sensibly,) that the agents of foreign

nations should assume to dictate to us what shall be the laws of our society. The consequence will be that Mr. & Mrs. Merry will put themselves into Coventry, & that he will lose the best half of his usefulness to his nation, that derived from a perfectly familiar & private intercourse with the secretaries & myself. The latter be assured, is a virago, and in the short course of a few weeks has established a degree of dislike among all classes which one would have thought impossible in so short a time. Thornton has entered into their ideas. At this we wonder, because he is a plain man, a sensible one, & too candid to be suspected of wishing to bring on their recall & his own substitution. To counterwork their misrepresentations, it would be well their government should understand as much of these things as can be communicated with decency, that they may know the spirit in which their letters are written. We learn that Thornton thinks we are not as friendly now to Great Britain as before our acquisition of Louisiana. This is totally without foundation. Our friendship to that nation is cordial and sincere. So is that with France. We are anxious to see England maintain her standing, only wishing she would use her power on the ocean with justice. If she had done this heretofore, other nations would not have stood by and looked on with unconcern on a conflict which endangers her existence. We are not indifferent to it's issue, nor should we be so on a conflict on which the existence of France should be in danger. We consider each as a necessary instrument to hold in check the disposition of the other to tyrannize

over other nations. With respect to Merry, he appears so reasonable and good a man, that I should be sorry to lose him as long as there remains a possibility of reclaiming him to the exercise of his own dispositions. If his wife perseveres, she must eat her soup at home, and we shall endeavor to draw him into society as if she did not exist. It is unfortunate that the good understanding of nations should hang on the caprice of an individual, who ostensibly has nothing to do with them. Present my friendly & respectful salutations to Mrs. Monroe & Miss Eliza: and be assured yourself of my constant affections.

Jan. 16. Louisiana was delivered to our Commissioners on the 20th. Dec.

TO THOMAS MCKEAN

J. MSS.

WASHINGTON, Jan. 17, 1804.

DEAR SIR,—I have duly received your favor of the 8th but the act of ratification which it announces is not yet come to hand. No doubt it is on it's way. That great opposition is and will be made by federalists to this amendment is certain. They know that if it prevails, neither a Presidt or Vice President can ever be made but by the fair vote of the majority of the nation, of which they are not. That either their opposition to the principle of discrimination now, or their advocacy of it formerly was on party, not moral motives, they cannot deny. Consequently they fix for themselves the place in the scale of moral rectitude to which they are entitled. I am a friend to

the discriminating principle; and for a reason more than others have, inasmuch as the discriminated vote of my constituents will express unequivocally the verdict they wish to cast on my conduct. The abominable slanders of my political enemies have obliged me to call for that verdict from my country in the only way it can be obtained, and if obtained it will be my sufficient voucher to the rest of the world & to posterity, and leave me free to seek, at a definite time, the repose I sincerely wished to have retired to now. I suffer myself to make no inquiries as to the persons who are to be placed on the rolls of competition for the public favor. Respect for myself as well as for the public requires that I should be the silent & passive subject of their consideration. We are now at work on a territorial division & government for Louisiana. It will probably be a small improvement of our former territorial governments, or first grade of government. The act proposes to give them an assembly of Notables, selected by the Governor from the principal characters of the territory. This will, I think, be a better legislature than the former territorial one, & will not be a greater departure from sound principle. Accept my friendly salutations & assurances of high respect & consideration.

TO DOCTOR JOSEPH PRIESTLEY

J. MSS.

WASHINGTON, Jan. 29, 1804.

DEAR SIR,—Your favor of December 12 came duly to hand, as did the 2^d letter to Doctor Linn, and the treatise of *Phlogiston*, for which I pray you to accept

my thanks. The copy for Mr. Livingston has been delivered, together with your letter to him, to Mr. Harvie, my secretary, who departs in a day or two for Paris, & will deliver them himself to Mr. Livingston, whose attention to your matter cannot be doubted. I have also to add my thanks to Mr. Priestley, your son, for the copy of your *Harmony*, which I have gone through with great satisfaction. It is the first I have been able to meet with, which is clear of those long repetitions of the same transaction, as if it were a different one because related with some different circumstances.

I rejoice that you have undertaken the task of comparing the moral doctrines of Jesus with those of the ancient Philosophers. You are so much in possession of the whole subject, that you will do it easier & better than any other person living. I think you cannot avoid giving, as preliminary to the comparison, a digest of his moral doctrines, extracted in his own words from the Evangelists, and leaving out everything relative to his personal history and character. It would be short and precious. With a view to do this for my own satisfaction, I had sent to Philadelphia to get two testaments Greek of the same edition, & two English, with a design to cut out the morsels of morality, and paste them on the leaves of a book, in the manner you describe as having been pursued in forming your *Harmony*. But I shall now get the thing done by better hands.

I very early saw that Louisiana was indeed a speck in our horizon which was to burst in a tornado; and the public are unapprized how near this catastrophe

was. Nothing but a frank & friendly development of causes & effects on our part, and good sense enough in Bonaparte to see that the train was unavoidable, and would change the face of the world, saved us from that storm. I did not expect he would yield till a war took place between France and England, and my hope was to palliate and endure, if Messrs. Ross, Morris, &c. did not force a premature rupture, until that event. I believed the event not very distant, but acknowledge it came on sooner than I had expected. Whether, however, the good sense of Bonaparte might not see the course predicted to be necessary & unavoidable, even before a war should be imminent, was a chance which we thought it our duty to try; but the immediate prospect of rupture brought the case to immediate decision. The *dénouement* has been happy; and I confess I look to this duplication of area for the extending a government so free and economical as ours, as a great achievement to the mass of happiness which is to ensue. Whether we remain in one confederacy, or form into Atlantic and Mississippi confederacies, I believe not very important to the happiness of either part. Those of the western confederacy will be as much our children & descendants as those of the eastern, and I feel myself as much identified with that country, in future time, as with this; and did I now foresee a separation at some future day, yet I should feel the duty & the desire to promote the western interests as zealously as the eastern, doing all the good for both portions of our future family which should fall within my power.

Have you seen the new work of Malthus on population? It is one of the ablest I have ever seen. Altho' his main object is to delineate the effects of redundancy of population, and to test the poor laws of England, & other palliations for that evil, several important questions in political economy, allied to his subject incidentally, are treated with a masterly hand. It is a single 4^{to} volume, and I have been only able to read a borrowed copy, the only one I have yet heard of. Probably our friends in England will think of you, & give you an opportunity of reading it. Accept my affectionate salutations, and assurances of great esteem & respect.

TO CÆSAR A. RODNEY

J. MSS.

WASHINGTON, Feb. 24, 04.

DEAR SIR,—I receive with sincere grief your letter of the 21st and lament the necessity which calls for your retirement, if that necessity really exists. I had looked to you as one of those calculated to give cohesion to our rope of sand. You now see the composition of our public bodies, and how essential system and plan are for conducting our affairs wisely with so bitter a party in opposition to us, who look not at all to what is best for the public, but how they may thwart whatever we may propose, tho' they should thereby sink their country. Talents in our public councils are at all times important; but perhaps there never was a moment when the loss of any would be more injurious than at the present. The condition of our affairs is advantageous. But it is also true that we are now under a crisis which is not without hazard

from different quarters at home and abroad. But all this you understand perfectly, and if under such circumstances you withdraw I shall believe that the necessity which occasions it is imperious, and shall lament it most sincerely. Accept my affectionate salutations.

TO ELBRIDGE GERRY

J. MSS.

WASHINGTON, March 3, 1804.

DEAR SIR,—Altho' it is long since I received your favor of Oct. 27, yet I have not had leisure sooner to acknolege it. In the middle Southern States, as great an union of sentiment has now taken place as is perhaps desirable. For as there will always be an opposition, I believe it had better be from avowed monarchists than republicans. New York seems to be in danger of republican division; Vermont is solidly with us; R. I. with us on anomalous grounds; N. H. on the verge of the republican shore; Connecticut advancing towards it very slowly, but with steady step; your State only uncertain of making port at all. I had forgotten Delaware, which will be always uncertain, from the divided character of her citizens. If the amendment of the Constitution passes R. I., (and we expect to hear in a day or two,) the election for the ensuing 4 years seems to present nothing formidable. I sincerely regret that the unbounded calumnies of the federal party have obliged me to throw myself on the verdict of my country for trial, my great desire having been to retire, at the end of the present term, to a life of tranquillity; and it was my decided purpose when I entered into office.

They force my continuance. If we can keep the vessel of State as steadily in her course another 4 years, my earthly purposes will be accomplished, and I shall be free to enjoy, as you are doing, my family, my farm, & my books. That your enjoyments may continue as long as you shall wish them, I sincerely pray, and tender you my friendly salutations, and assurances of great respect & esteem.

TO COL. THOMAS NEWTON

J. MSS.

WASHINGTON, Mar. 5, 1804.

DEAR SIR,—We have just heard of the calamitous event of Norfolk. I have not heard whether any persons are named to receive donations for the relief of the poor sufferers, and therefore take the liberty of inclosing two hundred dollars to you, & of asking the favor of you to have it applied in the way you think best, for the relief of such description of sufferers as you shall think best. I pray not to be named in newspapers on this occasion. Accept my friendly salutations & assurances of respect.

TO THE POSTMASTER-GENERAL

J. MSS.

(GIDEON GRANGER.)

MONTICELLO, April 16, 1804.

DEAR SIR,—* * * In our last conversation you mentioned a federal scheme afloat, of forming a coalition between the federalists and republicans, of what they called the 7 Eastern States. The idea was new to me, and after time for reflection I had no opportunity of conversing with you again. The

federalists know, that, *eo nomine*, they are gone forever. Their object, therefore, is, how to return into power under some other form. Undoubtedly they have but one means, which is to divide the republicans, join the minority, and barter with them for the cloak of their name. I say, *join the minority*; because the majority of the republicans not needing them, will not buy them. The minority, having no other means of ruling the majority, will give a price for auxiliaries, and that price must be principle. It is true that the federalists, needing their numbers also, must also give a price, and principle is the coin they must pay in. Thus a bastard system of federo-republicanism will rise on the ruins of the true principles of our revolution. And when this party is formed, who will constitute the majority of it, which majority is then to dictate? Certainly the federalists. Thus their proposition of putting themselves into gear with the republican minority, is exactly like Roger Sherman's proposition to add Connecticut to Rhode island. The idea of forming 7 Eastern States is moreover clearly to form the basis of a separation of the Union. Is it possible that real republicans can be gulled by such a bait? & for what? What do they wish that they have not? Federal measures? That is impossible. Republican measures? Have they them not? Can any one deny, that in all important questions of principle, republicanism prevails? But do they want that their individual will shall govern the majority? They may purchase the gratification of this unjust wish, for a little time, at a great price; but the

federalists must not have the passions of other men, if, after getting thus into the seat of power, they suffer themselves to be governed by their minority. This minority may say, that whenever they relapse into their own principles, they will quit them, & draw the seat from under them. They may quit them, indeed, but, in the meantime, all the venal will have become associated with them, & will give them a majority sufficient to keep them in place, & to enable them to eject the heterogeneous friends by whose aid they get again into power. I cannot believe any portion of real republicans will enter into this trap; and if they do, I do not believe they can carry with them the mass of their States, advancing so steadily as we see them, to an union of principle with their brethren. It will be found in this, as in all other similar cases, that crooked schemes will end by overwhelming their authors & coadjutors in disgrace, and that he alone who walks strait & upright, and who, in matters of opinion, will be contented that others should be as free as himself, & acquiesce when his opinion is fairly overruled, will attain his object in the end. And that this may be the conduct of us all, I offer my sincere prayers, as well as for your health & happiness.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, Apr. 23, 04.

DEAR SIR,—I return by this mail the letters &c. received with yours of the 15th. I think with you that a cordial answer should be given to Mr. Merry

on the orders he communicated, altho' they were merely the correction of an injustice. Would to god that nation would so far be just in her conduct, as that we might with honor give her that friendship it is so much our interest to bear her. She is now a living example that no nation however powerful, any more than an individual, can be unjust with impunity. Sooner or later public opinion, an instrument merely moral in the beginning, will find occasion physically to inflict it's sentences on the unjust. Nothing else could have kept the other nations of Europe from relieving her under her present crisis. The lesson is useful to the weak as well as the strong.

On the 17th instant our hopes & fears here took their ultimate form. I had originally intended to have left this towards the end of the present week. But a desire to see my family in a state of more composure before we separate will keep me somewhat longer. Still it is not probable I shall be here to answer any letter which leaves Washington after the 26th, because those of the succeeding post (the 30th) could not be answered till the 7th of May, when I may probably be on the road. Not having occasion to write to-day to the other heads of departments, will you be so good as to mention this to them? Accept my affectionate salutations.

TO THE SECRETARY OF THE NAVY

J. MSS.

(ROBERT SMITH.)

MONTICELLO, Apr. 27, 04.

DEAR SIR,—I now return you the sentence of the court of inquiry in Morris's case. What is the next

step? I am not military jurist enough to say. But if it be a court marshal to try and pass the proper sentence on him, pray let it be done without delay while our captains are here. This opportunity of having a court should not be lost.

[I have never been so mortified as at the conduct of our foreign functionaries on the loss of the *Philadelphia*. They appear to have supposed that we were all lost now, & without resource: and they have hawked us in *forma pauperis* begging alms at every court in Europe. This self-degradation is the more unpardonable as, uninstructed & unauthorized, they have taken measures which commit us by moral obligations which cannot be disavowed. The most serious of these is with the first consul of France, the Emperor of Russia & Grand Seigneur. The interposition of the two first has been so prompt, so cordial, so energetic, that it is impossible for us to decline the good offices they have done us. From the virtuous & warm-hearted character of the Emperor, and the energy he is using with the Ottoman Porte, I am really apprehensive that our squadron will, on it's arrival, find our prisoners all restored. If this should be the case, [it would be ungrateful and insulting to these three great powers, to chastise the friend (Tripoli) whom they had induced to do us voluntary justice. Our expedition will in that case be disarmed and our just desires of vengeance disappointed, and our honor prostrated. To anticipate these measures, and to strike our blow before they shall have had their effect, are additional & cogent motives for getting off our squadron without a

moment's avoidable delay. At the same time it has now become necessary to decide before it goes, what is to be the line of conduct of the Commodore if he should find our prisoners restored. I shall be with you about this day fortnight. Should the frigates be ready to go before that, I must desire you to have a consultation of the heads of departments as to the instructions, and to give orders to the Commodore in conformity. I would wish at the same time a question to be taken whether the Commodore should not be instructed immediately on his arrival at his rendez-vous in the Mediterranean to send off at our expense the presents destined by Tripoli for the Grand Seigneur, and intercepted by us, with a letter from the Secretary of State to their analogous officer, who I believe is called the Reis effendi. I am not without hope Preble will have had the good sense to do this of his own accord. It's effect will now be lessened, as it will be considered, not as spontaneous, but in consequence of what the Porte may have done on the interference of the Emperor of Russia. Accept my affectionate salutations & assurances of attachment.

TO GENERAL JOHN ARMSTRONG

J. MSS.

WASHINGTON, May 26, 04.

DEAR SIR,—We find it of advantage to the public to ask of those to whom appointments are proposed, if they are not accepted, to say nothing of the offer, at least for a convenient time. The refusal cheapens the estimation of the public appointments and

renders them less acceptable to those to whom they are secondarily proposed. The occasion of this remark will be found in a letter you will receive from the Secretary of State proposing to you the appointment to Paris as successor to Chancellor Livingston. I write this private letter to remove some doubts which might perhaps arise in your mind. You have doubtless heard of the complaints of our foreign ministers as to the incompetency of their salaries. I believe it would be better were they somewhat enlarged. Yet a moment's reflection will satisfy you that a man may live in any country on any scale he pleases, and more easily in that than this, because there the grades are more distinctly marked. From the ambassador there a certain degree of representation is expected. But the lower grades of Envoy, minister resident, Chargé, have been introduced to accommodate both the sovereign & missionary as to the scale of expense. I can assure you from my own knowledge of the ground that these latter grades are left free in the opinion of the place to adopt any style they please, & that it does not lessen their estimation or their usefulness. When I was at Paris two-thirds of the diplomatic men of the 2d and 3d orders entertained nobody. Yet they were as much invited out and honored as those of the same grades who entertained. I suspect from what I hear that the Chancellor having always stood on a line with those of the first expense here, has not had resolution enough to yield place there, & that he has taken up the ambassadorial scale of expense. This procures one some sunshine friends who like to eat of your good

things, but has no effect on the men of real business, the only men of real use to you, in a place where every man is estimated at what he really is. But this subject requires more detail than can be given but in conversation. If you accept, I think it will be necessary for you to come and pass some days here in reading the correspondence with the courts of Paris, London & Madrid, that you may be fully possessed of the state of things on that side the water so far as they concern us. The Chancellor being extremely urging in his last letters to be immediately relieved, we are obliged to ask all the expedition in departure which is practicable. The state of affairs between us & France as they respect St. Domingo is somewhat embarrassing & urgent. Accept my friendly salutations & assurances of great esteem & respect.

TO THE SECRETARY OF THE TREASURY J. MSS.
(ALBERT GALLATIN.)

May 30, 04.

Altho' I know that it is best generally to assign no reason for a removal from office, yet there are also times when the declaration of a principle is advantageous. Such was the moment at which the New Haven letter appeared. It explained our principles to our friends, and they rallied to them. The public sentiment has taken a considerable stride since that, and seems to require that they should know again where we stand. I suggest therefore for your consideration, instead of the following passage in your letter to Bowen, "I think it due to candor at the

same time to inform you, that I had for some time been determined to remove you from office, although a successor has not yet been appointed by the President, nor the precise time fixed for that purpose communicated to me;" to substitute this, "I think it due to candor at the same time to inform you, that the President considering that the patronage of public office should no longer be confided to one who uses it for active opposition to the national will, had, some time since, determined to place your office in other hands. But a successor not being yet fixed on, I am not able to name the precise time when it will take place."

My own opinion is, that the declaration of this principle will meet the entire approbation of all moderate republicans, and will extort indulgence from the warmer ones. Seeing that we do not mean to leave arms in the hands of active enemies, they will care the less at our tolerance of the inactive. Nevertheless, if you are strongly of opinion against such a declaration, let the letter go as you had written it.

TO THOMAS LEIPER

J. MSS.

WASHINGTON, June 11, 04.

DEAR SIR,—A Mr. John Hill of Philadelphia asks of me whether Mr. Duane senr ever said in my presence "that the members of the St. Patrick's society in Phila were all Federalists." I do not know Mr. Hill, and the liberties which have been taken in publishing my letters renders it prudent not to commit

them to persons whom I do not know, yet a desire never to be wanting to truth and justice makes me wish it to be known that Mr. Duane never did use such an expression or anything like it to me either verbally or in writing or any other way, nor utter a sentiment disrespectful of the society. I remember a considerable time ago to have had a letter from one of the society stating that such information they heard had been given me, but not saying by whom, which letter I immediately answered with an assurance that no such suggestion had ever been made to me. I cannot now recollect to whom the answer was given and therefore cannot turn to it.¹ Our friends in Philadelphia seem to have got into such a jumble of subdivision that not knowing how they stand individually, I have been at a loss to whom I should address this with a request to repeat verbally the substance of this declaration as on my authority but

¹ Jefferson had already written to Joseph Scott:

“WASHINGTON, Mar. 9, 04.

“SIR,—I have duly received your favor of the 5th inst, and I hasten to assure you that neither Doctr Leib nor Mr. Duane have ever given the least hint to me that yourself or your associates of the St. Patrick's society meditated joining a third party; or schismatizing in any way from the great body of republicans. That the rudiments of such a 3d party were formed in Pennsylvania & New York has been said in the newspapers, but not proved. Altho' I shall learn it with concern whenever it does happen, and think it possibly may happen that we shall divide among ourselves whenever federalism is compleatly eradicated, yet I think it the duty of every republican to make great sacrifices of opinion to put off the evil day, and that yourself and associates have as much disposition to do this as any portion of our body I have never seen reason to doubt. Recommending therefore sincerely a mutual indulgence, and candor among brethren and that we be content to obtain the best measures we can get, if we cannot get all we would wish, I tender you my salutations and respects.”

not letting the letter go out of his hands. I have concluded to ask that favor of you whose justice I am sure will induce you to give the assurance where it may contribute to justice, and whose friendship will excuse the trouble of this request. Accept my friendly salutations & assurances of esteem & respect.

TO MRS. JOHN ADAMS

J. MSS.

WASHINGTON, June 13, 04.

DEAR MADAM,—The affectionate sentiments which you have had the goodness to express in your letter of May 20, towards my dear departed daughter, have awakened in me sensibilities natural to the occasion, & recalled your kindnesses to her, which I shall ever remember with gratitude & friendship. I can assure you with truth, they had made an indelible impression on her mind, and that to the last, on our meetings after long separations, whether I had heard lately of you, and how you did, were among the earliest of her inquiries. In giving you this assurance I perform a sacred duty for her, & at the same time, am thankful for the occasion furnished me, of expressing my regret that circumstances should have arisen, which have seemed to draw a line of separation between us. The friendship with which you honored me has ever been valued, and fully reciprocated; & altho' events have been passing which might be trying to some minds, I never believed yours to be of that kind, nor felt that my own was. Neither my estimate of your character, nor the esteem founded in that, have ever been lessened for a single moment,

although doubts whether it would be acceptable may have forbidden manifestations of it.

Mr. Adams's friendship & mine began at an earlier date. It accompanied us thro' long & important scenes. The different conclusions we had drawn from our political reading & reflections, were not permitted to lessen mutual esteem; each party being conscious they were the result of an honest conviction in the other. Like differences of opinion existing among our fellow citizens, attached them to one or the other of us, and produced a rivalry in their minds which did not exist in ours. We never stood in one another's way; for if either had been withdrawn at any time, his favorers would not have gone over to the other, but would have sought for some one of homogeneous opinions. This consideration was sufficient to keep down all jealousy between us, & to guard our friendship from any disturbance by sentiments of rivalry; and I can say with truth, that one act of Mr. Adams's life, and one only, ever gave me a moment's personal displeasure. I did consider his last appointments to office as personally unkind. They were from among my most ardent political enemies, from whom no faithful co-operation could ever be expected; and laid me under the embarrassment of acting thro' men whose views were to defeat mine, or to encounter the odium of putting others in their places. It seemed but common justice to leave a successor free to act by instruments of his own choice. If my respect for him did not permit me to ascribe the whole blame to the influence of others, it left something for friendship to forgive, and after

brooding over it for some little time, and not always resisting the expression of it, I forgave it cordially, and returned to the same state of esteem & respect for him which had so long subsisted. Having come into life a little later than Mr. Adams, his career has preceded mine, as mine is followed by some other; and it will probably be closed at the same distance after him which time originally placed between us. I maintain for him, & shall carry into private life, an uniform & high measure of respect and good will and for yourself a sincere attachment.

I have thus, my dear Madam, opened myself to you without reserve, which I have long wished an opportunity of doing; and without knowing how it will be received, I feel relief from being unbosomed. And I have now only to entreat your forgiveness for this transition from a subject of domestic affliction, to one which seems of a different aspect. But tho' connected with political events, it has been viewed by me most strongly in it's unfortunate bearings on my private friendships. The injury these have sustained has been a heavy price for what has never given me equal pleasure. That you may both be favored with health, tranquillity and long life, is the prayer of one who tenders you the assurance of his highest consideration and esteem.¹

¹ This letter, as it shows, was written in reply to one of condolence upon the death of Jefferson's daughter, Mrs. Eppes. In answer to the writer's reference to Adams' "midnight" appointments, Mrs. Adams replied with a *tu quoque*, by mentioning Jefferson's patronage of Callender. This called forth the following letter from Jefferson:

“WASHINGTON, July 22, 04.

“DEAR MADAM,—Your favor of the 1st inst. was duly received, and I would not have again intruded on you, but to rectify certain facts

TO THE SECRETARY OF THE STATE.

J. MSS.

(JAMES MADISON.)

July 5, 04.

We did not collect the sense of our brethren the other day by regular questions, but as far as I could

which seem not to have been presented to you under their true aspect. My charities to Callender are considered as rewards for his calumnies. As early, I think, as 1796, I was told in Philadelphia that Callender, the author of the *Political progress of Britain*, was in that city, a fugitive from persecution for having written that book, and in distress. I had read and approved the book: I considered him as a man of genius, unjustly persecuted. I knew nothing of his private character, and immediately expressed my readiness to contribute to his relief, & to serve him. It was a considerable time after, that, on application from a person who thought of him as I did, I contributed to his relief, and afterwards repeated the contribution. Himself I did not see till long after, nor ever more than two or three times. When he first began to write, he told some useful truths in his coarse way; but nobody sooner disapproved of his writing than I did, or wished more that he would be silent. My charities to him were no more meant as encouragements to his scurrilities, than those I give to the beggar at my door are meant as rewards for the vices of his life, & to make them chargeable to myself. In truth, they would have been greater to him, had he never written a word after the work for which he fled from Britain. With respect to the calumnies and falsehoods which writers and printers at large published against Mr. Adams, I was as far from stooping to any concern or approbation of them, as Mr. Adams was respecting those of Porcupine, Fenno, or Russell, who published volumes against me for every sentence vended by their opponents against Mr. Adams. But I never supposed Mr. Adams had any participation in the atrocities of these editors, or their writers. I knew myself incapable of that base warfare, & believed him to be so. On the contrary, whatever I may have thought of the acts of the administration of that day, I have ever borne testimony to Mr. Adams' personal worth; nor was it ever impeached in my presence without a just vindication of it on my part. I never supposed that any person who knew either of us, could believe that either of us meddled in that dirty work. But another fact is, that I 'liberated a wretch who was suffering for a libel against Mr. Adams.' I do not know who was the particular wretch alluded to; but I discharged every person under punishment or prosecution under the sedition law, because I considered, & now consider, that law to be a nullity, as absolute and as palpable as if Congress had ordered us to fall down and worship a golden image;

understand from what was said, it appeared to be,—1. That an acknowledgment of our right to the Perdido, is a *sine qua non*, and no price to be given for it. 2. No absolute & perpetual relinquishment of right is to [be]

and that it was as much my duty to arrest its execution in every stage, as it would have been to have rescued from the fiery furnace those who should have been cast into it for refusing to worship their image. It was accordingly done in every instance, without asking what the offenders had done, or against whom they had offended, but whether the pains they were suffering were inflicted under the pretended sedition law. It was certainly possible that my motives for contributing to the relief of Callender, and liberating sufferers under the sedition law, might have been to protect, encourage, and reward slander; but they may also have been those which inspire ordinary charities to objects of distress, meritorious or not, or the obligations of an oath to protect the Constitution, violated by an unauthorized act of Congress. Which of these were my motives, must be decided by a regard to the general tenor of my life. On this I am not afraid to appeal to the nation at large, to posterity, and still less to that Being who sees himself our motives, who will judge us from his own knowledge of them, and not on the testimony of Porcupine or Fenno.

“You observe, there has been one other act of my administration personally unkind, and suppose it will readily suggest itself to me. I declare on my honor, Madam, I have not the least conception what act is alluded to. I never did a single one with an unkind intention. My sole object in this letter being to place before your attention, that the acts imputed to me are either such as are falsely imputed, or as might flow from good as well as bad motives, I shall make no other addition, than the assurance of my continued wishes for the health and happiness of yourself and Mr. Adams.”

Once again Mrs. Adams answered, and to this Jefferson replied:

“MONTICELLO, Sep 11, '04.

“Your letter, Madam, of the 18th of Aug has been some days received, but a press of business has prevented the acknowledgment of it: perhaps, indeed, I may have already trespassed too far on your attention. With those who wish to think amiss of me, I have learned to be perfectly indifferent; but where I know a mind to be ingenuous, & to need only truth to set it to rights, I cannot be as passive. The act of personal unkindness alluded to in your former letter, is said in your last to have been the removal of your eldest son from some office to which the judges had appointed him. I conclude then he must have been a commissioner of bankruptcy. But I declare to you, on my honor, that this is the first knowledge I have ever had that he was so.

made of the country East of the Rio Bravo del Norte even in exchange for Florida. (I am not quite sure that this was the opinion of all.) It would be better to lengthen the term of years to any definite degree

It may be thought, perhaps, that I ought to have inquired who were such, before I appointed others. But it is to be observed, that the former law permitted the judges to name commissioners occasionally only, for every case as it arose, & not to make them permanent officers. Nobody, therefore, being in office, there could be no removal. The judges, you well know, have been considered as highly federal; and it was noted that they confined their nominations exclusively to federalists. The Legislature, dissatisfied with this, transferred the nomination to the President, and made the officers permanent. The very object in passing the law was, that he should correct, not confirm, what was deemed the partiality of the judges. I thought it therefore proper to inquire, not whom they had employed, but whom I ought to appoint to fulfil the intentions of the law. In making these appointments, I put in a proportion of federalists, equal, I believe, to the proportion they bear in numbers through the Union generally. Had I known that your son had acted, it would have been a real pleasure to me to have preferred him to some who were named in Boston, in what was deemed the same line of politics. To this I should have been led by my knowledge of his integrity, as well as my sincere dispositions towards yourself & Mr. Adams.

"You seem to think it devolved on the judges to decide on the validity of the sedition law. But nothing in the Constitution has given them a right to decide for the Executive, more than to the Executive to decide for them. Both magistracies are equally independent in the sphere of action assigned to them. The judges, believing the law constitutional, had a right to pass a sentence of fine and imprisonment; because that power was placed in their hands by the Constitution. But the Executive, believing the law to be unconstitutional, was bound to remit the execution of it; because that power has been confided to him by the Constitution. That instrument meant that its co-ordinate branches should be checks on each other. But the opinion which gives to the judges the right to decide what laws are constitutional, and what not, not only for themselves in their own sphere of action, but for the Legislature & Executive also, in their spheres, would make the judiciary a despotic branch. Nor does the opinion of the unconstitutionality, & consequent nullity of that law, remove all restraint from the overwhelming torrent of slander, which is confounding all vice and virtue, all truth & falsehood, in the U. S. The power to do that is fully possessed by the several State Legislatures. It was reserved to them, & was denied to

than to cede in perpetuity. 3. That a country may be laid off within which no further settlement shall be made by either party for a given time, say thirty years. This country to be from the North river eastwardly

the General Government, by the Constitution, according to our construction of it. While we deny that Congress have a right to control the freedom of the press, we have ever asserted the right of the States, and their exclusive right, to do so. They have accordingly, all of them, made provisions for punishing slander, which those who have time and inclination, resort to for the vindication of their characters. In general, the State laws appear to have made the presses responsible for slander as far as is consistent with its useful freedom. In those States where they do not admit even the truth of allegations to protect the printer, they have gone too far.

“The candor manifested in your letter, & which I ever believed you to possess, has alone inspired the desire of calling your attention, once more, to those circumstances of fact and motive by which I claim to be judged. I hope you will see these intrusions on your time to be, what they really are, proofs of my great respect for you. I tolerate with the utmost latitude the right of others to differ from me in opinion without imputing to them criminality. I know too well the weakness & uncertainty of human reason to wonder at it's different results. Both of our political parties, at least the honest portion of them, agree conscientiously in the same object—the public good; but they differ essentially in what they deem the means of promoting that good. One side believes it best done by one composition of the governing powers; the other, by a different one. One fears most the ignorance of the people; the other, the selfishness of rulers independent of them. Which is right, time and experience will prove. We think that one side of this experiment has been long enough tried, and proved not to promote the good of the many; & that the other has not been fairly and sufficiently tried. Our opponents think the reverse. With whichever opinion the body of the nation concurs, that must prevail. My anxieties on the subject will never carry me beyond the use of fair & honorable means, of truth and reason; nor have they ever lessened my esteem for moral worth, nor alienated my affections from a single friend, who did not withdraw himself. Whenever this has happened, I confess I have not been insensible to it; yet have ever kept myself open to a return of their justice. I conclude with sincere prayers for your health & happiness, that yourself & Mr. Adams may long enjoy the tranquillity you desire and merit, and see in the prosperity of your family what is the consummation of the last and warmest of human wishes.”

towards the Rio Colorado, or even to, but not beyond the Mexican or Sabine river. To whatever river it be extended, it might from its' source run N. W., as the most eligible direction; but a due north line would produce no restraint that we should feel in 20 years. This relinquishment, & 2 millions of Dollars, to be the price of all the Floridas East of the Perdido, or to be apportioned to whatever part they will cede.

But on entering into conferences, both parties should agree that, during their continuance, neither should strengthen their situation between the Iberville, Missipi & Perdido, nor interrupt the navigation of the rivers therein. If they will not give such an order instantly, they should be told that we have for peace sake only, forbore till they could have time to give such an order, but that as soon as we receive notice of their refusal to give the order we shall enter into the exercise of our right of navigating the Mobile, & protect it, and increase our force there *pari passu* with them.¹

TO THE SECRETARY OF STATE
(JAMES MADISON.)

MIS. MSS.

July 14. 04.

The inclosed reclamations of Girod & Chote against the claims of Bapstropp to a monopoly of the Indian

¹ On the following day, Jefferson wrote to Madison:

"In conversation with Mr. Gallatin yesterday as to what might be deemed the result of our Tuesday's conferences, he seemed to have understood the former opinion as not changed, to wit, that for the Floridas East of the Perdido might be given not only the 2. millions of dollars and a margin to remain unsettled, but an absolute relinquishment from the North river to the Bay of St. Bernard and Colorado river. This however I think should be the last part of the price yielded, and only for an entire cession of the Floridas, not for a part only."

commerce supposed to be under the protection of the 3d article of the Louisiana Convention, as well as some other claims to abusive grants, will probably force us to meet that question. The article has been worded with remarkable caution on the part of our negociators. It is that the inhabitants shall be admitted as soon as possible, according to the principles of our Constn., to the enjoyment of all the rights of citizens, and, *in the mean time, en attendant*, shall be maintained in their liberty, property & religion. That is that they shall continue under the protection of the treaty, until the principles of our constitution can be extended to them, when the protection of the treaty is to cease, and that of our own principles to take it's place. But as this could not be done at once, it has been provided to be as soon as our rules will admit. Accordingly Congress has begun by extending about 20. particular laws by their titles, to Louisiana. Among these is the act concerning intercourse with the Indians, which establishes a system of commerce with them admitting no monopoly. That class of rights therefore are now taken from under the treaty & placed under the principles of our laws. I imagine it will be necessary to express an opinion to Gov^r Claiborne on this subject, after you shall have made up one. Affect^{te} salutations.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO Aug: 7, 04

DEAR SIR,—Yours of the 4th came to hand last night & I now return you the letters of Livingston,

Bourne, Lee, Lynch, Villandry & Mr. King. Stewart's is retained for communication with the P. M. Genl. I send also for your perusal a letter of a Mr Farquhar of Malta. Mr. Livingston's letters (two short ones excepted) being all press copies & very bad ones, I can make nothing distinct of them. When manuscript copies are received I shall be glad to read them. The conduct of the commissioners at Paris merits examination. But what Mr. Livingston means by delays on our part in the execution of the Convention is perfectly incomprehensible. I do not know that a single day was unnecessarily lost on our part. In order however to lessen the causes of appeal to the Convention, I sincerely wish that Congress at the next session may give to the Orleans territory a legislature to be chosen by the people, as this will be advancing them quite as fast as the rules of our government will admit; and the evils which may arise from the irregularities which such a legislature may run into, will not be so serious as leaving them the pretext of calling in a foreign umpire between them & us. The answer to Mr. Villandry should certainly be what you mention, that the objects of his application are only within the competence of Congress, to whom they must apply by petition, if they chuse it. Perhaps it would be but kind & candid to add that as there has been no example of such measures taken by Congress as they ask, they should consider whether it would not be wise in them to act for themselves as they would do were no such measures expected. I expect daily to receive answers from the principal officers for the Orleans govern-

ment. These received, I will proceed to make out the whole arrangement, and inclose it to you, asking your counsel on it without delay. It will not be practicable to submit it to the other members, but I have so often conversed with them on the subject as to possess their sentiments. As we count on the favor of a family visit could you accommodate that in point of time so as that we might be together at making out the final list? Affectionate salutations & assurances of friendship.

TO THE SECRETARY OF STATE
(JAMES MADISON)

J. MSS.

MONTICELLO, Aug 15, 04.

DEAR SIR,—Your letter dated the 7th should probably have been of the 14th, as I received it only by that day's post. I return you Monroe's letter, which is of an awful complexion; and I do not wonder the communication it contains made some impression on him. To a person placed in Europe, surrounded by the immense resources of the nations there, and the greater wickedness of their courts, even the limits which nature imposes on their enterprises are scarcely sensible. It is impossible that France and England should combine for any purpose; their mutual distrust and deadly hatred of each other admit no co-operation. It is impossible that England should be willing to see France re-possess Louisiana, or get footing on our continent, and that France should willingly see the U S re-annexed to the British dominions. That the

Bourbons should be replaced on their throne and agree to any terms of restitution, is possible; but that they and England joined, could recover us to British dominion, is impossible. If these things are not so, then human reason is of no aid in conjecturing the conduct of nations. Still, however, it is our unquestionable interest & duty to conduct ourselves with such sincere friendship & impartiality towards both nations, as that each may see unequivocally, what is unquestionably true, that we may be very possibly driven into her scale by unjust conduct in the other. I am so much impressed with the expediency of putting a termination to the right of France to patronize the rights of Louisiana, which will cease with their complete adoption as citizens of the U S, that I hope to see that take place on the meeting of Congress. I enclosed you a paragraph from a newspaper respecting Saint Domingo, which gives me uneasiness. Still I conceive the British insults in our harbor as more threatening. We cannot be respected by France as a neutral nation, nor by the world ourselves as an independent one, if we do not take effectual measures to support, at every risk, our authority in our own harbors. I shall write to Mr. Wagner directly (that a post may not be lost by passing thro you) to send us blank commissions for Orleans & Louisiana, ready sealed, to be filled up, signed and forwarded by us. Affectionate salutations & constant esteem.

TO JOHN PAGE

J. MSS.

MONTICELLO, Aug. 16, 04.

DEAR SIR,—I inclose for your perusal a letter from Dr. Rush, asking the favor of you to return it. On the question whether the yellow fever is infectious, or endemic, the medical faculty is divided into parties, and it certainly is not the office of the public functionaries to denounce either party as the Doctr. proposes. Yet, so far as they are called on to act, they must form for themselves an opinion to act on. In the early history of the disease, I did suppose it to be infectious. Not reading any of the party papers on either side, I continued in this supposition until the fever at Alexandria brought facts under my own eye, as it were, proving it could not be communicated but *in a local atmosphere*, pretty exactly circumscribed. With the composition of this atmosphere we are unacquainted. We know only that it is generated *near the water side, in close built cities, under warm climates*. According to the rules of philosophizing when one sufficient cause for an effect is known, it is not within the economy of nature to employ two. If local atmosphere suffices to produce the fever, miasmata from a human subject are not necessary and probably do not enter into the cause. Still it is not within my province to decide the question; but as it may be within yours to require the performance of quarantine or not, I execute a private duty in submitting Doctr. Rush's letter to your consideration. But on this subject "nil mihi rescribas, et tamen ipsi veni." Accept for yourself & Mrs. Page affectionate & respectful salutations.

TO THE SECRETARY OF THE TREASURY J. MSS.

(ALBERT GALLATIN)

MONTICELLO, Aug. 23, 04.

DEAR SIR,—Your's of the 16th was received on the 21st. Dickerson's delay of proceeding to N. Orleans will give us time. If Pinckney accepts the office of judge, Robert Williams might be the attorney; if Pinckney does not accept, or does not arrive in time (and a few days only must now decide the latter point) Williams must be the judge. Hill accepts as district judge. With respect to Neufville I am not satisfied with Freneau's recommendation & especially as he says nothing of his Politics. His situation would naturally bias a man of feeling to speak favorably of him. I have therefore written to Mr. Wagner for a blank commission which I will inclose blank to Freneau, desiring him to fill it up for Doyley if he will accept of it; if not, then with whatever name he thinks best, having regard to moral & political character & standing in society. I have no fear to trust to his fidelity & secrecy. I shall immediately direct a commission for Mr. Travis: & shall forward to Mr. Nicholas the new recommendations for Hampton for his advice. Accept affectionate salutations.

TO THE SECRETARY OF THE NAVY

J. MSS.

(ROBERT SMITH)

MONTICELLO, Aug. 28, 04.

DEAR SIR,—I inclose you a letter and other papers which I received from Capt. Truxtun by the last post. The malice and falsehood so habitual in

Federal zealots had prepared me against surprise at the insinuations of this officer against you & myself. But what was his view in inclosing the letter to me? Was it to give greater point to his disrespect? Or did he imagine I should make him overtures to prevent his publication? I would rather he would publish than not; for while his writings will let the public see what he is, & what are the motives of his discontent, a few sentences of plain fact will set everything in them to rights as to our conduct. Be so good as to return me the *written* letter.

The following paragraph which comes to me from a friend in Philadelphia I quote for your notice.

“It is said here that George Harrison *has applied* for the place in the navy that Genl. Irvine had. He has got too much already for any Federalist who has rendered his country no personal service in the field. This man is married to Thos. Willing’s niece. Willing is Presidt. of the Bank of the U. S. You may also observe he was chairman at a meeting when they agreed to hoist the black cockade on the left arm in honor of Hamilton. They also resolved and expected the clergymen would preach in his favor.”

The writer is a most solid Republican, and who generally expresses the feelings of the republicans in Philadelphia pretty faithfully. I know not what functions Irvine executed for the navy; but if any, the above sentiments are worthy of attention, as the employment of Harrison has given them heart burnings. I know nothing of him, whether moderate or

violent; but until the party learn a little more moderation & decency, no new favors should be conferred on them. Pennsylvania seems to have in it's bowels a good deal of volcanic matter, & some explosion may be expected. We must be neutral between the discordant republicans but not between them & their common enemies. I salute you with sincere affection & respect.

TO THE SECRETARY OF THE TREASURY J. MSS.

(ALBERT GALLATIN.)

MONTICELLO, September 1, 1804.

DEAR SIR,—After waiting to the twelfth hour to get all the information I could respecting the government of Orleans, I have on consultation with Mr. Madison, sent on the commissions by the mail which left Charlottesville yesterday morning for the westward. It is very much what had been approved by the heads of Departments separately and provisionally, with a few alterations shown to be proper by subsequent information. It is as follows:

Governor, Claiborne.

Secretary, James Brown.

Judges of Superior Court, Kirby, Prevost, and Pinkney or Williams.

Judge of District, Hall.

Attorney, Dickerson.

Marshal, Urquhart, or Clouast, or Guillot, or any native Frenchman Claiborne prefers.

Legislative Council, Morgan, Watkins, Clarke, Jones, Roman, and Wikoff certain. Don or George Pollock, as Claiborne chooses. Boré, Poydras, and Bellechasse certain, and any three which Claiborne may choose of these five, to wit: Derbigue, Detrehan, Dubruys, Cantarelle, Sauvé.

It will be necessary for us to consider of a gradation of peaceable measures which may coerce the belligerent powers into an obedience to the laws within our waters, so as to avoid using the gunboats if possible: a non-intercourse law may be necessary; but would not the power to forbid the admitting to entry any vessel of a belligerent so long as there should be an armed vessel of the nation in our waters in a state of disobedience to the laws or lawful orders of the Executive, be effectual? Making it lawful for us at the same time to give admittance to the armed vessels of a belligerent on such terms only as we should prescribe. These things should be considered and agreed on among ourselves, and suggested to our friends. I salute you with affection and respect.

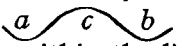
P. S. I shall be in Washington by the last day of the month.

TO THE SECRETARY OF THE TREASURY J. MSS.

(ALBERT GALLATIN.)

MONTICELLO, Sep. 8, 04.

DEAR SIR,—As we shall have to lay before Congress the proceedings of the British vessels at N York,

it will be necessary for us to say to them with certainty which specific aggressions were committed within the common law, which within the admiralty jurisdiction, & which on the high seas. The rule of the common law is that wherever you can see from land to land, all the water within the line of sight is in the body of the adjacent county & within common law jurisdiction. Thus, if in this curvature  you can see from *a* to *b*, all the water within the line of sight is within common law jurisdiction, & a murder committed at *c* is to be tried as at common law. Our coast is generally visible, I believe, by the time you get within about 25 miles. I suppose that at N York you must be some miles out of the Hook before the opposite shores recede 25. miles from each other. The 3. miles of maritime jurisdiction is always to be counted from this line of sight. It will be necessary we should be furnished with the most accurate chart to be had of the shores & waters in the neighborhood of the Hook; & that we may be able to ascertain on it the spot of every aggression. I presume it would be within the province of Mr. Gelston to procure us such a chart, & to ascertain the positions of the offending vessels. If I am right in this, will you be so good as to instruct him so to do?

I think the officers of the federal government are meddling too much with the public elections. Will it be best to admonish them privately or by proclamation? This for consideration till we meet. I shall be at Washington by the last day of the month. I salute you with affection & respect.

TO THE SPANISH MINISTER

J. MSS.

(MARQUÉS DE CASA-YRUJO.)

MONTICELLO, Sept. 15, 04.

SIR,—Your letter of the 7th inst. came to hand on the 14th only, by which it seems to have lost a post by the way. This therefore cannot be in Washington but on the evening of the 17th. No information has been received from Mr. Pinckney of the character which your letter supposes. The latest we have from him inclosed a letter to him from M. de Cevallos in a tone not as friendly as heretofore used by that Minister towards us, more suited, as we thought, to the close of an unsuccessful discussion, than the beginning of a friendly one, and not calculated to impress a nation whose intentions are just but firm and unyielding to any other motive than justice. What followed the reception of that letter is entirely unknown to us; & what we have seen in the public papers was so little like what would flow from anything done on our part, or expected from yours, that we have given no credit to it. The state of things between us seems indeed to require unreserved explanations, cool & calm discussion, to avoid those evils which neither party probably intends, yet unfounded jealousies & suspicions may beget. These discussions should regularly be between yourself & the Secretary of State: But, a friend to the substance of business, & disregarding all forms which obstruct the way to it, I agree with readiness to the direct & personal interview you propose; and shall receive you here with pleasure at your earliest convenience, as I am to leave this place for Washington

on the 26th or 27th instant. Being totally uninformed of what has past I must rely on you to bring any documents or other papers which may be necessary to present a full view of the subject of communication.

Mrs. Randolph will be happy in the opportunity of paying her respects to the Marchioness Yrujo at Monticello, & of contributing her attentions to render the time we may possess her here as agreeable as she can. She joins me in respects to the Marchioness & I add my friendly salutations to yourself & assurances of great consideration & respect.

TO THE ATTORNEY-GENERAL

J. MSS.

(LEVI LINCOLN.)

MONTICELLO, Sept. 16, 1804.

DEAR SIR,—It will be necessary to lay before Congress the aggressions of the British vessels before the harbor of New York. For this purpose it will be necessary in the first place to examine all the cases, and to class them according to the principle of the aggression, and secondly to prepare a succinct statement of them, for I believe that would be more proper than to furnish them the documents. They are not called on to legislate on each case, for then they should inquire into it specifically, but are told by the Executive that such things have happened, in order that they may pass laws to prevent such in future. As the American citizen of N. Y. has kept a steady eye on them and stated the cases I have cut them out of the paper, and now inclose them to you;

as they will give you more time to consider the cases, and an opportunity perhaps of consulting your own library on questionable points. Authentic documents & fuller information on every case will be ready for you at Washington, for which place I set out the 27th inst. The Spanish minister here seems to have found means of exciting his court considerably on the act for establishing a port of entry on the Mobile: and something serious has passed between Pinckney and them of which we are not informed. I take for granted that such circumstances as these will be easily allayed by good humor and reason, between reasonable men. The new administration in England is entirely cordial. There has never been a time when our flag was so little molested by them in the European seas, or irregularities there so readily & respectfully corrected. As the officers here began their insults before the change, it is a proof it did not proceed from that change. We must expect however unequivocal measures from them to prevent such things in future, while Congress should enable us to arrest them by our own means, and not expose us to pass such another year of insulted jurisdiction. Accept my affectionate salutations & assurances of great esteem & respect.

TO DE WITT CLINTON

J. MSS.

WASHINGTON, Oct. 6, 1804.

DEAR SIR,—Your favor of Sep. 21 was received on my return to this place. Certainly the distribution of so atrocious a libel as the pamphlet *Aristides*, and

still more the affirming its contents to be true as holy writ, presents a shade in the morality of Mr. Swartwout, of which his character had not before been understood to be susceptible. Such a rejection of all regard to truth, would have been sufficient cause against receiving him into the corps of executive officers at first; but whether it is expedient after a person is appointed, to be as nice on a question of removal requires great consideration. I proposed soon after coming into office to enjoin the executive officers from intermeddling with elections as inconsistent with the true principles of our Constitution. It was laid over for consideration: but late occurrences prove the propriety of it, and it is now under consideration. In the absence of the Secretary of State I desired his chief clerk to inclose you an extract of a letter respecting Genl. Moreau. That as private individuals we should receive him with cordiality is just. But any public display would be injurious to him, and to our harmony with his former government. I salute you with friendship & respect.

FOURTH ANNUAL MESSAGE.¹

November 8, 1804.

To the Senate and House of Representatives of the United States:

To a people, fellow citizens, who sincerely desire the happiness and prosperity of other nations; to

¹ Relative to this message Gallatin wrote to Jefferson on Oct. 29, 1804:

“DEAR SIR,—I return your message with such remarks as occurred.

those who justly calculate that their own well-being is advanced by that of the nations with which they have intercourse, it will be a satisfaction to observe that the war which was lighted up in Europe a little before our last meeting has not yet extended its flames to other nations, nor been marked by the

It was not received till Saturday, which must be my apology for not returning it sooner.

“The Register being absent, I have been obliged to go myself through all the minutæ of calculations, instead of only marking the outlines and revising the work. The complete materials for your financial paragraph will not for that reason be completed till tomorrow. In the meanwhile the following sketch is correct, except for the amount of principal public debt redeemed, which is not yet ascertained.

Balance in Treasury, 30th Septr, 1803..		5,860,981.54	
Receipts during the year vizt impost..	10,729,708.54		
Lands, repayments, arrears taxes & excise &c.	844,502.50	11,574,211.04	
			17,435,192.58
Expended during the year vizt			
Current expenses civil & military, foreign & domestic.....	3,727,081.31		
Instalment to Great Britain.....	888,000		
Payments for intr. & principal pub. debt (a).....	7,937,886.16	12,552,967.47	
Balance in Treasury 30th Septr 1804.		4,882,225.11	
			17,435,192.58
(a) of which payments, about 3,600,000 for principal.”			

Gallatin's "remarks" on the message were as follows:

“Irregularities in American seas & in our harbours. As it is wished that Congress would make provision on two points immediately connected with the captures near S. Domingo, and with the aggressions at New York, by restraining the arming of our vessels and by enabling the Executive to enforce the jurisdiction of the U. States in our ports against foreign vessels; and as the expression of that wish would evince the disposition of the Executive equally to restrain the irregularities of our own people and to repel the insulting aggressions of the belligerent powers on our coast; would there be any objection to introduce at the end of this paragraph a recommendation to that effect?

calamities which sometimes stain the footsteps of war. The irregularities too on the ocean, which generally harass the commerce of neutral nations, have, in distinct parts, disturbed ours less than on former occasions. But in the American seas they have been greater from peculiar causes; and even within our

“Spanish objections to the ratification of the Convention.

“1. The public mind is altogether unprepared for a declaration that the terms & object of the Mobile act had been misunderstood by Spain; for every writer, without a single exception, who has written on the subject, seems to have understood the act as Spain did: it has been justified by our friends on that ground; and the declaration in the message, without some short explanation, may be distorted into an avowal of some humiliating concession to Spain by the Executive. Might not, to obviate this, some words be introduced where speaking of the misconceptions of Spain, which would state that Spain had erroneously supposed, that it was intended to organize a custom house, within territories still in her possession, and claimed by her, before possession had been obtained by ourselves?

“2. This may lead to say something of the yet unascertained boundaries of Louisiana, a subject of sufficient importance to excite animadversion if it was altogether omitted in the message, especially as the ensuing paragraph announces, in an unqualified manner, the acquiescence of Spain in the validity of our title to Louisiana. Perhaps the ensuing paragraph might be transposed so as to precede that entitled ‘Spanish differences’ qualifying it by adding, that Spain however does not yet acknowledge our title to the full extent of our rightful claim: and then the subject of the misconception of the Mobile act would follow of course, & the intention of the Executive, not to abandon the claim in any degree but to abstain from exercising jurisdiction or taking forcible possession till all other means were exhausted, be fully understood.

“3. The total omission of the other impediment to the ratification of the convention vizt. what relates to the 6th article appears perfectly proper as it relates to Spain itself, inasmuch as it avoids commitment on our part and leaves them free, without wounding their pride, to receive & ratify whilst they may understand the Tunis paragraph as perfectly applicable to themselves. But that omission, as it relates to Congress, may be animadverted, as a concealment from that body of an important part of the whole ground. Perhaps, without expressly mentioning the whole article some general expressions might be introduced, at the same time alluding to other objections of Spain, and

harbors and jurisdiction, infringements on the authority of the laws have been committed which have called for serious attention. The friendly conduct of the governments from whose officers and subjects these acts have proceeded, in other respects and in places more under their observation and stating the expectation that the explanation on the Mobile act would also remove them.

“Delivery of stock. The words ‘discharge of our obligations’ seem too strong & general, as they might be construed to imply a discharge of our obligation to pay. The obligation from which we are discharged is that of delivering the stock within three months after the ratification of the Convention as had been provided by that instrument, a provision which embarrassed us at the time on account of the proposed ‘bien entendu’ which Pichon wanted to insert in the exchange of ratification & on account of the delays in taking possession of New Orleans which delayed the delivery of the stock till the last week of the three months. The *legal* delivery of the stock consisted in delivering it to Lieut. Leonard, whose receipt together with a letter from Mr. Pichon acknowledging that act to be a full execution of the Convention, are filed in the Register’s office as the evidence of the delivery; and that letter of Pichon is the only *discharge which we have received*, at the Treasury, *from the government of France*. Mr. Livingston, says, however, that he has sent to the Department of State receipts for the delivery of the stock in France: these I have not seen, and as we consider the transaction, so far as there was any obligation on our part, closed by the delivery here, I have never applied for them: indeed I believe that they are merely personal & so far as they come from the French government, must be a receipt not for the stock, but for the bills of Hope & Baring which had been deposited with him & which he delivered to the French government. The whole transaction is so complex that I think the best way will be generally to say that the stock was *timely* delivered in conformity to the provisions of the Convention, without giving copies of the documents which are numerous, lengthy and uninteresting. Add to this that it is not convenient, unless necessary, to bring into view the contract of Baring & Hope with the French govt., for the Louisiana stock, as they gave but 16/ in the pound for it: which may excite animadversions on the state of our credit & on the conduct of the negotiators of the treaty.

“Barbary powers. Quere. Whether the late accounts from the Mediterranean fully justify the expectations arising from the energy of all the officers?

control, gives us confidence that our representations on this subject will have been properly regarded.

While noticing the irregularities committed on the ocean by others, those on our own part should not be omitted nor left unprovided for. Complaints have been received that persons residing within the United

“Upper Louisiana. I do not understand what is meant by the appointment of commandants in the forms of the Constitution. The expressions in the 12th sect. of the act of 26th March 1804, are ‘except the commanding officer, *who shall be appointed by the President.*’ The same words precisely are used in the 2d & 3d sect. of the act ‘to provide for the erecting and repairing of arsenals and magazines and for other purposes’ past April 2d, 1794, in relation to the appointment of superintendant & master armorer of the armories, and of superintendant of military stores: and in these cases the power to appoint has uniformly been considered & exercised as vested in the President alone. From which I infer that the authority to appoint commandants in Upper Louisiana is also vested in the President alone. But if it was not, it is perhaps as well not to allude to the principle, because there have been some instances of newly created offices which the President has, from the necessity of the case, filled during the recess of the Senate, though no special authority had been given to that effect. I remember the first collectors of Bristol (R. I.) & Michillimakinac being appointed in that way in 1801.

“Gunboats. The object of these vessels, as a substitute to fortification agt. naval enterprise, and for supporting the authority of the laws within harbours, is correctly defined. Nor, provided that the expenditure shall be kept within due bounds, is there any plausible objection except that, after providing such as are wanted for the last mentioned purpose, those which are wanted for the first, may in the case of war be so speedily built, that it is not necessary to provide for them beforehand; as the expense of keeping them in repair & of the men to watch them will cost more in two years than the mere building expense. This, however, may be provided for hereafter; and I would only wish to have a *true* estimate of the expense of building & keeping either in actual service or ordinary, and to know the number intended to be built & to be kept in service. But so far as relates to the message, I much fear that the efforts made in federal papers to impress the idea that this establisht. is intended as a substitute to the navy have so far succeeded that some distortion of the President’s recommendation will take place.

“Repairs to our frigates. This must certainly be done; but it seems

States have taken on themselves to arm merchant vessels, and to force a commerce into certain ports and countries in defiance of the laws of those countries. That individuals should undertake to wage private war, independently of the authority of their country, cannot be permitted in a well-ordered

questionable whether it should make part of the message. It is true that it ought to be considered as an evidence of the attention paid by the President to the navy; but so much has been said on the subject of the ships rotting in the eastern branch, as if the waters of that creek had a peculiarly corrosive quality, that not only the federalists but also the inhabts. of other seaports will eagerly seize the opportunity to disseminate the opinion that their predictions are fulfilled. If the message shall be silent on that head, nothing more will be necessary than for the Secy. of the Navy to include the item for that object in the annual estimates; and it will probably be voted without any observations. Should it, however, provoke an inquiry, the Secy. of the Navy may then make a special report which may be framed so as to meet or anticipate objections and cavils.

“Acceptance of volunteers. Is this really wanted? And may it not always be timely provided for by Congress whenever an emergency shall require it? The application for a general provision is liable to objections of an intrinsic nature, and will be artfully compounded with the system of volunteer corps under Mr. Adams’ administration in 1798.”

“ADDITIONAL REMARKS.”

“It does not seem that the French aggressions in N. York, if they exist, should be embraced in the same sentence with the British. Even if the reports be true, their conduct has been *generally* unexceptionable there; and a single departure cannot be compared with the unremitted insults & blockade by the British.

“With the nations of Europe in general our friendship is undisturbed. Does not this embrace Spain & is it not therefore too general?

“From the other powers on the same coast (Barbary) we have every mark of the continuance of their friendship &c. Do not the last accounts from Morocco contradict this report?

“Territory of Orleans. Is it not to be apprehended that the persons appointed members of the council, or a majority, will refuse to serve?

“Indians of Louisiana. Said to be friendly so far as we have yet learned. Have not some murders been committed at St. Louis?”

Endorsed “(Received Oct. 29, 04)”

society. Its tendency to produce aggression on the laws and rights of other nations, and to endanger the peace of our own is so obvious, that I doubt not you will adopt measures for restraining it effectually in future.

Soon after the passage of the act of the last session, authorizing the establishment of a district and port of entry on the waters of the Mobile, we learnt that its object was misunderstood on the part of Spain. Candid explanations were immediately given, and assurances that, reserving our claims in that quarter as a subject of discussion and arrangement with Spain, no act was meditated, in the meantime, inconsistent with the peace and friendship existing between the two nations, and that conformably to these intentions would be the execution of the law. The government had, however, thought proper to suspend the ratification of the convention of 1802. But the explanations which would reach them soon after, and still more, the confirmation of them by the tenor of the instrument establishing the port and district, may reasonably be expected to replace them in the dispositions and views of the whole subject which originally dictated the convention.

I have the satisfaction to inform you that the objections which had been urged by that government against the validity of our title to the country of Louisiana have been withdrawn, its exact limits, however, remaining still to be settled between us. And to this is to be added that, having prepared and delivered the stock created in execution of the convention of Paris, of April 30, 1803, in consideration

of the cession of that country, we have received from the government of France an acknowledgment, in due form, of the fulfilment of that stipulation.

With the nations of Europe in general our friendship and intercourse are undisturbed, and from the governments of the belligerent powers especially we continue to receive those friendly manifestations which are justly due to an honest neutrality, and to such good offices consistent with that as we have opportunities of rendering.

The activity and success of the small force employed in the Mediterranean in the early part of the present year, the reinforcement sent into that sea, and the energy of the officers having command in the several vessels, will, I trust, by the sufferings of war, reduce the barbarians of Tripoli to the desire of peace on proper terms. Great injury, however, ensues to ourselves as well as to others interested, from the distance to which prizes must be brought for adjudication, and from the impracticability of bringing hither such as are not seaworthy.

The bey of Tunis having made requisitions unauthorized by our treaty, their rejection has produced from him some expressions of discontent. But to those who expect us to calculate whether a compliance with unjust demands will not cost us less than a war, we must leave as a question of calculation for them, also, whether to retire from unjust demands will not cost them less than a war. We can do to each other very sensible injuries by war, but the mutual advantages of peace make that the best interest of both.

Peace and intercourse with the other powers on the same coast continue on the footing on which they are established by treaty.

In pursuance of the act providing for the temporary government of Louisiana, the necessary officers for the territory of Orleans were appointed in due time, to commence the exercise of their functions on the first day of October. The distance, however, of some of them, and indispensable previous arrangements, may have retarded its commencement in some of its parts; the form of government thus provided having been considered but as temporary, and open to such improvements as further information of the circumstances of our brethren there might suggest, it will of course be subject to your consideration.

In the district of Louisiana, it has been thought best to adopt the division into subordinate districts, which had been established under its former government. These being five in number, a commanding officer has been appointed to each, according to the provision of the law, and so soon as they can be at their station, that district will also be in its due state of organization; in the meantime their places are supplied by the officers before commanding there. The functions of the governor and judges of Indiana have commenced; the government, we presume, is proceeding in its new form. The lead mines in that district offer so rich a supply of that metal, as to merit attention. The report now communicated will inform you of their state, and of the necessity of immediate inquiry into their occupation and titles.

With the Indian tribes established within our newly-acquired limits, I have deemed it necessary to open conferences for the purpose of establishing a good understanding and neighborly relations between us. So far as we have yet learned, we have reason to believe that their dispositions are generally favorable and friendly; and with these dispositions on their part, we have in our own hands means which cannot fail us for preserving their peace and friendship. By pursuing a uniform course of justice toward them, by aiding them in all the improvements which may better their condition, and especially by establishing a commerce on terms which shall be advantageous to them and only not losing to us, and so regulated as that no incendiaries of our own or any other nation may be permitted to disturb the natural effects of our just and friendly offices, we may render ourselves so necessary to their comfort and prosperity, that the protection of our citizens from their disorderly members will become their interest and their voluntary care. Instead, therefore, of an augmentation of military force proportioned to our extension of frontier, I propose a moderate enlargement of the capital employed in that commerce, as a more effectual, economical, and humane instrument for preserving peace and good neighborhood with them.

On this side of the Mississippi an important relinquishment of native title has been received from the Delawares. That tribe, desiring to extinguish in their people the spirit of hunting, and to convert superfluous lands into the means of improving what

they retain, have ceded to us all the country between the Wabash and the Ohio, south of, and including the road from the rapids towards Vincennes, for which they are to receive annuities in animals and implements for agriculture, and in other necessaries. This acquisition is important, not only for its extent and fertility, but as fronting three hundred miles on the Ohio, and near half that on the Wabash. The produce of the settled countries descending those rivers, will no longer pass in review of the Indian frontier but in a small portion, and with the cession heretofore made with the Kaskaskias, nearly consolidates our possessions north of the Ohio, in a very respectable breadth, from Lake Erie to the Mississippi. The Piankeshaws having some claim to the country ceded by the Delawares, it has been thought best to quiet that by fair purchase also. So soon as the treaties on this subject shall have received their constitutional sanctions, they shall be laid before both houses.

The act of Congress of February 28th, 1803, for building and employing a number of gun-boats, is now in a course of execution to the extent there provided for. The obstacle to naval enterprise which vessels of this construction offer for our seaport towns; their utility towards supporting within our waters the authority of the laws; the promptness with which they will be manned by the seamen and militia of the place the moment they are wanting; the facility of their assembling from different parts of the coast to any point where they are required in greater force than ordinary; the economy of their

maintenance and preservation from decay when not in actual service; and the competence of our finances to this defensive provision, without any new burden, are considerations which will have due weight with Congress in deciding on the expediency of adding to their number from year to year, as experience shall test their utility, until all our important harbors, by these and auxiliary means, shall be insured against insult and opposition to the laws.

No circumstance has arisen since your last session which calls for any augmentation of our regular military force. Should any improvement occur in the militia system, that will be always seasonable.

Accounts of the receipts and expenditures of the last year with estimates for the ensuing one, will as usual be laid before you.

The state of our finances continues to fulfil our expectations. Eleven millions and a half of dollars, received in the course of the year ending on the 30th of September last, have enabled us, after meeting all the ordinary expenses of the year, to pay upward of \$3,600,000 of the public debt, exclusive of interest. This payment, with those of the two preceding years, has extinguished upward of twelve millions of the principal, and a greater sum of interest, within that period; and by a proportional diminution of interest, renders already sensible the effect of the growing sum yearly applicable to the discharge of the principal.

It is also ascertained that the revenue accrued during the last year, exceeds that of the preceding; and the probable receipts of the ensuing year may

safely be relied on as sufficient, with the sum already in the treasury, to meet all the current demands of the year, to discharge upward of three millions and a half of the engagements incurred under the British and French conventions, and to advance in the farther redemption of the funded debts as rapidly as had been contemplated. These, fellow citizens, are the principal matters which I have thought it necessary at this time to communicate for your consideration and attention. Some others will be laid before you in the course of the session, but in the discharge of the great duties confided to you by our country, you will take a broader view of the field of legislation. Whether the great interests of agriculture, manufactures, commerce, or navigation, can, within the pale of your constitutional powers, be aided in any of their relations; whether laws are provided in all cases where they are wanting; whether those provided are exactly what they should be; whether any abuses take place in their administration, or in that of the public revenues; whether the organization of the public agents or of the public force is perfect in all its parts; in fine, whether anything can be done to advance the general good, are questions within the limits of your functions which will necessarily occupy your attention. In these and other matters which you in your wisdom may propose for the good of our country, you may count with assurance on my hearty co-operation and faithful execution.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

Nov. 18, 04.

I send you 2 sheets of my commonplace, because on the 5 last pages of them are my abridgments of certain admiralty cases interesting to us, with some observations; it will be well that we mutually understand how far we go together, & what consequently we may propose with joint satisfaction. I think the English practice of not requiring a prize to be hazarded further than to the nearest neutral port is so much for the interest of all weak nations that we ought to strengthen it by our example, & prevent that change of practice which Sr. W. Scott seems to be aiming at; evidently swayed by considerations of the interest of his nation.

 TO JOHN RANDOLPH

J. MSS.

WASHINGTON, NOV. 19, '04.

DEAR SIR,—I mentioned to you in a cursory way the other evening that before the meeting of Congress I had conferred with my executive associates on the subject of insults in our harbors, and that we had settled in our own minds what we thought it would be best to do on that subject, which I had thrown into the form of a bill.¹ I meant to have

¹ The following is the bill alluded to:

"An act for the more effectual preservation of the peace in the harbors and waters of the U. S. & on board vessels.

Foreign armed vessels within the harbours committing breaches of

"Be it enacted &c. that whensoever any treason, felony, misprision, misdemeanor, breach of the peace or of the revenue laws

communicated this to you: but on the reference of that part of the message to a special committee it was thought necessary to communicate it without delay to a member of the committee. But the outlines are these. In the 1st place foreign armed vessels entering our harbors are to report themselves, to take such position, & conform to such regulations

law. C. line 4. after 'felony' insert 'infraction of revenue law or other Statute.' I had rather extend the provision to cases cognizable by the authority of individual States, but if this be objectionable the cases cognizable by the authority of the U. S. should be defined. Was the impressment in N. Y. harbour a case cognizable by the authority of the U. S.? And, why, supposing it was should outrages against the public peace & affecting the personal property of citizens, but exclusively punishable by State authority, remain unprovided against?

"See for similar powers Act 5, June 94. § 7. 8. pa. 91-93 vol. 3. and act 28 Feb. 95. § 2. 9. pa. 189-191 vol. 3.

"The objects of 94. June 5. are, 1. Takg. or issuing commissions in foreign service. 2. Enlisting in do. within

shall have been committed within the jurisdiction of the U. S. and in a case cognizable by the authority thereof and the person committing the same shall be on board of any foreign armed vessel in any harbour of the U. S. or in the waters within their jurisdiction, and the ordinary *posse comitatus* shall be deemed insufficient to enable the officer of the U. S. charged with the process of law, to serve the same, it shall be lawful for him to apply to any officer having command of militia, of regular troops or of armed vessels of the U. S. in the vicinity to aid him in the execution of the process with which he is so charged, which officer conforming himself in all things to the instructions he shall receive, or shall have received from the President of the U. S. or other person duly authorized by him, shall first demand a surrender of the person charged in the said process, and if delivery be not made, or if he be obstructed from making the demand, he shall use all the means in his power by force of arms to arrest and seize the said person, and all those who are with him giving him aid or countenance, and the same to convey and deliver under safe custody to the civil authority to be dealt with according to law, and if death ensues on either side it shall be justifiable or punishable as in cases of homicide in resisting a civil officer.

respecting health, repairs, supplies, stay, intercourse & departure as shall be prescribed. On not conforming to these, the vessel may be ordered away. And not obeying that order, the following gradation of coercive measures is proposed. To forbid supplies to be furnished to them, to cut off all intercourse between them & the shore or other

U. S. 3. Arm ships to serve foreign power. 4. Set. on foot within U. S. expedn. agt. foreign power. 5. Capture of a vessel within waters of U. S. Resistance of process by armed vessel. In these cases the President may use force. The 6th case vaguely looks towards the objects of this 1st section."

Exclusion of foreign armed vessels from our harbours; and regulation of their conduct while in them.

"After 'they' insert 'are entitled to said privilege by virtue of any treaty or when they'

A. G."

"Dele 'customs at the place' and insert

"And in order to prevent insults to the authority of the laws within the said harbours and waters, and thereby endangering our peace with foreign nations, be it further enacted that it shall be lawful for the President of the U. S. to interdict the entrance of the harbours & waters under the jurisdiction of the U. S. to all armed vessels belonging to any foreign nation and by force to repel & remove them from the same except where they shall be forced in by distress, by the dangers of the sea, or by pursuit of any enemy, or where they shall be charged with dispatches or business from the government to which they belong to that of the U. S., in which cases as also in all others where they shall be voluntarily permitted to enter the officer commanding such vessel shall immediately report his vessel to the Collector of the district stating the causes & object of his entering the harbour or waters, shall take such position in the harbour or waters as shall be assigned to him by such

vessels, not to receive the entry at the custom house at that port of any vessel of the same nation till she removes. To extend the prohibition to all custom-houses of the U. S. so long as the refractory vessel remain: & lastly to recur to force. These were our ideas suggested from practice and a knolege of facts: and the communication of them in form of a bill is

'district.'

A. G.

Qu. are not armed vessels of some nations exempted from making report and entry by virtue of treaties?"

"Foreign armed vessels refusing to depart."

Collector & shall conform himself, his vessel & people to such regulations respecting health, repairs, supplies, stay, intercourse & departure as shall be signified to him by the said Collector, under the authority and instructions of the President of the U. S. and not conforming thereto shall be compelled to depart the U. S.

"And be it further enacted that whensoever any armed vessel of a foreign nation, entering the waters within the jurisdiction of the U. S. and required to depart therefrom, shall fail so to do, it shall be lawful for the President of the U. S. in order to avoid unnecessary recurrence to force, to forbid all intercourse with such vessel and with every armed vessel of the same nation & the people thereto belonging; to prohibit all supplies and aids from being furnished them and also to instruct the Collector of the district where such armed vessel shall be & of any or every other district of the U. S. to refuse permission to any vessel belonging to the same nation or its people to make entry or unlade so long as the said armed vessel shall, in defiance of the public authority remain within the harbours or waters of the U. S. and all persons offending herein shall be deemed guilty of a misdemeanor punishable by fine & imprisonment and shall moreover be liable to be bound to the good behavior according to law.

"Oct. 1804."

merely as a canvass or *premiere ebauche* for Congress to work on, & to make of it whatever they please. They cannot be the worse for knowing the result of our information & reflection on the subject, which has been privately communicated as more respectful than to have recommended these measures in the message in detail as the Constitution permits. With the same view I state them merely as subjects for your consideration. Accept affectionate salutations & assurances of respect.

TO LARKIN SMITH

J. MSS.

WASHINGTON, Nov. 26, 04.

SIR,—Your letter of the 10th came to hand yesterday evening. It was written with frankness and independance and will be answered in the same way. You complain that I did not answer your letters applying for office. But if you will reflect a moment you may judge whether this ought to be expected. To the successful applicant for an office the commission is the answer. To the unsuccessful multitude am I to go with every one into the reasons for not appointing him? Besides that this correspondence would literally engross my whole time, into what controversies would it lead me. Sensible of this dilemma, from the moment of coming into office I laid it down as a rule to leave the applicants to collect their answer from the facts. To entitle myself to the benefit of the rule in any case it must be observed in every one: and I never have departed from

it in a single case, not even for my bosom friends. You observe that you are, or probably will be appointed an elector. I have no doubt you will do your duty with a conscientious regard to the public good & to that only. Your decision in favor of another would not excite in my mind the slightest dissatisfaction towards you. On the contrary I should honor the integrity of your choice. In the nominations I have to make, do the same justice to my motives. Had you hundreds to nominate, instead of one, be assured they would not compose for you a bed of roses. You would find yourself in most cases with one loaf and ten wanting bread. Nine must be disappointed, perhaps become secret, if not open enemies. The transaction of the great interests of our country costs us little trouble or difficulty. There the line is plain to men of some experience. But the task of appointment is a heavy one indeed. He on whom it falls may envy the lot of a Sisyphus or Ixion. Their agonies were of the body: this of the mind. Yet, like the office of hangman it must be executed by some one. It has been assigned to me and made my duty. I make up my mind to it therefore, & abandon all regard to consequences. Accept my salutations & assurances of respect.

TO WILSON CARY NICHOLAS

J. MSS.

WASHINGTON, Dec. 6, 04.

DEAR SIR,— * * * I thank you for your description of the state of parties. As to one of the extremes I find I have not been mistaken. The line

between them and their more moderate brethren I have not so well understood. It is of importance for my government.

From the Federalists there I expect nothing on any principle of duty or patriotism: but I did suppose they would pay some attentions to the interests of Norfolk. Is it the interest of that place to strengthen the hue and cry against the policy of making the Eastern branch our great naval deposit? Is it their interest that this should be removed to New York or Boston to one of which it must go if it leaves this? Is it their interest to scout a defence by gunboats in which they would share amply, in hopes of a navy which will not be built in our day, & would be no defence if built, or of forts which will never be built or maintained, and would be no defence if built? Yet such are the objects which they patronize in their papers. This is worthy of more consideration than they seem to have given it. Accept affectionate salutations & assurances of great esteem & respect.

TO JOHN TAYLOR

J. MSS.

WASHINGTON, Jan. 6, 1805.

DEAR SIR,—Your favor of Dec. 26th has been duly received, and was received as a proof of your friendly partialities to me, of which I have so often had reason to be sensible. My opinion originally was that the President of the U. S. should have been elected for 7. years, & forever ineligible afterwards. I have

since become sensible that 7. years is too long to be irremovable, and that there should be a peaceable way of withdrawing a man in midway who is doing wrong. The service for 8. years with a power to remove at the end of the first four, comes nearly to my principle as corrected by experience. And it is in adherence to that that I determined to withdraw at the end of my second term. The danger is that the indulgence & attachments of the people will keep a man in the chair after he becomes a dotard, that reelection through life shall become habitual, & election for life follow that. Genl. Washington set the example of voluntary retirement after 8. years. I shall follow it, and a few more precedents will oppose the obstacle of habit to anyone after a while who shall endeavor to extend his term. Perhaps it may beget a disposition to establish it by an amendment of the constitution. I believe I am doing right, therefore, in pursuing my principle. I had determined to declare my intention, but I have consented to be silent on the opinion of friends, who think it best not to put a continuance out of my power in defiance of all circumstances. There is, however, but one circumstance which could engage my acquiescence in another election, to wit, such a division about a successor as might bring in a Monarchist. But this circumstance is impossible. While, therefore, I shall make no formal declarations to the public of my purpose, I have freely let it be understood in private conversation. In this I am persuaded yourself & my friends generally will approve of my views: and should I

at the end of a 2d term carry into retirement all the favor which the 1st has acquired, I shall feel the consolation of having done all the good in my power, and expect with more than composure the termination of a life no longer valuable to others or of importance to myself. Accept my affectionate salutations & assurances of great esteem & respect.

TO WILLIAM A. BURWELL

J. MSS.

WASHINGTON, Jan. 28, 05.

DEAR SIR,—Your letter of the 18th has been duly received and Mr. Coles consents to remain here till the 4th of March, when I shall leave this place for Monticello and pass a month there. Consequently if you can join me here the second week in April it will be as early as your absence could effect my convenience. I have long since given up the expectation of any early provision for the extinguishment of slavery among us. There are many virtuous men who would make any sacrifices to affect it, many equally virtuous who persuade themselves either that the thing is not wrong, or that it cannot be remedied, and very many with whom interest is morality. The older we grow, the larger we are disposed to believe the last party to be. But interest is really going over to the side of morality. The value of the slave is every day lessening; his burden on his master daily increasing. Interest is therefore preparing the disposition to be just; and this will be goaded from time to time by the insurrectionary

spirit of the slaves. This is easily quelled in it's first efforts; but from being local it will become general, and whenever it does it will rise more formidable after every defeat, until we shall be forced, after dreadful scenes & sufferings to release them in their own way, which, without such sufferings we might now model after our own convenience. Accept my affectionate salutations.

SECOND INAUGURAL ADDRESS †

J. MSS.

March 4, 1805.

Proceeding, fellow citizens, to that qualification which the constitution requires, before my entrance

† In the Jefferson MSS. is the following outline:

“NOTES OF A DRAFT FOR A SECOND INAUGURAL ADDRESS.

“The former one was an exposition of the principles on which I thought it my duty to administer the government. The second then should naturally be a *conte rendu*, or a statement of facts, shewing that I have conformed to those principles. The former was *promise*: this is *performance*. Yet the nature of the occasion requires that details should be avoided, that, the most prominent heads only should be selected and these placed in a strong light but in as few words as possible. These heads are Foreign affairs; Domestic do., viz. Taxes, Debts, Louisiana, Religion, Indians, The Press. None of these heads need any commentary but that of the Indians. This is a proper topic not only to promote the work of humanizing our citizens towards these people, but to conciliate to us the good opinion of Europe on the subject of the Indians. This, however, might have been done in half the compass it here occupies. But every respector of science, every friend to political reformation must have observed with indignation the hue & cry raised against philosophy & the rights of man; and it really seems as if they would be overborne & barbarism, bigotry & despotism would recover the ground they have lost by the advance of the public understanding. I have thought the occasion justified some discountenance of these anti-social doctrines, some testimony against them, but not to commit myself in direct warfare on them, I have

on the charge again conferred upon me, it is my duty to express the deep sense I entertain of this new proof of confidence from my fellow citizens at large, and the zeal with which it inspires me, so to conduct myself as may best satisfy their just expectations.

thought it best to say what is directly applied to the Indians only, but admits by inference a more general extension."

There are also two papers, as follows:

"MADISON'S MEMORANDUM.

"Insert

"Thro' the transactions of a portion of our citizens whose intelligence & arrangements best shield them agst the abuses, as well as inconveniences incident to the collection."

substitute

"Religion. As religious exercises, could therefore be neither controuled nor prescribed by us. They have accordingly been left as the Constitution found them, under the direction & discipline acknowledged within the several states."

Indians

"No desire" instead of "nothing to desire."

"substitute

"Who feeling themselves in the present order of things and fearing to become nothing in any other, inculcate a blind attachment to the customs of their fathers in opposition to every light & example which wd conduct them into a more improved state of existence. But the day I hope is not far distant when their prejudices will yield to their true interests & they will take their stand &c."

Press—strike out from "their own affairs."

Last page—Alter to "views become manifest to them."

This is endorsed "Dept. State recd Feb. 8, 05 Inaugural."

The second paper reads:

"MADISON'S MEMORANDUM.

"Is the fact certain that the amt of the internal taxes not objectionable in their nature would not have paid the collectors?"

"What is the amendment alluded to as necessary to a repartition of liberated revenue amg. the states in time of peace?"

"Page 3—'in any view' may be better than 'in any event' that phrase having but just preceded.

"Instead of 'acts of religious exercise suited to it (religion)' 'exercises suited to it' or some equivalent variation is suggested.

"Dept. State recd Feb. 21, 05 Inaugural."

On taking this station on a former occasion, I declared the principles on which I believed it my duty to administer the affairs of our commonwealth. My conscience tells me that I have, on every occasion, acted up to that declaration, according to its obvious import, and to the understanding of every candid mind.

In the transaction of your foreign affairs, we have endeavored to cultivate the friendship of all nations, and especially of those with which we have the most important relations. We have done them justice on all occasions, favored where favor was lawful, and cherished mutual interests and intercourse on fair and equal terms. We are firmly convinced, and we act on that conviction, that with nations, as with individuals, our interests soundly calculated, will ever be found inseparable from our moral duties; and history bears witness to the fact, that a just nation is taken on its word, when recourse is had to armaments and wars to bridle others.

At home, fellow citizens, you best know whether we have done well or ill. The suppression of unnecessary offices, of useless establishments and expenses, enabled us to discontinue our internal taxes. These covering our land with officers, and opening our doors to their intrusions, had already begun that process of domiciliary vexation which, once entered, is scarcely to be restrained from reaching successively every article of produce and property. If among these taxes some minor ones fell which had not been inconvenient, it was because their amount would not have paid the officers who

collected them, and because, if they had any merit, the state authorities might adopt them, instead of others less approved.

The remaining revenue on the consumption of foreign articles, is paid cheerfully by those who can afford to add foreign luxuries to domestic comforts, being collected on our seaboards and frontiers only, and incorporated with the transactions of our mercantile citizens, it may be the pleasure and pride of an American to ask, what farmer, what mechanic, what laborer, ever sees a tax-gatherer of the United States? These contributions enable us to support the current expenses of the government, to fulfil contracts with foreign nations, to extinguish the native right of soil within our limits, to extend those limits, and to apply such a surplus to our public debts, as places at a short day their final redemption, and that redemption once effected, the revenue thereby liberated may, by a just repartition among the states, and a corresponding amendment of the constitution, be applied, *in time of peace*, to rivers, canals, roads, arts, manufactures, education, and other great objects within each state. *In time of war*, if injustice, by ourselves or others, must sometimes produce war, increased as the same revenue will be increased by population and consumption, and aided by other resources reserved for that crisis, it may meet within the year all the expenses of the year, without encroaching on the rights of future generations, by burdening them with the debts of the past. War will then be but a suspension of useful works, and a return to

a state of peace, a return to the progress of improvement.

I have said, fellow citizens, that the income reserved had enabled us to extend our limits; but that extension may possibly pay for itself before we are called on, and in the meantime, may keep down the accruing interest; in all events, it will repay the advances we have made. I know that the acquisition of Louisiana has been disapproved by some, from a candid apprehension that the enlargement of our territory would endanger its union. But who can limit the extent to which the federative principle may operate effectively? The larger our association, the less will it be shaken by local passions; and in any view, is it not better that the opposite bank of the Mississippi should be settled by our own brethren and children, than by strangers of another family? With which shall we be most likely to live in harmony and friendly intercourse?

In matters of religion, I have considered that its free exercise is placed by the constitution independent of the powers of the general government. I have therefore undertaken, on no occasion, to prescribe the religious exercises suited to it; but have left them, as the constitution found them, under the direction and discipline of state or church authorities acknowledged by the several religious societies.

The aboriginal inhabitants of these countries I have regarded with the commiseration their history inspires. Endowed with the faculties and the rights of men, breathing an ardent love of liberty and independence, and occupying a country which

left them no desire but to be undisturbed, the stream of overflowing population from other regions directed itself on these shores; without power to divert, or habits to contend against, they have been overwhelmed by the current, or driven before it; now reduced within limits too narrow for the hunter's state, humanity enjoins us to teach them agriculture and the domestic arts; to encourage them to that industry which alone can enable them to maintain their place in existence, and to prepare them in time for that state of society, which to bodily comforts adds the improvement of mind and morals. We have therefore liberally furnished them with the implements of husbandry and household use; we have placed among them instructors in the arts of first necessity; and they are covered with the ægis of the law against aggressors from among ourselves.

But the endeavors to enlighten them on the fate which awaits their present course of life, to induce them to exercise their reason, follow its dictates, and change their pursuits with the change of circumstances, have powerful obstacles to encounter; they are combated by the habits of their bodies, prejudice of their minds, ignorance, pride, and the influence of interested and crafty individuals among them, who feel themselves something in the present order of things, and fear to become nothing in any other. These persons inculcate a sanctimonious reverence for the customs of their ancestors; that whatsoever they did, must be done through all time; that reason is a false guide, and to advance under

its counsel, in their physical, moral, or political condition, is perilous innovation; that their duty is to remain as their Creator made them, ignorance being safety, and knowledge full of danger; in short, my friends, among them is seen the action and counteraction of good sense and bigotry; they, too, have their anti-philosophers, who find an interest in keeping things in their present state, who dread reformation, and exert all their faculties to maintain the ascendancy of habit over the duty of improving our reason, and obeying its mandates.

In giving these outlines, I do not mean, fellow citizens, to arrogate to myself the merit of the measures; that is due, in the first place, to the reflecting character of our citizens at large, who, by the weight of public opinion, influence and strengthen the public measures; it is due to the sound discretion with which they select from among themselves those to whom they confide the legislative duties; it is due to the zeal and wisdom of the characters thus selected, who lay the foundations of public happiness in wholesome laws, the execution of which alone remains for others; and it is due to the able and faithful auxiliaries, whose patriotism has associated with me in the executive functions.

During this course of administration, and in order to disturb it, the artillery of the press has been levelled against us, charged with whatsoever its licentiousness could devise or dare. These abuses of an institution so important to freedom and science, are deeply to be regretted, inasmuch as they tend to lessen its usefulness, and to sap its safety;

they might, indeed, have been corrected by the wholesome punishments reserved and provided by the laws of the several States against falsehood and defamation; but public duties more urgent press on the time of public servants, and the offenders have therefore been left to find their punishment in the public indignation.

Nor was it uninteresting to the world, that an experiment should be fairly and fully made, whether freedom of discussion, unaided by power, is not sufficient for the propagation and protection of truth—whether a government, conducting itself in the true spirit of its constitution, with zeal and purity, and doing no act which it would be unwilling the whole world should witness, can be written down by falsehood and defamation. The experiment has been tried; you have witnessed the scene; our fellow citizens have looked on, cool and collected; they saw the latent source from which these outrages proceeded; they gathered around their public functionaries, and when the constitution called them to the decision by suffrage, they pronounced their verdict, honorable to those who had served them, and consolatory to the friend of man, who believes he may be intrusted with his own affairs.

No inference is here intended, that the laws, provided by the State against false and defamatory publications, should not be enforced; he who has time, renders a service to public morals and public tranquillity, in reforming these abuses by the salutary coercions of the law; but the experiment

is noted, to prove that, since truth and reason have maintained their ground against false opinions in league with false facts, the press, confined to truth, needs no other legal restraint; the public judgment will correct false reasonings and opinions, on a full hearing of all parties; and no other definite line can be drawn between the inestimable liberty of the press and its demoralizing licentiousness. If there be still improprieties which this rule would not restrain, its supplement must be sought in the censorship of public opinion.

Contemplating the union of sentiment now manifested so generally, as auguring harmony and happiness to our future course, I offer to our country sincere congratulations. With those, too, not yet rallied to the same point, the disposition to do so is gaining strength; facts are piercing through the veil drawn over them; and our doubting brethren will at length see, that the mass of their fellow citizens, with whom they cannot yet resolve to act, as to principles and measures, think as they think, and desire what they desire; that our wish, as well as theirs, is, that the public efforts may be directed honestly to the public good, that peace be cultivated, civil and religious liberty unassailed, law and order preserved; equality of rights maintained, and that state of property, equal or unequal, which results to every man from his own industry, or that of his fathers. When satisfied of these views, it is not in human nature that they should not approve and support them; in the meantime, let us cherish them with patient affection; let us do them justice, and

more than justice, in all competitions of interest; and we need not doubt that truth, reason, and their own interests, will at length prevail, will gather them into the fold of their country, and will complete their entire union of opinion, which gives to a nation the blessing of harmony, and the benefit of all its strength.

I shall now enter on the duties to which my fellow citizens have again called me, and shall proceed in the spirit of those principles which they have approved. I fear not that any motives of interest may lead me astray; I am sensible of no passion which could seduce me knowingly from the path of justice; but the weakness of human nature, and the limits of my own understanding, will produce errors of judgment sometimes injurious to your interests. I shall need, therefore, all the indulgence I have heretofore experienced—the want of it will certainly not lessen with increasing years. I shall need, too, the favor of that Being in whose hands we are, who led our forefathers, as Israel of old, from their native land, and planted them in a country flowing with all the necessaries and comforts of life; who has covered our infancy with his providence, and our riper years with his wisdom and power; and to whose goodness I ask you to join with me in supplications, that he will so enlighten the minds of your servants, guide their councils, and prosper their measures, that whatsoever they do, shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations.

TO WILSON CARY NICHOLAS

J. MSS.

MONTICELLO, Mar. 26, 05.

DEAR SIR,—Your favor of the 10th was received only the last night. I now return you the letter to Colo. Newton, which I pray you to deliver & use your influence to induce an acceptance. It is in truth only asking him to become responsible for his son, which he would of course do were the office given to his son directly: & it will relieve me from a painful dilemma. Should he however refuse, be so good as to inform me of it, and you may at the same time address your letter of resignation to Mr. Gallatin, only confining the knolege of the fact as much as you can between Colo. Newton and yourself, that the appointment may be made before any solicitations can be forwarded.

The divisions among the republicans which you speak of are distressing, but they are not unexpected to me. From the moment I foresaw the entire prostration of federalism, I knew that at that epoch more distressing divisions would take its place. The opinions of men are as various as their faces, and they will always find some rallying principle or point at which those nearest to it will unite, reducing themselves to two stations, under a common name for each. These stations or camps will be formed of very heterogeneous materials, combining from very different motives, & with very different views. I did believe my station in March 1801 as painful as could be undertaken, having to meet in front all the terrible passions of federalism in the first moment of it's defeat & mortification, and to grapple with it

until compleatly subdued. But I consider that as less painful than to be placed between conflicting friends. There my way was clear & my mind made up. I never for a moment had to balance between two opinions. In the new divisions which are to arise the case will be very different. Even those who seem to coalesce will be like the image of clay & brass. However under difficulties of this kind I have ever found one, & only one rule, *to do what is right*, & generally we shall disentangle ourselves without almost perceiving how it happens. Accept my affectionate salutations.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, Apr. 05.

DEAR SIR,—Yours of the 27th is received. I put Lattimore's letter into my bundle of agenda to be acted on in due time. Monroe's, Pinckney's & Jarvis's are now returned. I suspect that Pinckney gives us the true design of Gr. Br. to oust the French and Dutch from our quarter & leave the Spaniards [and] Portuguese. It is possible she would rather see these two last in possession of the southern continent than of any other nation. It is really of good augury that Taleyrand should have been silent about the western boundary of Louisiana, & I have no doubt Monroe will make the most of it. Should it end in our getting the navigation of the Mobile only we must make our protestation to Spain that we reserve our right which neither time nor silence

is to lessen & shall assert it when circumstances call for it. In the meantime propose the keeping it *in statu quo*, unsettled. I shall be glad that nothing be forwarded to me here after the mail which leaves Washington on Friday the 5th. Accept my affectionate salutations & assurances of constant esteem & respect.

TO THE SECRETARY OF THE TREASURY J. MSS.
(ALBERT GALLATIN.)

MONTICELLO, April 3, 1805.

DEAR SIR,—Your favor of the 26th March is received, and I learn with real concern the danger that a temporary loan may be necessary, because we know how it will be perverted to throw dust in the eyes of the people. However, if no other expedient can be used, we must meet it. I have no expectation that Monroe will be able to get any acknowledgement of boundary which we can admit. The next best measure will be to obtain a free use of the rivers of either party, rising within the limits of the other, and that neither party shall either settle or fortify within the disputed country until the limits can be fixed. This will give us time to await and avail ourselves of events. I presume the appointment of Flowers may await my return. In the meantime the other may be heard from. I have desired the Postmaster-General to forward nothing to me here after the 5th instant, as I expect to be with you in a fortnight. Accept affectionate salutations and assurances of constant friendship and respect.

TO THE U. S. MINISTER TO SPAIN

J. MSS.

(JAMES BOWDOIN.)

WASHINGTON, Apr. 27, 05.

DEAR SIR,—Your favor of Mar. 25 has been duly received. I regret that the state of your health renders a visit to this place unadvisable. Besides the gratification we should have felt from personal considerations, the perusal of the correspondences, for some time back, with the governments of Europe most interesting to us, by putting you in possession of the actual state of things between us, would have enabled you to act under all emergencies with that satisfaction to yourself which is derived from a full knolege of the ground. But I presume you will find this supplied, as to the government to which you go, by the papers of the office at Madrid. Our relations with that nation are vitally interesting. That they should be of a peaceable & friendly character has been our most earnest desire. Had Spain met us with the same dispositions, our idea was that her existence in this hemisphere & ours, should have rested on the same bottom; should have swam or sunk together. We want nothing of hers, & we want no other nation to possess what is hers. But she has met our advances with jealousy, secret malice and ill-faith. Our patience under this unworthy return of disposition is now on it's last trial. And the issue of what is now depending between us will decide whether our relations with her are to be sincerely friendly, or permanently hostile. I still wish & would cherish the former, but have ceased to expect it.

I thank you for the sentiments of esteem you are so good as to express towards me, and the mark of it you wish me to place at Monticello. It shall be deposited with the memorials of those worthies whose remembrance I feel a pride & comfort in consecrating there. With my best wishes for the restoration of your health & for a pleasant voyage, I tender you my friendly salutations & assurances of great esteem & respect.

TO DR. GEORGE LOGAN

J. MSS.

WASHINGTON, May 11, 05.

DEAR SIR,—I received last night a letter from Mr. Thomas Brannagan 163 S. Water St., Philadelphia, asking my subscription to the work announced in the inclosed paper.¹ The cause in which he embarks is so holy, the sentiments he expresses in his letter so friendly that it is highly painful to me to hesitate on a compliance which appears so small. But that is not it's true character, and it would be injurious even to his views, for me to commit myself on paper by answering his letter. I have most carefully avoided every public act or manifestation on that subject. Should an occasion ever occur in which I can interpose with decisive effect, I shall certainly know & do my duty with promptitude & zeal. But in the meantime it would only be disarming myself of influence to be taking small means. The subscription to a book on this subject is one of those little irritating

¹ This refers to *Avenia; or, A Tragical Poem on the Oppression of the Human Species*, an anti-slavery work printed in Philadelphia in 1805.

measures, which, without advancing it's end at all, would, by lessening the confidence & good will of a description of friends composing a large body, only lessen my powers of doing them good in the other great relations in which I stand to the publick. Yet I cannot be easy in not answering Mr. Brannagan's letter, unless he can be made sensible that it is better I should not answer it; & I do not know how to effect this, unless you would have the goodness, the first time you go to Philadelphia to see him and to enter into an explanation with him.

I see with infinite pain the bloody schism which has taken place among our friends in Pennsylvania & New York, & will probably take place in other states. The main body of both sections mean well, but their good intentions will produce great public evil. The minority, whichever section shall be the minority, will end in coalition with the federalists, and some compromise of principle because these will not sell their aid for nothing. Republicanism will thus lose, and royalism gain some portion of that ground which we thought we had rescued to good government. I do not express my sense of our misfortunes from any idea that they are remediable. I know that the passions of men will take their course, that they are not to be controuled but by despotism, & that this melancholy truth is the pretext for despotism. The duty of an upright administration is to pursue it's course steadily, to know nothing of these family dissensions, and to cherish the good principles of both parties. The war *ad internecionem* which we have waged against federalism has filled our latter

ties with strife and unhappiness. We have met it, with pain indeed, but with firmness, because we believed it the last convulsive effort of that hydra which in earlier times we had conquered in the field. But if any degeneracy of principle should ever render it necessary to give ascendancy to one of the rising sections over the other, I thank my God it will fall to some other to perform that operation. The only cordial I wish to carry into my retirement is the undivided good will of all those with whom I have acted. Present me affectionately to Mrs. Logan, and accept my salutations & assurance of constant friendship & respect.¹

¹ On this political schism in Pennsylvania, Jefferson presently wrote to Leib:

“MONTICELLO, Aug. 12, 05.

“DEAR SIR,—A journey southwardly from hence has prevented my sooner acknowledging the receipt of your favor of July 22. I see with extreme concern the acrimonious dissensions into which our friends in Pennsylvania have fallen, but have long since made up my mind on the propriety of the general government’s taking no side in state quarrels. And with respect to myself particularly, after eight & thirty years of uniform action in harmony with those now constituting the republican party, without one single instant of alienation from them, it cannot be but my most earnest desire to carry into retirement with me their undivided approbation & esteem. I retain therefore a cordial friendship for both the sections now so unhappily dividing your state. You mention that ‘Doctr. Logan had informed the person that he had just received a letter from you exhorting him to use all his influence to procure the reelection of Govr. McKean, for that to displace him would be extremely injurious to the republican cause.’ Whatever may be the personal esteem I entertain for Govr. McKean and the harmony with which we acted when members of the same body, I never conceived that that would justify my taking sides against Mr. Snyder, or endeavouring in any way to influence the free choice of the state. I therefore have never written any such letter, nor a letter of such import to any mortal. And further, my long & intimate acquaintance with Doctr. Logan & my knowledge of his strict honor leaves the fullest conviction in my mind that there has been some mistake in the hear-

TO JAMES SULLIVAN

J. MSS.

WASHINGTON, May 21, 1805.

DEAR SIR,—An accumulation of business, which I found on my return here from a short visit to Monticello has prevented till now my acknowledgment of your favor of the 14th ulti. This delay has given time to see the result of the contest in your State, & I cannot but congratulate you on the advance it manifests, & the certain prospect it offers that another year restores Massachusetts to the general body of the nation. You have indeed received the federal unction of lying & slandering. But who has not? Who will ever again come into eminent office, unanointed with this chrism? It seems to be fixed that falsehood & calumny are to be their ordinary engines of opposition; engines which will not be entirely without effect. The circle of characters equal to the first stations is not too large, & will be lessened by the voluntary retreat of those whose sensibilities are stronger than their confidence in the justice of public opinion. I certainly have known, &

ing, understanding or quoting his words. I the more readily believe that there has been error somewhere when I consider how far opposite passions have the power of tingeing objects seen by men equally honest, of presenting them under aspects totally different, and of perverting their understandings of the same expressions. My confidence in Doctr. Logan's truth is so entire that I dare affirm that he will declare to anyone that he never received such a letter from me. No, sir, so far from taking a side in this distressing quarrel that I look upon both with undiminished affection, & would do anything in my power to assuage & reconcile them. Finally, my dear sir, when you recollect the bitter hostility of the common enemy towards me, the unrelenting perseverance with which they torture, mutilate & pervert every sentence which falls from my pen, you will excuse me in beseeching that nothing of this letter may get into the public prints. Accept my friendly salutations & assurances of great esteem & respect."

still know, characters eminently qualified for the most exalted trusts, who could not bear up against the brutal hackings & hewings of these heroes of Billingsgate. I may say, from intimate knolege, that we should have lost the services of the greatest character of our country, had he been assailed with the degree of abandoned licentiousness now practised. The torture he felt under rare & slight attacks, proved that under those of which the federal bands have shewn themselves capable, he would have thrown up the helm in a burst of indignation. Yet this effect of sensibility must not be yielded to. If we suffer ourselves to be frightened from our post by mere lying, surely the enemy will use that weapon; for what one so cheap to those of whose system of politics morality makes no part? The patriot, like the Christian, must learn that to bear revilings & persecutions is a part of his duty; and in proportion as the trial is severe, firmness under it becomes more requisite & praiseworthy. It requires, indeed, self-command. But that will be fortified in proportion as the calls for it's exercise are repeated. In this I am persuaded we shall have the benefit of your good example. To the other falsehoods they have brought forward, should they add, as you expect, insinuations of any want of confidence in you from the administration generally, or myself particularly, it will, like their other falsehoods, produce in the public mind a contrary inference. No evidence however of that confidence, which I could furnish should be wanting. An appointment to office would be such. But at present there is no

opening for it. No vacancy exists in your own state, and the only office here unfulfilled, has been otherwise tendered, & indeed would be incompatible with the views of your state, which destines you for the most distinguished mark of their affection & confidence, requiring your residence there. To the nation in general your election will be as gratifying as to that particular state; for never can we consider our union as solid while so important a member as Massachusetts is disaffected. That we may not fail to obtain this accession to our harmony & prosperity, nor you so honorable a testimony of the esteem & approbation of a respectable state, no one prays more sincerely than I do: and with this assurance I tender you my friendly and respectful salutations.

TO THE SECRETARY OF THE TREASURY J. MSS.

(ALBERT GALLATIN.)

May 29, 1805.

Th. J. to Mr. Gallatin.

I have no information that the Act dividing Orleans into counties is passed. By the papers which came yesterday it appeared to have been twice read and committed. Would not the *waters of the Red River* form one proper district, and the *residuary* country another? or the waters of the Red River and the country *above and between* that and the Mississippi for one, and the *residuary* country the other?

The financial part of your letter is highly pleasing. There must be something more in this increase of

revenue than the *natural and war* increase; *depreciation* to a small degree in other countries, a sensible one in this, and a great one in England, must make a part of it, and is a lesson to us to prefer ad valorem to fixed duties. The latter require often retouching, or they become delusive. As to the Orleans revenue, I presume we may consider it as the consumption of 60,000 people and their increase, added to that of 6,000,000 and their increase; for though the former will increase faster than the latter, it will only be by drawing off numbers from them. But, from whatever cause, the increase of revenue is a pleasing circumstance, as it hastens the moment of liberating our revenue, and of permitting us to begin upon canals, roads, college, &c. I presume you will locate on your map the Indians from Sibley's statement; my maps being in the hands of the binder, I cannot do it; but when you shall have done it, I shall be glad to have a consultation with you on the extent to which we may lay off townships, and of the assurance we may give to the Indians included within them. I enclose you a paper at Mr. Madison's request. Affectionate salutations.

TO JOHN DALY BURKE

J. MSS.

WASHINGTON, June 1, 1805.

SIR,—Your favor of May 26th is received, and I am perfectly disposed to communicate to you the collections I possess as far as their condition will admit. What this is will need explanation.

I have a collection, nearly compleat, of the laws from 1624 to 1662 where Purvis's printed collection begins. But some of the volumes are in such a state of decay, that the leaf falls to pieces on being turned over. Consequently as they never can be examined but once I reserve that to the moment when the legislature shall decide to have an authentic copy taken. In the meantime I have sewed them up in oil cloth, and seared the joints to preserve them from the air. These being antecedent to Bacon's Rebellion are not within the period of your desires.

The printed collection of laws in my possession which comprehend the period you mention, to wit, from Bacon's Rebellion to 1752 are

- VOL. 1 Purvis's collection 1662-1682
 2 Revisal of 1733 1662-1732
 3 Revisal of 1748 1662-1748
 4 Revisal of 1768 1662-1768
 5 Fugitive sheets published each session
 1734-1772

6th, 7th and 8th volumes are of subsequent dates.

The 1st 2d 3d & 4th vols. above mentioned are in every lawyer's hands, therefore you will easily obtain them in your neighborhood. The 5th volume is the only one of which there exists probably no other collection. This fact being generally known, the courts in the different parts of the state are in the practice of resorting to this volume for copies of particular acts called for in the cases before them. For this reason I have always refused to let it go from Monticello not only because it might be lost, but because

while it was gone out in the service of one person, many might have occasion to recur to it. But as the depositing it with Governor Page at the seat of government, will keep it within the access of others, and you mention that that deposit will be perfectly convenient for you, it shall be deposited there.

My collection of newspapers is from 1741 downwards. The vols. preceding 1752 shall be sent with the other to Richmond to be used by you either there or at Petersburg according to your convenience. These also being the only collection probably in existence I purchased & cherish it with a view to public utility. It is answering one of its principal objects when I put it into your hands, & the same public principle will insure your care of it, and it's restoration to it's deposit when you shall have taken what you desire from it. I will immediately write to Mr. Randolph to take these books from the library at Monticello, of which he has the key, & to have them safely conveyed *by water* to Govr. Page at Richmond to whom also I will write on the subject. Altho' I have not yet had time to peruse the volume you have published (for indeed my occupations permit me to read almost nothing) yet occasional recurrence to parts of it & the opinions of others who have read it, occasion me to regret that I am not in a situation to give you the benefit of all my materials. Were I residing at home I could do it, and would with pleasure: and should a second edition be called for after my return to live at Monticello, I am persuaded it will be in my power, as it is certainly in my wish, to furnish you with some useful matter, not perhaps to be found

elsewhere. I pray you to accept my salutations & assurances of great respect.

TO THOMAS PAINE

J. MSS.

WASHINGTON, June 5, 05.

DEAR SIR,—Your letters, No. 1, 2, 3, the last of them dated Apr. 20, were received April 26th. I congratulate you on your retirement to your farm, and still more that it is of a character so worthy of your attention. I much doubt whether the open room on your 2d story will answer your expectations. There will be a few days in the year in which it will be delightful, but not many. Nothing but trees, or Venetian blinds, can protect it from the sun. The semi-cylindrical roof you propose will have advantages. You know it has been practised on the cloth market at Paris. De Lorme, the inventor, shews many forms of roofs in his book to which it is applicable. I have used it at home for a dome, being 120° of an oblong octagon, and in the capitol we unite two quadrants of a Sphere by a semi-cylinder; all framed in De Lorme's manner. How has your planing machine answered? Has it been tried & persevered in by any workmen?

France has become so jealous of our conduct as to St. Domingo (which in truth is only the conduct of our merchants), that the offer to become a mediator would only confirm her suspicions. Bonaparte, however, expressed satisfaction at the paragraph in my message to Congress on the subject of that commerce. With respect to the German redemptioners, you know

I can do nothing unless authorized by law. It would be made a question in Congress, whether any of the enumerated objects to which the Constitution authorizes the money of the Union to be applied, would cover an expenditure for importing settlers to Orleans. The letter of the revolutionary sergeant, which you enclosed to me, was attended to by Gen. Dearborne, who wrote to him informing him how to proceed to obtain his land.

Doctr Eustis's observation to you, that "certain paragraphs in the *National Intelligencer*" respecting my letter to you, "supposed to be under Mr. Jefferson's direction, had embarrassed Mr. Jefferson's friends in Massachusetts; that they appeared like a half denial of the letter, or as if there was something in it not proper to be owned, or that needed an apology," is one of those mysterious half-confidences difficult to be understood. That tory printers should think it advantageous to identify me with that paper, the *Aurora*, &c., in order to obtain ground for abusing me, is perhaps fair warfare. But that any one who knows me personally should listen one moment to such an insinuation, is what I did not expect. I neither have, nor ever had, any more connection with those papers than our antipodes have; nor know what is to be in them until I see it in them, except proclamations & other documents sent for publication. The friends in Massachusetts who could be embarrassed by so weak a weapon as this, must be feeble friends indeed. With respect to the letter, I never hesitated to avow and to justify it in conversation. In no other way do I trouble myself to

contradict anything which is said. At that time, however, there were certain anomalies in the motions of some of our friends, which events have at length reduced to regularity.

It seems very difficult to find out what turns things are to take in Europe. I suppose it depends on Austria, which, knowing it is to stand in the way of receiving the first hard blows, is cautious of entering into a coalition. As to France & England we can have but one wish, that they may disable one another from injuring others.

Accept my friendly salutations, & assurances of esteem & respect.

NOTES ON ARMED VESSELS †

J. MSS.

WASHINGTON, July 4, 05.

Notes for consideration & for instructions to any armed vessels which may be sent out to protect our commerce on our coasts.

Preliminary questions. Do the laws authorize the putting vessels in commission for the protection of our commerce other than against Tripoli?

If they do not, should we not do it at our risk & ask an act of indemnity from Congress?

† The following paper appears to have been drafted by Jefferson at this time:

“RESOLUTION

“Resolved that the President of the U. S. ought to be authorized by law to employ the armed vessels of the U. S. which may be in commission, for restraining as well the irregularities and oppressions of our commerce, not amounting to piracy, as those of that degree, which shall be committed by private armed vessels within the Gulf stream, in the Gulf itself, or among the islands bordering thereon, & that a bill be brought in for that purpose.”

What vessels? The *Adams & Baltimore* brig for the coast. 2. The for the Mississippi. 3. the for Cuba & the Islands.

Instructions.

Cruising grounds.

The frigate & brig from St. Mary's to St. George's bank, crossing each other always.

The 3d (if to be had) from Florida point to Rio grande.

The 4th (if to be had) round Cuba & among the islands.

To respect public ships of war, except when violating the 3. miles jurisdiction.

To confine themselves to privateers.

If they find privateers without commissions, or with irregular or doubtful commissions, bring them in for examination.

If their commissions be regular, and they are found cruising within *sight of land* warn them to keep without that limit, & if found within it after warning bring them as offenders against the law for preserving peace in our harbours & *waters*.

If they have regularly seized an American bottom, inquire if their conduct has been regular, viz.,

Have they plundered the vessel?

maltreated the crew?

separated the master &c. from his vessel?

forced the American to send his boat abroad?

Do they refuse to exhibit their commissions, to declare their name, vessel flag or port? In all these cases bring them in for examination.

If they have acted correctly, carry or send the prize & the privateer, if a Spaniard to Havana; if French to Sto. Domingo; if English to _____ and deliver them up to the proper tribunal.

If any American citizens are found engaged in the privateers, take them out, & keep them in safe custody to be brought home & delivered up to justice.

You are not to extend your protection 1. to foreign vessels. 2. to American vessels engaged in the slave trade. 3. to American vessels engaged in any contraband commerce.

The gunboats & revenue cutters to be subsidiary.

NOTES ON JEFFERSON'S CONDUCT DURING THE INVASION
OF VIRGINIA, 1780-1¹

J. MSS.

[Aug. 1805.]

Richmond, 1780, Dec. 31. At eight a.m. the Governor receives the first intelligence that 27 sail

¹ Another paper, undated, relating to this matter is as follows:

"Saturday, December the 31st, 1780, eight o'clock A.M. Received first intelligence that twenty-seven sail were, on the morning of December the 29th, just below Willoughby's Point. Sent off General Nelson with full powers.

"1781. January the 1st. No intelligence.

"January the 2d, ten o'clock A.M. Information from N. Burwell, that their advance was at Warrasqueak Bay. Gave orders for militia, a quarter from some, and half from other counties. Assembly rose.

"Wednesday, January the 3d, eight o'clock, P.M. Received a letter from E. Archer, Swan's Point, that at twelve o'clock that day they were at anchor a little below Jamestown. At five o'clock P.M., of the same day, I had received a letter from R. Andrews for General Nelson, that they were at Jamestown the evening of the 2d.

"Thursday, January the 4th, five o'clock, A.M. Mr. Eppes and family, &c., came and informed me from the Speaker, that they had

of ships had entered Chesapeake bay & were in the morning of the 29th just below Willoughby's point (the southern cape of James river) their destination unknown.

1781 Jan. 2. At ten a.m. information received that they had entered James river, their advance

passed Kennon's and Hood's the evening before; the tide having made for them at one o'clock, P.M., of the 3d, and the wind shifted to the east strong. They had not, however, passed Hood's, but anchored at Kennon's. Called whole militia from adjacent counties. I was then anxious to know whether they would pass Westover, or not, as that would show the side they would land.

"Five o'clock, P.M. Learned by Captain De Ponthiere, that at two o'clock, P.M., they were drawn up at Westover. Then ordered arms, and stores, &c., (which till then had been carrying to Westham,) to be thrown across the river at Richmond; and at half-past seven o'clock, P.M., set out to the foundry and Westham, and set Captain Brush, Captain Irish, and Mr. Hylton, to see everything wagoned from the magazine and laboratory to Westham, and there thrown over; to work all night. The enemy encamped at Four-Mile Creek. I went to Tuckahoe and lodged.

"January the 5th. Went early over the river with my family; sent them up to Fine Creek; went myself to Westham; gave orders for withdrawing ammunition and arms (which lay exposed on the bank to the effect of artillery from opposite shore), behind a point. Then went to Manchester; had a view of the enemy. My horse sunk under me with fatigue; borrowed one, went to Chetwood's, appointed by Baron Steuben as a rendezvous and head-quarters; but finding him not there, and understanding he would go to Colonel Henry's, I proceeded there for quarters. The enemy arrived in Richmond at one o'clock, P.M. One regiment of infantry and thirty horse proceeded, without stopping, to the foundry; burned that and the magazine and Ballendine's house, and went as far as Westham. They returned that evening to Richmond. Sent me a proposition to compound for property. Refused.

"January the 6th. In the morning they burned certain houses and stores, and at twelve o'clock of that day left Richmond, and encamped at Four-Mile Creek. I went to Westham, ordered books and papers particularly from magazine. In the evening I went up to Fine Creek.

"January the 7th. I returned to Westham, and then came down to Manchester, where I lodged. The enemy encamped at Westover and Berkley. It had rained excessively the preceding night, and

being at Warrasqueak bay. Orders were immediately given for calling in the militia, $\frac{1}{4}$ from some, & $\frac{1}{2}$ from other counties. The members of the legislature, which rises this day, are the bearers of the orders to their respective counties. The Governor directs the removal of the records, into the country

continued to do so till about noon. Gibson has one thousand; Steuben, eight hundred; Davis, two hundred; Nelson, two hundred and fifty.

"January the 8th at half-past seven o'clock, A.M. I returned to Richmond. The wind gets about this time to north-west; a good gale; in the afternoon becomes easterly. The enemy remain in their last encampment. General Nelson at Charles City C. N. Colonel Nicholas with three hundred men at the Forest.

"January the 9th, eleven o'clock. The wind is south-east, but almost nothing. The enemy remain in their last encampment, except embarking their horse.

"January the 10th, at one o'clock, P.M. They embark infantry and fall down the river, the wind having shifted a little north of west, and pretty fresh. Baron Steuben gets to Bland's Mills to-night, nine miles short of Hood's.

"January the 11th, eight o'clock, A.M. The wind due west, and strong.

"LOSS SUSTAINED BY THE PUBLIC.

"The papers and books of the Council since the revolution. The papers of the auditors, but not their books. Five brass field-pieces, four-pounders, which had been sunk in the river, but were weighed by the enemy. About one hundred and fifty arms in the Capitol loft. About one hundred and fifty in a wagon on the Brook road. About five tons of powder, and some made ammunition at Magazine. Some small proportion of the linens, cloths, &c., in the public store. Some quarter-master's stores; the principal articles was one hundred and twenty sides of leather. Some of the tools in the artificers' shops. Foundry, magazine, four artificers' shops, public store, quarter-master's store, one artificer's shop, three wagons.

"The legislature was sitting when the entrance of the enemy into James river was made known. They were informed, without reserve, of the measures adopted. Every suggestion from the members was welcomed and weighed, and their adjournment on the second of January furnished the most immediate and confidential means of calling for the militia of their several counties. They accordingly

and the transportation of the military stores from Richmond to Westham (on the river 7 miles above) there to be carried across the river.

Jan. 3. At eight p.m. the enemy are said to be a little below Jamestown; convenient for landing if Williamsburg is their object.

became the bearers of those calls, and they were witnesses themselves, that every preparation was making which the exhausted and harassed state of the country admitted.

"They met again at Richmond in May, and adjourned to Charlottesville, where they made a house on the 28th. My office of Governor expired on the 2d of June, being the fifth day of the session; and no successor had been appointed, when an enterprise on the 4th by Tarleton's cavalry drove them thence, and they met again at Staunton on the 7th. Some members attended there who had not been at Richmond at the time of Arnold's enterprise. One of these, George Nicholas, a very honest and able man, then, however, young and ardent, supposing there had been some remissness in the measures of the Executive on that occasion, moved for an inquiry into them, to be made at the succeeding session. The members who had been present and privy to the transactions, courted the inquiry on behalf of the executive. Mr. Nicholas, as a candid and honorable man, sent me, through a friend, a copy of the topics of inquiry he proposed to go into; and I communicated to him, with the same frankness, the justifications I should offer, that he might be prepared to refute them if not founded in fact. The following is a copy of both:—

"1st Objection. That General Washington's information was, that an embarkation was taking place, destined for this State.

"Answer. His information was, that it was destined for the Southward as was *given out* at New York. Had similar information from General Washington, and Congress, been considered as sufficient ground at all times for calling the militia into the field, there would have been a standing army of militia kept up; because there has never been a time, since the invasion expected in December, 1779, but what we have had those intimations hanging over our heads. The truth is, that General Washington always considered as his duty to convey every rumor of an embarkation; but we (for some time past, at least) never thought anything but actual invasion should induce us to the expense and harrassment of calling the militia into the field; except in the case of December, 1779, when it was thought proper to do this in order to convince the French of our disposition to protect their ships.

4. At five a.m. information is received that they have passed Kennon's & Hood's the evening before with a strong Easterly wind which determines their object to be either Petersburg or Richmond. The Governor now calls in the whole militia from the adjacent counties.

Inattention to this necessary economy, in the beginning, went far towards that ruin of our finances which followed.

"2d Objection. Where were the post-riders, established last summer?

"Answer. They were established at Continental expense, to convey speedy information to Congress of the arrival of the French fleet, then expected here. When that arrived at Rhode Island, these expenses were discontinued. They were again established on the invasion in October, and discontinued when that ceased. And again on the first intimation of the invasion of December. But it will be asked, why were they not established on General Washington's letters? Because those letters were no more than we had received upon many former occasions, and would have led to a perpetual establishment of post-riders.

"3d Objection. If a proper number of men had been put into motion on Monday, for the relief of the lower country, and ordered to march to Williamsburg, that they would at least have been in the neighborhood of Richmond on Thursday.

"Answer. The order could not be till Tuesday, because we then received our first certain information. Half the militia of the counties round about Richmond were then ordered out, and the whole of them on the 4th, and ordered not to wait to come in a body but in detachments as they could assemble. Yet they were not on Friday more than two hundred collected, and they were principally of the town of Richmond.

"4th Objection. That we had not the signals.

"Answer. This, though a favorite plan of some gentlemen, and perhaps a practicable one, has hitherto been thought too difficult.

"5th Objection. That we had not look-outs.

"Answer. There had been no cause to order look-outs more than has been ever existing. This is only in fact asking why we do not always keep look-outs.

"6th Objection. That we had not heavy artillery on travelling carriages.

"Answer. The gentlemen who acted as members of the Board of War a twelvemonth can answer this question, by giving the character

At five p.m. information that at 2. p.m. they were landed & drawn up at Westover (on the North side of the river & 25 miles below Richmond) and consequently Richmond their destination. Orders are now given to discontinue waggoning the military

of the artificers whom, during that time, they could never get to mount the heavy artillery. The same reason prevented their being mounted from May 1780, to December. We have even been unable to get these heavy cannon moved from Cumberland by the whole energy of government. A like difficulty which occurred in the removal of those at South Quay, in their day, will convince them of the possibility of this.

"7th Objection. That there was not a body of militia thrown into Portsmouth, the great bridge, Suffolk.

"Answer. In the summer of 1780, we asked the favor of General Nelson, to call together the County Lieutenants of the lower counties, and concert the general measures which should be taken for instant opposition, on any invasion, until aid could be ordered by the Executive; and the County Lieutenants were ordered to obey his call; he did so the first moment, to wit, on Saturday, December the 31st, at 8 o'clock A. M., of our receiving information of the appearance of a fleet in the bay. We asked the favor of General Nelson to go down, which he did, with full powers to call together the militia of any counties he thought proper, to call on the keepers of any public arms or stores, and to adopt for the instant such measures as exigencies required, till we could be better informed.

"Query. Why were not General Nelson, and the brave officers with him, particularly mentioned?

"Answer. What should have been said of them? The enemy did not land, nor give them an opportunity of doing what nobody doubts they would have done; that is, something worthy of being minutely recited.

"Query. Why publish Arnold's letter without General Nelson's answer?

"Answer. Ask the printer. He got neither from the Executive.

"Objection. As to the calling out a few militia, and that late.

"Answer. It is denied that they were few or late. Forty thousand and seven hundred men (the number required by Baron Steuben) were called out the moment an invasion was known to have taken place, that is on Tuesday, January 2d.

"Objections. The abandonment of York and Portsmouth fortifications.

"Answer. How can they be kept without regulars, on the large

stores from Richmond to Westham, & to throw them across the river directly at Richmond.

The Governor having attended to this till an hour and a half in the night then rode up to the foundry (1 mile below Westham) ordered Capts. Brush &

scale on which they were formed? Would it be approved of to harass the militia with garrisoning them?

"To place me on equal grounds for meeting the inquiry, one of the representatives of my county resigned his seat, and I was unanimously elected in his place. Mr. Nicholas, however, before the day, became better satisfied as to what had been done, and did not appear to bring forward the inquiry; and in a publication, several years after, he made honorable acknowledgment of the erroneous views he had entertained on those transactions. I therefore read in my place the inquiries he had proposed to make, and stated the justifications of the Executive. And nearly every member present having been a witness to their truth, and conscious all was done which could have been done, concurred at once in the following resolution:

"The following resolution was *unanimously* agreed to by both houses of the General Assembly of Virginia, December the 19th, 1781.

"Resolved, That the sincere thanks of the General Assembly be given to our former Governor, Thomas Jefferson, Esquire, for his impartial, upright, and attentive administration whilst in office. The Assembly wish in the strongest manner to declare the high opinion they entertained of Mr. Jefferson's ability, rectitude, and integrity as Chief Magistrate of this Commonwealth, and mean, by thus publicly avowing their opinion, to obviate and to remove all unmerited censure.'

"And here it is but proper to notice the parody of these transactions which General Lee has given as their history. He was in a distant State at the time, and seems to have made up a random account from the rumors which were afloat where he then was. It is a tissue of errors from beginning to end.

"The nonsense which has been uttered on the *coup de main* of Tarleton on Charlottesville is really so ridiculous, that it is almost ridiculous seriously to notice it. I will briefly, however, notice facts and dates. It has been said before, that the legislature was driven from Charlottesville by an incursion of the enemy's cavalry. Since the adjournment from Richmond, their force in this country had been greatly augmented by reinforcements under Lord Cornwallis and General Phillips; and they had advanced up into the country as far as Elk Island, and the Fork of James river. Learning that the legis-

Irish, & Mr. Hylton to continue all night waggoning to Westham the arms & stores still at the Foundry, to be drawn across the river at Westham, then proceeded to Westham to urge the pressing the transportation there across the river, and thence went to

lature was in session in Charlottesville, they detached Colonel Tarleton with his legion of horse to surprise them. As he was passing through Louisa on the evening of the 3d of June, he was observed by a Mr. Gouett, who, suspecting the object, set out immediately for Charlottesville, and knowing the byways of the neighborhood, passed the enemy's encampment, rode all night, and before sunrise of the 4th, called at Monticello with notice of what he had seen, and passed on to Charlottesville to notify the members of the legislature. The Speakers of the two houses, and some other members were lodging with us. I ordered a carriage to be ready to carry off my family; we breakfasted at leisure with our guests, and after breakfast they had gone to Charlottesville; when a neighbor rode up full speed to inform me that a troop of horse was then ascending the hill to the house. I instantly sent off my family, and after a short delay for some pressing arrangements, I mounted my horse; and knowing that in the public road I should be liable to fall in with the enemy, I went through the woods, and joined my family at the house of a friend, where we dined. Would it be believed, were it not known, that this flight from a troop of horse, whose whole legion, too, was within supporting distance, has been the subject, with party writers, of volumes of reproach on me, serious or sarcastic? That it has been sung in verse, and said in humble prose, that forgetting the noble example of the hero of La Mancha, and his wind-mills, I decline a combat against a troop, in which victory would have been so glorious? Forgetting, themselves, at the same time, that I was not provided with the enchanted arms of the Knight, nor even with his helmet of Mambrino. These closet heroes, forsooth, would have disdained the shelter of a wood, even singly and unarmed, against a legion of armed enemies.

"Here, too, I must note another instance of the want of that correctness in writing history, without which it becomes romance. General Lee says that Tarleton, in another enterprise some time after, penetrated up the south side of James river to New London, in Bedford county. To that neighborhood precisely, where I had a possession, I had carried my family, and was confined there several weeks by the effects of a fall from my horse; and I can assure the readers of General Lee's history, that no enemy ever came within forty miles of New London."

Tuckahoe (8 miles above & on the same side of the river) to see after his family which he had sent that far in the course of the day. He arrived there at 1 o'clock in the night.

Jan. 5. Early in the morning he carried his family across the river there, and sending them to Fine creek (8 miles higher up) went himself to Britton's on the S. side of the river (opposite to Westham) finding the arms &c. in a heap near the shore, & exposed to be destroyed by cannon from the North bank. He had them removed under cover of a point of land near by. He proceeded to Manchester (opposite to Richmond). The enemy had arrived at Richmond at 1 p.m. Having found that nearly the whole arms had been got there from Richmond, he set out for Chetwood's to meet with Baron Steuben, who had appointed that place as a rendezvous & headquarters; but not finding him there, & understanding he would be at Colo. Fleming's (six miles above Britton's) he proceeded thither. The enemy had now a detachment at Westham, and sent a deputation from the city of Richmond to the Governor, at Colo. Fleming's to propose terms for ransoming the safety of the city, which terms he rejected.

Jan. 6. The Governor returned to Britton's, had measures taken more effectually to secure the books & papers there. The enemy having burnt some houses & stores, left Richmond, after 24 hours stay there, & encamped at Four mile creek (8 or 10 miles below) & the Governor went to look to his family at fine creek.

Jan. 7. He returned to Britton's to see further to the arms there, exposed on the ground to heavy rains which had fallen the night before & then proceeded to Manchester, & lodged there. The enemy encamped at Westover.

Jan. 8. At half after 7 a.m. he crossed over to Richmond, & resumed his residence there. The enemy are still retained in their encampment at Westover by an Easterly wind. Colo. John Nicholas has now 300 militia at the Forest (6 miles off from Westover,) Genl. Nelson 200 at Charles city court-house (8 miles below Westover), Gibson 1000 and Baron Steuben 800 on the South side the river.

Jan. 9. The enemy are still in camp at Westover.

Jan. 10. At one p.m. they embarked: and the wind having shifted a little to the North of the West, & pretty fresh, they fall down the river. Baron Steuben marches for Hood's where their passage may be checked. He reaches Land's mills in the evening, within 9 miles of Hood's.

Jan. 11. At 8 a.m. the wind due West & strong they make good their retreat.

During this period time and place have been minutely cited, in order that those who think there was any remissness in the movements of the Governor, may lay their finger on the point and say when & where it was. Hereafter less detail will suffice.

Soon after this, General Phillips having joined Arnold with a reinforcement of 2000 men, they advanced again up to Petersburg, & about the last of April to Manchester. The Governor had remained constantly in and about Richmond, exerting all his

powers for collecting militia, and providing such means for the defence of the state as it's exhausted resources admitted. Never assuming a guard, & with only the river between him & the enemy, his lodgings were frequently within 4, 5 or 6 miles of them.

M. De Lafayette, about this time, arrived at Richmond with some Continental troops, with which, & the militia collected, he continued to occupy that place, and the North bank of the river, while Phillips & Arnold held Manchester & the South bank. But Lord Cornwallis, about the middle of May joining them with the main Southern army, M. de Lafayette was obliged to retire. The enemy crossed the river & advanced up into the country about 50 miles, & within 30 miles of Charlottesville, at which place the legislature being to meet in June, the Governor proceeded to his seat at Monticello, 2 or 3 miles from it. His office was now near expiring, the country under invasion by a powerful army, no services but military of any avail, unprepared by his line of life & education for the command of armies, he believed it right not to stand in the way of talents better fitted than his own to the circumstances under which the country was placed. He therefore himself proposed to his friends in the legislature, that Gen. Nelson, who commanded the militia of the state, should be appointed Governor, as he was sensible that the union of the civil & military power in the same hands at this time, would greatly facilitate military measures. This appointment accordingly took place on the 12th of June 1781.

This was the state of things, when, his office having actually expired, & no successor not yet in place, Colo. Tarleton, with his regiment of horse, was detached by Ld. Cornwallis to surprise Mr. Jefferson, (whom they thought still in office) and the Legislature now sitting in Charlottesville. The Speakers of the two houses, & some other members of the legislature were lodging with Mr. Jefferson at Monticello. Tarleton, early in the morning, (June 23, 1781) when within 10 miles of that place, detached a company of horse to secure him & his guests, and proceeded himself rapidly with his main body to Charlottesville, where he hoped to find the legislature unapprised of his movement. Notice of it, however, had been brought, both to Monticello & Charlottesville, about sunrise. The Speakers, with their Colleagues, returned to Charlottesville, and with the other members of the legislature, had barely time, to get out of his way. Mr. Jefferson sent off his family to secure them from danger, and was himself still at Monticello making arrangements for his own departure when Lieutt. Hudson arrived there at half speed, & informed him the enemy were then ascending the hill of Monticello. He departed immediately, & knowing that he would be pursued if he took the high road, he plunged into the woods of the adjoining mountain, where being at once safe, he proceeded to overtake his family. This is the famous adventure of Carter's mountain, which has been so often resounded through the slanderous chronicles of federalism. But they have taken care never to detail the facts, lest these should shew that

this favorite charge amounted to nothing more than that he did not remain in his house, and there singly fight a whole troop of horse, or suffer himself to be taken prisoner. Having accompanied his family one day's journey, he returned to Monticello. Tarleton had retired after 18 hours stay in Charlottesville. Mr. Jefferson then rejoined his family, and proceeded with them to an estate he had in Bedford, about 80 miles SW where, riding in his farm some time after, he was thrown from his horse, & disabled from riding on horseback for a considerable time. But Mr. Turner finds it more convenient to give him this fall in his retreat before Tarleton, which had happened some weeks before, as a proof that he withdrew from a troop of horse with a precipitancy which Don Quixot would not have practised.

The facts here stated most particularly, with date of time and place, are taken from the notes made by the writer hereof, for his own satisfaction, at the time: the others are from memory, but so well recollected that he is satisfied there is no material fact misstated. Should any person undertake to contradict any particular on evidence which may at all merit the public respect, the writer will take the trouble (tho' not at all in the best situation for it) to produce the proofs in support of it. He finds indeed that of the persons whom he recollects to have been present on these occasions, few have survived the intermediate lapse of four and twenty years. Yet he trusts that some, as well as himself, are yet among the living; and he is positively certain that no man can falsify any material fact here stated.

He well remembers indeed that there were then, as there are at all times, some who blamed everything done contrary to their own opinion, althou' their opinions were formed on a very partial knowledge of facts. The censures which have been hazarded by such men as Mr. Turner, are nothing but revivals of these half informed opinions. Mr. George Nicholas, then a very young man, but always a very honest one, was prompted by these persons to bring specific charges against Mr. Jefferson. The heads of these in writing were communicated thro' a mutual friend to Mr. Jefferson, who committed to writing also the heads of justification on each of them. I well remember this paper, & believe the original of it still exists, and tho' framed when every real fact was fresh in the knolege of everyone, this fabricated flight from Richmond was not among the charges stated in this paper, nor any charge against Mr. Jefferson for not fighting singly the troop of horse. Mr. Nicholas candidly relinquished further proceeding. The House of Representatives of Virginia pronounced an honorable sentence of entire approbation of Mr. Jefferson's conduct, and so much the more honorable as themselves had been witnesses to it. And Mr. George Nicholas took a conspicuous occasion afterwards, of his own free will, & when the matter was entirely at rest, to retract publicly the erroneous opinions he had been led into on that occasion, & to make just reparation by a candid acknowledgement of them.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, Aug. 4, 05.

DEAR SIR:—On my return from Bedford two days ago I received your favor of July 24 and learnt with sincere regret that Mrs. Madison's situation required her going to Philadelphia. I suppose the choice between Physic and Baynham was well weighed. I hope the result will be speedy & salutary, and that we shall see you in this quarter before the season passes over.

A letter from Charles Pinckney of May 22 informs me that Spain refuses to settle a limit, & perseveres in withholding the rectification of the convention. He says not a word of the *status quo*, from which I conclude it has not been proposed. I observe by the papers that Dalton is arrived with the public dispatches, from which we shall know the particulars. I think the *status quo*, if not already proposed, should be immediately offered through Bowdoin. Should it even be refused, the refusal to settle a limit is not of itself a sufficient cause of war, nor is the withholding a ratification worthy of such a redress. Yet these acts shew a purpose both in Spain & France against which we ought to provide before the conclusion of a peace. I think therefore we should take into consideration whether we ought not immediately to propose to England an eventual treaty of alliance, to come into force whenever (within years) a war shall take place with Spain or France. It may be proper for the ensuing Congress to make some preparations for such an event, and it

should be in our power to shew we have done the same. This for your consideration.

Mr. Wagner writes me that two black convicts from Surinam are landed at Philadelphia. Being on the spot you will have a better opportunity of judging what should be done with them. To me it seems best that we should send them to England with a proper representation against such a measure. If the transportation is not within any of the regular appropriations it will come properly on the contingent fund. If the law does not stand in the way of such an act, & you think as I do, it may be immediately carried into execution. Accept for Mrs. Madison & yourself my affectionate salutations & assurances of constant esteem & respect.¹

¹ Three days later, he wrote to Madison:

“MONTICELLO, Aug. 7, 1805.

“DEAR SIR,—On a view of our affairs with Spain, presented me in a letter from C. Pinckney, I wrote you on the 23d of July, that I thought that we should offer them the *status quo*, but immediately propose provisional alliance with England. I have not yet received the whole correspondence. But the portion of the papers now enclosed to you, confirm me in the opinion of the expediency of a treaty with England, but make the offer of the *status quo* more doubtful. The correspondence will probably throw light on that question; from the papers already received I infer a confident reliance on the part of Spain on the omnipotence of Bonaparte, but a desire of procrastination till peace in Europe shall leave us without an ally. General Dearborn has seen all the papers. I will ask the favor of you to communicate them to Mr. Gallatin & Mr. Smith. From Mr. Gallatin I shall ask his first opinion, preparatory to the stating formal questions for our ultimate decision. I am in hopes you can make it convenient on your return to see & consult with Mr. Smith & Gen. Dearborn, unless the latter should be come on here where I can do it myself. On the receipt of your own ideas, Mr. Smith's and the other gentlemen, I shall be able to form points for our final consideration & determination.

“I enclose you some communications from the Mediterranean. They shew Barron's understanding in a very favorable view. When

TO THE SECRETARY OF THE TREASURY J. MSS.
(ALBERT GALLATIN.)

MONTICELLO, Aug. 7, 1805.

DEAR SIR,—You have probably learnt through other channels that our Commissioners to Spain have terminated their mission without success in a single point. I have desired Mr. Madison to send you the papers, and when you shall have perused them I will ask a communication of your general view of what is expedient for us to do. I ask the same of the other gentlemen. When I shall have received them it will enable me to form precise points on which to ask their ultimate judgment. This will employ some time; but the case is serious, and is entitled to time and mature consideration. * * *

P. S. It seems essential to our success with England that we should not be understood as absolutely committed to war with Spain.

TO THE SECRETARY OF STATE J. MSS.
(JAMES MADISON.)

MONTICELLO, Aug. 25, 1805.

DEAR SIR,—I confess that the enclosed letter from General Turreau excites in me both jealousy & offence in undertaking, & without apology, to say in what manner we are to receive and treat Moreau within our own country. Had Turreau been here longer he would have known that the national

you shall have perused them, be so good as to enclose them to the Secretary of the Navy. Accept my fervent wishes for the speedy recovery of Mrs. Madison, and your speedy visit to this quarter."

authority pays honors to no foreigners. That the State authorities, municipalities and individuals, are free to render whatever they please, voluntarily, & free from restraint by us; & he ought to know that no part of the criminal sentence of another country can have any effect here. The style of that government in the Spanish business, was calculated to excite indignation; but it was a case in which that might have done injury. But the present is a case which would justify some notice in order to let them understand we are not of those powers who will receive & execute mandates. I think the answer should shew independence as well as friendship. I am anxious to receive the opinions of our brethren after their review & consideration of the Spanish papers. I am strongly impressed with a belief of hostile & treacherous intentions against us on the part of France, and that we should lose no time in securing something more than a mutual friendship with England.

Not having heard from you for some posts, I have had a hope you were on the road & consequently that Mrs. Madison was re-established. We are now in want of rain, having had none in the last ten days. In your quarter I am afraid they have been much longer without it. We hear great complaints from F. Walker's Lindsay's, Maury's, &c., of drought. Accept affectionate salutations, & assurances of constant friendship.

P. S. I suppose Kuhn, at Genoa, should have new credentials.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, Aug. 27, 05.

DEAR SIR,—Yours of the 20th has been received, and in that a letter from Casinove, and another from Mrs. Ciracchi; but those from Turreau and to Yrujo were not enclosed. Probably the former was what came to me by the preceding post, respecting Moreau; if so, you have my opinion on it in my last. Considering the character of Bonaparte, I think it material at once to let him see that we are not one of the powers who will receive his orders.

I think you have misconceived the nature of the treaty I thought we should propose to England. I have no idea of committing ourselves immediately or independently of our further will to the war. The treaty should be provisional only, to come into force on the event of our being engaged in war with either France or Spain during the present war in Europe. In that event we should make common cause, & England should stipulate not to make peace without our obtaining the objects for which we go to war to wit, the acknowledgment by Spain of the rightful boundaries of Louisiana (which we should reduce to our minimum by a secret article) and 2, indemnification for spoliations, for which purpose we should be allowed to make reprisal on the Floridas & *retain them* as an indemnification. Our co-operation in the war (if we should actually enter into it) would be a sufficient consideration for Great Britain to engage for it's object; and it being generally known to France & Spain that we had entered into treaty with

England, would probably ensure us a peaceable & immediate settlement of both points. But another motive much more powerful would indubitably induce England to go much further. Whatever ill-humor may at times have been expressed against us by individuals of that country, the first wish of every Englishman's heart is to see us once more fighting by their sides against France; nor could the king or his ministers do an act so popular as to enter into an alliance with us. The nation would not weigh the consideration by grains & scruples. They would consider it as the price & pledge of an indissoluble course of friendship. I think it possible that for such a provisional treaty they would give us their general guarantee of Louisiana & the Floridas. At any rate we might try them. A failure would not make our situation worse. If such a one could be obtained we might await our own convenience for calling up the *casus fæderis*. I think it important that England should receive an overture as early as possible, as it might prevent her listening to terms of peace. If I recollect rightly, we had instructed Monroe, when he went to Paris, to settle the deposit; if he failed in that object to propose a treaty to England immediately. We could not be more engaged to secure the deposit than we are the country now, after paying 15. millions for it. I do expect, therefore, that, considering the present state of things as analogous to that, & virtually within his instructions, he will very likely make the proposition to England. I write my thoughts freely, wishing the same from the other gentlemen, that seeing &

considering the ground of each other's opinions we may come as soon as possible to a result. I propose to be in Washington on the 2d of October. By that time I hope we shall be ripe for some conclusion.

I have desired Mr. Barnes to pay my quota of expenses relating to the Marseilles cargo, whatever you will be so good as to notify him that it is. I wish I could have heard that Mrs. Madison's course of recovery were more speedy. I now fear we shall not see you but in Washington. Accept for her & yourself my affectionate salutations, & assurances of constant esteem & respect.

TO THE SECRETARY OF STATE
(JAMES MADISON.)

J. MSS.

MONTICELLO, Sep. 16, 1805.

DEAR SIR,—The enclosed letter from General Armstrong furnishes matter for consideration. You know the French considered themselves entitled to the Rio Bravo, & that Laussat declared his orders to be to receive possession to that limit, but not to Perdido; & that France has to us been always silent as to the Western boundary, while she spoke decisively as to the Eastern. You know Turreau agreed with us that neither party should strengthen themselves in the disputed country during negotiation; and Armstrong, who says Monroe concurs with him, is of opinion, from the character of the Emperor, that were we to restrict ourselves to taking the posts on the west side of the Missipi. & threaten a cessation of intercourse with Spain, Bonaparte

would interpose efficiently to prevent the quarrel going further. Add to these things the fact that Spain has sent 500. colonists to St. Antonio, & 100 troops to Nacogdoches, & probably has fixed or prepared a post at the Bay of St. Bernard, at Matagordo. Supposing, then, a previous alliance with England to guard us in the worst event, I should suppose that Congress should pass acts, 1, authorizing the Exve. to suspend intercourse with Spain at discretion; 2, to dislodge the new establishments of Spain between the Missipi. & Bravo; and 3, to appoint commrs. to examine & ascertain all claims for spoliation that they might be preserved for future indemnification. I commit these ideas merely for consideration, & that the subject may be matured by the time of our meeting at Washington, where I shall be myself on the 2d of October. I have for some time feared I should not have the pleasure of seeing you either in Albemarle or Orange, from a general observation of the slowness of surgical cases. However, should Mrs. Madison be well enough for you to come to Orange, I will call on you on my way to Washington, if I learn you are at home. Genl. Dearborne is here. His motions depend on the stage. Accept for Mrs. M. & yourself affectionate salutations.

P. S. I am afraid Bowdoin's journey to England will furnish a ground for Pinckney's remaining at Madrid. I think he should be instructed to leave it immediately, & Bowdoin might as well, perhaps, delay going there till circumstances render it more necessary.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

WASHINGTON, Oct. 11, 05.

DEAR SIR.—The only questions which press on the Executive for decision are whether we shall enter into a provisional alliance with England to come into force only in the event that *during the present war* we become engaged in war *with France?* leaving the declaration of the *casus federis* ultimately to us. Whether we shall send away Yrujo, Casacalvo, Morales? Whether we shall instruct Bowdoin not to go to Madrid until further orders? But we are all of opinion that the first of these questions is too important & too difficult to be decided but on the fullest consideration, in which your aid and council should be waited for. I sincerely regret the cause of your absence from this place, and hope it will soon be removed; but it is one of those contingencies from the effects of which even the march of public affairs cannot be exempt. Perhaps it would not be amiss to instruct Bowdoin to await at London further orders; because if we conclude afterwards that he should proceed, this may follow the other instruction without delay.¹

¹ On October 23d, Jefferson wrote to Madison:

“WASHINGTON, Oct. 23, '05.

“DEAR SIR,—Yours of the 20th came to hand last night. I sincerely regret that Mrs. Madison is not likely to be able to come on so soon as had been hoped. The probability of an extensive war on the continent of Europe strengthening every day for some time past, is now almost certain. This gives us our great desideratum, time. In truth, it places us quite at our ease. We are certain of one year of campaigning at least, and one other year of negotiation for their peace arrangements. Should we be now forced into war, it is become much

I am glad we did not intermeddle with Armstrong's decision against the insurance companies. I am told these companies have a great mixture of English subscribers. If so, the question becomes affected by the partnership. What is become of our hermitage? As you are in the neighborhood of Butler I presume the claim upon us could be easily settled & apportioned. Present my respects to Mrs. Madison & my prayers for her speedy & perfect re-establishment and accept yourself affectionate salutations.

more questionable than it was whether we should not pursue it unembarrassed by any alliance & free to retire from it whenever we can obtain our separate terms. It gives us time too to make another effort for peaceable settlement. Where should this be done? Not at Madrid certainly. At Paris; through Armstrong, or Armstrong & Monroe as negotiators, France as the mediator, the price of the Floridas as the means. We need not care who gets that: and an enlargement of the sum we had thought of may be the bait to France, while the Guadaloupe as the western boundary may be the soother of Spain, providing for our spoliated citizens in some effectual way. We may announce to France that determined not to ask justice of Spain again, yet desirous of making one other effort to preserve peace, we are willing to see whether her interposition can obtain it on terms which we think just; that no delay however can be admitted, & that in the meantime should Spain attempt to change the *status quo*, we shall repel force by force, without undertaking other active hostilities till we see what may be the issue of her interference. I hazard my own ideas merely for your consideration. The present state of things does not so far press as to render it necessary for you to do violence to your feelings by prematurely leaving Mrs. Madison. Accept for her & yourself my affectionate salutations.

"P. S. Let Mr. Smith know as you pass thro' Baltimore, & he will come on."

One day later, Jefferson wrote to the Secretary of the Navy:

"WASHINGTON, Oct. 24, 05.

"DEAR SIR,—Understanding from Mr. Madison that he would be here by the last of the week, I wrote to desire him to give you notice of his passing thro' Baltimore: but by a letter received yesterday it is probable he will have set out before my letter reaches him.

"The almost certainty which now appears of an extensive con-

TO THE SECRETARY OF THE TREASURY J. MSS.
(ALBERT GALLATIN.)

October 23, 1805.

Th. J. to Mr. Gallatin.

I send for your perusal another letter of Mr. Madison, which I will ask the favor of you to return immediately with the one sent on Saturday, and on which it is necessary to act.

The war on the Continent of Europe appears now so certain, and that peace is at least one year off, that we are now placed at our ease in point of time. We may make another effort for a peaceable accommodation with Spain without the danger of being left alone to cope with both France and Spain; and even if we are driven to war, it is now much more questionable than it was whether we had not better enter

tinental war in Europe changes our situation most advantageously, inasmuch as it ensures us another year's continuance at least of that war. Consequently we need be in no hurry to make any propositions to England, but may proceed at once to make another & last effort to bring Spain to a settlement; and even if we fail, it is now much more questionable than it was whether we had not better enter the war unembarrassed by any alliance, that we may withdraw separately as soon as our separate terms can be obtained. How & where to open new conferences is the question? Not in Spain certainly, nor with Spain. Will it not be better to make a friendly appeal to France, letting them understand it is a last effort for peace, settle through them a reasonable price for the Floridas, part money, part concession towards the Rio bravo, but securing *from Spain* the indemnification for spoliations by hypothecation until she pays principal & interest. We in the meantime paying our merchants their interest & guaranteeing the principal, so that they may sell the debt as stock for present relief. I hazard these new thoughts produced by the new circumstances, for consideration & consultation as soon as we can meet. Then also I wish to consult you on a plan of a regular naval militia to be composed of all our seafaring citizens, to enable us to man a fleet speedily by supplying voluntary enlistments by calls on that militia. Affectionate salutations."

into it without fettering ourselves with an alliance, that we may be free to retire whenever our terms can be obtained. Peace cannot now be made in Europe but by a general convention, and that will take best part of a twelvemonth to arrange. Our question now is in what way to give Spain another opportunity of arrangement? Is not Paris the place? France the agent? The purchase of the Floridas the means? Affectionate salutations.

TO WILSON CARY NICHOLAS

J. MSS.

WASHINGTON, Oct. 25, 1805.

DEAR SIR,—Immediately on my arrival here I examined my papers & found that I had delivered up to the Treasury the copy of the judgment against Robinson's administrators. I took the first opportunity therefore of speaking to Mr. Gallatin & desiring him to transmit it to you. He did not recollect the receipt of it, but promised to have it searched for, from him therefore you will receive it.

It seems now certain there will be an extensive war on the continent of Europe. We shall avail ourselves of the time which this event gives us to bring Spain peaceably to reason, & I believe there is a way of doing it with dignity & effect. Should it even fail, we shall still be in time to do ourselves justice if the case shall call for it. This new state of things is the more fortunate in proportion as it would have been disagreeable to have proposed closer connections with England at a moment when so much just clamour exists against her for her new encroachments

on neutral rights. Accept affectionate salutations & assurances of great esteem & respect.

CABINET DECISION ON SPAIN

J. MSS.

[Nov. 14, 1805.]

1. Spain shall cede & confirm to the US. East & West Florida with the islands & waters thereon depending & shall deliver possn. immedly.

2. The US. shall pay to Spain in the city of Madrid on delivery of possn. 5. M. D. within Months after the treaty shall have been ratified by Spain.

3. Spain & France to have the same privileges respecting trade in the Floridas as [*illegible*] in Louisa.

4. The boundary between the territories of Orleans & Louisiana on the one side & the domns. of Spain on the other shall be the river Colorado¹ from its mouth to it's source thence due N. to the highlands inclosing the waters which run directly or indirectly into the Missouri or Misipi rivers, & along those highlands as far as they border on the Span. domns.

5. The country between the Western boundary of the territories of Orleans on the one side—& Louis^a on the other (the Rio Bravo & Eastern or Salt river branch thereof Rio Colorado) from its main source & by the shortest coast to the highlands before ment^d as the sd. Western bound^y shall remain unsettled for 30 years from the date of this treaty.

6. Spain shall pay to the US. in the city of Washⁿ

¹ Here the MS. reads, "Guadaloupe, if to be obtd, Colorado if not," and then the words are struck out.

on or before the last day of Dec. 1807. 4. M^s D. as an indemnificⁿ & acquittance for all Spolians comm^d under her flag on the citizens of the US. prior to the 1st day of Nov. 1805. with interest thereon from the date of this treaty, & for the faithful perform^{ce} thereof she hypothecates to the US. the country described in the 5th article.

7. The US. in the mean time undertake to advance to their citizens the interest on their respective claims for such spolitns. to be settled by authority of the US. and in the event of a failure by Spain to pay the sd. 4. M. & inst. as before stipulated, the country described in the 5th Art. shall stand *ipso facto* vested in the US. who shall be ansable. to their citizens for their just demands as settled by the 7th Art., & all interest past & to come, so that Spain by the forfeiture of the sd. country shall stand liberated from all demands of principal or interest past or to come for the sd. spolians. but the US. shall permit no settlemt. within the sd. country for the term of 30. years before mentioned.

DRAFT OF FIFTH ANNUAL MESSAGE ¹

Dec. 3, 1805.

*To the Senate & House of Representatives of the U. S.
of America.*

At a moment when the nations of Europe are in commotion & arming against each other, when those

¹ The following are papers relating to this message. The first is endorsed "Dept. of State recd Oct. 25 Message."

"MADISON'S MEMORANDUM.

"(a) And which have been increased by peculiar circumstances in

with whom we have principal intercourse are engaged in the general contest, and when the countenance of some of them towards our peaceable country, the W. Indn. seas, yet in the more distant channels, at least of our trade.

“(b) The act authorizes &c. provisionally at least—a port &c. without the limits of the U. S. the words in () may be left out.

“(c) (On the part of Spain).

“(d) (Proper to suspend) will accord better with the case—as the 6th. atr. is also made a ground of suspension.

“(e) May reasonably be expected to replace the Spanish govt. in the disposition which originally concurred in the Convention.

“(f) (Manifestations).

“(g) (On proper) quer. if the last circumstance may not be omitted in so general a paragraph and left to be included in some particular message or taken up on informal suggestion.

“(h) Quer here as above.

“(i) (Effectual) is it not too strong?”

On Nov. 24, Jefferson wrote to Madison:

“How will it do to amend the passage respecting England to read as follows?

“New principles too have been interpolated into the Law of Nations, founded neither in justice, nor the usage or acknowledgement of nations. According to these a belligerent takes to itself a commerce with it's own enemy, which it denies to a neutral on the ground of it's aiding that enemy. But reason revolts at such an inconsistency. And the neutral having equal rights with the belligerent to decide the question, the interests of our constituents & the duty of maintaining the authority of reason, the only umpire between just nations impose on us the obligation of providing an effectual and determined opposition to a doctrine' (so injurious to peaceable nations).

“Will you give me your opinion on the above immediately, as I wish to send the paper to Mr. Gallatin? Should we not lay before Congress the act of parl. proving the British take the trade to themselves, & the order of council proving they deny it to neutrals?”

In Madison's hand, on the same sheet is written:

“Although it is strictly true as here applied that reason is the sole umpire, yet as G. B. abuses the idea, in order to get rid of the instituted L. of nations, and as it may not be amiss to invite the attention of other neutrals, suppose there be added after a doctrine 'as alarming to all peaceable nations as it is illegal (against all law) in itself,' or some similar expression. This however is merely for con-

threatens that even that may not be unaffected by what is passing on the general theatre, a meeting of the representatives of the nation in both Houses of consideration. The passage as it stands has a good countenance and is made of good stuff."

Madison also drew up some notes (indorsed: "Received Nov. 24, 05, Message") as follows:

"(a) After 'others' the insertion of 'with commissions,' seems necessary, as others refer to the armed vessels, not to commissns.

"(b) Instead of 'under the controul' it may be well to insert some such phrase as 'unreached by any controul' in order not to sanction a plea agst. indemnification, drawn from an acknowledgment on our part that the enormities were uncontrollable.

"(c) 'As unprofitable as immoral.' Seems to be applicable to both parties. Some such substitute as the following is suggested. 'As painful on one side as immoral on the other.'

"(d) It is suggested whether naming the ages, particularly that of 18 years may not be too specific, and perhaps incur premature objections. It might be generalized in some such manner as this, 'From the last Census it may be deduced that upwards of 300,000 able-bodied men will be found within the ages answering that character. These will give time for raising regular forces after the necessity of them shall become certain, and the reducing to the early period of life all its active service, cannot but be desirable to our younger citizens of all kinds, inasmuch as it engages to them in more advanced stages an undisturbed repose in the bosom of their families.'"

A second series of notes by Madison (indorsed "received Nov. 27, 05, Message") was:

"(a) 'Will become more able to regulate with effect their respective functions in these departments' instead of what is between the first ()"

At this point, Jefferson interlined this:

"Will become able to regulate with effect their respective functions in these departments. The burthen of quarantines is felt at home as well as abroad. Their efficacy merits examination. Although the health laws of the states should not at this moment be found to require a particular revisal by Congress, yet commerce claims that their attention be ever awake to them."

Madison's notes continue:

"(b) Omit what is between the 2d ()

"(a) The first alteration is suggested on the ground that an

Congress has become more than usually desirable. Coming from every section of our country, they bring with them the sentiments & the information of the whole, & will be enabled to give a direction to the

executive definition of the constitutional power of an Indept Branch of Govt may be liable to criticism.

“(b) The 2d on the ground that it takes, apparently, side with the sect of Infectionists. If ‘really infected’ be struck out after vessels, & ‘in a state dangerous to health’ were substituted or some other neutral phrase, the objection would be taken away.

“The pencilled words have reference to the idea & anxiety of some that the state laws should be revised.”

Yet a third of Madison’s notes (indorsed: “Received Nov. 28, 05. Resolns Spain”) reads:

“Resol 1. (Substitute within any part of the former Louisiana comprehend in the delivery of possession thereof to the U. S.)

“2. (Omit)—(substitute as may consist with the honor of the U. States) this change will look less towards advances by the U. S. to effect the adjustment.

“4. (Omit, as embarrassing and inefficacious).

“5. (Quer. if not unnecessary and provided for by the succedg resol.)

“6. (Omit, on the idea that with this specification amicable expense of adjustmt will be in fact authorized, with an apparent reference to the use of force previously authorized).

“The difficulty lies in covering an application of money to a *new purchase* of territory. As a means of adjustment it will be covered; but by a construction probably not entering into the views of Congs.”

To Gallatin, Jefferson had written:

“November 20, 1805.

“Th. J. to Mr. Gallatin.

“Can you be so good as to let me have the financial paragraph this morning, as there is not much more than time enough to submit the message successively to the different gentlemen for correction and then to have copies?”

“November 24, 1805.

“Th. J. to Mr. Gallatin.

“I send you the message to ask a scrupulous revisal, and as early an one as you can, because there does not remain more than time enough to submit it successively to the other gentlemen for their corrections, to make copies, &c. On reviewing what has been prepared

public affairs which the will & the wisdom of the whole will approve & support.

In taking a view of the state of our country, we, in the first place, notice the late affliction of two of our cities under the fatal fever which in latter times has

as to Great Britain and Spain, I found it too soft towards the former compared with the latter, and that so temperate a notice of the greater enormity might lessen the effect which the strong language towards Spain was meant to produce at the Tuileries. I have, therefore, given more force to the strictures on Britain."

"November 26, 1805.

"Th. J. to Mr. Gallatin.

"1. The concessions to Renault. As to those in the Territory of Indiana, that country having been claimed by England at all times, conquered in the war of 1755, and confirmed to her in 1763; conquered by the United States, and confirmed to them in 1783; and all ancient titles there settled and done with by authority of the United States; these claims of Renault are certainly at an end.

"2. As to those in Louisiana; I believe it has been a law as well as invariable usage with the Spanish government in that country to consider all concessions void which were not settled within one, two, or three years, which condition was often expressed in the grant, and understood where not expressed. O'Reilly's Ordinance is evidence of this policy and practice. But independently of positive law, prescription is a law of reason: if Renault ever took possession which does not appear, he has abandoned that possession more than sixty or seventy years, as appears by Austin's statement, which is that so long ago as 1738 these mines were considered as public property.

"3. As to the concessions in 1797 to Winter and others, exclusive of the fraud and illegality so obvious on their face, they bore the express condition of becoming void if not settled in a year.

"However, the commissioners of Congress (I believe) are to report titles for the ultimate decision of Congress. Whether it would be proper for us in the mean time to express sentiments which might discourage speculations is to be considered of.

"I have been sensible the passage on the yellow fever appeared bald, for want of a practical application. The real object being to bring important facts before foreign governments, an ostensible one was necessary to cover the reality. I have endeavored at it in the enclosed, as well as some other supplements suggested by you, of which I ask your consideration. Affectionate salutations,"

occasionally visited our shores. Providence in his goodness gave it an early termination on this occasion, & lessened the number of victims which have usually fallen before it. In the course of the several visitations by this disease, it has appeared that it is strictly local, incident to cities & on the tide waters only, incommunicable in the country either by persons under the disease, or by goods carried from diseased places: that it's access is with the autumn, and it disappears with the early frosts. These restrictions, within narrow limits of time & space, give security, even to our maritime cities, during three fourths of the year, & to the country always. Altho' from these facts it appears unnecessary, yet, to satisfy the fears of foreign nations, & cautions on their part not to be complained of in a danger whose limits are yet unknown to them, I have strictly enjoined on the officers at the head of the customs to certify with exact truth, for every vessel sailing for a foreign port, the state of health respecting this fever which prevailed at the place from which she sailed. Under every motive from character & duty to certify the truth, I have no doubt they have faithfully executed this injunction. Much real injury has however been sustained from a propensity to identify with this endemic, & to call by the same name, fevers of very different kinds which have always been known at all times and in almost all countries, & never have been placed among those deemed ~~infectious~~ contagious. As we advance in our knolege of this disease, as facts develop the source from which individuals receive it, the state authorities charged

with the care of the public health & Congress with that of the general commerce, will become able to regulate with effect their respective functions in these departments. The burthen of quarantines is at home as well as abroad. The efficacy merits examination. Altho' the health laws of the states should be found to need no present revisal by Congress yet, commerce claims that their attention be ever awake to them.

Since our last meeting the aspect of our foreign relations has considerably changed. Our coasts have been infested, and our harbors ~~blockaded~~ watched by private armed vessels, some of them without commissions, some with legal commissions, others with those of legal form, but committing piratical acts beyond the authority of their commissions. They have captured in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also. They have carried them off under pretence of legal adjudication, but not daring to approach a court of justice, they have plundered & sunk them by the way, or in obscure places, where no evidence could arise against them, maltreating the crews, & abandoning them in boats in the open sea, or on desert shores, without food or covering. These enormities ~~not~~ appearing to be ~~under the~~ unreached by any control of their sovereigns, I found it necessary to equip a force, to cruise within our own seas, to arrest all vessels of these descriptions found hovering on our coasts, within the limits of the Gulf stream, and to bring the offenders in for trial as

pirates. ~~The rumor of such an armament most of them they disappeared from our coasts, but they still carry on the same predatory practices in the neighboring seas. The subsequent disappearance has relieved the navigation on our coasts.~~

The same system of hovering on our coasts, & ~~beleaguering~~ our harbors, under color of seeking enemies, has been also carried on by public armed ships, to the great annoyance and oppression of our commerce. New principles too have been interpolated into the law of nations founded neither in justice, nor the usage or acknowledgement of nations, ~~which if pursued in practice, prostrate the navigation of the neutral and make him merely subservient to the purposes of a belligerent.~~ According to these, a belligerent takes to itself a commerce with it's own enemy, which it denies to a neutral on the ground of its aiding that enemy ~~to carry on~~ in the war. But reason revolts at such an inconsistency. And the neutral having equal right with the belligerent to decide the question, the interest of our constituents and the duty of maintaining the authority of Reason, the only umpire between just nations, impose on us the obligation of providing an effectual & determined opposition to a doctrine ~~so injurious to peaceable nations,~~ injurious to the rights of peaceable nations. Indeed the confidence we ought to have in the justice of others still countenances the hope ~~we ought still to hope that the respect for justice which all people profess to entertain,~~ that a sounder view of those rights will of itself induce from every belligerent a more correct observance of them.

With Spain our negotiations for the settlement of differences have not had a satisfactory issue. Spoliations during the former war for which she had formally acknowledged herself responsible, have been refused to be compensated, but on conditions affecting other claims in no wise connected with them. ~~Similar aggressions are now renewed & multiplied both in Europe & America.~~ Yet the same practices are renewed in the present war, and are already of great amount. On the Mobile our commerce passing through that river continues to be obstructed by arbitrary duties & vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. While however the right is unsettled, we have avoided changing the state of things, by taking new coasts, or strengthening ourselves in the disputed territories in the hope that the other power would not, by a contrary conduct, oblige us to meet their example, and endanger conflicts of authority, the issue of which may not be easily entirely controuled. But in this hope ~~too we have been disappointed:~~ now reason to lessen our confidence. Inroads have been recently made into the territories of Orleans & the Mississippi. Our citizens have been seized and their property plundered in the very parts of the former which had been actually delivered up by Spain, ~~the imprisonment of our citizens & plundering their property,~~ and all this by the regular officers & souldiers of that government. I have ~~obliged me~~ therefore found it necessary at length to give orders to our troops on that frontier to be in readiness to

~~give aid for the protection~~ protect our citizens, and to repel by arms any similar aggressions in future. Other ~~particulars~~ details necessary for your information of the state of things between this country & that, shall be the subject of another communication.

In reviewing these injuries from some of the belligerent powers, the moderation, the firmness & the wisdom of the legislature will all be called into action. We ought still to hope that time & a more correct estimate, of interests as well as of character, will produce the justice we are bound to expect. But should any nation deceive itself by false calculations and disappoint that expectation, we must join in the unprofitable contest, ~~as unprofitable as it is immoral~~, of trying which party can do the other the most harm. Some of these injuries may perhaps admit a peaceable remedy. Where that is competent it is always the most desirable. ~~We may suspend intercourse with nations which harass it by stem. We may tax the commerce of the wrong doers to relieve the individuals wronged. We may pass a navigation act, adapted to our position & circumstances, only avoiding to confound the just with the unjust.~~ But some of them are of a nature to be met by force only, & all of them may lead to it. I cannot therefore but recommend such preparations as circumstances call for. The first object is to place our seaport towns out of the danger of insult. ~~I have already given orders~~ Measures have been already taken for furnishing them with a ~~sufficient number~~ of heavy cannon on travelling carriages, for the service of such land batteries as ~~may prevent~~

~~armed vessels from approaching or injuring them~~
make a part of their defence against armed vessels
approaching them. In aid of these ~~will be requisite~~
it is desirable we should have a competent number of
gunboats: & the number, to be competent, must be
considerable. ~~Experience has proved their utility~~
~~no longer doubtful: and~~ If immediately begun, they
may be in readiness for service at the opening of
the next season. Whether it will be necessary to
augment our land forces, will ~~probably~~ be decided
by occurrences probably in the course of your
session. In the meantime you will consider whether
it would not be expedient, for a state of peace as well
as of war, so to organize or class ~~or~~ ~~marshall~~ the
militia, as would enable us on any sudden emergency,
to call for the services of the younger portions,
unencumbered with the old and those ~~burthened~~
~~with~~ having families. Upwards of three hundred
thousand able bodied men, between the ages of
eighteen & twenty-six years, which the last Census
shews we may now count within our limits, will furnish
a competent number for offence or defence, in any
point where they may be wanted, and will give time
for raising regular forces, after the necessity of them
shall become certain, and the reducing to the early
period of life all its active service, cannot but be
desirable to our younger citizens ~~of all times~~ of the
present ~~an to come~~ as well as future times, inasmuch
as it engages to them in more advanced ~~life~~ age a
quiet and undisturbed repose in the bosom of
their families. I cannot then but earnestly ~~exhort~~
~~you~~ recommend to ~~take under~~ your ~~earliest~~ early

consideration the expediency of so modifying our militia system as, by a separation of the more active ~~from the inactive~~ part from that which is less so, we may draw from it, when necessary, an efficient corps, fit for real and active service, & to be called to it in regular rotation.

Considerable provision has been made under former authorities from Congress, of materials for the construction of ships of war of 74 guns. These materials are on hand, subject to the further will of the legislature.

An immediate prohibition of the exportation of arms & ammunition is also submitted to your determination.

Turning from these unpleasant views of violence and wrong I congratulate you on the liberation of our fellow citizens who were stranded on the coast of Tripoli & made prisoners of war. In a government bottomed on the will of all, the life & liberty of every individual citizen becomes interesting to all. In the treaty therefore which has concluded our warfare with that state an article for the ransom of our citizens has been agreed to. ~~An operation by land, in conjunction with the ex-basha of~~ An operation by land, by a small band of our countrymen & others engaged for the occasion in conjunction with the troops of the ex-basha of that country, gallantly conducted by our late consul Eaton and their successful enterprise on the ~~important~~ city of Derne, contributed doubtless to the impression which produced peace: and the conclusion of this prevented opportunities of which the officers and men of our

squadron destined for Tripoli would have availed themselves, to emulate the acts of valour exhibited by their brethren in the attack of the last year. Reflecting with high satisfaction on the distinguished bravery displayed whenever occasions permitted in the late Mediterranean service, I think it would be an useful encouragement to make an opening for some present promotion, by enlarging our peace establishment of captains and lieutenants ~~to the number of frigates which were retained for service by the act of 1801.~~

With Tunis some misunderstandings have arisen not yet sufficiently explained ~~understood here.~~ But friendly ~~explanations~~ discussions with their ambassador, recently arrived, and a mutual disposition to do whatever is just & reasonable, cannot fail of dissipating these. So that we may consider our peace on that coast, generally, to be on as sound a footing as it has been at any preceding time. Still it will not be expedient to withdraw immediately the whole of our force from that sea.

The law providing for a naval peace establishment fixes the number of frigates which shall be kept in constant service in time of peace: and prescribes that they shall be manned by not more than two-thirds of their complement of seamen & ordinary seamen. Whether a frigate may be trusted to two-thirds only of its proper complement of men must depend on the nature of the service on which she is ordered. She may sometimes for her safety so as to insure her object, require her fullest complement. In adverting to this subject Congress will

perhaps consider whether the best limits on the executive discretion in this case would not be by the number of seamen which may be employed in the whole service, rather than the number of vessels. Occasions oftener arise for the employment of small rather than of large vessels: and it would lessen risk as well as expense to be authorized to employ them of preference. The limits suggested by the number of seamen would admit a selection of vessels best adapted to the service.

Our Indian neighbors are advancing, many of them, with spirit, & others beginning to engage, in the pursuits of agriculture & household manufacture. They are becoming sensible that the earth yields subsistence with less labor & more of certainty than ~~the~~ forest: and find it their interest from time to time to dispose of parts of their surplus & waste lands for the means of improving those they occupy, and of subsisting their families while they are preparing their farms. Since your last session the northern tribes have sold to us the lands between the Connecticut reserve & the former Indian boundary, and those on the Ohio, from the same boundary to the Rapids, & for a considerable depth inland. The Chickasaws & Cherokees have sold us their ~~rights north of the Tennessee, from the Ohio, to the Natchez road~~ country between the two districts of and adjacent to the two districts of Tennessee, and the Creeks the residue of their lands in the fork of Ocmulgee up to the Ulcofauhatche. The three former purchases are important, inasmuch as they consolidate disjoined parts of our settled country.

and render their intercourse secure: and the second particularly so, as with the small point on the river which we expect is by this time ceded by the Piankeshaws, it completes our possession of the whole of both banks of the Ohio, from its source to near its mouth, and the navigation of that river is thereby rendered forever safe in ~~all its parts~~ to our citizens settled & settling on its extensive waters. The purchase from the Creeks too has been for some time peculiarly interesting to the state of Georgia.

The several treaties which have been mentioned will be submitted to both houses of Congress for the exercise of their respective functions.

Deputations, now on their way to the seat of government, from various nations of Indians inhabiting the Missouri & other parts beyond ~~the~~ Mississippi ~~bring us~~ come charged with assurances of their satisfaction with the new relations in which they are placed with us, of their dispositions to cultivate our peace & friendship, & their desire to enter into commercial intercourse with us.

A state of our progress in exploring the principal rivers of that country, & of the information respecting them hitherto ~~received~~, obtained will be communicated so soon as we shall receive some further ~~particulars~~ relations which we have reason shortly to expect.

The receipts at the Treasury during the year ending on the 30th day of Sep. last have exceeded the sum of thirteen millions of Dollars, which, with not quite five millions in the Treasury at the beginning of the year, have enabled us after meeting other

demands, to pay nearly two millions of the debt contracted under the British treaty and convention, upwards of four millions of principal of the public debt, & four millions of Interest. These payments, with those which had been made in three years and an half preceding, have extinguished of the funded debt nearly eighteen millions of principal.

Congress, by their act of Nov. 10, 1803, authorized us to borrow 1,750,000 Dollars towards meeting the claims of our citizens assumed by the convention, with France. We have not however made use of this authority: because the sum of four millions and an half, which remained in the Treasury on the same 30th day of Sep. last, with the receipts which we may calculate on for the ensuing year, besides paying the annual sum of eight millions of Dollars, appropriated to redeem the funded debt as fast as the original contracts permit, & meeting all the current demands which may be expected, will enable us to pay the whole sum of three millions seven hundred & fifty thousand Dollars assumed by the French convention & still leave us a surplus of nearly a million of dollars at our free disposal. Should you concur in the provisions of arms & armed vessels recommended by the circumstances of the times, this surplus will furnish the means of doing so.¹

~~The duties composing the Mediterranean fund will cease, by the law which established them, three~~

¹ In margin and marked in pencil "not to be copied": "Forty thousand stand of arms four hundred thousand; one hundred gunboats three hundred thousand; towards building a seventy four to supply the Philada. & Greene three hundred thousand."

~~months after the ratification of a treaty of peace with the regency of Tripoli. The surplus already yielded by our permanent revenue renders unnecessary this addition to it. It might perhaps be thought improvident to discontinue taxes at a moment when we may want these & more for the purposes of war. But if we never discontinue taxes while there is a cloud of war visible in our horizon, all taxes will become perpetual. If war is to come upon us, we must meet it with system, into which this fragment of duty could enter for little or nothing. Whenever war supervenes, it will be the war of our constituents, which, forced on them by the injustice of other nations, we need not fear they will be wanting to their own interests & safety.~~

~~Considering however that the Mediterranean fund is levied on luxuries used chiefly by the rich, and that we have an impost on salt which falls more heavily on the poor, & especially on the farmer, I recommend to your consideration whether it would not be better to commute these duties, not materially different in amount by consolidating the Mediterranean with the general fund & suppressing instead of that the duty on salt.~~

On this first occasion of addressing Congress, since by the choice of my constituents, I have entered on a second term of administration, I embrace the opportunity to give this public assurance that I will exert my best endeavours to administer faithfully the executive department, & will zealously cooperate with you in every measure which may tend to secure the liberty, property & personal safety of our fellow-

citizens, & to consolidate the republican forms & principles of our government.

In the course of your session you shall receive all the aid which I can give for the despatch of the public business, and all the information necessary for your deliberations, of which the interests of our own country & the confidence reposed in us by others will admit a communication.

CONFIDENTIAL MESSAGE ON SPAIN : J. MSS.

Dec. 6, 1805.

To the Senate & House of Representatives of the U. S.:

The depredations which had been committed on the commerce of the U. S. during a preceding war, by persons under the authority of Spain, are sufficiently known to all. These made it a duty to require from that government indemnifications for our injured citizens. A convention was accordingly

*Transmitted to Congress with the following letter:

"SIR,—In order to give to Congress the details necessary for their full information of the state of things between Spain & the U. S. I send them the communication & documents now enclosed. Although stated to be confidential, that term is not meant to be extended to all the documents; the greater part of which are proper for the public eye. It is applied only to the message itself, & to the letters from our own & foreign ministers, which, if disclosed, might throw additional difficulties in the way of accommodation. These alone, therefore, are delivered to the legislature in confidence that they will be kept secret.

"Dec. 6th, 1805."

A paper in Jefferson's handwriting, entitled "Notes for Message," follows:

"File Dec. 2, 1805.

"As we omit in the 2d message to enumerate the aggressions of Spain & refer for them to the documents, we must furnish the documents for every Act, particularly

"1. The capture of the *Huntress*.

entered into between the minister of the U. S. at Madrid & the minister of that government for foreign affairs, by which it was agreed that spoliations

- "2. The carrying our gun boats into Algerinas.
 - "5—3. The late depredations on our commerce in Europe. Extracts from Pinckney's letters.
 - "5—4. Oppressions on our commerce at Mobile.
 - "5—5. Delays in the evacuation of N. Orleans.
 - "5—6. Dissemination of rumours of the probable restoration of Louisiana to Spain.
 - "7. The new post taken on the bay of St. Bernard.
 - "8. The reinforcement of Nacogdoches.
 - "9. The robbery near Apelousa.
 - "10. That at Bayou Pierre.
 - "11. The Pattroles established on this side Sabine.
 - "5—12. The aggression on the Missisipi territory in the case of the Kempers.
 - "5—13. The subsequent one in the case of Flanagan and his wife.
 - "5—14. The negociation at Madrid.
 - "No. 1. 2. from the Navy department.
 - "7. 8. 9. 10. 11. from the War office.
 - "4. 5. 6. from the offices both of War and State.
 - "3. 12. 13. 14. from the office of State.
- [Endorsed]: "President's list of documents for 1st session of Congress of 1805."

On the subject of Spain, Jefferson drew up the following paper for cabinet consideration:

For consideration and correction. Th. J.

"1. Resolved, that no armed men, not being citizens of the United States ought to be permitted to enter or remain, nor any authority to be exercised but under the laws of the United States, within the former colony or province of Louisiana in the extent in which it was in the hands of Spain.

"2. Resolved, that as to the residue of the said 'former colony or province of Louisiana, in the extent it had when France possessed it,' a peaceable adjustment of that extent is most reasonable and desirable, so far as it can be effected consistently with the honor of the United States.

"3. Resolved, that pending measures for such peaceable adjustment, neither party ought to take new posts therein, nor to strengthen those they held before the 1st day of October, 1800, and, that any

committed by Spanish subjects & carried into ports of Spain should be paid for by that nation; & that those committed by French subjects, & carried into

proceeding to the contrary on the part of Spain ought to be opposed by force, and by taking possession of such posts as may be necessary to maintain the rights of the United States.

"4. Resolved, that the subjects of Spain still on the Mississippi and its waters ought to be allowed an innocent passage, free from all imposts, along that part of the river which passes through the territory of the United States. And the citizens of the United States on the Mobile and its waters ought to be allowed an innocent passage, free from all imposts, along that part of the river below them which passes through the territory still held by Spain, but claimed by both parties;

"Or that imposts should be levied for and by the United States on the navigation of the Mississippi by Spanish subjects, countervailing those which may be levied for and by Spain on the navigation of the Mobile by citizens of the United States.

"And that the navigation of the Mississippi by Spanish subjects should be prohibited whensoever that of the Mobile by citizens of the United States shall be prohibited.

"5. Resolved, that in support of these resolutions, and of the consequences which may proceed from them, the citizens of the United States, by their Senate and Representatives in Congress assembled, do pledge their lives and fortunes; and that the execution of these resolutions be vested with the President of the United States.

"6. Resolved, that for carrying these resolutions into effect, whether amicably or by the use of force, the President be authorized to apply any moneys in the Treasury of the United States not otherwise appropriated.

"7. Resolved, that the President of the United States ought to be authorized by law to employ the armed vessels of the United States which may be in commission, for restraining the irregularities and oppressions of our commerce, other than those which amount to piracy, by privateers cruising within the Gulf Stream, in the Gulf itself, or among the islands bordering on it, and that a bill be brought in for that purpose."

After consideration, he sent a revision to Gallatin, with the following letter:

"December 4, 1805.

"Th. J. to Mr. Gallatin.

"Enclosed is a revised edition of the Spanish resolutions, in which you will find most of your ideas conformed to. That respecting money is omitted; that it may be provided in the way you suggest. In the

Spanish ports should remain for further discussion. Before this Convention was returned to Spain with our ratification, the transfer of Louisiana by France

message, also, I have adopted all your amendments except the last, which respected merely the arrangement of the phrases, and could not be satisfactorily altered."

The enclosure was:

"1. Resolved by the Senate and House of Representatives of the United States, that the indemnities for which Spain is answerable to citizens of the United States for spoliations and wrongs committed in violation of the law of nations or of treaty, are objects too just and important not to be pursued to effect by the United States.

"2. Resolved, that no armed men, subjects of any foreign power, ought to be permitted to enter or remain, nor any authority but of the United States to be exercised, within the former colony or province of Louisiana, in the extent in which it was delivered by Spain under the Treaty of St. Ildefonso.

"3. Resolved that as to the residue of the said former colony or province of Louisiana, and provisions necessary to avoid future collisions and controversies, an equitable adjustment is most reasonable.

"4. Resolved, that pending any measures for such adjustment neither party ought to take new posts therein, nor to strengthen those they held before the 1st day of October, 1800, and that any proceeding to the contrary on the part of Spain ought to be opposed by force, and by taking possession of such posts as may be necessary to maintain the rights of the United States.

"5. Resolved &c., that the subjects of Spain still on the Mississippi and its waters ought to be allowed an innocent passage, free from all imposts, along that part of the river below them which passes through the territory of the United States and the citizens of the United States on the Mobile and its waters ought to be allowed an innocent passage, free from all imposts along that part of the river below them which passes through the territory still held by Spain, but claimed by both parties.

"6. Resolved, that a copy of these resolutions be presented to the President of the United States for his approbation, with an assurance that he will receive from the Legislature the support necessary for carrying them into execution."

Still later, on this matter, he wrote to Gallatin:

"Saturday, December 7, 1805.

"J. Randolph has just called to ask a conversation with me, for which purpose he will be with me tomorrow morning; everything therefore had better be suspended till that is over."

to the U. S. took place, an event as unexpected as disagreeable to Spain. From that moment she seemed to change her conduct & dispositions towards us. It was first manifested by her protest against the right of France to alienate Louisiana to us, which however was soon retracted, and the right confirmed. Then high offence was manifested at the act of Congress establishing a collection district on the Mobile, altho' by an authentic declaration immediately made, it was expressly confined to our acknowledged limits. And she now refused to ratify the Convention signed by her own minister under the eye of his sovereign, unless we would relinquish all consent to alterations of it's terms which would have affected our claims against her for the spoliations by French subjects carried into Spanish ports.

To obtain justice, as well as to restore friendship, I thought a special mission advisable, & accordingly appointed James Monroe, Minister Extraordinary & Plenipotentiary, to repair to Madrid, & in conjunction with our minister resident there, to endeavour to procure a ratification of the former Convention, & to come to an understanding with Spain as to the boundaries of Louisiana. It appeared at once that her policy was to reserve herself for events, & in the meantime to ~~avoid all explanations and engagements~~ to keep our differences in an undetermined state. This will be evident from the papers now communicated to you. After ~~yielding to their delays until their object could no longer be doubted~~ nearly five months of fruitless endeavor to bring them to some definite ~~accommodation~~ and satisfactory result

our ministers ended the conferences, without having been able to obtain indemnity for spoliations of any description, or any satisfaction as to the boundaries of Louisiana, other than a declaration ~~on their part~~ that we had no rights Eastward of the Iberville, and that our line to the west was one which would have left us but a string of land on that bank of the river Mississippi. Our injured citizens were thus left without any prospect of retribution from the wrong-doer; & as to the boundary each party was to take its own course. That which they have chosen to pursue will appear from the documents now communicated. They authorize the inference that it is their intention to advance on our possessions until they shall be repressed by an opposing force. Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided. I have barely instructed the officers stationed in the neighborhood of the aggressions to protect our citizens from violence, to patrol within the borders actually delivered to us, & not to go out of them but when necessary to repel an inroad, or to rescue a citizen or his property. And the Spanish officers remaining at New Orleans are required to depart without further delay. It ought to be noted here that since the late change in the state of affairs in Europe, Spain has ordered her cruisers & courts to respect our treaty with her.

The conduct of France, & the part she may take

in the misunderstandings between the U. S. & Spain, are too important to be unconsidered. She was prompt and decided in her declarations that our demands on Spain for French spoliations carried into Spanish ports, were included in the settlement between the U. S. and France. She took at once the ground that she had acquired no right from Spain & had meant to deliver us none, Eastward of the Iberville: her silence as to the Western boundary leaving us to infer her opinion ~~in favor of our claims to the Rio Bravo: & we know that her commissary had orders to require possession to that river~~ might be against Spain in that quarter. Whatever direction she might mean to give to these differences, it does not appear that ~~is sufficient reason to believe I am satisfied~~ she has ~~not~~ contemplated their proceeding to actual rupture, or that, at the date of our last advices from Paris, her government had any suspicion of a hostile attitude Spain had taken here. On the contrary we ~~are without a doubt~~ have reason to believe that she was disposed to effect a settlement on a plan analogous to what our ministers had proposed, & so comprehensive as to remove as far as possible the grounds of future ~~misunderstanding~~ collision & controversy on the Eastern as well as Western side of the Mississippi.

The present crisis in Europe is favorable for pressing such a settlement: & not a moment should be lost in availing ourselves of it. Should it pass unimproved, our situation would become much more difficult. Formal war is not necessary. It is not probable it will follow. But the protection of our

citizens, the spirit and honor of our country, require that force should be interposed to a certain degree. It will probably contribute to advance the object of peace.

But the course to be pursued will require the command of means which it belongs to Congress exclusively to yield or to deny. To them I communicate every fact material for their information, & the documents necessary to enable them to judge for themselves. To their wisdom then I look for the course I am to take, and will pursue with sincere zeal that which they shall approve.

TO J. P. REIBELT

J. MSS.

WASHINGTON, Dec. 21, 05.

SIR,—During the sitting of the legislature, & especially at it's commencement it is rare that I can find a moment for my private correspondence. Hence my tardiness in acknowledging the receipt of your favors of the 3d 16th & 19th.

I had often thought on the subject you propose as to the mode of procuring German emigrants to take the place of our blacks. To this, however, the state legislatures are alone competent, the general government possessing no powers but those enumerated in the Constitution, and that of obtaining emigrants at the general expense not being one of the enumerated powers. With respect to the state governments, I not only doubt, but despair, of their taking up this operation, till some strong pressure of circumstance shall force it on them. The same may be said as to

the Merino sheep. Congress could not, by our Constitution give one dollar for all in Spain, because that kind of power has not been given them. It is probable that private exertions will transplant & spread them. I have possessed the breed several years, and have been constantly distributing them in my neighborhood. Colo. Humphreys brought over 50 from which stock he is furnishing great numbers. * * *

A BILL FOR ESTABLISHING A NAVAL MILITIA ¹

[Dec. 1805.]

Be it enacted etc. that every free, able-bodied, white, male citizen, of the U. S. of 18. years and

¹ A first draft of this bill, dated Sept 2^d was as follows:

"A Bill for Establishing a Naval Militia.

"Be it enacted etc. that every free able-bodied, white male citizen of the U. S. of the age of 18. years & under the age of 45. years, whose principal occupation is on the high sea or on the tide-waters within the U. S. shall be of the militia for the naval service of the U S. and shall be exempt from the services of the land Militia.

"The persons so to constitute the said naval militia shall be enrolled in the several ports, harbours, or towns thereto adjacent, to which they belong or are most convenient by their names, ages, places of birth & abode, & personal descriptions, with the date of their enrollment & shall be formed into companies each to be commanded by a Lieutenant to be appointed by the authority of the state to which such company belongs.

"It shall be the duty of the Lieu^t of each port, harbour, or town thereto adjacent to enrol in a book to be kept by him for that purpose all persons who by this act are made naval militiamen, belonging to his said port or harbour, or within the limits assigned as most convenient to the same, registering in a distinct page or part of his book those of every different year of age from 45. down to 18 and whenever a person enrolled in one port of the U S. shall remove to another, the enrolling officer of the latter port shall immediately enter him on his book, noting

under 45. whose principal occupation is on the high sea, or on the tide-waters within the U. S. shall be of the militia for the naval service of the U. S. and shall be exempt from the services of the land militia.

the date & place of his former enrollment, in addition to the other circumstances before prescribed.

"In deciding on the ages of persons to be enrolled, the officer shall make up his judgment from the information of the party himself, from such other information as he can obtain & from his own inspection.

"Every person enrolled shall be entitled to receive from the officer possessing the book of enrollment, an authenticated transcript from the same of the entry respecting himself on payment of 25 cents, & to have the same renewed on the same condition from time to time when lost or destroyed, which shall exempt him from discipline duties at the port of his former enrollment, and from the duties of the land militia; & shall be considered otherwise as instead of the certificate of citizenship heretofore given by the Collectors of the Customs; which certificates shall here-after cease to be given.

"Every enrolling officer shall, on, or immediately after the 1st day of October in every year make a return of his roll to the Secretary of the Navy of the U S. according to it's actual state as affected since the last return by age, discharge, death removal, new enrollments or otherwise.

"It shall be the duty of the sd. officers, on 6 days of every year to discipline the men under their command who may be within their limits at the time to the use of artillery or the manœuvring of gun-boats or other armed vessels assigned to the defence of their port or confided to their use, and all acts of disobedience or failure in duty herein, in either officers or men, shall be liable to the same pains, penalties & coercion & to trial by a court martial consisting of three commissioned officers at least of the Naval Militia as are provided in the corresponding cases, by the laws for the government of the land Militia of the U S.

"In cases of insurrection, of opposition to the civil authority, or of sudden attack by an enemy happening in any port, harbour or town on the tide-waters, or on the coasts in their vicinities, all persons then & there being who make a part of the sd. Naval Militia, whether of the same or of any other place, shall be liable to be called on to do duty with artillery or on board any armed vessels, for the special occasion of quelling the insurrection, enforcing obedience to the civil authority or resisting the attack. And in time of war, either actual or imminent, all under [35] years of age, wheresoever they shall happen to be within the jurisdiction of the U S. shall be liable to be called on in such proportion of their whole number as circumstances may require, to perform tours of duty not exceeding one year in any [two] on board of any

The persons so to constitute the said naval militia shall be enrolled in the several ports or harbours, or the towns or country thereto adjacent, to which they belong or are most convenient, by their names, the of the public armed vessels of the US. in which the sd. militia officers, in subordination to the regular officers of the US. of equal or superior grade shall have the immediate command & care of them. And if any person so called on shall refuse or unnecessarily delay to enter on duty he shall be arrested as a deserter either by the civil or military authority, delivered to the proper military officer & either punished as a deserter or compelled to perform his tour of duty: but any person so called on may commute his personal service by tendering an able bodied free white man a citizen of the US. fit for the service in the Judgment of the officer who is to command him, and willing to engage therein. And all persons while engaged in the performance of a tour of duty, shall have the pay & rations allowed in the navy of the US. & be subject to the rules & regulations and articles provided for the government of the same."

Concerning this, and the following bills, Jefferson wrote:

"November 3, 1805.

"Th. J. to Mr. Gallatin.

"I wish for an *à peu près* of the number of seamen we call ours. I suppose the best way of estimating will be by our tonnage, including coasters, bay and river craft, and everything employed on the tide-waters. Can you assist me with the materials for such an estimate? It is of some importance for my bill for a naval militia; that and the one for the land militia I will send you for consideration as soon as you can assist me as above."

These notes of Jefferson seem to be the basis of the bills:

"November 1805.

"The best ground for estimating the number of seamen of the United States to be enrolled under the Act for establishing a naval militia is the tonnage of our vessels. The latest return of tonnage states it to have been on the 31st. of December, 1803, as follows.

		tons
Registered tonnage employed in foreign trade		585,909
In the whale-fisheries,	12,389	
Cod-fisheries,	50,969	
	<hr/>	63,358
In the coasting trade,		<hr/> 267,787
		<hr/> 917,054

dates & places of their births, their abodes & personal descriptions: which enrollment shall be made by such person as the Pres. of the U. S. shall authorize in each place in a book to be kept by him for that

“We are supposed to employ usually in navigating our vessels about 6 men to every 100 tons. But allowing for those who are not free white citizens within the military age, we may estimate 5 to the 100 tons.

 5

 45,852

To these should be added the seamen then in our navy, and those employed on the tide-waters within the United States, which we may safely state as making the whole number amount to

 50,000

“An Estimate of the Land Militia of the United States.

“The census of 1800 gave us of free white males of

16 and under 26 384,554

of 26 and under 45 423,836

Our military age excluding those under 18, we must from the number 384,554

deduct those in their 17th and 18th years, which, by Buffon's tables, will be 80,405

Remain of the age of 18 and under 45, to wit, the minor and junior classes, 304,149

“Our census of 1790 and 1800 having showed our increase to be in a geometrical ratio of $3\frac{1}{2}$ per cent. per annum, the increase from 1800 to 1805 is

 54,184

leaving our whole number of free white males from 18 to 26 in 1805 358,333

From these are to be deducted the naval militia-men, but far the greater part of those employed in the foreign trade and whale-fisheries being always absent, it is believed that not half of them were included in the census. Those supposed included, then, are 35,000, of which, according to Buffon, those of 18 and under 26 will be only 11,711

 leaving of free white landsmen from 18 to 26 in 1805 346,622

From these are still to be deducted those not able-bodied: suppose them 1 to 10, 34,662

 leaving of free, white, able-bodied landsmen of 18 and under 26 311,960

“To find what proportions of these will be of the minor

purpose, without delay as to those now within the descriptions of this act, and from time to time as to others, who shall thereafter become so, always registering the date of the enrolment, and placing in a distinct page or part of the book those born within the limits of one & the same year of the Christian aera. And whenever a person enrolled in one part of the U S. shall remove to another, the enrolling officer of the latter port shall immediately enter his name on his book, noting the date & place of his

and what of the junior class, we are to inquire, of 311,960 persons of 18 and under 26 years of age, how many will there be of each different year of age? Buffon's tables resolve them as follows: As 84,589 in Buffon from 18 to 26: to 311,960 in the United States of the same age: so are 11,014 in Buffon in their 19th year: to x, the number in the United States in their 19th year; then

$$x = \frac{311,960}{84,589} \times 11,014 = 3.69 \times 11,014. \text{ Consequently those in their}$$

	Buffon's Nos.	in U. S.	
19th year will be	3.69	$\times 11,014 = 40,619$	}
20th " " "	"	$\times 10,919 = 42,267$	
21st " " "	"	$\times 10,768 = 39,712$	
22d year will be	3.69	$\times 10,675 = 39,368$	}
23d " " "	"	$\times 10,514 = 38,775$	
24th " " "	"	$\times 10,380 = 38,281$	
25th " " "	"	$\times 10,259 = 37,834$	
26th " " "	"	$\times 10,060 = 37,100$	
		311,956	= 191,358 of the 311,956 junior class

"To obtain the respective numbers of the middle and senior classes, the census of 1800 gave for both

Add the increase from 1800 to 1805,	423,836
	75,506
	499,342
from which are to be deducted seamen from 26 to 45,	23,289
	476,053
deduct those also not able-bodied, suppose 1 in 10,	47,605
	428,448

"Buffon's tables make the numbers of 26 and under

former enrolment, in addition to the other circumstances before prescribed, and all questions between the enrolling officers of the land and Naval Militia, whether a citizen belongs really to the one or the other service, shall be decided by the Executive authority of the state.

Every person enrolled shall be entitled to receive from the officer possessing the book of enrolment an authenticated transcript from the same, of the entry respecting himself, on payment of 25 cents, and to have the same renewed on the same condition from time to time, when lost or destroyed, which shall exempt him from the duties of the land militia, & shall be considered otherwise as instead of the

35 = 84,182, and those of 35 and under 45 = 84,018. These are so nearly equal that we may consider the middle class one-half, to wit,		214,224
and the senior class one half, to wit		214,224
	Recapitulation.	
Naval militia,		50,000
Land militia, minor class,	120,598	
junior “	191,358	
middle “	214,224	
senior “	214,224	740,404
		<hr/> 790,404

On Dec. 31, 1805, Jefferson wrote to Dearborn:

“Considering that the important thing is to get the militia classes so that we may get at the young for a year’s service at a time, and that training may be supplied after they are called out, I think we may give up every part of the bill which respects training & arming. Let us once get possession of the principle, & future Congresses will train & arm. In this way we get rid of all those enemies to the bill to whom different details would be objectionable. I send you the bill thus modified, & I have thrown in a few words in the clause beginning with the words ‘The junior class shall be liable &c.’ in order that the law may execute itself without waiting for any legislature. Will you be so good as to communicate it to General Varnum & Mr. Bidwell? The sooner the better.”

certificate of citizenship heretofore given by the Collectors of the Customs, which certificates shall hereafter cease to be given.

Every enrolling officer shall on or immediately after the 1st day of October in every year, make a return of his roll to the Secretary of the Navy of the U. S. according to it's actual state as affected since the last return, by age, discharge, death, removal, new enrolments or otherwise.

The 1d. Naval Militia of each port & of the town & Country thereto adjacent to which they belong shall be distributed into sections, each of which sections shall consist of all those individuals born within the limits of the same year of the Christian aera, & shall be distinguished by the name of the year of their birth: and in cases of insurrection, of opposition to the civil authority or of sudden attack, either actual or imminent, in any port, harbour, or town on the tide-waters, or on the coasts or shores in their vicinities, all persons then and there being who make a part of the said militia, whether of the same or any other place, shall be liable to be called on by the President of the U S. or the person invested by him with authority for that purpose, to do duty with artillery, or on board any armed vessels, for the special occasion of quelling the insurrection, enforcing obedience to the civil authority, or resisting the attack as the case may be. Such call shall be made on them by sections, in the numbers which the exigency may require by regular rotation in the numerical order of the years of their birth, and for a term not exceeding months: &

non-residents shall always make a part of the section of the respective year of their birth.

The said Sections when called into service, shall be organized & officered by the state authority, suitably to the service they shall be called to, whether with Artillery or on board any armed vessels, and while engaged in the performance of a tour of duty shall have the pay & rations allowed in the navy of the U S. and be subject to the rules, regulations, & articles provided for the Government of the same.

AN ACT FOR CLASSING THE MILITIA AND ASSIGNING
TO EACH CLASS ITS PARTICULAR DUTIES

Be it enacted, &c., That every free, able-bodied white male citizen of the United States of the age of 18 years and under the age of 45, whose principal occupation is not on the high sea or the tide-waters within the United States, shall be of the militia for the land service of the United States.

Enrolment. The persons so to constitute the land militia shall be enrolled by their names and ages and their proper districts, and in books to be kept for that purpose; such enrolment to be made without delay of those now within the description, and from time to time as to others who shall hereafter become so, always noting the date of the enrolment, and placing in a distinct page or part of the book those of every different year of age, from 45 down to 18. In deciding on the ages of the persons to be enrolled, the officer shall make up his

judgment from the information of the party himself, and from such other information as he can obtain, and where this is not satisfactory, then from his own inspection.

Classification. The said militia shall be distributed into classes as follows, to wit: the junior class shall be composed of those above 21 and under 26 years of age; the middle class of those above 26 and under 35 years of age; the senior class of those above 35 and under 45 years of age; and those above 18 and under 21 years of age shall compose the minor class.

Their training. The junior and minor classes shall each have their separate captains and other inferior officers, those for the juniors being selected with a view to actual service, and shall be strictly trained to the exercises and manœuvres of a soldier, either of artillery, infantry, or cavalry, as may be lawfully designated; for which purpose they shall be mustered and trained one whole day in every month of the year, two of which musters shall be in battalion and the others in companies. The captains of the said two classes, with the general and field officers having command over them, shall form a district court-martial for the rigorous enforcement of the duties of attendance and training. Each person of the said junior class shall be furnished with a good musket, bayonet, and cartridge-box at the public expense, so soon as they can be provided, which, except where he shall be of the cavalry or artillery, he shall be bound to produce in good order at every muster of which he shall be, so long as he

shall be under the age of 45 years, after which it shall be his property.

Where, at the passing of this Act, any members of the militia shall be in the possession of such arms provided by his State or Territory, or by himself, the same shall be reviewed and valued by some person appointed on the part of the United States and if found in perfect order and of proper calibre, they shall be paid for by the United States if such be the choice of the party furnishing them, and shall thereafter be in the hands of the holder as the property of the United States, under the same trust and right as if they had been originally furnished him by the United States.

The middle class shall in like manner be formed into companies by themselves, to be commanded by their own captains and other inferior officers; they shall be mustered and trained twice only in the year in companies, and once in battalion. The senior class, in distinct companies also, and under its own captains and other inferior officers, shall be mustered and trained one day in the year only in companies, and one in battalion; and both the middle and senior classes shall be under the jurisdiction of their captains, formed into one and the same court-martial, with the general and field officers having command over them.

Actual service. The junior class shall be liable to perform all active military service within the United States, or the countries { next adjacent }
{ in their vicinity } by tours of duty not to exceed one year in any two; and in

order that the said services may be required of them equally, those of every { company } shall be divided { battalion } by lot into ten parts or portions, as nearly equal as may be, each portion to be distinguished by its particular number, from 1 to 10 and to be called into duty in the order of their numbers, such call extending to so many numbers as the exigency may require; and every person so called on may be assigned to the service of the artillery, infantry, cavalry, or of any other description as the competent authority shall direct.

The middle class shall be liable to be called on to do duty within their State only, or in one of the adjoining States; and that by tours not exceeding three months in any year; for which purpose they shall be distributed into portions and numbers, and called on in routine, as is provided in the case of the junior class.

The senior and minor classes shall be liable to be called on to do duty within their own State only, and by tours not exceeding three months in any year; and they shall be separately distributed into portions and numbers, and called on in routine as provided for the other classes.

Exemptions from militia duty shall only extend to the ordinary duties of mustering and training after having entered the middle or senior class. Such exempts shall nevertheless be enrolled in their classes and numbers, and, when called on for actual military service, shall be bound as others are to perform their due tours.

If any person called on to do the actual duties of his class shall refuse or unnecessarily delay to enter on duty, he shall be arrested as a deserter either by the civil or military authority, shall be delivered to the proper military officer, and either punished as a deserter, or compelled to perform his tour of duty; but any person so called on may commute his personal services by tendering as a substitute an able-bodied free white man fit for the service in the judgment of the officer who is to command him, and willing to engage therein. And all persons while engaged in the performance of a tour of duty shall have the pay and rations allowed in the army of the United States, and be subject to the rules, regulations, and articles provided for the government of the same.

All provisions in any law of the United States, or of any particular State or Territory, inconsistent with those of this Act, are hereby repealed; and all provisions in the laws of the United States, or of any particular State or Territory, not inconsistent herewith, shall be understood to be left in force, and liable to alteration by their respective enacting authorities.

WO URIAH TRACY.¹

J. MSS.

Jan., 1806.

SIR,—I have received your letter of Dec. 31 wherein on behalf of a committee of the Senate charged to inquire concerning the characters and

¹ Endorsed: "(Not sent)."

qualifications of Peter Walsh, Joseph Deville Bellechasse & others for the offices to which they are nominated you desire "that I will cause to be laid before them the proper information on the subject."

It is with real pain that I feel a difficulty in complying with the desires of a committee for whom I have the most unqualified respect. My nominations are sometimes made on my own knolege of the persons; sometimes on the information of others given either voluntarily, or at my request & in personal confidence to me. This I could not communicate without a breach of confidence, not I am sure, under the contemplation of the committee. They are sensible the Constitution has made it my duty to nominate; and has not made it my duty to lay before them the evidences or reasons whereon my nominations are founded: & of the correctness of this opinion the established usage in the intercourse between the Senate & President is a proof. During nearly the whole of the time this Constitution has been in operation I have been in situations of intimacy with this part of it & may observe from my own knolege that it has not been the usage for the President to lay before the Senate or a committee, the information on which he makes his nominations. In a single instance lately, I did make a communication of papers, but there were circumstances so peculiar in that case as to distinguish it from all others.

To this I must further add that a just solicitude to cover from all hazard that cordial good will which it is so vitally interesting to our country should ever

subsist between its highest functionaries has led the two houses, as far as can be collected from their practice, to reserve to their own discretion alone to decide what official applications on their part shall be made to the President directly. It does not appear that that authority has been yielded to a committee.

TO THE SECRETARY AT WAR

J. MSS.

(HENRY A. DEARBORN.)

Jan. 6, 1806.

DEAR SIR,—Colo. Hawkins has just put into my hands the papers respecting the claim of the Creek nation on behalf of Emantlau Thlucco, from whom two horses were stolen within the Indian limits by Harris & Allen citizens of the U. S., the former of whom has fled out of the U. S. leaving no property & the other is dead insolvent: he communicated to me also the Attorney general's opinion on the case. This case being of importance as a precedent, I have considered it maturely under the law, the treaty & the principles which prevail between independent nations; the Creeks being in law as well as in fact an independent nation.

The opinion of the Atty Genl is unquestionable, considering the case as it relates to the offending individuals. The laws have reserved to all our citizens, charged within our jurisdiction with any crime or misdemeanor wheresoever committed, a right of being tried by a jury, before a court of competent authority, before they can be punished.

Whether prosecuted capitally, or for the penalty of double value, the sentence of a court could alone subject them to evil. Accordingly the 15th § of the act of Congress provides explicitly how, where the offender may be tried, convicted & punished, and evidently confines its views to the proceedings against the citizen solely. But when death, flight, insolvency, or other accident puts the offender out of the way, it then becomes a question between nation & nation, between whom the municipal laws of evidence of either can have no bearing on the other. The same law therefore in it's 4th § only declares that *if the offender be unable to pay* for the property he has taken from an Indian, the U. S. shall pay, without saying where the fact shall be tried or on what evidence; and in it's 14th § enacts that if an Indian shall take property within our limits, the superintendent being furnished with *the necessary documents & proofs*, shall demand satisfaction from the Indian nation, without specifying that these must be such documents & proofs as would be required by our municipal law, to which the Indian nation is not at all subject. The proofs then of course are to be such as are usually resorted to between nation & nation, that is to say public documents, depositions, affidavits, certificates, letters, parol evidence, or even common report. All of these are freely adduced between nations, each of them is weighed in the scales of reason & experience, and according to the aggregate impression they make on the common sense of mankind, they are estimated in determining the belief or disbelief of the fact.

Neither party thinks of calling the other to a trial of the fact in a court of its own, where it would be both party and judge. The constitutional organs for foreign relations of the two nations compose jointly the competent tribunal. The instruction therefore given originally by a preceding executive to the agent for Indian affairs, appears to have been well weighed when it directs him to ascertain, *by the best evidence in his power*, the value of the property taken: and of course authorizes him to receive, as well the testimony of Red men, given in what they deem the most solemn manner, as such other evidence as can be obtained, and may be of any weight in the common judgment of mankind towards producing a belief or disbelief of the fact in question. This is the only practical construction which can be given of the act of Congress, which never could be carried into execution in this part if a strict conformity with our municipal laws were requisite, because such evidence as is required by our courts of justice between citizen and citizen could never be had in the cases now under consideration. The law therefore, wisely and justly, avoids specifying the evidence, and leaves the fact to be settled agreeably to the usage of nations. Here then the Creeks affirm that property has been taken from one of their nation, that this cannot be recovered in our courts of justice by the individual injured because one offender is dead, the other fled & no property of either existing; & the law says, *if the offender is unable*, payment shall be made out of the Treasury of the U. S. The Superintendent therefore, according

to his instructions, is "to ascertain the fact affirmed by the Creeks, by *the best evidence in his power*, and make report of the same & of the case to the Department of War that justice may be done." I do not see any cause for changing the course of proceeding so established, but on the contrary I believe it to be right & lawful & that it ought to be pursued in this instance.

TO WILLIAM A. BURWELL

J. MSS.

WASHINGTON, Jan. 15 1806.

DEAR SIR,—Your favor of Dec. 26th was duly received, as also the correspondence therein referred to. Mr. Coles delivered me to-day your request of a copy of the Parl. manual for yourself, and another for the speaker. I therefore send one to each of you in separate packages by this post. You will have seen an account in all the papers (with so many details, as to make one forget for a moment that they never utter a truth) of our affairs being entirely made up with Spain. There is not one word of truth in it, if we may judge from Mr. Pinckney's silence in a letter dated the day before he left Madrid. I may say further, it is impossible it should be true. Congress are not unanimous in the Spanish business. They act in it however by a strong majority. When our affairs with England come on there will be much greater & more irreconcilable differences of opinion. The classification of the militia has been reported against by a committee. But if any judgment can be

formed from individual conversations it will be established. If it is, we need never raise a regular *in expectation of war*. A militia of young men will hold on until regulars can be raised, & will be the nursery which will furnish them. I had rather have that classification established, than any number of regulars which could be voted at this time. We are told you are to come to Congress. In the meantime your berth here stands *in statu quo*. I shall always be glad to hear from you and to give you every assurance of my constant affection. Accept with it that of my respect & esteem.

SPECIAL MESSAGE ON NEUTRAL COMMERCE

January 17, 1806.

To the Senate and House of Representatives of the United States:—

In my message to both houses of Congress at the opening of their present session, I submitted to their attention, among other subjects, the oppression of our commerce and navigation by the irregular practices of armed vessels, public and private, and by the introduction of new principles, derogatory of the rights of neutrals, and unacknowledged by the usage of nations.

The memorials of several bodies of merchants of the United States are now communicated, and will develop these principles and practices which are producing the most ruinous effects on our lawful commerce and navigation.

The rights of a neutral to carry on a commercial intercourse with every part of the dominions of a belligerent, permitted by the laws of the country (with the exception of blockaded ports and contraband of war), was believed to have been decided between Great Britain and the United States by the sentence of the commissioners mutually appointed to decide on that and other questions of difference between the two nations, and by the actual payment of damages awarded by them against Great Britain for the infractions of that right. When, therefore, it was perceived that the same principle was revived with others more novel, and extending the injury, instructions were given to the minister plenipotentiary of the United States at the court of London, and remonstrances duly made by him on this subject, as will appear by documents transmitted herewith. These were followed by a partial and temporary suspension only, without any disavowal of the principle. He has therefore been instructed to urge this subject anew, to bring it more fully to the bar of reason, and to insist on the rights too evident and too important to be surrendered. In the meantime, the evil is proceeding under adjudications founded on the principle which is denied. Under these circumstances the subject presents itself for the consideration of Congress.

On the impressment of our seamen our remonstrances have never been intermitted. A hope existed at one moment of an arrangement which might have been submitted to, but it soon passed away, and the practice, though relaxed at times in the

distant seas, has been constantly pursued in those in our neighborhood. The grounds on which the reclamations on this subject have been urged, will appear in an extract from instructions to our minister at London now communicated.

TO JAMES OGILVIE

J. MSS.

WASHINGTON, Jan. 31, 06.

DEAR SIR,—Your favor of the 26th came to hand yesterday. I had understood that Mr. Randolph had directed that you should have the free use of the library at Monticello, or I should have directed it myself. I have great pleasure in finding an opportunity of making it useful to you. The key is at present in the hands of Mr. Dinsmore, at the place, who on sight of this letter will consider you as at all times authorized to have access to the library & to take from it any books you please. I will only ask the favor of you to keep a piece of paper on one of the tables of the room, & to note on it the books you have occasion to take out, and to blot it out when returned. The object in this is that should I want a book at any time when at home, I may know where it is. The arrangement is as follows: 1. Antient history. 2. Modern do. 3. Physics. 4. Nat. Hist. proper. 5. Technical arts. 6. Ethics. 7. Jurisprudence. 8. Mathematics. 9. Gardening, architecture, sculpture, painting, music, poetry. 10. Oratory. 11. Criticism. 12. Polygraphical. You will find this on a paper nailed up somewhere in the library. The arrangement begins behind the

partition door leading out of the Bookroom into the Cabinet, & proceeds from left to right round the room; Then entering the Cabinet it begins at the eastern angle, & goes round that room. The presses not having sufficed to contain the whole, the latter part of polygraphics was put into the kind of closet at the first entrance of the book-room. As after using a book, you may be at a loss in returning it to it's exact place, & they cannot be found again when misplaced, it will be better to leave them on a table in the room. My familiarity with their places will enable me to replace them readily. I hope in April the pleasure of seeing you there. In the meantime accept my friendly salutations & assurances of great esteem & respect.

TO C. F. COMTE DE VOLNEY

J. MSS.

WASHINGTON, Feb. 11, 1806.

DEAR SIR,—Since mine of Feb. 18 of the last year, I have received yours of July 2. I have been constantly looking out for an opportunity of sending your Polygraph; but the blockade of Havre has cut off that resource, and I have feared to send it to a port from which there would be only land carriage. A safe conveyance now offering to Nantes, & under the particular care of Mr. Skipwith, who is returning to France, he will take care of it from Nantes by land if an easy carriage is found, or if not, then by the canal of Briare. Another year's constant use of a similar one attaches me more and more to it as

a most valuable convenience. I send you also a pamphlet published here against the English doctrine which denies to neutrals a trade in war not open to them in peace in which you will find it pulverized by a logic not to be controverted.

Our last news of Captn Lewis was that he had reached the upper part of the Missouri, & had taken horses to cross the Highlands to the Columbia river. He passed the last winter among the Manians 1610 miles above the mouth of the river. So far he had delineated it with as great accuracy as will probably be ever applied to it, as his courses & distances by mensuration were corrected by almost daily observations of latitude and longitude. With his map he sent us specimens or information of the following animals not before known to the northern continent of America. 1. The horns of what is perhaps a species of *Ovis Ammon*. 2. A new variety of the deer having a black tail. 3. An antelope. 4. The badger, not before known out of Europe. 5. A new species of marmotte. 6. A white weasel. 7. The magpie. 8. The Prairie hen, said to resemble the Guinea hen (peintade). 9. A prickly lizard. To these are added a considerable collection of minerals, not yet analyzed. He wintered in Lat. $47^{\circ} 20'$ and found the maximum of cold 43° below the zero of Fahrenheit. We expect he has reached the Pacific, and is now wintering on the head of the Missouri, and will be here next autumn. Having been disappointed in our view of sending an exploring party up the Red river the last year, they were sent up the Washita, as far as the hot springs, under the direction

of Mr. Dunbar. He found the temperature of the springs 150° of Fahrenheit & the water perfectly potable when cooled. We obtain also the geography of that river, so far with perfect accuracy. Our party is just at this time setting out from Natchez to ascend the Red river. These expeditions are so laborious, & hazardous, that men of science, used to the temperature & inactivity of their closet, cannot be induced to undertake them. They are headed therefore by persons qualified expressly to give us the geography of the rivers with perfect accuracy, and of good common knowledge and observation in the animal, vegetable & mineral departments. When the route shall be once open and known, scientific men will undertake, & verify & class it's subjects. Our emigration to the western country from these states the last year is estimated at about 100,000. I conjecture that about one-half the number of our increase will emigrate westwardly annually. A newspaper paragraph tells me, with some details, that the society of agriculture of Paris had thought a mould-board of my construction worthy their notice & Mr. Dupont confirms it in a letter, but not specifying anything particular. I send him a model with an advantageous change in the form, in which however the principle is rigorously the same. I mention this to you lest he should have left France for America, and I notice it no otherwise lest there should have been any error in the information. Present my respectful salutations to Doctr. Cabanis & accept them yourself with assurances of my constant friendship & attachment.

TO THE MARQUIS DE LAFAYETTE

J. MSS.

WASHINGTON, Feb. 14, 06.

MY DEAR FRIEND,—Your letters of 1805 which I have to acknowledge are of Apr. 22 & June 4, the last delivered by M de Lessert a week ago. In your preceding ones of 1804 the reason assigned for your not venturing across the ocean was certainly weighty, as a capture by the English would have been a very serious misfortune. Your presence at New Orleans would give security to our government there, but in the present state of things it is not certain you could give us your service there, for it seems very uncertain which of the two powers of Spain or England, by commencing hostilities against us first will force us into the scale of the other. If the former commences first, and it seems most imminent, you probably could take no part. As, before the receipt of your powers on the subject of your lands, I had ordered a survey of the vacant parcel adjoining to New Orleans, I have continued to press that part of the location, because it is under a peculiar difficulty. The law requires your locations to be in parcels of not less than 1000 acres each. The survey sent to me made but 6. or 700 as. I have requested Govr. Claiborne, either by including part of the lake or by some other device to have it made up 1000 as. in which case I can immediately sign a grant. It will be some time before I shall receive his answer. Mr. Madison has appointed M. Duplantier to make the other locations, for which no person is better qualified or better disposed. I inclose a letter for M. Tracy, making him my acknowledgements for the

very acceptable present he was so good as to make me of his two works. For details of our affairs it is safer to refer you to Mr. Skipwith the bearer of this. Present my friendly respects to Me. De Lafayette, M. & Me. De Tessy, & accept assurances of my constant & affectionate friendship & respect.

TO THE U. S. MINISTER TO FRANCE J. MSS.
(JOHN ARMSTRONG.)

WASHINGTON, Feb. 14, 1806.

DEAR SIR,—Mr. Skipwith will inform you what a terrible tempest has been excited against you by an opinion said to have been given by you in the case of the *New Jersey* & a letter of yours on that subject published in the papers. The body of merchants & insurers of New York have presented an address, the object of which tho' not expressed, cannot be mistaken, & it is expected their example will be followed by the other cities making common cause. I inclose you the answer of N. York, from which you will perceive the expediency on your own account as well as the public, to send a statement of the case, the points on which it is decided, and how your opinion happened to be given in that stage of the business, with documents to establish such facts as are not known. The hope is further, that in the business confided to you by this conveyance you may be able to obtain a success which may place you where you wish to be in the public favor. There are several circumstances at this time which you may so use as to produce favorable dispositions in the

party with which you are to negotiate. 1. The law prohibiting intercourse with St. Domingo, which could not of right be demanded from us. 2. A second law to render the first more effectual in the main point by prohibiting the exportation of military stores to any part of America. These two laws will be passed in time to go by this conveyance. 3. The measures which will be explained to you for procuring a solid establishment of neutral rights. 4. Measures which will be taken to exclude British commerce from the U. S. in a great degree. 5. An effective navigation act. We cannot yet say what will be the precise form of the two last; but they will unquestionably be effectual. Considering the accidents which may happen to this by the way, it is not signed. That is unnecessary for your information that it comes from one whose friendship & respect to you are real.

TO JOSEPH HAMILTON DAVEISS ¹

WASHINGTON, Feb. 15, '06.

SIR,—Your letter of January 10. came safely to hand a week ago. According to your permission it has been communicated to Mr. Madison, and Mr. Gallatin. I have also communicated it to General Dearborn, because one of the persons named by you is particularly under his observation; so far as it was necessary and not further, I will be responsible for its secrecy. The information is so important that it is my duty to request a full communication of

¹ From Daveiss's *View of the President's Conduct*, Frankfort, 1806, p. 15.

everything known or heard by you relating to it, and particularly of the names of all persons whether engaged in the combination, or witnesses to any part of it. At the same time I pledge myself to you that it shall be known no further than it now is, until it shall become necessary to place them in the hands of the law; and that even then no unnecessary communication shall be made of the channel through which we received our information.

You will be sensible that the names are peculiarly important to prevent a misplacing of our confidence either in the investigation of this subject particularly, or in the general trust of public affairs. In hopes of hearing from you without delay, I pray you to accept my salutations and assurances of great respect.

TO JOEL BARLOW

J. MSS.

Feb. 24, 06.

I return you the draft of the bill for the establishment of a National Academy & University at the city of Washington, with such alterations as we talked over the last night. They are chiefly verbal. I have often wished we could have a Philosophical society or academy so organized as that while the central academy should be at the seat of government, it's members dispersed over the states, should constitute filiated academies in each state, publish their communications, from which the central academy should select unpublished what should be most choice. In this way all the members wheresoever dispersed might be brought into action, and an

useful emulation might arise between the filiated societies. Perhaps the great societies now existing might incorporate themselves in this way with the National one. But time does not allow me to pursue this idea, nor perhaps had we time at all to get it into the present bill. I procured an Agricultural society to be established (voluntarily) on this plan, but it has done nothing. Friendly salutations.

CIRCULAR TO CABINET ON DEFENCE OF NEW ORLEANS

J. MSS.

Feb. 28, 06.

What would you think of raising a force for the defence of New Orleans in this manner?¹ Give a

¹ The following papers presumably relate to this matter:

“Sketches of parts of a bill for encouraging settlers in the territory of Orleans.

“It shall be lawful for the Pr. of the U. S. to grant in fee simple a bounty of one quarter section of 160 a of any lands of the U. S. on the Western side of the Missisipi in the territory of Orleans when the same shall have been surveyed to every free able-bodied white male citizen of the U. S. who shall actually settle on the same in person within a time not exceeding one year to be prescribed by the Pr. U. S. who shall continue to reside on the same for the space of 7 years the next ensuing if he so long lives and who shall engage that if called on within the same term of 7 years he will render two years of military service as a regular souldier of the U. S. within the territory of Orleans or Misipi. or in the countries on their southern and western borders and on the regular conditions & emolumnts. of the regular souldiers of the U. S. Provided that the number of lots to be so granted shall not exceed [] thousand and provided also that on failure of any individual to perform substantially the conditions aforesaid his grant shall be forfeited.

“It shall be the duty of the Surveyor General of lands of that territory to proceed forthwith to lay off such parts of the same as the Pr. U. S. shall direct into townships, and every other township alternately into sections & quarter sections; and every person entitled as aforesaid

bounty of 50 acres of land, to be delivered immediately, to every able-bodied man who will immediately settle on it, & hold himself in readiness to perform 2 years military service (on the usual pay) if called on within the first seven years of his residence. The lands to be chosen by himself of any of those

shall be free to chuse any one of the sd. quarter sections for his bounty as aforesaid to be granted to himself and to be in his immediate possession such choice to be made by the said persons in the order in which they shall have personally presented themselves at the office of the Surveyor Genl. on their arrival in the sd. territory, of which an entry shall be made and a certificate given to the party specifying the particular number which his entry bears in the numerical order from the first to the last presentment.

"It shall be lawful for the Pr. U. S. to employ proper persons in different parts of the U. S. to engage settlers as aforesaid and after they shall be inspected & received by the proper officer app^d for y^e purpose the same to conduct to the sd. territory of Orleans at the public expence & on such allowance as is usually made for conducting the regular troops of the U. S. And to grant a premium to the persons so employed in engaging & conducting the same at the rate of one section of 640 acres of lands for every 100 men actually passed by the Inspector and entered at the Office of the Surveyor General.

"And be it further enacted &c that there shall be granted a bounty of one quarter section containing 160 acres of any lands of the U. S. on the western side of the Missisipi in the territory of Orleans, in fee simple, to each of the said volunteers, being a free able bodied white male citizen, of some one of the *States* of the Union, of the age of 18 and under that of 35 years and accepted as such by an officer to be appointed for that purpose, who in addition to his engagement as a Volunteer shall undertake to settle on the said lands in person, within a term of months not exceeding twelve, to be prescribed by the President of the U. S. & shall actually settle and continue to reside thereon for the space of seven years then next ensuing, if so long he shall live, on the condition of forfeiture if he shall fail so to do. And every person so engaging shall be free to locate any quarter section not already located, of the said lands surveyed or to be surveyed, for his bounty aforesaid, to be granted to himself, & to be in his immediate occupation; such location to be made by the said persons in the order in which they shall have personally presented themselves at the office of the surveyor on their arrival in the sd. territory; of which an entry

in the Orleans territory, on the west side of the Mississippi, actually surveyed & unsold, each to have his choice in the order of their arrival on the spot, a proclamation to be issued to this effect to engage as many as will go on & present themselves to the officer there; & moreover recruiting officers to be

shall be made and a certificate given to the party specifying the particular number which his entry bears in the numerical order from the first to the last of those presented."

"Notes on the Bill for the defence of Orleans.

- A. §. 1. 1. 10 two millions of acres will only provide for 6250 men if the alternate quarter sections be reserved. We ought to have 30,000 men at least there. That territory will never be invaded by an army of less than 15, or 20,000 men.
- B. §. 2. 1. 3. 4. § 'other than those of surveying expences & office fees' many a man can carry an *able body* there (which is all we want) who could not carry surveying expences.
- C. §. 2. 1. 6. 7. 8. § 'and who was not &c—to Missisipi' and instead thereof line 5, after 'citizen' insert 'of some one.' We should not weaken any of the territories; nor should we tempt the Creoles of Louisiana to remove to the lower government. They would strengthen the wrong party.
- D. §. 2. 1. 13. § 'and &c'—to the end of the section. I suggest this on the advice of others who say that the bug bear of military tenure will defeat the bill. If so let us have the men as mere militia, which they will be of course, without saying anything about it. I am doubtful.
- E. §. 3. had not the whole of this section better be omitted. The people will certainly build themselves houses to live in & clear lands to make bread if they *actually reside* there. Unnecessary restrictions and forfeitures have a discouraging aspect.
- §. 5. § the Proviso l. 11. this depends on amendment D.
- F. §. 6. the utility of this section should be well considered. To permit a transfer to an able bodied man will often strengthen the settlement & in no case can weaken it. Interchanges which might gratify and benefit both parties would always be innocent.
- §. 7. 1. 2. § 'the military services or.' } these depend on
 l. 15. § 'in case &c'—to 'on his part' l. 23 } amendment D.
- §. 12. 1. 5. § 'such applicant &c'—to 'lands' l. 11. a consequence of amendment B."

sent into different parts of the union to raise and conduct settlers at the public expense. When settled there, to be well trained as a militia by officers living among them.

A similar provision for Tombigbee.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

Mar. 5, 1806.

I think the several modifications in Mr. Gallatin's paper may be reduced to simple instructions in some such form as follows:

The sum to be paid will consist I. of 2 millions ready money. II. of a residuary sum, not exceeding 3 millions, to be paid afterwards as shall be agreed.

I. The ready money (as a 1st proposition) not to be paid till possession of the whole country ceded is delivered & evacuated.

But, in ultimato, to be paid on putting into our hands orders for an absolute delivery of the government to us, on sight of the order, an evacuation of the country by all troops in the same instant & the departure of all officers & agents within 3 months after.

II. The residuary sum to be a fund for paying claimants under the convention; either to be settled by a commission, in which case any surplus will belong to Spain & any defect be supplied by her; or, which would be far preferable, that residuum to

be left with us for the sufferers, we exonerating Spain from all further demands on their part.

But, in ultimato, the residuary sum to be paid to Spain by bills on the Treasury in annual instalments, if that can be obtained, or by stock to be created, if insisted on: & a fixed sum of 2, 3, or 4 millions to be immediately paid by colonial bills to the U. S. who, on receipt of the money, exonerates Spain from all further demands from the claimants under the Convention.

If the sum to be allowed by Spain for spoliations, be retained by us out of the residuary price, & be less than that residuum, the difference to be paid to her by bills on our Treasury at the end of one year.

Perhaps the above ideas may aid you in framing your instructions. They are hazarded with that view only.

TO JAMES MONROE

WASHINGTON, Mar. 18, 1806.

The 1st of Mr. Nicholson's resolutions was decided yesterday affirmatively by 87 republics against 9 republics & 26 feds. Had all been present it would have been 104 do against 11 do,—and 27 do, the latter number comprehending every Federalist in the House. Mr. R. withdrew before the question was put. This is considered as a decision of the main question. When they come to details the votes will vary ad libitum. I have never seen a H. of Representatives more solidly united in doing what they believed to be the best for the public

interest. There can be no better proof than the fact that so eminent a leader should at once & almost unanimously be abandoned. Health & affection.

P. S. On further inquiry I find that all Nicholson's resolutions were passed yesterday, were reported & confirmed by the House, & referred to a Commee to bring in a bill. It will be during the progress of the bill that the details will be discussed. Do not wonder if a third person be added to your commission.

SPECIAL MESSAGE ON SPANISH BOUNDARIES *

J. MSS.

March 20, 1806.

To the Senate and House of Representatives of the United States:

It was reasonably expected, that while the limits between the territories of the United States and of

* The following undated resolutions, drafted by Jefferson, belong to this period:

Resolutions

"1. Resolved by the Senate & H. of R. of the U. S. of A. that the indemnities for which Spain is answerable to citizens of the U. S. for spoliations and wrongs committed in violation of the law of nations or of treaty, are objects too just and important not to be pursued to effect by the U. S.

"2. Resolved that no armed men, subjects of any foreign power, ought to be permitted to enter or remain, nor any authority but the U. S to be exercised within the former colony or province of Louisiana, in the extent in which it was delivered by Spain under the treaty of St. Ildefonso.

"3. Resolved that as to the residue of the sd. former colony or province of Louisiana, and provisions necessary to avoid future collisions and controversies, an equitable adjustment is most reasonable.

"4. Resolved that pending any measures for such adjustment

Spain were unsettled, neither party would have innovated on the existing state of their respective positions. Some time since, however, we learned that the Spanish authorities were advancing into the disputed country to occupy new posts and make new settlements. Unwilling to take any measures which might preclude a peaceable accommodation of differences, the officers of the United States were ordered to confine themselves within the country on this side of the Sabine river; which, by the delivery of its principal post (Natchitoches), was understood to have been itself delivered up by Spain; and at the same time to permit no adverse post to be taken, nor armed men to remain within it. In consequence of these orders, the commanding officer of Natchitoches, learning that a party of Spanish troops had crossed the Sabine river and were posting themselves on this side the Adais, sent a detachment of his force to require them to withdraw to the other side of the Sabine, which they accordingly did.

neither party ought to take new posts therein, nor to strengthen those they held before the 1st day of October 1800. And that any proceeding to the contrary on the part of Spain ought to be opposed by force and by taking possession of such posts as may be necessary to maintain the rights of the U. S.

"5. Resolved &c. that the subjects of Spain still on the Mississippi and its waters, ought to be allowed an innocent passage, free from all imposts, along that part of the river below them which passes through the territory of the U. S.: and the citizens of the U. S. on the Mobile and its waters ought to be allowed an innocent passage free from all imposts, along that part of the river below them, which passes through the territory still held by Spain, but claimed by both parties.

"6. Resolved that a copy of these resolutions be presented to the President of the U. S. for his approbation, with an assurance that he will receive from the legislature the support necessary for carrying them into execution."

I have thought it proper to communicate to Congress the letters detailing this incident, that they may fully understand the state of things in that quarter, and be enabled to make such provision for its security as in their wisdom they shall deem sufficient.

TO WILLIAM DUANE

J. MSS.

WASHINGTON, March 22, 06.

I thank you, my good Sir, cordially, for your letter of the 12, which however I did not receive till the 20th. It is a proof of sincerity, which I value above all things; as, between those who practise it, falsehood & malice work their efforts in vain. There is an enemy somewhere endeavoring to sow discord among us. Instead of listening first, then doubting, & lastly believing anile tales handed round without an atom of evidence, if my friends will address themselves to me directly, as you have done, they shall be informed with frankness and thankfulness. There is not a truth on earth which I fear or would disguise. But secret slanders cannot be disarmed, because they are secret. Although you desire no answer, I shall give you one to those articles admitting a short answer, reserving those which require more explanation than the compass of a letter admits, to conversation on your arrival here. And as I write this for your personal satisfaction, I rely that my letter will, under no circumstances, be communicated to any mortal, because you well know how every syllable from me is distorted by the ingenuity of my political enemies.

In the 1st place, then, I have had less communication, directly or indirectly, with the republicans of the east, this session, than I ever had before. This has proceeded from accidental circumstances, not from design. And if there be any coolness between those of the south & myself, it has not been from me towards them. Certainly there has been no other reserve than to avoid taking part in the divisions among our friends. That Mr. R. has openly attacked the administration is sufficiently known. We were not disposed to join in league with Britain, under any belief that she is fighting for the liberties of mankind, & to enter into war with Spain, & consequently France. The H. of Repr. were in the same sentiment, when they rejected Mr. R.'s resolutions for raising a body of regular troops for the Western service. We are for a peaceable accommodation with all those nations, if it can be effected honorably. This, perhaps, is not the only ground of his alienation; but which side retains its orthodoxy, the vote of 87. to 11. republicans may satisfy you; but you will better satisfy yourself on coming here, where alone the true state of things can be known, and where you will see republicanism as solidly embodied on all essential points, as you ever saw it on any occasion.

That there is only one minister who is not opposed to me, is totally unfounded. There never was a more harmonious, a more cordial administration, nor ever a moment when it has been otherwise. And while differences of opinion have been always rare among us, I can affirm, that as to present matters,

there was not a single paragraph in my message to Congress, or those supplementary to it, in which there was not an unanimity of concurrence in the members of the administration. The fact is, that in ordinary affairs every head of a department consults me on those of his department, & where anything arises too difficult or important to be decided between us, the consultation becomes general.

That there is an ostensible cabinet and a concealed one, a public profession & concealed counteraction, is false.

That I have denounced republicans by the epithet of Jacobins, and declared I would appoint none but those called moderates of both parties, & that I have avowed or entertain any predilection for those called the third party, or Quids, is in every tittle of it false.

That the expedition of Miranda was countenanced by me, is an absolute falsehood, let it have gone from whom it might; & I am satisfied it is equally so as to Mr. Madison. To know as much of it as we could was our duty, but not to encourage it.

Our situation is difficult; & whatever we do is liable to the criticisms of those who wish to represent it awry. If we recommend measures in a public message, it may be said that members are not sent here to obey the mandates of the President, or to register the edicts of a sovereign. If we express opinions in conversation, we have then our Charles Jenkinsons, & back-door counsellors. If we say nothing, "we have no opinions, no plans, no cabinet." In truth it is the fable of the old man, his son & ass, over again.

These are short facts which may suffice to inspire you with caution, until you can come here & examine for yourself. No other information can give you a true insight into the state of things; but you will have no difficulty in understanding them when on the spot. In the meantime, accept my friendly salutations & cordial good wishes.

TO WILSON CARY NICHOLAS

J. MSS.

(Confidential.)

WASHINGTON, Mar. 24, 1806.

DEAR SIR,—A last effort at friendly settlement with Spain is proposed to be made at Paris, and under the auspices of France. For this purpose, Genl Armstrong & Mr. Bowdoin (both now at Paris) have been appointed joint comrs; but such a cloud of dissatisfaction rests on Genl Armstrong in the minds of many persons, on account of a late occurrence stated in all the public papers, that we have in contemplation to add a 3d commissioner, in order to give the necessary measure of public confidence to the commission. Of these two gentlemen, one being of Massachusetts & one of N. York, it is thought the 3d should be a Southern man; & the rather, as the interests to be negotiated are almost entirely Southern & Western. This addition is not yet ultimately decided on; but I am inclined to believe it will be adopted. Under this expectation, & my wish that you may be willing to undertake it, I give you the earliest possible intimation of it, that you may be preparing both your mind & your measures

for the mission. The departure would be required to be very prompt; tho' the absence I think will not be long, Bonaparte not being in the practice of procrastination. This particular considern will, I hope, reconcile the voyage to your affairs & your feelings. The allowance to an extra mission, is salary from the day of leaving home, & expenses to the place of destination, or in lieu of the latter, & to avoid settlements, a competent fixed sum may be given. For the return, a continuance of the salary for three months after fulfilment of the commission. Be so good as to make up your mind as quickly as possible, & to answer me as early as possible. Consider the measure as proposed provisionally only, & not to be communicated to any mortal until we see it proper.

Affectionate salutations.¹

¹ On this subject, Jefferson wrote further to Nicholas:

“WASHINGTON, Apr. 13, 06.

“DEAR SIR,—The situation of your affairs certainly furnishes good cause for your not acceding to my proposition of a special mission to Europe. My only hope had been, that they could have gone on one summer without you. An unjust hostility against Genl Armstrong will, I am afraid, shew itself whenever any treaty made by him shall be offered for ratification. I wished, therefore, to provide against this, by joining a person who would have united the confidence of the whole Senate. Genl Smith was so prominent in the opposition to Armstrong, that it would be impossible for them to act together. We conclude, therefore, to leave the matter with Armstrong & Bowdoin. Indeed, my dear Sir, I wish sincerely you were back in the Senate; & that you would take the necessary measures to get yourself there. Perhaps, as a preliminary, you should go to our Legislature. Giles' absence has been a most serious misfortune. A majority of the Senate means well. But Tracy & Bayard are too dexterous for them & have very much influenced their proceedings. Tracy has been of nearly every committee during the session, & for the most part the chairman, & of course drawer of the reports. 7. federalists voting always in phalanx, and joined by some discontented republicans,

TO CÆSAR A. RODNEY

J. MSS.

WASHINGTON, Mar. 24, 06.

DEAR SIR,—I return you the letter you were so good as to inclose me with thanks for the communication. The real occurrences at Natchitoches & the Sabine had, as usual, swelled greatly on their way to Natchez. The 500 horse were really but 20 who retired without opposition on Capt. Turner's requisition. The official reports of Majr. Porter & Capt. Turner assured us of these facts. Some unexpected occurrences have lately taken place here. The separation of a member of great talents & weight from the present course of things, scattered dismay for a

some oblique ones, some capricious, have so often made a majority as to produce very serious embarrassment to the public operations, and very much do I dread the submitting to them, at the next session, any treaty which can be made with either England or Spain, when I consider that 5. joining the federalists, can defeat a friendly settlement of our affairs. The H of R is as well disposed as I ever saw one. The defection of so prominent a leader, threw them into dismay & confusion for a moment; but they soon rallied to their own principles, & let him go off with 5. or 6. followers only. One half of these are from Virginia. His late declaration of perpetual opposition to this administration, drew off a few others who at first had joined him, supposing his opposition occasional only, & not systematic. The alarm the House has had from this schism, has produced a rallying together & a harmony, which carelessness & security had begun to endanger. On the whole, this little trial of the firmness of our representatives in their principles, & that of the people also, which is declaring itself in support of their public functionaries, has added much to my confidence in the stability of our government; and to my conviction, that, should things go wrong at any time, the people will set them to rights by the peaceable exercise of their elective rights. To explain to you the character of this schism, it's objects and combinations, can only be done in conversation; & must be deferred till I see you at Monticello, where I shall probably be about the 10th or 12th of May, to pass the rest of the month there. Congress has agreed to rise on Monday, the 21st.

"Accept my affectionate salutations."

time among those who had been used to see him with them. A little time however enabled them to rally to their own principles & to resume their track under the guidance of their own good sense. As long as we pursue without deviation the principles we have always professed, I have no fear of deviation from them in the main body of republicans. Here everything is understood, & nothing apprehended but protraction of debate. It will take more time for the public mind to understand the true state of things, but I have no fear that in a little time they will settle down with a correct view of them. Accept my affectionate salutations & assurances of great esteem & respect.

TO THOMAS PAINE

WASHINGTON, Mar. 25, 06.

DEAR SIR,—It has not been in my power to sooner acknowledge the receipt of your favor of Mar. 15. With France we have no difference, no subject of negotiation. Our differences are with Spain & England. With the former we are making a last effort at peaceable accommodation. The subject is merely a settlement of the limits of Louisiana & our right of passing down the rivers of Florida. This negotiation is to be held at Paris, where we may have the benefit of the good offices of France, but she will be no party to the contract. Mr. Bowdoin our minister to Spain being now at Paris, & Armstrong there of course, the full powers have been sent to them for that reason. It has not been in contemplation to look for any other

hand. Lately indeed it has been pressed that these gentlemen being from the middle & northern divisions of the country, & the interest to be arranged being merely a geographical one, exclusively concerning the Southern & Western states, some person of that geographical position ought to be added whose knowledge of the subject & interest in it would give security & confidence to the Southern & Western states that it will be pursued with knowledge & zeal. Should this opinion prevail the 3d commissioner must of course be selected geographically.

With respect to the rights of neutrality, we have certainly a great interest in their settlement. But this depends exclusively on the will of two characters, Buonaparte & Alexander. The dispositions of the former to have them placed on liberal grounds are known. The interest of the latter should insure the same disposition. The only thing to be done is to bring the two characters together to treat on the subject. All the minor maritime powers of Europe will of course concur with them. We have not failed to use such means as we possess to induce these two sovereigns to avail the world of it's present situation to declare and enforce the laws of nature & convenience on the seas. But the organization of the treaty making power by our Constitution is too particular for us to commit the nation in so great an operation with all the European powers. With such a federal phalanx in the Senate, compact & vigilant for opportunities to do mischief, the addition of a very few other votes, misled by accidental or imperfect views of the subject, would suffice to commit us most

dangerously. All we can do therefore is to encourage others to declare & guarantee neutral rights, by excluding all intercourse with any nation which infringes them, & so leave a niche in their compact for us, if our treaty making power shall chuse to occupy it.

From these views you will perceive that geographical & accidental circumstances have designated our commissioners, and that we cannot derive from your agency on this occasion the benefits you have heretofore rendered in a different line.

With England I flatter myself our difficulties will be dissipated by the disasters of her allies, the change of her ministry, and the measures which Congress are likely to adopt to furnish motives for her becoming just to us: and on the whole I cannot but hope that in the general settlement of the affairs of nations now on the tapis, ours also will be satisfactorily settled; so as to ensure to us those years of peace & prosperity which will place us beyond the reach of European wrong-doers. Accept my friendly salutations & assurances of esteem & respect.

TO NATHANIEL MACON

J. MSS.

WASHINGTON, Mar. 26, 06.

MY DEAR SIR,—Some enemy, whom we know not, is sowing tares among us. Between you & myself nothing but opportunities of explanation can be necessary to defeat those endeavours. At least on my part my confidence in you is so unqualified that

nothing further is necessary for my satisfaction. I must therefore ask a conversation with you. This evening my company may stay late: but tomorrow evening, or the next I can be alone. I mention the evening because it is the time at which alone we can be free from interruption: however take the day & hour most convenient to yourself. Accept my affectionate salutations.

TO THE EMPEROR ALEXANDER OF RUSSIA J. MSS.

WASHINGTON, April 19, 1806.

I owe an acknowledgment to your Imperial Majesty for the great satisfaction I have received from your letter of Aug. 20, 1805, and embrace the opportunity it affords of giving expression to the sincere respect and veneration I entertain for your character. It will be among the latest and most soothing comforts of my life, to have seen advanced to the government of so extensive a portion of the earth, and at so early a period of his life, a sovereign whose ruling passion is the advancement of the happiness and prosperity of his people; and not of his own people only, but who can extend his eye and his good will to a distant and infant nation, unoffending in its course, unambitious in its views.

The events of Europe come to us so late, and so suspiciously, that observations on them would certainly be stale, and possibly wide of their actual state. From their general aspect, however, I collect that your Majesty's interposition in them has been

disinterested and generous, and having in view only the general good of the great European family. When you shall proceed to the pacification which is to re-establish peace and commerce, the same dispositions of mind will lead you to think of the general intercourse of nations, and to make that provision for its future maintenance which, in times past, it has so much needed. The northern nations of Europe, at the head of which your Majesty is distinguished, are habitually peaceable. The United States of America, like them, are attached to peace. We have then with them a common interest in the neutral rights. Every nation indeed, on the continent of Europe, belligerent as well as neutral, is interested in maintaining these rights, in liberalizing them progressively with the progress of science and refinement of morality, and in relieving them from restrictions which the extension of the arts has long since rendered unreasonable and vexatious.

Two personages in Europe, of which your Majesty is one, have it in their power, at the approaching pacification, to render eminent service to nations in general, by incorporating into the act of pacification, a correct definition of the rights of neutrals on the high seas. Such a definition, declared by all the powers lately or still belligerent, would give to those rights a precision and notoriety, and cover them with an authority, which would protect them in an important degree against future violation; and should any further sanction be necessary, that of an exclusion of the violating nation from commercial intercourse with all the others, would be preferred to

war, as more analogous to the offence, more easy and likely to be executed with good faith. The essential articles of these rights, too, are so few and simple as easily to be defined.

Having taken no part in the past or existing troubles of Europe, we have no part to act in its pacification. But as principles may then be settled in which we have a deep interest, it is a great happiness for us that they are placed under the protection of an umpire, who, looking beyond the narrow bounds of an individual nation, will take under the cover of his equity the rights of the absent and unrepresented. It is only by a happy concurrence of good characters and good occasions, that a step can now and then be taken to advance the well-being of nations. If the present occasion be good, I am sure your Majesty's character will not be wanting to avail the world of it. By monuments of such good offices, may your life become an epoch in the history of the condition of man; and may He who called it into being, for the good of the human family, give it length of days and success, and have it always in His holy keeping.

TO JOHN TYLER

J. MSS.

WASHINGTON, Apr. 26, 06.

DEAR SIR,—Your favor of Mar. 25 has been received, & the letter therein inclosed is referred to the Secretary of the Navy, who will give it just consideration whenever a vacancy in the body of midshipmen

occurs. If anything can be done he will give notice of it.

Congress have just closed a long & uneasy session, in which they had great difficulties external & internal to encounter. With respect to the ex-basha of Tripoli, & many other more important matters, such a spirit of dissension existed, & such misrepresentations of fact, that it will be difficult for the public to come at truth. The change in the British Ministry & the events of Europe will I think insure a friendly settlement with her. Whether we shall obtain the same from France & Spain is more doubtful. At the beginning of the session it was in our power, but if passion should there be opposed to passion here, the issue may become serious: and if peace takes place in Europe immediately, a great obstacle to the indulgence of passion will be withdrawn. Should the war however continue another year, cool sober sense on both sides may befriend both. Unexpected & strange phænomena in the early part of the session, produced a momentary dismay within the walls of the House of R. However the body of republicans soon discovered their true situation, rallied to their own principles, and moved on towards their object in a solid phalanx: in so much that the session did most of the good which was in their power & did it well. Republicanism may perhaps have lost a few of it's anomalous members, but the steadiness of it's great mass has considerably increased on the whole my confidence in the solidity & permanence of our government. Accept my friendly salutations & assurances of constant esteem & respect.

TO WILLIAM CHARLES COLES CLAIBORNE J. MSS.

WASHINGTON, Ap. 27, 06.

DEAR SIR,—This letter is confidential, but not official. It is meant to give you a general idea of our views as to N. Orleans, of which you will receive the particulars from the Secretary at War, whose instructions nothing here said is meant to controul should they vary in any particular. At the meeting of Congress, I recommended an arrangement of our militia, which, by giving us a selection of the younger part of it, would have enabled us, if necessary to have sent a very efficient support to N. Orleans. A diversity of ideas however among the members, arising from partialities to local systems, defeated that. Then we endeavored to encourage settlers West of the Missipi by a bounty of land, conditioned to serve there 2. years as regulars if called on. This also failed. Congress having closed their session, the means furnished for the support of N. O. have at length assumed their definitive shape, and I believe are adequate to the present state & prospect of things. According to our last dispatches from Spain that government shews such pacific dispositions, that if any hostilities take place in your quarter they will certainly not be by order of that government, but will be merely the effect of the passions & interests of her officers. Were Spain disposed, she could send no troops across the Atlantic. At Havanna she is so far from having any to spare, that she is obliged to use militia for ordinary garrison duty. At Pensacola & Mobile she has about 600. men. At Baton rouge about 170. These are all we know of which

she could bring to attack you. What force she has in Mexico we know not. The means of defence to be immediately furnished you will be as follows: 1. three gun-boats will immediately proceed from the Atlantic border to Lake Pontchartrain. 2. bomb-vessels (being the only vessels we have in readiness here at this moment) will proceed to the Missipi to remain until relieved by 6 gunboats, either of those directly expected from the Mediterranean, or of those built on the Ohio, whichever shall first be in place. These 9 gunboats we consider as sufficient to secure all the water approaches to N. Orleans against any force we have a right to suppose can be brought against it under present circumstances.

2. We propose immediately to prepare block houses, pickets &c. on the defiles leading by land to the city; particularly on the road from Mashac, & on the approaches from the lakes. It is thought best on account of their health, not to bring the troops into the island, but to keep them in the nearest healthy situations from which they can repair to the city on very short notice. 1200 including those now in the city will be so placed. We presume you can raise about 1500 of militia and seamen, on an emergency, to be depended on; and that these behind their defensive works while the gunboats guard the water communications will secure the city effectually. 3. The militia of Tombigbee & Natchez will be ordered to be immediately put into a state of organization & readiness, so that should the garrisons of Pensacola, Mobile & Baton rouge, be drawn off to attack you, the respective militias may seize

on these posts, & close in the rear of the attackers, to cut off their retreat. I have said that this letter is confidential, because our means ought not to be known to the Spaniards until they are seen. It will therefore be proper to prepare your militia with diligence, yet under the profession of ordinary precaution only. An engineer will be immediately sent forward to plan & execute the works. Congress has voted a sufficient sum of money for our postal: but to avoid giving new irritation to Spain, it has confined it's expenditure to within the 31st degree. We are therefore obliged to relinquish for the present the road from Fort Stoddert direct to the mouth of Pearl & to go from Fort Stoddert to Pinckneyville keeping above the line. This is sorely against my will, & will continue no longer than necessity requires.

As the road thus proposed will soon strike the Pascagola, we think to use that river for the present in our communications between N. O. and Fort Stoddert. We expect that one of the gunboats of the lakes can ascend above the line. This is done because we wish to avoid collision with the Spanish authorities as much as possible till we can hear from Paris, & judge of the turn things will take there.

I have lately seen a letter from Mr. Duplantier to Mr. Madison, and am much pleased with his zeal in the interest of M. de Lafayette. Congress has permitted lots to be taken for him as low as 500 acres. This secures to us the parcel on the canal of Carondelet; but at the same time cuts off those smaller locations proposed by Mr. Duplantier. Indeed it would not be for the interest of the General to let his

claim get into collision with any public interest. Were it to lose it's popularity it might excite an opposition neither agreeable to his feelings nor interests.

I promised a Mr. Reibelt to speak to you of him. He is a Swiss by birth, a strong republican in principle, was in favor of the French Directory, and is I think a very honest man, and certainly a man of great literary information. Having a family, & under some difficulties as to property which he says he has in Europe, he has accepted the care of the Indian factory at Natchitoches, where I think his philanthropy will recommend him to the attachment of the Indians. It is in compliance with his request to be made known to you that I mention these things.

I thank you for a bag of peccans lately received from you. If you could think of me in the autumn, when they are fresh, they will always be very acceptable, partly to plant, partly for table use.

I observe a motion in your legislature to desire me to chuse a fifth counsellor out of the 10 before nominated. This being against law cannot be done; I hope therefore they will have nominated two as the law requires.

Accept my friendly salutations & assurances of esteem & respect.

DRAFT OF PROCLAMATION CONCERNING "LEANDER"

J. MSS.

[May 3, 1806.]

Whereas satisfactory information has been received that Henry Whitby, commanding a British

armed vessel called the *Leander*, did, on the 25th day of the month of April last past, within the waters & jurisdiction of the U. S. and near to the entrance of the harbor of New York by a cannon shot fired from the sd. vessel *Leander*, commit a murder on the body of John Pearce a citizen of the U. S. then pursuing his lawful vocations within the same waters & jurisdiction of the U. S. and near to their shores, & that the sd. Henry Whitby cannot be brought to justice by the ordinary process of law:

And whereas it does further appear that both before & after the said day sundry trespasses, wrongs, & unlawful interruptions & vexations on trading vessels coming to the U. S. and within their waters & vicinity were committed by the sd. armed vessel the *Leander* her officers, & people, by one other armed vessel called the *Cambrian*, commanded by her officers and people, and by one other armed vessel called the *Driver* commanded by her officers & people, which vessels being all of the same nation were aiding & assisting to each other in the trespasses, interruptions & vexations aforesaid:

Now therefore to the end that the sd Henry Whitby may be brought to justice & due punishment inflicted for the sd murder, I do hereby especially enjoin & require all officers having authority civil or military, and all other persons within the limits or jurisdiction of the U. S. wheresoever the said Henry Whitby may be found now or hereafter, to apprehend & secure the said Henry Whitby, & him safely & diligently to deliver to the civil

authority of the place to be proceeded against according to law.

And I do hereby further require that the sd armed vessel the *Leander* with her other officers & people, & the sd armed vessels the *Cambrian* & *Driver* their officers & people, immediately & without any delay, depart from the harbours & waters of the U. S. And I do forever interdict the entrance of all the harbours & waters of the U. S. to the sd armed vessels, & to all other vessels which shall be commanded by the sd and or either of them.

And if the said vessels or any of them shall fail to depart as aforesaid, or shall reenter the harbours or waters aforesaid, I do in that case forbid all intercourse with the sd armed vessels the *Leander* the *Cambrian* & the *Driver* or with any of them, & the officers & crews thereof, and do prohibit all supplies & aid from being furnished them or any of them. And I do declare and make known that if any person from, or within, the jurisdictional limits of the U. S. shall afford any aid to either of the sd armed vessels contrary to the prohibition contained in this proclamation, either in repairing such vessel, or in furnishing her officers or crew with supplies of any kind, or in any manner whatsoever or if any pilot shall assist in navigating any of the sd armed vessels, unless it be for the purpose of carrying them in the first instance beyond the limits & jurisdiction of the U. S. such person or persons shall on conviction, suffer all the pains & penalties by the laws provided for such offences. And I do hereby enjoin & require

all persons bearing office civil or military within the U. S. & all other citizens or inhabitants thereof or being within the same with vigilance & promptitude to exert their respective authorities, & to be aiding & assisting to the carrying this proclamation & every part thereof into full effect.

In testimony whereof I have caused the seal of the U. S. to be affixed to these presents and signed the same with my hand. Given at the city of Washington the 3d day of May, in the year of our lord 1806 & of the sovereignty & independence of the U. S. the 30th.

TO THE U. S. MINISTER TO GREAT BRITAIN J. MSS.

(JAMES MONROE.)

WASHINGTON, May 4, 06.

DEAR SIR,—I wrote you on the 16th of March by a common vessel, & then expected to have had, on the rising of Congress, an opportunity of peculiar confidence to you. Mr. Beckley then supposed he should take a flying trip to London, on private business. But I believe he does not find it convenient. He could have let you into the *arcana rerum*, which you have interests in knowing. Mr. Pinckney's pursuits having been confined to his peculiar line, he has only that general knowledge of what has passed here which the public possess. He has a just view of things so far as known to him. Our old friend, Mercer, broke off from us some time ago; at first professing to disdain joining the federalists, yet, from the habit of voting together, becoming soon

identified with them. Without carrying over with him one single person, he is now in a state of as perfect obscurity as if his name had never been known. Mr. J. Randolph is in the same track, and will end in the same way. His course has excited considerable alarm. Timid men consider it as a proof of the weakness of our government, & that it is to be rent into pieces by demagogues, & to end in anarchy. I survey the scene with a different eye, and draw a different augury from it. In a house of Representatives of a great mass of good sense, Mr. R's popular eloquence gave him such advantages as to place him unrivalled as the leader of the house; and, altho' not conciliatory to those whom he led, principles of duty & patriotism induced many of them to swallow the humiliations he subjected them to, and to vote as was right, as long as he kept the path of right himself. The sudden defection of such a man could not but produce a momentary astonishment, & even dismay; but for a moment only. The good sense of the house rallied around it's principles, & without any leader pursued steadily the business of the session, did it well, & by a strength of vote which has never before been seen. Upon all trying questions, exclusive of the federalists, the minority of republicans voting with him has been from 4. to 6. or 8., against from 90, to 100.; and altho' he yet treats the federalists with ineffable contempt, yet, having declared eternal opposition to this administration, & consequently associated with them, in his votes, he will, like Mercer, end with them. The augury I draw from this is, that there is a steady, good sense

in the Legislature, and in the body of the nation, joined with good intentions, which will lead them to discern & to pursue the public good under all circumstances which can arise, and that no *ignis fatuus* will be able to lead them long astray. In the present case, the public sentiment, as far as declarations of it have yet come in, is, without a single exception, in firm adherence to the administration. One popular paper is endeavoring to maintain equivocal ground; approving the administration in all it's proceedings, & Mr. R in all those which have heretofore merited approbation, carefully avoiding to mention his late aberrations. The ultimate view of this paper is friendly to you; & the editor, with more judgement than him who assumes to be at the head of your friends, sees that the ground of opposition to the administration is not that on which it would be advantageous to you to be planted. The great body of your friends are among the firmest adherents to the administration; and in their support of you, will suffer Mr. R to have no communications with them. My former letter told you the line which both duty & inclination would lead me sacredly to pursue. But it is unfortunate for you to be embarrassed with such a *soi-disant* friend. You must not commit yourself to him. These views may assist you to understand such details as Mr. Pinckney will give you. If you are here at any time before the fall, it will be in time for any object you may have, and by that time the public sentiment will be more decisively declared. I wish you were here at present, to take your choice of the two

governments of Orleans & Louisiana, in either of which I could now place you; and I verily believe it would be to your advantage to be just that much withdrawn from the focus of the ensuing contest, until it's event should be known. The one has a salary of 5000 D., the other of 2000 D.; both with excellent hotels for the Governor. The latter at St. Louis, where there is good society, both French & American; a healthy climate, & the finest field in the U S for acquiring property. The former not unhealthy, if you begin a residence there in the month of November. The Mrs. Trists & their connections are established there. As I think you can within 4. months inform me what you say to this, I will keep things in their present state till the last day of August, for your answer.

The late change in the ministry I consider as insuring us a just settlement of our differences, and we ask no more. In Mr. Fox, personally, I have more confidence than in any man in England, & it is founded in what, through unquestionable channels, I have had opportunities of knowing of his honesty & his good sense. While he shall be in the administration, my reliance on that government will be solid. We had committed ourselves in a line of proceedings adapted to meet Mr. Pitt's policy & hostility, before we heard of his death, which self-respect did not permit us to abandon afterwards; and the late unparalleled outrage on us at New York excited such sentiments in the public at large, as did not permit us to do less than has been done. It ought not to be viewed by the ministry as looking towards them at

all, but merely as the consequences of the measures of their predecessors, which their nation has called on them to correct. I hope, therefore, they will come to just arrangements. No two countries upon earth have so many points of common interest & friendship; & their rulers must be great bunglers indeed, if, with such dispositions, they break them asunder. The only rivalry that can arise is on the ocean. England may, by petty larceny, thwartings, check us on that element a little, but nothing she can do will retard us there one year's growth. We shall be supported there by other nations, & thrown into their scale to make a part of the great counterpoise to her navy. If, on the other hand, she is just to us, conciliatory, and encourages the sentiment of family feelings & conduct, it cannot fail to befriend the security of both. We have the seamen & materials for 50. ships of the line, & half that number of frigates; and were France to give us the money & England the dispositions to equip them, they would give to England serious proofs of the stock from which they are sprung, & the school in which they have been taught; and added to the effects of the immensity of sea coast lately united under one power, would leave the state of the ocean no longer problematical. Were, on the other hand, England to give the money, & France the dispositions to place us on the sea in all our force, the whole world, out of the continent of Europe, might be our joint monopoly. We wish for neither of these scenes. We ask for peace & justice from all nations; & we will remain uprightly neutral in fact, tho' leaning in

belief to the opinion that an English ascendancy on the ocean is safer for us than that of France. We begin to broach the idea that we consider the whole gulph Stream as of our waters, in which hostilities & cruising are to be frowned on for the present, and prohibited so soon as either consent or force will permit us. We shall never permit another privateer to cruise within it, and shall forbid our harbors to national cruisers. This is essential for our tranquillity & commerce. Be so good as to have the enclosed letters delivered; to present me to your family, and be assured yourself of my unalterable friendship.

For fear of accidents, I shall not make the unnecessary addition of my name.

TO SAMUEL SMITH

J. MSS.

WASHINGTON, May 4, 06.

DEAR SIR,—I received your favor covering some papers from Genl Wilkinson. I have repented but of one appointment there, that of Lucas, whose temper I see overrules every good quality & every qualification he has. Not a single fact has appeared, which occasions me to doubt that I could have made a fitter appointment than Genl Wilkinson. One qualm of principle I acknowledge I do feel, I mean the union of the civil & military authority. You remember that when I came into office, while we were lodging together at Conrad's, he was pressed on me to be made Governor of the Missipi territory; & that I refused it on that very principle. When, therefore,

the H of R took that ground, I was not insensible to it's having some weight. But in the appointment to Louisiana, I did not think myself departing from my principle, because I consider it not as a civil government, but merely a military station. The Legislature had sanctioned that idea by the establishment of the office of Commandant, in which were compleatly blended the civil & military powers. It seemed, therefore, that the Governor should be in suit with them. I observed, too, that the H of R, on the very day they passed the stricture on this union of authorities, passed a bill making the Govr. of Michigan commander of the regular troops which should at any time be within his government. However, on the subject of Genl Wilkinson nothing is in contemplation at this time. We shall see what turn things take at home & abroad in the course of the summer. Monroe has had a 2^d conversation with Mr. Fox, which gives us hopes that we shall have an amicable arrangement with that government. Accept my friendly salutations, & assurances of great esteem & respect.

TO JACOB CROWNSHIELD

J. MSS.

MONTICELLO, May 13, 06.

DEAR SIR,—I was able to get from Washington a few days ago, and am here for about three weeks to unbend, as much as the current business will permit, with the aid of the country recreations. A little before my departure the incident took place at New York, on the subject of which I saw letters from

yourself & General Barnham who were witnesses of the effect produced. Altho' the scenes which were acted on shore were overdone with electioneering views, yet the act of the British officer was an atrocious violation of our territorial rights. The question what should be done was a difficult one, the sending three frigates was one suggestion. Our peace establishment allows the employment of 925 men, which might man 3 frigates; & I think the construction sound that the force in the Mediterranean might be considered as our war establishment making no part of the 925 men, but as having been sent there under another law. But if no part of our peace establishment, the war being over they must be called home if considered under the war statute, and if kept there it could be only as a part of the peace establishment. We had in fact ordered home one frigate and directed one to remain there with two brigs. The *Chesapeake* was under repair, destined for the Mediterranean on account of the Tunisian threats, but would not be ready within a month. While we were thus unable to present a force of that kind at N. York we received from Mr. Merry the most solemn assurances that the meeting of the three British vessels at New York was entirely accidental from different quarters & that they were not to remain there. We concluded therefore that it was best to do what you have seen in the proclamation, and to make a proper use of the outrage and of our forbearance at St. James's, to obtain better provisions for the future. We expect daily to hear of the return of our Mediterranean gunboats to Charleston, which

with those expected to descend the Ohio, & some from Commodore Preble, will enable us to put N. Orleans & N. York (our most vulnerable points) the former in a state of good security, the latter out of danger of having the city assaulted by a small force. And the boats to be constructed this year, with land-batteries will give to N. York also good security. But the building some ships of the line instead of our most indifferent frigates is not to be lost sight of. That we should have a squadron properly composed to prevent the blockading our ports is indispensable. The Atlantic frontier from numbers, wealth, & exposure to potent enemies have a proportionate right to be defended with the Western frontier, for whom we keep up 3000 men. Bringing forward the measure therefore in a moderate form, placing it on the ground of comparative right, our nation which is a just one, will come into it, notwithstanding the repugnance of some on the subject being first presented. A second conference between Monroe and Fox gives us confident hope that our matters there will be properly settled. The measures we have taken were necessary even to alarm the British merchants & to give the ministry their support in what they were disposed to do. Accept friendly salutations & assurances of great esteem.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, May 23, 06.

DEAR SIR,—Your's by the last post was received yesterday, and I now return Monroe's letters. That

Armstrong should be returning so suddenly & without notice is quite an impossibility. Any other hypothesis for his journey to Amsterdam would be more probable. I send you a letter from Pierpont Edwards respecting Swartwout. His testimony against him cannot be suspected, considering their mutual relation to a common center, Burr. I send you also a letter from Mr. Gallatin on account of the last paragraph tho' as far as I can trust my memory every article suggested has been provided for. These two letters to be returned. I have desired the postmasters of Washington & Richmd to send nothing here after the 28th, proposing to leave this on the 4th & be in Washington on the 7th of June. It occurred to me yesterday that a letter is necessary from me to the Basha of Tripoli, and I have hastily prepared a draft which will need much correction. I pray you to give it freely, and submit it to Mr. Smith also. If you can return the fair draught by the post leaving Washington on the 28th I may sign & send it by the return of the same post, so that you may receive it the 3rd of June. Or if not wanting sooner it may lie with you till the 7th when I can sign it at Washington. At length we have had a copious rain. It continued with slight remissions two days (Wed & Thursday) falling moderately so that the earth is saturated without raising the streams. It was from the N. E. and has cleared up cold, the wind at N. & thermometer 50°. Mr. Burwell is here. He understands well the occurrences at Washington, but had not so well understood Clarke. Accept affectionate salutations.

The above was written yesterday morning. In

the evening it recommenced raining, continued steadily tho' moderately thro' the night, and still continues this morning, with the wind at N. W. The earth has enough, but more is wanting for the springs and streams. May 24, 7 o'clock a.m.

TO THE SECRETARY OF THE TREASURY J. MSS.
(ALBERT GALLATIN.)

June 15, 1806.

On the 27th of April I wrote to Governor Claiborne in these words:

“Congress has permitted lots to be taken for M. de la Fayette as low as 500 acres. This secures to us the parcel on the canal of Carondelet; but at the same time cuts off those similar locations proposed by M. Duplantier. Indeed, it would not be for the interest of the General to let his claim get into collision with any public interest. Were it to lose its popularity it might excite an opposition neither agreeable to his feelings or interest.”

This may already have produced some effect towards abating the expectations of M. Duplantier and the fears of the city. Still, I think it better that Mr. Madison should write explicitly to him. Indeed, I think we had better have a consultation, and determine on the proper limits of the public reservation. For, however justifiably desirous we may be to relieve a man who stands so high in the public affection as La Fayette, still, it should be only by granting to him such lands as would be granted to others if not located by him. The idea of consolidating

by getting Suarez's land was to satisfy the limit of 1000 acres then imposed on him, while others would have been free to have taken these smaller parcels. That idea may now be waived.

With respect to Colonel Newton's inquiries what measures are to be taken with armed vessels coming into that harbor, I think he may be told to go on as we have done until further orders. These ought not to be given till we have gunboats there to enforce them. Then I shall be for an exact police over these vessels. Should we not by special letters keep the collectors on the alert as to the three proscribed vessels and commanders? It is very desirable to get hold of Whitby. Affectionate salutations.

TO THE SECRETARY OF THE TREASURY J. MSS.

(ALBERT GALLATIN.)

June 19, 1806.

I have had a consultation with Mr. Madison on the application of the British vessel of war for *stores*. We are both of opinion that if by this term be meant *sea-stores* only, or even *munitions de bouche*, or provisions generally, there can be no objection to their taking them, or indeed anything except *contraband of war*. But what should be deemed *contraband of war* in this case we are not agreed. He thinks that as the English deem *naval stores* to be *contraband*, and as such take them from our vessels at sea, we ought to retaliate their own definition on them. I think we ought to act on the opinion that they are not *contraband*; because by treaties between all the

nations (I think) having treaties with another they are agreed not to be contraband; even England herself, with every nation but ours, makes them non-contraband, and the only treaty making them contraband (Jay's) is now expired. We ought then at once to rally with all the other nations on the ground that they are non-contraband; and if England treats them as contraband in our ships, instead of admitting it by retaliation, let us contest it on its true ground. Mr. M. thinks France might complain of this; but I think not, as we shall permit both nations equally to take naval stores; or at least such articles of them as may be used for peaceable as well as warlike purposes; this being the true line. This therefore becomes a question on which it will be advisable for us soon to come to a fixed determination. In the mean time, it will be better to leave the construction of the term to Mr. Gelston, by not defining the term to him, because any error of his will be easily got over. Affectionate salutations.

TO LEVI LINCOLN

J. MSS.

WASHINGTON, June 25, 06.

DEAR SIR,—It gave me great pleasure to receive your letter of the 17th and especially to learn you had accepted your new post.* The newspapers tell us that Dr. Eustis has qualified. Mr. Gerry I presume & Genl. Heath must have reasons of justification for declining unknown to us at a distance. Otherwise we should say that a good souldier does not retire on

* Council of Massachusetts.

carrying the town merely, while the citadel is still in the enemy's hands. I presume however it will be surrendered at the end of this campaign, as all hopes of relief will then be desperate.

Every communication from Mr. Monroe strengthens our expectation that the new pretence of the British to controul our commerce with belligerent colonies will be properly restricted, and the outrages on our seamen brought to an end. I had apprehended that the attempts of a little party of seceders in Congress, to assassinate our negotiations for peace & justice from Spain and France by proclaiming views communicated to them in confidence, and using a language of irritation calculated to indispose those powers to listen to us, would have effected their views and forced us into what they deemed necessary for the liberties of mankind, war with Spain & France & consequently alliance with Britain. But the course which things are taking in Europe & some symptoms at Madrid & Paris induce me now to hope we may obtain the same ground which was put in our power last autumn. On the whole I do hope that at the next session of Congress we may inform the nation that we have brought to an end the wrongs they have been suffering from one people, and obtained from another justice, peace, & perhaps an arrondissement of empire which may promise us long years of tranquility. There will be some gratification too personally, in proving to our constituents, that their old servants have done nothing either in the way of wickedness or folly to forfeit their confidence, nor their new & unfledged friends anything to merit it.

As our measures will have resulted in peace, the inference is that the contrary measures pressed on us would have resulted in contrary effects.

The proposition respecting the marshallship mentioned in your letter, was, as you supposed, not the first. Another had been weightily patronized, & had produced such a degree of commitment as cannot but have influenced our final determination. Certainly every act would give me superior pleasure inasmuch as it would be pleasing to you. But my knowledge of you also placed me at my ease in giving to all considerations the whole weight which they are in justice & duty entitled to receive. Accept my friendly salutations & assurances of continued attachment & respect.

TO THE SECRETARY OF THE TREASURY J. MSS.

(ALBERT GALLATIN.)

June 26, 1806.

The Attorney-General being absent, we must decide for ourselves the question raised by Colonel Newton's letter, whether Mr. Cooper can own a registered vessel? or, in other words, whether he is a citizen of the United States?

I hold the right of expatriation to be inherent in every man by the laws of nature, and incapable of being rightfully taken from him even by the united will of every other person in the nation. If the laws have provided no particular mode by which the right of expatriation may be exercised, the individual may do it by any effectual and unequivocal act or declaration.

The laws of Virginia have provided a mode; Mr. Cooper is said to have exercised his right solemnly and exactly according to that mode, and to have departed from the Commonwealth; whereupon the law declares that "he shall thenceforth be deemed no citizen." Returning afterwards he returns an alien, and must proceed to make himself a citizen if he desires it, as every other alien does. At present he can hold no lands, receive nor transmit any inheritance, nor enjoy any other right peculiar to a citizen.

The general government has nothing to do with this question. Congress may by the Constitution "establish an uniform rule of naturalization," that is, by what rule an alien may become a citizen. But they cannot take from a citizen his natural right of divesting himself of the character of a citizen by expatriation.

TO THOMAS MANN RANDOLPH ¹

WASHINGTON, July 13, 06.

DEAR SIR,—Your letter of the 5th came to hand on the 7th & at the same time the *Enquirer* of the 4th. From the two together I derived inexpressible consolation: because while the *Enquirer* contained a piece which shews that the other party did not propose, for any thing which had yet past to remove the question from before the tribunal of the public, your letter gave me confidence that if that piece contained any fact necessary to be set to rights, it

¹ From a copy courteously furnished by the Hon. C. H. Bell, of Exeter, N. H. It relates to a dispute in Congress with John Randolph.

would be done by a simple statement of the fact, without commentary or reflection, but indeed whatever that piece might contain of error, it's contradiction is rendered unnecessary by general opinion. I find but one sentiment prevailing (and I have that from very many) that the thing may stop where it now is with entire honour to yourself, and with no other diminution of it by the other party than shewing that he has not that ravenous appetite for unnecessary risk which some had ascribed to him; and which indeed is the falsest of honour, as a mere compound of crime & folly. I hope therefore that the matter is at an end, and that great care will be taken not to revive it. I believe that will be the case on his side; for I think you have been mistaken in supposing he meant to try any experiment on your sensibility. Of this he is acquitted I find by all who had opportunities of observing his selection of characters to be the subjects of his sarcasms. This termination however restores peace of mind and happiness to us all. The young ones indeed would have got over it; but to two persons at least it would have ended but with life. This period might have been long with one; with the other short, but unceasingly bitter. A sincere affection for you personally, a reliance on you for succeeding to cares which age is unfitting me for, sympathies with a beloved survivor, and tender anxieties for those who would have had to embark in the world without guide or protection, would have filled with gloom my remaining time.

God bless you & give you a long life.

TO THE U. S. MINISTER TO SPAIN¹

J. MSS.

(JAMES BOWDOIN.)

July 26, 1806.

DEAR SIR,—I wrote you a long letter on the 10th inst. since which your favor of May 20 has come to hand. By this I perceive, & with the deepest affliction, not only that a misunderstanding has taken place between yourself & Genl. Armstrong, but that it has occasioned a misconstruction of your powers likely to defeat the object of your mission, a mission on the result of which the eyes of all our citizens are anxiously fixed, as that which can alone give them a convenient & certain boundary with the prospect of long peace. The commission sent you is in the precise words (as to it's formal parts) of that under which Messrs. Monroe & C. Pinckney acted at Madrid in the same business; & the same also as that formerly given to Mr. Livingston & Monroe, & the one lately given to Monroe & W. Pinckney. It's purport is indeed joint or several; it's intention that if found together, the ministers shall act jointly, but if the death, sickness or absence of either should happen, then the other should have authority to proceed separately. Never before has this form met with any objections; & never before was it constructed to give to either the power to do a single act relative to it's object, but in conjunction with the other. In the instructions indeed a small variation in form only happened from this circumstance. They were prepared before we were certain that you would be at Paris when they should arrive, and as

¹ Endorsed : " Not sent."

we had determined no more to address ourselves to Madrid, but thro' the medium of France, where Genl. Armstrong was accredited, the instructions were at first addressed to him singly. When it was afterwards determined to join you in a negotiation, the caption was made to declare that they were common to you both: and the address on the back was joint. This change in the caption & superscription completely changed the effect of every paragraph in the instrns & addressed it's contents to both of you. I cannot see how it could be inferred that these instructions were not to have operation until the authority at Paris shall be ready on the part of Spain? On the contrary they were in operation from the moment they were received, and from that moment neither had a right to take a single step, formal or informal, but with the concurrence of the other. As France had neither right nor interest in the provinces coterminous with Louisiana either on the East or West which were to be the subject of negotiation, she could not become a party to the treaty. No diploma was necessary therefore to be addressed to her formally. The friendly dispositions which dictated our requests of her good offices, would induce her to yield them on being informally satisfied that you had full powers to conclude with Spain. This she would have been by a sight of your full-powers, or of a letter or another less formal manifestation of your authority: and on this she would naturally invite Spain to meet us in negotiation at Paris, where her good offices could be rendered to both. This was the course we supposed

the business would take. If Genl. Armstrong has written to you "that you are to have nothing to do with the negotiation until Spanish agents are upon the ground" it is wrong, because you had equal authority with him to take the measures properly necessary to bring them on the ground. No greater authority was given or intended for the one than the other.

I hardly suppose this explanation can reach Paris in time to remedy—

I have much higher hopes that gentlemen so selected for the superiority of their characters & understanding will have had so much greatness of mind as to silence their individual passions in the presence of such great public interests, and to have exerted all the powers of their mind to bring them to the result so much desired. This disposition would, of course, be enforced by the consideration that the evil arises at such a distance from us as to admit of no remedy till too late. That private indisposns towd each other should sometimes exist in diffnt agents of the same govmnt is what is to be found in all govmnt. With these the public have no concern, but were these indisposns to prevent them from executing dispassionately & faithfully any public duties which brought them together, would be a ground of serious blame. My estimation of you both must be obvious from my selection of you from the whole body of our country for the discharge of it's highest trusts. My confidence in you has kept me without pain & without a fear that everything would [be] done to accomplish the great object committed to you, which

patriotism & talents could affect, and I will not believe yet that †

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, Aug. 8, 06.

DEAR SIR,—Yours of the 4th is received. I think the course which has been taken for sending Mellinetti home is the best; and I concur with you in the expediency of giving no answer to Turreau. Indeed his letter does not seem to call for one. In the present state of our affairs it will certainly be better not to appoint a consul at St. Thomas's. We must not risk great things for small. A consul merely to patronize a commerce which the laws forbid, would be a measure in opposition to the law, & not for its execution. I have received an impression from some cause or other that we had a convention with Spain for the mutual surrender of fugitives from justice in cases of murder and forgery: but on examining my collection of the laws here (which however is imperfect) I do not find such an one. If we have such a convention the murderer of his negro must certainly be given up. If we have not, he as certainly cannot. Of this I imagine you can satisfy yourself. If he is to be given up our constitution secures to him a previous trial by jury. He should be regularly indicted for having committed a certain crime within the territories of Spain, and the jury finding him guilty, the judgment of the court should be that he be delivered up to the Spanish authority.

† Here the letter ends.

The case is of new creation by the convention, and should therefore take the course of analogous cases already known to the law.

The fact mentioned by Govr. Lewis, that the British have a fort on the Isthmus near Carleton or Buck Island is equally unknown & astonishing to me. Certainly we are bound to look into it immediately. The first step to be taken I think is to ascertain the fact, for which purpose I should suppose it best that Genl. Dearborn should send a discreet judicious officer to the place, with orders to do nothing more than to satisfy himself of the fact and report it to him. I think a new marshall should now be appointed for N. York, & will thank you to order a blank commission for this purpose to be forwarded to Mr. Gallatin, as was settled before we parted. I now return you the letters of P. Edwards, Cathcart, Govr. Lewis, Turreau & Govr. Claiborne; and I inclose to you for your office Mellimenni's letter to me, Brown's with an official report, Jones's petn for a pardon, Govr. Claiborne's & Judge Hall's recommendation in Perryman's case, on which two last, pardons are to be issued; and Phelp's letter to be lodged in the patent office.

I am likely to be detained here a week more before I can set out for Bedford. My absence will be of about 10 days. If you can have my great coat put into the hands of the stage driver as he passes on Wednesday afternoon, I shall get it in time for my journey, and be very thankful to you for the accommodation. My affectionate salutations are tendered to yourself & Mrs. Madison.

TO THE SECRETARY OF THE TREASURY J. MSS.

(ALBERT GALLATIN.)

MONTICELLO, Aug. 15, 1806.

Yours of the 7th received yesterday; and I have this day enclosed Mr. Sandford's letter to Mr. Madison for perusal and to be forwarded by him to you. The skill and spirit with which Mr. Sandford and Mr. Edwards conducted the prosecution give perfect satisfaction, nor am I dissatisfied with the result. I had no wish to see Smith imprisoned; he has been a man of integrity and honor, led astray by distress. Ogden was too small an insect to excite any feelings. Palpable cause for removal of the marshal has been furnished, for which good though less evident cause existed before, and we have shown our tenderness towards judicial proceedings in delaying his removal till these were ended. We have done our duty, and I have no fear the world will do us justice. All is well therefore.

I approve of the appointment of Thos. Fowler to command the cutter at Savannah, and wish you to direct the commission accordingly. There was a recommendation of a Mr. Newell under favorable circumstances; but that of Fowler is more weighty. Mr. R. S. has had a commission given to Eli Williams as commissioner of the Western road. I am sorry he has gone out of Baltimore for the appointment, and also out of the ranks of Republicanism. It will furnish new matter for clamor. I set out to my possessions in Bedford in a day or two, and shall be absent ten days. This may explain delays in answering your communications, should any occur.

The effects of drought are beyond anything known here since 1755. There will not be 10,000 hogsheads of tobacco made in the State. If it should rain plentifully within a week, the corn in rich lands may form nubbings; all the old field corn is past recovery, and will not yield a single ear. This constitutes the bulk of our crop; there will be no fodder. The potatoes are generally dead. Emigration will be great this fall from necessity. Affectionate salutations.

TO THE SECRETARY OF THE TREASURY J. MSS.
(ALBERT GALLATIN.)

MONTICELLO, August 16, 1806.

DEAR SIR,—I have made it a rule to grant no pardon in any criminal case but on the recommendation of the judges who sat on the trial, and the district attorney, or two of them. I believe it a sound rule, and not to be departed from but in extraordinary cases. This occasions me to trouble you with the enclosed petition. It is probable the party petitioning, or his friends, on being informed of the rule, will take the petition and present it for the necessary signature; I ask the favor of you accordingly to put it into their hands with the necessary information. I salute you with affection and respect.

TO THE SECRETARY OF THE TREASURY J. MSS.
(ALBERT GALLATIN.)

MONTICELLO, August 28, 1806.

DEAR SIR,—I returned hither the day before yesterday, and found your two letters of the 15th. I

am much pleased with the expectation of Mr. Thompson's continuance in office in the Orleans land office. The appointment of Robert Sargent as second mate of the revenue cutter of Delaware is approved. On the subject of the negotiation for the Floridas, not one word further than is known to you has been received. You shall immediately know when anything is received. As to the proposition for employing the *Hornet* to transport money for certain merchants from a belligerent port to the United States, Mr. Miller seems to have viewed one side of the question only. The other would not withstand a moment's reflection. Every neutral vessel, armed or unarmed, transporting merchandise of money or other goods, is rightfully liable to search by the ships of war of a belligerent. Private vessels, even armed, are accordingly searched. The public armed ships are not, because no nation uses them but for the protection of private commerce, not for carrying it on. The honor of the nation is relied on that they are not so employed; and the nation who lend them to such purposes must give up their exemption from search. Should a British frigate, having intimation of the *Hornet's* cargo, demand and make a search, he would find on board the proofs that our public ships abuse their privilege and of course must be denied it. The license to four British vessels to sail to Lima proves that belligerents may, either by compact or force, conduct themselves towards one another as they please; but not that a neutral may, unless by express permission of the belligerent. If the money said to have been brought from Jamaica

by Murray & Mullony was private property, the act was wrong and ought not to be repeated. There are other insuperable reasons in this case, but this one is sufficient. I must take a little more time to consider and answer as to the Western roads and Louisiana instructions. Affectionate salutations.

TO THE SECRETARY OF THE TREASURY J. MSS.
(ALBERT GALLATIN.)

MONTICELLO, August 31, 1806.

DEAR SIR,—I now return you the papers respecting the Louisiana Board of Commissioners, with only the alteration of omitting the words in the Xth instruction, about which you had doubted yourself. At the same time it is without confidence I give any opinion on this subject, having always considered your knowledge on it so exact as to supersede the necessity of my studying it minutely. If any opinion in aid of yours be necessary, I am sorry we could not call in that of the Attorney General, who is acquainted with the subject.

I return also the papers on the Western roads. I have not here a complete copy of the laws of the last session, and particularly no copy of that respecting the road from the Mississippi to the Ohio. If I recollect it rightly, it authorized us to open but one road. If so, the branchings proposed by Mr. Badollet may be beyond our powers. At any rate, they should be secondary, and not attempted till we know there will be money left after accomplishing the

principal one. I submit to you, therefore, whether we should not suspend all measures respecting the branching roads. With respect to the great and important road which is the principal object:

1. Why should not the guide-line from St. Louis to Vincennes be direct, instead of bending to B?

2. I like your idea of straightening the guide-line from Vincennes, although it may pass through a corner of the Indian lands. But if necessary to cross the river at A on account of the ford, should not the guide-line go thence direct to Cincinnati, as I have pencilled it, or to Dayton, if that be the shortest way to Chillicothe? and even in that case the fork to Cincinnati might be transferred to C.

3. But the post-office map (the only one I have here) must be egregiously wrong if Dayton is not much out of the direct road from Vincennes to Chillicothe. According to that Cincinnati is in the direct line. But perhaps the deviation by Dayton is from economy, and to spare our fund the expense of opening the road from Cincinnati to Chillicothe and Marietta. But I doubt whether for a temporary reason we ought to do a permanent injury, especially as we may with certainty expect that Congress will enlarge the appropriation.

As to the branches of the roads, if it be lawful and advisable to extend our operations to them, I presume that to Louisville C. H. will be the most important. But should the fund hold out, that to Kaskaskia may be taken in ultimately. I think Mr. Badollet is right in proposing that the road shall not be opened more than a rod wide. Accept

affectionate salutations, and assurances of constant esteem and respect.

TO JOSEPH HAMILTON DAVEISS²

MONTICELLO, Sept. 12, '06.

SIR,—Your letter of Aug. 14 has been just received. The first of Jan. 10 was acknowledged in mine of Feb. 15. After that, those of Feb. 10, Mar. 5, April 5 and 21, came in due time. As their matter do not require answer, their acknowledgment was postponed to avoid the suspicion of which you seemed to be aware, as well as to await your return from the journey you had undertaken. The acknowledgment of their receipt is now therefore made to relieve you from any anxiety respecting their safety, and you may rely on the most inviolable secrecy as to the past and any future communication you may think proper to make. Your letters are not filed in the offices; but will be kept among my private papers.

Accept my salutations and assurances of respect.

TO W. A. BURWELL

J. MSS.

MONTICELLO, Sept. 17, '06.

DEAR SIR,—Yours of Aug. 7, from Liberty, never got to my hands till the 9th instant. About the same time I received the *Enquirer*, in which Decius was so judiciously answered. The writer of that

² From Daveiss's *View of the President's Conduct*, Frankfort, 1806, p. 25.

paper observed, that the matter of Decius¹ consisted, 1st of facts; 2dly, of inferences from these facts: that he was not well enough informed to affirm or deny his facts, & he therefore examines his inferences, and in a very masterly manner shews that even were his facts true, the reasonable inferences from them are very different from those drawn by Decius. But his facts are far from truth, and should be corrected. It happened that Mr. Madison & Genl Dearborne were here when I received your letter. I therefore, with them, took up Decius & read him deliberately; & our memories aided one another in correcting his bold & unauthorized assertions. I shall note the most material of these in the order of the paper.

1. It is grossly false that our ministers, as it is said in a note, had proposed to surrender our claims to compensation for Spanish spoliations, or even for French. Their instructions were to make no treaty in which Spanish spoliations were not provided for; and altho they were permitted to be silent as to French spoliations carried into Spanish ports, they were not expressly to abandon even them. 2. It is not true that our ministers, in agreeing to establish the Colorado as our Western boundary, had been obliged to exceed the authority of their instructions. Altho' we considered our title good as far as the Rio Bravo, yet in proportion to what they could obtain East of the Missipi, they were to relinquish to the Westward, & successive sacrifices were marked out,

¹ "Decius" was the signature used by John Randolph to a series of papers in the *Richmond Examiner*.

of which even the Colorado was not the last. 3. It is not true that the Louisiana treaty was antedated, lest Great Britain should consider our supplying her enemies with money as a breach of neutrality. After the very words of the treaty were finally agreed to, it took some time, perhaps some days, to make out all the copies in the very splendid manner of Bonaparte's treaties. Whether the 30th of Apr., 1803, the date expressed, was the day of the actual compact, or that on which it was signed, our memories do not enable us to say. If the former, then it is strictly conformable to the day of the compact; if the latter, then it was postdated, instead of being antedated. The motive assigned too, is as incorrect as the fact. It was so far from being thought, by any party, a breach of neutrality, that the British minister congratulated Mr. King on the acquisition, & declared that the King had learned it with great pleasure; & when Baring, the British banker, asked leave of the minister to purchase the debt & furnish the money to France, the minister declared to him, that so far from throwing obstacles in the way, if there were any difficulty in the payment of the money, it was the interest of Great Britain to aid it.

4. He speaks of a double set of opinions & principles; the one ostensible, to go on the journals & before the public, the other efficient, and the real motives to action. But where are these double opinions and principles? The executive informed the legislature of the wrongs of Spain, & that preparation should be made to repel them, by force, if necessary. But as it might still be possible to

negotiate a settlement, they asked such means as might enable them to meet the negotiation, whatever form it might take. The 1st part of this system was communicated publicly, the 2d privately; but both were equally official, equally involved the responsibility of the Executive, and were equally to go on the journals. 5. That the purchase of the Floridas was in direct opposition to the views of the executive, as expressed in the President's *official* communication. It was not in opposition even to the public part of the communication, which did not recommend war, but only to be prepared for it. It perfectly harmonized with the private part, which asked the means of negotiation in such terms as covered the purchase of Florida as evidently as it was proper to speak it out. He speaks of secret communications between the executive and members, of backstairs' influence, &c. But he never spoke of this while he and Mr. Nicholson enjoyed it almost solely. But when he differed from the executive in a leading measure, & the executive, not submitting to him, expressed it's sentiments to others, the very sentiments (to wit, the purchase of Florida) which he acknowledges they expressed to him, then he roars out upon backstairs' influence. 6. The committee, he says, "forbore to recommend offensive measures." Is this true? Did not they recommend the raising — regiments? Besides, if it was proper for the comee to forbear recommending offensive measures, was it not proper for the executive & Legislature to exercise the same forbearance? 7. He says Monroe's letter had a most important bearing on

our Spanish relations. Monroe's letter related, almost entirely, to our British relations. Of those with Spain he knew nothing particular since he left that country. Accordingly, in his letter he simply expressed an opinion on our affairs with Spain, of which he knew we had better information than he could possess. His opinion was no more than that of any other sensible man; & his letter was proper to be communicated with the English papers, & with them only. That the executive did not hold it up on account of any bearing on Spanish affairs, is evident from the fact that it was communicated when the Senate had not yet entered on the Spanish affairs, & had not yet received the papers relating to them from the other House. The moment the Representatives were ready to enter on the British affairs, Monroe's letter, which peculiarly related to them, and was *official* solely as to them, was communicated to both Houses, the Senate being then about entering on Spanish affairs.

It remains now to consider on what authority these corrections of fact can be advanced without committing the Executive. It would seem to be best that the writer should assume the mask of a member of the Legislature. As to the 1st & 2d articles it might be said that although the instructions to the ministers for the Spanish negotiation were never officially made known, yet that they were often the subject of conversation during the sessions at Washington, where it was understood that they were as above stated, however that if Decius pretends to know that they were not, let him bring forward his

proofs, or avow the back-stairs information he received to the contrary. As to the 3d all the circumstances were freely mentioned by the different members of the administrn in conversations during the session which confirmed the Louisiana treaty. No secret was made of them. The 4th, 5th & 6th require no proofs but what are public. The 7th may be affirmed in the assumed character of a member, without any danger of it's being denied.

These, my dear Sir, are the principal facts worth correction. Make any use of them you think best, without letting your source of information be known. Can you send me some cones or seeds of the cucumber tree? Accept affectionate salutations, & assurances of great esteem & respect.

TO GEORGE MORGAN ¹

MONTICELLO, Sep. 19, '06.

SIR,—Your favor of Aug. 29. came to hand on the 15th inst. I thank you for the information, which

¹ From a copy courteously furnished by Mr. George Plummer Smith, of Philadelphia. On June 26, 1822, Jefferson wrote to Mrs. Katharine Duane Morgan:

"I have duly received, dear Madam, your favor of the 10th with the eloquent circular and address to your patriotic and fair companions in good works. I well recollect our acquaintance with yourself personally in Washington, valued for your own merit as well as for that of your esteemed father. Your connection too with the family of the late Colo. Morgan is an additional title to my grateful recollections. He first gave us notice of the mad project of that day, which if suffered to proceed, might have brought afflicting consequences on persons whose subsequent lives have proved their integrity and loyalty to their country.

"The effort which is the subject of your letter is truly laudable,

claims the more attention as it coincides with what has been learned from other quarters. Your situation and the knowledge you already possess would probably put it in your power to trace the footsteps of this enterprise on the public peace with more effect than any other with whom I could communicate. Whatever zeal you might think proper to use in this pursuit, would be used in fulfilment of the duties of a good citizen, and any communications you may be so good as to make to me on the subject shall be thankfully received, and so made use of as not to commit you any further than yourself may

and, if generally followed as an example, or practised as a duty, will change very advantageously the condition of our fellow citizens, & do just honor to those who shall have taken the lead in it. No one has been more sensible than myself of the advantages of placing the consumer by the side of the producer, nor more disposed to promote it by example. But these are among the matters which I must now leave to them. Time, which wears all things, does not spare the energies either of body or mind of a *presque Octogenaire*. While I could, I did what I could, and now acquiesce cheerfully in the law of nature which, by unfitting us for action, warns us to retire and leave to the generation of the day the direction of its own affairs. The prayers of an old man are the only contributions left in his power. Mine are offered sincerely for the success of your patriotic efforts, and particularly for your own individual happiness and prosperity."

On the same day that Jefferson wrote to George Morgan, he also wrote to John Nicholson:

"MONTICELLO, Sep. 19, 06.

"SIR,—I thank you for the information contained in your letter of the 6th inst. which merits attention the more as it coincides with information received from other quarters. It is certainly very interesting that we keep our eye on the proceedings of the persons who are the subjects of your letter, and should you be able to obtain any further information respecting them or their measures, besides fulfilling the duties of a patriotic citizen, you will confer an obligation on me, by communications from time to time of what you may learn. They shall be made no further use of than what you shall prescribe. Accept my salutations & assurances of respect."

think proper to express. A knowledge of the persons who may reject, as well as of those who may accept parricide propositions will be peculiarly useful. Accept my salutations & assurances of esteem & respect.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, Sept. 23, 06.

DEAR SIR,—Yours by yesterday's post has been received, and I now return you the letters of Yznardi, Wilkinson, Cathcart, Clinton, Toulman & Turreau. In the answer to the latter I think it would be better to lay more stress on the constitutional bar to our furnishing the money, because it would apply in an occasion of peace as well as war. I submit to you therefore the striking out the words "it is not &c." within Crotchets () in your draught & inserting "but in indulging these dispositions the President is bound to stop at the limits prescribed by our Constitution & law to the authorities placed in his hands. One of the limits is that 'no money shall be drawn from the Treasury but in consequence of appropriations made by law' & no law having made any appropriation of money for any purpose similar to that expressed in your letter it lies of course beyond his constitutional powers. This insuperable bar renders it unnecessary to inquire whether the aid you request could be reconciled to" &c. But both as to the matter and form of this alteration, you will decide. I do not think the loan of our navy yard any more

contrary to neutrality than that of our ports. It is merely admitting a ship to a proper station in our waters. But this may be a subject of future consultation. I send for your perusal two letters from Yznardi, and an anonymous one. The postmark on this last was Philadelphia, & you will be at no loss to conjecture it's Spanish source.

I still count on being with you on the 1st of Oct. & certainly feel no dispositions to be punctilious in the case you allude to. Doctr. Thornton & his family are here, & will be with you the first fair day. I salute you with affection & respect.

P. S. The death of Judge Patterson requires the nomination of a successor.

TO ALBERT GALLATIN

J. MSS.

WASHINGTON, Oct. 12, '06.

DEAR SIR,—You witnessed in the earlier part of the administration, the malignant & long-continued efforts which the federalists exerted in their newspapers, to produce misunderstanding between Mr. Madison & myself. These failed compleatly. A like attempt was afterwards made, through other channels, to effect a similar purpose between Genl Dearborne & myself, but with no more success. The machinations of the last session to put you at cross questions with us all, were so obvious as to be seen at the first glance of every eye. In order to destroy one member of the administration, the whole were to be set to loggerheads to destroy one another. I

observe in the papers lately, new attempts to revive this stale artifice, & that they squint more directly towards you & myself. I cannot, therefore, be satisfied, till I declare to you explicitly, that my affections & confidence in you are nothing impaired, & that they cannot be impaired by means so unworthy the notice of candid & honorable minds. I make the declaration, that no doubts or jealousies, which often beget the facts they fear, may find a moment's harbor in either of our minds. I have so much reliance on the superior good sense & candor of all those associated with me, as to be satisfied that they will not suffer either friend or foe to sow tares among us. Our administration now drawing towards a close, I have a sublime pleasure in believing it will be distinguished as much by having placed itself above all the passions which could disturb its harmony, as by the great operations by which it will have advanced the well-being of the nation.

Accept my affectionate salutations, & assurances of my constant & unalterable respect & attachment.

TO MERIWETHER LEWIS

J. MSS.

WASHINGTON, Oct. 20, 06.

I received, my dear sir, with unspeakable joy your letter of Sep. 23 announcing the return of yourself, Capt. Clarke & your party in good health to St. Louis. The unknown scenes in which you were engaged, & the length of time without hearing of you had begun to be felt awfully. Your letter having been 31 [28?] days

coming, this cannot find you at Louisville & I therefore think it safe to lodge it at Charlottesville. Its only object is to assure you of what you already know my constant affection for you & the joy with which all your friends here will receive you. Tell my friend of Mandane also that I have already opened my arms to receive him. Perhaps, while in our neighborhood, it may be gratifying to him, & not otherwise to yourself to take a ride to Monticello and see in what manner I have arranged the tokens of friendship I have received from his country particularly, as well as from other Indian friends: that I am in fact preparing a kind of Indian Hall. Mr. Dinsmore, my principal workman, will shew you everything there. Had you not better bring him by Richmond, Fredericksburg & Alexandria? He will thus see what none of the others have visited & the conveniences of the public stages will facilitate your taking that route. I salute you with sincere affection.

TO THE U. S. MINISTER TO GREAT BRITAIN J. MSS.

(JAMES MONROE.)

WASHINGTON, Oct. 26, 06.

DEAR SIR,—I see with great concern that unavoidable delays are likely still to procrastinate your negotiations beyond what had been expected: & I sincerely regret the particular circumstance to which this is owing, the illness, probably the death of Mr. Fox. His sound judgment saw that political interest could never be separated in the long run from

moral right, & his frank & great mind would have made a short business of a just treaty with you. I fear that one of those appointed to negotiate with you is too much wedded to the antient maritime code & navigation principles of England, too much practised in the tactics of diplomacy, to expect either an early or just result. If it is not concluded early in December, from the known length of passages in that season, it cannot be here before Congress will be over (March 4) and then it cannot be ratified till December twelve months, because it will probably contain articles which will bring it within the constitutional rights of the H. of R. In that case the non-importation law, and the extensions of it which cannot be avoided at the ensuing session, will have a long run, and an unfavorable influence on the popular temper of both countries. You know the interregnum after the 4th of March till the elections are compleated, the utter repugnance of members to be here in the sickly months from July to Sep., and that moreover the public expense & private inconvenience of the members absolutely forbid any special convocation of them. You may therefore proceed on the fact that if a treaty be not ratified before the 4th of March, it will not be until December twelve month. Believing that this letter will still find you in England & having occasion for some mathematical instruments, I take the liberty of troubling you with the inclosed commission to Mr. Jones an instrument maker in Holborn. What the cost of them will be is unknown to me; and having no money correspondent in London I have ventured

to say to him you will pay his bill. It will be somewhere between 10 & 15 guineas: but whatever it be it shall be repaid you on your landing in the U. S. and may be therefore considered as so much brought over in your pocket for use in the first moments of your return. I would wish you to bring the packet with the seed from Jones with you on your return. If you would prefer drawing on me for the amount in favor of any person here, it shall be paid at sight.

To prevent that depression of spirits which experience has taught me to expect on returning after a long absence from one's home, and that you may be prepared & fortified for a discouraging view, I will just observe to you that our neighborhood considers your manager Mr. Lewis as one of the honestest & best men in the world, but the poorest manager. They think he has not made your estate maintain itself, & that you will find it unprovided with present subsistence. Nobody has made this season half a year's provision of corn & your estate less than most others: & it is said there is no stock of any kind remaining on the farm for your immediate subsistence. To restock the farm with bread, requires a year, & with animals 2 or 3 years. A previous communication of these circumstances (if you have received them from no other) will enable you to come prepared to meet them. You will have heard of the death of Chancellor Wythe. I recollect no other personal incident which may interest you. Present my friendly respects to Mrs. Monroe and your daughter and be assured yourself of my constant & affectionate esteem & attachment.

TO ANDREW ELLICOTT

J. MSS.

WASHINGTON, NOV. 1, 1806.

DEAR SIR,—Your letter of Aug. 18 with the account of the eclipse you were so kind as to inclose, found me at Monticello & I meant to have acknowledged it immediately on my arrival here, but I found on my return such an accumulation of business, that altho your letter has continued on my file of *those to be answered*, I have not been able to get to it till now. I thank you for the communication of your observations of the eclipse. Fortune seems to have favored every other place but this with a fair view of it. This spot was covered by a dense cloud through the whole of it's duration, & for some time before & after. I hope the great extent of the path of this eclipse round the globe, & especially thro' our states will furnish many useful corrections of our longitudes. Capt. Lewis will bring us a treasure in this way.

Your opinions of intolerance are mine. When I entered on office, after giving a very small participation in office to republicans by removal of a very few federalists, selected on the very principle of their own intolerance while in office, I never meant to have touched another, but to leave to the ordinary accidents to make openings for republicans, but the vindictive, indecent & active opposition of some individuals has obliged me from time to time to disarm them of the influence of office. But that such a spirit of intolerance should arise between the different sections of republicans, furnishes a poor pre-sage of future tranquility. Of the unhappy effects

of the schisms in Pennsylvia and N. York, you see the fruit in the state lying between them, where the federalists have recovered a majority in one branch of the legislature, are very near it in the other, & as soon as they shall reach it, they place the executive & every office under it in federal hands. If the two sections of republicans were irreconcilable, still the minor one should not have coalesced with, and voted for federalists. If on the contrary they would keep themselves independent & set up their own ticket, their whole body would come forward & vote, which would give them the benefit of that part of their force which kept back because it could not support federalists, and the federalists themselves having no hope of bringing in men of their own would have to chuse between the two republican tickets that least disagreeable to themselves. This would only bring into the public councils the different shades of republicans so that the whole body should be represented.

For my part I determined from the first dawn of the first schism never to take part in any schism of republicans, nor in distributing the public trusts ever to ask of which section a party was. The port of retirement is now within sight, it is viewed with longing eyes, and my greatest consolation in it will be the undivided approbation of those with whom, & for whom I have labored. Accept my friendly salutations & the assurances of my respect.

PROCLAMATION AGAINST BURR'S PLOT J. MSS.

[Nov. 27, 1806]

Whereas information has been received that sundry persons, citizens of the U. S. or resident within the same, are conspiring & confederating together to begin & set on foot, provide & prepare the means for a military expedition or enterprise against the dominions of Spain, against which nation war has not been declared by the constitutional authority of the U. S.; that for this purpose they are fitting out & arming vessels in the western waters of the U. S., collecting provisions, arms, military stores & other means; are deceiving & seducing honest & well meaning citizens under various pretences to engage in their criminal enterprises; are organizing, officering & arming themselves for the same, contrary to the laws in such cases made & provided, I have therefore thought fit to issue this my proclamation, warning and enjoining all faithful citizens who have been led to participate in the sd unlawful enterprises without due knolege or consideration to withdraw from the same without delay & commanding all persons whatsoever engaged or concerned in the same to cease all further proceedings therein as they will answer the contrary at their peril, and will incur prosecution with all the rigors of the law. And I hereby enjoin and require all officers civil or military, of the U. S. or of any of the states or territories, & especially all governors, & other executive authorities, all judges, justices, and other officers of the peace, all military officers of the army or navy of the U. S., & officers of the militia, to be vigilant,

each within his respective department and according to his functions in searching out & bringing to condign punishment all persons engaged or concerned in such enterprise and in seizing & detaining subject to the dispositions of the law all vessels, arms, military stores, or other means provided or providing for the same, & in general in preventing the carrying on such expedition or enterprise by all the lawful means within their power. And I require all good & faithful citizens, and others within the U. S. to be aiding & assisting herein & especially in the discovery, apprehension, & bringing to justice, of all such offenders, and in the giving information against them to the proper authorities.

In testimony whereof I have caused the seal of the U. S. to be affixed to these presents & have signed the same with my hand. Given at the city of Washington on the 27th day of November 1806 and of the sovereignty & independence of the U. S. the 31st.

SIXTH ANNUAL MESSAGE ¹

December 2, 1806.

To the Senate and House of Representatives of the United States in Congress assembled:

It would have given me, fellow citizens, great satisfaction to announce in the moment of your meeting

¹ On Nov. 14, 1806, Jefferson wrote to Gallatin:

"1. As to the 500 cavalry. If we have peace with Spain, we shall not want them; if war, all our plans must be new moulded. It is, therefore, only *during the present unsettled state*. This cannot exceed six months from October 1, about which time they probably went

that the difficulties in our foreign relations, existing at the time of your last separation, had been amicably and justly terminated. I lost no time in taking

into service. This will cost 100,000 D. The proposing to Congress to establish them during the present unsettled state of things is merely to show Spain, that we seriously mean to take justice if she will not do it. The men are in service under a previous law. This is the only extra expense I contemplate to meet the present state. Mr. Smith proposes to ask only the ordinary annual appropriation.

"2. As to the salt tax. If that and the Mediterranean fund, continued to the end of 1808, will pay the Florida purchase, suppose the act of commutation lets the salt tax run to the end of 1807,—will not its amount for 1808 be made up by the increase of impost and land sales beyond calculation, and the sweepings of the Treasury? or if they still leave a deficit, would not the perpetuity of the Mediterranean fund enable us to anticipate enough for the deficit?

"3. The university. This proposition will pass all the States in the winter of 1807-8, and Congress will not meet, and consequently cannot act on it, till the winter of 1808-9. The Florida debt will therefore be paid off before the university can call for anything.

"The only difficulty in the whole, then, seems to be the amount of the salt tax for 1808, which I am in hopes will not be insuperable."

Other papers relating to this message are as follows:

Madison's Memoranda.

(Indorsed: "Received Nov. 16, 06, Message.")

"Foreign Relations. Insert 'since' before 'taken place' at the beginning of line 11. The preceding delay did not altogether proceed from events independent of the will of one of the parties, and those who are chargeable with it, ought not to be acquitted of the consequences. Perhaps the following change of the whole sentence would answer. 'The delays which have since taken place in our negotiations with the British govt appear to have proceeded from causes which leave me in expectation that &c.'

"Spain. Instead of Spain has 'consented' &c., it might be better to say Spain has taken steps preparatory to the negotiation at Paris in which our ministers are authorized to meet her. The term used may seem to imply a proposition from the U. S. wch was consented to.

"In the penult line of p. 1. For 'hope of friendly settlement' perhaps 'course of friendly negotiation' might be a more suitable expression. Such a change however cannot be material if proper.

"The last instructions to Wilkinson do not assume the Sabine as the essential line of separation for the troops. They authorize him

those measures which were most likely to bring them to such a termination, by special missions charged with such powers and instructions as in the event of failure could leave no imputation on either our moderation or forbearance. The delays which have since taken place in our negotiations with the British government appear to have proceeded from causes

to settle a provisional line, and in no event to pass himself beyond that river. It may be well therefore to vary the sentence on that point so as to run 'in that quarter to maintain a temporary line, separating the troops of the two nations & to permit no new settlement or post to be taken eastward of the Sabine river.'

"Would it not be well to allude to a continuance of our friendly standing with France, & the other belligerent nations, or generally with other nations of Europe?

"New Orleans. Instead of 'to secure that point by *all the means in our power*'—'to provide for that point a more adequate security.'

"Insurrections. This paragraph suggests several legal questions; such as whether in strictness any *preventive* measures are consistent with our principles except security for the peace & good behavior. Whether this remedy is not already applicable to the case in question, where a preparation of force justifies a suspicion of criminal intention, and whether the existing provision for the case of an enterprise meditated vs. a foreign nation is not rather penal agst a crime actually committed by the preparation of means with such an intention, than *preventive* of the actual commission of a crime. To guard agst the criticisms which may be founded on these questions, some such change as the following is suggested for consideration:

"For those crimes when actually committed the laws make provision. Would it not moreover be salutary to provide for cases where the means of force are prepared only for a meditated enterprise agst the U. S. as has been done for cases where the enterprise is meditated by private individuals against a foreign nation? It merits consideration also whether the preventive process of binding to the observance of the peace and good behaviour ought not to be expressly extended to acts without the limits of the U. S. in cases where the acts are contrary to law and there is sufficient ground for suspecting the intention to commit them.'

"This change is suggested on the supposition that the occasion requires a paragraph should be addressed to Congress; manifestly alluding to the late information &c. Perhaps the question may be

which do not forbid the expectation that during the course of the session I may be enabled to lay before you their final issue. What will be that of the undecided with the advantage of new lights from the westward in time for the message.

“Barbary. ‘The late mission’ may be equivocal or obscure. ‘With Tunis alone some uncertainty remains’ would perhaps be sufficient.

“Missouri. The tenor of this paragraph ought to be such as to give as little topic as possible for foreign jealousy or complaint; especially as we are not prepared to say that the expedition did not enter limits within which Spain has real or plausible claims. It is *certain* that it will be presented to Spain as a measure at which she has a right to take offence. The paragraph might better parry the inconvenience, by being made less particular & by avoiding any allusion to the uses to which the *Pacific country* may be applied.

“Red River. ‘Nearly as far as the French establishments &c’ has the advantage of suggesting a plausible reason for not going on: but may it not also imply that those establishments were the limit to our claim?

“Mississippi. The survey of the Mississippi furnished, certainly, a very apt occasion for bringing into view our legitimate boundaries in the latitude 49; but as the mere assertion by ourselves will not strengthen our title, and may excite British sensations unseasonably, it may be doubted whether that much of the paragraph had not as well be omitted.

“University &c. The denunciation of standing armies, navies, & fortifications cannot be better expressed, if there be no room to apprehend that so emphatic a one may not at the present juncture embolden the presumption in foreign nations that an insuperable aversion to those objects guarantees the infinity of their insults and aggressions.

“‘Arts, Manufactures & other objects of public improvement,’ seem to give latitude nearly equivalent to ‘general welfare’ afterwards suggested to be too dangerous to remain a part of the Constitution. ‘& other objects of public improvement which it may be thought proper to specify’ would avoid the inconsistency.

“After ‘the present state of our country’ might be added ‘and with the aid of the sale of public lands would be adequate to Roads & Canals also.’

“Instead of ‘sweep away all restraints &c.’—‘demolish the essential barriers between the General & the State Govts.’

“Conclusion ‘as far as they are capable of defence’ suggests a disagreeable and impolitic idea. ‘Preparations for the defence &c.’

gotiations for settling our differences with Spain, nothing which had taken place at the date of the last despatches enables us to pronounce. On the

without that expression, will suffice. This member of the sentence ought to be separated from the succeeding ones, which do not &c., not being like these without expense till called into actual use.

"It does not seem correct to say that war is forced on us by vain appeals to the justice of other nations. In spite of appeals &c., or some such turn to the expression would obviate the criticism."

The Secretary of War in answer to a letter from the President of Nov. 17, wrote:

"H. Dearborn has looked over & considered the inclosed, without observing anything that he can consider as a defect, or requiring alteration."

Gallatin's Notes.

(Indorsed: "Received Nov. 16, 06, Message.")

"1st page. Foreign Relations 'could leave no imputation on either our moderation or forbearance.' The plan determining the Spanish differences by the purchase of Florida, will, if successful, prove highly advantageous to the United States, but is ill relished by Spain and in case of failure will not *alone* afford proofs of moderation or forbearance. These must be found in the contingent instructions given to our ministers in case they should fail in the principal object. What have these been? And do they fully justify the assertion? I have not seen them & mention this merely for consideration. [The ultimatum of our instructions is, 1. satisfaction for spoliations, & 2. silence as to limits, leaving each party to pursue it's own course as to these. *Insert by T. J.*]

"England. 'Whether this (*issue*) will be such as &c. must depend on that issue.' There is some inaccuracy in the construction of that sentence, the meaning of which is that the necessity of the repeal or reinforcement &c. depends on the issue of the negotiations.

"Spain. 'has consented to meet us &c.' Is the fact positively asserted by Mr. Armstrong? Mr. Erving in his last letter denies it.

"2d page. 'and to permit no new settlement or post to be taken within it.' The last instructions permit as an ultimatum & under certain circumstances the maintenance of the *increased* force at Bayou pierre. But the whole of this paragraph will probably require some modification if the intelligence of an arrangement between Wilkinson and Herrada proves true.

"Army. Might not the words 'in other respects our,' or some to that effect be substituted to 'our regular.' For it seems to me that the

western side of the Mississippi she advanced in considerable force, and took post at the settlement of Bayou Pierre, on the Red river. This village was

continuance of a corps of cavalry by *voluntary enlistment* & for the term stated in the preceding paragraph is to all intents an increase of regular force as contradistinguished from militia or volunteers.

"New Orleans. I would omit the words 'perhaps the present fort of Plaquemine.' 1st. In order to avoid unnecessary commitment of opinion. 2dly. Because Plaquemine is not, I believe, below all the firm lands. Observe also that the approaches by Lake Ponchartrain must be defended as well as those by the Mississippi.

"3d page. Fortifications. Substitute *a* for *some*; as this last expression may be construed into an evidence of disregard for that mode of defence. And considering the lively interest felt in a certain quarter on that question and the use made of it, is it necessary to speak of that object in terms as decisive as those used at the end of page 78? Might not these last be omitted or modified?

"4th page. Insurrection. If the information received is not sufficiently decisive to affix criminality to certain individuals, the word 'are' at the end of 4th line may be omitted; but if the proofs received, without being legal evidence, are sufficient to impress a conviction that the object was of an internal nature, the word should remain.

"Where an enterprise is *meditated* &c.' The following paragraph shews that there are cases in which the powers of prevention given by the laws are not sufficient against enterprises meditated against foreign nations. On that account, & because it appears important, considering the *Miranda's* expedition, not to impress too forcibly the opinion that those powers are really sufficient, I would suggest not only to substitute another word to 'meditated,' but to place the defect of the existing laws in that respect in a more prominent point of view than is done by the following paragraph. This may perhaps be affected by making that subject a distinct head instead of mentioning it incidentally and by indicating it in more general terms. For pointing out a single particular defect seems to diminish its importance. *Quere* Whether some more direct allusion to *Miranda's* expedition would not be politick & practicable?

"Indians. 'We have nothing to fear from that quarter.' The assurance seems too positive as danger may arise from causes not under our controul, such as the intrigues of Spanish agents to the south & of British traders on the northwest.

"5th and 6th pages. Red River. Mississippi. The details seem comparatively too long, both in relation to the other parts of the message generally & to the Missouri expedition. But I would, at all

originally settled by France, was held by her as long as she held Louisiana, and was delivered to Spain only as a part of Louisiana. Being small, insulated, and distant, it was not observed, at the moment of

events avoid a commitment respecting the northern boundary of either Louisiana or the U. States. The boundary fixed by the Treaty of Utrecht might be & probably was intended for Canada rather than for Louisiana; and Crozat's charter expressly limits the last province to the 45th degree of latitude. As to the U. States, we have conceded that a parallel westwdly from the Lake of the Woods was not our necessary boundary, and have agreed heretofore to a straight line from that lake to the source of the Mississippi.

"7th page. Salt tax. This has never amounted to 600,000 dollars & averages about 550,000. The Mediterranean fund at present & whilst the European war continues is worth almost a million. The words 'not materially different in amount' are not therefore correct. Observe also that $\frac{2}{5}$ of the salt tax, 8 cents per bushel, expire on 3d March, 1811. We may dispense with the whole of it from the present time, or say from 1 July next, provided the Medit fund be continued only for 2 years longer or till 1 Jany. 1809. If circumstances should then render a further continuation necessary it may then be again extended. I would, on the whole, propose to suppress the words 'not materially different in amount,' and that the next line should read 'by continuing for a limited time the Medit fund.'

"University. 'They cannot then be applied to the extinguishment &c.' I would wish that between the words *then & the* the following should be inserted 'without a modification assented to by the public creditors.' Or that the idea should be inserted in some other way in the paragraph. It will be consistent with the opinion expressed that the extinguishment &c. & liberation &c. are *the most desirable of all objects*, and Congress have now under consideration a plan for the purpose which I submitted last session & was postponed because reported too late by the Comee of Ways & Means.

"On Fortifications &c. This is the paragraph which I think might without injury to the sense be omitted.

"8th page. 'To be partitioned among the States in a federal & just ratio.' Would it not be best to omit these words, as neither improvements nor education can ever in practice be exactly partitioned in that manner? And the suggestion might embarrass or defeat the amendment when before the House.

"'*The surplusses indeed which will arise &c.*' It may be observed on whatever relates to the connection between those surplusses & the pro-

redelivery to France and the United States, that she continued a guard of half a dozen men which had been stationed there. A proposition, however, having been lately made by our commander-in-chief, to

posed improvements & university, 1st that, war excepted, the surplusses will, certainly & under any circumstance, even while the debt will be in a course of payment, be after 1 January 180 sufficient for any possible improvement. I have no doubt that they will amount to at least 2 millions a year and if no modification in the debt takes place to nearly five. 2dly. That it will take at least the two intervening years to obtain an amendment, pass the laws designating improvements and make the arrangements preparatory to any large expense. 3rdly. That the existing surplusses are at this moment sufficient for any university or national institute. But the whole of this part of the message rests on the supposition that a longer time must elapse before we are ready for any considerable expenditure for improvements, and that we would not be able to meet even that for the University before the time which must elapse in obtaining an amendment. The general scope of this part of the message seems also to give a preference to the University over general improvements; and it must not be forgotten, apart from any consideration of their relative importance, that the last proposition may probably be popular & that the other, for university, will certainly be unpopular. I think indeed that the only chance of its adoption arises from the ease with which funds in public lands may be granted. It appears to me therefore that the whole of that part from the words above quoted 'the surplusses indeed &c' to the words 'to which our funds may become equal' should undergo a revisal; introducing in the same place the substance of the last paragraph of the 9th page respecting a donation of lands, which seems to be misplaced where it now stands. If a total revision is not approved, the following alterations are suggested.

"Erase from 'the surplusses' in 15th line to 'first' inclusively in 18th line; and insert 'the surplusses are already at this moment adequate to' or words to that effect.

"Erase from 'to such' in 8th line from bottom to the end of the page and insert, 'But whether our views be restrained.'

"9th. page. To the word 'may' in 2d line substitute 'will soon,' and in 3d line between 'equal' & 'I' substitute a comma to a full stop.

"Would it not be better to stop, when speaking of the amendment at the words 'to be applied' 7th line? It would avoid a discussion on the words 'general welfare': And it must be observed that if even those words had the greatest extent in the constittn of which they are

assume the Sabine river as a temporary line of separation between the troops of the two nations until the issue of our negotiations shall be known; this has been referred by the Spanish commandant to his superior, and in the meantime, he has withdrawn his force to the western side of the Sabine river. The correspondence on this subject, now communicated, will exhibit more particularly the present state of things in that quarter.

The nature of that country requires indispensably that an unusual proportion of the force employed there should be cavalry or mounted infantry. In

susceptible vixt that Congress had power to raise taxes &c for every purpose, which they might consider productive of public welfare, yet that would not give them the power to open roads, canals through the several states. The first reason given that the objects now recommended are not among those enumerated &c. is conclusive and seems sufficient. At all events I would suppress the paragraph which suggests an amendment to erase from the constitution those words as questionable in its nature & because the proposition seems to acknowledge that the words are susceptible of a very dangerous meaning."

Gallatin to Jefferson.

"November 23, 1806.

"The words 'ere long' and 'systems of fortifications' were omitted by oversight in correcting the copy I sent you yesterday. I had made both these amendments in the original. But I have struck out the passage about fortifications altogether, for the principle that where there is a difference of opinion it is better to say too little than too much. Affectionate salutations."

Madison's Notes.

(Indorsed: "Received Nov. 29, 06. Message.")

"that whilst the public force was acting strictly on the defensive, & merely to protect our citizens from aggression, the criminal attempts of private individuals to decide for their country the question of peace or war, by commencing active and unauthorized hostilities ought to be promptly and effectually suppressed."

order, therefore, that the commanding officer might be enabled to act with effect, I had authorized him to call on the governors of Orleans and Mississippi for a corps of five hundred volunteer cavalry. The temporary arrangement he has proposed may perhaps render this unnecessary. But I inform you with great pleasure of the promptitude with which the inhabitants of those territories have tendered their services in defence of their country. It has done honor to themselves, entitled them to the confidence of their fellow-citizens in every part of the Union, and must strengthen the general determination to protect them efficaciously under all circumstances which may occur.

Having received information that in another part of the United States a great number of private individuals were combining together, arming and organizing themselves contrary to law, to carry on military expeditions against the territories of Spain, I thought it necessary, by proclamations as well as by special orders, to take measures for preventing and suppressing this enterprise, for seizing the vessels, arms, and other means provided for it, and for arresting and bringing to justice its authors and abettors. It was due to that good faith which ought ever to be the rule of action in public as well as in private transactions; it was due to good order and regular government, that while the public force was acting strictly on the defensive and merely to protect our citizens from aggression, the criminal attempts of private individuals to decide for their country the question of peace or war, by

commencing active and unauthorized hostilities, should be promptly and efficaciously suppressed.

Whether it will be necessary to enlarge our regular force will depend on the result of our negotiation with Spain; but as it is uncertain when that result will be known, the provisional measures requisite for that, and to meet any pressure intervening in that quarter, will be a subject for your early consideration.

The possession of both banks of the Mississippi reducing to a single point the defence of that river, its waters, and the country adjacent, it becomes highly necessary to provide for that point a more adequate security. Some position above its mouth, commanding the passage of the river, should be rendered sufficiently strong to cover the armed vessels which may be stationed there for defence, and in conjunction with them to present an insuperable obstacle to any force attempting to pass. The approaches to the city of New Orleans, from the eastern quarter also, will require to be examined, and more effectually guarded. For the internal support of the country, the encouragement of a strong settlement on the western side of the Mississippi, within reach of New Orleans, will be worthy the consideration of the legislature.

The gun-boats authorized by an act of the last session are so advanced that they will be ready for service in the ensuing spring. Circumstances permitted us to allow the time necessary for their more solid construction. As a much larger number will still be wanting to place our seaport towns and waters in that state of defence to which we are com-

petent and they entitled, a similar appropriation for a further provision for them is recommended for the ensuing year.

A further appropriation will also be necessary for repairing fortifications already established, and the erection of such works as may have real effect in obstructing the approach of an enemy to our seaport towns, or their remaining before them.

In a country whose constitution is derived from the will of the people, directly expressed by their free suffrages; where the principal executive functionaries, and those of the legislature, are renewed by them at short periods; where under the characters of jurors, they exercise in person the greatest portion of the judiciary powers; where the laws are consequently so formed and administered as to bear with equal weight and favor on all, restraining no man in the pursuits of honest industry, and securing to every one the property which that acquires, it would not be supposed that any safeguards could be needed against insurrection or enterprise on the public peace or authority. The laws, however, aware that these should not be trusted to moral restraints only, have wisely provided punishments for these crimes when committed. But would it not be salutary to give also the means of preventing their commission? Where an enterprise is meditated by private individuals against a foreign nation in amity with the United States, powers of prevention to a certain extent are given by the laws; would they not be as reasonable and useful were the enterprise preparing against the United States? While

adverting to this branch of the law, it is proper to observe, that in enterprises meditated against foreign nations, the ordinary process of binding to the observance of the peace and good behavior, could it be extended to acts to be done out of the jurisdiction of the United States, would be effectual in some cases where the offender is able to keep out of sight every indication of his purpose which could draw on him the exercise of the powers now given by law.

The states on the coast of Barbary seem generally disposed at present to respect our peace and friendship; with Tunis alone some uncertainty remains. Persuaded that it is our interest to maintain our peace with them on equal terms, or not at all, I propose to send in due time a reinforcement into the Mediterranean, unless previous information shall show it to be unnecessary.

We continue to receive proofs of the growing attachment of our Indian neighbors, and of their disposition to place all their interests under the patronage of the United States. These dispositions are inspired by their confidence in our justice, and in the sincere concern we feel for their welfare; and as long as we discharge these high and honorable functions with the integrity and good faith which alone can entitle us to their continuance, we may expect to reap the just reward in their peace and friendship.

The expedition of Messrs. Lewis and Clarke, for exploring the river Missouri, and the best communication from that to the Pacific ocean, has had all the success which could have been expected. They have

traced the Missouri nearly to its source, descended the Columbia to the Pacific ocean, ascertained with accuracy the geography of that interesting communication across our continent, learned the character of the country, of its commerce, and inhabitants; and it is but justice to say that Messrs. Lewis and Clarke, and their brave companions, have by this arduous service deserved well of their country.

The attempt to explore the Red river, under the direction of Mr. Freeman, though conducted with a zeal and prudence meriting entire approbation, has not been equally successful. After proceeding up it about six hundred miles, nearly as far as the French settlements had extended while the country was in their possession, our geographers were obliged to return without completing their work.

Very useful additions have also been made to our knowledge of the Mississippi by Lieutenant Pike, who has ascended to its source, and whose journal and map, giving the details of the journey, will shortly be ready for communication to both houses of Congress. Those of Messrs. Lewis and Clarke, and Freeman, will require further time to be digested and prepared. These important surveys, in addition to those before possessed, furnish materials for commencing an accurate map of the Mississippi, and its western waters. Some principal rivers, however, remain still to be explored, toward which the authorization of Congress, by moderate appropriations, will be requisite.

I congratulate you, fellow-citizens, on the approach of the period at which you may interpose

your authority constitutionally, to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country, have long been eager to proscribe. Although no law you may pass can take prohibitory effect till the first day of the year one thousand eight hundred and eight, yet the intervening period is not too long to prevent, by timely notice, expeditions which cannot be completed before that day.

The receipts at the treasury during the year ending on the 30th of September last, have amounted to near fifteen millions of dollars, which have enabled us, after meeting the current demands, to pay two millions seven hundred thousand dollars of the American claims, in part of the price of Louisiana; to pay of the funded debt upward of three millions of principal, and nearly four of interest; and in addition, to reimburse, in the course of the present month, near two millions of five and a half per cent. stock. These payments and reimbursements of the funded debt, with those which have been made in the four years and a half preceding, will, at the close of the present year, have extinguished upwards of twenty-three millions of principal.

The duties composing the Mediterranean fund will cease by law at the end of the present season. Considering, however, that they are levied chiefly on luxuries, and that we have an impost on salt, a necessary of life, the free use of which otherwise is so

important, I recommend to your consideration the suppression of the duties on salt, and the continuation of the Mediterranean fund, instead thereof, for a short time, after which that also will become unnecessary for any purpose now within contemplation.

When both of these branches of revenue shall in this way be relinquished, there will still ere long be an accumulation of moneys in the treasury beyond the instalments of public debt which we are permitted by contract to pay. They cannot, then, without a modification assented to by the public creditors, be applied to the extinguishment of this debt, and the complete liberation of our revenues—the most desirable of all objects; nor, if our peace continues, will they be wanting for any other existing purpose. The question, therefore, now comes forward,—to what other objects shall these surpluses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use, the suppression in due season will doubtless be right, but the great mass of the articles on which impost is paid is foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional

enumeration of federal powers. By these operations new channels of communication will be opened between the States; the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation. The subject is now proposed for the consideration of Congress, because, if approved by the time the State legislatures shall have deliberated on this extension of the federal trusts, and the laws shall be passed, and other arrangements made for their execution, the necessary funds will be on hand and without employment. I suppose an amendment to the constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the constitution, and to which it permits the public moneys to be applied.

The present consideration of a national establishment for education, particularly, is rendered proper by this circumstance also, that if Congress, approving the proposition, shall yet think it more eligible to found it on a donation of lands, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income.

This foundation would have the advantage of being independent on war, which may suspend other improvements by requiring for its own purposes the resources destined for them.

This, fellow citizens, is the state of the public interest at the present moment, and according to the information now possessed. But such is the situation of the nations of Europe, and such too the predicament in which we stand with some of them, that we cannot rely with certainty on the present aspect of our affairs that may change from moment to moment, during the course of your session or after you shall have separated. Our duty is, therefore, to act upon things as they are, and to make a reasonable provision for whatever they may be. Were armies to be raised whenever a speck of war is visible in our horizon, we never should have been without them. Our resources would have been exhausted on dangers which have never happened, instead of being reserved for what is really to take place. A steady, perhaps a quickened pace in preparations for the defence of our seaport towns and waters; an early settlement of the most exposed and vulnerable parts of our country; a militia so organized that its effective portions can be called to any point in the Union, or volunteers instead of them to serve a sufficient time, are means which may always be ready yet never preying on our resources until actually called into use. They will maintain the public interests while a more permanent force shall be in course of preparation. But much will depend on the promptitude with which these means can be

brought into activity. If war be forced upon us in spite of our long and vain appeals to the justice of nations, rapid and vigorous movements in its outset will go far toward securing us in its course and issue, and toward throwing its burdens on those who render necessary the resort from reason to force.

The result of our negotiations, or such incidents in their course as may enable us to infer their probable issue; such further movements also on our western frontiers as may show whether war is to be pressed there while negotiation is protracted elsewhere, shall be communicated to you from time to time as they become known to me, with whatever other information I possess or may receive, which may aid your deliberations on the great national interests committed to your charge.

SPECIAL MESSAGE ON GREAT BRITAIN ¹

December 3, 1806.

To the Senate and House of Representatives of the United States:

I have the satisfaction to inform you that the negotiation depending between the United States

¹ In the Jefferson papers is the following draft:

Madison's Notes.

(Indorsed: "Message British. Rec. Nov. 27")

"I have the satisfaction to inform you that the negotiation on foot between the U. States & the govt of G. B. is proceeding in a spirit of friendship & accommodation which promises a result of mutual advantage. The delays which have taken place are to be regretted; but as they were occasioned by the long illness which ended in the

and the government of Great Britain is proceeding in a spirit of friendship and accommodation which promises a result of mutual advantage. Delays indeed have taken place, occasioned by the long illness and subsequent death of the British minister charged with that duty. But the commissioners appointed by that government to resume the negotiation have shown every disposition to hasten its progress. It is, however, a work of time, as many arrangements are necessary to place our future harmony on stable grounds. In the meantime, we find by the communications of our plenipotentiaries, that a temporary suspension of the act of the last session prohibiting certain importations, would, as a mark of candid disposition on our part, and of confidence in the temper and views with which they have been met, have a happy effect on its course. A step so friendly will afford further evidence that all our proceedings have flowed from views of justice and conciliation, and that we give them willingly that

death of the British Minister charged with that duty, they could not have been foreseen nor taken into calculation: and it appears that the commissioners appointed to resume the negotiation, have shown every disposition to hasten its progress. Under these circumstances our special ministers recommend a suspension of the acts prohibiting certain importations the commencement of which was postponed till the 15th of last month when it went into operation, and assured us that such a mark of candor and confidence in the temper & views with which they have been met in the negotiation will have a happy effect on the course of it; whilst a disregard of that friendly consideration may have a different tendency. Considering that justice & conciliation have been the real objects of all our measures, and that whatever will promote them will be most conformable to our wishes & our interests, I cannot but join in the recommendation that the operation of the act be suspended for such additional term as may be deemed reasonable. It is not known here &c."

form which may best meet corresponding dispositions.

Add to this, that the same motives which produced the postponement of the act till the fifteenth of November last, are in favor of its further suspension; and as we have reason to hope that it may soon yield to arrangements of mutual consent and convenience, justice seems to require that the same measure may be dealt out to the few cases which may fall within its short course, as to all others preceding and following it. I cannot, therefore, but recommend the suspension of this act for a reasonable time, on considerations of justice, amity, and the public interests.

TO CÆSAR A. RODNEY

J. MSS.

WASHINGTON, Dec. 5, 06.

DEAR SIR,—I have not sooner been able to acknowledge the receipt of your favors of the 21st & 29th ult. and to thank you for the communication of the letters they covered, & which are now re-inclosed. The designs of our Catèline are as real as they are romantic, but the parallel he has selected from history for the model of his own course corresponds but by halves. It is true in it's principal character, but the materials to be employed are totally different from the scourings of Rome. I am confidant he will be compleatly deserted on the appearance of the proclamation, because his strength was to consist of people who had been persuaded that the government connived at the enterprise. However we have not trusted to this

weapon alone. Altho' we shall possibly come to blows with Spain, it will accelerate the treaty instead of preventing it. The appointment of a successor to judge Patterson was bound up by rule. The last judiciary system requiring a judge for each district, rendered it proper that he should be of the district. This has been observed in both the appointments to the supreme bench made by me. Where an office is local we never go out of the limits for the officer. Accept my friendly salutations & assurances of great esteem & respect.

TO THE SECRETARY OF WAR
(HENRY DEARBORN.)

J. MSS.

Dec. 12, 06.

Th. Jefferson returned to General Dearborn yesterday the letter of Mr. John Randolph, to which he thinks some of the following ideas might enter into the answer; to wit that the military establishment of the U. S. being known, it is only necessary to observe that it is nearly full; that a considerable portion of it is necessarily retained at the several forts & posts of the U. S. to preserve them & the property at them; that all the residue were on the line of frontier between the U. S. & the Spanish dominions, under the command of Genl. Wilkinson, who has also authority to call on the territories of Orleans & Mississippi for militia; that the force which Spain has on the Sabine has been represented as amounting to 1500 men, but it is believed to be considerably below that; that it is impossible to say what force she can bring from her extensive

dominions West & South of us or from beyond sea; probably the less on account of the war in which she is engaged, & which endangers other parts of her possessions; that the President in his message of Dec. 2 expressed his ideas of the means of protecting our citizens in the commencement of a war & until time could be given for raising regulars; but that the right of deciding on these being with the legislature, he will rely on those means which they shall think it most expedient to provide &c. &c.

TO THE SECRETARY OF THE TREASURY J. MSS.
(ALBERT GALLATIN).

December 12, 1806.

Although I have the most perfect confidence in the integrity of Briggs, and very little in Davies, his accuser, yet where a charge is so specific and direct, our duty calls for investigation. The distance is too great to wait for preliminary explanation. I think with you that Mr. Williams, the former register will be a proper person to inquire into the charge, but that he would probably be less willing to undertake it alone than joined with another; and I would propose to join with him Mr. Dunbar, who deserves entire confidence. In the case of the removal proposed by the collector of Baltimore, I consider it as entirely out of my sphere, and resting solely with yourself. Were I to give an opinion on the subject, it would only be by observing that in the cases under my immediate care, I have never considered the length of time a person has continued in office, nor

the money he has made in it, as entering at all into the reasons for a removal. The want of a collector at Chestertown shall be attended to with the first nominations. The allegations against Pope, of New Bedford, are insufficient. Although meddling in political caucusses is no part of that freedom of personal suffrage which ought to be allowed him, yet his mere presence at a caucus does not necessarily involve an active and official influence in opposition to the government which employs him. Affectionate salutations.

PROCLAMATION CONCERNING "CAMBRIAN," ETC.¹

[Dec. 20, 1806.]

Whereas by a proclamation bearing date the 3d day of May last, for reasons therein stated, the

¹ Endorsed: "This was not issued, the *Cambrian* having gone off." On this proclamation, Jefferson wrote to Madison on Dec. 19:

"I send you the draft of a Proclamation, dated for tomorrow. I think all the letters & orders, to the effect already agreed on, should be instantaneously got ready, and I ask the heads of departments to meet here tomorrow at 11 o'clock to consider what additional measures can be taken for forcing the *Cambrian* off, and for preventing her entering any other port of the U. S. Would it not be proper to ask Mr. Erskine to see you immediately to shew him the letter of Newton & report of the officer, & to let him know the measures we *will* take tomorrow. He may by tonight's post reinforce his advice to those officers."

He had also written to Gallatin on Dec. 18:

"I inclose a draught of a Proclamation with an amendment proposed by Mr. Madison. Before I make any alteration I shall be glad of your opinion on the matter. I return the two draughts of letters with an alteration or two proposed to me of them for your consideration. Mr. Erskine promised to write to Commodore Douglas yesterday on the subject of the *Cambrian*. He says she is reported as having sprung her bowsprit, & put in on that account. Consequently we must let

British vessels of war called the *Leander*, the *Cambrian* & the *Driver*, were forever interdicted the entrance of the harbors & the waters under the jurisdiction of the U. S. and in case of any of them reentering the harbors or waters aforesaid, all intercourse with them was forbidden, all supplies and aid prohibited from being furnished them under the penalties of law provided: and whereas one of the said armed vessels, the *Cambrian*, has lately entered into the waters of the Chesapeake, within which, with certain other British armed vessels, she still remains: I have therefore thought fit to issue this my Proclamation, forbidding, so long as the said *Cambrian* shall be within the waters of the Chesapeake all intercourse, not only with the said armed vessel the *Cambrian*, but with every armed vessel of the same nation, their officers, & crews now in the bay of Chesapeake, or it's waters, or which may enter the same. And I do declare & make known, that if any person from, or within, the jurisdictional limits of the U. S. shall afford any aid to any of the said armed vessels, contrary to the prohibition contained in this proclamation, either in repairing any of them, or in furnishing them, their officers or crews, with supplies of any kind, or in any manner whatsoever or if any pilot shall assist in navigating any of the said armed vessels, unless it be for the purpose

the matter lie till we hear from the Collector. I have made it a rule not to give up letters of accusation, or copies of them, in any case. It is true that Davies would probably care very little about a copy of his letter being sent to Briggs; yet I should think it sufficient that the heads of accusation have been already furnished to Mr. Briggs. Affectionate salutations."

of carrying them, in the first instance, beyond the limits & jurisdiction of the U. S. such person or persons shall, on conviction, suffer all the pains & penalties by the laws provided for such offences. And I do hereby enjoin & require all persons bearing office civil or military within the U. S., and all others, citizens or inhabitants thereof, or being within the same, with vigilance & promptitude, to exert their respective authorities, & to be aiding & assisting to the carrying this proclamation and every part thereof into full effect.

In testimony whereof I have caused the seal of the U. S. to be affixed to these presents, and have signed the same with my hand. Given at the city of Washington the 20th day of December in the year of our Lord 1806 and of the sovereignty and independence of the United States the 31st.

TO THE GOVERNOR OF LOUISIANA J. MSS.
(WILLIAM CHARLES COLE CLAIBORNE.)

WASHINGTON, Dec. 20, 06.

DEAR SIR,—You will receive your formal instructions from Genl. Dearborn. This is private of course & merely for your more full information. You already have a general knowledge of the insurrection prepared by Colo. Burr. His object is to take possession of N. Orleans, as a station from whence to make an expedition against Vera Cruz & Mexico. His party began their formation at the mouth Beaver, from whence they started the 1st or 2d of this month, and would collect all the way down the

Ohio. We trust that the opposition we have provided at Marietta, Cincinnati, Louisville & Massac will be sufficient to stop him; but we are not certain because we do not know his strength. It is therefore possible he may escape & then his great rendezvous is to be at Natchez. You can judge as well as I when he can be there, leaving Pittsburg or Beaver Dec. 1. We send our present orders by both the Tennessee & Athens routes, in expectation they will reach Natchez & N. Orleans in time for the whole force of both countries to be collected & to take the best point for opposition. The orders are to the governor of Missipi to bring forward the whole force of his militia instantly to act in conjunction with the force at Fort Adams: to the commanding officer of the gunboats &c. to move with his whole force immediately up the river & to take the station which shall be thought best: we presume it will be a little above Fort Adams or Fort Coupee, but within reach of them, that he may fall back under the protection of their guns if in danger from superior numbers. We expect you will collect all your force of militia, act in conjunction with Colo. Freeman & take such a stand as shall be concluded best. These orders are given to the several officers distinctly, because Genl. Wilkinson is believed to be kept at bay on the west side of the Misipi by the Spanish force under advice from Yrujo, who has been duped by Burr to believe he means only the capture of N. Orleans & the separation of the western country. This is a summary of the orders given; but, if they vary in any point from what the Secretaries of war and of the

navy direct, you are to suppose that I recite them incorrectly, & that theirs are the real orders, which it is my intention should be followed. Do not suffer yourself to be lulled into a moment's delay by any information which shall not come to you in the most unquestionable form. Should he get possession of N. Orleans measures are now taking for it's immediate recovery, and for calling forth such a force as will be sufficient. He has been able to decoy a great proportion of his people by making them believe the government secretly approves of this expedition against the Spanish territories. We are looking with anxiety to see what exertions the western country will make in the first instance for their own defence; and I confess that my confidence in them is entire.¹

TO THOMAS LEIPER

J. MSS.

WASHINGTON, Dec. 22, 06.

DEAR SIR,—This is merely a private letter, intended for yourself individually. If I have not answered the very friendly & flattering address I received through you, and the many others I have received, it is not from an insensibility to their kind and gratifying contents. No man feels them more powerfully than I do; no breast ever felt more consolation from such testimonies of good will. And the having given no answer to them has been the

¹ Endorsed by Jefferson: "This letter was left to be finished on the 21st, but the mail went off at 2 a.m., which was earlier than I expected: so it was not sent. It is kept, as containing the sum of what was agreed upon at a meeting of heads of Departments, (except Mr. Gallatin who was not present) on the 19th of Dec. 1806."

hardest act of self denial I have been called upon to perform. But on consultation with friends here, there is but one opinion, that the question presented by these addresses cannot be touched without endangering the harmony of the present session of Congress, and disturbing the tranquility of the nation itself prematurely & injuriously. I express these sentiments to you, privately, because they will enable you to give in conversation a true solution to the fact of my giving no answer. The present session is important as having new & great questions to decide & in the decision of which no schismatic view should take any part. It may become still more important, should the measures we have taken fail to suppress the insurrectionary expedition now going on under Colo. Burr. A few days will let us know whether the western states suppress that enterprise, or whether it is to require from us a serious national armament. Our little band in Congress has as yet been quiet: but some think it is from a sense of importance, not a conviction of error, or motives of good will. But all these schisms, small or great only accumulate truths of the solid qualifications of our citizens for self government. Accept my friendly salutations and assurances of great & constant esteem.

TO THE SECRETARY OF THE NAVY

J. MSS.

(ROBERT SMITH.)

WASHINGTON, Dec. 23, 06.

DEAR SIR,—Yours of yesterday has been duly considered. What I had myself in contemplation

was to wait until we got news from Louisville of Dec. 15 (the day of Burr's proposed general rendez-vous). The post comes from thence in 12 days. The mail next expected will be of that date. If we then find that his force has had no effectual opposition at either Mariette or Cincinnati, & will not be stopped at Louisville, then, without depending on the opposition at Fort Adams, tho' I have more dependence on that than on any other) I should propose to lay the whole matter before Congress, ask an immediate appropriation for a naval equipment and at the same time order 20,000 militia (or volunteers) from the western states to proceed down the river to retake N. O. presuming our naval equipment would be there before them. In the meantime I would recommend to you to be getting ready & giving orders of preparation to the officers and vessels which we can get speedily ready that is to say, the 3 sloops at Washington, the 2 gunboats and ketch at N. York, the 3 gunboats (not including No. 1) and ketch at Norfolk & the 3 gunboats at Charleston: all this on the supposition that the officers are of opinion that the gunboats can be safely sent at this season. We now see what would be the value of *strong* vessels of little draught for the shoaly coasts of the Gulf of Mexico. At any rate we should have some as powerful as a 12 feet draught of water could be made to bear. Affectionate salutations.

TO THE GOVERNOR OF NEW ORLEANS

J. MSS.

(JAMES WILKINSON.)

WASHINGTON, January 3, 1807.

DEAR SIR,—I had intended yesterday to recommend to General Dearborne the writing to you weekly by post, to convey information of our western affairs, so long as they are interesting, because it is possible, though not probable, you might sometimes get the information quicker this way than down the river, but the General received yesterday information of the death of his son in the East Indies, and of course cannot now attend to business. I therefore write you a hasty line for the present week, and send it in duplicate by the Athens and the Nashville routes.

The information in the enclosed paper, as to proceedings in the State of Ohio, is correct. Blennerhasset's flotilla of fifteen boats and two hundred barrels of provisions, is seized, and there can be no doubt that Tyler's flotilla is also taken, because, on the 17th of December, we know there was a sufficient force assembled at Cincinnati to intercept it there, and another party was in pursuit of it on the river above. We are assured that these two flotillas composed the whole of the boats, provided Blennerhasset and Tyler had fled down the river. I do not believe that the number of persons engaged for Burr has ever amounted to five hundred, though some have carried them to one thousand or fifteen hundred. A part of these were engaged as settlers of Bastrop's land, but the greater part of these were engaged under the express assurance that the projected

enterprise was against Mexico, and secretly authorized by this government. Many were expressly enlisted in the name of the United States. The proclamation which reached Pittsburgh, December 2d, and the other parts of the river successively, undeceived both these classes, and of course drew them off, and I have never seen any proof of their having assembled more than forty men in two boats from Beaver, fifty in Tyler's flotilla, and the boatmen of Blennerhasset's. I believe therefore that the enterprise may be considered as crushed, but we are not to relax in our attentions until we hear what has passed at Louisville. If everything from that place upwards be successfully arrested, there is nothing from below that is to be feared. Be assured that Tennessee, and particularly General Jackson, are faithful. The orders lodged at Massac and the Chickasaw bluffs, will probably secure the interception of such fugitives from justice as may escape from Louisville, so that I think you will never see one of them. Still I would not wish, till we hear from Louisville, that you should relax your preparations in the least, except so far as to dispense with the militia of Mississippi and Orleans leaving their homes under our order of November 25th. Only let them consider themselves under requisition, and be in a state of readiness should any force, too great for your regulars, escape down the river. You will have been sensible that those orders were given while we supposed you were on the Sabine, and the supposed crisis did not admit the formality of their being passed through you. We had considered Fort

Adams as the place to make a stand, because it covered the mouth of the Red river. You have preferred New Orleans on the apprehension of a fleet from the West Indies. Be assured there is not any foundation for such an expectation, but the lying exaggerations of those traitors to impose on others and swell their pretended means. The very man whom they represented to you as gone to Jamaica, and to bring the fleet, has never been from home, and has regularly communicated to me everything which had passed between Burr and him. No such proposition was ever hazarded to him. France or Spain would not send a fleet to take Vera Cruz; and though one of the expeditions now near arriving from England, is probably for Vera Cruz, and perhaps already there, yet the state of things between us renders it impossible they should countenance an enterprise unauthorized by us. Still I repeat that these grounds of security must not stop our proceedings or preparations until they are further confirmed. Go on, therefore, with your works for the defence of New Orleans, because they will always be useful, only looking to what should be permanent rather than means merely temporary. You may expect further information as we receive it, and though I expect it will be such as will place us at our ease, yet we must not place ourselves so until it be certain, but act on the possibility that the resources of our enemy may be greater and deeper than we are yet informed.

Your two confidential messengers delivered their charges safely. One arrived yesterday only with

your letter of November 12th. The oral communications he made me are truly important. I beseech you to take the most special care of the two letters which he mentioned to me, the one in cypher, the other from another of the conspirators of high standing, and to send them to me by the first conveyance you can trust. It is necessary that all important testimony should be brought to one centre, in order that the guilty may be convicted, and the innocent left untroubled. Accept my friendly salutations, and assurances of great esteem and respect.¹

¹ On Feb. 3, 1807, Jefferson wrote Wilkinson:

"SIR,—A returning express gives me an opportunity of acknowledging the receipt of your letters of Nov. 12, Dec. 9, 14, 18, 25, 26, and Jan. 2. I wrote to you Jan. 3, and through Mr. Briggs, Jan. 10. The former being written while the Secretary at War was unable to attend to business, gave you the state of the information we then possessed as to Burr's conspiracy. I now enclose you a message, containing a complete history of it from the commencement down to the eve of his departure from Nashville; & two subsequent messages shewed that he began his descent of the Mississippi Jan. 1, with 10 boats, from 80 to 100 men of his party, navigated by 60 oarsmen not at all of his party. This, I think, is fully the force with which he will be able to meet your gun-boats; and as I think he was uninformed of your proceedings, & could not get the information till he would reach Natchez, I am in hopes that before this date he is in your possession. Although we at no time believed he could carry any formidable force out of the Ohio, yet we thought it safest that you should be prepared to receive him with all the force which could be assembled, and with that view our orders were given; and we were pleased to see that without waiting for them, you adopted nearly the same plan yourself, and acted on it with promptitude; the difference between yours & ours proceeding from your expecting an attack by sea, which we knew was impossible, either by England or by a fleet under Truxton, who was at home; or by our own navy, which was under our own eye. Your belief that Burr would really descend with 6. or 7000 men, was no doubt founded on what you know of the numbers which could be raised in the Western country for an expedition to Mexico, *under the authority of the government*; but you probably did not calculate that the want of that authority would take from him every honest man, &

TO THE SECRETARY OF THE TREASURY J. MSS.
(ALBERT GALLATIN.)

January 4, 1807.

There is a vessel fitting out at New York, formerly called the *Emperor*, now the *James*, or the *Brutus* leave him only the desperadoes of his party, which in no part of the Ud S can ever be a numerous body. In approving, therefore, as we do approve, of the defensive operations for N Orleans, we are obliged to estimate them, not according to our own view of the danger, but to place ourselves in your situation, & only with your information. Your sending here Swartwout & Bollman, and adding to them Burr, Blennerhasset, & Tyler, should they fall into your hands, will be supported by the public opinion. As to Alexander, who is arrived, and Ogden expected, the evidence yet received will not be sufficient to commit them. I hope, however you will not extend this deportation to persons against whom there is only suspicion, or shades of offence not strongly marked. In that case, I fear the public sentiment would desert you; because, seeing no danger here, violations of law are felt with strength. I have thought it just to give you these views of the sentiments & sensations here, as they may enlighten your path. I am thoroughly sensible of the painful difficulties of your situation, expecting an attack from an overwhelming force, unversed in law, surrounded by suspected persons, & in a nation tender as to everything infringing liberty, & especially from the military. You have doubtless seen a good deal of malicious insinuation in the papers against you. This, of course, begot suspicion and distrust in those unacquainted with the line of your conduct. We, who knew it have not failed to strengthen the public confidence in you; and I can assure you that your conduct, as now known, has placed you on ground extremely favorable with the public. Burr and his emissaries found it convenient to sow a distrust in your mind of our dispositions towards you; but be assured that you will be cordially supported in the line of your duties. I pray you to send me D.'s original letter, communicated through Briggs, by the first entirely safe conveyance. Accept my friendly salutations & assurances of esteem & respect."

On June 21, 1807, he again wrote to Wilkinson:

"DEAR SIR,—I received last night yours of the 16th, and sincerely congratulate you on your safe arrival at Richmond, against the impudent surmises & hopes of the band of conspirators, who, because they are as yet permitted to walk abroad, and even to be in the character of witnesses until such a measure of evidence shall be collected as will place them securely at the bar of justice, attempt to cover their crimes under noise and insolence. You have indeed had a fiery trial at New

(accounts differ), to carry 22 guns and 150 men, and to be commanded by Blakely, who went out Lieuten-

Orleans, but it was soon apparent that the clamorous were only the criminal, endeavoring to turn the public attention from themselves & their leader upon any other object.

"Having delivered to the Attorney Genl all the papers I possessed, respecting Burr & his accomplices, when he went to Richmond, I could only write to him (without knowing whether he was at Philadelphia, Wilmington, or Delaware) for your letter of Oct 21, desired by the court. If you have a copy of it, and chuse to give it in, it will, I think, have a good effect; for it was my intention, if I should receive it from Mr. Rodney, not to communicate it without your consent, after I learnt your arrival. Mr. Rodney will certainly either bring or send it within the course of a day or two, and it will be instantly forwarded to Mr. Hay. For the same reason, I cannot send the letter of J. P. D., as you propose, to Mr. Hay. I do not recollect what name these initials indicate, but the paper, whatever it is, must be in the hands of Mr. Rodney. Not so as to your letter to Dayton; for as that could be of no use in the prosecution, & was reserved to be forwarded or not, according to circumstances, I retained it in my own hands, & now return it to you. If you think Dayton's son should be summoned, it can only be done from Richmond. We have no sub-pœnas here. Within about a month we shall leave this to place ourselves in healthier stations. Before that I trust you will be liberated from your present attendance. It would have been of great importance to have had you here with the Secretary of War, because I am very anxious to begin such works as will render Plaquemine impregnable, and an insuperable barrier to the passage of any force up or down the river. But the Secretary at War sets out on Wednesday, to meet with some other persons at New York, and determine on the works necessary to be undertaken to put that place *hors d'insulte*, & thence he will have to proceed northwardly, I believe. I must ask you, at your leisure, to state to me in writing what you think will answer our views at Plaquemine, within the limits of expense which we can contemplate, & of which you can form a pretty good idea.

"Your enemies have filled the public ear with slanders, & your mind with trouble on that account. The establishment of their guilt will let the world see what they ought to think of their clamors; it will dissipate the doubts of those who doubted for want of knolege, and will place you on higher ground in the public estimate and public confidence. No one is more sensible than myself of the injustice which has been aimed at you. Accept, I pray you, my salutations, & assurances of respect & esteem."

ant of the *Leander*. She is confidently believed to be destined for Burr at New Orleans. The collector should be put on his guard; he can get much information from the Mayor of New York on the subject. If Blakely went out really with Miranda as Lieutenant, he should be immediately arrested and put on his trial. Will you be so good as to take the necessary measures on this subject? ¹

TO REV. CHARLES CLAY ²

WASHINGTON, Jan. 11, 07.

DEAR SIR,—Yours of Dec. 10, has been duly received, and I thank you for your friendly attention to the offer of lands adjoining me for sale. It is true that I have always wished to purchase a part of what was Murray's tract which would straiten the lines of the Poplar Forest, but I really am not able to make a purchase. I had hoped to keep the expences of my office within the limits of its salary so as apply my private income entirely to the improvement & enlargement of my estate: but I have not been able to do it. Our affairs with Spain, after which you

¹ On January 2, 1807, Jefferson further wrote to Gallatin:

"I return you the letter of Mr. Gelston respecting the *Brutus*. From what I learn, she cannot be destined for the Mississippi, because she draws too much water to enter it. However, considering the difficulty Congress finds in enlarging the limits of our preventive powers, I think we should be cautious how we step across those limits ourselves. She is probably bound to St. Domingo. Could not Congress while continuing that law, amend it so as to prevent the abuse actually practised? Affectionate salutations."

² From a copy courteously furnished by Dr. J. M. Wilson, of Douglas, Wyoming.

enquire, do not promise the result we wish. Not that war will take place immediately; but they may go off without a settlement, and leave us in constant bickering about indemnification for Spoliations, the navigation of the Mobbille, and the Limits of Louisiana.

Burr's enterprise is the most extraordinary since the days of Don Quixot. It is so extravagant that those who know his understanding would not believe it if the proofs admitted doubt. He has meant to place himself on the throne of Montezuma, and extend his empire to the Allegany seizing on N Orleans as the instrument of compulsion for our Western States. I think his undertaking effectually crippled by the activity of Ohio. Whether Kentucky will give him the *coup de grâce* is doubtful; but if he is able to descend the river with any means we are sufficiently prepared at New Orleans. I hope however Kentucky will do its duty & finish the matter for the honour of popular govmt and the discouragement of all arguments for standing armies. Accept my friendly salutations & assurances of great esteem & respect.

TO THE SECRETARY OF THE TREASURY J. MSS.

(ALBERT GALLATIN.)

January 13, 1807.

The appointment of a woman to office is an innovation for which the public is not prepared, nor am I. Shall we appoint Springs, or wait the further recommendations spoken of by Bloodworth? Briggs has resigned, and I wish to consult with you when

convenient on his successor, as well as on an Attorney-General. Affectionate salutations.

TO JOHN DICKINSON

J. MSS.

WASHINGTON, Jan. 13, 1807.

MY DEAR AND ANCIENT FRIEND,—I have duly received your favor of the 1st inst., and am ever thankful for communications which may guide me in the duties which I wish to perform as well as I am able. It is but too true that great discontents exist in the territory of Orleans. Those of the French inhabitants have for their sources, 1, the prohibition of importing slaves. This may be partly removed by Congress permitting them to receive slaves from the other States, which, by dividing that evil, would lessen its danger; 2, the administration of justice in our forms, principles, & language, with all of which they are unacquainted, & are the more abhorrent, because of the enormous expense, greatly exaggerated by the corruption of bankrupt & greedy lawyers, who have gone there from the U. S. & engrossed the practice; 3, the call on them by the land commissioners to produce the titles of their lands. The object of this is really to record & secure their rights. But as many of them hold on rights so ancient that the title papers are lost, they expect the land is to be taken from them wherever they cannot produce a regular deduction of title in writing. In this they will be undeceived by the final result, which will evince to them a liberal disposition of the government towards them. Among

the American inhabitants it is the old division of federalists & republicans. The former are as hostile there as they are everywhere, & are the most numerous & wealthy. They have been long endeavoring to batter down the Governor, who has always been a firm republican. There were characters superior to him whom I wished to appoint, but they refused the office: I know no better man who would accept of it, and it would not be right to turn him out for one not better. But it is the 2d. cause, above mentioned, which is deep-seated & permanent. The French members of the Legislature, being the majority in both Houses, lately passed an act declaring that the civil, or French laws, should be the laws of their land, and enumerated about 50 folio volumes, in Latin, as the depositories of these laws. The Governor negatived the act. One of the houses thereupon passed a vote for self-dissolution of the Legislature as a useless body, which failed in the other House by a single vote only. They separated, however, & have disseminated all the discontent they could. I propose to the members of Congress in conversation, the enlisting 30,000 volunteers, Americans by birth, to be carried at the public expense, & settled immediately on a bounty of 160 acres of land each, on the west side of the Mississippi, on the condition of giving two years of military service, if that country should be attacked within 7 years. The defence of the country would thus be placed on the spot, and the additional number would entitle the territory to become a State, would make the majority American, & make it an American instead of a French State. This would not

sweeten the pill to the French; but in making that acquisition we had some view to our own good as well as theirs, and I believe the greatest good of both will be promoted by whatever will amalgamate us together.

I have tired you, my friend, with a long letter. But your tedium will end in a few lines more. Mine has yet two years to endure. I am tired of an office where I can do no more good than many others, who would be glad to be employed in it. To myself, personally, it brings nothing but unceasing drudgery & daily loss of friends. Every office becoming vacant, every appointment made, *me donne un ingrat, et cent ennemis*. My only consolation is in the belief that my fellow citizens at large give me credit for good intentions. I will certainly endeavor to merit the continuance of that good-will which follows well-intended actions, and their approbation will be the dearest reward I can carry into retirement.

God bless you, my excellent friend, and give you yet many healthy and happy years.

TO WILLIAM WALLER HENING ¹

J. MSS.

WASHINGTON, January 14, 1807.

SIR,—Your letter of Dec. 26th, was received in due time. The only object I had in making my collection

¹ Hening was just undertaking his well known Statutes at large of Virginia. On Feb. 28, Jefferson further wrote him:

"SIR,—It has not been in my power sooner to acknowledge your letter of Feb. 4. After repeating that my printed collection of laws which are in strong bound volumes, are at your service, I must observe as to the manuscript volumes, that several of them run into one another in

of the laws of Virginia, was to save all those for the public which were not then already lost, in the hope that at some future day they might be republished. Whether this be by public or private enterprise, my end will be equally answered. The work divides itself into two very distinct parts; to wit, the printed and the unprinted laws. The former begin in 1682, (Purvis' collection.) My collection of these is in strong volumes, well bound, and therefore may safely be transported anywhere. Any of these volumes which you do not possess, are at your service for the purpose of republication, but the unprinted laws are dispersed through many MS. volumes, several of them so decayed that the leaf can never be opened but once without falling into powder. These can never bear removal further than from their shelf to a table. They are, as well as I recollect, from 1622 downwards. I formerly made such a digest of their order, and the

point of time, so that the same act will be found in several volumes, and will require a good deal of collating. But what presents a greater difficulty is, that some of these volumes seem to have been records of the council, and to contain interspersed copies of some laws. These volumes are in a black letter, illegible absolutely but to those habituated to it and far beyond the competence of an ordinary scribe. I have never myself searched up the acts which these volumes contain. I have always expected they would fill up some of the lacunæ in the list I sent to Mr. Wythe. As this compilation can be made but once, because in doing it the originals will fall to pieces, my anxiety that justice shall be done it obliges me to say that it cannot be done till I become resident at Monticello. There I will superintend it myself, freely giving my own labour to whoever undertakes to copy & publish, whether on public or private account. The copyist must probably live with me during the work, & of course, I must take some part in his choice. Seeing no inconvenience in publishing first the edited & secondly the inedited laws, I am in hopes that you may think the former may at once be entered on. Accept my salutations & assurances of great esteem & respect."

volumes where they are to be found, that, under my own superintendence, they could be copied with once handling. More they would not bear. Hence the impracticability of their being copied but at Monticello. But independent of them, the printed laws, beginning in 1682, with all our former printed collections, will be a most valuable publication, & sufficiently distinct. I shall have no doubt of the exactness of your part of the work, but I hope you will take measures for having the typography & paper worthy of the work. I am lead to this caution by the scandalous volume of our laws printed by Pleasants in 1803, & those by Davis, in 1796 were little better; both unworthy the history of Tom Thumb. You can have them better & cheaper printed anywhere north of Richmond. Accept my salutations & assurances of respect.

TO CÆSAR A. RODNEY ¹

WASHINGTON, Jan. 17, 1807.

DEAR SIR,—Keep the contents of this letter, if you please, to yourself. I yesterday nominated you to the Senate as Attorney General of the U. S. Whether it will be confirmed will rest with them, and they often subject nominations to great delay. My only object in mentioning it to you is that you may be making all the provisional arrangements necessary for an immediate visit to this place if you should receive the commission. The Supreme Court meeting

¹ From a copy courteously furnished by Mr. John Boyd Thacher, of Albany, N. Y.

on Monday will require necessarily the presence of the Atty. Genl. and we have also an Executive matter calling for his immediate agency. You may come alone, as I presume & stay the session of the court and afterwards return for your family. Accept my friendly salutations and assurances of great esteem and respect.

TO THE GOVERNOR OF SOUTH CAROLINA J. MSS.

(CHARLES PINCKNEY.)

WASHINGTON, Jan'y 20, 07.

DEAR SIR,—I received two days ago a letter from Genl Wilkinson, dated at N Orleans, Decr 14, in which he enclosed me an affidavit, of which I now transmit you a copy. You will perceive that it authenticates the copy of a letter from Colo Burr to the General, affirming that Mr. Alston, his son-in-law, is engaged in the unlawful enterprises he is carrying on, and is to be an actor in them. I am to add, also, that I have received information from another source, that Mr. Alston, while returning from Kentucky last autumn through the upper part of your State, proposed to a Mr. Butler of that part of the country, to join in Colo Burr's enterprise, which he represented as of a nature to make his fortune, & is understood to have been explained as against Mexico, as well as for separating the Union of these States. That Butler communicated this to a person, of the same part of the country, called Span, who communicated it to a Mr. Horan, the clerk of a court in that quarter; that Butler & Span agreed to join in the enterprise, but Horan refused.

Nobody is a better judge than yourself whether any & what measures can be taken on this information. As to Genl Wilkinson's affidavit, it will be laid before the Legislature in a few days, and, of course, will be publick; but as to the other part, if no use can be made of it, your own discretion & candor would lead you to keep it secret. It is further well known here that Mr. Alston is an endorser to a considerable amount, of the bills which have enabled Colo Burr to prepare his treasons. A message which I shall send into the Legislature two days hence, will give a development of them. I avail myself with pleasure of this opportunity of recalling myself to your recollection, & of assuring you of my constant esteem & high consideration.¹

SPECIAL MESSAGE ON BURR ²

January 22, 1807.

To the Senate and House of Representatives of the United States:

Agreeably to the request of the House of Representatives, communicated in their resolution of the

¹ On February 22, 1807, Jefferson wrote to Gallatin:

"I send you Allston's letter for perusal. He thinks to get over this matter by putting a bold face on it. I have the names of three persons whose evidence, *taken together*, can fix on him the actual endeavor to engage men in Burr's enterprise. Some appropriation must certainly be made for provisions, &c., arrested. I expect we must pay for them all, and use the provisions for the army. But how is the appropriation to be introduced?"

² Jefferson enclosed this message to the Governor of Louisiana in the following letter:

WASHINGTON, Feby 3, '07.

"DEAR SIR,—I pray you to read the enclosed letter, to seal & deliver it. It explains itself so fully, that I need say nothing. I am

sixteenth instant, I proceed to state under the reserve therein expressed, information received touching an illegal combination of private individuals against the peace and safety of the Union, and a military expedition planned by them against the territories of a power in amity with the United States, with the measures I have pursued for suppressing the same.

I had for some time been in constant expectation of receiving such further information as would have enabled me to lay before the legislature the termination as well as the beginning and progress of this scene of depravity, so far it has been acted on the Ohio and its waters. From this the state and safety of the lower country might have been estimated on

sincerely concerned for Mr. Reibelt, who is a man of excellent understanding and extensive science. If you had any academical berth, he would be much better fitted for that than for the bustling business of life. I enclose to Genl Wilkinson my message of Jan. 22. I presume, however, you will have seen it in the papers. It gives the history of Burr's conspiracy, all but the last chapter, which will, I hope, be that of his capture before this time, at Natchez. Your situations have been difficult, and we judge of the merit of our agents there by the magnitude of the danger as it appeared to them, not as it was known to us. On great occasions every good officer must be ready to risk himself in going beyond the strict line of law, when the public preservation requires it; his motives will be a justification as far as there is any discretion in his ultra-legal proceedings, & by indulgence of private feelings. On the whole, this squall, by shewing with what ease our government suppresses movements which in other countries requires armies, has greatly increased its strength by increasing the public confidence in it. It has been a wholesome lesson too to our citizens, of the necessary obedience to their government. The Feds, & the little band of Quids, in opposition, will try to make something of the infringement of liberty by the military arrest & deportation of citizens, but if it does not go beyond such offenders as Swartwout, Bollman, Burr, Blennerhasset, Tyler, &c., they will be supported by the public approbation. Accept my friendly salutations, & assurances of esteem & respect."

probable grounds, and the delay was indulged the rather, because no circumstance had yet made it necessary to call in the aid of the legislative functions. Information now recently communicated has brought us nearly to the period contemplated. The mass of what I have received, in the course of these transactions, is voluminous, but little has been given under the sanction of an oath, so as to constitute formal and legal evidence. It is chiefly in the form of letters, often containing such a mixture of rumors, conjectures, and suspicions, as render it difficult to sift out the real facts, and unadvisable to hazard more than general outlines, strengthened by concurrent information, or the particular credibility of the relater. In this state of the evidence, delivered sometimes too under the restriction of private confidence, neither safety nor justice will permit the exposing names, except that of the principal actor, whose guilt is placed beyond question.

Some time in the latter part of September, I received intimations that designs were in agitation in the western country, unlawful and unfriendly to the peace of the Union; and that the prime mover in these was Aaron Burr, heretofore distinguished by the favor of his country. The grounds of these intimations being inconclusive, the objects uncertain, and the fidelity of that country known to be firm, the only measure taken was to urge the informants to use their best endeavors to get further insight into the designs and proceedings of the suspected persons, and to communicate them to me.

It was not until the latter part of October, that the

objects of the conspiracy began to be perceived, but still so blended and involved in mystery that nothing distinct could be singled out for pursuit. In this state of uncertainty as to the crime contemplated, the acts done, and the legal course to be pursued, I thought it best to send to the scene where these things were principally in transaction, a person, in whose integrity, understanding, and discretion, entire confidence could be reposed, with instructions to investigate the plots going on, to enter into conference (for which he had sufficient credentials) with the governors and all other officers, civil and military, and with their aid to do on the spot whatever should be necessary to discover the designs of the conspirators, arrest their means, bring their persons to punishment, and to call out the force of the country to suppress any unlawful enterprise in which it should be found they were engaged. By this time it was known that many boats were under preparation, stores of provisions collecting, and an unusual number of suspicious characters in motion on the Ohio and its waters. Besides despatching the confidential agent to that quarter, orders were at the same time sent to the governors of the Orleans and Mississippi territories, and to the commanders of the land and naval forces there, to be on their guard against surprise, and in constant readiness to resist any enterprise which might be attempted on the vessels, posts, or other objects under their care; and on the 8th of November, instructions were forwarded to General Wilkinson to hasten an accommodation with the Spanish commander on the Sabine, and as

soon as that was effected, to fall back with his principal force to the hither bank of the Mississippi, for the defence of the intersecting points on that river. By a letter received from that officer on the 25th of November, but dated October 21st, we learn that a confidential agent of Aaron Burr had been deputed to him, with communications partly written in cipher and partly oral, explaining his designs, exaggerating his resources, and making such offers of emolument and command, to engage him and the army in his unlawful enterprise, as he had flattered himself would be successful. The general, with the honor of a soldier and fidelity of a good citizen, immediately despatched a trusty officer to me with information of what had passed, proceeding to establish such an understanding with the Spanish commandant on the Sabine as permitted him to withdraw his force across the Mississippi, and to enter on measures for opposing the projected enterprise.

The general's letter, which came to hand on the 25th of November, as has been mentioned, and some other information received a few days earlier, when brought together, developed Burr's general designs, different parts of which only had been revealed to different informants. It appeared that he contemplated two distinct objects, which might be carried on either jointly or separately, and either the one or the other first, as circumstances should direct. One of these was the severance of the Union of these States by the Alleghany mountains; the other, an attack on Mexico. A third object was provided, merely ostensible, to wit: the settlement of

a pretended purchase of a tract of country on the Washita, claimed by a Baron Bastrop. This was to serve as the pretext for all his preparations, an allurements for such followers as really wished to acquire settlements in that country, and a cover under which to retreat in the event of final discomfiture of both branches of his real design.

He found at once that the attachment of the western country to the present Union was not to be shaken; that its dissolution could not be effected with the consent of its inhabitants, and that his resources were inadequate, as yet, to effect it by force. He took his course then at once, determined to seize on New Orleans, plunder the bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico; and to this object all his means and preparations were now directed. He collected from all the quarters where himself or his agents possessed influence, all the ardent, restless, desperate, and disaffected persons who were ready for any enterprise analogous to their characters. He seduced good and well-meaning citizens, some by assurances that he possessed the confidence of the government and was acting under its secret patronage, a pretence which obtained some credit from the state of our differences with Spain; and others by offers of land in Bastrop's claim on the Washita.

This was the state of my information of his proceedings about the last of November, at which time, therefore, it was first possible to take specific measures to meet them. The proclamation of November 27th, two days after the receipt of General

Wilkinson's information, was now issued. Orders were despatched to every intersecting point on the Ohio and Mississippi, from Pittsburg to New Orleans, for the employment of such force either of the regulars or of the militia, and of such proceedings also of the civil authorities, as might enable them to seize on all the boats and stores provided for the enterprise, to arrest the persons concerned, and to suppress effectually the further progress of the enterprise. A little before the receipt of these orders in the State of Ohio, our confidential agent, who had been diligently employed in investigating the conspiracy, had acquired sufficient information to open himself to the governor of that State, and apply for the immediate exertion of the authority and power of the State to crush the combination. Governor Tiffin and the legislature, with a promptitude, an energy, and patriotic zeal, which entitle them to a distinguished place in the affection of their sister States, effected the seizure of all the boats, provisions, and other preparations within their reach, and thus gave a first blow, materially disabling the enterprise in its outset.

In Kentucky, a premature attempt to bring Burr to justice, without sufficient evidence for his conviction, had produced a popular impression in his favor, and a general disbelief of his guilt. This gave him an unfortunate opportunity of hastening his equipments. The arrival of the proclamation and orders, and the application and information of our confidential agent, at length awakened the authorities of that State to the truth, and then produced the same

promptitude and energy of which the neighboring State had set the example. Under an act of their legislature of December 23d, militia was instantly ordered to different important points, and measures taken for doing whatever could yet be done. Some boats (accounts vary from five to double or treble that number) and persons (differently estimated from one to three hundred) had in the meantime passed the falls of the Ohio, to rendezvous at the mouth of the Cumberland, with others expected down that river.

Not apprized, till very late, that any boats were building on Cumberland, the effect of the proclamation had been trusted to for some time in the State of Tennessee; but on the 19th of December, similar communications and instructions with those of the neighboring States were despatched by express to the governor, and a general officer of the western division of the State, and on the 23d of December our confidential agent left Frankfort for Nashville, to put into activity the means of that State also. But by information received yesterday I learn that on the 22d of December, Mr. Burr descended the Cumberland with two boats merely of accommodation, carrying with him from that State no quota toward his unlawful enterprise. Whether after the arrival of the proclamation, of the orders, or of our agent, any exertion which could be made by that State, or the orders of the governor of Kentucky for calling out the militia at the mouth of Cumberland, would be in time to arrest these boats, and those from the falls of the Ohio, is still doubtful.

On the whole, the fugitives from Ohio, with their associates from Cumberland, or any other place in that quarter, cannot threaten serious danger to the city of New Orleans.

By the same express of December nineteenth, orders were sent to the governors of New Orleans and Mississippi, supplementary to those which had been given on the twenty-fifth of November, to hold the militia of their territories in readiness to co-operate for their defence, with the regular troops and armed vessels then under command of General Wilkinson. Great alarm, indeed, was excited at New Orleans by the exaggerated accounts of Mr. Burr, disseminated through his emissaries, of the armies, and navies he was to assemble there. General Wilkinson had arrived there himself on the 24th of November and had immediately put into activity the resources of the place for the purpose of its defence; and on the tenth of December he was joined by his troops from the Sabine. Great zeal was shown by the inhabitants generally, the merchants of the place readily agreeing to the most laudable exertions and sacrifices for manning the armed vessels with their seamen, and the other citizens manifesting unequivocal fidelity to the Union, and a spirit of determined resistance to their expected assailants.

Surmises have been hazarded that this enterprise is to receive aid from certain foreign powers. But these surmises are without proof or probability. The wisdom of the measures sanctioned by Congress at its last session had placed us in the paths of peace and justice with the only powers with whom we had

any differences, and nothing has happened since which makes it either their interest or ours to pursue another course. No change of measures has taken place on our part; none ought to take place at this time. With the one, friendly arrangement was then proposed, and the law deemed necessary on the failure of that was suspended to give time for a fair trial of the issue. With the same power, negotiation is still preferred and provisional measures only are necessary to meet the event of rupture. While, therefore, we do not deflect in the slightest degree from the course we then assumed, and are still pursuing, with mutual consent, to restore a good understanding, we are not to impute to them practices as irreconcilable to interest as to good faith, and changing necessarily the relations of peace and justice between us to those of war. These surmises are, therefore, to be imputed to the vauntings of the author of this enterprise, to multiply his partisans by magnifying the belief of his prospects and support.

By letters from General Wilkinson, of the 14th and 18th of September, which came to hand two days after date of the resolution of the House of Representatives, that is to say, on the morning of the 18th instant, I received the important affidavit, a copy of which I now communicate, with extracts of so much of the letters as come within the scope of the resolution. By these it will be seen that of three of the principal emissaries of Mr. Burr, whom the general had caused to be apprehended, one had been liberated by *habeas corpus*, and the two others, being those particularly employed in the endeavor to

corrupt the general and army of the United States, have been embarked by him for our ports in the Atlantic States, probably on the consideration that an impartial trial could not be expected during the present agitations of New Orleans, and that that city was not as yet a safe place of confinement. As soon as these persons shall arrive, they will be delivered to the custody of the law, and left to such course of trial, both as to place and process, as its functionaries may direct. The presence of the highest judicial authorities, to be assembled at this place within a few days, the means of pursuing a sounder course of proceedings here than elsewhere, and the aid of the executive means, should the judges have occasion to use them, render it equally desirable for the criminals as for the public, that being already removed from the place where they were first apprehended, the first regular arrest should take place here, and the course of proceedings receive here its proper direction.

SPECIAL MESSAGE ON BURR

January 28, 1807.

To the Senate and House of Representatives of the United States:—

By the letters of Captain Bissel, who commands at Fort Massac, and of Mr. Murrell, to General Jackson, of Tennessee, copies of which are now communicated to Congress, it will be seen that Aaron Burr passed Fort Massac on the 31st December, with about ten boats, navigated by about six hands each, without

any military appearance, and that three boats with ammunition were said to have been arrested by the militia at Louisville.

As the guards of militia posted on various points on the Ohio will be able to prevent any further aids passing through that channel, should any be attempted, we may now estimate, with tolerable certainty, the means derived from the Ohio and its waters, toward the accomplishment of the purposes of Mr. Burr.

TO THE GOVERNOR OF OHIO

J. MSS.

(H. D. TIFFIN.)

WASHINGTON, February 2d, 1807.

SIR,—The pressure of business during a session of the Legislature has rendered me more tardy in addressing you than it was my wish to have been. That our fellow citizens of the West would need only to be informed of criminal machinations against the public safety to crush them at once, I never entertained a doubt. I have seen with the greatest satisfaction that among those who have distinguished themselves by their fidelity to their country, on the occasion of the enterprise of Mr. Burr, yourself & the Legislature of Ohio have been the most eminent. The promptitude & energy displayed by your State has been as honorable to itself as salutary to its sister States; and in declaring that you have deserved well of your country, I do but express the grateful sentiment of every faithful citizen in it. The hand of the people has given the mortal blow to a conspiracy

which, in other countries, would have called for an appeal to armies, and has proved that government to be the strongest of which every man feels himself a part. It is a happy illustration, too, of the importance of preserving to the State authorities all that vigor which the Constitution foresaw would be necessary, not only for their own safety, but for that of the whole. In making these acknowledgments of the merit of having set this illustrious example of exertion for the common safety, I pray that they may be considered as addressed to yourself & the Legislature particularly, & generally to every citizen who has availed himself of the opportunity given of proving his devotion to his country. Accept my salutations & assurances of great consideration & esteem.¹

¹ Later the President wrote to the Secretary at War:

“WASHINGTON, Oct 27, 07.

“DEAR SIR,—I have reflected on the case of the embodying of the militia in Ohio, and think the respect we owe to the State may outweigh the disapprobation so justly due to the conduct of their Governor pro tem. They certainly had great merit, and have acquired a very general favor thro’ the Union, for the early & vigorous blows by which they crushed the insurrection of Burr. We have now again to appeal to their patriotism & public spirit in the same case; and should there be war, they are our bulwark in the most prominent point of assault from the Indians. Their good will & affection, therefore, should be conciliated by all justifiable means. If we suffer the question of paying the militia embodied to be thrown on their legislature, it will excite acrimonious debate in that body, & they will spread the same dissatisfaction among their constituents, and finally it will be forced back on us through Congress. Would it not, therefore, be better to say to Mr. Kirker, that the general government is fully aware that emergencies which appertain to them will sometimes arise so suddenly as not to give time for consulting them, before the State must get into action; that the expenses in such cases, incurred on reasonable grounds, will be met by the general government; and that in the present case, altho’ it appears there was no real ground for embodying the militia, and that more certain measures for ascertaining

SPECIAL MESSAGE ON GUNBOATS ¹

February 10, 1807.

To the Senate and House of Representatives of the United States:—

In compliance with the request of the House of Representatives, expressed in their resolution of the 5th instant, I proceed to give such information as is possessed, of the effect of gun-boats in the protection and defence of harbors, of the numbers thought necessary, and of the proposed distribution of them among the ports and harbors of the United States.

Under the present circumstances, and governed the truth should have been taken before embodying them, yet an unwillingness to damp the public spirit of our countrymen, & the justice due to the individuals who came forward in defence of their country, & who could not know the grounds on which they were called, have determined us to consider the call as justifiable, & to defray the expenses. This is submitted to you for consideration. Affectionate salutations."

¹ In the preparation of this message, the President wrote to Dearborn and Smith:

"The H. of Representatives ask what particular ports are proposed to be furnished with gunboats, & how many to each. I give you a list of the ports, but instead of saying how many to each, I will throw them into groups, as below, & say how many boats to each group. Will you be so good as to state how many you would think necessary for each of the ports below mentd to give them a reasonable measure of protection in time of war? Also to strike out & insert ports in the list as you think best.

Misipi river	}
L. Pontchartrain	
Mobile River	
St. Mary's	}
Savanna	
Beaufort	
Charleston	
Cape Fear	
Ocracock	
Chesapeake Bay & waters	

Delaware bay	}
New York	
New London	}
Newport	
Boston	}
Newburyport	
Portsmouth	
Portland	
Kennebec	
Penobscot	
Passamaquoddy	

by the intentions of the legislature, as manifested by their annual appropriations of money for the purposes of defence, it has been concluded to combine— 1st, land batteries, furnished with heavy cannon and mortars, and established on all the points around the place favorable for preventing vessels from lying before it; 2d, movable artillery which may be carried, as an occasion may require, to points unprovided with fixed batteries; 3d, floating batteries; and 4th, gun-boats, which may oppose an enemy at its entrance and co-operate with the batteries for his expulsion.

On this subject professional men were consulted as far as we had opportunity. General Wilkinson, and the late General Gates, gave their opinions in writing, in favor of the system, as will be seen by their letters now communicated. The higher officers of the navy gave the same opinions in separate conferences, as their presence at the seat of government offered occasions of consulting them, and no difference of judgment appeared on the subjects. Those of Commodore Barron and Captain Tingey, now here, are recently furnished in writing, and transmitted herewith to the legislature.

The efficacy of gun-boats for the defence of harbors, and of other smooth and enclosed waters, may be estimated in part from that of galleys, formerly much used, but less powerful, more costly in their construction and maintenance, and requiring more men. But the gun-boat itself is believed to be in use with every modern maritime nation for the purpose of defence. In the Mediterranean, on which

are several small powers, whose system like ours is peace and defence, few harbors are without this article of protection. Our own experience there of the effect of gun-boats for harbor service, is recent. Algiers is particularly known to have owed to a great provision of these vessels the safety of its city, since the epoch of their construction. Before that it had been repeatedly insulted and injured. The effect of gun-boats at present in the neighborhood of Gibraltar, is well known, and how much they were used both in the attack and defence of that place during a former war. The extensive resort to them by the two greatest naval powers in the world, on an enterprise of invasion not long since in prospect, shows their confidence in their efficacy for the purposes for which they are suited. By the northern powers of Europe, whose seas are particularly adapted to them, they are still more used. The remarkable action between the Russian flotilla of gun-boats and galleys, and a Turkish fleet of ships-of-the-line and frigates, in the Liman sea, 1788, will be readily recollected. The latter, commanded by their most celebrated admiral, were completely defeated, and several of their ships-of-the-line destroyed.¹

¹ The following, evidently prepared for some newspaper was written by Jefferson:

"Mr. Elliot in his speech on the subject of gunboats, inserted in the *National Intelligencer* of Dec. 30, quotes from the President's message of Feb. 10, 1807 the following passage 'in the remarkable action between the Russian flotilla of gun-boats & galleys, and a Turkish fleet of ships of the line and frigates in the Liman sea in 1788, the latter, commanded by their most celebrated admiral, were completely defeated and several of their ships of the line destroyed' he adds that

From the opinions given as to the number of gunboats necessary for some of the principal seaports, and from a view of all the towns and ports from Orleans to Maine inclusive, entitled to protection, in proportion to their situation and circumstances, it is

he 'has not only consulted the professed annals of the times, but has obtained some information from a writer who appears to have been personally acquainted with the scene of action' & then he gives such an account of the action as may suit the scope of his argument, but not naming either 'the professed annals' or 'the writer who seems to have been personally acquainted with the scene of action,' so as to enable his hearers to question his account, it stands on his own personal authority only. Mr. Elliot's situation probably had not given him an opportunity of consulting the new annual register of 1789, which is certainly among 'the professed annals of the times' and the most respectable of them. The following account of the two actions in the Liman of the 19th & 28th of June 1788, is copied verbally from that work, pa. 70 'a fleet of an inferior sort &c—in which they had placed themselves.' § in the Leyden gazettes of Aug. 1, 22 & 28, 1788. the reader will find official and more detailed accounts of these two actions from these authorities. Taken together it appears that the Turkish force was 16 ships of the line 9 frigates and many smaller vessels. The Russian force 4 ships of the line, some frigates & galleys (under which denomination they include gunboats) making 27 in all. in the 1st action of June 19th the small vessels on both sides alone engaged, the Turks were defeated & having lost 4 of their number the residue retired under the protection of their ships of the line. That in the 2d action of the 28th. the Turkish admiral carried his large as well as small vessels into the Liman sea or lake. the Russians had in the meantime been reinforced by 22 gunboats carrying an 18 pounder each. The result was by the annual register 9 vessels ships of the line & frigates taken or destroyed & by the Leyden account 16. The remainder of the Turkish fleet, the large as well as small vessels, retreating under shelter of the walls of Ocrakow. It does not appear in either account that any part of the Russian force was ever engaged but the flotilla of small vessels which were almost entirely galleys & gun boats, and in the second and decisive action were arranged in two lines in the form of a crescent. The reader will now judge for himself whether the statement in the message of Feb. 10. is not a fair summary of these accounts and whether it be true as Mr. Elliot has said that 'it appears that no such battle as that described in the message of Feb. 10 ever happened.' "

concluded, that to give them a due measure of protection in time of war, about two hundred gun-boats will be requisite. According to first ideas, the following would be their general distribution, liable to be varied on more mature examination, and as circumstances shall vary, that is to say:—

To the Mississippi and its neighboring waters, forty gun-boats.

To Savannah and Charleston, and the harbors on each side, from St. Mary's to Currituck, twenty-five.

To the Chesapeake and its waters, twenty.

To Delaware bay and river, fifteen.

To New York, the Sound, and waters as far as Cape Cod, fifty.

To Boston and the harbors north of Cape Cod, fifty.

The flotilla assigned to these several stations, might each be under the care of a particular commandant, and the vessels composing them would, in ordinary, be distributed among the harbors within the station in proportion to their importance.

Of these boats a proper proportion would be of the larger size, such as those heretofore built, capable of navigating any seas, and of reinforcing occasionally the strength of even the most distant port when menaced with danger. The residue would be confined to their own or the neighboring harbors, would be smaller, less furnished for accommodation, and consequently less costly. Of the number supposed necessary, seventy-three are built or building, and the hundred and twenty-seven still to be provided, would cost from five to six hundred thousand dollars.

Having regard to the convenience of the treasury, as well as to the resources of building, it has been thought that one half of these might be built in the present year, and the other half the next. With the legislature, however, it will rest to stop where we are, or at any further point, when they shall be of opinion that the number provided shall be sufficient for the object.

At times when Europe as well as the United States shall be at peace, it would not be proposed that more than six or eight of these vessels should be kept afloat. When Europe is in war, treble that number might be necessary to be distributed among those particular harbors which foreign vessels of war are in the habit of frequenting, for the purpose of preserving order therein.

But they would be manned, in ordinary, with only their complement for navigation, relying on the seamen and militia of the port if called into action on sudden emergency. It would be only when the United States should themselves be at war, that the whole number would be brought into actual service, and would be ready in the first moments of the war to co-operate with other means for covering at once the line of our seaports. At all times, those unemployed would be withdrawn into places not exposed to sudden enterprise, hauled up under sheds from the sun and weather, and kept in preservation with little expense for repairs or maintenance.

It must be superfluous to observe, that this species of naval armament is proposed merely for defensive operation; that it can have but little effect toward

protecting our commerce in the open seas even on our coast; and still less can it become an excitement to engage in offensive maritime war, toward which it would furnish no means.¹

¹ On the draft of this message, Gallatin wrote the following notes:

“MESSAGE RESPECTING GUNBOATS.

“2d Paragraph. Might not this be altogether omitted? It is true that the resolution of the House has arisen from the debate on fortifications *vs.* gunboats. But as it does ask information only on the last subject, it is not necessary to allude to the other subject: such allusion will be construed as taking sides against N. York fortifications: and the expression of that opinion of the President is necessary neither to prevent too large a fortification appropn, nor to shew the efficiency of gunboats. On the contrary, the third paragraph with some trifling alterations in its introduction would present the whole system contemplated by the Executive (which in fact embraced, under the name of land batteries, a species of fortifications), without giving offence, or interfering with the question of permanent & detached fortifications. It may be added that Castle William reg. Mud Island, Fort Johnson, and, even the works now going on on Governor’s Island must be considered as regular fortifications, not properly embraced under the designations of land batteries, and from their insular & detached situation to be necessarily manned by a standing military force.

“5th Paragraph. Omit or modify the words ‘inhabited by &c. whose system like ours is peace & defence’: Otherwise Algiers will be stated as having a system of peace & defence exclusively.

“Omit the sentence already pencilled relating to our squadron; it is not I think altogether correct in point of fact; we wanted gunboats there to attack theirs in shallow water & even to attack their batteries; but our frigates never avoided them; for their ground (of the frigates) was on the high seas where the Tripolitan boats dared not come.

“To gunboats properly so called I do not think that the British have much resorted in the channel; but they did under Curtis in completing the destruction of the floating batteries at Gibraltar: It is well known that during that long siege, they found it indispensable to have such an armament to meet a similar enemies force. The Swedes & Russians have used them to a greater extent than any other nation. The most splendid achievement by gunboats was the destruction (on the 28th & 29th June 1788) of a great part of the Turkish fleet under their celebrated capitan Pacha Hassan Aly, in the Liman or mouth of the Dnieper by the Russian flotilla under Prince of Nassau. Nassau had twenty-two one gunboats and 27 galleys. Hassan attacked him,

TO THOMAS SEYMOUR

J. MSS.

WASHINGTON, February 11, 1807.

SIR,—The mass of business which occurs during a session of the Legislature, renders me necessarily unpunctual in acknowledging the receipt of letters, and in answering those which will admit of delay. This must be my apology for being so late in noticing the receipt of the letter of December 20th, addressed to me by yourself, and several other republican characters of your State of high respectability. I have seen with deep concern the afflicting oppression under

in order to force the passage and besiege Kimburn, with 16 ships of the line & several frigates, & lost nine of his ships.

“The latter part of this paragraph commencing with the words ‘and indeed’ to the end, might be omitted.

“7th Paragraph. ‘& the 127 &c would cost from 5 to 600 thd dollars.’ Query whether any gunboats fit for sea including rigging guns &c. have actually been built for less than five thousand dollars; and whether it be intended that they should all be built of a size that will cost no more? Are also the appropriations already made sufficient to compleat the first 73? For the idea conveyed is that less than 600 thd dollars will complete the whole number of 200. If there be any uncertainty on that point, such modification in the expressions should be made as will avoid a premature commitment.

“‘Having regard &c. it has been thought that $\frac{1}{2}$ might be built this year & the other half the next.’ I am clearly of opinion that we ought to build now all those that are wanted for the Mississippi, & also that number which it may be thought proper to keep afloat in time of European war in the other ports. The number for the Mississippi is stated in the message at 40: that to be kept afloat generally in time of European war is stated in the 8th paragraph at 24 at most. This makes at the utmost 64; and there are already 73 building. It does not seem to me that there is any necessity to build beforehand any greater number for the others are expressly stated in the message to be wanted only in case the U. States are at war. If any length of time was necessary to build such vessels, it might be proper to be at all times prepared with the whole number wanted. But of all the species of force which war may require, armies ships of war fortifications, & gunboats, there is none which can be obtained in a shorter time than gunboats, & none therefore that it is less necessary to provide

which the republican citizens of Connecticut suffer from an unjust majority. The truths expressed in your letter have been long exposed to the nation through the channel of the public papers, and are the more readily believed because most of the States during the momentary ascendancy of kindred majorities in them, have seen the same spirit of oppression prevail.

With respect to the countervailing prosecutions now instituted in the Court of the U S in Connecticut, I had heard but little, & certainly, I believe, beforehand. I think that within sixty days, perhaps half the time, each of the seaports of Boston, New York, Philada & Baltimore might build & fit out thirty; and the smaller ports together as many; especially if the timber was prepared beforehand. But beyond that preparation I would not go: for exclusively of the first expense of building & the interest of capital thus laid out, I apprehend that notwithstanding the care which may be taken they will infallibly decay in a given number of years & will be a perpetual bill of costs for repairs and maintenance. Sheds will be of use provided the boats are built & not launched; but if once in the water they must share the fate of all other vessels whether public or private. It will be an economical measure for every naval station to burn their navy at the end of a war, & to build a new one when again at war, if it was not that time is necessary to build ships of war. The principle is the same as to gunboats; and the objection of time necessary to build does not exist. I also think that in this as in everything else connected with a navy & naval departments, the annual expense of maintenance will far exceed what is estimated; and I would not be in the least astonished, if supposing two hundred gunboats were actually built, it should add half a million dollars a year to our annual expenses for the support of that establishment. I would therefore suggest that the latter part of this paragraph which contemplates the building of 123 in 2 years should be omitted: and at the end of the 8th paragraph to omit also the words 'without the expense for repairs or maintenance,' and to insert the substance of that part of the 7th paragraph which submits the question to the legislature, but with a modification so as to read in substance; with the legislature it will rest to decide on the number sufficient for the 'object & the time of building.'"

Indorsed "recd Feb. 8th 07."

never expressed a sentiment on them. That a spirit of indignation and retaliation should arise when an opportunity should present itself, was too much within the human constitution to excite either surprise or censure, and confined to an appeal to truth only, it cannot lessen the useful freedom of the press.

As to myself, conscious that there was not a *truth* on earth which I feared should be known, I have lent myself willingly as the subject of a great experiment, which was to prove that an administration, conducting itself with integrity and common understanding, cannot be battered down, even by the falsehoods of a licentious press, and consequently still less by the press, as restrained within the legal & wholesome limits of truth. This experiment was wanting for the world to demonstrate the falsehood of the pretext that freedom of the press is incompatible with orderly government. I have never therefore even contradicted the thousands of calumnies so industriously propagated against myself. But the fact being once established, that the press is impotent when it abandons itself to falsehood, I leave to others to restore it to it's strength, by recalling it within the pale of truth. Within that it is a noble institution, equally the friend of science & of civil liberty. If this can once be effected in your State, I trust we shall soon see it's citizens rally to the republican principles of our Constitution, which unite their sister-States into one family. It would seem impossible that an intelligent people, with the faculty of reading & right of thinking, should

continue much longer to slumber under the pupilage of an interested aristocracy of priests & lawyers, persuading them to distrust themselves, & to let them think for them. I sincerely wish that your efforts may awaken them from this voluntary degradation of mind, restore them to a due estimate of themselves & their fellow-citizens, and a just abhorrence of the falsehoods & artifices which have seduced them. Experience of the use made by federalism of whatever comes from me, obliges me to suggest the caution of considering my letter as private. I pray you to present me respectfully to the other gentlemen who joined in the letter to me, & to whom this is equally addressed, and to accept yourself my salutations, & assurances of great esteem & consideration.

TO JOSEPH HOPPER NICHOLSON¹

J. MSS.

WASHINGTON, February 20, 1807.

DEAR SIR,—I did not receive your letter of the 18th till this morning. I am as yet in possession of no evidence against Adair, which could convict him. Genl Wilkinson writes me that he would send the evidence against him & Ogden by the officer bringing them, and that officer informed Genl Dearborne (from Baltimore) that he was in possession of a large packet from Genl Wilkinson to me, which he was ordered to deliver into my hands only; and, on that, he was ordered to come on with his prisoners, that they and the evidence against them might be delivered up to the court here. If the evidence,

¹ A Judge of the Court of Appeals.

however, be found conclusive, they can be arrested again, if it shall be worth while. Their crimes are defeated, and whether they shall be punished or not belongs to another department, and is not the subject of even a wish on my part. Accept my friendly salutations, & assurances of great respect & esteem.

TO WILSON CARY NICHOLAS

J. MSS.

WASHINGTON, February 28, 1807.

DEAR SIR,—Your letter of Jan 20 was received in due time. But such has been the constant pressure of business, that it has been out of my power to answer it. Indeed, the subjects of it would be almost beyond the extent of a letter, and as I hope to see you ere long at Monticello, it can then be more effectually done verbally. Let me observe, however, generally, that it is impossible for my friends to render me ever so acceptable a favor, as by communicating to me, without reserve, facts & opinions. I have none of that sort of self-love which winces at it; indeed, both self-love & the desire to do what is best, strongly invite unreserved communication. There is one subject which will not admit a delay till I see you. Mr. T. M. Randolph is, I believe, determined to retire from Congress, and it is strongly his wish, & that of all here, that you should take his place. Never did the calls of patriotism more loudly assail you than at this moment. After excepting the federalists, who will be 27., and the little band of schismatics, who will be 3. or 4. (all tongue),

the residue of the H of R is as well disposed a body of men as I ever saw collected. But there is no one whose talents & standing, taken together, have weight enough to give him the lead. The consequence is, that there is no one who will undertake to do the public business, and it remains undone. Were you here, the whole would rally round you in an instant, and willingly co-operate in whatever is for the public good. Nor would it require you to undertake drudgery in the House. There are enough, able & willing to do that. A rallying point is all that is wanting. Let me beseech you then to offer yourself. You never will have it so much in your power again to render such eminent service.

Accept my affectionate salutations and high esteem.

TO ROBERT BRENT¹

J. MSS.

WASHINGTON, Mar 10, 1807.

SIR,—I have received your letter of yesterday, asking the application of a part of a late appropriation of Congress, to certain avenues and roads in this place.

The only appropriation ever before made by Congress to an object of this nature, was "to the public buildings & the highways *between* them." This ground was deliberately taken, and I accordingly restrained the application of the money to the avenue between the Capitol & the Executive buildings, and the roads round the two squares.

¹ An official of the "Territory of Columbia," now known as the District.

The last appropriation was in terms much more lax, to wit, "for avenues & roads in the district of Columbia." This, indeed, would take in a large field, but besides that we cannot suppose Congress intended to tax the people of the U S at large, for all the avenues in Washington & roads in Columbia; we know the fact to have been that the expression was strongly objected to, and was saved merely from a want of time to discuss, (the last day of the session,) and the fear of losing the whole bill. But the sum appropriated (3000 D) shews they did not mean it for so large a field; for by the time the Pennsylv. avenue, between the two houses, is widened, newly gravelled, planted, brick tunnels instead of wood, the roads round the squares put in order, & that in the South front of the war office dug down to it's proper level, there will be no more of the 3000 D. left than will be wanting for constant repairs. With this view of the just and probable intention of the Legislature, I shall not think myself authorized to take advantage of a lax expression, forced on by circumstances, to carry the execution of the law into a region of expense which would merit great consideration before they should embark in it. Accept my friendly salutations, and assurances of great esteem and respect.

CIRCULAR LETTER TO THE GOVERNORS OF KENTUCKY,
TENNESSEE, OHIO, AND MISSISSIPPI J. MSS.

WASHINGTON, March 21, 1807.

SIR,—Altho the present state of things on the Western side of the Mississippi does not threaten

any immediate collision with our neighbors in that quarter, and it is our wish they should remain undisturbed until an amicable adjustment may take place; yet as this does not depend on ourselves alone, it has been thought prudent to be prepared to meet any movements which may occur. The law of a former session of Congress, for keeping a body of 100,000 militia in readiness for service at a moment's warning, is still in force. But by an act of the last session, a copy of which I now enclose, the Executive is authorized to accept the services of such volunteers as shall offer themselves on the conditions of the act, which may render a resort to the former act unnecessary. It is for the execution of this act that I am now to solicit your zealous endeavors. The persons who shall engage will not be called from their homes until some aggression, committed or intended, shall render it necessary. When called into action, it will not be for a lounging, but for an active, & perhaps distant, service. I know the effect of this consideration in kindling that ardour which prevails for this service, & I count on it for filling up the numbers requisite without delay. To yourself, I am sure, it must be as desirable as it is to me, to transfer this service from the great mass of our militia to that portion of them, to whose habits and enterprise active & distant service is most congenial. In using, therefore, your best exertions towards accomplishing the object of this act, you will render to your constituents, as well as to the nation, a most acceptable service.

With respect to the organizing and officering those

who shall be engaged within your State, the act itself will be your guide; and as it is desirable that we should be kept informed of the progress in this business, I must pray you to report the same from time to time to the Secretary at War, who will correspond with you on all the details arising out of it.

I salute you with great consideration and respect.

TO THE UNITED STATES MINISTER TO GREAT BRITAIN ¹

(JAMES MONROE.)

J. MSS.

WASHINGTON, March 21, 1807.

DEAR SIR,—A copy of the treaty with Gr. Britain came to Mr. Erskine's hands on the last day of the session of Congress, which he immediately communicated to us; and since that Mr. Purviance has arrived with an original. On the subject of it you will receive a letter from the Secretary of State, of about this date, and one more in detail hereafter. I should not have written, but that I perceive uncommon efforts, and with uncommon wickedness, are making by the federal papers to produce mischief between myself, personally, & our negociators; and also to irritate the British government, by putting a

¹ In reference to the British treaty, Jefferson had previously written Madison:

"SUNDAY Feb. 1, '07.

"The more I consider the letter of our minister to London, the more seriously it impresses me. I believe the *sine qua non* we made is that of the nation, & that they would rather go on without a treaty than with one which does not settle this article. Under this dilemma, and at this stage of the business, had we not better take the advice of the Senate? I ask a meeting at 11 o'clock to-morrow, to consult on this question."

thousand speeches into my mouth, not one word of which I ever uttered. I have, therefore, thought it safe to guard you, by stating the view which we have given out on the subject of the treaty, in conversation & otherwise; for ours, as you know, is a government which will not tolerate the being kept entirely in the dark, and especially on a subject so interesting as this treaty. We immediately stated in conversation, to the members of the Legislature & others, that having, by a letter received in January, perceived that our ministers might sign a treaty not providing satisfactorily against the impressment of our seamen, we had, on the 3d of Feb., informed you, that should such an one have been forwarded, it could not be ratified, & recommending, therefore, that you should resume negociations for inserting an article to that effect; that we should hold the treaty in suspense until we could learn from you the result of our instructions, which probably would not be till summer, & then decide on the question of calling the Senate. We observed, too, that a written declaration of the British commissioners, given in at the time of signature, would of itself, unless withdrawn, prevent the acceptance of any treaty, because it's effect was to leave us bound by the treaty, and themselves totally unbound. This is the statement we have given out, and nothing more of the contents of the treaty has ever been made known. But depend on it, my dear Sir, that it will be considered as a hard treaty when it is known. The British commisrs appear to have screwed every article as far as it would bear, to have taken everything, &

yielded nothing. Take out the 11th article, and the evil of all the others so much overweighs the good, that we should be glad to expunge the whole. And even the 11th article admits only that we may enjoy our right to the indirect colonial trade, *during the present hostilities*. If peace is made this year, and war resumed the next, the benefit of this stipulation is gone, and yet we are bound for 10. years, to pass no non-importation or non-intercourse laws, nor take any other measures to restrain the unjust pretensions & practices of the British. But on this you will hear from the Secretary of State. If the treaty cannot be put into acceptable form, then the next best thing is to back out of the negotiation as well as we can, letting that die away insensibly; but, in the meantime, agreeing informally, that both parties shall act on the principles of the treaty, so as to preserve that friendly understanding which we sincerely desire, until the one or the other may be deposed to yield the points which divide us. This will leave you to follow your desire of coming home, as soon as you see the amendment of the treaty is desperate. The power of continuing the negotiations will pass over to Mr. Pinckney, who, by procrastinations, can let it die away and give us time, the most precious of all things to us. The government of New Orleans is still without such a head as I wish. The salary of 5000 D. is too small; but I am assured the Orleans legislature would make it adequate, would you accept it. It is the 2^d office in the U S in importance, and I am still in hopes you will accept it. It is impossible to let you stay

at home while the public has so much need of talents. I am writing under a severe indisposition of periodical headache, with scarcely command enough of my mind to know what I write. As a part of this letter concerns Mr. Pinckney as well as yourself, be so good as to communicate so much of it to him; and with my best respects to him, to Mrs. Monroe and your daughter, be assured yourself, in all cases, of my constant & affectionate friendship & attachment.¹

¹ Jefferson further wrote to Robert R. Livingston:

“WASHINGTON, March 24th, 1807.

“DEAR SIR,—The two receipts of Paucin's have come safely to hand. The account has been settled without difficulty. The Federal papers appear desirous of making mischief between us & England, by putting speeches into my mouth which I never uttered. Perceiving, by a letter received in January, that our comrs were making up their mind to sign a treaty which contained no provision against impressment, we immediately instructed them not to do so; & if done, to consider the treaty as not accepted, & to resume their negotiations to supply an article against impressment. We therefore hold the treaty in suspense, until we hear what is done in consequence of our last instructions. Probably we shall not hear till midsummer, & we reserve till that time the question of calling the Senate. In the meantime, to shew the continuance of a friendly spirit, we continue the suspension of the non-importation act by proclamation. Another cause for not accepting the treaty was a written declaration by the British comms at the time of signing, reserving a right, if we did not oppose the French decree to their satisfaction, to retaliate in their own way, however it might affect the treaty; so that, in fact, we were to be bound, & they left free. I think, upon the whole, the emperor cannot be dissatisfied at the present state of things between us & England, & that he must rather be satisfied at our unhesitating rejection of a proposition to make common cause against him, for such in amount it was. Burr has indeed made a most inglorious exhibition of his much over-rated talents. He is now on his way to Richmond for trial. Accept my friendly salutations, & assurances of constant esteem & respect.”

He also wrote to Levi Lincoln, March 25, 1807:

“I expect you are at a loss to understand the situation of the British

TO THE SECRETARY OF WAR

J. MSS.

(HENRY DEARBORN.)

March 29, 1807.

Many officers of the army being involved in the offence of intending a military enterprise against a nation at peace with the United States, to remove the whole without trial, by the paramount authority of the executive, would be a proceeding of unusual severity. Some line must therefore be drawn to separate the more from the less guilty. The only sound one which occurs to me is between those who

treaty, on which the newspapers make so many speeches for me which I never made. It is exactly this. By a letter received from our negotiators in January, we found they were making up their minds to sign a treaty containing no provision against the impressment of our seamen. We instantly (Feb. 3) instructed them not to do so; and that if such a treaty had been forwarded, it could not be ratified; that therefore they must immediately resume the negotiations to supply that defect, as a *sine quâ non*. Such a treaty having come to hand, we of course suspend it, until we know the result of the instructions of Feb. 3, which probably will not be till mid-summer. We reserve ourselves till then to decide the question of calling the Senate. In the meantime, I have, by proclamation, continued the suspension of the non-importation law, as a proof of the continuance of friendly dispositions. There was another circumstance which would have prevented the acceptance of the treaty. The British Commissioners, at the time of signing, gave in a written declaration, that until they knew what we meant to do in the subject of the French decree, the king reserved to himself the right of not ratifying, and of taking any measures retaliating on France which he should deem proper, notwithstanding the treaty. This made the treaty binding on us; while he was loose to regard it or not, and clearly squinted at the expectation that we should join in resistance to France, or they would not regard the treaty. We rejected this idea unhesitatingly.

"I expected to have paid a short visit to Monticello before this, but have been detained by the illness of my son-in-law, Mr. Randolph, and now by an attack of periodical headache on myself. This leaves me but an hour & a half each morning capable of any business at all. A part of this I have devoted to write you this letter, and to assure you of my constant friendship and respect."

believe the enterprise was with the approbation of the government, open or secret, & those who meant to proceed in defiance of the government. Concealment would be no line at all, because all concealed it. Applying the line of *defiance* to the case of L Mead, it does not appear by any testimony I have seen, that he meant to proceed in defiance of the government, but, on the contrary, that he was made to believe the government approved of the expedition. If it be objected that he concealed a part of what had taken place in his communications to the Secretary at War, yet if a concealment of the whole would not furnish a proper line of distinction, still less would the concealment of a part. This too would be a removal for *prevarication* not for *unauthorized enterprise*, & could not be a proper ground for exercising the extraordinary power of removal by the President. On the whole, I think Lieutn Meade's is not a case for its exercise. Affectionate salutations.

TO THE U. S. MINISTER TO SPAIN

J. MSS.

(JAMES BOWDOIN.)

WASHINGTON, Apr. 2. 07.

DEAR SIR,—I wrote you on the 10th of July last, but neither your letter of Oct. 20, nor that of Nov. 15 mentioning the receipt of it, I fear it has miscarried. I therefore now enclose a duplicate, as that was to go under cover of the Secretary of State's dispatches by any vessel going from our distant ports. I retained the Polygraph therein mentioned

for a safer conveyance. None such has occurred till now that the U. S. armed brig the *Wasp*, on her way to the Mediterranean is to touch at Falmouth with dispatches for our ministers at London, & at Brest with others for yourself & Genl. Armstrong. I shall deliver the Polygraph to the commander of the brig to be forwarded to you with this letter. You will find it a most invaluable Secretary, doing it's work with correctness, facility & secrecy. I repeat my request of your acceptance of it as a mark of my esteem & respect.

You heard in due time from London of the signature of a treaty there between Gr. Br. & the U. S. by a letter we received in January from our Minister at London. We found they were making up their minds to sign a treaty in which no provision was made against the impressment of our seamen, contenting themselves with a note received in the course of their correspondence from the British negotiators, assuring them of the discretion with which impressments should be conducted, which could be construed into a covenant only by inferences, against which it's omission in the treaty was a strong inference, and it's terms totally unsatisfactory. By a letter of Feb. 3. they were immediately informed that no treaty not containing a satisfactory article on that head, would be ratified and desiring them to resume the negotiations on that point. The treaty having come to us actually in the inadmissible shape apprehended, we of course hold it up until we know the result of the instructions of Feb. 3. I have but little expectation that the British government

will retire from their habitual wrongs in the impressment of our seamen, and a certainty that without that we will never tie up our hands by treaty from the right of passing a non-importation or non-intercourse act to make it her interest to become just. This may bring on a war of commercial restrictions. To shew however the sincerity or our desire for conciliation I have suspended the importation act. This state of things should be understood at Paris and every effort used on your part to accommodate our differences with Spain, under the auspices of France, with whom it is all important that we should stand in terms of the strictest cordiality. In fact we are to depend on her & Russia for the establishment of Neutral rights by the treaty of peace, among which should be that of taking no person by a belligerent out of a Neutral ship, unless they be the *souldiers* of an enemy. Never did a nation act towards another with more perfidy and injustice than Spain has constantly practised against us. And if we have kept our hands off her till now, it has been purely out of respect for France, & from the value we set on the friendship of France. We expect therefore from the friendship of the emperor that he will either compel Spain to do us justice, or abandon her to us. We ask but one month to be in possession of the city of Mexico. No better proof of the good faith of the U. S. could have been given, than the vigour with which we have acted, & the expence incurred in suppressing the enterprise meditated lately by Burr against Mexico. Altho at first he proposed a separation of the Western country, &

on that ground received encouragement & aid from Yrujo, according to the usual spirit of his government towards us. Yet he very early saw that the fidelity of the Western country was not to be shaken, and turned himself wholly towards Mexico and so popular is an enterprise on that country in this, that we had only to be still, & he could have had followers enough to have been in the city of Mexico in 6. weeks. You have doubtless seen my several messages to Congress, which give a faithful narrative of that conspiracy. Burr himself, after being disarmed by our endeavours of all his followers, escaped from the custody of the court of Missipi, but was taken near fort Stoddert, making his way to Mobile, by some country people, who brought him on as a prisoner to Richmond, where he is now under a course for trial. Hitherto we have believed our law to be that suspicion on probable grounds was sufficient cause to commit a person for trial, allowing time to collect witnesses till the trial, but the judges here have decided that conclusive evidence of guilt must be ready in the moment of arrest, or they will discharge the malefactor. If this is still insisted on, Burr will be discharged, because his crimes having been sown from Maine thro' the whole line of the Western waters to N. Orleans, we cannot bring the witnesses here under 4. months. The fact is that the Federalists make Burr's cause their own, and exert their whole influence to shield him from punishment, as they did the adherents of Miranda. And it is unfortunate that federalism is still predominant in our judiciary department, which is consequently

in opposition to the legislative & Executive branches, & is able to baffle their measures often. Accept my friendly salutations & assurances of great esteem & respect.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, Apr. 14, 07.

DEAR SIR,—Mr. Rodney not being at Washington I send you the inclosed because it requires to be acted on immediately. I remember it was concluded that witnesses who should be brought from great distances, and carried from one scene of trial to another must have a reasonable allowance made for their expences & the money advanced. I expect it will be thought proper that the witnesses proving White's enlistment of men for Burr should be at his trial in Richmond. Be so good as to take the necessary measures to enable these men to come on. * * *

TO WILLIAM BRANCH GILES

J. MSS.

MONTICELLO, April 20, .07.

DEAR SIR,—Your favor of the 6th, on the subject of Burr's offences, was received only 4 days ago. That there should be anxiety & doubt in the public mind, in the present defective state of the proof, is not wonderful; and this has been sedulously encouraged by the tricks of the judges to force trials before it is possible to collect the evidence, dispersed through

a line of 2000 miles from Maine to Orleans. The federalists, too, give all their aid, making Burr's cause their own, mortified only that he did not separate the Union or overturn the government, & proving, that had he had a little dawn of success, they would have joined him to introduce his object, their favorite monarchy, as they would any other enemy, foreign or domestic, who could rid them of this hateful republic for any other government in exchange.

The first ground of complaint was the supine inattention of the administration to a treason stalking through the land in open day. The present one, that they have crushed it before it was ripe for execution, so that no overt acts can be produced. This last may be true; tho' I believe it is not. Our information having been chiefly by way of letter, we do not know of a certainty yet what will be proved. We have set on foot an inquiry through the whole of the country which has been the scene of these transactions, to be able to prove to the courts, if they will give time, or to the public by way of communication to Congress, what the real facts have been. For obtaining this, we are obliged to appeal to the patriotism of particular persons in different places, of whom we have requested to make the inquiry in their neighborhood, and on such information as shall be voluntarily offered. Aided by no process or facilities from the *federal* courts, but frowned on by their new born zeal for the liberty of those whom we would not permit to overthrow the liberties of their country, we can expect no revealments from the accomplices of the chief offender. Of treason-

able intentions, the judges have been obliged to confess there is probable appearance. What loophole they will find in it, when it comes to trial, we cannot foresee. Eaton, Stoddart, Wilkinson, and two others whom I must not name, will satisfy the world, if not the judges, on that head. And I do suppose the following overt acts will be proved. 1. The enlistment of men in a regular way. 2. The regular mounting of guard round Blennerhasset's island when they expected Governor Tiffin's men to be on them, *modo guerrino arraiali*. 3. The rendezvous of Burr with his men at the mouth of the Cumberland. 4. His letter to the acting Governor of Mississippi, holding up the prospect of civil war. 5. His capitulation regularly signed with the aids of the Governor, as between two independent & hostile commanders.

But a moment's calculation will shew that this evidence cannot be collected under 4 months, probably 5, from the moment of deciding when & where the trial shall be. I desired Mr. Rodney expressly to inform the Chief Justice of this, unofficially. But Mr. Marshall says, "more than 5 weeks have elapsed since the opinion of the Supreme court has declared the necessity of proving the overt acts, if they exist. Why are they not proved?" In what terms of decency can we speak of this? As if an express could go to Natchez, or the mouth of Cumberland, & return in 5 weeks, to do which has never taken less than twelve. Again, "If, in Nov. or Dec. last, a body of troops had been assembled on the Ohio, it is impossible to suppose the affidavits establishing the

fact could not have been obtained by the last of March." But I ask the judge where they should have been lodged? At Frankfort? at Cincinnati? at Nashville? St. Louis? Natchez? New Orleans? These were the probable places of apprehension & examination. It was not known at *Washington* till the 26th of March that Burr would escape from the Western tribunals, be retaken & brought to an Eastern one; and in 5 days after, (neither 5. months nor 5. weeks, as the judge calculated,) he says, it is "impossible to suppose the affidavits could not have been obtained." Where? At Richmond he certainly meant, or meant only to throw dust in the eyes of his audience. But all the principles of law are to be perverted which would bear on the favorite offenders who endeavor to overrun this odious Republic. "I understand," says the judge, "*probable* cause of guilt to be a case made out by *proof* furnishing good reason to believe," &c. Speaking as a lawyer, he must mean legal proof, *i. e.*, proof on oath, at least. But this is confounding *probability* and *proof*. We had always before understood that where there was reasonable ground to believe guilt, the offender must be put on his trial. That guilty intentions were probable, the judge believed. And as to the overt acts, were not the bundle of letters of information in Mr. Rodney's hands, the letters and facts published in the local newspapers, Burr's flight, & the universal belief or rumor of his guilt, probable ground for presuming the facts of enlistment, military guard, rendezvous, threats of civil war, or capitulation, so as to put him on trial? Is there a candid man in

the U S who does not believe some one, if not all, of these overt acts to have taken place?

If there ever had been an instance in this or the preceding administrations, of federal judges so applying principles of law as to condemn a federal or acquit a republican offender, I should have judged them in the present case with more charity. All this, however, will work well. The nation will judge both the offender & judges for themselves. If a member of the Executive or Legislature does wrong, the day is never far distant when the people will remove him. They will see then & amend the error in our Constitution, which makes any branch independent of the nation. They will see that one of the great co-ordinate branches of the government, setting itself in opposition to the other two, and to the common sense of the nation, proclaims impunity to that class of offenders which endeavors to overturn the Constitution, and are themselves protected in it by the Constitution itself; for impeachment is a farce which will not be tried again. If their protection of Burr produces this amendment, it will do more good than his condemnation would have done. Against Burr, personally, I never had one hostile sentiment. I never indeed thought him an honest, frank-dealing man, but considered him as a crooked gun, or other perverted machine, whose aim or stroke you could never be sure of. Still, while he possessed the confidence of the nation, I thought it my duty to respect in him their confidence, & to treat him as if he deserved it; and if this punishment can be commuted now for any useful amendment of the

Constitution, I shall rejoice in it. My sheet being full, I perceive it is high time to offer you my friendly salutations, and assure you of my constant and affectionate esteem and respect.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, April 21, 1807.

DEAR SIR,—Yours of the 13th came to hand only yesterday, and I now return you the letters of Turreau, Yrujo, and Woodward, and Mr. Gallatin's paper on foreign seamen. I retain Monroe & Pinckney's letters, to give them a more deliberate perusal than I can now before the departure of the post. By the next they shall be returned. I should think it best to answer Turreau at once, as he will ascribe delay to a supposed difficulty, & will be sure to force an answer at last. I take the true principle to be, that "for violations of jurisdiction, with the consent of the sovereign, or his voluntary sufferance, indemnification is due; but that for others he is bound only to use all *reasonable* means to obtain indemnification from the aggressor, which must be calculated on his circumstances, and these endeavors *bonâ fide* made; & failing, he is no further responsible." It would be extraordinary indeed if we were to be answerable for the conduct of belligerents through our whole coasts, whether inhabited or not.

Will you be so good as to send a passport to Julian V. Neimcewicz, an American citizen, of New Jersey,

going to Europe on his private affairs? I have known him intimately for 20. years, the last 12. of which he has resided in the U S, of which he has a certificate of citizenship. He was the companion of Kosciusko. Be so good as to direct it to him at Elizabethtown, and without delay, as he is on his departure. Mr. Gallatin's estimate of the number of foreign seamen in our employ renders it prudent, I think, to suspend all propositions respecting our non-employment of them. As, on a consultation when we were all together, we had made up our minds on every article of the British treaty, and this of not employing their seamen was only mentioned for further inquiry & consideration, we had better let the negotiations go on, on the ground then agreed on, & take time to consider this supplementary proposition. Such an addition as this to a treaty already so bad would fill up the measure of public condemnation. It would indeed be making bad worse. I am more & more convinced that our best course is, to let the negotiation take a friendly nap, & endeavor in the meantime to practice on such of it's principles as are mutually acceptable. Perhaps we may hereafter barter the stipulation not to employ their seamen for some equivalent to our flag, by way of convention; or perhaps the general treaty of peace may do better for us, if we shall not, in the meantime, have done worse for ourselves. At any rate, it will not be the worse for lying three weeks longer. I salute you with sincere affection.

P. S. Will you be so good as to have me furnished with a copy of Mr. Gallatin's estimate of the

number of foreign seamen? I think he overrates the number of officers greatly.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, Apr 25, 07.

DEAR SIR,—Yours of the 20th came to hand on the 23d, and I now return all the papers it covered, to wit, Harris's, Maunce's, and General Smith's letters, as also some papers respecting Burr's case, for circulation. Under another cover is a letter from Governor Williams, confidential, & for yourself alone, as yet. I expect we shall have to remove Meade. Under still a different cover you will receive Monroe's & Pinckney's letters, detained at the last post. I wrote you then on the subject of the British treaty, which the more it is developed the worse it appears. Mr. Rodney being supposed absent, I enclose you a letter from Mr. Reed, advising the summoning Rufus Easton as a witness; but if he is at St. Louis, he cannot be here by the 22d of May. You will observe that Governor Williams asks immediate instructions what he shall do with Blennerhasset, Tyler, Floyd, & Ralston. I do not know that we can do anything but direct General Wilkinson to receive & send them to any place where the judge shall decide they ought to be tried. I suppose Blennerhasset should come to Richmond. On consulting with the other gentlemen, be so good as to write to Williams immediately, as a letter will barely get there by the 4th Monday of May. I enclose you a

warrant for 5000 D. for Mr. Rodney, in the form advised by Mr. Gallatin.

We have had three great rains within the last 13. days. It is just now clearing off after 36. hours of rain, with little intermission. Yet it is thought not too much. I salute you with sincere affection.

TO THE SECRETARY OF STATE
(JAMES MADISON.)

J. MSS.

MONTICELLO, May 1, 07.

DEAR SIR,—I return you Monroe's, Armstrong's, Harris's, & Anderson's letters, & add a letter & act from Gov. McKean, to be filed in your office. The proposition for separating the western country, mentioned by Armstrong to have been made at Paris, is important. But what is the declaration he speaks of? for none accompanies his letter, unless he means Harry Grant's proposition. I wish our Ministers at Paris, London, & Madrid, could find out Burr's propositions & agents there. I know few of the characters of the new British administration. The few I know are true Pittites, & anti-American. From them we have nothing to hope, but that they will readily let us back out. Whether they can hold their places will depend on the question whether the Irish propositions be popular or unpopular in England. Dr. Sibley, in a letter to Gen. Dearborne, corrects an error of fact in my message to Congress of December. He says the Spaniards never had a single soldier at Bayou Pierre till Apr. 1805. Consequently it was not a keeping, but a taking of a

military possession of that post. I think Gen. Dearborne would do well to desire Sibley to send us affidavits of that fact.

Our weather continues extremely seasonable, & favorable for vegetation. I salute you with sincere affection.

P. S. The pamphlet & papers shall be returned by next post.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, May 5, 07.

I return you the pamphlet of the author of *War in Disguise*. Of its first half, the topics & the treatment of them are very commonplace; but from page 118 to 130 it is most interesting to all nations, and especially to us. Convinced that a militia of all ages promiscuously are entirely useless for distant service, and that we never shall be safe until we have a selected corps for a year's distant service at least, the classification of our militia is now the most essential thing the U S have to do. Whether, on Bonaparte's plan of making a class for every year between certain periods, or that recommended in my message, I do not know, but I rather incline to his. The idea is not new, as you may remember, we adopted it once in Virginia during the revolution, but abandoned it too soon. It is the real secret of Bonaparte's success. Could S. H. Smith put better matter into his paper than the 12. pages above mentioned, & will you suggest it to him? No effort should be

spared to bring the public mind to this great point. I salute you with sincere affection.

TO WILLIAM SHORT ¹

May 19, 1807.

* * * My determination to retire is the result of mature reflections, and on various considerations, not the least weighty of these, is that a consciousness that a decline of physical faculties can not leave those mental entirely unimpaired; and it will be happy for me if I am the first who shall become sensible of it. As to a successor there never will be a time when it will not produce some difficulty, and never less, I believe, than at present. That some of the Federalists should prefer my continuance to the uncertainty of a successor I can readily believe. There are among them men of candor who do not join in the clamor and condemnation of every thing, nor pretend that even chance never throws us on a right measure. There are some who know me personally and who give a credit to my intentions, which they deny my understanding. Some who may fear a successor, preferring a military glory of a nation to the prosperity and happiness of its individuals. But to the mass of that political sect, it is not the less true, the 4th of March, 1809, will be a day of Jubilee, but it will be a day of greater joy to me. I never did them an act of injustice nor failed in any duty to them imposed by my office. Out of about six hundred offices named by the President

¹ From the *Southern Bivouac*, II., 635.

there were six Republicans only when I came into office, and these were chiefly half-breeds. Out of upwards of three hundred holding during pleasure, I removed about fifteen or those who had signalized themselves by their own intolerance in office, because the public voice called for it imperiously, and it was just that the Republicans should at length have some participation in the government. There never was another removal but for such delinquencies as removed the Republicans equally. In this horrid drudgery I always felt myself as a public executioner, an office which no one who knows me, I hope, supposes very grateful to my feelings. It was considerably alleviated, however, by the industry of their newspapers in endeavoring to excite resentment enough to enable me to meet the operation. However, I hail the day which is to relieve me from being viewed as an official enemy. In private life I never had above one or two; to the friendship of that situation I look with delight. * * *

TO THE UNITED STATES DISTRICT ATTORNEY FOR
VIRGINIA ¹ J. MSS.
(GEORGE HAY.)

WASHINGTON, May 20, 07.

DEAR SIR.—Dr. Bollman, on his arrival here in custody in Jan., voluntarily offered to make com-

¹ For convenience, all the letters written by Jefferson to Hay during the Burr trial follow:

“WASHINGTON, May 26, 07.

“DEAR SIR,—We are at this moment informed by a person who left Richmond since the 22d, that the prosecution of Burr had begun

munications to me, which he accordingly did, Mr. Madison, also being present. I previously & subsequently assured him, (without, however, his having requested it,) that they should never be used *against himself*. Mr. Madison on the same evening

under very inauspicious symptoms by the challenging & rejecting two members of the Grand Jury, as far above all exception as any two persons in the U. S. I suppose our informant is inaccurate in his terms, and has mistaken an objection by the criminal & voluntary retirement of the gentlemen with the permission of the court, for a challenge & rejection, which, in the case of a Grand Jury is impossible. Be this as it may, and the result before the formal tribunal, fair or false, it becomes our duty to provide that full testimony shall be laid before the Legislature, & through them the public. For this purpose, it is necessary that we be furnished with the testimony of every person who shall be with you as a witness. If the Grand Jury find a bill, the evidence given in court, taken as verbatim as possible, will be what we desire. If there be no bill, & consequently no examination before court, then I must beseech you to have every man privately examined by way of affidavit, and to furnish me with the whole testimony. In the former case, the person taking down the testimony as orally delivered in court, should make oath that he believes it to be substantially correct. In the latter case, the certificate of the magistrate administering the oath, and signature of the party, will be proper; and this should be done before they receive their compensation, that they may not evade examination. Go into any expense necessary for this purpose, & meet it from the funds provided by the Attorney general for the other expenses. He is not here, or this request would have gone from him directly. I salute you with friendship & respect."

“WASHINGTON, May 28, 07.

“DEAR SIR,—I have this moment recd. your letter of the 25th, and hasten to answer it. If the grand jury do not find a bill against Burr, as there will be no examination before a petty jury, Bollman's pardon need not in that case to be delivered; but if a bill be found, and a trial had, his evidence is deemed entirely essential, & in that case his pardon is to be produced before he goes to the book. In my letter of the day before yesterday, I enclosed you Bollman's written communication to me, & observed you might go so far, if he prevaricated, as to ask him whether he did not say so & so to Mr. Madison and myself. On further reflection I think you may go farther, if he prevaricates grossly, & shew the paper to him, and ask if it is not his handwriting,

committed to writing, by memory, what he had said; & I moreover asked of Bollman to do it himself, which he did, & I now enclose it to you. The object is as he is to be a witness, that you may know how to examine him, & draw everything from him. I wish

& confront him by its contents. I enclose you some other letters of Bollman to me on former occasions, to prove by similitude of hand that the paper I enclosed on the 26th was of his handwriting. I salute you with esteem & respect."

"WASHINGTON, June 2, 07.

"DEAR SIR,—While Burr's case is depending before the court, I will trouble you, from time to time, with what occurs to me. I observe that the case of *Marbury v. Madison* has been cited, and I think it material to stop at the threshold the citing that case as authority, and to have it denied to be law. 1. Because the judges, in the outset, disclaimed all cognizance of the case, altho' they then went on to say what would have been their opinion, had they had cognizance of it. This, then, was confessedly an extrajudicial opinion, and, as such, of no authority. 2. Because, had it been judicially pronounced, it would have been against law; for to a commission, a deed, a bond, *delivery* is essential to give validity. Until, therefore, the commission is delivered out of the hands of the Executive & his agents, it is not his deed. He may withhold or cancel it at pleasure, as he might his private deed in the same situation. The Constitution intended that the three great branches of the government should be co-ordinate, & independent of each other. As to acts, therefore, which are to be done by either, it has given no controul to another branch. A judge, I presume, cannot sit on a bench without a commission, or a record of a commission; & the Constitution having given to the judiciary branch no means of compelling the executive either to *deliver* a commission, or to make a record of it, shews it did not intend to give the judiciary that controul over the executive, but that it should remain in the power of the latter to do it or not. Where different branches have to act in their respective lines, finally & without appeal, under any law, they may give to it different and opposite constructions. Thus, in the case of William Smith, the H of R determined he was a citizen; and in the case of William Duane, (precisely the same in every material circumstance,) the judges determined he was no citizen. In the cases of Callendar & some others, the judges determined the sedition act was valid under the Constitution, and exercised their regular powers of sentencing them to fine & imprisonment. But the executive deter-

the paper to be seen & known only to yourself and the gentlemen who aid you, & to be returned to me. If he should prevaricate, I should be willing you should go so far as to ask him whether he did not say so & so to Mr. Madison & myself. In order to let

mined that the sedition act was a nullity under the Constitution, and exercised his regular power of prohibiting the execution of the sentence, or rather of executing the real law, which protected the acts of the defendants. From these different constructions of the same act by different branches, less mischief arises than from giving to any one of them a control over the others. The executive & Senate act on the construction, that until delivery from the executive department, a commission is in their possession, & within their rightful power; and in cases of commissions not revocable at will, where, after the Senate's approbation & the President's signing & sealing, new information of the unfitness of the person has come to hand before the *delivery* of the commission, new nominations have been made & approved, and new commissions have issued.

"On this construction I have hitherto acted; on this I shall ever act, and maintain it with the powers of the government, against any control which may be attempted by the judges, in subversion of the independence of the executive & Senate within their peculiar department. I presume, therefore, that in a case where our decision is by the Constitution the supreme one, & that which can be carried into effect, it is the constitutionally authoritative one, and that that by the judges was *coram non judice*, & unauthoritative, because it cannot be carried into effect. I have long wished for a proper occasion to have the gratuitous opinion in *Marbury v. Madison* brought before the public, & denounced as not law; & I think the present a fortunate one, because it occupies such a place in the public attention. I should be glad, therefore, if, in noticing that case, you could take occasion to express the determination of the executive, that the doctrines of that case were given extrajudicially & against law, and that their reverse will be the rule of action with the executive. If this opinion should not be your own, I would wish it to be expressed merely as that of the executive. If it is your own also, you would of course give to the arguments such a development as a case, incidental only, might render proper. I salute you with friendship and respect."

"WASHINGTON, June 5, 07.

"DEAR SIR,—Your favor of the 31st has been received, and I think it will be fortunate if any circumstance should produce a discharge of

him see that his prevarications will be marked, Mr. Madison will forward you a pardon for him, which we mean should be delivered previously. It is suspected by some he does not intend to appear. If he does not, I hope you will take effectual measures

the present scanty grand jury, and a future summons of a fuller; tho' the same views of protecting the offender may again reduce the number to 16., in order to lessen the change of getting 12. to concur. It is understood, that wherever Burr met with subjects who did not chuse to embark in his projects, unless approved by their government, he asserted that he had that approbation. Most of them took his word for it, but it is said that with those who would not, the following stratagem was practised. A forged letter, purporting to be from Genl. Dearborne, was made to express his approbation, and to say that I was absent at Monticello, but that there was no doubt that, on my return, my approbation of his enterprises would be given. This letter was spread open on his table, so as to invite the eye of whoever entered his room, and he contrived occasions of sending up into his room those whom he wished to become witnesses of his acting under sanction. By this means he avoided committing himself to any liability to prosecution for forgery, & gave another proof of being a great man in little things, while he is really small in great ones. I must add General Dearborne's declaration, that he never wrote a letter to Burr in his life, except that when here, once in a winter, he usually wrote him a billet of invitation to dine. The only object of sending you the enclosed letters is to possess you of the fact, that you may know how to pursue it, if any of your witnesses should know anything of it. My intention in writing to you several times, has been to convey facts or observations occurring in the absence of the Attorney General, and not to make to the dreadful drudgery you are going through the unnecessary addition of writing me letters in answer, which I beg you to relieve yourself from, except when some necessity calls for it. I salute you with friendship & respect."

" WASHINGTON, June 12, 07.

"SIR,—Your letter of the 9th is this moment received. Reserving the necessary right of the President of the U S to decide, independently of all other authority, what papers, coming to him as President, the public interests permit to be communicated, & to whom, I assure you of my readiness under that restriction, voluntarily to furnish on all occasions, whatever the purposes of justice may require. But the letter of Genl Wilkinson, of Oct 21, requested for the defence of Colonel

to have him immediately taken into custody. Some other blank pardons are sent on to be filled up at your discretion, if you should find a defect of evidence, & believe that this would supply it, by avoiding to give them to the gross offenders, unless it be

Burr, with every other paper relating to the charges against him, which were in my possession when the Attorney General went on to Richmond in March, I then delivered to him; and I have always taken for granted he left the whole with you. If he did, & the bundle retains the order in which I had arranged it, you will readily find the letter desired, under the date of it's receipt, which was Nov 25; but lest the Attorney General should not have left those papers with you, I this day write to him to forward this one by post. An uncertainty whether he is at Philadelphia, Wilmington, or New Castle, may produce delay in his receiving my letter, of which it is proper you should be apprized. But, as I do not recollect the whole contents of that letter, I must beg leave to devolve on you the exercise of that discretion which it would be my right & duty to exercise, by withholding the communication of any parts of the letter, which are not directly material for the purposes of justice.

"With this application, which is specific, a prompt compliance is practicable. But when the request goes to 'copies of the orders issued in relation to Colo Burr, to the officers at Orleans, Natchez, &c., by the Secretaries of the War & Navy departments,' it seems to cover a correspondence of many months, with such a variety of officers, civil & military, all over the U S, as would amount to the laying open the whole executive books. I have desired the Secretary at War to examine his official communications; and on a view of these, we may be able to judge what can & ought to be done, towards a compliance with the request. If the defendant alleges that there was any particular order, which, as a cause, produced any particular act on his part, then he must know what this order was, can specify it, and a prompt answer can be given. If the *object* had been specified, we might then have had some guide for our conjectures, as to what part of the executive records might be useful to him; but, with a perfect willingness to do what is right, we are without the indications which may enable us to do it. If the researches of the Secretary at War should produce anything proper for communication, & pertinent to any point we can conceive in the defence before the court, it shall be forwarded to you.

"I salute you with respect and esteem."

"Note. On the same day I rec^d from the Sec^r at War copies of 2

visible that the principal will otherwise escape. I send you an affidavit of importance received last night. If General Wilkinson gets on in time, I expect he will bring Dunbaugh on with him. At any

letters to the Gov^t of Missipi, & Orleans, which I immediately inclosed to G. Hay."

“WASHINGTON, June 17, 1807.

“SIR,—In answering your letter of the 9th, which desired a communication of one to me from Genl Wilkinson, specified by it's date, I informed you in mine of the 12th that I had delivered it, with all other papers respecting the charges against Aaron Burr, to the Attorney Genl, when he went to Richmond; that I had supposed he had left them in your possession, but would immediately write to him, if he had not, to forward that particular letter without delay. I wrote to him accordingly on the same day, but having no answer, I know not whether he has forwarded the letter. I stated in the same letter, that I had desired the Secretary at War to examine his office, in order to comply with your further request, to furnish copies of the orders which had been given respecting Aaron Burr and his property; and in a subsequent letter of the same day, I forwarded to you copies of two letters from the Secretary at War, which appeared to be within the description expressed in your letter. The order from the Secretary of the Navy, you said, you were in possession of. The receipt of these papers had, I presume, so far anticipated, and others this day forwarded will have substantially fulfilled the object of a subpoena from the District Court of Richmond, requiring that those officers & myself should attend the Court in Richmond, with the letter of Genl Wilkinson, the answer to that letter, & the orders of the departments of War & the Navy, therein generally described. No answer to Genl Wilkinson's letter, other than a mere acknowledgement of it's receipt, in a letter written for a different purpose, was ever written by myself or any other. To these communications of papers, I will add, that if the defendant supposes there are any facts within the knolege of the Heads of departments, or of myself, which can be useful for his defence, from a desire of doing anything our situation will permit in furtherance of justice, we shall be ready to give him the benefit of it, by way of deposition, through any persons whom the Court shall authorize to take our testimony at this place. I know, indeed, that this cannot be done but by consent of parties; & I therefore authorize you to give consent on the part of the U S. Mr. Burr's consent will be given of course, if he supposes the testimony useful.

“As to our personal attendance at Richmond, I am persuaded the

rate it may be a ground for an arrest & commitment for treason. Accept my friendly salutations, & assurances of great esteem and respect.

TO DE WITT CLINTON

J. MSS.

WASHINGTON, May 24, 1807.

Th: Jefferson presents his compliments to Mr. Clinton, & his thanks for the pamphlet sent him.¹

Court is sensible, that paramount duties to the nation at large control the obligation of compliance with their summons in this case; as they would, should we receive a similar one, to attend the trials of Blannerhassett & others, in the Mississippi territory, those instituted at St. Louis and other places on the western waters, or at any place, other than the seat of government. To comply with such calls would leave the nation without an executive branch, whose agency, nevertheless, is understood to be so constantly necessary, that it is the sole branch which the constitution requires to be always in function. It could not then mean that it should be withdrawn from it's station by any co-ordinate authority.

"With respect to papers, there is certainly a public & a private side to our offices. To the former belong grants of land, patents for inventions, certain commissions, proclamations, & other papers patent in their nature. To the other belong mere executive proceedings. All nations have found it necessary, that for the advantageous conduct of their affairs, some of these proceedings, at least, should remain known to their executive functionary only. He, of course, from the nature of the case, must be the sole judge of which of them the public interests will permit publication. Hence, under our Constitution, in requests of papers, from the legislative to the executive branch, an exception is carefully expressed, as to those which he may deem the public welfare may require not to be disclosed; as you will see in the enclosed resolution of the H of Representatives, which produced the message of Jan 22, respecting this case. The respect mutually due between the constituted authorities, in their official intercourse, as well as sincere dispositions to do for every one what is just, will always insure from the executive, in exercising the duty of discrimination confided to him,

¹ This was *A Vindication of Thomas Jefferson, against the charges contained in a Pamphlet entitled "Serious Considerations."* By Grotius. N. Y. 1800."

He recollects the having read it at the time with a due sense of his obligation to the author, whose name was surmised, tho' not absolutely known, and a conviction that he had made the most of his matter. The ground of defence might have been solidly aided

the same candor & integrity to which the nation has in like manner trusted in the disposal of it's judiciary authorities. Considering you as the organ for communicating these sentiments to the Court, I address them to you for that purpose, & salute you with esteem & respect."

" WASHINGTON, June 19, 07.

"DEAR SIR,—Yours of the 17th was received last night. Three blank pardons had been (as I expect) made up & forwarded by the mail of yesterday, and I have desired 3. others to go by that of this evening. You ask what is to be done if Bollman finally rejects his pardon, & the Judge decides it to have no effect? Move to commit him immediately for treason or misdemeanor, as you think the evidence will support; let the Court decide where he shall be sent for trial; and on application, I will have the marshall aided in his transportation, with the executive means. And we think it proper, further, that when Burr shall have been convicted of either treason or misdemeanor, you should immediately have committed all those persons against whom you should find evidence sufficient, whose agency has been so prominent as to mark them as proper objects of punishment, & especially where their boldness has betrayed an inveteracy of criminal disposition. As to obscure offenders & repenting ones, let them lie for consideration.

"I enclose you the copy of a letter received last night, and giving singular information. I have inquired into the character of Graybell. He was an old revolutionary captain, is now a flour merchant in Baltimore, of the most respectable character, & whose word would be taken as implicitly as any man's for whatever he affirms. The letter writer, also, is a man of entire respectability. I am well informed, that for more than a twelvemonth it has been believed in Baltimore, generally, that Burr was engaged in some criminal enterprise, & that Luther Martin knew all about it. We think you should immediately despatch a subpoena for Graybell; & while that is on the road, you will have time to consider in what form you will use his testimony; *e. g.* shall L M be summoned as a witness against Burr, & Graybell held ready to confront him? It may be doubted whether we could examine a witness to discredit our own witness. Besides, the lawyers

by the assurance (which is the absolute fact) that the whole story fathered on Mazzei, was an unfounded falsehood. Dr. Linn, as aware of that, takes care to quote it from a dead man, who is made to quote from one residing in the remotest part of

say that they are privileged from being forced to breaches of confidence, and that no others are. Shall we move to commit L M, as *particeps criminis* with Burr? Graybell will fix upon him misprision of treason at least. And at any rate, his evidence will put down this unprincipled & impudent federal bull-dog, and add another proof that the most clamorous defenders of Burr are all his accomplices. It will explain why L M flew so hastily to the aid of his 'honorable friend,' abandoning his clients & their property during a session of a principal court in Maryland, now filled, as I am told, with the clamors & ruin of his clients. I believe we shall send on Latrobe as a witness. He will prove that A B endeavored to get him to engage several thousand men, chiefly Irish emigrants, whom he had been in the habit of employing in the works he directs, under pretence of a canal opposite Louisville, or of the Washita, in which, had he succeeded, he could with that force alone have carried everything before him, and would not have been where he now is. He knows, too, of certain meetings of Burr, Bollman, Yrujo, & one other whom we have never named yet, but have him not the less in our view.

"I salute you with friendship & respect.

"P. S. Will you send us half a dozen blank subpoenas?

"Since writing the within I have had a conversation with Latrobe. He says it was 500. men he was desired to engage. The pretexts were, to work on the Ohio canal, & be paid in Washita lands. Your witnesses will some of them prove that Burr had no interest in the Ohio canal, & that consequently this was a mere pretext to cover the real object from the men themselves, and all others. Latrobe will set out in the stage of to-morrow evening, & be with you Monday evening."

"WASHINGTON, June 20, 1807.

"DEAR SIR,—Mr. Latrobe now comes on as a witness against Burr. His presence here is with great inconvenience dispensed with, as 150 workmen require his constant directions on various public works of pressing importance. I hope you will permit him to come away as soon as possible. How far his testimony will be important as to the prisoner, I know not; but I am desirous that those meetings of Yrujo with Burr and his principal accomplices, should come fully out, and

Europe. Equally false was Dr. Linn's other story about Bishop Madison's lawn sleeves, as the Bishop can testify, for certainly Th: J. never saw him in lawn sleeves. Had the Doctor ventured to name time, place, & person, for his third lie (the govern-

judicially, as they will establish the just complaints we have against his nation.

"I did not see till last night the opinion of the Judge on the *subpœna duces tecum* against the President. Considering the question there as *coram non judice*, I did not read his argument with much attention. Yet I saw readily enough, that, as is usual where an opinion is to be supported, right or wrong, he dwells much on smaller objections, and passes over those which are solid. Laying down the position generally, that all persons owe obedience to subpœnas, he admits no exception unless it can be produced in his law books. But if the Constitution enjoins on a particular officer to be always engaged in a particular set of duties imposed on him, does not this supersede the general law, subjecting him to minor duties inconsistent with these? The Constitution enjoins his constant agency in the concerns of 6. millions of people. Is the law paramount to this, which calls on him on behalf of a single one? Let us apply the Judge's own doctrine to the case of himself & his brethren. The sheriff of Henrico summons him from the bench, to quell a riot somewhere in his county. The federal judge is, by the general law, a part of the *posse* of the State sheriff. Would the Judge abandon major duties to perform lesser ones? Again; the court of Orleans or Maine commands, by subpœnas, the attendance of all the judges of the Supreme Court. Would they abandon their posts as judges, and the interests of millions committed to them, to serve the purposes of a single individual? The leading principle of our Constitution is the independence of the Legislature, executive and judiciary of each other, and none are more jealous of this than the judiciary. But would the executive be independent of the judiciary, if he were subject to the *commands* of the latter, & to imprisonment for disobedience; if the several courts could bandy him from pillar to post, keep him constantly trudging from north to south & east to west, and withdraw him entirely from his constitutional duties? The intention of the Constitution, that each branch should be independent of the others, is further manifested by the means it has furnished to each, to protect itself from enterprises of force attempted on them by the others, and to none has it given more effectual or diversified means than to the executive. Again; because ministers can go into a court in London as witnesses, without interruption to their executive duties,

ment without religion), it is probable he might have been convicted on that also. But these are slander & slanderers, whom Th: J. has thought it best to leave to the scourge of public opinion. He salutes Mr. Clinton with esteem & respect.

it is inferred that they would go to a court 1000. or 1500. miles off, and that ours are to be dragged from Maine to Orleans by every criminal who will swear that their testimony 'may be of use to him.' The Judge says, '*it is apparent* that the President's duties as chief magistrate do not demand his whole time, & are not unremitting.' If he alludes to our annual retirement from the seat of government, during the sickly season, he should be told that such arrangements are made for carrying on the public business, at and between the several stations we take, that it goes on as unremittingly there, as if we were at the seat of government. I pass more hours in public business at Monticello than I do here, every day; and it is much more laborious, because all must be done in writing. Our stations being known, all communications come to them regularly, as to fixed points. It would be very different were we always on the road, or placed in the noisy & crowded taverns where courts are held. Mr. Rodney is expected here every hour, having been kept away by a sick child.

"I salute you with friendship and respect."

WASHINGTON, June 23, 1807.

"DEAR SIR,—In mine of the 12th I informed you I would write to the Atty General to send on the letter of General Wilkinson of Oct. 21, referred to in my message of Jan'y 22. He accordingly sent me a letter of that date, but I immediately saw that it was not the one desired, because it had no relation to the facts stated under that reference. I immediately, by letter, apprized him of this circumstance, and being since returned to this place, he yesterday called on me with the whole of the papers remaining in his possession, & he assured me he had examined carefully the whole of them, and that the one referred to in the message was not among them, nor did he know where it would be found. These papers have been recurred to so often, on so many occasions, and some of them delivered out for particular purposes, that we find several missing, without being able to recollect what has been done with them. Some of them were delivered to the Attorney of this district, to be used on the occasions which arose in the District Court, & a part of them were filed, as is said, in their office. The Atty General will examine their office to day, and has written to the District Attorney to know whether he retained any of them. No researches

TO THE MARQUIS DE LAFAYETTE

J. MSS.

WASHINGTON, May 26, 07.

MY DEAR FRIEND,—I am a bad correspondent; but it is not from want of inclination, nor that I do nothing but that having too much to do, I leave

shall be spared to recover this letter, & if recovered, it shall immediately be sent on to you. Compiling the message from a great mass of papers, and pressed in time, the date of a particular paper may have been mistaken, but we all perfectly remember the one referred to in the message, & that its substance is there correctly stated. Genl Wilkinson probably has copies of all the letters he wrote me, & having expressed a willingness to furnish the one desired by the Court, the defendant can still have the benefit of it. Or should he not have the particular one on which that passage in the message is founded, I trust that his memory would enable him to affirm that it is substantially correct. I salute you with friendship & respect."

"MONTICELLO, Aug. 7, 07.

"DEAR SIR,—I inclose you a letter received yesterday on the subject of Genl. Presley Nevil. With respect to both him & his son I believe there is no doubt of a participation in Burr's designs but I suppose that after the issue of the principal trial will be the proper time to decide what subordinate offenders may be laid hold of.

I learn by the newspapers that I am to have another *subpœna duces tecum* for Eaton's declaration. With respect to my personal attendance higher duties keep me here. During the present & ensuing months I am here to avoid the diseases of tide water situations and all communications on the business of my office, by arrangements which have been taken, will be daily received and transacted here. With respect to the paper in question it was delivered to the Attorney Genl with all the other papers relating to Burr. I have therefore neither that nor any of the others in my possession. Possibly the Atty Genl may have delivered it to you. If not, he has it, & he is the person to whom a subpœna to bring that or any others into court, may be at once addressed. I salute you with friendship & respect."

The most interesting of this series, however, is a mere draft of a letter to Hay, which may never have been sent, but which is of the utmost importance.

"The enclosed letter is written in a spirit of conciliation & with the desire to avoid conflicts of authority between the high branches of the govmt which would discredit it equally at home & abroad. That Burr

undone that which admits delay with least injury. Your letter of Nov. 16 is just now received, and it gives me great pleasure that a person so well acquainted with the localities as M. Pitot has been able to give you so favorable an account of your

& his counsel should wish to [struck out "divert the public attention from him to this battle of giants was to be"] convert his Trial into a contest between the judiciary & Exve Authorities was to be expected. But that the Ch. Justice should lend himself to it, and take the first step to bring it on, was not expected. Nor can it be now believed that his prudence or good sense will permit him to press it. But should he contrary to expectation, proceed to issue any process which should involve any act of force to be committed on the persons of the Exve or heads of depmts, I must desire you to give me instant notice, & by express if you find that can be quicker done than by post; and that moreover you will advise the marshall on his conduct, as he will be critically placed between us. His safest way will be to take no part in the exercise of any act of force ordered in this case. The powers given to the Exve by the constn are sufficient to protect the other branches from judiciary usurpation of preeminence, & every individual also from judiciary vengeance, and the marshal may be assured of it's effective exercise to cover him. I hope however that the discretion of the C. J. will suffer this question to lie over for the present, and at the ensuing session of the legislature he may have means provided for giving to individuals the benefit of the testimony of the Exve functionaries in proper cases, without breaking up the government. Will not the associate judge assume to divide his court and procure a truce at least in so critical a conjuncture."

"MONTICELLO, August 20, 1807.

"DEAR SIR,—I received yesterday your favor of the 11th. An error of the post office had occasioned the delay. Before an impartial jury, Burr's conduct would convict himself, were not one word of testimony to be offered against him. But to what a state will our law be reduced by party feelings in those who adminster it? Why do not Blannerhassett, Dayton, &c., demand private & comfortable lodgings? In a country where an equal application of law to every condition of man is fundamental, how could it be denied to them? How can it ever be denied to the most degraded malefactor? The enclosed letter of James Morrison, covering a copy of one from Alston to Blannerhassett, came to hand yesterday. I enclosed them, because it is proper all these papers should be in one deposit, & because you

lands. That his estimates will become just with a little time I believe, but I am also afraid his esteem for you may have misled his judgment into some little anticipation of value. But I speak from ignorance, and he from knolege. I have no doubt Mr. Duplantier will make the best location possible. Indeed his zeal had in one instance led us to fear you would be injured by it. He had comprehended in his location not only the grounds vacant of all title in the vicinity of N. Orleans which had been a principal object in my eye to enable you speedily to

should know the case & all its bearings, that you may understand whatever turns up in the cause. Whether the opinion of the letter writer is sound, may be doubted. For, however these, & other circumstances which have come to us, may induce us to believe that the bouncing letter he published, & the insolent one he wrote to me, were intended as blinds, yet they are not sufficient for legal conviction. Blannerhassett & his wife could possibly tell us enough. I commiserate the suffering you have to go through in such a season, and salute you with great esteem and respect."

"MONTICELLO, Sep, 7, 07.

"DEAR SIR,—I received, late last night, your favor of the day before, and now re-enclose you the subpoena. As I do not believe that the district courts have a power of *commanding* the executive government to abandon superior duties & attend on them, at whatever distance, I am unwilling, by any notice of the subpoena, to set a precedent which might sanction a proceeding so preposterous. I enclose you, therefore, a letter, public & for the court, covering substantially all they ought to desire. If the papers which were enclosed in Wilkinson's letter may, in your judgment, be communicated without injury, you will be pleased to communicate them. I return you the original letter.

"I am happy in having the benefit of Mr. Madison's counsel on this occasion, he happening to be now with me. We are both strongly of opinion, that the prosecution against Burr for misdemeanor should proceed at Richmond. If defeated, it will heap coals of fire on the head of the Judge; if convicted, it will give time to see whether a prosecution for treason against him can be instituted in any, and what other court. But we incline to think, it may be best to send Blannerhasset & Smith (Israel) to Kentucky, to be tried both for the treason

raise a sum of money, but also grounds which had been reserved and were necessary for the range of the forts, which had been left open as a common for the citizens. Knowing this would excite reclamations dangerous to your interests, and threatening their popularity both there & here, I wrote immediately to Govr. Claiborne to get him to withdraw to a certain extent (about point blank shot) from the fort, the grounds within that being necessary for the public. But in the meantime an alarm was excited in the town and they

& misdemeanor. The trial of Dayton for misdemeanor may as well go on at Richmond.

"I salute you with great esteem & respect."

"MONTICELLO, September 7, 1807.

"SIR,—Understanding that it is thought important that a letter of Nov. 12, 1806, from General Wilkinson to myself, should be produced in evidence on the charges against Aaron Burr, depending in the District Court now sitting in Richmond, I send you a copy of it, omitting only certain passages, the nature of which is explained in the certificate subjoined to the letter. As the attorney of the United States, be pleased to submit the copy & certificate to the uses of the Court. I salute you with great esteem and respect."

The certificate read:

"On re-examination of a letter of Nov. 12, 1806, from Genl. Wilkinson to myself, (which having been for a considerable time out of my possession, and now returned to me,) I find in it some passages entirely confidential, given for my information in the discharge of my executive functions, and which my duties & the public interest forbid me to make public. I have therefore given above a correct copy of all those parts which I ought to permit to be made public. Those not communicated are in nowise material for the purposes of justice on the charges of treason or misdemeanor depending against Aaron Burr; they are on subjects irrelevant to any issues which can arise out of those charges, & could contribute nothing towards his acquittal or conviction. The papers mentioned in the 1st and 3d paragraphs, as enclosed in the letters, being separated therefrom, & not in my possession, I am unable, from memory, to say what they were. I presume they are in the hands of the attorney for the U. S. Given under my hand this 7th day of September, 1807."

instructed their representative in Congress to claim for the use of the town & public the whole of the vacant lands in it's vicinity. Mr. Gallatin however effected a compromise with him by ceding the grounds next to the fort, so as to leave your claim clear to all the lands we originally contemplated for you, as formerly explained to you. I very much wished your presence there during the late conspiracy of Burr. The native inhabitants were unshaken in their fidelity. But there was a small band of American adventurers who had fled from their debts, and who were longing to dip their hands into the mines of Mexico, enlisted in Burr's double project of attacking that country & severing our union. Had Burr had a little success in the upper country these parricides would have joined him. However the whole business has shewn that neither he nor they knew anything of the people of this country. A simple proclamation informing the people of these combinations, and calling on them to suppress them produced an instantaneous *levee en masse* of our citizens wherever there appeared anything to lay hold of, & the whole was crushed in one instant. It is certain that he never had one hundred men engaged in his enterprise, & most of these were made to believe the government patronized it. Which artifice had been practised by Miranda a short time before, and had decoyed about 30. Americans to engage in his unauthorized projects. Burr is now under trial for a misdemeanor, that is for his projected Mexican enterprise, and will be put on his trial for treason as soon as the witnesses can be col-

lected, for his attempt to sever the Union, and unless his federal patrons give him an opportunity of running away, he will unquestionably be convicted on both prosecutions. The enterprise has done good by proving that the attachment of the people in the west is as firm as that in the East to the union of our country, and by establishing a mutual & universal confidence. Your presence at New Orleans would have been of value, as a point of union & confidence for the ancient inhabitants American as well as Creole. New Orleans itself is said to be unhealthy for strangers; but on the western side of the river is as healthy & fine a country as in the universe. Your emperor has done more splendid things, but he [has] never done one which will give happiness to so great a number of human beings as the ceding Louisiana to the U. S.

I wrote to Madame de Tesse on the 21st of Feb and at the same time sent a box of seeds, nuts, acorns &c. to Baltimore, which were forwarded to Bordeaux for her, to the care of Mr. Lee our consul there. I had done the same thing the preceding year. That vessel was taken by the English, detained, but got to France in April. It is so difficult in times of war to get anything carried safely across the Atlantic as to be very discouraging. I shall not fail, however, to repeat my endeavours as to such objects as are in our neighborhood here, until she has a plenty of them. I am panting for retirement, but am as yet nearly two years from that goal. The general solicitations I have received to continue another term give me great consolation, but con-

siderations public as well as personal determine me inflexibly on that measure. Permit me to place here my most friendly respects to M. & Me de Tesse, & Me. de La Fayette, accept for yourself my salutations & assurances of sincere & affectionate esteem.

TO JOHN W. EPPES

J. MSS.

WASHINGTON, May 28, 07.

DEAR SIR,—Martin arrived here the night before last & delivered safely yours of the 22d. I learn with great pleasure the good health of yourself & the good family of Eppington & particularly of our dear Francis. I have little fear but that he will outgrow those attacks which have given us such frequent uneasiness. I shall hope to see him well here next winter and that our grounds will be in such a state as to admit him to be more in the open air in the neighborhood of the house. Your mare is not as fat as she was, but is in good traveling order. I have advised Martin to go round by the bridge for fear of accident to the foal crossing in the boat. We have nothing new except an uncommonly friendly letter from the Bey of Tunis: and good reason to believe that Melli-Melli carried to his government favorable & friendly impressions. The news is now all with you. We have heard as yet only the proceedings of the 1st day of Burr's trial, which from the favor of the marshal & judge promises him all which can depend on them. A grand jury of 2 feds, 4 Quids & 10 republicans does not seem to be a fair representation of the state of Virginia. But all this

will show the original error of establishing a judiciary independent of the nation, and which, from the citadel of the law can turn it's guns on those they were meant to defend, & controul & fashion their proceedings to it's own will. I have always entertained a high opinion of the marshal's integrity & political correctness. But in a state where there are not more than 8 Quids, how 5 of them should have been summoned on one jury is difficult to explain from accident. Affectionate salutations & constant esteem to you all.

TO THE SECRETARY OF TREASURY

J. MSS.

(ALBERT GALLATIN.)

June 1, '07.

I gave you, some time ago, a project of a more equal tariff on wines than that which now exists. But in that I yielded considerably to the faulty classification of them in our law. I have now formed one with attention, and according to the best information I possess, classing them more rigorously. I am persuaded that were the duty on cheap wines put on the same ratio with the dear, it would wonderfully enlarge the field of those who use wine, to the expulsion of whiskey. The introduction of a very cheap wine (St. George) into my neighborhood, within two years past, has quadrupled in that time the number of those who keep wine, and will ere long increase them tenfold. This would be a great gain to the treasury, & to the sobriety of our country. I will here add my tariff, wherein you will

be able to chuse any rate of duty you please, and to decide whether it will not, on a fit occasion, be proper for legislative attention. Affectn salutns.

TO WILLIAM SHORT ¹

June 12, 1807.

* * * The proposition in your letter of May 16th, as adding an umpire to our discordant negotiators at Paris, struck me favorably on reading it, and reflection afterward strengthened my first impressions. I made it, therefore, a subject of consultation with my coadjutors, as is our usage. For our government although in theory subject to be directed by the unadvised will of the President, is, and from its origin has been, a very different thing in practice. The minor business in each department is done by the head of the department on consultation with the President alone; but all matters of importance or difficulty are submitted to all the heads of departments composing the cabinet. Sometimes, by the President's consulting them separately and successively, as they happen to call on him, but in the gravest cases calling them together, discussing the subject maturely, and finally taking the vote, on which the President counts himself but as one. So that in all important cases the Executive is in fact a directory, which certainly the President might control; but of this there was never an example either in the first or the present administration. I have heard, indeed, that my predecessor sometimes

¹ From the *Southern Bivouac*, II., 635.

decided things against his counsel by dashing and trampling his wig on the floor. This only proves what you and I know, that he had a better heart than head.

* * * I see with extreme concern that you have received an impression that my attachment to you has become lessened and that you have drawn this inference from circumstances taking place while you were in Washington. What these circumstances could be is to me incomprehensible, but one thing I certainly know, that they have been misconstrued. That this change could not be previous to my retirement from the government in 1794, your appointments to France, to Holland, to Spain are proofs. And if, during my present place in the government, I have not met your desires, the public motives which have been frankly declared have given the real grounds. You think them not founded in fact; but if the testimony we receive is of different complexions, neither should wonder at the difference of conclusion drawn by the other, and I do trust that you will become sensible that there is no necessity, at least, for supposing a change in affections, which are the same now as they have ever been. Certainly I shall not, on my part, permit a difference of view on a single subject to efface the recollections and attachments of a whole life. * * *

TO JOHN NORVELL

J. MSS.

WASHINGTON, June 14, 1807.

SIR,—Your letter of May 9 has been duly received. The subject it proposes would require time & space

for even moderate development. My occupations limit me to a very short notice of them. I think there does not exist a good elementary work on the organization of society into civil government: I mean a work which presents in one full & comprehensive view the system of principles on which such an organization should be founded, according to the rights of nature. For want of a single work of that character, I should recommend Locke on *Government*, Sidney, Priestley's *Essay on the first Principles of Government*, Chipman's *Principles of Government*, & the *Federalist*. Adding, perhaps, Beccaria on crimes & punishments, because of the demonstrative manner in which he has treated that branch of the subject. If your views of political inquiry go further, to the subjects of money & commerce, Smith's *Wealth of Nations* is the best book to be read, unless Say's *Political Economy* can be had, which treats the same subject on the same principles, but in a shorter compass & more lucid manner. But I believe this work has not been translated into our language.

History, in general, only informs us what bad government is. But as we have employed some of the best materials of the British constitution in the construction of our own government, a knolege of British history becomes useful to the American politician. There is, however, no general history of that country which can be recommended. The elegant one of Hume seems intended to disguise & discredit the good principles of the government, and is so plausible & pleasing in it's style & manner, as to instil it's errors & heresies insensibly into the minds of

unwary readers. Baxter has performed a good operation on it. He has taken the text of Hume as his ground work, abridging it by the omission of some details of little interest, and wherever he has found him endeavoring to mislead, by either the suppression of a truth or by giving it a false coloring, he has changed the text to what it should be, so that we may properly call it Hume's history republicanised. He has moreover continued the history (but indifferently) from where Hume left it, to the year 1800. The work is not popular in England, because it is republican; and but a few copies have ever reached America. It is a single 4to. volume. Adding to this Ludlow's *Memoirs*, Mrs. M'Cauley's & Belknap's histories, a sufficient view will be presented of the free principles of the English constitution.

To your request of my opinion of the manner in which a newspaper should be conducted, so as to be most useful, I should answer, "by restraining it to true facts & sound principles only." Yet I fear such a paper would find few subscribers. It is a melancholy truth, that a suppression of the press could not more compleatly deprive the nation of it's benefits, than is done by it's abandoned prostitution to falsehood. Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle. The real extent of this state of misinformation is known only to those who are in situations to confront facts within their knolege with the lies of the day. I really look with commiseration over the great body of my fellow citizens, who, reading newspapers, live

& die in the belief, that they have known something of what has been passing in the world in their time; whereas the accounts they have read in newspapers are just as true a history of any other period of the world as of the present, except that the real names of the day are affixed to their fables. General facts may indeed be collected from them, such as that Europe is now at war, that Bonaparte has been a successful warrior, that he has subjected a great portion of Europe to his will, &c., &c.; but no details can be relied on. I will add, that the man who never looks into a newspaper is better informed than he who reads them; inasmuch as he who knows nothing is nearer to truth than he whose mind is filled with falsehoods & errors. He who reads nothing will still learn the great facts, and the details are all false.

Perhaps an editor might begin a reformation in some such way as this. Divide his paper into 4 chapters, heading the 1st, Truths. 2d, Probabilities. 3d, Possibilities. 4th, Lies. The first chapter would be very short, as it would contain little more than authentic papers, and information from such sources as the editor would be willing to risk his own reputation for their truth. The 2d would contain what, from a mature consideration of all circumstances, his judgment should conclude to be probably true. This, however, should rather contain too little than too much. The 3d & 4th should be professedly for those readers who would rather have lies for their money than the blank paper they would occupy.

Such an editor too, would have to set his face against the demoralising practice of feeding the public mind habitually on slander, & the depravity of taste which this nauseous aliment induces. Defamation is becoming a necessary of life; insomuch, that a dish of tea in the morning or evening cannot be digested without this stimulant. Even those who do not believe these abominations, still read them with complaisance to their auditors, and instead of the abhorrence & indignation which should fill a virtuous mind, betray a secret pleasure in the possibility that some may believe them, tho they do not themselves. It seems to escape them, that it is not he who prints, but he who pays for printing a slander, who is it's real author.

These thoughts on the subjects of your letter are hazarded at your request. Repeated instances of the publication of what has not been intended for the public eye, and the malignity with which political enemies torture every sentence from me into meanings imagined by their own wickedness only, justify my expressing a solicitude, that this hasty communication may in nowise be permitted to find it's way into the public papers. Not fearing these political bull-dogs, I yet avoid putting myself in the way of being baited by them, and do not wish to volunteer away that portion of tranquillity, which a firm execution of my duties will permit me to enjoy.

I tender you my salutations, and best wishes for your success.

TO JAMES SULLIVAN

J. MSS.

(GOVERNOR OF MASSACHUSETTS.)

WASHINGTON, June 19, '07.

DEAR SIR,—In acknowledging the receipt of your favor of the 3d instant, I avail myself of the occasion it offers of tendering to yourself, to Mr. Lincoln & to your State, my sincere congratulations on the late happy event of the election of a republican Executive to preside over its councils. The harmony it has introduced between the legislative & executive branches, between the people & both of them, & between all & the General government, are so many steps towards securing that union of action & effort in all it's parts, without which no nation can be happy or safe. The just respect with which all the States have ever looked to Massachusetts, could leave none of them without anxiety, while she was in a state of alienation from her family and friends. Your opinion of the propriety & advantage of a more intimate correspondence between the executives of the several States, & that of the Union, as a central point, is precisely that which I have ever entertained; and on coming into office I felt the advantages which would result from that harmony. I had it even in contemplation, after the annual recommendation to Congress of those measures called for by the times, which the Constitution had placed under their power to make communications in like manner to the executives of the States, as to any parts of them to which the legislatures might be alone competent. For many are the exercises of power reserved to the States, wherein an

uniformity of proceeding would be advantageous to all. Such are quarantines, health laws, regulations of the press, banking institutions, training militia, &c., &c. But you know what was the state of the several governments when I came into office. That a great proportion of them were federal, & would have been delighted with such opportunities of proclaiming their contempt, & of opposing republican men & measures. Opportunities so furnished & used by some of the State Governments, would have produced an ill effect, & would have insured the failure of the object of uniform proceeding. If it could be ventured even now (Connecticut & Delaware being still hostile) it must be on some greater occasion than is likely to arise within my time. I look to it, therefore, as a course which will probably be left to the consideration of my successor.

I consider, with you, the federalists as completely vanquished, and never more to take the field under their own banners. They will now reserve themselves to profit by the schisms among republicans, and to earn favors from minorities, whom they will enable to triumph over their more numerous antagonists. So long as republican minorities barely accept their votes, no great harm will be done; because it will only place in power one shade of republicanism, instead of another. But when they purchase the votes of the federalists, by giving them a participation of office, trust & power, it is a proof that anti-monarchism is not their strongest passion. I do not think that the republican minority in Pennsylvania has fallen into this heresy, nor that there are in your

State materials of which a minority can be made who will fall into it.

With respect to the tour my friends to the north have proposed that I should make in that quarter, I have not made up a final opinion. The course of life which Gen. Washington had run, civil & military, the services he had rendered, and the space he therefore occupied in the affections of his fellow citizens, take from his examples the weight of precedents for others, because no others can arrogate to themselves the claims which he had on the public homage. To myself, therefore, it comes as a new question, to be viewed under all the phases it may present. I confess that I am not reconciled to the idea of a chief magistrate parading himself through the several States, as an object of public gaze, & in quest of an applause which, to be valuable, should be purely voluntary. I had rather acquire silent good will by a faithful discharge of my duties, than owe expressions of it to my putting myself in the way of receiving them. Were I to make such a tour to Portsmouth or Portland, I must do it to Savannah, perhaps to Orleans & Frankfort. As I have never yet seen the time when the public business would have permitted me to be so long in a situation in which I could not carry it on, so I have no reason to expect that such a time will come while I remain in office. A journey to Boston or Portsmouth, after I shall be a private citizen, would much better harmonize with my feelings, as well as duties; and, founded in curiosity, would give no claims to an extension of it. I should see my friends too more at our mutual ease, and be

left more exclusively to their society. However, I end as I began, by declaring I have made up no opinion on the subject, & that I reserve it as a question for further consideration & advice.

In the meantime, and at all times, I salute you with great respect and esteem.

TO DOCTOR CASPAR WISTAR

J. MSS.

WASHINGTON, June 21, '07.

DEAR SIR,—I have a grandson, the son of Mr. Randolph, now about 15 years of age, in whose education I take a lively interest. His time has not hitherto been employed to the greatest advantage, a frequent change of tutors having prevented the steady pursuit of any one plan. Whether he possesses that lively imagination, usually called genius, I have not had opportunities of knowing. But I think he has an observing mind & sound judgment. He is assiduous, orderly, & of the most amiable temper & dispositions. As he will be at ease in point of property, his education is not directed to any particular possession, but will embrace those sciences which give to retired life usefulness, ornament or amusement. I am not a friend to placing growing men in populous cities, because they acquire there habits & partialities which do not contribute to the happiness of their after life. But there are particular branches of science, which are not so advantageously taught anywhere else in the U. S. as in Philadelphia. The garden at the Woodlands for Botany, Mr. Peale's Museum for

Natural History, your Medical school for Anatomy, and the able professors in all of them, give advantages not to be found elsewhere. We propose, therefore, to send him to Philadelphia to attend the schools of Botany, Natural History, Anatomy, & perhaps Surgery; but not of Medicine. And why not of Medicine, you will ask? Being led to the subject, I will avail myself of the occasion to express my opinions on that science, and the extent of my medical creed. But, to finish first with respect to my grandson, I will state the favor I ask of you, which is the object of this letter.

Having been born & brought up in a mountainous & healthy country, we should be unwilling he should go to Philadelphia until the autumnal diseases cease. It is important therefore for us to know, at what period after that, the courses of lectures in Natural history, Botany, Chemistry, Anatomy & Surgery begin and end, and what days or hours they occupy? The object of this is that we may be able so to marshal his pursuits as to bring their accomplishment within the shortest space practicable. I shall write to Doctor Barton for information as to the courses of natural history & botany but not having a sufficient acquaintance with professors of chemistry & surgery, if you can add the information respecting their school to that of your own, I shall be much obliged to you. What too are the usual terms of boarding? What the compensations to professors? And can you give me a conjectural estimate of other necessary expenses? In these we do not propose to indulge him beyond what is necessary, decent, & usual, because

all beyond that leads to dissipation & idleness, to which, at present, he has no propensities. I think Mr. Peale has not been in the habit of receiving a boarder. His house & family would, of themselves, be a school of virtue & instruction; & hours of leisure there would be as improving as busy ones elsewhere. But I say this only on the possibility of so desirable a location for him, and not with the wish that the thought should become known to Mr. Peale, unless some former precedent should justify it's suggestion to him. I am laying a heavy tax on your busy time, but I think your goodness will pardon it in consideration of it's bearing on my happiness.

This subject dismissed, I may now take up that which it led to, and further tax your patience with unlearned views of medicine; which, as in most cases, are, perhaps, the more confident in proportion as they are less enlightened.

We know, from what we see & feel, that the animal body in it's organs and functions is subject to derangement, inducing pain, & tending to it's destruction. In this disordered state, we observe nature providing for the re-establishment of order, by exciting some salutary evacuation of the morbid matter, or by some other operation which escapes our imperfect senses and researches. She brings on a crisis, by stools, vomiting, sweat, urine, expectoration, bleeding, &c., which, for the most part, ends in the restoration of healthy action. Experience has taught us, also, that there are certain substances, by which, applied to the living body, internally or externally, we can at will produce

these same evacuations, and thus do, in a short time, what nature would do but slowly, and do effectually, what perhaps she would not have strength to accomplish. Where, then, we have seen a disease, characterized by specific signs or phenomena, and relieved by a certain natural evacuation or process, whenever that disease recurs under the same appearances, we may reasonably count on producing a solution of it, by the use of such substances as we have found produce the same evacuations or movement. Thus, fulness of the stomach we can relieve by emetics; diseases of the bowels, by purgatives; inflammatory cases, by bleeding; intermittents, by the Peruvian bark; syphilis, by mercury; watchfulness, by opium; &c. So far, I bow to the utility of medicine. It goes to the well-defined forms of disease, & happily, to those the most frequent. But the disorders of the animal body, & the symptoms indicating them, are as various as the elements of which the body is composed. The combinations, too, of these symptoms are so infinitely diversified, that many associations of them appear too rarely to establish a definite disease; and to an unknown disease, there cannot be a known remedy. Here then, the judicious, the moral, the humane physician should stop. Having been so often a witness to the salutary efforts which nature makes to re-establish the disordered functions, he should rather trust to their action, than hazard the interruption of that, and a greater derangement of the system, by conjectural experiments on a machine so complicated & so unknown as the human body, & a subject so sacred as human

life. Or, if the appearance of doing something be necessary to keep alive the hope & spirits of the patient, it should be of the most innocent character. One of the most successful physicians I have ever known, has assured me, that he used more bread pills, drops of colored water, & powders of hickory ashes, than of all other medicines put together. It was certainly a pious fraud. But the adventurous physician goes on, & substitutes presumption for knoege. From the scanty field of what is known, he launches into the boundless region of what is unknown. He establishes for his guide some fanciful theory of corpuscular attraction, of chemical agency, of mechanical powers, of stimuli, of irritability accumulated or exhausted, of depletion by the lancet & repletion by mercury, or some other ingenious dream, which lets him into all nature's secrets at short hand. On the principle which he thus assumes, he forms his table of nosology, arrays his diseases into families, and extends his curative treatment, by analogy, to all the cases he has thus arbitrarily marshalled together. I have lived myself to see the disciples of Hoffman, Boerhaave, Stalh, Cullen, Brown, succeed one another like the shifting figures of a magic lantern, & their fancies, like the dresses of the annual doll-babies from Paris, becoming, from their novelty, the vogue of the day, and yielding to the next novelty their ephemeral favor. The patient, treated on the fashionable theory, sometimes gets well in spite of the medicine. The medicine therefore restored him, & the young doctor receives new courage to proceed in his bold experiments on the lives of his

fellow creatures. I believe we may safely affirm, that the inexperienced & presumptuous band of medical tyros let loose upon the world, destroys more of human life in one year, than all the Robinhoods, Cartouches, & Macheaths do in a century. It is in this part of medicine that I wish to see a reform, an abandonment of hypothesis for sober facts, the first degree of value set on clinical observation, and the lowest on visionary theories. I would wish the young practitioner, especially, to have deeply impressed on his mind, the real limits of his art, & that when the state of his patient gets beyond these, his office is to be a watchful, but quiet spectator of the operations of nature, giving them fair play by a well-regulated regimen, & by all the aid they can derive from the excitement of good spirits & hope in the patient. I have no doubt, that some diseases not yet understood may in time be transferred to the table of those known. But, were I a physician, I would rather leave the transfer to the slow hand of accident, than hasten it by guilty experiments on those who put their lives into my hands. The only sure foundations of medicine are, an intimate knolege of the human body, and observation on the effects of medicinal substances on that. The anatomical & clinical schools, therefore, are those in which the young physician should be formed. If he enters with innocence that of the theory of medicine, it is scarcely possible he should come out untainted with error. His mind must be strong indeed, if, rising above juvenile credulity, it can maintain a wise infidelity against the authority of his instructors, & the bewitching delusions of their

theories. You see that I estimate justly that portion of instruction which our medical students derive from your labors; & associating with it one of the chairs which my old & able friend, Doctor Rush, so honorably fills, I consider them as the two fundamental pillars of the edifice. Indeed, I have such an opinion of the talents of the professors in the other branches which constitute the school of medicine with you, as to hope & believe, that it is from this side of the Atlantic, that Europe, which has taught us so many other things, will at length be led into sound principles in this branch of science, the most important of all others, being that to which we commit the care of health & life.

I dare say, that by this time, you are sufficiently sensible that old heads as well as young, may sometimes be charged with ignorance and presumption. The natural course of the human mind is certainly from credulity to scepticism; and this is perhaps the most favorable apology I can make for venturing so far out of my depth, & to one too, to whom the strong as well as the weak points of this science are so familiar. But having stumbled on the subject in my way, I wished to give a confession of my faith to a friend; & the rather, as I had perhaps, at times, to him as well as others, expressed my scepticism in medicine, without defining it's extent or foundation. At any rate, it has permitted me, for a moment, to abstract myself from the dry & dreary waste of politics, into which I have been impressed by the times on which I happened, and to indulge in the rich fields of nature, where alone I should have served as a

volunteer, if left to my natural inclinations & partialities.

I salute you at all times with affection & respect.

TO THE SECRETARY OF WAR

J. MSS.

(HENRY DEARBORN.)

June 22, 1807.

I suggest to you the following, as some of the ideas which might be expressed by Genl Wilkinson, in answering Govr Saludo's letter. The introductory and concluding sentiments will best flow from the General's own feelings of the personal standing between him & Govr Saludo:

On the transfer of Louisiana by France to the U. S. according to it's boundaries when possessed by France, the government of the U. S. considered itself entitled as far west as the Rio Norte; but understanding soon after that Spain, on the contrary, claimed eastwardly to the river Sabine, it has carefully abstained from doing any act in the intermediate country, which might disturb the existing state of things, until these opposing claims should be explained and accommodated amicably. But that the Red river and all its waters belonged to France, that she made several settlements on that river, and held them as a part of Louisiana until she delivered that country to Spain, & that Spain, on the contrary, had never made a single settlement on the river, are circumstances so well known & so susceptible of proof, that it was not supposed that Spain would seriously contest the facts, or the right established by

them. Hence our government took measures for exploring that river, as it did that of the Missouri, by sending Mr. Freeman to proceed from the mouth upwards, and Lieutenant Pike from the source downwards, merely to acquire its geography, and so far enlarge the boundaries of science. For the day must be very distant when it will be either the interest or the wish of the U. S. to extend settlements into the interior of that country. Lt. Pike's orders were accordingly strictly confined to the waters of the Red river, &, from his known observance of orders, I am persuaded that it must have been, as he himself declares, by missing his way that he got on the waters of the Rio Norte, instead of those of the Red river. That your Excellency should excuse this involuntary error, & indeed misfortune, was expected from the liberality of your character; & the kindnesses you have shewn him are an honorable example of those offices of good neighborhood on your part, which it will be so agreeable to us to cultivate. Accept my thanks for them, & be assured they shall on all occasions meet a like return. To the same liberal sentiment L Pike must appeal for the restoration of his papers. You must have seen in them no trace of unfriendly views towards your nation, no symptoms of any other design than of extending geographical knowledge; and it is not in the nineteenth century, nor through the agency of your Excellency, that science expects to encounter obstacles. The field of knowledge is the common property of all mankind, and any discoveries we can make in it will be for the benefit of yours and of every other nation, as well as our own.

TO THE SECRETARY OF THE TREASURY¹ J. MSS.
(ALBERT GALLATIN.)

WASHINGTON, June 25, 1807. 5.30 P.M.

DEAR SIR,—I am sorry to be obliged to hasten your return to this place, & pray that it may be without a moment's avoidable delay. The capture of the *Chesapeake* by a British ship of war renders it necessary to have all our Council together. The mail is closing. Affectionate salutations.

TO THE GOVERNOR OF VIRGINIA J. MSS.
(WILLIAM H. CABELL.)

WASHINGTON, June 29, 1807.

SIR,—Your favor by express was safely received on Saturday night, and I am thankful to you for the attention of which it is a proof. Considering the General and State governments as co-operators in the same holy concerns, the interest and happiness of our country, the interchange of mutual aid is among the most pleasing of the exercises of our duty. Captn. Gordon 2^d in command of the *Chesapeake*, has arrived here with the details of that affair. Yet as the precaution you took of securing us against the

¹ A letter of the same purport was written to Dearborn. Later the President wrote to Gallatin.

“July 1, 1807.

“I received last night your letter from Havre de Grace, in which you count on being here to-day by two o'clock. It will save a day in the measures we may determine to take if I can see you soon after your arrival. If you arrive before half after three, come and take a family dinner with me, that I may put you in possession of what is under contemplation, so that you may have to reflect on it till to-morrow, when, as you will see by another note, I have asked a meeting. Affectionate salutations.”

accident of wanting information, was entirely proper, & the expense of the express justly a national one, I have directed him to be paid here, so that he is enabled to refund any money you may have advanced him. Mr. Gallatin & Genl. Dearborne happening to be absent, I have asked their immediate attendance here, and I expect them this day. We shall then determine on the course which the exigency and our constitutional powers call for. Whether the outrage is a proper cause of war, belonging exclusively to Congress, it is our duty not to commit them by doing anything which would have to be retracted. We may, however, exercise the powers entrusted to us for preventing future insults within our harbors, & claim firmly satisfaction for the past. This will leave Congress free to decide whether war is the most efficacious mode of redress in our case, or whether, having taught so many other useful lessons to Europe, we may not add that of showing them that there are peaceable means of repressing injustice, by making it the interest of the aggressor to do what is just, and abstain from future wrong. It is probable you will hear from us in the course of the week. I salute you with great esteem and respect.¹

¹ The following are the President's letters to the Governor of Virginia concerning the steps to be taken consequent upon the *Chesapeake* outrage:

“ WASHINGTON, July 8, '07.

“ SIR,—You will have received from the Secretary at War a letter, requesting that the quota of the State of Virginia of 100,000 militia be immediately organized and put in readiness for service at the shortest warning, but that they be not actually called out until further requisition. The menacing attitudes which the British ships of war

"CHESAPEAKE" PROCLAMATION

J. MSS.

[July 2, 1807.]

During the wars which for some time have unhappily prevailed among the powers of Europe, the U. S. of America, firm in their principles of peace, have

have taken in Hampton Road, the actual blockade of Norfolk, & their having sounded the entrance, as if with a view to pass up to the city, render it necessary that we should be as well prepared there as circumstances will permit. The Secretary at War being gone to N York to arrange a plan of defence for that city, it devolves on me to request that, according to the applications you may receive from the officers charged with the protection of the place, and the information which you are more at hand to obtain than we are here, you will order such portions of the militia as you shall think necessary & most convenient to enter immediately on duty, for the defence of the place & protection of the country, at the expense of the U. S. We have, moreover, 4 gunboats hauled up at Hampton, & 4 others on the stocks in Matthews county, under the care of Commodore Samuel Barron, which we consider as in danger. I must request you also to order such aids of militia, on the application of that officer, as you shall think adequate to their safety. Any arms which it may be necessary to furnish to the militia for the present objects, if not identically restored to the State, shall be returned in kind or in value by the U. S. I have thought I could not more effectually provide for the safety of the places menaced, than by committing it to your hands, as you are nearer the scene of action, have the necessary powers over the militia, can receive information, & give aid so much more promptly than can be done from this place. I will ask communications from time to time of your proceedings under this charge. I salute you with great esteem & respect."

"WASHINGTON, July 19, 1807.

"SIR,—Your letter of the 15th was received yesterday, and the opinion you have given to General Matthews against allowing any intercourse between the British Consul & the ships of his nation remaining in our waters, in defiance of our authority, is entirely approved. Certainly while they are conducting themselves as enemies *de facto*, intercourse should be permitted only as between enemies, by flags under the permission of the commanding officers, & with their passports. My letter of the 16th mentioned a case in which a communication from the British officers should be received if offered. A day or two ago, we permitted a parent to go on board the *Bellona* with letters

endeavored by justice, by a regular discharge of all their national & social duties, and by every friendly office their situation admitted, to maintain, with all the belligerents, their accustomed relations of friendship, hospitality & commercial intercourse. Taking

from the British minister, to demand a son impressed; and others equally necessary will occur, but they should be under the permission of some officer having command in the vicinity.

With respect to the disbanding some portion of the troops, altho I consider Norfolk as rendered safe by the batteries, the two frigates, the 8 gun-boats present, and 9 others & a bomb-vessel which will be there immediately, & consequently that a considerable proportion of the militia may be spared, yet I will pray you to let that question lie a few days, as in the course of this week we shall be better able to decide it. I am anxious for their discharge the first moment it can be done with safety, because I know the dangers to which their health will be exposed in that quarter in the season now commencing. By a letter of the 14th from Col. Tatham, stationed at the vicinities of Lynhaven Bay to give us daily information of what passes, I learn that the British officers & men often go ashore there, that on the day preceding, 100 had been at the pleasure-house in quest of fresh provisions & water, that negroes had begun to go off to them. As long as they remain there, we shall find it necessary to keep patrols of militia in the neighborhood sufficiently strong to prevent them from taking or receiving supplies. I presume it would be thought best to assign the tour for the three months to come, to those particular corps who being habituated to the climate of that part of the country, will be least likely to suffer in their health; at the end of which time others from other parts of the country may relieve them, if still necessary. In the meantime, our gun-boats may all be in readiness, and some preparations may be made on the shore, which may render their remaining with us not eligible to themselves. These things are suggested merely for consideration for the present, as by the close of the week I shall be able to advise you of the measures ultimately decided on. I salute you with friendship & respect."

"WASHINGTON, July 24, 1807.

"SIR,—Yours of the 20th has been duly received. The relation in which we stand with the British naval force within our waters is so new, that differences of opinion are not to be wondered at respecting the captives, who are the subject of your letter. Are they insurgents

no part in the questions which animate these powers against each other, nor permitting themselves to entertain a wish, but for the restoration of general peace, they have observed with good faith the neutrality they assumed, & they believe that no

against the authority of the laws? Are they public enemies, acting under the orders of their sovereign? or will it be more correct to take their character from the act of Congress for the preservation of peace in our harbors, which authorizes a qualified war against persons of their demeanor, defining it's objects, & limiting it's extent? Considering this act as constituting the state of things between us & them, the captives may certainly be held as prisoners of war. If we restore them it will be an act of favor, and not of any right they can urge. Whether Great Britain will give us that reparation for the past & security for the future, which we have categorically demanded, cannot as yet be foreseen; but we have believed we should afford an opportunity of doing it, as well from justice & the usage of nations, as a respect to the opinion of an impartial world, whose approbation & esteem are always of value. This measure was requisite, also, to produce unanimity among ourselves; for however those nearest the scenes of aggression & irritation may have been kindled into a desire for war at short hand, the more distant parts of the Union have generally rallied to the point of previous demand of satisfaction & war if denied. It was necessary, too, for our own interests afloat on the ocean, & under the grasp of our adversary; and, added to all this, Great Britain was ready armed & on our lines, while we were taken by surprise, in all the confidence of a state of peace, & needing time to get our means into activity. These considerations render it still useful that we should avoid every act which may precipitate immediate & general war, or in any way shorten the interval so necessary for our own purposes; and they render it advisable that the captives, in the present instance, should be permitted to return, with their boat, arms, &c., to their ships. Whether we shall do this a 2d, a 3d, or a 4th time, must still depend on circumstances. But it is by no means intended to retire from the ground taken in the proclamation. That is to be strictly adhered to. And we wish the military to understand that while, for special reasons, we restore the captives in this first instance we applaud the vigilance & activity which, by taking them, have frustrated the object of their enterprise, and urge a continuance of them, to intercept all intercourse with the vessels, their officers and crews, and to prevent them from taking or receiving supplies of any kind; and for this purpose, should the use of force be necessary, they are

instance of departure from it's duties can be justly imputed to them by any nation. A free use of their harbours and waters, the means of refitting & of refreshment, of succour to their sick & suffering, have, at all times, and on equal principles been

unequivocally to understand that force is to be employed without reserve or hesitation. I salute you with great esteem & respect."

" WASHINGTON, July 27, 1807.

" SIR,—The Secretary at War having returned from New York, we have immediately taken up the question respecting the discharge of the militia, which was the subject of your two last letters, and which I had wished might remain undecided a few days. From what we have learnt of the conduct of the British squadron in the Chesapeake, since they have retired from Hampton roads, we suppose that, until orders from England, they do not contemplate any further acts of hostility, other than those they are daily exercising, by remaining in our waters in defiance of the national authority, and bringing-to vessels within our jurisdiction. Were they even disposed to make an attempt on Norfolk, it is believed to be sufficiently secured by the two frigates *Cybele* and *Chesapeake*, by the 12 gun-boats now there, & 4 more from **Matthews county** expected,—by the works of Fort Nelson; to all of which we would wish a company of artillery, of the militia of the place, to be retained & trained, putting into their hands the guns used at Norfolk, and a company of Cavalry to be employed on the bay shore between Norfolk & Cape Henry, to cut off from these vessels all supplies, according to the injunctions of the proclamation, & to give immediate notice to Norfolk should any symptoms of danger appear,—to oppose which the militia of the borough and the neighboring counties should be warned to be in constant readiness to march at a moment's warning. Considering these provisions as quite sufficient for the safety of Norfolk, we are of opinion that it will be better immediately to discharge the body of militia now in service, both on that & the other side of James river. This is rendered expedient, not only that we may husband from the beginning those resources which will probably be put to a long trial, but from a regard to the health of those in service, which cannot fail to be greatly endangered during the sickly season now commencing, and the discouragement, which would thence arise, to that ardor of public spirit now prevailing. As to the details necessary on winding up this service, the Secretary at War will write fully, as he will, also, relative to the force retained in service, and whatever may hereafter concern them or their operations, which he

extended to all: and this too while the officers of one of the belligerents received among us have been in a continued course of insubordination to the laws, of violence to the persons, & of trespasses on the property of our citizens. These abuses of the laws of

possesses so much more familiarly than I do, & have been gone into by myself immediately, only on account of his absence on another service.

“ The diseases of the season incident to most situations on the tide-waters, now beginning to show themselves here, & to threaten some of our members, together with the probability of a uniform course of things in the Chesapeake, induce us to prepare for leaving this place during the two sickly months, as well for the purposes of health as to bestow some little attention to our private affairs, which is necessary at some time of every year. Our respective stations will be fixed & known, so that everything will find us at them, with the same certainty as if we were here; and such measures of intercourse will be established as that the public business will be carried on at them, with all the regularity & dispatch necessary. The present arrangements of the post office admit an interchange of letters between Richmond and Monticello twice a week, if necessary, and I propose that a third shall be established during the two ensuing months, of which you shall be informed. My present expectation is to leave this place for Monticello, about the close of this or the beginning of the next week. The Secretary at War will continue in this neighborhood until we shall further see that the course of things in the Chesapeake will admit of his taking some respite. I salute you with great esteem and respect.”

“ MONTICELLO, August 7, '07.

“ DEAR SIR,—Your letters of July 31 & Aug 5 were received yesterday. The ground taken in conformity with the Act of Congress, of considering as public enemies British armed vessels in or entering our waters, gives us the benefit of a system of rules, sanctioned by the practice of nations in a state of war, and consequently enabling us with certainty & satisfaction to solve the different cases which may occur in the present state of things. With these rules most officers are acquainted, and especially those old enough to have borne a part in the revolutionary war.

“ 1. As to the enemy within our waters, intercourse, according to the usages of war, can only be by flag; and the ceremonies respecting that are usually a matter of arrangement between the adverse officers commanding in the neighborhood of each other. If no arrangement is agreed on, still the right of sending a flag is inherent in each party, whose discretion will direct him to address it to the proper adverse

hospitality have become habitual to the Commanders of the British armed vessels hovering on our coasts & frequenting our harbours; they have been the subject of repeated representations to their government; assurances have been given that proper orders should

authority; as otherwise it would be subject to delay or rejection. Letters addressed by flag to persons in authority with the adverse power, may be sent sealed, & should be delivered. But, if to others, or to their own friends happening to be within the limits of the adversary, they must be open. If innocent in the judgment of the receiving officer, courtesy requires their delivery; if otherwise, they may be destroyed or returned by him; but in a case of only suspended amity, as ours, they should be returned. Letters sent from the interdicted vessels to their consul in Norfolk must be open; and the propriety of delivering them judged of by our officer, tempering his judgment however with liberality and urbanity. Those to their minister plenipotentiary here, sealed or unsealed, should be sent to the Secretary of State without any delay. As to the demand of fugitive slaves, it was the custom during the late war, for the owner to apply to our commander for a flag, and to go himself with that, to exhibit his claim and receive the fugitive. And with respect to Americans detained on board their ships, the application should be still, as heretofore, made through the Secretary of State, to whom proper documents are to be furnished. But without waiting for his application, the British officer, knowing them to be Americans & freemen, cannot but feel it a duty to restore them to their liberty on their own demand.

" 2. As to the residue of the British nation, with whom we are as yet in peace, their persons & vessels, unarmed, are free to come into our country without question or molestation. And even armed vessels, in distress, or charged, under due authority, with despatches addressed to the government of the U. S., or its authorized agents, are, by a proviso in the proclamation, to be received. This exception was meant to cover the British packets coming to New York, which are generally armed, as well as to keep open, through other channels, the communication between the governments. Such a vessel (as the *Columbine*) needs no flag, because she is not included in the interdict. Her repairs & supplies are to be regulated by the collector of the port, who may permit them liberally (if no abuse be justly suspected) so far as wanted to carry her back to the port from whence she came. The articles of intercourse, stay & departure, are to be specially superintended by such person as the government shall authorize & instruct.

" I have thus far, in compliance with your request, stated the practice

restrain them within the limit of the rights, & of the respect belonging to a friendly nation: but those orders & assurances have been without effect; nor has a single instance of punishment for past wrongs taken place. Even the murder of a citizen, peace-

of nations so generally as to meet the cases which may arise in the neighborhood of Norfolk. In doing this, I may, in some cases, have mistaken the practice. Where I have done so, I mean that my opinion shall be subject to correction from that practice. On determining that the militia should be disbanded, except so small a portion as would require only a major to command, we concluded that so long as Capt. Decatur should remain in his present station, he should be the officer to receive, authorize & regulate intercourse by flag, with the British squadron in the Chesapeake. He has accordingly, I expect, received instructions to that effect, from the Secretary of the Navy, and I shall communicate to him a copy of this letter to assist him in that duty.

“ The Secretary at War, I presume, has written to you on the appointment of a Major to command the militia retained. In your selection of the officer, I have no doubt you will be sensible of the importance of naming one of intelligence & activity as on him we are to rely for daily information from that interesting quarter.

“ MONTICELLO, August 11, 1807.

“ DEAR SIR,—Your favor of the 7th is received. It asks my opinion on several points of law arising out of the Act of Congress for accepting 30,000 volunteers. Altho’ your own opinion, & those of some of your counsellors, more recent in the habit of legal investigation, would be a safer guide for you than mine, unassisted by my ordinary & able associates, yet I shall frankly venture my individual thoughts on the subject, and participate with you in any risk of disapprobation to which an honest desire of furthering the public good may expose us.

“ In the construction of a law, even in judiciary cases of *meum et tuum*, where the opposite parties have a right & counter-right in the very words of the law, the Judge considers the intention of the law-giver as his true guide, and gives to all the parts & expressions of the law, that meaning which will effect, instead of defeating, it’s intention. But in laws merely executive, where no private right stands in the way, and the public object is the interest of all, a much freer scope of construction, in favor of the intention of the law, ought to be taken, & ingenuity ever should be exercised in devising constructions, which may save to the public the benefit of the law. Its intention is the

ably pursuing his occupations, within the limits of our jurisdiction. And at length a deed, transcending all we have suffered, brings the public sensibility to a serious crisis, and forbearance to a necessary pause. A frigate of the US. trusting to a state of peace and

important thing: the means of attaining it quite subordinate. It often happens that, the Legislature prescribing details of execution, some circumstance arises, unforeseen or unattended to by them, which would totally frustrate their intention, were their details scrupulously adhered to, & deemed exclusive of all others. But constructions must not be favored which go to defeat instead of furthering the principal object of their law, and to sacrifice the end to the means. It being as evidently their intention that the end shall be attained as that it shall be effected by any given means, if both cannot be observed, we are equally free to deviate from the one as the other, and more rational in postponing the means to the end. In the present case, the object of the act of Congress was to relieve the militia at large from the necessity of leaving their farms & families, to encounter a service very repugnant to their habits, and to permit that service to be assumed by others ardently desiring it. Both parties, therefore, (& they comprehend the whole nation,) would willingly waive any verbal difficulties, or circumstances of detail, which might thwart their mutual desires, & would approve all those views of the subject which facilitate the attainment of their wishes.

“ It is further to be considered that the Constitution gives the executive a general power to carry the laws into execution. If the present law had enacted that the service of 30,000 volunteers should be accepted, without saying anything of the means, those means would, by the Constitution, have resulted to the discretion of the executive. So if means specified by an act are impracticable, the constitutional power remains, & supplies them. Often the means provided specially are affirmative merely, and, with the constitutional powers, stand well together; so that either may be used, or the one supplementary to the other. This aptitude of means to the end of a law is essentially necessary for those which are executive; otherwise the objection that our government is an impracticable one, would really be verified.

“ With this general view of our duty as executive officers, I proceed to the questions proposed by you.

“ 1. Does not the act of Congress contemplate the association of companies to be formed before commissions can be issued to the Captains, &c.?

“ 2. Can battalion or field-officers be appointed by either the State

leaving her harbor on a distant service, has been surprised and attacked by a British vessel of superior force, one of a squadron then lying in our waters to cover the transaction, & has been disabled from

or Congressional laws, but to battalions or regiments actually existing.

" 3. The organization of the companies into battalions and regiments belonging to the President, can the Governor of the State issue commissions to these officers before that organization is made & announced to him?

" 4. Ought not the volunteers tendering their services, under the act of Feb. 24, 07, to be accepted by the President before the commissions can issue?

" Had we no other executive powers but those given in this act, the 1st, 2^d, & 3^d questions would present considerable difficulties, inasmuch as the act of Congress does appear, as you understand it, to contemplate that the companies are to be associated, & the battalions, squadrons, regiments, brigades, & divisions organized, before commissions are to issue. And were we to stop here the law might stop also; because I verily believe that it will be the zeal & activity alone of those destined for commands, which will give form & body to the floating ardor of our countrymen to enter into this service, and bring their wills to a point of union & effect. We know from experience that individuals having the same desires are rarely brought into an association of them, unless urged by some one assuming an agency, & that in military associations the person of the officer is a material inducement. Whether our constitutional powers to carry the laws into execution, would not authorize the issuing a previous commission (as they would, had nothing been said about commissions in the law), is a question not necessary now to be decided; because they certainly allow us to do what will be equally effectual. We may issue instructions or warrants to the persons destined to be captains, &c., authorizing them to superintend the association of the companies, & to perform the functions of a captain &c., until commissions may be regularly issued, when such a commission will be given to the bearer, or a warrant authorizing the bearer to superintend the organization of the companies associated in a particular district, into battalions, squadrons, &c., and otherwise to perform the functions of a col. &c., until a commission may regularly issue, when such a commission will be given to the bearer. This is certainly within the constitutional powers of the executive, and with such a warrant, I believe, the person bearing it would act with the same effect as if he had the commission.

service with the loss of a number of men killed & wounded. This enormity was not only without provocation or justifiable cause; but was committed with the avowed purpose of taking by force from a

“As to the 4th question, the execution of this law having been transferred to the State Executives, I did consider all the powers necessary for it's execution as delegated from the President to them. Of this I have been so much persuaded that, to companies offering their services under this law, I have answered that the power of acceptance was in the Governor, and have desired them to renew their offer to him. If the delegation of this power should be expressly made, it is hereby fully delegated.

“To the preceding I will add one other observation. As we might still be disappointed in obtaining the whole number of 11,563, were they apportioned among the several districts, & each restrained to it's precise apportionment (which some might fail to raise), I think it would better secure the complete object of the law to accept all proper offers, that the excess of some districts may supply the deficiencies of others. When the acceptances are all brought together, the surplus, if any, will be known, and, if not wanted by the U. S., may be rejected; and in doing this, such principles of selection may be adopted as, without any imputation of partiality, may secure to us the best offers. For example, 1. we may give a preference to all those who will agree to become regulars, if desired. This is so obviously for the public advantage that no one could object to it. 2. we may give a preference to 12 month volunteers over those for 6. months; and other circumstances of selection will of course arise from the face of the offers, such as distribution, geographical position, proportion of cavalry, riflemen, &c.

“I have thus, without reserve, expressed my ideas on the several doubts stated in your letters, & I submit them to your consideration. They will need it the more, as the season and other circumstances occasioning the members of the administration to be in a state of separation at this moment, they go without the stamp of their aid & approbation. It is our consolation & encouragement that we are serving a just public, who will be indulgent to any error committed honestly, & relating merely to the means of carrying into effect what they have manifestly willed to be a law.

“I salute you with great esteem and respect.”

“MONTICELLO, Sep. 7, 1807.

“DEAR SIR,—I now return you Majr. Newton's letters. The intention of the squadron in the bay is so manifestly pacific, that your

ship of war of the US. a part of her crew: and that no circumstance might be wanting to make its character, the commander was apprised that the seamen thus forcibly were native citizens of the US. His purpose effected he returned to anchor with his squadron within our jurisdiction. Hospi-

instructions to him are perfectly proper, not to molest their boats merely for approaching the shore. While they are giving up slaves & citizen seamen, & attempting nothing ashore, it would not be well to stop this by any new restriction. If they come ashore indeed, they must be captured, or destroyed if they cannot be captured, because we mean to enforce the proclamation rigorously in preventing supplies. So the instructions already given as to intercourse by flag, as to sealed & unsealed letters, must be strictly adhered to. It is so material that the seaport towns should have artillery militia duly trained, that I think you have done well to permit Captain Nestell's company to have powder and ball to exercise. With respect to gun-carriages, furnaces & clothes, I am so little familiar with the details of the War department that I must beg those subjects to lie till the return of the Secretary at War, which will be in three weeks. Proposing to be absent from this place from the 9th to the 16th instant, our daily post will be suspended during that interval. I salute you with great esteem & respect."

“ WASHINGTON, NOV. 1, 1807.

“ DEAR SIR,—Your late letters have been regularly referred to the Secretary at War, who has already answered their several enquiries, or will do it immediately. I am inclined to believe that the departure of the British vessels from our waters must be in consequence of orders from England to respect the authorities of the country. Within about a fortnight we think we may expect answers from England which will decide whether this cloud is to issue in a storm or calm. Here we are pacifically inclined, if anything comes which will permit us to follow our inclinations. But whether we have peace or war, I think the present Legislature will authorize a complete system of defensive works, on such a scale as they think we ought to adopt. The state of our finances now permits this. To defensive works by land they will probably add a considerable enlargement of the force in gun-boats. A combination of these, will, I think, enable us to defend the Chesapeake at it's mouth, and save the vast line of preparation which the defence of all it's interior waters would otherwise require. I salute you with great esteem and respect.”

tality under such circumstances ceases to be a duty: and a continuance of it with such uncontrouled abuses would tend only, by multiplying injuries, & irritations, to bring on a rupture equally opposed to the interests of both nations, as to assurances of the most friendly dispositions on the part of the British government in the midst of which this outrage has been committed. The subject cannot but present itself to that government, & strengthen the motives to an honorable reparation of the wrong which has been done, and that effectual controul of its naval commanders which alone can justify the government of the US. in the exercise of those hospitalities it is now constrained to discontinue.

IN CONSIDERATION of these circumstances, and of the right of every nation to regulate it's own police, to provide for it's peace & for the safety of it's citizens, & consequently to refuse the admission of armed vessels into it's harbors or waters, either in such numbers, or of such descriptions, as are inconsistent with these, or with the maintenance of the authority of the laws, I have thought proper in pursuance of the authority specially given by law to issue this my PROCLAMATION, hereby requiring all armed vessels bearing commissions under the government of Great Britain now within the harbors or waters of the US. immediately & without any delay to depart from the same: and interdicting the entrance of all the said harbors & waters to the said armed vessels, & to all others bearing commissions under the authority of the British government.

And if the sd vessels or any of them, shall fail to

depart as aforesaid, or if they or any others, so interdicted, shall hereafter enter the harbors or waters aforesaid, I do in that case forbid all intercourse with either or any of them, their officers or crews, & do prohibit all supplies & aid from being furnished to them or any of them.

And I do declare & make known that if any person from, or within, the jurisdictional limits of the US. shall afford any aid to any such vessel contrary to the prohibition contained in this proclamation, either in repairing any such vessel, or in furnishing her, her officers or crew, with supplies of any kind, or in any manner whatever, or if any pilot shall assist in navigating any of the said armed vessels, unless it be for the purpose of carrying them in the first instance, beyond the limits & jurisdiction of the US. or unless it be in the case of a vessel forced by distress, or charged with public dispatches as hereinafter provided for, such person or persons shall, on conviction, suffer all the pains and penalties by the laws provided for such offences.

And I do hereby enjoin & require all persons bearing office civil or military within or under the authority of the US., and all others, citizens or inhabitants thereof, or being within the same, with vigilance & promptitude to exert their respective authorities & to be aiding & assisting to the carrying this Proclamation & every part thereof into full effect.

Provided nevertheless that if any such vessel shall be forced into the harbors or waters of the US. by distress, by the dangers of the sea, or by the pursuit

of an enemy, or shall enter them charged with dispatches or business from their government, or shall be a public packet for the conveyance of letters and dispatches, the commanding officer, immediately reporting his vessel to the collector of the district, stating the object or causes of entering the sd harbors or waters, & conforming himself to the regulations in that case prescribed under the authority of the laws, shall be allowed the benefit of such regulations respecting repairs, supplies, stay, intercourse, & departure as shall be permitted under the same authority.

In testimony whereof I have caused the seal of the US. to be affixed to these presents & sign the same.

Given at the city of Washington the 2d day of July in the year of our lord 1807 and of the sovereignty & independence of the US. the 31st.¹

¹ Madison's draft:

"A free use of their harbors & waters, the means of refitting & refreshment, of succor to their sick & suffering have at all times and on equal principles, been extended to all; and this too while the officers of one of the belligerents recd among us were in a continued course of insubordination to the laws, of violence to the persons of our citizens, and of trespass on their property. These abuses of the laws of hospitality have become habitual to commanders of British armed ships hovering on our coasts and frequenting our harbors. They have been the subject of repeated representations to their govt.: assurances have been given that proper orders should restrain them within the limits of the rights & the respect due to a friendly nation: but these orders and assurances have been without effect; nor has a single instance of punishment of past wrongs taken place. Even the murder of a citizen peaceably pursuing his occupation within the limits of our jurisdiction remains unpunished; and omitting late insults as gross as language could offer, the public sensibility has at length been brought to a serious crisis by an act transcending all former outrages. A frigate of the U. S. which had just left her port on a distant service, trusting to a state of peace & *therefore unprepared for defence*, has been surprised and attacked by a vessel of superior force, being one of a

TO THE VICE-PRESIDENT OF THE UNITED STATES

(GEORGE CLINTON.)

J. MSS.

WASHINGTON, July 6, '07.

DEAR SIR,—I congratulate you on your safe arrival with Miss Clinton at New York, & especially on your escape from British violence. This aggression is of a character so distinct from that on the *Chesapeake*, and of so aggravated a nature, that I consider it as a very material one to be presented with that to the British Government. I pray you, therefore, to write me a letter, stating the transaction, & in such a form as that it may go to that Government. At the same time, I must request you to instruct Mr. Gelston, from me, to take the affidavits of the Captain of the revenue cutter, & of such other persons as you shall direct stating the same affair, &

squadron then lying in our waters to cover the transaction, & has been disabled for service with the loss of a number of men killed & wounded. This enormity was not merely without provocation or any justifiable cause; it was committed with the avowed & insulting purpose of violating a ship of war under the American flag, and taking from her by force a part of her crew; a pretext the more flagrant as the British commander was not unapprised that the seamen in question were native citizens of the U. States. Having effected her lawless & bloody purpose, the British vessel returned immediately to anchor with her squadron within our jurisdiction. Hospitality under such circumstances ceases to be a duty; and a continuance of it with such uncontrolled abuses, would tend only by multiplying injuries & irritations, to bring on a rupture which it is the interest, and it is hoped the inclination of both nations to avoid. In this light the subject cannot but present itself to the British govt.; and strengthen the motives to an honorable reparation for the wrong which has been done, and to that effectual controul of its naval commanders, which alone can justify the govt. of the U. S. in the exercise of those hospitalities which it is constrained to discontinue, and maintain undiminished all the existing relations between the two nations."

Indorsed "Department of State Recd. June 29, 07 Proclmn."

to be forwarded, in like manner, to our Minister in London.

You will have seen by the proclamation, the measures adopted. We act on these principles, 1. That the usage of nations requires that we shall give the offender an opportunity of making reparation & avoiding war. 2. That we should give time to our merchants to get in their property & vessels & our seamen now afloat. And 3. That the power of declaring war being with the Legislature, the executive should do nothing, necessarily committing them to decide for war in preference of non-intercourse, which will be preferred by a great many. They will be called in time to receive the answer from Great Britain, unless new occurrences should render it necessary to call them sooner.

I salute you with friendship & respect.

TO THE SECRETARY AT WAR

J. MSS.

(HENRY DEARBORN.)

WASHINGTON, July 7, 1807.

DEAR SIR,—I enclose you copies of 2 letters sent by express from Capt. Decatur. By these you will perceive that the British commanders have their foot on the threshold of war. They have begun the blockade of Norfolk; have sounded the passage to the town, which appears practicable for three of their vessels, & menace an attack on the *Chesapeake* and *Cybele*. These, with 4. gun-boats, form the present defence, & there are 4. more gun-boats in Norfolk nearly ready. The 4. gun-boats at Hampton are

hauled up, & in danger, 4. in Mopjack bay are on the stocks. Blows may be hourly possible. In this state of things I am sure your own feelings will anticipate the public judgment, that your presence here cannot be dispensed with. There is nobody here who can supply your knowledge of the resources for land co-operation, & the means for bringing them into activity. Still, I would wish you would stay long enough at N York to settle with the V. P. & Colo. Williams, the plan of defence for that place; & I am in hopes you will also see Fulton's experiments tried, & see how far his means may enter into your plan. But as soon as that is done, should matters remain in their present critical state, I think the public interest and safety would suffer by your absence from us. Indeed, if the present state of things continues, I begin to fear we shall not be justifiable in separating this autumn, & that even an earlier meeting of Congress than we had contemplated, may be requisite. I salute you affectionately.

TO THOMAS COOPER

J. MSS.

WASHINGTON, July 9, '07.

DEAR SIR,—Your favor of June 23 is received. I had not before learned that a life of Dr. Priestley had been published, or I should certainly have procured it; for no man living had a more affectionate respect for him. In religion, in politics, in physics, no man has rendered more service.

I had always expected that when the republicans should have put down all things under their feet, they

would schismatize among themselves. I always expected, too, that whatever names the parties might bear, the real division would be into moderate & ardent republicanism. In this division there is no great evil,—not even if the minority obtain the ascendancy by the accession of federal votes to their candidate; because this gives us one shade only, instead of another, of republicanism. It is to be considered as apostasy only when they purchase the votes of federalists, with a participation in honor & power. The gross insult lately received from the English has forced the latter into a momentary coalition with the mass of republicans; but the moment we begin to act in the very line they have joined in approving, all will be wrong, and every act the reverse of what it should have been. Still, it is better to admit their coalescence, & leave to themselves their short-lived existence. Both reason & the usage of nations required we should give Gr. Britain an opportunity of disavowing & repairing the insult of their officers. It gives us at the same time an opportunity of getting home our vessels, our property, & our seamen,—the only means of carrying on the kind of war we should attempt. The only difference, I believe, between your opinion & mine, as to the protection of commerce, is the forcing the nation to take the best road, & the letting them take the worse, if such is their will. I salute you with great esteem & respect.¹

¹ Jefferson further wrote to Cooper:

“MONTICELLO, Sept. 1, '07.

“DEAR SIR,—Your favor of the 9th is received, & with it the copy of Dr. Priestley's *Memoirs*, for which I return you many thanks. I shall read them with great pleasure, as I revered the character of no man living more than his. With another part of your letter I am

TO THE SECRETARY OF THE TREASURY J. MSS.
(ALBERT GALLATIN.)

July 10, 1807.

Something now occurs almost every day on which it is desirable to have the opinions of the heads of departments, yet to have a formal meeting every day would consume so much of their time as to seriously obstruct their regular business. I have proposed to them, as most convenient for them, & wasting less of their time, to call on me at any moment of the day which suits their separate convenience, when, besides any other business they may have to do, I can learn their opinions separately on any matter which has occurred, & also communicate the information received daily. Perhaps you could find it more convenient, sometimes, to make your call at the hour of

sensibly affected. I have not here my correspondence with Govr. McKean to turn to, but I have no reason to doubt that the particular letter referred to may have been silent on the subject of your appointment as stated. The facts are these: The opinion I have ever entertained, & still entertain as strongly as ever, of your abilities & integrity, was such as made it my wish, from the moment I came to the administration, that you should be employed in some public way. On a review, however, of all circumstances, it appeared to me that the State of Pensylva had occasions for your service, which would be more acceptable than any others to yourself, because they would leave you in the enjoyment of the society of Dr. Priestley, to which your attachment was known. I therefore expressed my solicitude respecting you to Gov. McKean, whose desires to serve yourself & the public by employing you I knew to be great, & of course that you were an object of mutual concern, and I received his information of having found employment for your talents with the sincerest pleasure. But pressed as I am perpetually by an overflow of business, & adopting from necessity the rule of never answering any letter, or part of a letter, which can do without answer, in replying to his which related to other subjects, I probably said nothing on that, because my former letter had sufficiently manifested how pleasing the circumstance must be to me, and my time & practice did not permit me to be repeating things already said. This is a candid statement of that incident, and I hope

dinner, instead of going so much further to dine alone. You will always find a plate & a sincere welcome. In this way, that is, successively, I have to-day consulted the other gentlemen on the question whether letters of marque were to be considered as within our interdict. We are unanimously of opinion they are not. We consider them as essentially *merchant vessels*; that commerce is their main object, and arms merely incidental & defensive. Affectionate salutations.

TO THE U. S. MINISTER TO SPAIN
(JAMES BOWDOIN.)

J. MSS.

WASHINGTON, July 10, '07.

DEAR SIR,—I wrote you on the 10th of July, 06, but supposing, from your not acknowledging the receipt

you will see in it a silence accounted for on grounds far different from that of a continuance of my estimation & good wishes, which have experienced no change. With respect to the schism among the republicans in your State, I have ever declared to both parties that I consider the general government as bound to take no part in it, and I have carefully kept both my judgment, my affections, & my conduct, clear of all bias to either. It is true, as you have heard, that a distance has taken place between Mr. Clay & myself. The cause I never could learn nor imagine. I had always known him to be an able man, & I believed him an honest one. I had looked to his coming into Congress with an entire belief that he would be cordial with the administration, and even before that I had always had him in my mind for a high important vacancy which had been from time to time expected, but is only now about to take place. I feel his loss therefore with real concern, but it is irremediable from the necessity of harmony & cordiality between those who are to manage together the public concerns. Not only his withdrawing from the usual civilities of intercourse with me, (which even the federalists with 2 or 3 exceptions keep up,) but his open hostility in Congress to the administration, leave no doubt of the state of his mind as a fact, altho' the cause be unknown. Be so good as to communicate my respects to Mr. Priestley, and to accept yourself my friendly salutations, & assurances of unaltered esteem."

of the letter, that it had miscarried, I sent a duplicate with my subsequent one of Apr. 2. These having gone by the *Wasp*, you will doubtless have received them. Since that, yours of May 1 has come to hand. You will see by the despatches from the department of State, carried by the armed vessel the *Revenge*, into what a critical state our peace with Gr. Britain is suddenly brought, by their armed vessels in our waters. Four vessels of war (3. of them two deckers) closely blockade Norfolk at this instant. Of the authority under which this aggression is committed, their minister here is unapprised. You will see by the proclamation of July 2, that (while we are not omitting such measures of force as are immediately necessary) we propose to give Gr. Br. an opportunity of disavowal & reparation, and to leave the question of war, non-intercourse, or other measures, uncommitted, to the Legislature. This country has never been in such a state of excitement since the battle of Lexington. In this state of things, cordial friendship with France, & peace at least with Spain, become more interesting. You know the circumstances respecting this last power, which have rendered it ineligible that you should have proceeded heretofore to your destination. But this obstacle is now removed by their recall of Yrujo, & appointment of another minister, & in the meantime, of a chargé des affaires, who has been received. The way being now open for taking your station at Madrid, it is certainly our wish you should do so, and that this may be more agreeable to you than your return home, as is solicited in yours of May 1. It is with real

unwillingness we should relinquish the benefit of your services. Nevertheless, if your mind is decidedly bent on that, we shall regret, but not oppose your return. The choice, therefore, remains with yourself. In the meantime, your place in the joint commission being vacated by either event, we shall take the measures rendered necessary by that. We have seen, with real grief, the misunderstanding which has taken place between yourself & Gen. Armstrong. We are neither qualified nor disposed to form an opinion between you. We regret the pain which must have been felt by persons, both of whom hold so high a place in our esteem, and we have not been without fear that the public interest might suffer by it. It has seemed, however, that the state of Europe has been such as to admit little to be done, in matters so distant from them.

The present alarm has had the effect of suspending our foreign commerce. No merchant ventures to send out a single vessel; and I think it probable this will continue very much the case till we get an answer from England. Our crops are uncommonly plentiful. That of small grain is now secured south of this, and the harvest is advancing here.

Accept my salutations, & assurances of affectionate esteem & respect.

TO BARNABAS BIDWELL

J. MSS.

WASHINGTON, July 11, '07.

DEAR SIR,—Yours of June 27 has been duly received, and altho' wishing your happiness always, I

cannot be altogether displeas'd with a transfer of your services to a department more pleasing to yourself, yet I cannot but lament your loss in Congress. You know that talents cannot be more useful anywhere than there; and the times seem to portend that we may have occasion there for all we possess. You have long ago learnt the atrocious acts committed by the British armed vessels in the Chesapeake & it's neighborhood. They cannot be easily accommodated, altho it is believed that they cannot be justified by orders from their government. We have acted on these principles; 1. to give that government an opportunity to disavow & make reparation; 2, to give ourselves time to get in the vessels, property & seamen, now spread over the ocean; 3, to do no act which might compromit Congress in their choice between war, non-intercourse, or any other measure. We shall probably call them some time in October, having regard to the return of the healthy season, and to the receipt of an answer from Great Britain, before which they could only act in the dark. In the meantime we shall make all the preparations which time will permit, so as to be ready for any alternative.

The officers of the British ships, in a conference with a gentleman sent to them by the Mayor of Norfolk, have solemnly protested they mean no further proceeding without further orders. But the question is whether they will obey the proclamation? If they do not, acts of force will probably ensue; still these may lead to nothing further, if their government is just. I salute you with great affection.

TO JOHN W. EPPES

J. MSS.

WASHINGTON, July 12, '07.

DEAR SIR,—Yours of the 3d is received. At that time I presume you have [had] not got mine of June 19 asking the favor of you to procure me a horse. I have lost three since you left this place. However I can get along with the three I have remaining so as to give time for looking for a fourth suitable in as many points as can be obtained. My happiness at Monticello (if I am able to go there) will be lessened by not having yourself & Francis there. But the circumstance which prevents it is among the most painful that have happened to me in life. Thus comfort after comfort drops off from us, till nothing is left but what is proper food for the grave. I trust however we shall have yourself & Francis the ensuing winter & the one following that, and we must let the after-time provide for itself. He will ever be to me one of the dearest objects in life.

The affair of the *Chesapeake* seems to have come in as an interlude during the suspension of Burr's trial. I suspect it will turn out that the order Barclay received from his government was in equivocal terms, implying force or not, as should suit them to say, and & the construction would be governed by Bonaparte's successes or misfortunes. I know that Barclay's order to the ships under him was of that character. However their orders are to be nothing in our eye. The fact is what they have to settle with us. Reason & the usage of civilized nations require that we should give them an opportunity of disavowal & reparation. Our own interest too, the

very means of making war, requires that we should give time to our merchants to gather in their vessels & property & our seamen now afloat. And our duty requires that we do no act which shall commit Congress in their choice between war, non-intercourse & other measures. You will be called as early as the circumstances of health, & of an answer from England will recommend. Probably some time in October. Should that country have the good sense to do us ample justice, it will be a war saved. But I do not expect it, and every preparation therefore is going on & will continue, which is within our power. A war need cost us very little; and we can take from them what would be an indemnification for a great deal. For this everything shall be in readiness at the moment it is declared. I have not yet heard how Commodore Douglass has taken the proclamation. That he will obey it I doubt. Should he not, the moment our 16 gunboats in that quarter are ready, they will be able to take off all his small vessels, & to oblige his large ones to keep together. I count on their being all ready before the end of this month; & by that time we shall have 32 in New York, and a good provision of batteries along the shores of the city; for to waste labor in defending the approaches to it would be idle. The only practicable object is to prevent ships coming to before it. We have nothing interesting to us from either London, Paris or Madrid, except that Yrujo leaves us, and a successor is to come. In the mean time we have received Foronda as charge des affaires, a most able and amiable man. In consequence of this

Bowdoin will probably go on to Madrid. We shall thus avoid the mischief which the dissensions between him & Armstrong were likely to produce. Present my warm affections to Mr. & Mrs. Eppes & to the family, & accept the same for yourself.

TO THE SECRETARY AT WAR

J. MSS.

(HENRY DEARBORN.)

WASHINGTON, July 13, 07.

DEAR SIR,—I wrote you on the 7th; since that we learn that the *Bellona* & *Leopard* remaining in Hampton Road, the other two vessels have returned to the Capes of Chesapeake, where they have been reinforced by another frigate and a sloop of war, we know not from whence. This induces us to suppose they do not mean an immediate attack on Norfolk, but to retain their present position till further orders from their Admiral. I am inclined to think that the body of militia now in the field in Virginia would need to be regulated according to these views. They are in great want of artillery, the State possessing none. Their subsistence also, & other necessary expenses, require immediate attention from us, the finances of the State not being at all in a condition to meet these calls. We have some applications for the loan of field-pieces. The transportation of heavy cannon to Norfolk & Hampton, is rendered difficult by the blockade of those ports. These things are of necessity reserved for your direction on your return, as nobody here is qualified to act in them. It gives me sincere concern that events should thus have

thwarted your wishes. Should the *Bellona* and *Leopard* retire, & a disposition be shown by the British commanders to restore things to a state of peace until they hear from their government, we may go into summer quarters without injury to the public safety, having previously made all necessary arrangements. But if the present hostile conduct is pursued, I fear we shall be obliged to keep together, or at least within consulting distance. I salute you with sincere affection & respect.

TO DUPONT DE NEMOURS

J. MSS.

WASHINGTON, July 14, 1807.

MY DEAR SIR,—I received last night your letter of May 6, and a vessel being just now sailing from Baltimore, affords me an opportunity of hastily acknowledging it. Your exhortation to make a provision of arms is undoubtedly wise, and we have not been inattentive to it. Our internal resources for cannon are great, and those for small arms considerable, & in full employment. We shall not suffer from that want should we have war; and of the possibility of that you will judge by the enclosed proclamation, & by what you know of the character of the English government. Never since the battle of Lexington have I seen this country in such a state of exasperation as at present, and even that did not produce such unanimity. The federalists themselves coalesce with us as to the object, tho' they will return to their trade of censuring every measure taken to obtain it. "Reparation for the past, and security for the future," is

our motto; but whether they will yield it freely, or will require resort to non-intercourse, or to war, is yet to be seen. We prepare for the last. We have actually 2,000 men in the field, employed chiefly in covering the exposed coast, & cutting off all supply to the British vessels. We think our gun-boats at New York, (32,) with heavy batteries along shore, & bombs, will put that city *hors d' insulte*. If you could procure & send me a good description & drawing of one of your Prames, you would do me a most acceptable service. I suppose them to be in fact a floating battery, rendered very manageable by oars.

Burr's conspiracy has been one of the most flagitious of which history will ever furnish an example. He had combined the objects of separating the western States from us, of adding Mexico to them, and of placing himself at their head. But he who could expect to effect such objects by the aid of American citizens, must be perfectly ripe for Bedlam. Yet altho' there is not a man in the U. S. who is not satisfied of the depth of his guilt, such are the jealous provisions of our laws in favor of the accused, & against the accuser, that I question if he can be convicted. Out of 48 jurors who are to be summoned, he has a right to choose the 12 who are to try him, and if any one of the 12 refuses to concur in finding him guilty, he escapes. This affair has been a great confirmation in my mind of the innate strength of the form of our government. He had probably induced near a thousand men to engage with him, by making them believe the government connived at it. A proclamation alone, by undeceiving them, so compleatly

disarmed him, that he had not above 30 men left, ready to go all lengths with him. The first enterprise was to have been the seizure of N. Orleans, which he supposed would powerfully bridle the country above, & place him at the door of Mexico. It has given me infinite satisfaction that not a single native Creole of Louisiana, and but one American, settled there before the delivery of the country to us, were in his interest. His partisans there were made up of fugitives from justice, or from their debts, who had flocked there from other parts of the U. S., after the delivery of the country, and of adventurers & speculators of all descriptions. I thank you for the volume of *Memoirs* you have sent me, & will immediately deliver that for the Phil. Society. I feel a great interest in the publication of Turgot's works, but quite as much in your return here. Your Eleutherian son is very valuable to us, & will daily become more so. I hope there will be a reaction of good offices on him. We have heard of a great improvement in France of the furnace for heating cannon-balls, but we can get no description of it.

I salute you with sincere affection, & add assurances of the highest respect.

TO THE MARQUIS DE LA FAYETTE

J. MSS.

WASHINGTON, July 14, 07.

MY DEAR FRIEND,—I received last night your letters of Feb. 20 & Apr. 29, and a vessel just sailing from Baltimore enables me hastily to acknowledge them;

to assure you of the welcome with which I receive whatever comes from you, & the continuance of my affectionate esteem for yourself & family. I learn with much concern, indeed, the state of Mde. de La Fayette's health. I hope I have the pleasure yet to come of learning it's entire re-establishment. She is too young not to give great confidence to that hope.

Measuring happiness by the American scale, & sincerely wishing that of yourself & family, we had been anxious to see them established on this side of the great water. But I am not certain that any equivalent can be found for the loss of that species of society, to which our habits have been formed from infancy. Certainly, had you been, as I wished, at the head of the government of Orleans, Burr would never have given me one moment's uneasiness. His conspiracy has been one of the most flagitious of which history will ever furnish an example. He meant to separate the western States from us, to add Mexico to them, place himself at their head, establish what he would deem an energetic government, & thus provide an example & an instrument for the subversion of our freedom. The man who could expect to effect this, with American materials, must be a fit subject for Bedlam. The seriousness of the crime, however, demands more serious punishment. Yet, altho' there is not a man in the U. S. who doubts his guilt, such are the jealous provisions of our laws in favor of the accused against the accuser, that I question if he is convicted. Out of 48 jurors to be summoned, he is to select the 12 who are to try him, and if there be any

who will not concur in finding him guilty, he is discharged of course. I am sorry to tell you that Bollman was Burr's right hand man in all his guilty schemes. On being brought to prison here, he communicated to Mr. Madison & myself the whole of the plans, always, however, apologetically for Burr, as far as they would bear. But his subsequent tergiversations have proved him conspicuously base. I gave him a pardon, however, which covers him from everything but infamy. I was the more astonished at his engaging in this business, from the peculiar motives he should have felt for fidelity. When I came into the government, I sought him out on account of the services he had rendered you, cherished him, offered him two different appointments of value, which, after keeping them long under consideration, he declined for commercial views, and would have given him anything for which he was fit. Be assured he is unworthy of ever occupying again the care of any honest man. Nothing has ever so strongly proved the innate force of our form of government, as this conspiracy. Burr had probably engaged 1000 men to follow his fortunes, without letting them know his projects, otherwise than by assuring them the government approved of them. The moment a proclamation was issued, undeceiving them, he found himself left with about 30 desperadoes only. The people rose in mass wherever he was, or was suspected to be, and by their own energy the thing was crushed in one instant, without it's having been necessary to employ a man of the military but to take care of their respective

stations. His first enterprise was to have been to seize N. Orleans, which he supposed would powerfully bridle the upper country, & place him at the door of Mexico. It is with pleasure I inform you that not a single native Creole, and but one American of those settled there before we received the place, took any part with him. His partisans were the new emigrants from the U. S. and elsewhere, fugitives from justice or debt, and adventurers and speculators of all descriptions.

I enclose you a proclamation, which will show you the critical footing on which we stand at present with England. Never, since the battle of Lexington, have I seen this country in such a state of exasperation as at present. And even that did not produce such unanimity. The federalists themselves coalesce with us as to the object, altho' they will return to their old trade of condemning every step we take towards obtaining it. "Reparation for the past, and security for the future," is our motto. Whether these will be yielded freely, or will require resort to non-intercourse, or to war, is yet to be seen. We have actually near 2000 men in the field, covering the exposed parts of the coast, and cutting off supplies from the British vessels.

I am afraid I have been very unsuccessful in my endeavors to serve Mde. de Tessé in her taste for planting. A box of seeds, &c., which I sent her in the close of 1805, was carried with the vessel into England, and discharged so late that I fear she lost their benefit for that season. Another box, which I prepared in the autumn of 1806, has, I fear, been

equally delayed from other accidents. However, I will persevere in my endeavors.

Present me respectfully to her, M. de Tessé, Mde. de La Fayette & your family, and accept my affectionate salutations, & assurances of constant esteem & respect.

TO THE SECRETARY OF THE TREASURY J. MSS.

(ALBERT GALLATIN.)

July 16, 1807.

If Mr. Gallatin will be so good as to call on Th. J. on his arrival at the office, the other gentlemen will then attend on being notified, and consider the subject of Mr. Gallatin's letter received yesterday. It is the more necessary, as everything else is ready for the departure of the vessel. Affectionate salutations.

TO THE U. S. MINISTER TO FRANCE J. MSS.

(JOHN ARMSTRONG.)

WASHINGTON, July 17, 07.

DEAR SIR,—I take the liberty of enclosing to your care some letters to friends who, whether they are in Paris or not I do not know. If they are not, I will pray you to procure them a safe delivery.

You will receive, through the department of State, information of the critical situation in which we are with England. An outrage not to be borne has obliged us to fly to arms, and has produced such a state of exasperation, & that so unanimous, as never has been seen in this country since the battle of Lexington. We have between 2 & 3000 men on the

shores of the Chesapeake, patrolling them for the protection of the country, & for preventing supplies of any kind being furnished to the British; and the moment our gun-boats are ready we shall endeavor by force to expel them from our waters. We now send a vessel to call upon the British government for reparation for the past outrage, & security for the future, nor will anything be deemed security but a renunciation of the practice of taking persons out of our vessels, under the pretence of their being English. Congress will be called some time in October, by which time we may have an answer from England. In the meantime we are preparing for a state of things which will take that course, which either the pride or the justice of England shall give it. This will occasion a modification of your instructions, as you will learn from the Sec. of state. England will immediately seize on the Floridas as a *point d' appui* to annoy us. What are we to do in that case? I think she will find that there is no nation on the globe which can gall her so much as we can. I salute you with great affection & respect.

TO THE SECRETARY AT WAR

J. MSS.

(HENRY DEARBORN.)

WASHINGTON, July, 07.

MY DEAR SIR,—I have this moment received certain information that the British vessels have retired from Hampton Road. Whether they will only join their companions in the bay, & remain there or go off, is yet to be seen. It gives me real pain to

believe that circumstances still require your presence here. I have had a consultation this day with our colleagues on that subject, and we have all but one opinion on that point. Indeed, if I regarded yourself alone, I should deem it necessary to satisfy public opinion, that you should not be out of place at such a moment. The arrangements for the militia, now much called for, can be properly made only by yourself. Several other details are also at a stand. I shall therefore hope to see you in a very few days. An important question will be to be decided on the arrival of Decatur here, about this day se'night, whether, as the retirement of the British ships from Hampton Road enables us to get our 16 gun-boats together, we shall authorize them to use actual force against the British vessels. Present to Mrs. Dearborne, & accept yourself, my affectionate & respectful salutations.

TO JOHN PAGE

J. MSS.

WASHINGTON, July, 17, 07.

MY DEAR FRIEND,—Yours of the 11th is received. In appointments to public offices of mere profit, I have ever considered faithful service in either our first or second revolution as giving preference of claim, and that appointments on that principle would gratify the public, and strengthen that confidence so necessary to enable the executive to direct the whole public force to the best advantage of the nation. Of Mr. Bolling Robenson's talents & integrity I have long been apprized, and would gladly use them

where talents & integrity are wanting. I had thought of him for the vacant place of secretary of the Orleans territory, but supposing the salary of 2000 D not more than he makes by his profession, & while remaining with his friends, I have, in despair, not proposed it to him. If he would accept it, I should name him instantly with the greatest satisfaction. Perhaps you could inform me on this point.

With respect to Majr Gibbons, I do indeed recollect, that in some casual conversation, it was said, that the most conspicuous accomplices of Burr were at home at his house; but it made so little impression on me, that neither the occasion nor the person is now recollected. On this subject, I have often expressed the principles on which I act, with a wish they might be understood by the federalists in office. I have never removed a man merely because he was a federalist: I have never wished them to give a vote at an election, but according to their own wishes. But as no government could discharge it's duties to the best advantage of it's citizens, if it's agents were in a regular course of thwarting instead of executing all it's measures, and were employing the patronage & influence of their offices against the government & it's measures, I have only requested they would be quiet, & they should be safe; that if their conscience urges them to take an active & zealous part in opposition, it ought also to urge them to retire from a post which they could not conscientiously conduct with fidelity to the trust reposed in them; & on failure to retire, I have removed them; that is to say, those who maintained an active &

zealous opposition to the government. Nothing which I have yet heard of Major Gibbons places him in danger from these principles.

I am much pleased with the ardor displayed by our countrymen on the late British outrage. It gives us the more confidence of support in the demand of *reparation* for the past, & *security* for the future, that is to say, an end of impressments. If motives of either justice or interest should produce this from Great Britain, it will save a war; but if they are refused, we shall have gained time for getting in our ships & property, & at least 20,000 seamen now afloat on the ocean, and who may man 250 privateers. The loss of these to us would be worth to Great Britain many victories of the Nile & Trafalgar. The meantime may also be importantly employed in preparations to enable us to give quick and deep blows.

Present to Mrs. Page, & receive yourself my affectionate & respectful salutations.

TO WILLIAM DUANE

J. MSS.

WASHINGTON, July 20, '07.

SIR,—Altho' I cannot always acknolege the receipt of communications, yet I merit their continuance by making all the use of them of which they are susceptible. Some of your suggestions had occurred, and others will be considered. The time is coming when our friends must enable us to hear everything, & expect us to say nothing; when we shall need all their confidence that everything is doing which can be

done, and when our greatest praise shall be, that we *appear* to be doing nothing. The law for detaching 100,000 militia, & the appropriation for it, & that for fortifications, enable us to do everything for land service, as well as if Congress were here; & as to naval matters, their opinion is known. The course we have pursued, has gained for our merchants a precious interval to call in their property & our seamen, & the postponing the summons of Congress will aid in avoiding to give too quick an alarm to the adversary. They will be called, however, in good time. Altho' we demand of England what is merely of right, reparation for the past, security for the future, yet as their pride will possibly, nay probably, prevent their yielding them to the extent we shall require, my opinion is, that the public mind, which I believe is made up for war, should maintain itself at that point. They have often enough, God knows, given us cause of war before; but it has been on points which would not have united the nation. But now they have touched a chord which vibrates in every heart. Now then is the time to settle the old and the new.

I have often wished for an occasion of saying a word to you on the subject of the Emperor of Russia, of whose character & value to us, I suspect you are not apprized correctly. A more virtuous man, I believe, does not exist, nor one who is more enthusiastically devoted to better the condition of mankind. He will probably, one day, fall a victim to it, as a monarch of that principle does not suit a Russian noblesse. He is not of the very first order of

understanding, but he is of a high one. He has taken a peculiar affection to this country & it's government, of which he has given me public as well as personal proofs. Our nation being, like his, habitually neutral, our interests as to neutral rights, and our sentiments agree. And whenever conferences for peace shall take place, we are assured of a friend in him. In fact, altho' in questions of restitution he will be with England, in those of neutral rights he will be with Bonaparte & with every other power in the world, except England; & I do presume that England will never have peace until she subscribes to a just code of marine law. I have gone into this subject, because I am confident that Russia (while her present monarch lives) is the most cordially friendly to us of any power on earth, will go furthest to serve us, & is most worthy of conciliation. And altho' the source of this information must be a matter of confidence with you, yet it is desirable that the sentiments should become those of the nation. I salute you with esteem & respect.

TO MR. EDMUND PENDLETON GAINES J. MSS.

WASHINGTON, July 23, 1807.

Thomas Jefferson has re-examined the complaints in the memorial from Tombigbee, and Mr. Gaines' explanation. The complaints are:

1. *That Mr. Gaines stopped a vessel having a legal permit.*

1. On the subject of the 1st complaint, Mr. Gaines

was giving a verbal explanation, which Tho: Jefferson asks the favor of him now to repeat.

2. *That he arrested Colo. Burr militarily.*

2. That the arrest of Colo. B. was military has been disproved; but had it been so, every honest man & good citizen is bound, by any means in his power, to arrest the author of projects so daring & dangerous.

3. *That Mr. Small gave evidence against Colo. Burr.*

3. This complaint, as well as the preceding one, would imply a partiality for Colo. Burr, of which he hopes the petitioners were not guilty.

4. *That he, Mr. Small, refused a passport to a Mr. Few.*

4. On this subject, also, he asks any information Mr. Gaines can give; for tho it is a matter of discretion, it should be exercised without partiality or passion. He salutes Mr. Gaines with esteem & respect.

5. *That he levies duties on Indian goods.*

5. The levy of duty on Indian goods is required by the law of Congress.

6. *That the people of that settlement have not the free use of the Mobile.*

6. There has been a constant hope of reobtaining the navigation by negociation, & no endeavors have been spared. Congress has not thought it expedient as yet to plunge the nation into a war against Spain & France, or to obtain an exemption from the duty levied on the use of that river.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, Aug. 9, 07.

DEAR SIR,—Yours of yesterday was received in the course of the day. Our post-rider has not yet got to be punctual, arriving here from 2. to 4. hours later than he should do, that is to say from 3 to 5 o'clock instead of 1. I mean to propose to him that being rigorously punctual in his arrival, I will always discharge him the moment he arrives, instead of keeping him till 7 o'clock as the postmaster proposes, taking for myself the forenoon of the succeeding day to answer every mail. I do not exactly recollect who of the heads of departments were present, (but I think every one except Mr. Gallatin,) when, conversing on the bungling conduct of our officers with respect to Erskine's letters, & the more bungling conduct to be expected when the command should devolve on a militia major, Mr. Smith proposed that the whole regulation of flags should be confined to Decatur, which appeared to obtain the immediate assent of all. However, the remedy is easy, & perhaps more proper on the whole. That is, to let the commanding officer by land, as well as the one by water, have equal authority to send & receive flags. I will write accordingly to Governor Cabell. This is the safer, as I believe T. Newton (of Congress) is the Major. Genl. Dearborne has sent me a plan of a war establishment for 15,000 regulars for garrisons & instead of 15,000 others, as a disposable force, to substitute 32,000 twelve-month volunteers, to be exercised & paid 3. months in the year, and consequently costing no

more than 8000 permanent, giving us the benefit of 32,000 for any expedition, who would be themselves nearly equal to regulars, but could on occasion be put into the garrisons & the regulars employed in the expedition *primâ facie*. I like it well.¹ I salute you affectionately.

P. S. The record of the blank commission for Marshal of N. Carolina, sent to Govr. Alexander,

¹On the same day, the President wrote to the Secretary of War:

“MONTICELLO, August 9, 1807.

“DEAR SIR,—I received yesterday yours of the 7th, with the proposition for substituting 32,000 twelve-month volunteers instead of 15,000 regulars as a disposable force, and I like the idea much. It will of course be a subject of consideration when we all meet again, but I repeat that I like it greatly.

“On some occasion, a little before I left Washington, when we were together (all, I think, except Mr. Gallatin, but I am not quite so sure as to yourself as the others), conversing on the bungling business which had been made by the officers commanding at Norfolk, with Erskine's letters, and the more bungling conduct to be expected when the command should devolve on a militia major, Mr. Smith proposed that the whole business of flags should be committed to Decatur. This appeared to obtain at once the general approbation. Thinking it so settled, on lately receiving a letter from Govr. Cabell, asking full & explicit instructions as to the mode of intercourse, I endeavored to lay down the general rules of intercourse by flag, as well digested as I could to meet all cases, but concluded by informing him that the whole business was committed to Decatur. Mr. Madison now informs me that either not recollecting or not understanding this to have been the arrangement, instructions have been given to the officer commanding by land, relative to intercourse, which may produce collision. The remedy I think is easy, & will on the whole place the matter on more proper ground. That is, to give to the commanding officers by land as well as sea, equal authority to send & receive flags. This is the safer, as I see by the papers that Mr. Newton (of Congress) is the Major. I shall accordingly write to Govr. Cabell to-day to correct the error, & to inform him that the two commanders stand on an equal footing in the direction of flags.

“I wrote you yesterday as to the additional company of infantry employed, and shall await your opinion before I say anything on it to the Governor. I salute you affectionately.”

must be filled up with the name of John S. West, the former Marshal, who has agreed to continue.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, August 16, 07.

DEAR SIR,—* * * If anything Thrasonic & foolish from Spain could add to my contempt of that government, it would be the demand of satisfaction now made by Foronda. However, respect to ourselves requires that the answer should be decent, and I think it fortunate that this opportunity is given to make a strong declaration of facts, to wit, how far our knolege of Miranda's objects went, what measures we took to prevent anything further, the negligence of the Spanish agents to give us earlier notice, the measures we took for punishing those guilty, & our quiet abandonment of those taken by the Spaniards. But I would not say a word in recrimination as to the western intrigues of Spain. I think that is the snare intended by this protest, to make it a set-off for the other. As soon as we have all the proofs of the western intrigues, let us make a remonstrance & demand of satisfaction, and, if Congress approves, we may in the same instant make reprisals on the Floridas, until satisfaction for that & for spoliations, and until a settlemt of boundary. I had rather have war against Spain than not, if we go to war against England. Our southern defensive force can take the Floridas, volunteers for a Mexican army will flock to our standard, and rich pabulum will

be offered to our privateers in the plunder of their commerce & coasts. Probably Cuba would add itself to our confederation. The paper in answer to Foronda should, I think, be drawn with a view to its being laid before Congress, & published to the world as our justification against the imputation of participation in Miranda's projects. * * *

TO ROBERT FULTON

J. MSS.

MONTICELLO, August 16, 1807.

SIR,—Your letter of July 28, came to hand just as I was about leaving Washington, & it has not been sooner in my power to acknowledge it. I consider your torpedoes as very valuable means of defence of harbors, & have no doubt that we should adopt them to a considerable degree. Not that I go the whole length (as I believe you do) of considering them as solely to be relied on. Neither a nation nor those entrusted with it's affairs, could be justifiable, however sanguine their expectations, in trusting solely to an engine not yet sufficiently tried, under all the circumstances which may occur, & against which we know not as yet what means of parrying may be devised. If, indeed, the mode of attaching them to the cable of a ship be the only one proposed, modes of prevention cannot be difficult. But I have ever looked to the submarine boat as most to be depended on for attaching them, & tho' I see no mention of it in your letter, or your publications, I am in hopes it is not abandoned as impracticable. I should wish to

see a corps of young men trained to this service. It would belong to the engineers if at land, but being nautical, I suppose we must have a corps of naval engineers, to practise & use them. I do not know whether we have authority to put any part of our existing naval establishment in a course of training, but it shall be the subject of a consultation with the Secretary of the Navy. Genl Dearborne has informed you of the urgency of our want of you at N Orleans for the locks there.

I salute you with great respect & esteem.

TO JONATHAN DAYTON

J. MSS.

MONTICELLO, Aug. 17, 07.

SIR,—I received your letter of the 6th inst requesting my interference to have you admitted to bail, and I have considered it with a sincere disposition to administer every relief from unnecessary suffering, which lies within the limits of my regular authority. But when a person charged with an offence is placed in the possession of the judiciary authority, the laws commit to that solely the whole direction of the case; and any interference with it on the part of the Executive would be an encroachment on their independence, and open to just censure. And still more censurable would this be in a case originating, as yours does, not with the Executive, but an independent authority. I am persuaded therefore, that on reconsideration, you will be sensible that, in declining to interpose in the present case, I do but obey the vigorous prescriptions of duty. [I do it however

with the less regret as I presume that the same provisions of the law which have given to the principal defendant the accommodation of common apartments, give the same right to yourself and every other defendant, in a country where the application of equal law to every condition of man is a fundamental principle.]¹

I salute you with every wish that the appearances which may have excited the attentions of one inquest towards you, may be so explained as to establish your innocence to the satisfaction of another.

P. S. The delay of the mails by the late rains have prevented an earlier transmission of this answer.²

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, August 18, 1807.

DEAR SIR,—I return you the papers received yesterday. Mr. Erskine complains of a want of communication between the British armed vessels *in the* Chesapeake, or *off* the coast. If, by *off* the coast, he means those which, being generally in our waters, go occasionally out of them to cruize or to acquire a title to communicate with their consul, it is too poor an evasion for him to expect us to be the dupes of. If vessels *off* the coast, & having never

¹Part in brackets struck out.

²Th. J. to J. M. Shall I send Dayton an answer as above? Shall I leave out the last sentence but one? Or shall I send him no answer?

NOTE.—This was sent under cover to Mr. Hay, & opened for his perusal.—T. J.

violated the proclamation, wish to communicate with their consul, they may send in by any vessel, without a flag. He gives a proof of their readiness to restore deserters, from an instance of the *Chichester* lying along-side a wharf at Norfolk. It would have been as applicable if Capt Stopfield and his men had been in a tavern at Norfolk. All this, too, a British sergeant *is ready* to swear to; & further, that he saw British deserters enlisted in their British uniform by our officer. As this fact is probably false, & can easily be inquired into, names being given, and as the story of the *Chichester* can be ascertained by Capt Saunders, suppose you send a copy of the paper to the Secy of the Navy, and recommend to him having an inquiry made. We ought gladly to procure evidence to hang the pirates, if no objection or difficulty occur from the place of trial. If the *Driver* is the scene of trial, where is she? if in our waters, we can have no communication with her, if out of them, it may be inconvenient to send the witnesses. Altho' there is neither candor nor dignity in soliciting the victualling the *Columbine* for 4 months for a voyage of 10 days, yet I think you had better give the permission. It is not by these huckstering manœuvres that the great national question is to be settled. I salute you affectionately.¹

¹On the next day, Jefferson wrote to Madison:

“ . . . It will be very difficult to answer Mr. Erskine's demand respecting the water casks in the tone proper for such a demand. I have heard of one who, having broke his cane over the head of another, demanded paiment for his cane. This demand might well enough have made part of an offer to pay the damages done to the *Chesapeake* and to deliver up the authors of the murders committed on board

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, Aug. 20, '07.

Your letter to Dayton I think perfectly right, unless, perhaps, the expression of personal sympathy in the 1st page might be misconstrued, & coupled with the circumstance that we had not yet instituted a prosecution against him, altho' possessed of evidence. Poor Yznardi seems to have been worked up into distraction by the persecutions of Meade. I enclose you a letter I have received from him. Also one from Warden, attested by Armstrong, by which you will see that the feuds there are not subsiding.

By yesterday's, or this day's mails, you will have received the information that Bonaparte has annihilated the allied armies. The result will doubtless be peace on the continent, an army despatched through Persia to India, & the main army brought back to their former position on the channel. This will oblige England to withdraw everything home, & leave us an open field. An account, apparently worthy of credit, in the Albany paper, is, that the British authorities are withdrawing all their cannon & magazines from Upper Canada to Quebec, considering the former not tenable, & the latter their only fast-hold.

I salute you with sincere affection.

P. S. I had forgotten to express my opinion that her. I return you the papers received yesterday. The Governor has enclosed me a letter from Genl Mathews of August 13, mentioning the recent arrival of a ship in the Chesapeake, bearing the flag of a Vice-Admiral; from whence he concludes that Barclay has arrived. I salute you affectionately."

deserters ought never to be enlisted; but I think you may go further & say to Erskine, that if ever such a practise has prevailed, it has been without the knolege of the Government, and would have been forbidden, if known, & if any examples of it have existed, (which is doubted,) they must have been few, or they would have become known. The case presented from the *Chichester*, if true, does not prove the contrary, as the persons there said to have been enlisted are believed to have been American citizens, who, whether impressed or enlisted into the British service, were equally right in returning to the duties they owed to their own country.

TO THOMAS LEIPER

J. MSS.

MONTICELLO, Aug. 21, 07.

DEAR SIR,—I pray you to consider this letter so confidential as not to be hinted even to your most intimate friends. You propose General Steele as the successor to the present collector. The following circumstances are to be considered. It is indispensable that the head of the Indian department reside at the seat of government. General Shee was apprised of this at the time of his appointment. It was soon perceived that this was so ineligible to him as to countervail the benefits of the appointment & place him in doubt whether he would not rather relinquish it. We gave him time for his removal accommodated to his own views; and this has gone over without being noticed, because I had reason to expect a vacancy in the collectorship and had made up my mind

to give him that, & the Indian agency to a person residing in Washington. As I suppose Genl. Shee the person whom it is most material to take care of, I wish your candid opinion whether the arrangement I propose is not more desirable than that which would oblige Shee to remove or resign.¹

I never expected to be under the necessity of wishing success to Buonaparte. But the English being equally tyrannical at sea as he is on land, & that tyranny bearing on us in every point of either honor or interest, I say, "down with England" and as for what Buonaparte is then to do to us, let us trust to the chapter of accidents, I cannot, with the Anglo-

¹On the appointment of Shee, the President wrote to James Gamble:

"WASHINGTON, Oct. 21, 07.

"SIR,—Your favor of the 17th has been duly received. I have long seen, and with very great regret, the schisms which have taken place among the republicans, & principally those of Pennsylvania & New York. As far as I have been able to judge they have not been produced by any difference of political principle, at least any important difference, but by a difference of opinion as to persons. I determined from the first moment to take no part in them, & that the government should know nothing of any such differences. Accordingly it has never been attended to in any appointment or refusal of appointment. Genl. Shee's personal merit universally acknowledged, was the cause of his appointment as Indian Superintendent, and a subsequent discovery that his removal to this place (the indispensable residence of that officer) would be peculiarly unpleasant to him, suggested his translation to another office, to solve the double difficulty. Rarely reading the controversial pieces between the different sections of Republicans, I have not seen the piece in the *Aurora*, to which you allude; but I may with truth assure you that no fact has come to my knowledge which has ever induced any doubt of your continued attachment to the true principles of republican government. I am thankful for the favorable sentiments you are so kind as to express towards me personally, and trust that an uniform pursuit of the principles & conduct which have procured, will continue to me an approbation which I highly value. I salute you with great esteem & respect."

men, prefer a certain present evil to a future hypothetical one. I salute with friendship & respect.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, Aug. 25, 1807.

DEAR SIR,—Colo. Newton's inquiries are easily solved, I think, by application of the principles we have assumed. 1. The *interdicted* ships are *enemies*. Should they be forced, by stress of weather, to run up into safer harbors, we are to act towards them as we would towards enemies in regular war, in a like case. Permit no intercourse, no supplies; & if they land, kill or capture them as enemies. If they lie still, Decatur has orders not to attack them without stating the case to me, & awaiting instructions. But if they attempt to enter Elizabeth river, he is to attack them without waiting for instructions. 2. Other armed vessels, putting in from sea in distress, are *friends*. They must report themselves to the collector, he assigns them their station, & regulates their repairs, supplies, intercourse & stay. Not needing flags, they are under the direction of the collector alone, who should be reasonably liberal as to their repairs & supplies, furnishing them for a voyage to any of their American ports; but I think with him their crews should be kept on board, & that they should not enter Elizabeth river.

I remember Mr. Gallatin expressed an opinion that our negotiations with England should not be laid before Congress at their meeting, but reserved

to be communicated all together with the answer they should send us, whenever received. I am not of this opinion. I think, on the meeting of Congress, we should lay before them everything that has passed to that day, & place them on the same ground of information we are on ourselves. They will then have time to bring their minds to the same state of things with ours, & when the answer arrives, we shall all view it from the same position. I think, therefore, you should order the whole of the negotiation to be prepared in two copies. I salute you affectionately.

TO THE SECRETARY AT WAR

J. MSS.

(HENRY DEARBORN.)

MONTICELLO, August 28, 07.

DEAR SIR,—I had had the letter of Mr. Jouett of July 6th from Chicago, & that from Governor Hull, of July 14, from Detroit, under consideration some days, when the day before yesterday I received that of the Governor of July 25.

While it appeared that the workings among the Indians of that neighborhood proceeded from their prophet chiefly, & that his endeavors were directed to the restoring them to their antient mode of life, to the feeding & clothing themselves with the produce of the chase, & refusing all those articles of meat, drink, & clothing, which they can only obtain from the whites, and are now rendered necessary by habit, I thought it a transient enthusiasm, which, if let alone, would evaporate innocently of itself; altho'

visibly tinctured with a partiality against the U. S. But the letters & documents now enclosed give to the state of things there a more serious aspect; and the visit of the Governor of Upper Canada, & assembling of the Indians by him, indicate the object to which these movements are to point. I think, therefore, we can no longer leave them to their own course, but that we should immediately prepare for war in that quarter, & at the same time redouble our efforts for peace.

I propose, therefore, that the Governors of Michigan, Ohio, & Indiana, be instructed immediately to have designated, according to law, such proportions of their militia as you shall think advisable, to be ready for service at a moment's warning, recommending to them to prefer volunteers as far as they can be obtained, & of that description fitted for Indian service.

That sufficient stores of arms, ammunition & provision, be deposited in convenient places for any expedition which it may be necessary to undertake in that quarter, and for the defence of the posts & settlements there; & that the object of these preparations be openly declared, as well to let the Indians understand the danger they are bringing on themselves, as to lull the suspicion of any other object.

That at the same time, and while these preparations for war are openly going on, Governors Hull & Harrison be instructed to have interviews by themselves or well-chosen agents, with the chiefs of the several tribes in that quarter, to recall to their minds the paternal policy pursued towards them by the

U. S., and still meant to be pursued. That we never wished to do them an injury, but on the contrary, to give them all the assistance in our power towards improving their condition, & enabling them to support themselves & their families; that a misunderstanding having arisen between the U. S. and the English, war may possibly ensue. That in this war it is our wish the Indians should be quiet spectators, not wasting their blood in quarrels which do not concern them; that we are strong enough to fight our own battles, & therefore ask no help; and if the English should ask theirs, it should convince them that it proceeds from a sense of their own weakness which would not augur success in the end; that at the same time, as we have learnt that some tribes are already expressing intentions hostile to the U. S., we think it proper to apprize them of the ground on which they now stand & that on which they will stand; for which purpose we make to them this solemn declaration of our unalterable determination, that we wish them to live in peace with all nations as well as with us, and we have no intention ever to strike them or to do them an injury of any sort, unless first attacked or threatened; but that learning that some of them meditate war on us, we too are preparing for war against those, & those only who shall seek it; and that if ever we are constrained to lift the hatchet against any tribe, we will never lay it down till that tribe is exterminated, or driven beyond the Mississippi. Adjuring them, therefore, if they wish to remain on the land which covers the bones of their fathers, to keep the peace with a people

who ask their friendship without needing it, who wish to avoid war without fearing it. In war, they will kill some of us; we shall destroy all of them. Let them then continue quiet at home, take care of their women & children, & remove from among them the agents of any nation persuading them to war, and let them declare to us explicitly & categorically that they will do this: in which case, they will have nothing to fear from the preparations we are now unwillingly making to secure our own safety.

These ideas may form the substance of speeches to be made to them, only varying therein according to the particular circumstances and dispositions of particular tribes; softening them to some, and strengthening them as to others. I presume, too, that such presents as would show a friendly liberality should at the same time be made to those who unequivocally manifest intentions to remain friends; and as to those who indicate contrary intentions, the preparations made should immediately look towards them; and it will be a subject for consideration whether, on satisfactory evidence that any tribe means to strike us, we shall not anticipate by giving them the first blow, before matters between us & England are so far advanced as that their troops or subjects should dare to join the Indians against us. It will make a powerful impression on the Indians, if those who spur them on to war, see them destroyed without yielding them any aid. To decide on this, the Governors of Michigan & Indiana should give us weekly information, & the Postmaster General should immediately put the line of posts to Detroit into the

most rapid motion. Attention, too, is requisite to the safety of the post at Michillimacinac.

I send this letter open to the Secretary of State, with a desire that, with the documents, it may be forwarded to the Secretary of the Navy, at Baltimore, the Attorney General, at Wilmington, the Secretary of the Treasury, at N York, & finally to yourself; that it may be considered only as the origination of a proposition to which I wish each of them to propose such amendments as their judgment shall approve, to be addressed to yourself; & that from all our opinions you will make up a general one, & act on it without waiting to refer it back to me.

I salute you with great affection & respect.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, September 1, 1807.

DEAR SIR,—I think with you we had better send to Algiers some of the losing articles in order to secure peace there while it is uncertain elsewhere. While war with England is probable, everything leading to it with other nations should be avoided, except with Spain. As to her, I think it the precise moment when we should declare to the French government that we will instantly seize on the Floridas as reprisal for the spoliations denied us, and, that if by a given day they are paid to us, we will restore all east of the Perdido, & hold the rest subject to amicable decision. Otherwise, we will

hold them forever as compensation for the spoliations. This to be a subject of consideration when we assemble.

One reason for suggesting a discontinuance of the daily post was, that it is not kept up by contract, but at the expense of the U. S. But the principal reason was to avoid giving ground for clamor. The general idea is, that those who receive annual compensations should be constantly at their posts. Our constituents might not in the first moment consider 1, that we all have property to take care of, which we cannot abandon for temporary salaries; 2, that we have health to take care of, which at this season cannot be preserved at Washington; 3d, that while at our separate homes our public duties are fully executed, and at much greater personal labor than while we are together when a short conference saves a long letter. I am aware that in the present crisis some incident might turn up where a day's delay might infinitely overweigh a month's expense of the daily post. Affectionate salutations.

TO THE SECRETARY OF THE NAVY

J. MSS.

(ROBERT SMITH.)

MONTICELLO, September 3.

DEAR SIR,—Your letters of Aug. 23, 27, 29, 30, have all been received; the two last came yesterday. I observe that the merchants of New York & Philadelphia think that notice of our present crisis with England should be sent to the Streights of Sunda by

a public ship, but that such a vessel going to Calcutta, or into the Bay of Bengal, would give injurious alarm; while those of Baltimore think such a vessel going to the Streights of Sunda would have the same effect. Your proposition, very happily in my opinion, avoids the objections of all parties; will do what some think useful & none think injurious. I therefore approve of it. To wit, that by some of the private vessels now going, instructions from the department of State be sent to our Consul at the Isle of France, to take proper measures to advise all our returning vessels, as far as he can, to be on their guard against the English, and that we now appoint & send a Consul to Batavia, to give the same notice to our vessels returning through the Streights of Sunda. For this purpose I sign a blank sheet of paper, over which signature the Secretary of State will have a consular commission written, leaving a blank for the name to be filled up by yourself with the name of such discreet & proper person as shall be willing to go. If he does not mean to reside there as Consul, we must bear his expenses out & in, & compensate his time. I presume you will receive this commission, & the papers you sent me through the Secretary of State, on the 8th.

I approve of the orders you gave for intercepting the pirates, & that they were given as the occasion required, without waiting to consult me, which would have defeated the object. I am very glad indeed that the piratical vessel and some of the crew have been taken, & hope the whole will be taken; & that this has been done by the militia. It will

contribute to show the expediency of an organized naval militia.

I send you the extract of a letter I lately wrote to Genl Dearborne on the defence of the *Chesapeake*. Your situation will better enable you to make inquiries into the practicability of the plan than he can. If practicable, it is all-important.

I do not see the probability of receiving from Gr. Britain reparation for the wrong committed on the *Chesapeake*, and future security for our seamen, in the same favorable light with Mr. Gallatin & yourself. If indeed the consequence of the battle of Friedland can be to exclude her from the Baltic, she may temporize with us. But if peace among the *continental* powers of Europe should leave her free in her intercourse with the powers who will then be *neutral*, the present ministry, perhaps no ministry which can now be formed, will not in my opinion give us the necessary assurance respecting our flag. In that case, it must bring on a war soon, and if so, it can never be in a better time for us. I look to this, therefore, as most probably now to take place, altho I do most sincerely wish that a just & sufficient security may be given us, & such an interruption of our prosperity avoided. I salute you with affection and respect.

TO THOMAS PAINE

J. MSS.

MONTICELLO, September 6, 1807.

DEAR SIR,—I received last night your favor of Aug. 29, and with it a model of a contrivance for

making one gun-boat do nearly double execution. It has all the ingenuity and simplicity which generally mark your inventions. I am not nautical enough to judge whether two guns may be too heavy for the bow of a gun-boat, or whether any other objection will countervail the advantage it offers, and which I see visibly enough. I send it this day to the secretary of the Navy, within whose department it lies to try & to judge it. Believing, myself, that gun-boats are the only *water* defence which can be useful to us, & protect us from the ruinous folly of a navy, I am pleased with everything which promises to improve them.

The battle of Friedland, armistice with Russia, conquest of Prussia, will be working on the British stomach when they will receive information of the outrage they have committed on us. Yet, having entered on the policy proposed by their champion "war in disguise," of making the property of all nations lawful plunder to support a navy which their own resources cannot support, I doubt if they will readily relinquish it. That war with us had been predetermined may be fairly inferred from the diction of Berkley's order, the Jesuitism of which proves it ministerial from its being so timed as to find us in the midst of Burr's rebellion as they expected, from the contemporaneousness of the Indian excitements, and of the wide & sudden spread of their maritime spoliations. I salute you with great esteem & respect.¹

¹Jefferson further wrote to Paine:

"WASHINGTON, Oct. 9, '07.

"DEAR SIR,—Your 2d letter on the subject of gunboats came to hand just before my departure from Monticello. In the meantime, the inquiry into the proposition had been referred, agreeably to our

TO THE SECRETARY OF THE NAVY

J. MSS.

(ROBERT SMITH.)

MONTICELLO, Sept. 8, '07.

DEAR SIR,—Mr. Madison, who is with me, suggests the expediency of immediately taking up the case of Capt. Porter, against whom you know Mr. Erskine lodged a very serious complaint, for an act of violence committed on a British seaman in the Mediterranean. While Mr. Erskine was reminded of the mass of complaints we had against his government for similar violences, he was assured that contending against such irregularities ourselves, and requiring satisfaction for them, we did not mean to follow the example, and that on Captain Porter's return, it should be properly inquired into. The sooner this is done the better; because if Great Britain settles with us satisfactorily all our subsisting differences, &

usage, or to reason, to the practical persons of the department to which it belonged, deemed most skilful. On my arrival here, I found the answers of the persons to whom it was referred, the substance of which I now enclose you. I am not a judge of their solidity, but I presume they are founded, and the rather as they are from officers entirely favorable to the use of gunboats.

“We have as yet no knolege of the arrival of the *Revenge* in England, but we may daily expect to hear of it; and as we expected she would be detained there & in France about a month, it would be a month hence before we can expect her back here. In the meantime, all the little circumstances coming to our knolege are unfavorable to our wishes for peace. If they would but settle the question of impressment from our bottoms, I should be well contented to drop all attempts at a treaty. The other rights of neutral powers will be taken care of by Bonaparte & Alexander; and for commercial arrangements we can sufficiently provide by legislative regulations. But as the practice of impressment has taken place only against us, we shall be left to settle that for ourselves; and to do this we shall never again have so favorable a conjuncture of circumstances. Accept my friendly salutations & assurances of great esteem & respect.”

should require in return, (to have an appearance of reciprocity of wrong as well as redress,) a marked condemnation of Capt. Porter, it would be embarrassing were that the only obstacle to a peaceable settlement, and the more so as we cannot but disavow his act. On the contrary, if we immediately look into it, we shall be more at liberty to be moderate in the censure of it, on the very ground of British example; and the case being once passed upon, we can more easily avoid the passing on it a second time, as against a settled principle. It is therefore to put it in our power to let Capt. Porter off as easily as possible, as a valuable officer whom we all wish to favor, that I suggest to you the earliest attention to the inquiry, and the promptest settlement of it. I set out to-morrow on a journey of 100 miles, & shall be absent 8 or 9. days. I salute you affectionately.

TO THE SECRETARY OF STATE

J. MSS.

(JAMES MADISON.)

MONTICELLO, Sept. 18, 07.

I returned here yesterday afternoon & found, as I might expect, an immense mass of business. With the papers received from you, I enclose you some others which will need no explanation. I am desired by the Secy of the Navy to say what must be the conduct of Com Rodgers, at New York, on the late or any similar entry of that harbor by the British armed vessels. I refer him to the orders to Decatur as to what he was to do if the vessels in the Chesapeake. 1. Remain quiet in the Bay. 2. Come to

Hampton road. 3. Enter Eliz river: and recommend an application of the same rules to N York, accommodated to the localities of the place. Should the British government give us reparation of the past, & security for the future, yet the continuance of their vessels in our harbors in defiance constitutes a new injury, which will not be included in any settlement with our ministers, & will furnish good ground for declaring their future exclusion from our waters, in addition with the other reasonable ground before existing. Our Indian affairs in the N. W. on the Missouri, & at the Natchitoches, wear a very unpleasant aspect. As to the first all I think is done which is necessary. But for this & other causes, I am anxious to be again assembled. I have a letter from Connecticut. The prosecution there will be dismissed this term on the ground that the case is not cognisable by the courts of the U. S. Perhaps you can intimate this where it will give tranquillity. Affectionate salutations.

The commission to the Secy of Orleans having another mistake, Robinson instead of Robertson, has been returned to me for correction. I have corrected it; but it will be necessary the record should also be corrected.

TO THE SECRETARY OF THE NAVY

J. MSS.

(ROBERT SMITH.)

MONTICELLO, Sept. 18, 1807.

DEAR SIR,—On my return yesterday I found yours of the 10th, and now re-enclose you Com

Rodgers' letter. You remember that the orders to Decatur were to leave the British ships unmolested so long as they laid quiet in the Bay; but if they should attempt to enter Eliz river to attack them with all his force. The spirit of these orders should, I think, be applied to New York. So long as the British vessels merely enter the Hook, or remain quiet there, I would not precipitate hostilities. I do not sufficiently know the geography of the harbor to draw the line which they should not pass. Perhaps the narrows, perhaps some other place which yourself or Commodore Rogers can fix with the aid of the advice he can get in N York. But a line should be drawn which if they attempt to pass, he should attack them with all his force. Perhaps he would do well to have his boats ordinarily a little without the line to let them see they are not to approach it; but whether he can lay there in safety, *ordinarily*, he must judge. But if the British vessels continue at the Hook, great attention should be paid to prevent their receiving supplies or their landing, or having any intercourse with the shore or other vessels. I left Mr. Nicholas's yesterday morning: he is indisposed with his annual influenza. Mrs. Nicholas is well. I shall be at Washington the 3d proximo. Affectionate salutations.

TO THE SECRETARY OF STATE
(JAMES MADISON.)

J. MSS.

September 20, 1807.

I return all the papers received in yours of the 18th & 19th, except one soliciting office, & Judge

Woodward's letters, to be communicated to the Secretary at War. Should not Claiborne be instructed to say at once to Gov: Folch, that as we never did prohibit any articles (except slaves) from being carried up the Mississippi to Baton Rouge, so we do not mean to prohibit them, & that we only ask a perfect & equal reciprocity to be observed on the rivers which pass thro' the territories of both nations. Must we not denounce to Congress the Spanish decree as well as the British regulation pretending to be the counter-vail of the French? One of our first consultations, on meeting, must be on the question whether we shall not order all the militia & volunteers destined for the Canadas to be embodied on the 26th of Octr, & to march immediately to such points on the way to their destination as shall be pointed out, there to await the decision of Congress? I approve of the letter to Erskine. In answering his last, should he not be reminded how strange it is he should consider as a hostility our refusing to receive but under a flag, persons from vessels remaining & acting in our waters in defiance of the authority of the country? The post-rider of the day before yesterday has behaved much amiss in not calling on you. When I found your mail in the valise & that they had not called on you, I replaced the mail in it & expressly directed him to return by you. Affectionate salutations.

TO THE GOVERNOR OF NEW ORLEANS J. MSS.
(JAMES WILKINSON.)

MONTICELLO, September 20, 1807.

DEAR SIR,—I received your favors of the 13 & 15th on my return to this place on the 17th, and such was the mass of business accumulated in my absence, that I have not till now been able to take up your letters. You are certainly free to make use of any of the papers we put into Mr. Hay's hands,¹ with a single reservation: to wit, some of them are expressed to be confidential, and others are of that kind which I always consider as confidential, conveying censure on particular individuals, & therefore never communicate them beyond the immediate executive circle. I accordingly write to this effect to Mr. Hay. The scenes which have been acted at Richmond are such as have never before been exhibited in any country where all regard to public character has not yet been thrown off. They are equivalent to a proclamation of impunity to every

¹On the same day, Jefferson wrote Hay:

"MONTICELLO, September 20, 1807.

"DEAR SIR,—General Wilkinson has asked permission to make use, in the statement of Burr's affair which he is about to publish, of the documents placed in your hands by Mr. Rodney. To this, consent is freely given with one reservation. Some of these papers are expressed to be confidential. Others containing censures on particular individuals, are such as I always deem confidential, & therefore cannot communicate, but for regularly official purposes, without a breach of trust. I must therefore ask the exercise of your discretion in selecting all of this character, and of giving to the General the free use of the others. It will be necessary that the whole be returned to the Attorney General by the first week in the next month, as a selection will be made from them to make part of the whole evidence in the case, which I shall have printed and communicated to Congress. I salute you with great esteem & respect."

traitorous combination which may be formed to destroy the Union; and they preserve a head for all such combinations as may be formed within, and a centre for all the intrigues & machinations which foreign governments may nourish to disturb us. However, they will produce an amendment to the Constitution which, keeping the judges independent of the Executive, will not leave them so, of the nation.

I shall leave this place on the 30th for Washington. It is with pleasure that I perceive from all the expressions of public sentiment, that the virulence of those whose treasons you have defeated only place you on higher ground in the opinion of the nation. I salute you with great esteem & respect.

TO TENCH COXE

J. MSS.

MONTICELLO, Sep. 21, 07.

SIR,—I have read with great satisfaction your observations on the principles for equalizing the power of the different nations on the sea, and think them perfectly sound. Certainly it will be better to produce a balance on that element, by reducing the means of it's great Monopoliser, than by endeavoring to raise our own to an equality with theirs. I have ever wished that all nations would adopt a navigation law against those who have one, which perhaps would be better than against all indiscriminately, and while in France I proposed it there. Probably that country is now ripe for it. I see no reason why your paper

should not be published, as it would have effect towards bringing the public mind to proper principles. I do not know whether you kept a copy; if you did not, I will return it. Otherwise I retain it for the perusal of my coadjutors, and perhaps to suggest the measure abroad. I salute you with great esteem & respect.

TO WILLIAM THOMSON

J. MSS.

MONTICELLO, Sep. 26, 07.

SIR,—Your favor of July 10. came safely to hand and with that the first 72. pages of your view of Burr's trial. I have read this with great satisfaction, and shall be happy to see the whole subject as well digested. From this specimen of your writing I have no doubt you will do justice to any subject you undertake, and think you cannot find a better than the one you have fixed on, the history of the Western country. We have been too long permitting it's facts to go into oblivion. Colo. Boon, the first emigrant to it, is I believe still living on the Missouri.

The scenes which have been acting at Richmond are sufficient to fill us with alarm. We had supposed we possessed fixed laws to guard us equally against treason & oppression. But it now appears we have no law but the will of the judge. Never will chicanery have a more difficult task than has been now accomplished to warp the text of the law to the will of him who is to construe it. Our case too is the more desperate as to attempt to make the law plainer

by amendment is only throwing out new materials for sophistry.

I salute you with great esteem & respect.

TO THE ATTORNEY GENERAL

J. MSS.

(CÆSAR A. RODNEY.)

WASHINGTON, Oct. 8, 07.

DEAR SIR,—Your letters of Sept. 15 and Oct. 1 have been duly received & I sincerely congratulate you on the addition to your family announced in the last. The good old book speaking of children says “happy is the man who hath his quiver full of them.” I hope Mrs. Rodney is doing well, in which case & when ever her situation will admit your coming on without uneasiness, the approaching convention of Congress would render your assistance here desirable. Besides the varieties of general matter we have to lay before them, on which we should be glad of your aid and counsel, there are two subjects of magnitude in which your agency will be peculiarly necessary. 1. The selection & digestion of the documents respecting Burr’s treason, which must be laid before Congress in two copies (or perhaps printed, which would take 10. days). 2. A statement of the conduct of Gr. Brit. towards this country, so far as respects the violations of the Maritime Law of nations. Here it would be necessary to state each distinct principle violated, & to quote the cases of violation, & to conclude with a view of her vice-admiralty courts, their venality & rascality, in order to shew that however for conveniences, (& not of right) the court of the

captor is admitted to exercise the jurisdiction, yet that in so palpable an abuse of that trust, some remedy must be applied. Everything we see & hear leads in my opinion to war; we have therefore much to consult & determine on, preparatory to that event. I salute you with affectionate respect.

SEVENTH ANNUAL MESSAGE¹

[Oct. 27.]

FIRST ROUGH DRAUGHT

SECOND DRAUGHT

<p>England. Circumstances, f. c. which seriously threaten the peace & prosperity of our</p>	<p>To the Senate & H. of Representatives of the U.S. Circumstances, fellow citizens, which seriously threaten the peace & prosperity of our</p>
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¹ The following papers relate to the drafting of this message:

“DEAR SIR,—I have kept your message longer than usual, because my objections being less to details than to its general spirit, I was at a loss what alterations to submit to your consideration.

“Instead of being written in the style of the Proclamation, which has been almost universally approved at home & abroad, the message appears to me to be rather in the shape of a manifesto issued against Great Britain on the eve of a war, than such as the existing undecided state of affairs seems to require. It may either be construed into a belief that justice will be denied; a result not to be anticipated in an official communication; or it may be distorted into an eagerness of seeing matters brought to an issue by an appeal to arms. Although it be almost certain that the expected answer will decide the question, yet unforeseen circumstances may protract its discussion. The British government may, without acceding precisely to your ultimatum, take some new admissible ground, which will require your sanction & delay the final arrangement. So long as any hope, however weak, remains of an honorable settlement, it is desirable that no act of the Executive may, by widening the breach or unnecessarily hurting the pride of Great Britain, have a tendency to defeat it. Unless therefore some useful & important object can be obtained by the message in its present form, I would wish its general colour & expression to be so

country have made it a duty to convene you at an earlier period than usual. That love of peace so much cherished in the bosoms of our citizens which has so long guided the

country, have made it a duty to convene you at an earlier period than usual. That love of peace so much cherished in the bosoms of our citizens, which has so long guided the

softened; nothing inserted but what is necessary for assisting Congress in their first deliberations & to account for their early meeting; no recapitulation of former outrages further than as connected with the unratified treaty; no expression of a belief that war is highly probable: which last seems either to presuppose absolute injustice on the part of Great Britain, or to acknowledge high pretensions on ours. For unless some important object be in view, those may do harm & cannot be productive of any substantial benefit.

“ If the object be to urge Congress to make the necessary preparations for war, this may be attained by a direct and strong recommendation founded not on the probability but on the uncertainty of the issue. If it be to incite them to a speedy declaration of war, this also seems premature, & may as effectually be done at its proper time when the answer of the British Government will be communicated. It may be added that recommendations or incitements to war should not, under our Constitution, be given by the Executive, without much caution; and, above all, that the precise manner & time of acting, which Congress should adopt are subjects which have not yet been sufficiently examined.

“ That the choice of the manner will not probably be left to us is true: that Great Britain will prefer actual war to any system of retaliation short of war which we might select, I do believe. Yet, how far it may be proper to leave the choice to her, deserves at least consideration. Public opinion abroad is to us highly valuable. At home it is indispensable. We will be universally justified in the eyes of the world, & unanimously supported by the nation, if the ground of war be England's refusal to disavow or to make satisfaction for the outrage on the Chesapeake. But I am confident that we will meet with a most formidable opposition should England do justice on that point, and we should still declare war because she refuses to make the proposed arrangement respecting seamen. It is, in that case that measures short of war may become proper, leaving to England, if she chooses the odium of commencing an actual war. But although that policy may be questionable, and decisive measures even under that contingency be thought preferable, the question of time requires most serious consideration.

“ Under an impression that this month would decide the question of

proceedings of their public ~~functionaries~~ councils, and induced forbearance under so many wrongs, has not been sufficient to secure us in the ~~paths of peace~~; quiet pur-
 proceedings of their public councils, and induced forbearance under so many wrongs, ~~has not been sufficient to secure us~~ may not ensure ~~to us~~ a our continu-

war or peace, it was thought prudent to contemplate (rather than to prepare) immediate offensive operations. To strike a blow the moment war is begun is doubtless important; but it does not follow that war ought to be commenced at this very moment. So far as relates to Canada, it may as easily and, considering the state of our preparations, I might say, 'more easily,' be invaded & conquered in winter or even early in the spring than this autumn. European reinforcements cannot in the spring reach Montreal, much less Upper Canada, before both shall have been occupied by us. Quebec will certainly be reinforced before the season shall permit regular approaches. No advantage, therefore, will result in that respect from an immediate attack; no inconvenience from the declaration of war being somewhat delayed. In every other respect, it is our interest that actual war should not be commenced by England this autumn; and as for the same reason it is her interest to commence it, if she thinks it ultimately unavoidable, I wish not only that we may not declare it instantaneously, but that her Government and her affairs in America may, until the decision takes place still consider the result as uncertain.

"The operations of war, on the part of Great Britain, will consist in the capture of our vessels, attacks on our most exposed seaports & defence of Canada. On our part, unable either to protect our commerce or to meet their fleets, our offensive operations must by sea be confined to privateers; and we must, as far as practicable, draw in those vessels we cannot defend, place our ports in a situation to repel mere naval aggressions, organize our militia for occasional defence, raise troops & volunteers for permanent garrisons or attack.

"Those essential preparations are in some points hardly commenced, in every respect incomplete. Our China & East India trade, to an immense amount yet out: no men raised, (indeed nothing more was practicable) beyond a draft of militia: whatever relates to its better selection organization or to the raising of regulars or volunteers wanting the authorization of Congress & requiring time for executing: the batteries contemplated at New York not yet commenced, not even a temporary rampart in any part of the city, and hardly a gun mounted on Governor's Island: how far the works of the two other seaports mentioned in the message as particularly exposed have progressed, I do not know: further appropriations stated to be necessary for the

suits of industry; and the moment is ~~possibly near at hand~~ seems to be approaching when we shall may owe it to mankind as well as to ourselves to restrain wrong by resistance, ance in the quiet pursuits of industry, and the moment seems approaching when we may owe it to mankind, as well as to ourselves to restrain wrong by resistance, and to

intended batteries at every other harbor. It seems essentially necessary that we should, if permitted, provide such rational & practicable means of defence as we think may be effected within a short time, before we precipitate the war. Is it not probable that England will, if she presumes that her answer may lead to a war, immediately dispatch a few ships with contingent orders? And, if Congress were to declare war in November, what would prevent their naval force here, even if not reinforced, to lay New York under contribution before winter? Great would be the disgrace attaching to such a disaster; the Executive would be particularly liable to censure for having urged immediate war, whilst so unprepared against attack; nor need I say that, as a prosperous administration is almost invulnerable, so, adverse events will invariably destroy its popularity. Let it be added that, independent of immense loss to individuals three millions at least of next year's revenue rest on bonds due by the merchants of that city.

"In every view of the subject, I feel strongly impressed with the propriety of preparing to the utmost for war & carrying it with vigor if it cannot be honorably avoided; but in the meanwhile of persevering in that caution of language & sanction which may give us some more time, and is best calculated to preserve the remaining chance of peace & most consistent with the general system of your administration. As to any particular alterations in that part of the message; although I do not feel equal to proposing proper substitutes, a sketch is inclosed intended rather to shew those parts which I think most objectionable, than the proper manner of amending them. With great respect & sincere attachment, Your obdt servt

"ALBERT GALLATIN.

"Dated 21 October, 1807."

Alterations Proposed by Gallatin.

"*Paragraph.*—Strike out from 'and the moment' in 7th line to the word 'place' in the last line of the first page & insert in substance 'the many injuries & depredations under which our commerce and navigation have been affected on the high seas for years past, the successive innovations on those rules of public law established by the

and to assist in ~~maintaining~~ defeat those calculations of which interest
~~among nations the authority~~ which ~~is not the sole~~
~~of most right by defeating all~~ principles justice is not the
~~interests calculated on a vio-~~ basis. You well know the long
~~lation of them it.~~ defeat those train of injuries and depreda-
calculations of which interest tions under which our com-

reason and usage of nations, all the circumstances which preceded the extraordinary mission to England are already known to you.'

"I will observe on this part of the message that Pierce's murder was in no ways the cause of the extraordinary mission. Mr. Pinkney's nomination took place whilst Congress was in session. Pierce was killed immediately after the adjournment. Nay, King's conduct on that occasion has by some been ascribed to his disappointment at Pinkney being selected instead of himself. The next sentence ending at the word *inadmissible* in 6th line of the 2d page & which gives the history of the negotiation does not seem full enough. I would introduce the idea that the efforts of our ministers were applied to the framing of an arrangement wh. might embrace & settle all the points in dispute and also provide for a commercial intercourse on conditions of some equality. I would also modify the declaration of the *inadmissibility* of the instrument, by saying that, although it had provided in a manner if not altogether satisfactory yet admissible for some of the points in dispute, it had left one more likely to perpetuate collisions altogether unprovided for, and that in other respects it was *inadmissible*. Such modification is recommended by a desire not to appear to abandon the arrangement respecting the colonial trade, or that of equalization of duties, and also with a view to the opposition party in England on which it is not our interest to bear too hard, lest they should also unite against us.

"*Same paragraph.* Instead of the sentences '*on this outrage &c & its character has been &c.*,' I would prefer saying simply '*on this outrage no commentaries are necessary.*'

"2d paragraph. I would rather omit altogether this paragraph. The continuation of aggression being the act of the same officers may fairly be considered as part of the same act: Nor do I think a recommendation to exclude ships of war from our ports opportunely introduced at a moment when the question is war or peace. But if the paragraph be preserved, I would omit what relates to demands of additional reparation which more than any other part of the message seems to indicate a determination not to arrange amicably the disputes with Great Britain.

"3d paragraph. I would also rather omit under existing circumstances this paragraph. If preserved, I would strike out from the

is the sole principle. You well know that the long train of injuries & depredns under which our commerce & navigation have been afflicted on the high seas for years past; the successive innovations on those rules of public law established by the reason & usage of nations to regulate

merce and navigation have been afflicted on the high seas for years past; the successive innovations on those ~~rules~~ principles of public law which have been established by the reason and usage of nations ~~to regulate~~ as the rule of their intercourse, and ~~be~~ the umpire and guardian of

commencement to *overlooked* in the 4th line of the paragraph & insert '*another new violation of maritime rights of great magnitude has in the meanwhile taken place. The government of that nation &c.*' And at the end of the paragraph I would add that that order was predicated on a supposed construction of Buonaparte's decree wh. had been disavowed & not acted upon by the French government. If that be not inserted here, it should I think be alluded to in the 5th paragraph, & a copy of the decree & explanations be sent, stating that although some expressions in the decree had at first caused alarm, yet as its operation, both by their declarations & practice, was confined to ports within their own jurisdiction, & neither affected maritime rights nor contravened our treaty it could not, tho' in its effects curtailing our commerce, be complained of as hostile.

"It seems to me that the 9th & 10th, and particularly the 11th & 12th paragraphs should immediately follow the 3d or perhaps the 1st. The two last 11 & 12 relate to the measures adopted by the Executive in consequence of the outrage on the *Chesapeake*. That however is only a question of arrangement.

"4th Paragraph. The expressions 'may without further delay be expected to be brought to an issue of some sort' seem to go farther than Mr. Armstrong's communications justify. I would rather say '*and an expectation is entertained that they may soon be brought &c.*'

"Same paragraph. I would strike out the last words 'during the short period now to intervene before an answer *which shall decide our course*' & simply say that 'no new collisions &c. have taken place or seem *at present* to be apprehended.'

"9th paragraph. I perceive by Gen. Dearborn's statement that appropriations are wanted not only for other ports, but also to a considerable amount for N. York, Charleston & N. Orleans. The idea should therefore be introduced & I would add something stronger in the shape of recommendations for that object generally.

"11th paragraph. Quere. whether the contracts entered into by

~~their intercourse, & constituting the sole supplying the office of to be the umpire & guardian of their rights & peace & safety among them.~~
 These violations we met with friendly remonstrances only, always indulging the hope that reason would at length prevail over the dictates of

their rights & peace. These violations we have met with friendly remonstrances only, always indulging the hope that reason would at length prevail over the dictates of a mistaken interest, and that voluntary redress would spare us the actual calamities of war. In order to bring our

the Navy Department do not embrace other objects than those here stated? & also whether a greater expense than was appropriated has not been incurred for men on the Mississippi & elsewhere. At least Mr. Smith states that he has no money to pay off the *Constitution* & he ought to have enough to pay the whole navy to the end of the year.

" 12th do. I think that there should be here some additional recommendation generally to provide for the worst in case of unfavorable issue—particularly to hint at the necessity of better organization of militia volunteers &c.

" 13th do. I regret that part of what was first intended, particularly as to the effect of late decisions on the trial by jury, has been suppressed. But query how far it may be proper to go whilst Marshall's decision on the pending motion is not known?

" I think the 14th or financial paragraph should precede this."

" October 21, 1807.

" I enclose you the form in which I would wish to place the financial paragraph, with blanks which I must ask you to fill up; also the sequel, which is to conclude the message, for your correction. And I must ask the return of the former part, as it is still to be communicated to Mr. Rodney for his observations, and then will be to be modified and four copies made according to the several amendments which will be proposed. The arrival of the *Constitution* and *Wasp* at Boston, where they are awaiting orders, renders it necessary they should be forwarded to-day; and as it is a leading question, if you can call here as soon as you arrive at your office (giving me a few minutes' previous notice), I will ask the attendance of the other gentlemen for a few moments to decide this single question

T. J."

" DEAR SIR,—I return the financial paragraph & conclusion of the message. The blanks I will supply on Monday morning; but as it will be only an approximation, the paragraph should state that all the accounts not being yet received a correct statement will be transmitted

~~mistaken calculations of a~~ differences to so desirable a
 mistaken interest, and that termination, a mission extra-
 voluntary justice redress ordinary to that government
 would spare save us the mu- took place, with instruc-
 tual calamities of war. In this tions framed in the truest
 train were our affairs with spirit of amity and mod-
 England when the patience of eration, & with the usual
 our citizens was brought to powers for preparing a treaty
 severe proof trial, by the wan- which might place the rela-
 ton murder of a fellow citizen tions of the two nations on a

by the Treasury; but that in the meanwhile it is ascertained that the receipts have *exceeded* millions, which &c. have enabled us to pay about millions of the principal, omitting altogether mention of interest, unless by introducing after *current demands* the words 'including the annual interest on the debt.' 8th line I do not remember whether in previous messages *funded debt* has been the expression. There also after debt, should be introduced *nearly* or *more than* according to the result wh. I will furnish.

"The remainder of the message is in my opinion unexceptionable: Indeed it is precisely in that spirit which I have taken the liberty to advise. Respectfully your obdt servt ALBERT GALLATIN.

"21 Oct. 1807."

Cæsar A. Rodney's Notes.

(Indorsed: "Received Oct. 23, 07 Message.")

"Page 1 line 2. After 'fellow citizens' add 'entirely unexpected & much to be deprecated, threatening a serious change in the enviable state of our country impose the duty of convening you at an earlier period than the day assigned by the Constitution,' in lieu of the residue of the first sentence.

"6. After 'not' insert, 'with all our sincere efforts to preserve tranquility.'

"7. Strike out, 'under which' & insert 'committed on,' and also strike out 'have been inflicted on' & insert 'upon.'

"18. After 'consideration' insert, 'expressly and.'

"26. After 'confidence in it' insert, 'But the fact is, it was accompanied with a formal declaration utterly inadmissible.'

"Page 2 line 17. Before 'satisfaction' insert 'suitable & prompt.' Strike out 'assurance' and insert 'adequate security.'

"Page 7. As Burr has been recognized for further trial, I would submit the propriety of leaving out the paragraph 'as a part &c' to 'may be secured.' "

~~in the waters of N. Y.~~ following his ordinary occupations in the waters of N. Y. by a shot from a British armed vessel. ~~It became now~~ This added to other occurrences rendering it apparent that unless the points of difference between that nation & ours could be immediately settled by mutual agreement, brought to early settlement, a recurrence to force would be the only alternative certain unavoidable, an extraordinary mission for the purpose therefore took place. After long and earnest efforts by our ministers to obtain conditions of some equality & within the limits of their instructions, ~~pressed reduced on every article to the to the minimum on nearly every article,~~ framed in the truest spirit of amity & moderation, they our ministers at length signed an instrument with a frank avowal ~~however to the British other negociators that they did it against their instructions, and could not authorize an expectation that it would be ratified.~~ pledge their government for it's ratification. It was entirely in truth inadmissible. Still anxious however to

friendly & permanent basis. After long & earnest efforts to obtain conditions of some equality, & within the limits of their instructions, our Ministers, finding that could not be done, thought it advisable to sign an instrument, for our consideration with the frank avowal, at the same time, to the other negociators that they did it against their instructions, & could not pledge their government for it's ratification. It was in truth inadmissible. Still anxious to provide for peace, even by greater sacrifices of right than could before have been thought necessary, our ministers were authorized to make further efforts for accommodation. On this new reference to amicable discussion we were reposing in confidence, when on the 22d day of June last, by a formal order from a British Admiral, the frigate *Chesapeake* leaving her port for a distant service, was attacked by one of these vessels which had been lying in our harbors under the indulgences of hospitality, was disabled from proceeding, had several of her crew killed & four taken away. On this outrage no

~~relating with that nation placed on a certain & peaceable footing even to provide for peace, even by greater sacrifices of right than could before have been thought necessary new instructions were sent to our ministers to try whether, even on these conditions, an establishment of certain other rights could be obtained which were indispensable, our ministers were authorized to make further efforts for accommodation. On this new reference of our rights to to amicable discussion was made here on the and was presumed existing in full force we were reposing in confidence when on the 22d day of June last by a solemn formal order from a British admiral the frigate *Chesapeake*, leaving her port for a distant service, was attacked by one of those vessels which had been lying in our harbours enjoying under the indulgences of hospitality, was disabled from further proceeding, had several of her crew killed, two taken out who have been unquestionably proved to have been native citizens of the US. One other born in S. America but~~

~~temperate commentaries can be made nor can be~~ are necessary. Its character has been pronounced by the indignant voice of our citizens with an emphasis & unanimity never exceeded. I immediately by Proclamation interdicted our harbors and waters to all British armed vessels, forbade intercourse with them, and uncertain how far hostilities were intended, and the town of Norfolk indeed being threatened with immediate attack, a sufficient force was ordered for the protection of that place, and such other preparations commenced & pursued as the prospect rendered proper. An armed vessel of the US was dispatched with instructions to our ministers at London to call on that government for the satisfaction and security required by the outrage ~~for the outrage committed indemnity an assurance against the practice which had led to it.~~ A very short interval ought now to bring the answer which shall be communicated to you as soon as received. Then also, or as soon after as the public interests shall be found to admit, the unratified treaty,

~~domiciled here from his infancy, and a fourth of whom satisfactory information has not yet been received, but who may be admitted to have been a British subject without at all impairing the unqualified character of this atrocious outrage.~~ and four taken away. On this outrage no temperate commentaries can be made. ~~Nor~~ or can any be necessary. It's character has been pronounced by general acclamation, in which in no instant of our history has ~~the nation declared such unanimity.~~ the indignant voice of our citizens, ~~who~~ with an unanimity and emphasis never exceeded ~~in any period of our history.~~ I immediately by proclamation interdicted our harbors & waters to all British armed vessels, forbade intercourse with them, and uncertain ~~to what length~~ how far hostilities were intended ~~to be carried,~~ and the town of Norfolk indeed being threatened with an immediate attack a sufficient force was ordered for ~~the~~ protection of that place, and such other preparations ~~immediately~~ commenced and pursued as the prospect rendered proper.

and proceedings relative to it, shall be made known to you.

An armed vessel of the US. was dispatched with instructions to our ministers at London to call on that govmt for ~~proper~~ satisfaction for the outrage ~~which had been~~ committed and ~~effectual security~~ assurance against the practice which led to it. A very short interval ought now to bring us the answer, which shall be communicated to you as soon as it is received. ~~As well as shall also be~~ Then also or as soon after the public interests shall be found to admit, the unratified treaty ~~with the reasons for rejecting~~ it, and proceedings relative to it, shall be made known to you, ~~under the fullest assurance that there will not be two~~ opinions on the subject.

The aggression thus begun has been continued on the part of the British ~~armed vessels~~ commanders by remaining within our waters in defiance of the authority of the country & by ~~daily~~ habitual violations of it's jurisdiction, and at length by putting to death one of the persons whom they had forcibly taken from on board the *Chesapeake*. These aggravations having taken place since the com-

The aggression thus begun has been continued on the part of the British commanders, by remaining within our waters in defiance of the authority of the country, by habitual violations of it's jurisdiction, and at length by putting to death one of the persons whom they had forcibly taken from on board the *Chesapeake*. These aggravations having taken place since ~~the communication forwarded~~

munications forwarded to our ministers, must of course be a subject of after reckoning with furnished serious demands of additional reparation on that government: and necessarily lead to the policy of either never admitting an armed vessel into our harbors, or of maintaining in every harbor such an armed force as may constrain ~~armed vessels~~ ~~their~~ obedience to the laws & protect the lives and property of our citizens against their armed guests. The expense of such a standing force and it's inconsistency with our principles dispense with all obligations of hospitality which would necessarily induce that call for it, & leave us equally free to exclude the navy as we are the army of a foreign power from commerce within our limits.

~~Until a redress~~ With these aggressions in view we can scarcely bring our minds to notice any addition to the catalogue new violation of maritime rights, violated towards us by that nation their government however which has been added to the catalogue of former unlawful practices. One however is of such

~~to our ministers, must of course furnish serious demands of additional reparation on that government &~~ necessarily lead to the policy either of never admitting an armed vessel into our harbors, or of maintaining in every harbour such an armed force as may constrain obedience to the laws & protect the lives and property of our citizens against their armed guests. But the expense of such a standing force and it's inconsistency with our principles dispense with all those obligations of hospitality which would necessarily call for it, & leave us equally free to exclude the Navy, as we are the Army of a foreign power within from entering our limits.

~~With these aggressions in view, we can scarcely bring our minds to notice any new violations of maritime rights which has been added to former unlawful practices.~~ To former violations of maritime rights another is now added of very serious extent. One however is of such extent as cannot be overlooked. The

extent as cannot be overlooked. The government of that nation has issued an order interdicting all trade by neutrals, ~~not only from one port to another of the same nation at war with her, but of different nations also at war with her:~~ between ports not in amity with them. And being now at war with every nation on the Atlantic & Mediterranean seas, our vessels are ~~now forbidden to pass from any one port to any other of these seas without first returning home, so that unless their whole cargo must be sold in the first port they touch at or brought back. The object of these successive pretensions cannot be cloaked. It is that there shall be no vessel on the ocean which does not belong to Great Britain, and required to sacrifice their cargo at the first port they touch, or to bring it home~~ return home without the benefit of ~~trying~~ going to any other market. Under this new law of the ocean our trade on the Mediterranean has been swept away by seizures & condemnations, and that in other seas ~~places has been more recently~~

government of that nation has issued an order interdicting all trade by Neutrals between ports not in amity with them. And being now at war with nearly every nation on the Atlantic & Mediterranean seas, our vessels are required to sacrifice their cargoes at the first port they touch, or to return home without the benefit of going to any other market. Under this new law of the Ocean, our trade on the Mediterranean has been swept away by seizures & condemnations, and that on other seas is threatened with the same fate.

~~attacked also not a little vexed assailed is likely to share~~ threatened with the same fate.

Spain. Our differences with Spain remain still unsettled, no measure having been taken on her part, since my last communications to Congress, to bring them to a close. But ~~the present~~ under a state of things in Europe ~~admitting their being resumed under better expectations,~~ which may favor reconsideration they have been recently pressed, and may be expected without further delay to be brought to an issue of some sort. To our former grounds of complaint has been added a very serious one, as you will see by the decree, a copy of which is now communicated. Proper representations have been made on the occasion, and I have reason to expect they have not been without effect. No new collisions ~~have taken place~~ with their subjects on our borders, have taken place, or seem to be apprehended during the short period now to intervene before an answer which shall decide our course.

Our differences with Spain remain still unsettled, no measure having been taken on her part, since my last communications to Congress to bring them to a close. But under a state of things, which may favor reconsideration, they have been recently pressed, and ~~may be expected without further delay to~~ an expectation is entertained that they may now soon be brought to an issue of some sort. To our former grounds of complaint has been added a very serious one, as you will see by the decree, a copy of which is now communicated. ~~Proper representations have been made on the occasion and I have reason to expect they have not been without effect. No new collisions with their subjects on our borders have taken place, or seem to be apprehended during the short period now to intervene before an answer which shall decide our course will be decided by other circumstances.~~ With their subjects on our borders no new collisions have

taken place; nor seem immediately to be apprehended. Whether this decree which professes to be conformable to that of the French government of Nov. 21. 1806, before communicated to Congress, will also be conformed to that in it's construction and application in relation to the US. had not been ascertained at the date of our last communications. These however gave reason to expect that it would.

Other nations. With the other nations of Europe our harmony has been uninterrupted, & commerce & friendly intercourse have been maintained on their usual footing.

Barbary. Our peace with the several states on the coast of Barbary appears as firm as, at any former period, and as likely to continue as that of any other nation.

Indians. Among our Indian neighbors in the North Western quarter, some fermentation was observed soon after the late occurrences threatening the continuance of our peace. Messages were said to be interchanged, and tokens to be passing which usually denote a state of rest-

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lessness among them, and the character of the agitators pointed to the source of excitement. Measures were immediately taken for providing against that danger; instructions were given to require explanations, and, with assurances of our continued friendship, to admonish the tribes to remain quiet at home, taking no part in quarrels not belonging to them. As far as we are yet informed, the tribes in our vicinity, who are most advanced in the pursuits of industry, are sincerely disposed to adhere to their friendship with us & to their peace with all others; while those more remote & more frequented by foreign agents do not ~~show that~~ present appearances sufficiently quiet ~~aspect which would permit an~~ to justify the intermission of military ~~preparation~~ precaution on our part.

The great tribes on our South Western quarter, much advanced beyond the others in agriculture & household arts, appear tranquil & identifying ~~with us in~~ their views with ours in proportion to their advancements. With the whole of these people in

them, & the character of the Agitators pointed to the source of excitement. Measures were immediately taken for providing against that danger. Instructions were given to require explanations, and with assurances of our continued friendship, to admonish the tribes to remain quiet at home, taking no part in quarrels not belonging to them. As far as we are yet informed, the tribes in our vicinity, who are most advanced in the pursuits of industry are sincerely disposed ~~to adhere to their friendship with us & to their peace~~ to adhere to their friendship with us and to their peace with all others while those more remote do not present appearances sufficiently quiet to justify the intermission of military precaution on our part.

The great tribes on our South Western quarter, much advanced beyond the others in agriculture and household arts, appear tranquil and identifying their views with ours, in proportion to their advancements. With the whole of these people, in

every quarter I shall continue to inculcate peace & friendship with all their neighbors, & perseverance in those occupations & pursuits which will best promote their own well-being.

Fortifications. The appropriations of the last session for defence of our Sea port towns & harbors, were made under ~~the~~ expectation that a continuance of our peace would permit us to proceed in that work according to our convenience. It has been thought better to ~~employ~~ apply the sums then given chiefly to the defence of New York, Charleston, & New Orleans, as most open & most likely first to need protection; and to leave places less immediately in danger to the provisions of the present session.

Gunboats. The gunboats too already provided, have on ~~the same~~ a like principle been chiefly assigned to New York, New Orleans & the mouth of the Chesapeake. Whether our moveable force on the water, so material in aid of the defensive works on land, should be augmented in this, or ~~what~~ any other form, is left to ~~your~~ the wisdom of

every quarter, I shall continue to inculcate peace and friendship with all their neighbors, & perseverance in those occupations and pursuits which will best promote ~~their~~ own well being.

The appropriations, of the last session, for the defence of our Seaboard towns & harbors, were made under expectation that a continuance of our peace would permit us to proceed in that work according to our convenience. It has been thought better to apply the sums then given ~~chiefly~~ towards the defence of New York, Charleston, & New Orleans chiefly as most open and most likely first to need protection; and to leave places less immediately in danger to the provisions of the present session.

The gunboats too already provided have, on a like principle, been chiefly assigned to New York, New Orleans & the Chesapeake. Whether our moveable force on the water, so material in aid of the defensive works on the land, should be augmented in this or any other form, is left to the wisdom of the legislature. For the purpose of manning

the legislature. For the purpose of manning these vessels in sudden attack ~~of~~ on our harbors, it ~~becomes difficult too are likely to occur in manning these vessels even for harbor defence~~ it is a matter ~~therefore~~ for consideration ~~therefore~~ whether the seamen of the US. may not justly be formed into a special militia to be called on for tours of duty in defence of the harbors where they shall happen to be.

Magazines. The moment our peace was threatened, I deemed it indispensable to secure ample provision of every article of military stores, ~~of~~ with which our magazines were not sufficiently ~~provided~~ furnished. To have awaited a previous & special sanction by law, would have lost occasions which might never be retrieved. I did not hesitate therefore to authorize engagements for such supplements to our existing stock, as would render it adequate to the emergencies threatening us. These contracts are considerable, and depend for their execution, on provisions to be made by ~~yourselves~~ the legislature, who feeling the same

these vessels, in sudden attacks on our harbours, it is a matter for consideration whether the seamen of the US. may not justly be formed into a special militia, to be called on for tours of duty, in defence of the harbours where they shall happen to be; the ordinary militia of the place furnishing that portion which may consist of landsmen.

The moment our peace was threatened, I deemed it indispensable to secure ~~ample~~ a greater provision of every article of military stores, with which our magazines were not sufficiently furnished. To have awaited a previous and special sanction by law, would have lost occasions which might never be retrieved. I did not hesitate therefore to authorize engagements for such supplements to our existing stock as would render it adequate to the emergencies threatening us. These contracts are considerable, and depend for their execution on provisions to be made by the legislature, which feeling the same anxiety for the

anxiety for the safety of our country, so materially ensured by this precaution, will, I trust, approve, when done, what, ~~if then assembled,~~ you would have seen so important to be done, if then assembled. Accounts of these contracts shall be laid before you.

Army. Whether a regular army is to be raised, & to what extent, must depend on the information so shortly expected. In the meantime I have called on the states for quotas of militia to be in readiness for present defence; & have moreover encouraged the acceptance of Volunteers, & am happy to inform you that these have offered themselves with great alacrity in every part of the Union. ~~and in greater numbers than they were required.~~ They are ordered to be organized, and ready at a moment's warning to proceed on any service to which they may be called; and every preparation within the Executive powers has been made to ensure us the benefit of early exertions.

I informed Congress, at their last session, of the enterprises against the public peace which

safety of our country, so materially ensured by the precaution, will, I trust, approve when done, what they would have seen so important to be done if then assembled. Accounts of these contracts shall be laid before you.

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I informed Congress at their last session of the enterprises against the public peace which

were believed to be in preparation by Aaron Burr & his associates, of the measures taken to defeat them, & to bring the offenders to justice. Their enterprises were happily defeated, by the patriotic exertions of the militia, wherever called into action, & by the fidelity of the army, and energy of the Commander in chief ~~of the army of the US.~~ in promptly arranging the difficulties presenting themselves on the Sabine, repairing to meet those arising on the Mississippi, & dissipating before their explosion, plots engendering there. And truth & duty alone extort the observation that wherever the laws were appealed to in aid of the public safety, their operations ~~were~~ was on behalf of those only against whom they were invoked. As a part of the public you have learned the arraignment of the principal offenders in the District court of Virginia. I have thought it my duty to lay before you the proceedings & the evidence publicly exhibited there together with some which was not publicly heard. ~~This~~ You will be enabled ~~you~~ to judge whether the defect

were believed to be in preparation by Aaron Burr and his associates, of the measures taken to defeat them, & to bring the offenders to justice. Their enterprises ~~were~~ have been happily defeated, by the patriotic exertions of the militia, wherever called into action, by the fidelity of the army, and energy of the Commander in chief in promptly arranging the difficulties presenting themselves on the Sabine, repairing to meet those arising on the Mississippi, and dissipating, before their explosion, plots engendering there. ~~And truth & duty alone extort the observation that whenever the laws were appealed to in aid of the public safety, their operation was on behalf of those only against whom they were invoked. As a part of the public you have learned the arraignment of the principal offenders in the District court of Virginia. I have thought it~~ shall consider it my duty to lay before you the proceedings, & the evidence publicly exhibited on the arraignment of the principal offenders before the District court of Virginia, ~~there,~~

was in the testimony, or in the laws, or ~~whether there is not a radical defect~~ in the administration of the law? And wherever it shall be found the legislature alone can apply or originate the remedy. The framers of our constitution certainly supposed they had guarded, as well their government against destruction by treason, as their citizens against oppression under pretence of it: and if ~~the pliability of the law as construed in the case of Fries, and it's wonderful refractoriness as construed in that of Burr, shew that neither end has been attained, and induce an awful doubt whether we all live under the same law.~~ The right of the jury too to decide law as well as fact seems nugatory ~~without the evidence pertinent to their sense of the law.~~ If these ends are not attained it becomes worthy of enquiry by what means more effectual they may be secured?

Finance. The receipts of the Treasury, during the year ending the day of have exceeded the sum of

 millions of Dollars: which with millions in the treasury at the beginning of

together with some evidence ~~which was not publicly~~ there heard. From the whole you will be enabled to judge whether the defect was in the testimony, in the law, or in the administration of the law; and ~~wherever it shall be found,~~ the legislature alone can apply or originate the remedy. The framers of our constitution certainly supposed they had guarded, as well their government against destruction by treason, as their citizens against oppression under pretence of it: and if these ends are not obtained, it ~~becomes~~ ~~worthy of enquiry~~ is of importance to enquire by what means, more effectual, they may be secured.

Finance. The accounts of the receipts of revenue during the present year being not yet all made up ~~received~~, a correct statement will be hereafter transmitted from the Treasury. In the meantime

the year, have enabled us after meeting the current demands to pay millions of the principal of our public debt & millions of interest. These payments with those of the preceding 5½ years have extinguished of the funded debt millions of D. being the whole which ~~can~~ could be paid or purchased within the limits of the law & of our contracts, and have left us in the treasury millions of Dollars. This sum may be considered as a commencement of accumulatin of the surpluses of revenue, which after paying the instalments of debt as they shall become payable will remain without any specific object. A part indeed may be advantageously applied towards providing defence for the exposed points of our country, on such a scale as shall be adapted to our principles & circumstances. This object is doubtless among the first ~~which claims~~ entitled to attention in such a state of our finances, & it is one which whether we have peace or war, will give ~~a state of security~~ ~~always desirable~~ where it is due. Whether what will re-

it is ascertained that the receipts have Dollars; which with millions in the treasury at the beginning of the year have enabled us, after meeting the current demands and interest incurred, to pay millions of the principal of our funded debt. These payments, with those of the preceding five & a half years have extinguished of the funded debt, millions of dollars, being the whole which could be paid or purchased within the limits of the law, and of our contract, and have left us in the treasury millions of Dollars. A portion of this sum may be considered as a commencement of accumulation of the surpluses of revenue, which, after paying the instalments of debt, as they shall become payable, will remain without specific object. A part indeed may be advantageously applied towards providing defence for the exposed points of our country, on such a scale as shall be adapted to our principles & circumstances. This object is doubtless among the first entitled to attention, in such a state of our finances, and it is

main of this with the future surplusses, may be usefully applied to purposes already authorized, or more usefully to others requiring new authorities, or how otherwise they shall be disposed of, are questions calling for ~~early~~ the notice from Congress, unless indeed they shall be superceded by a change in ~~the~~ our ~~state of things~~ public relations, now ~~depending on~~ awaiting the ~~decision~~ determination of others. Whatever be that determination it is a great consoln that it will ~~be read~~ become known at a moment when the supreme council of the nation is assembled at it's post, and ready to give the aids of it's wisdom & authority to whatever course the good of our country shall then call us to pursue.

Some matters of minor importance will be the subjects of future communications, & nothing shall be wanting on my part which may give informn or dispatch to the proceedings of the legislature, in the exercise of their high duties and at a moment so interesting to the public welfare.

one which, whether we have peace or war, will give security where it is due. Whether what shall remain of this, with the future surpluses, may be usefully applied to purposes already authorized, or more usefully to others requiring new authorities, or how otherwise they shall be disposed of, are questions calling for the notice of Congress; unless indeed they shall be superceded by a change in our public relations, now awaiting the determination of others. Whatever be that determination it is a great consolation that it will become known at a moment when the supreme council of the nation is assembled at it's post, and ready to give the aids of it's wisdom & authority to whatever course the good of our country shall then call us to pursue.

Matters of minor importance will be the subjects of future communications; and nothing shall be wanting on my part which may give information or dispatch to the proceedings of the legislature in the exercise of their high functions, and at a moment so interesting to the public welfare.

TO THE GOVERNOR OF THE MISSISSIPPI TERRITORY

(ROBERT WILLIAMS.)

WASHINGTON, November 1, 1807.

SIR,—I have duly received your letter of August 25th, in which you express a wish that the letters received from you may be acknowledged, in order to ascertain their safe transmission. Those received the present year have been of Mar. 14, May 11, & 30, June 8, July 3, August 12, and 25. They have not been before acknowledged in conformity with a practice which the constant pressure of business has forced me to follow, of not answering letters which do not necessarily require it. I have seen with regret, the violence of the dissensions in your quarter. We have the same in the territories of Louisiana & Michigan. It seems that the smaller the society the bitterer the dissensions into which it breaks. Perhaps this observation answers all the objections drawn by Mr. Adams from the small republics of Italy. I believe ours is to owe it's permanence to it's great extent, and the smaller portion comparatively, which can ever be convulsed at one time by local passions. We expect shortly now to hear from England, and to know how the present cloud is to terminate. We are all pacifically inclined here, if anything comes from thence which will permit us to follow our inclinations. I salute you with esteem & respect.

TO THE SECRETARY OF THE TREASURY J. MSS.

(ALBERT GALLATIN.)

Nov. 22, 07.

The defence of Orleans against a land army can never be provided for, according to the principles of the Constitution, till we can get a sufficient militia there. I think therefore to get the enclosed bill brought forward again. Will you be so good as to make any alterations in it which the present state of the surveys may have rendered necessary, & any others you shall think for the better?

 CONFIDENTIAL MESSAGE ¹

[Dec. 7, 1807.]

To the Senate & House of Representatives of the United States:

Having recently received from our late Minister Plenipotentiary at the court of London a duplicate

¹ Sent with the following message to the Vice-President and Speaker of the House of Representatives.

"Dec. 7, 1807.

"SIR,—The papers now communicated to your house for perusal being to be read in the other house also, and, as originals, to be returned to me, Mr. Coles, my Secretary, will attend to receive them, after they shall have been read to the satisfaction of your house; and, having handed them to the other house for the same purpose he will return them to me. I ask the favor of your aid in having this course pursued & in preventing their going from the clerk's table, or copies, or extracts being made from them by any one. I salute you with great esteem & respect."

"Dec. 8.—The Speaker apprehending it might be necessary for him to read this letter to the house, & that the last paragraph might be offensive, I took back this, & gave him a copy to the words 'return them to me,' and I took back also that to the V. President (not yet delivered) and sent a copy to the word 'pursued.'"

of dispatches, the original of which has been sent by the *Revenge* schooner not yet arrived, I hasten to lay them before both houses of Congress. They contain the whole of what has passed between the two governments on the subject of the outrage committed by the British ship *Leopard* on the frigate *Chesapeake*. Congress will learn from these papers the present state of the discussion on that transaction, and that it is to be transferred to this place by the mission of a special minister.

While this information will have its proper effect on their deliberations & proceedings respecting the relations between the two countries, they will be sensible that, the negotiation being still depending, it is proper for me to request that the communications may be considered as confidential.

TO JOEL BARLOW

WASHINGTON, Dec. 10, 07.

DEAR SIR,—I return you Mr. Law's letter, with thanks for the communication. I wish he may be a true prophet as to peace in 6. months. It is impossible that any other man should wish it as much as I do; altho' duty may controul that wish. The desire of peace is very much strengthened in me by that which I feel in favor of the great subjects of yours & Mr. Fulton's letters. I had fondly hoped to set those enterprizes into motion with the last legislature I shall meet. But the chance of war is an unfortunate check. I do not however despair that the proposition of amendment may be sent

down this session to the legislatures. But it is not certain. There is a snail-paced gait for the advance of new ideas on the general mind, under which we must acquiesce. A 40. years' experience of popular assemblies has taught me, that you must give them time for every step you take. If too hard pushed, they baulk, & the machine retrogrades. I doubt whether precedence will be given to your part of the plan before Mr. Fulton's. People generally have more feeling for canals & roads than education. However, I hope we can advance them with equal pace. If the amendment is sent out this session, returned to the next, and no war takes place, we may offer the plan to the next session in the form of a bill, the preparation of which should be the work of the ensuing summer. I salute you affectionately.

SPECIAL MESSAGE ON COMMERCIAL DEPREDATIONS ¹

December 18, 1807.

To the Senate and House of Representatives of the United States:—

The communications now made, showing the great and increasing dangers with which our vessels, our

¹ Jefferson wrote Gallatin:

“December 18, 1807.

“Monroe will be here on Sunday; he will bring us no new information, as far as can be judged from his letter; but on the subject of the proclamation, should the message wait for him? I will keep it back till half after ten o'clock for your opinion, either written or verbal. Affectionate salutations.

“I have just received your note, and am clearly for the exception; but come here before half after ten, and let us be together before the message goes out of our hands.”

seamen, and merchandise, are threatened on the high seas and elsewhere, from the belligerent powers of Europe, and it being of great importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of Congress, who will doubtless perceive all the advantages which may be expected from an inhibition of the departure of our vessels from the ports of the United States.

Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis.

TO THE SECRETARY OF THE TREASURY J. MSS.

(ALBERT GALLATIN.)

WASHINGTON, Dec. 29, 1807.

It is impossible to detest more than I do the fraudulent & injurious practice of covering foreign vessels & cargoes under the American flag; and I sincerely wish a systematic & severe course of punishment could be established. It is only as a punishment of this fraud, that we could deny to the Portuguese vessel the liberty of departing. But I do not know that a solitary & accidental instance of punishment would have any effect. The vessel is *bonâ fide* Portuguese, the crew Portuguese, loaded with provisions for Portugal, an unoffending & friendly country, to whom we wish no ill. I have not sufficiently considered the embargo act, to say how far the Executive is at liberty to decide on these cases. But

if we are free to do it, I should be much disposed to take back her American papers, & let her go, especially on giving bond & security to land the cargo in Portugal, dangers of the sea & superior force excepted. Perhaps it would be proper to require the captain to give up also his certificate of citizenship, which is also merely fraudulent, has been the ground of fraudulent conversion, and may be used on the voyage as a fraudulent cover to the cargo. Affect. salutations.

END OF VOLUME X