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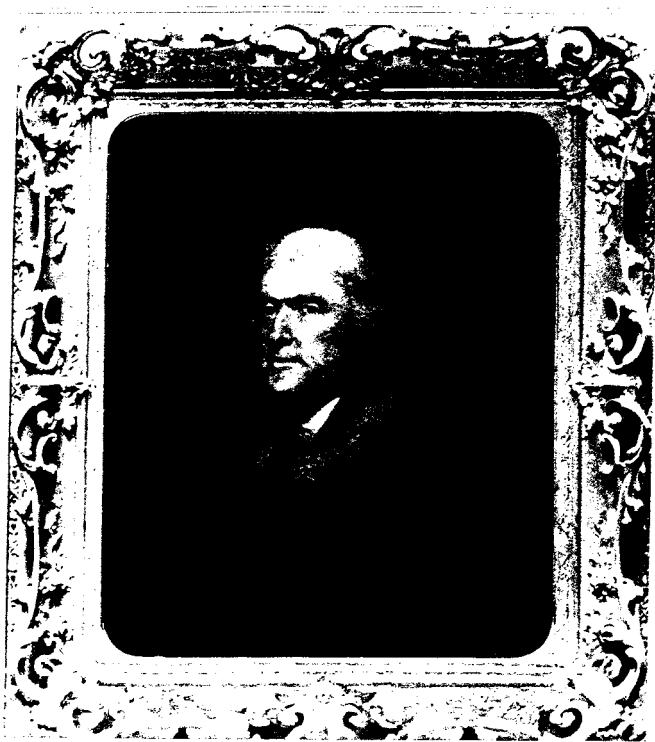
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# The Works of Thomas Jefferson

Collected and Edited  
by

Paul Leicester Ford

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Volume IV

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# ITINERARY AND CHRONOLOGY

OF

THOMAS JEFFERSON

1783-1785

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1783—Jan.	22.	At Philadelphia.
	31.	At Baltimore preparing to embark for France.
Feb.	14.	Departure suspended.
	28.	Leaves Baltimore.
Mar.	4.	At Philadelphia.
Apr.	1.	Congress withdraws appointment.
	11.	Leaves Philadelphia.
	23.	At Richmond for a fortnight.
May	7.	At Tuckahoe.
	15.	Arrives at Monticello.
June	6.	Elected Delegate to Congress.
	?	Drafts Constitution for Virginia.
	17.	At Monticello.
July	18.	At Monticello.
Aug.	31.	At Monticello.
Oct.	12.	At Eppington.
	15.	Leaves Monticello.
Nov.	3.	Arrives at Trenton.
	4.	Attends Congress.
		Congress adjourns to Annapolis.
	11.	At Philadelphia.
	21.	Leaves Philadelphia.
	25.	At Annapolis.
		Lodges at Mrs. Gheesland's.
Dec.	13.	Attends Congress.
	?	Drafts report on Unfinished Business.
	16.	Appointed on Committee to report on Minister's letters.
	16.	Reports on definitive Treaty.
	?	Introduces resolutions relative to definitive Treaty.

- 1783—Dec. 20. Reports on Minister's Letters.  
22. Report read.  
Reports on ceremonial for Washington.  
23. Seconds motion on letters.  
24. Makes motion for extra posts.  
On Committee on letters of Governor of  
Massachusetts.  
27. Reports on ratification of Treaty.
- 1784—Jan. 2. Makes motion on British Treaty.  
13. On Committee on N. H. memorial.  
14. Reports ratification of British Treaty.  
Reports Proclamation of British Treaty.  
21. On Committee on N. H. memorial.  
23. Reports on Zebulon Butler.  
29. On Committee on Carlton's letter.  
Reports on Allan's letter.  
30. Reports on Committee of the states.
- Feb. 11. On Committee on French Minister's letter.  
25. Removes to "Mr. Delany's" house.  
27. Makes motions relating to papers.
- Mar. 1. Drafts of Virginia cession.  
Reports on Government for Western Ter-  
ritory.  
5. Reports on reduction of Civil list.  
Reports on Indians.  
12. Elected Chairman of Congress.  
On Committee on Qualifications.  
16. On Committee on Foreign letters.  
19. On Committee to report on Indian officers.  
22. Reports revised Government for Western  
Territory.  
Reports on Cession of Western Territory.  
23. Reports on arrears of interest.  
24. Congress considers report on Civil list.  
Committee on Qualifications report.  
Moves resolutions for Commercial treaties  
30. Reports on circular-letter regarding Treas-  
ury.  
Elected Chairman of Congress.  
Grand Committee reports circular-letter.  
Report on Foreign treaties considered.
- Apr. 5. Report on Arrears of interest considered.  
Prepares *Notes on a Money Unit*.  
6. Committee reports on Greene's letter.  
12. Report on Arrears of interest considered.

# Itinerary and Chronology

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- 1784—Apr. 12. Makes motion concerning Arrears of interest.
13. Drafts resolution concerning Seat of Government.
14. Makes motions relating to Seat of Government.
- Apr. 15. Makes Motion concerning Steuben.
16. Report on French Letters considered.
19. Report on Western Territory considered.
21. Seconds motions to amend report on Western Territory.
22. Seconds motion to amend report on Arrears of interest.
26. Report on power of Committee of the States considered.
27. Reports on Mercer.
30. Reports draft of Land Ordinance.
30. Reports on Commercial matters.
- May 3. Makes motion relating to secrecy of foreign papers.
7. On Committee to report on letters.  
Elected Minister to France.  
Committee accepts report on Continental bills.  
Reports *Instructions to Ministers*.  
Reports Ordinance for Western Lands.  
Reports revision of Treasury department.
11. Leaves Annapolis.
14. Arrives at Philadelphia.
16. Committee reports on King of France's letter.
- 19-21. Report on Western Territory considered.
21. Makes motion to amend report on Western Territory.
22. Report on Arrears of interest considered.
23. Report on Western Territory considered and adopted.
26. Report on committee of the States considered.
28. Report on Arrears of interest considered.  
Leaves Philadelphia.  
Report of Grand Committee on Western Territory considered.  
Congress considers report on Commercial matters.

1784—May	29.	Arrives at Trenton.
	30.	Arrives at New York.
June	5.	Leaves New York.
	11.	At Hartford.
	12.	At New London.
	14.	At Newport.
	17.	At Providence.
	18.	At Boston.
	23.	At Portsmouth, N. H.
	26.	At Boston.
July	5.	Sails from Boston on ship <i>Ceres</i> .
	26.	At Cowes.
	29.	At Portsmouth.
	31.	At Havre.
Aug.	5.	At Rouen.
	6.	At Paris.
		Lodges at hotel D'Orleans, rue Richelieu.
	10.	At Passy, conferring with Franklin.
	11.	At Paris.
		Lodges at hotel D'Orleans, rue Petits Augustins.
	30.	Commissioners hold first conference at Passy.
Sept.	13.	Sends <i>Notes on Virginia</i> to press.
	15.	At Versailles, with commissioners, to meet Vergennes.
	16.	Commissioners meet British Minister.
Oct.	16.	Hires hotel Tête-bout, cul-de-sac Tête-bout.
Dec.	9.	Purchases copying letter-press.
1785—Mar.	10.	Elected by Congress French Minister.
May	11.	<i>Notes on Virginia</i> completed.
	17.	Audience at French Court.
June	20.	At Saunois.
		At Paris.
July	28.	Signs Prussian Treaty.
Aug.		Negotiations with Vergennes, concerning tobacco monopoly.
Oct.	17.	Rents hotel du Count de Langeac, Grille de Chaillot.
Nov.		Youngest daughter, Lucy Elizabeth, dies in Virginia.
		Secures privileges for American whale oil.
Dec.	9.	Holds conference with Vergennes on commerce.



NOTES ON VIRGINIA

*(Continued)*



W. W. R. C. W. W. R. C.  
1877  
Geneva, Indiana.

## NOTES ON VIRGINIA

(Continued)

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### QUERY XII

*A notice of the counties, cities, townships, and  
villages?*

The counties have been enumerated under Query IX. They are 74 in number, of very unequal size and population. Of these 35 are on the tide waters, or in that parallel; 23 are in the Midlands, between the tide waters and Blue ridge of mountains; 8 between the Blue ridge and Alleghany; and 8 westward of the Alleghany.

The state, by another division, is formed into parishes, many of which are commensurate with the counties; but sometimes a county comprehends more than one parish, and sometimes a parish more than one county. This division had relation to the religion of the state, a Parson of the Anglican church, with a fixed salary, having been heretofore established in each parish. The care of the poor was another object of the parochial division.

We have no townships. Our country being much intersected with navigable waters, [192] and trade brought generally to our doors, instead of our being

obliged to go in quest of it, has probably been one of the causes why we have no towns of any consequence. Williamsburg, which, till the year 1780, was the seat of our government, never contained above 1800 inhabitants; and Norfolk, the most populous town we ever had, contained but 6000. Our towns, but more properly our villages or hamlets, are as follows.

On *James river* and its waters, Norfolk, Portsmouth, Hampton, Suffolk, Smithfield, Williamsburg, Petersburg, Richmond, the seat of our government, Manchester, Charlottesville, New London.

On *York river* and its waters, York, Newcastle, Hanover.

On *Rappahannoc*, Urbanna, Portroyal, Fredericksburg, Falmouth.

On *Patowmac* and its waters, Dumfries, Colchester, Alexandria, Winchester, Staunton.

On the *Ohio*, Louisville.

There are other places at which, like some of the foregoing, the *laws* have said there shall be towns; but *Nature* has said there shall not, and they remain unworthy of enumeration. *Norfolk* will probably be the empo-[193] rium for all the trade of the Chesapeak bay and its waters; and a canal of 8 or 10 miles will bring to it all that of Albemarle sound and its waters. Secondary to this place, are the towns at the head of the tide waters, to wit, Petersburg on Appamattox; Richmond on James river; Newcastle on York river; Alexandria on Patowmac, and Baltimore on the Patapsco. From these the distribution will be to subordinate situations in the country.

Accidental circumstances, however, may controul the indications of nature, and in no instance do they do it more frequently than in the rise and fall of towns.

### QUERY XIII

*The constitution of the State and its several charters?*

Queen Elizabeth by her letters patent, bearing date March 25, 1584, licensed Sir Walter Raleigh to search for remote heathen lands, not inhabited by Christian people, and granted to him in fee simple, all the soil within 200 leagues of the places where his people should, within six years, make their dwellings or abid-[194] ings; reserving only to herself and her successors, their allegiance and one fifth part of all the gold and silver ore they should obtain. Sir Walter immediately sent out two ships, which visited Wococon island in North Carolina, and the next year despatched seven with 107 men, who settled in Roanoke island about latitude 35°. 50'. Here Okisko, king of the Weopomeiocs, in a full council of his people is said to have acknowledged himself the homager of the Queen of England, and, after her, of Sir Walter Raleigh. A supply of 50 men were sent in 1586, and 150 in 1587. With these last Sir Walter sent a Governor, appointed him twelve assistants, gave them a charter of incorporation, and instructed them to settle on Chesapeak bay. They landed, however, at Hatorask. In 1588, when a fleet was ready to sail with a new supply of colonists and necessaries, they were detained by the Queen to assist against the Spanish armada. Sir Walter

having now expended 40,000*l* in these enterprises, obstructed occasionally by the crown without a shilling of aid from it, was under a necessity of engaging others to adventure their money. He, therefore, by deed bearing date the 7th of [195] March 1589, by the name of Sir Walter Raleigh, Chief Governor of Assamàcomòc, (probably Acomàc,) alias Wingadacoia, alias Virginia, granted to Thomas Smith and others, in consideration of their adventuring certain sums of money, liberty to trade to this new country free from all customs and taxes for seven years, excepting the fifth part of the gold and silver ore to be obtained; and stipulated with them and the other assistants, then in Virginia, that he would confirm the deed of incorporation which he had given in 1587, with all the prerogatives, jurisdictions, royalties and privileges granted to him by the Queen. Sir Walter, at different times sent five other adventurers hither, the last of which was in 1602; for in 1603 he was attainted and put into close imprisonment, which put an end to his cares over his infant colony. What was the particular fate of the colonists he had before sent and seated, has never been known; whether they were murdered, or incorporated with the savages.

Some gentlemen and merchants, supposing that by the attainder of Sir Walter Raleigh the grant to him was forfeited, not enquiring over carefully whether the sentence of an [196] English court could affect lands not within the jurisdiction of that court, petitioned king James for a new grant of Virginia to them. He accordingly executed a grant to Sir

Thomas Gates and others, bearing date the 9th of March, 1607, under which, in the same year, a settlement was affected at Jamestown, and ever after maintained. Of this grant, however, no particular notice need be taken, as it was superceded by letters patent of the same king, of May 23, 1609, to the Earl of Salisbury and others, incorporating them by the name of 'The Treasurer and company of Adventurers and Planters of the City of London for the first colony in Virginia,' granting to them and their successors all the lands in Virginia from Point Comfort along the sea-coast, to the northward 200 miles, and from the same point along the sea coast to the southward two hundred miles, and all the space from this precinct on the sea coast up into the land, West and North west, from sea to sea, and the islands within one hundred miles of it, with all the commodities, jurisdictions, royalties, privileges, franchises, and pre-eminences, within the same, and thereto and thereabouts, by sea and land, appertaining [197] in as ample manner as had before been granted to any adventurer; to be held of the king and his successors, in common soccage, yielding one-fifth part of the gold and silver ore to be therein found, for all manner of services; establishing a council in England for the direction of the enterprise, the members of which were to be chosen and displaced by the voice of the majority of the company and adventurers, and were to have the nomination and revocation of the governors, officers, and ministers, which by them should be thought needful for the colony, the power of establishing laws and

forms of government and magistracy, obligatory not only within the colony, but also on the seas in going and coming to and from it; authorizing them to carry thither any persons who should consent to go, freeing them forever from all taxes and impositions on any goods or merchandise on importation into the colony, or exportation out of it, except the five per cent. due for customs on all goods imported into the British dominions, according to the ancient trade of merchants; which five per cent. only being paid they might, within 13 months, re-export the same goods [198] into foreign parts, without any custom, tax, or other duty, to the king or any his officers, or deputies; with powers of waging war against those who should annoy them; giving to the inhabitants of the colony all the rights of natural subjects, as if born and abiding in England; and declaring that these letters should be construed, in all doubtful parts, in such manner as should be most for the benefit of the grantees.

Afterwards on the 12th of March 1612, by other letters patent, the king added to his former grants, all islands in any part of the ocean between the 30th and 41st degrees of latitude, and within 300 leagues of any of the parts before granted to the treasurer and company not being possessed or inhabited by any other Christian prince or state, nor within the limits of the northern colony.

In pursuance of the authorities given to the company by these charters, and more especially of that part in the charter of 1609, which authorized them to establish a form of government, they on the 24th



of July 1621, by charter under their common seal, declared that from thence forward there should be two supreme councils in Virginia, the one [199] to be called the council of state, to be placed and displaced by the treasurer, council in England, and company from time to time, whose office was to be that of assisting and advising the governor; the other to be called the general assembly, to be convened by the governor once yearly or oftener, which was to consist of the council of state, and two burgesses out of every town, hundred, or plantation, to be respectively chosen by the inhabitants. In this all matters were to be decided by the greater part of the votes present; reserving to the governor a negative voice; and they were to have power to treat, consult, and conclude all emergent occasions concerning the public weal, and to make laws for the behoof and government of the colony, imitating and following the laws and policy of England as nearly as might be; providing that these laws should have no force till ratified in a general quarter court of the company in England, and returned under their common seal; and declaring that, after the government of the colony should be well framed and settled, no orders of the council in England should bind the colony unless ratified in the said [200] general assembly. The king and company quarrelled, and by a mixture of law and force, the latter were ousted of all their rights without retribution, after having expended 100,000£ in establishing the colony, without the smallest aid from government. King James suspended their powers by

proclamation of July 15, 1624, and Charles I. took the government into his own hands. Both sides had their partisans in the colony: but, in truth, the people of the colony in general thought themselves little concerned in the dispute. There being three parties interested in these several charters, what passed between the first and second, it was thought could not affect the third. If the king seized on the powers of the company, they only passed into other hands, without increase or diminution, while the rights of the people remained as they were. But they did not remain so long. The northern parts of their country were granted away to the lords Baltimore and Fairfax; the first of these obtaining also the rights of separate jurisdiction and government. And in 1650 the parliament, considering itself as standing in the place of their deposed king, and as having succeeded [201] to all his powers, without as well as within the realm, began to assume a right over the colonies, passing an act for inhibiting their trade with foreign nations. This succession to the exercise of kingly authority gave the first color for parliamentary interference with the colonies, and produced that fatal precedent which they continued to follow, after they had retired, in other respects, within their proper functions. When this colony, therefore, which still maintained its opposition to Cromwell and the parliament, was induced in 1651 to lay down their arms, they previously secured their most essential rights by a solemn convention, which, having never seen in print, I will here insert literally from the records.

“ARTICLES agreed on & concluded at James Cittie in Virginia for the surrendering and settling of that plantation under ye obedience and government of the commonwealth of England by the commissioners of the Council of State by authoritie of the parliamt of England, and by the Grand assembly of the Governour, Council, & Burgesses of that cuntry. [202]

“First it is agreed & consted that the plantation of Virginia, & all the inhabitants thereof, shall be and remaine in due obedience and subjection to the Comonwealth of England, according to ye lawes there established, and that this submission and subscription bee acknowledged a voluntary act not forced nor constrained by a conquest upon the cuntry, and that they shall have and enjoy such freedoms and priviledges as belong to the free borne people of England, and that the former government by the Commissions and Instructions be void and null.

“2ly, Secondly, that the Grand assembly as formerly shall convene & transact the affairs of Virginia, wherein nothing is to be acted or done contrairie to the government of the Comonwealth of England & the lawes there established.

“3ly, That there shall be a full and totall remission and indempntie of all acts, words, or writings done or spoken against the parliament of England in relation to the same.

“4ly, That Virginia shall have & enjoy ye antient bounds and lymitts granted by [203] the charters of the former kings, and that we shall seek a new

charter from the parliament to that purpose against any that have intrencht upon ye rights thereof.

“ 5ly, That all the pattents of land granted under the collony seale by any of the precedent governours shall be & remaine in their full force & strength.

“ 6ly, That the priviledge of haveing fiftie acres of land for every person transported in that collonie shall continue as formerly granted.

“ 7ly, That ye people of Virginia have free trade as ye people of England do enjoy to all places and with all nations according to ye lawes of that commonwealth, and that Virginia shall enjoy all priviledges equall with any English plantations in America.

“ 8ly, That Virginia shall be free from all taxes, customs & impositions whatsoever, & none to be imposed on them without consent of the Grand assembly. And soe that neither fforts nor castles bee erected or garrisons maintained without their consent.

“ 9ly, That noe charge shall be required from this country in respect of this present ffleet. [204]

“ 10ly, That for the future settlement of the countrey in their due obedience, the Engagement shall be tendred to all ye inhabitants according to act of parliament made to that purpose, that all persons who shall refuse to subscribe the said engagement, shall have a yeare's time if they please to remove themselves and their estates out of Virginia, & in the meantime during the said yeare to have equall justice as formerly.

“ 11ly, That ye use of the booke of common prayer shall be permitted for one yeare ensueinge with reference to the consent of ye major part of the

parishes, provided that those which relate to king-shipp or that government be not used publicquely, and the continuance of ministers in their places, they not misdemeaning themselves, and the payment of their accustomed dues and agreements made with them respectively shall be left as they now stand dureing this ensueing yeare.

“ 12ly, That no man’s cattell shall be questioned as ye companies, unles such as have been entrusted with them or have disposed of them without order.

[205]

“ 13ly, That all ammunition, powder and armes, other than for private use, shall be delivered up, securitie being given to make satisfaction for it.

“ 14ly, That all goods all readie brought hither by ye Dutch or others which are now on shoar shall be free from surprizall.

“ 15ly, That the quittrents granted unto us by the late kinge for seaven yeares bee confirmed.

“ 16ly, That ye commissioners for the parliament subscribeing these articles engage themselves & the honour of parliament for the full performance thereof: and that the present governour, & ye councill, and the burgesses do likewise subscribe and engage the whole collony on their parts.

RICH. BENNETT.—Seale.

WM. CLAIBORNE.—Seale.

EDMOND CURTIS.—Seale.

“These articles were signed and sealed by the Commissioners of the Councill of state for the Commonwealth of England the twelveth day of March 1651.”

Then follow the articles stipulated by the governor and council, which relate merely [206] to their own persons and property, and then the ensuing instrument:

“An act of indemnitie made att the surrender of the countrey.

“Whereas, by the authoritie of the parliament of England wee the commissioners appointed by the councill of state authorized thereto, having brought a ffeet and force before James cittie in Virginia to reduce that collonie under the obedience of the commonwealth of England, and finding force raised by the Governour and countrey to make opposition against the said ffeet, whereby assured danger appearinge of the ruine and destruction of the plantation, for prevention whereof the burgesses of all the severall plantations being called to advise and assist therein, uppon long and serious debate, and in sad contemplation of the greate miseries and certaine destruction which were soe neerely hovering over the whole countrey; Wee the said Commissioners have thought fitt and condescending and granted to signe and confirme under our hands, seales and by our oath, Articles bearing date with these presents, and do further declare that by the authoritie of the par-[207]liament and commonwealth of England derived unto us their commissioners, that according to the articles in generall wee have granted an act of indemnitie and oblivion to all the inhabitants of this colloney from all words, actions, or writings that have been spoken acted or writt against the parliament or comonwealth of

England or any other person from the beginning of the world to this daye. And this we have done that all the inhabitants of the collonie may live quietly and securely under the comonwealth of England. And we do promise that the parliament and commonwealth of England shall confirm and make good all those transactions of ours. Witenes our hands and seales this 12th of March 1651.

RICHARD BENNETT.—Seale.

WILLIAM CLAIBORNE.—Seale.

EDMOND CURTIS.—Seale.

The colony supposed, that, by this solemn convention, entered into with arms in their hands, they had secured the antient limits<sup>1</sup> of their country, its free trade<sup>2</sup> its exemption from taxation<sup>3</sup> but by their own [208] assembly, and exclusion of military force<sup>4</sup> from among them. Yet in every of these points was this convention violated by subsequent kings and parliaments, and other infractions of their constitution, equally dangerous, committed. Their General Assembly, which was composed of the council of state and burgesses, sitting together and deciding by plurality of voices, was split into two houses, by which the council obtained a separate negative on their laws. Appeals from their supreme court, which had been fixed by law in their general assembly, were arbitrarily revoked to England, to be there heard before the king and council. Instead of four hundred miles on the seacoast, they were reduced, in the space of thirty years, to about one

<sup>1</sup> Art. 4.—*T. J.*

<sup>2</sup> Art. 7.—*T. J.*

<sup>3</sup> Art. 8.—*T. J.*

<sup>4</sup> Art. 8.—*T. J.*

hundred miles. Their trade with foreigners was totally suppressed, and when carried to Great Britain, was there loaded with imposts. It is unnecessary, however, to glean up the several instances of injury, as scattered through American and British history, and the more especially as, by [209] passing on to the accession of the present king, we shall find specimens of them all, aggravated, multiplied and crowded within a small compass of time, so as to evince a fixed design of considering our rights natural, conventional and chartered as mere nullities. The following is an epitome of the first sixteen years of his reign. The colonies were taxed internally and externally; their essential interests sacrificed to individuals in Great Britain; their legislatures suspended; charters annulled; trials by juries taken away; their persons subjected to transportation across the Atlantic, and to trial before foreign judicatories; their supplications for redress thought beneath answer; themselves published as cowards in the councils of their mother country and courts of Europe; armed troops sent among them to enforce submission to these violences; and actual hostilities commenced against them. No alternative was presented but resistance, or unconditional submission. Between these could be no hesitation. They closed in the appeal to arms. They declared themselves independent states. They confederated together into one great republic; thus securing to [210] every state the benefit of an union of their whole force. In each state separately a new form of government was established. Of ours particularly



the following are the outlines. The executive powers are lodged in the hands of a governor, chosen annually, and incapable of acting more than three years in seven. He is assisted by a council of eight members. The judiciary powers are divided among several courts, as will be hereafter explained. Legislation is exercised by two houses of assembly, the one called the house of delegates, composed of two members from each county, chosen annually by the citizens, possessing an estate for life in 100 acres of uninhabited land, or 25 acres with a house on it, or in a house or lot in some town: the other called the Senate, consisting of 24 members, chosen quadrennially by the same electors, who for this purpose are distributed into 24 districts. The concurrence of both houses is necessary to the passage of a law. They have the appointment of the governor and council, the judges of the superior courts, auditors, attorney general, treasurer, register of the land office, and delegates to congress. As the dismemberment of the state had never had its con-[211] firmation, but, on the contrary, had always been the subject of protestation and complaint, that it might never be in our own power to raise scruples on that subject, or to disturb the harmony of our new confederacy, the grants to Maryland, Pennsylvania and the two Carolinas were ratified.

This constitution was formed when we were new and unexperienced in the science of government. It was the first, too, which was formed in the whole United States. No wonder then that time and trial have discovered very capital defects in it.

1. The majority of the men in the state, who pay and fight for its support, are unrepresented in the legislature, the roll of freeholders entitled to vote not including generally the half of those on the roll of the militia, or of the tax-gatherers.

2. Among those who share the representation, the shares are very unequal. Thus the county of Warwick, with only one hundred fighting men, has an equal representation with the county of Loudon, which has 1746. So that every man in Warwick has as much influence in the government as 17 men in Loudon. But lest it should be thought that an equal interspersion of small among large coun-[212]ties, through the whole state, may prevent any danger of injury to particular parts of it, we will divide it into districts, and shew the proportions of land, of fighting men, and of representation in each:

	Square miles.	Fighting men.	Delegates.	Senators.
Between the sea-coast and falls of the rivers..	<sup>1</sup> 11,205	19,012	71	12
Between the falls of the rivers and Blue Ridge of mountains.....	18,759	18,828	46	8
Between the Blue Ridge and the Alleghany....	11,911	7,673	16	2
Between the Alleghany and Ohio.....	<sup>2</sup> 79,650	4,458	16	2
Total.....	121,525	49,971	149	24

An inspection of this table will supply the place of commentaries on it. It will appear at once that nineteen thousand men, living below the falls of the rivers, possess half of the senate, and want four

<sup>1</sup> Of these, 542 are on the eastern shore.—*T. J.*

<sup>2</sup> Of these, 22,616 are Eastward of the meridian of the mouth of the Great Kanhaway.—*T. J.*

members only of possessing a majority of the house of delegates; a want more than supplied by the vicinity of their situation to the seat of government, and of course the greater degree of convenience and punctuality with which [213] their members may and will attend in the legislature. These nineteen thousand, therefore, living in one part of the country, give law to upwards of thirty thousand living in another, and appoint all their chief officers executive and judiciary. From the difference of their situation and circumstances, their interests will often be very different.

3. The senate is, by its constitution, too homogenous with the house of delegates. Being chosen by the same electors, at the same time, and out of the same subjects, the choice falls of course on men of the same description. The purpose of establishing different houses of legislation is to introduce the influence of different interests or different principles. Thus in Great Britain it is said their constitution relies on the house of commons for honesty, and the lords for wisdom; which would be a rational reliance, if honesty were to be bought with money, and if wisdom were hereditary. In some of the American States, the delegates and senators are so chosen, as that the first represent the persons, and the second the property of the State. But with us, wealth and wisdom have equal chance for admission into both houses. We do not [214], therefore, derive from the separation of our legislature into two houses, those benefits which a proper complication of principles is capable of producing, and those

which alone can compensate the evils which may be produced by their dissensions.

4. All the powers of government, legislative, executive, and judiciary, result to the legislative body. The concentrating these in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands, and not by a single one. 173 despots would surely be as oppressive as one. Let those who doubt it turn their eyes on the republic of Venice. As little will it avail us that they are chosen by ourselves. An *elective despotism* was not the government we fought for, but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by the others. For this reason that convention, which passed the ordinance of government [215] laid its foundation on this basis, that the legislative, executive and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time. But no barrier was provided between these several powers. The judiciary and executive members were left dependent on the legislative, for their subsistence in office, and some of them for their continuance in it. If therefore the legislature assumes executive and judiciary powers, no opposition is likely to be made; nor, if made, can it be effectual; because in that case they may

put their proceedings into the form of an act of assembly, which will render them obligatory on the other branches. They have accordingly in many instances, decided rights which should have been left to judiciary controversy: and the direction of the executive, during the whole time of their session, is becoming habitual and familiar. And this is done with no ill intention. The views of the present members are perfectly upright. When they are led out of their regular province, it is by art in others, and inadvertence in themselves. And this will probably be the case for some [216] time to come. But it will not be a very long time. Mankind soon learn to make interested uses of every right and power which they possess, or may assume. The public money and public liberty, intended to have been deposited with three branches of magistracy, but found inadvertently to be in the hands of one only, will soon be discovered to be sources of wealth and dominion to those who hold them; distinguished, too, by this tempting circumstance, that they are the instrument, as well as the object, of acquisition. With money we will get men, said Cæsar, and with men we will get money. Nor should our assembly be deluded by the integrity of their own purposes, and conclude that these unlimited powers will never be abused, because themselves are not disposed to abuse them. They should look forward to a time, and that not a distant one, when a corruption in this, as in the country from which we derive our origin, will have seized the heads of government, and be spread by them through the body of the

people; when they will purchase the voices of the people, and make them pay the price. Human nature is the same on every side of the Atlan-[217] tic, and will be alike influenced by the same causes. The time to guard against corruption and tyranny, is before they shall have gotten hold of us. It is better to keep the wolf out of the fold, than to trust to drawing his teeth and talons after he shall have entered. To render these considerations the more cogent, we must observe in addition:

5. That the ordinary legislature may alter the constitution itself. On the discontinuance of assemblies, it became necessary to substitute in their place some other body, competent to the ordinary business of government, and to the calling forth the powers of the State for the maintenance of our opposition to Great Britain. Conventions were therefore introduced, consisting of two delegates from each county, meeting together and forming one house, on the plan of the former house of Burgesses, to whose places they succeeded. These were at first chosen anew for every particular session. But in March 1775, they recommended to the people to choose a convention, which should continue in office a year. This was done, accordingly, in April 1775, and in the July following that convention passed an ordinance for the election of delegates in the month of April annually. It is well known, that in July 1775, a separation from Great Britain and establishment of republican government, had never yet entered into any person's mind. A convention, therefore, chosen under that ordinance,

cannot be said to have been chosen for the purposes which certainly did not exist in the minds of those who passed it. Under this ordinance, at the annual election in April 1776, a convention for the year was chosen. Independence, and the establishment of a new form of government, were not even yet the objects of the people at large. One extract from the pamphlet called *Common sense* had appeared in the Virginia papers in February, and copies of the pamphlet itself had got in a few hands.<sup>1</sup> But the idea had not been opened to the mass of the people in April, much less can it be said that they had made up their minds in its favor.<sup>2</sup> So that the electors of April 1776, no more than the legislators of July 1775, not thinking of independence and a permanent republic, could not mean to vest in these delegates powers of establishing them, or any authorities other than those of the ordinary [219] legislature. So far as a temporary organization of government was necessary to render our opposition energetic, so far their organization was valid. But they received in their creation no powers but what were given to every legislature before and since. They could

<sup>1</sup> Yet in the advertisement of the second edition of Paine's *Common Sense*, in the *Pennsylvania Evening Post* of Jan. 25, 1776, is stated: "several hundreds are already bespoke, one thousand for Virginia."

<sup>2</sup> This statement is hardly borne out by Jefferson's statement at the time, for he wrote to Thomas Nelson from Philadelphia, May 16, 1776: "I wish much to see you here, yet hope you will contrive to bring on as early as you can in convention the great questions of the session. I suppose they will tell us what to say on the subject of independence, but hope respect will be expressed to the right of opinion in other colonies who may happen to differ from them. When at home I took great pains to enquire into the sentiments of the people on that head, in the upper counties I think I may safely say nine out of ten are for it."

not, therefore, pass an act transcendent to the powers of other legislatures. If the present assembly pass an act, and declare it shall be irrevocable by subsequent assemblies, the declaration is merely void, and the act repealable, as other acts are. So far, and no farther authorized, they organized the government by the ordinance entituled a Constitution or Form of government. It pretends to no higher authority than the other ordinance of the same session; it does not say that it shall be perpetual; that it shall be unalterable by other legislatures; that it shall be transcendent above the powers of those who they knew would have equal power with themselves. Not only the silence of the instrument is a proof they thought it would be alterable, but their own practice also; for this very convention, meeting as a House of Delegates in General assembly with the Senate in the autumn of that year, [220] passed acts of assembly in contradiction of their ordinance of government; and every assembly from that time to this has done the same. I am safe therefore in the position that the constitution itself is alterable by the ordinary legislature. Though this opinion seems founded on the first elements of common sense, yet is the contrary maintained by some persons. I. Because, say they, the conventions were vested with every power necessary to make effectual opposition to Great Britain. But to complete this argument, they must go on, and say further, that effectual opposition could not be made to Great Britain without establishing a form of government perpetual and unalterable by the legisla-



ture; which is not true. An opposition which at some time or other was to come to an end, could not need a perpetual institution to carry it on: and a government amendable as its defects should be discovered, was likely to make effectual resistance, as one that should be unalterably wrong. Besides, the assemblies were as much vested with all powers requisite for resistance as the Conventions were. If therefore these powers included that of modelling the form [221] of government in the one case, they did so in the other. The assemblies then as well as the conventions may model the government; that is, they may alter the ordinance of government.

2. They urge that if the convention had meant that this instrument should be alterable, as their other ordinances were, they would have called it an ordinance; but they have called it a *constitution*, which *ex vi termini*, means "an act above the power of the ordinary legislature." I answer that *constitutio*, *constitutum*, *statutum*, *lex*, are convertible terms. "*Constitutio* dicitur jus quod a principe conditur." "*Constitutum*, quod ab imperatoribus rescriptum statutumve est." "*Statutum*, idem quod *lex*." Calvini Lexicon juridicum. *Constitution* and *statute* were originally terms of the<sup>1</sup> civil law, and from thence introduced by Ecclesiastics into the English law. Thus in the statute 25 Hen. VIII. c. 19, §. 1, "*Constitutions* and *ordinances*" are used as synonymous. The term *constitution* has many [222] other significations in physics and politics; but in

<sup>1</sup> To bid, to set, was the ancient legislative word of the English. Ll. Elotharri and Eadrici. Ll. Inæ. Ll. Eadwerdi. Ll. Æathelstani.—T. J.

Jurisprudence, whenever it is applied to any act of the legislature, it invariably means a statute, law, or ordinance, which is the present case. No inference then of a different meaning can be drawn from the adoption of this title: on the contrary, we might conclude that, by their affixing to it a term synonymous with ordinance or statute, they meant it to be an ordinance or statute. But of what consequence is their meaning, where their power is denied? If they meant to do more than they had power to do, did this give them power? It is not the name, but the authority which renders an act obligatory. Lord Coke says, 'an article of the statute, 11. R. II. c. 5. that no person should attempt to revoke any ordinance then made, is repealed, for that such restraint is against the jurisdiction and power of the parliament.' 4. inst. 42. and again, 'though divers parliaments, have attempted to restrain subsequent parliaments, yet could they never effect it; for the latter parliament hath ever power to abrogate, suspend, qualify, explain, or make void the former in the whole or in [223] any part thereof, notwithstanding any words of restraint, prohibition, or penalty, in the former; for it is a maxim in the laws of the parliament, 'quod leges posteriores priores contrarias abrogant.' 4. inst. 43.—To get rid of the magic supposed to be in the word *constitution*, let us translate it into its definition as given by those who think it above the power of the law; and let us suppose the convention, instead of saying, 'We the ordinary legislature, establish a *constitution*,' had said, 'We the ordinary legislature, establish

an act *above the power of the ordinary legislature.*' Does not this expose the absurdity of the attempt?

3. But, say they, the people have acquiesced, and this has given it an authority superior to the laws. It is true that the people did not rebel against it: and was that a time for the people to rise in rebellion? Should a prudent acquiescence, at a critical time, be construed into a confirmation of every illegal thing done during that period? Besides, why should they rebel? At an annual election they had chosen delegates for the year, to exercise the ordinary powers of legislation, and to manage the great contest in which they were engaged. These [224] delegates thought the contest would be best managed by an organized government. They therefore, among others, passed an ordinance of government. They did not presume to call it perpetual and unalterable. They well knew they had no power to make it so; that our choice of them had been for no such purpose, and at a time when we could have no such purpose in contemplation. Had an unalterable form of government been meditated, perhaps we should have chosen a different set of people. There was no cause then for the people to rise in rebellion. But to what dangerous lengths will this argument lead? Did the acquiescence of the colonies under the various acts of power exercised by Great Britain in our infant state, confirm these acts, and so far invest them with the authority of the people as to render them unalterable, and our present resistance wrong? On every unauthoritative exercise of power by the legislature must the people rise in rebellion, or their

silence be construed into a surrender of that power to them? If so, how many rebellions should we have had already? One certainly for every session of assembly. The other states in the union have been of opi-[225]nion that to render a form of government unalterable by ordinary acts of assembly, the people must delegate persons with special powers. They have accordingly chosen special conventions to form and fix their governments. The individuals then who maintain the contrary opinion in this country, should have the modesty to suppose it possible that they may be wrong, and the rest of America right. But if there be only a possibility of their being wrong, if only a plausible doubt remains of the validity of the ordinance of government, is it not better to remove that doubt by placing it on a bottom which none will dispute? If they be right we shall only have the unnecessary trouble of meeting once in convention. If they be wrong, they expose us to the hazard of having no fundamental rights at all. True it is, this is no time for deliberating on forms of government. While an enemy is within our bowels, the first object is to expel him. But when this shall be done, when peace shall be established, and leisure given us for intrenching within good forms, the rights for which we have bled, let no man be found indolent enough to de-[226]cline a little more trouble for placing them beyond the reach of question. If anything more be requisite to produce a conviction of the expediency of calling a convention at a proper season to fix our form of government, let it be the reflection:

6. That the assembly exercises a power of determining the quorum of their own body which may legislate for us. After the establishment of the new form they adhered to the *Lex majoris partis*, founded in<sup>1</sup> common law as well as common right. It is the<sup>2</sup> natural law of every assembly of men, whose numbers are not fixed by any other law. They continued for some time to require the presence of a majority of their whole number, to pass an act. But the British parliament fixes its own quorum; our former assemblies fixed their own quorum; and one precedent in favor of power is stronger than an hundred against it. The house of delegates, therefore, have<sup>3</sup> lately voted that, dur-[227]ing the present dangerous invasion, forty members shall be a house to proceed to business. They have been moved to this by the fear of not being able to collect a house. But this danger could not authorize them to call that a house which was none;<sup>4</sup> and if they may fix it at one number, they may at another, till it loses its fundamental character of being a representative body. As this vote expires with the

<sup>1</sup> Bro. Abr. Corporations, 31, 34. Hakewell, 93.—*T. J.*

<sup>2</sup> Puff. Off. hom. L. 2, c. 6, §. 12.—*T. J.*

<sup>3</sup> June 4, 1781.—*T. J.*

<sup>4</sup> In the original proof-sheets of the *Notes*, now in the New York State Library, this passage reads: "But they might as well have voted that a square inch of linen should be sufficient to make them a shirt, and walk into public view in confidence of being covered by it. Nor would it make the shirt bigger, that they could get no more linen." The comparison seemed too strong apparently, and all the words after "But," are stricken out, and in place is inserted in MS. "this danger could not authorize them to call that a house which was none; and if they could fix it at one number, they may at another, till it loses its fundamental character of being a representative body."

present invasion, it is probable the former rule will be permitted to revive; because at present no ill is meant. The power, however, of fixing their own quorum has been avowed, and a precedent set. From forty it may be reduced to four, and from four to one; from a house to a committee, from a committee to a chairman or speaker, and thus an oligarchy or monarchy be substituted under forms supposed to be regular. 'Omnia mala exempla ex bonis orta sunt; sed ubi imperium ad ignaros aut minus bonos pervenit, novum illud exemplum ab dignis et idoneis ad indignos et non idoneos fertur.' When, therefore, it is considered, that there is no legal obstacle to the assumption by the assembly of all the powers legislative, executive, and judiciary, [228] and that these may come to the hands of the smallest rag of delegation, surely the people will say, and their representatives, while yet they have honest representatives, will advise them to say, that they will not acknowledge as laws any acts not considered and assented to by the major part of their delegates.

In enumerating the defects of the constitution, it would be wrong to count among them what is only the error of particular persons. In December 1776, our circumstances being much distressed, it was proposed in the house of delegates to create a *dictator*, invested with every power legislative, executive, and judiciary, civil and military, of life and of death, over our persons and over our properties: and in June 1781,<sup>1</sup> again under calamity,

<sup>1</sup> "The delegates were then sitting at Staunton, and had voted that 40 of their number should make a house. There were between 40

the same proposition was repeated, and wanted a few votes only of being passed.<sup>1</sup>—One who entered

and 50 present when motion for the dictator was made, and it was rejected by a majority of 6 only."—*Note in the edition of 1853.*

<sup>1</sup> This story of a dictator was later the subject of controversy. It was first reintroduced to injure Patrick Henry in the political heats of 1798-9, by suggesting him as the proposed dictator. This was at once denied by the Henry adherents, and later Wirt again did so in his *Life of Henry*. As some of these denials went further than the mere question of the *personnel* of the dictator, Jefferson endeavored later to obtain accounts of what actually passed, by writing to different friends. In reply to one of these inquiries, Archibald Stuart wrote him (Sparks MSS., Harvard College) from Staunton, Sept. 8, 1818:

"DEAR SIR,—I presume you have seen M<sup>r</sup> Wirt's Sketches of the life of Patrick Henry; and that he denies M<sup>r</sup> H. favored the project of Establishing a Dictator during the revolutionary War.—Even doubts respecting events of such recent date tend greatly to impair the credit of History. There are many living now who witnessed the part M<sup>r</sup> Henry took on that subject.—After the Assembly was dispersed at Charlottesville in the year 1781 it met in Staunton where M<sup>r</sup> Geo. Nicholas a member of that body proposed that a Dictator be established in this Commonwealth who should have the power of disposing of the lives and fortunes of the Citizens thereof without being subject to account.—In support of this resolution he observed that the Country was overrun by the Enemy and that the Operation of the Gov<sup>t</sup> was nearly suspended:—That although the powers proposed to be conferred were very great the character he proposed to fill the office would remove all apprehensions arising from the abuse of them—That this character was Gen<sup>l</sup> Washington—That he was our fellow citizen, that we had a right to command his services and that he had no doubt but that on such an Occasion he would obey the call of his country.—In the course of his speech he referred to the practice of the Romans on similar occasions. After M<sup>r</sup> Nicholas sat down M<sup>r</sup> Henry addressed the Chair; he observed it was immaterial to him whether the Officer proposed was called a Dictator or a Governor with enlarged powers or by any other name yet surely an officer armed with such powers was necessary to restrain the unbridled fury of a licentious enemy and concluded by seconding the Motion.—

"On the other hand it was contended by Mann Page from Spottsylvania and several other Members;—That our Affairs were not desperate, That the pressure we felt was but temporary, That the Gov<sup>t</sup> was still efficient, That the spirit of the people was unbroken, That it was unbecoming in their representatives to damp their ardor by an

into this contest from a pure love of liberty, and a sense of injured rights, who determined to make every sacrifice, and to meet every danger, for the re-establishment of those rights on a firm basis, who did not mean to expend his blood and substance for the wretched pur- [229] pose of changing this master for that, but to place the powers of governing him in a plurality of hands of his own choice, so that the corrupt will of no one man might in future oppress him, must stand confounded and dismayed when he is told, that a considerable portion of that plurality had meditated the surrender of them into a single hand, and, in lieu of a limited monarch, to deliver him over to a despotic one! How must he find his efforts and sacrifices abused and baffled, if he may still, by a single vote, be laid prostrate at the feet of one man! In God's name, from whence have they derived this power? Is it from our ancient laws? None such can be produced. Is it from any principle in our new constitution expressed or implied? Every lineament

Act of despair—That they had equal confidence with the mover of the resolution in the Integrity of Genl Washington, but that he nor no other man ought to be armed with such unlimited powers.—That they well know he would not accept the office—That if he was willing to accept it, he was better employed at the head of the Army than in the exercise of powers which would render him odious to the people—After a lengthy discussion the proposition was negatived.—

“I was present at this discussion and could easily discover that the proposition was not relished by the people. Their feelings were of a different character; had the enemy advanced they would have risen in mass to repel them.—

“I communicated these facts to you shortly after they took place.—

“I am yours most sincerely

“ARCH: STUART.”

\* Altered to “we” in edition of 1787.



of that expressed or implied, is in full opposition to it. Its fundamental principle is, that the state shall be governed as a commonwealth. It provides a republican organization, proscribes under the name of *prerogative* the exercise of all powers undefined by the laws; places on this basis the whole system of our laws; and by consolidating them together, chooses that they shall be left to stand or fall together, never [230] providing for any circumstances, nor admitting that such could arise, wherein either should be suspended; no, not for a moment. Our antient laws expressly declare, that those who are but delegates themselves shall not delegate to others powers which require judgment and integrity in their exercise. Or was this proposition moved on a supposed right in the movers, of abandoning their posts in a moment of distress? The same laws forbid the abandonment of that post, even on ordinary occasions; and much more a transfer of their powers into other hands and other forms, without consulting the people. They never admit the idea that these, like sheep or cattle, may be given from hand to hand without an appeal to their own will.—Was it from the necessity of the case? Necessities which dissolve a government, do not convey its authority to an oligarchy or a monarchy. They throw back, into the hands of the people, the powers they had delegated, and leave them as individuals to shift for themselves. A leader may offer, but not impose himself, nor be imposed on them. Much less can their necks be submitted to his sword, their breath be held at his

will or caprice. [231] The necessity which should operate these tremendous effects should at least be palpable and irresistible. Yet in both instances, where it was feared, or pretended with us, it was belied by the event. It was belied, too, by the preceding experience of our sister states, several of whom had grappled through greater difficulties without abandoning their forms of government. When the proposition was first made, Massachusetts had found even the government of committees sufficient to carry them through an invasion. But we at the time of that proposition, were under no invasion. When the second was made, there had been added to this example those of Rhode-Island, New-York, New-Jersey, and Pennsylvania, in all of which the republican form had been found equal to the task of carrying them through the severest trials. In this state alone did there exist so little virtue, that fear was to be fixed in the hearts of the people, and to become the motive of their exertions, and the principle of their government? The very thought alone was treason against the people; was treason against mankind in general; as rivetting forever the chains which bow down their necks by gi-[232] ving to their oppressors a proof, which they would have trumpeted through the universe, of the imbecility of republican government, in times of pressing danger, to shield them from harm. Those who assume the right of giving away the reins of government in any case, must be sure that the herd, whom they hand on to the rods and hatchet of the dictator, will lay their necks on the

block when he shall nod to them. But if our assemblies supposed such a resignation in the people, I hope they mistook their character. I am of opinion, that the government, instead of being braced and invigorated for greater exertions under their difficulties, would have been thrown back upon the bungling machinery of county committees for administration, till a convention could have been called, and its wheels again set into regular motion. What a cruel moment was this for creating such an embarrassment, for putting to the proof the attachment of our countrymen to republican government! Those who meant well, of the advocates for this measure, (and most of them meant well, for I know them personally, had been their fellow-labourers in the common cause, and had [233] often proved the purity of their principles,) had been seduced in their judgment by the example of an antient republic, whose constitution and circumstances were fundamentally different. They had sought this precedent in the history of Rome, where alone it was to be found, and where at length, too, it had proved fatal. They had taken it from a republic rent by the most bitter factions and tumults, where the government was of a heavy-handed unfeeling aristocracy, over a people ferocious, and rendered desperate by poverty and wretchedness; tumults which could not be allayed under the most trying circumstances, but by the omnipotent hand of a single despot. Their constitution, therefore, allowed a temporary tyrant to be erected, under the name of a Dictator; and that temporary tyrant,

after a few examples, became perpetual. They misapplied this precedent to a people mild in their dispositions, patient under their trial, united for the public liberty, and affectionate to their leaders. But if from the constitution of the Roman government there resulted to their Senate a power of submitting all their rights to the will of one man, does it follow that [234] the assembly of Virginia have the same authority? What clause in our constitution has substituted that of Rome, by way of residuary provision, for all cases not otherwise provided for? Or if they may step ad libitum into any other form of government for precedents to rule us by, for what oppression may not a precedent be found in this world of the bellum omnium in omnia? Searching for the foundations of this proposition, I can find none which may pretend a colour of right or reason, but the defect before developed, that there being no barrier between the legislative, executive, and judiciary departments, the legislature may seize the whole: that having seized it, and possessing a right to fix their own quorum, they may reduce that quorum to one, whom they may call a chairman, speaker, dictator, or by any other name they please.—Our situation is indeed perilous, and I hope my countrymen will be sensible of it, and will apply, at a proper season, the proper remedy; which is a convention to fix the constitution, to amend its defects, to bind up the several branches of government by certain laws, which, when they transgress, their acts shall [235] become nullities; to render unnecessary an appeal to the people, or in other

words a rebellion, on every infraction of their rights, on the peril that their acquiescence shall be construed into an intention to surrender those rights.

#### QUERY XIV

*The administration of justice and the description of the laws?*

The state is divided into counties. In every county are appointed magistrates, called justices of the peace, usually from eight to thirty or forty in number, in proportion to the size of the county, of the most discreet and honest inhabitants. They are nominated by their fellows, but commissioned by the governor, and act without reward. These magistrates have jurisdiction both criminal and civil. If the question before them be a question of law only, they decide on it themselves; but if it be a fact, or of fact and law combined, it must be referred to a jury. In the latter case, of a combination of law and fact, it is usual for the jurors to decide [236] the fact, and to refer the law arising on it to the decision of the judges. But this division of the subject lies with their discretion only. And if the question relate to any point of public liberty, or if it be one of those in which the judges may be suspected of bias, the jury undertake to decide both law and fact. If they be mistaken, a decision against right, which is casual only, is less dangerous to the state, and less afflicting to the loser, than one which makes part of a regular and uniform system. In truth, it is better to toss up cross and pile in a

cause, than to refer it to a judge whose mind is warped by any motive whatever, in that particular case. But the common sense of twelve honest men gives still a better chance of just decision, than the hazard of cross and pile. These judges execute their process by the sheriff or coroner of the county, or by constables of their own appointment. If any free person commit an offence against the commonwealth, if it be below the degree of felony, he is bound by a justice to appear before their court, to answer it on indictment or information. If it amount to felony, he is committed to jail; a court of these justices [237] is called; if they on examination think him guilty, they send him to the jail of the general court, before which court he is to be tried first by a grand jury of 24, of whom 13 must concur in opinion; if they find him guilty, he is then tried by a jury of 12 men of the county where the offence was committed, and by their verdict, which must be unanimous, he is acquitted or condemned without appeal. If the criminal be a slave, the trial by the county court is final. In every case, however, except that of high treason, there resides in the governor a power of pardon. In high treason the pardon can only flow from the general assembly. In civil matters these justices have jurisdiction in all cases of whatever value, not appertaining to the department of the admiralty. This jurisdiction is twofold. If the matter in dispute be of less value than 4½ dollars, a single member may try it at any time and place within his county, and may award execution on the goods of the party cast. If it be of that or

greater value, it is determinable before the county court, which consists of four at the least of those justices and assembles at the court-house of the county on a certain day [238] in every month. From their determination, if the matter be of the value of ten pounds sterling, or concern the title or bounds of lands, an appeal lies to one of the superior courts.

There are three superior courts, to wit, the high court of chancery, the general court, and court of admiralty. The first and second of these receive appeals from the county courts, and also have original jurisdiction, where the subject of controversy is of the value of ten pounds sterling, or where it concerns the title or bounds of lands. The jurisdiction of the admiralty is original altogether. The high court of chancery is composed of three judges, the general court of five, and the court of admiralty of three. The two first hold their sessions at Richmond at stated times, the chancery twice in the year, and the general court twice for business civil and criminal, and twice more for criminal only. The court of admiralty sits at Williamsburg whenever a controversy arises.

There is one supreme court, called the court of appeals, composed of the judges of the three superior courts, assembling twice a year at stated times at Richmond. This court [239] receives appeals in all civil cases from each of the superior courts, and determines them finally. But it has no original jurisdiction.

If a controversy arise between two foreigners of a nation in alliance with the United States, it is

decided by the Consul for their State, or, if both parties chuse it, by the ordinary courts of justice. If one of the parties only be such a foreigner, it is triable before the courts of justice of the country. But if it shall have been instituted in a county court, the foreigner may remove it into the general court, or court of chancery, who are to determine it at their first sessions, as they must also do if it be originally commenced before them. In cases of life and death, such foreigners have a right to be tried by a jury, the one-half foreigners, the other natives.

All public accounts are settled with a board of auditors, consisting of three members appointed by the general assembly, any two of whom may act. But an individual, dissatisfied with the determination of that board, may carry his case into the proper superior court. [240]

A description of the laws.

The general assembly was constituted, as has been already shown, by letters-patent of March the 9th, 1607, in the 4th year of the reign of James the first. The laws of England seem to have been adopted by consent of the settlers, which might easily enough be done whilst they were few and living all together. Of such adoption, however, we have no other proof than their practice till the year 1661, when they were expressly adopted by an act of the assembly, except so far as 'a difference of condition' rendered them inapplicable. Under this adoption, the rule, in our courts of judicature was, that the common law of England, and the general statutes previous to



the 4th of James, were in force here; but that no subsequent statutes were, *unless we were named in them*, said the judges and other partisans of the crown, but *named or not named*, said those who reflected freely. It will be unnecessary to attempt a description of the laws of England, as that may be found in English publications. To those which were established here, by the adoption of the legislature, have been since added a number of [241] acts of assembly passed during the monarchy, and ordinances of convention and acts of assembly enacted since the establishment of the republic. The following variations from the British model are perhaps worthy of being specified:

Debtors unable to pay their debts, and making faithful delivery of their whole effects, are released from confinement, and their persons forever discharged from restraint for such previous debts: but any property they may afterwards acquire will be subject to their creditors.

The poor, unable to support themselves, are maintained by an assessment on the titheable persons in their parish. This assessment is levied and administered by twelve persons in each parish, called vestrymen, originally chosen by the housekeepers of the parish, but afterwards filling vacancies in their own body by their own choice. These are usually the most discreet farmers, so distributed through their parish, that every part of it may be under the immediate eye of some one of them. They are well acquainted with the details and oeconomy of private life, and they find sufficient

inducements to execute [242] their charge well, in their philanthropy, in the approbation of their neighbors, and the distinction which that gives them. The poor who have neither property, friends, nor strength to labour, are boarded in the houses of good farmers, to whom a stipulated sum is annually paid. To those who are able to help themselves a little, or have friends from whom they derive some succours, inadequate however to their full maintenance, supplementary aids are given which enable them to live comfortably in their own houses, or in the houses of their friends. Vagabonds without visible property or vocation, are placed in work houses, where they are well clothed, fed, lodged, and made to labour. Nearly the same methods of providing for the poor prevails through all our states; and from Savannah to Portsmouth you will seldom meet a beggar. In the larger towns, indeed, they sometimes present themselves. These are usually foreigners, who have never obtained a settlement in any parish. I never yet saw a native American begging in the streets or highways. A subsistence is easily gained here: and if, by misfortunes, they are thrown on the charities of the world, those provided by their own country are so comfortable and so certain, [243] that they never think of relinquishing them to become strolling beggars. Their situation too, when sick, in the family of a good farmer, where every member is emulous to do them kind offices, where they are visited by all the neighbors, who bring them the little rarities which their sickly appetites may crave, and who take by rotation the

nightly watch over them, when their condition requires it, is without comparison better than in a general hospital, where the sick, the dying and the dead are crammed together in the same rooms, and often in the same beds. The disadvantages, inseparable from general hospitals, are such as can never be counterpoised by all the regularities of medicine and regimen. Nature and kind nursing save a much greater proportion in our plain way, at a smaller expense, and with less abuse. One branch only of hospital institution is wanting with us; that is a general establishment for those laboring under difficult cases of chirurgery. The aids of this art are not equivocal. But an able chirurgeon cannot be had in every parish. Such a receptacle should therefore be provided for those patients: but no others should be admitted. [244]

Marriages must be solemnized either on special licence, granted by the first magistrate of the county, on proof of the consent of the parent or guardian of either party under age, or after solemn publication, on three several sundays, at some place of religious worship, in the parishes where the parties reside. The act of solemnization may be by the minister of any society of christians, who shall have been previously licensed for this purpose by the court of the county. Quakers and Menonists however are exempted from all these conditions, and marriage among them is to be solemnized by the society itself.

A foreigner of any nation, not in open war with us, becomes naturalized by removing to the state

to reside, and taking an oath of fidelity: and thereupon acquires every right of a native citizen: and citizens may divest themselves of that character, by declaring, by solemn deed, or in open court, that they mean to expatriate themselves, and no longer to be citizens of this state.

Conveyances of land must be registered in the court of the county wherein they lie, or in the general court, or they are void, [245] as to creditors, and subsequent purchasers.

Slaves pass by descent and dower as lands do. Where the descent is from a parent, the heir is bound to pay an equal share of their value in money to each of his brothers and sisters.

Slaves, as well as lands, were entailable during the monarchy; but, by an act of the first republican assembly, all donees in tail, present and future, were vested with the absolute dominion of the entailed subject.

Bills of exchange, being protested, carry 10 per cent. interest from their date.

No person is allowed, in any other case, to take more than five per centum per annum simple interest for the loan of moneys.

Gaming debts are made void, and monies actually paid to discharge such debts (if they exceed 40 shillings) may be recovered by the payer within three months, or by any other person afterwards.

Tobacco, flour, beef, pork, tar, pitch, and turpentine must be inspected by persons publicly appointed before they can be exported. [246]

The erecting iron-works and mills is encouraged

by many privileges; with necessary cautions however to prevent their dams from obstructing the navigation of the water courses. The general assembly have on several occasions shewn a great desire to encourage the opening the great falls of James and Patowmac rivers. As yet, however, neither of these have been effected.

The laws have also descended to the preservation and improvement of the races of useful animals, such as horses, cattle, deer; to the extirpation of those which are noxious, as wolves, squirrels, crows, blackbirds; and to the guarding our citizens against infectious disorders, by obliging suspected vessels coming into the state, to perform quarantine, and by regulating the conduct of persons having such disorders within the state.

The mode of acquiring lands, in the earliest times of our settlement, was by petition to the general assembly. If the lands prayed for were already cleared of the Indian title, and the assembly thought the prayer reasonable, they passed the property by their vote to the petitioner. But if they had not yet been ceded by the Indians, it was necessary that the petitioner should previously purchase their right. This purchase the assembly verified, by enquiries of the Indian proprietors; and being satisfied of its reality and fairness, proceeded further to examine the reasonableness of the petition, and its consistence with policy; and according to the result either granted or rejected the petition. The company also sometimes, though very rarely, granted lands, independently of the general assembly. As

the colony increased, and individual applications for land multiplied, it was found to give too much occupation to the general assembly to inquire into and execute the grant in every special case. They therefore thought it better to establish general rules, according to which all grants should be made, and to leave to the governor the execution of them, under these rules. This they did by what have been usually called the land laws, amending them from time to time, as their defects were developed. According to these laws, when an individual wished a portion of unappropriated land, he was to locate and survey it by a public officer, appointed for that purpose: its breadth was to bear a certain proportion to its length: the grant was to be executed by the governor: and the lands were to be improved in a certain manner, within a given time. From these regulations there resulted to the state a sole and exclusive power of taking conveyances of the Indian right of soil; since, according to them an Indian conveyance alone could give no right to an individual, which the laws would acknowledge. The state, or the crown, thereafter, made general purchases of the Indians from time to time, and the governor parcelled them out by special grants, conformed to the rules before described, which it was not in his power, or in that of the crown, to dispense with. Grants, unaccompanied by their proper legal circumstances, were set aside regularly by *scire facias*, or by bill in Chancery. Since the establishment of our new government, this order of things is but little changed. An individual,

wishing to appropriate to himself lands still unappropriated by any other, pays to the public treasurer a sum of money proportioned to the quantity he wants. He carries the treasurer's receipt to the auditors of public accompts, who thereupon debit the treasurer [249] with the sum, and order the register of the land-office to give the party a warrant for his land. With this warrant from the register, he goes to the surveyor of the county where the land lies on which he has cast his eye. The Surveyor lays it off for him, gives him its exact description, in the form of a certificate, which certificate he returns to the land-office, where a grant is made out, and is signed by the governor. This vests in him a perfect dominion in his lands, transmissible to whom he pleases by deed or will, or by descent to his heirs, if he die intestate.

Many of the laws which were in force during the monarchy being relative merely to that form of government, or inculcating principles inconsistent with republicanism, the first assembly which met after the establishment of the commonwealth, appointed a committee to revise the whole code, to reduce it into proper form and volume, and report it to the assembly. This work has been executed by three gentlemen, and reported; but probably will not be taken up till a restoration of peace shall leave [250] to the legislature leisure to go through such a work.<sup>1</sup>

The plan of the revival was this. The common law of England, by which is meant that part of the

<sup>1</sup> This is the *Report of the Revisors*, prepared by Jefferson, Wythe, and Pendleton, and reported to the legislature June 18, 1779.

English law which was anterior to the date of the oldest statutes extant, is made the basis of the work. It was thought dangerous to attempt to reduce it to a text: it was therefore left to be collected from the usual monuments of it. Necessary alterations in that, and so much of the whole body of the British statutes, and of acts of assembly, as were thought proper to be retained, were digested into 126 new acts, in which simplicity of style was aimed at, as far as was safe. The following are the most remarkable alterations proposed:

To change the rules of descent, so as that the lands of any person dying intestate shall be divisible equally among all his children, or other representatives, in equal degree.

To make slaves distributable among the next of kin, as other movables.

To have all public expences, whether of the general treasury, or of a parish or county, (as for the maintenance of the poor, building bridges, court-houses, &c.,) supplied by as-[251] sessments on the citizens, in proportion to their property.

To hire undertakers for keeping the public roads in repair, and indemnify individuals through whose lands new roads shall be opened.

To define with precision the rules whereby aliens should become citizens, and citizens make themselves aliens.

To establish religious freedom on the broadest bottom.

To emancipate all slaves born after passing the act. The bill reported by the revisers does not itself



contain this proposition; but an amendment containing it was prepared, to be offered to the legislature whenever the bill should be taken up, and further directing, that they should continue with their parents to a certain age, then be brought up, at the public expence, to tillage, arts, or sciences, according to their geniusses, till the females should be eighteen, and the males twenty-one years of age, when they should be colonized to such place as the circumstances of the time should render most proper, sending them out with arms, implements of household and of the handicraft arts, seeds, pairs of the [252] useful domestic animals, &c. to declare them a free and independant people, and extend to them our alliance and protection, till they shall have acquired strength; and to send vessels at the same time to other parts of the world for an equal number of white inhabitants; to induce whom to migrate hither, proper encouragements were to be proposed. It will probably be asked, Why not retain and incorporate the blacks into the state, and thus save the expence of supplying by importation of white settlers, the vacancies they will leave? Deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances will divide us into parties, and produce convulsions, which will probably never end but in the extermination of the one or the other race.— To these objections, which are political, may be added others, which are physical and moral. The

first difference which strikes us is that of colour. Whether the black of the negro resides in the reticular membrane between the skin and scarfskin, or in the scarfskin itself; [253] whether it proceeds from the colour of the blood, the colour of the bile, or from that of some other secretion, the difference is fixed in nature, and is as real as if its seat and cause were better known to us. And is this difference of no importance? Is it not the foundation of a greater or less share of beauty in the two races? Are not the fine mixtures of red and white, the expressions of every passion by greater or less suffusions of colour in the one, preferable to that eternal monotony, which reigns in the countenances, that immovable veil of black which covers all the emotions of the other race? Add to these, flowing hair, a more elegant symmetry of form, their own judgment in favour of the whites, declared by their preference of them as uniformly as is the preference of the Oranootan for the black woman over those of his own species. The circumstance of superior beauty, is thought worthy attention in the propagation of our horses, dogs, and other domestic animals; why not in that of man? Besides those of colour, figure, and hair, there are other physical distinctions proving a difference of race. They have less hair on the face and body. They secrete [254] less by the kidneys, and more by the glands of the skin, which gives them a very strong and disagreeable odour. This greater degree of transpiration, renders them more tolerant of heat, and less so of cold than the whites. Perhaps too a difference of structure in

the pulmonary apparatus, which a late ingenious<sup>1</sup> experimentalist has discovered to be the principal regulator of animal heat, may have disabled them from extricating, in the act of inspiration, so much of that fluid from the outer air, or obliged them in expiration, to part with more of it. They seem to require less sleep. A black after hard labour through the day, will be induced by the slightest amusements to sit up till midnight or later, though knowing he must be out with the first dawn of the morning. They are at least as brave, and more adventuresome. But this may perhaps proceed from a want of forethought, which prevents their seeing a danger till it be present. When present, they do not go through it with more coolness or stea-[255] diness than the whites. They are more ardent after their female; but love seems with them to be more an eager desire, than a tender delicate mixture of sentiment and sensation. Their griefs are transient. Those numberless afflictions, which render it doubtful whether heaven has given life to us in mercy or in wrath, are less felt, and sooner forgotten with them. In general, their existence appears to participate more of sensation than reflection. To this must be ascribed their disposition to sleep when abstracted from their diversions, and unemployed in labour. An animal whose body is at rest, and who does not reflect, must be disposed to sleep of course. Comparing them by their faculties of memory, reason, and imagination, it appears to me that in memory they are equal to the whites; in

<sup>1</sup> Crawford.—T. J.

reason much inferior, as I think one could scarcely be found capable of tracing and comprehending the investigations of Euclid: and that in imagination they are dull, tasteless, and anomalous. It would be unfair to follow them to Africa for this investigation. We will consider them here, on the same stage with the whites, and where the facts are not apochryphal on which a judgment is to be [256] formed. It will be right to make great allowances for the difference of condition, of education, of conversation, of the sphere in which they move. Many millions of them have been brought to, and born in America. Most of them, indeed, have been confined to tillage, to their own homes, and their own society: yet many have been so situated, that they might have availed themselves of the conversation of their masters; many have been brought up to the handicraft arts, and from that circumstance have always been associated with the whites. Some have been liberally educated, and all have lived in countries where the arts and sciences are cultivated to a considerable degree, and have had before their eyes samples of the best works from abroad. The Indians, with no advantages of this kind, will often carve figures on their pipes not destitute of design and merit. They will crayon out an animal, a plant, or a country, so as to prove the existence of a germ in their minds which only wants cultivation. They astonish you with strokes of the most sublime oratory; such as prove their reason and sentiment strong, their [257] imagination glowing and elevated. But never yet could I find that a black had uttered a thought

above the level of plain narration; never seen even an elementary trait of painting or sculpture. In music they are more generally gifted than the whites, with accurate ears for tune and time, and they have been found capable of imagining a small catch.<sup>1</sup> Whether they will be equal to the composition of a more extensive run of melody, or of complicated harmony, is yet to be proved. Misery is often the parent of the most affecting touches in poetry.—Among the blacks is misery enough, God knows, but no poetry. Love is the peculiar cestrum of the poet. Their love is ardent, but it kindles the senses only, not the imagination. Religion, indeed, has produced a Phyllis Whately<sup>2</sup>; but it could not produce a poet. The compositions published under her name are below the dignity of criticism. The heroes of the *Dunciad* are to her, as Hercules to the author of that poem. Igna-[258]tius Sanchoh<sup>3</sup> has approached nearer to merit in composition; yet his letters do more honour to the heart than the head. They breathe the purest effusions of friendship and general philanthropy, and show how great a degree of the latter may be compounded with strong religious

<sup>1</sup> The instrument proper to them is the Banjar, which they brought hither from Africa, and which is the original of the guitar, its chords being precisely the four lower chords of the guitar.—*T. J.*

<sup>2</sup> Phillis Wheatley, author of a number of poems, published at different times, some of which were collected into a volume, published in London in 1773, which has been several times reprinted. See *Alibone and Gregoire*.

<sup>3</sup> Born in 1729 on a slaveship, and a resident for many years in England. His *Letters, with Memoirs of his Life*, were published in London in two volumes, in 1782. Some account of him, with a reply to Jefferson's criticism of his letters, is given in H. Gregoire's *Enquiry concerning* . . . *Negroes*. *Brooklyn: 1810*, p. 227.

zeal. He is often happy in the turn of his compliments, and his style is easy and familiar, except when he affects a Shandean fabrication of words. But his imagination is wild and extravagant, escapes incessantly from every restraint of reason and taste, and, in the course of its vagaries, leaves a tract of thought as incoherent and eccentric, as is the course of a meteor through the sky. His subjects should often have led him to a process of sober reasoning; yet we find him always substituting sentiment for demonstration. Upon the whole, though we admit him to the first place among those of his own color who have presented themselves to the public judgment, yet when we compare him with the writers of the race among whom he lived and particularly with the epistolary class in which he has taken his own stand, we are compelled to enrol him at the bottom of the column. [259] This criticism supposes the letters published under his name to be genuine, and to have received amendment from no other hand; points which would not be of easy investigation. The improvement of the blacks in body and mind, in the first instance of their mixture with the whites, has been observed by every one, and proves that their inferiority is not the effect merely of their condition of life. We know that among the Romans, about the Augustan age especially, the condition of their slaves was much more deplorable than that of the blacks on the continent of America. The two sexes were confined in separate apartments, because to raise a child cost the master more than to buy one. Cato,

for a very restricted indulgence to his slaves in this particular,<sup>1</sup> took from them a certain price. But in this country the slaves multiply as fast as the free inhabitants. Their situation and manners place the commerce between the two sexes almost without restraint.—[260] The same Cato, on a principle of economy, always sold his sick and superannuated slaves. He gives it as a standing precept to a master visiting his farm, to sell his old oxen, old waggons, old tools, old and diseased servants, and everything else become useless. ‘Vendat boves vetulos, plaustrum vetus, feramenta vetera, servum senem, servum morbosum, si quid aliud supersit vendat.’ Cato de re rusticâ, c. 2. The American slaves cannot enumerate this among the injuries and insults they receive. It was the common practice to expose in the island Æsculapius, in the Tyber, diseased slaves whose cure was like to become tedious.<sup>2</sup> The Emperor Claudius, by an edict, gave freedom to such of them as should recover, and first declared that if any person chose to kill rather than to expose them, it should be deemed homicide. The exposing them is a crime of which no instance has existed with us; and were it to be followed by death, it would be punished capitally. We are told of a certain Vedius Pollio, who, in the presence of Augustus, would have given a slave as food to his fish, for having broken a glass.<sup>3</sup> With the Romans, the regular

<sup>1</sup> Τῆς θάλασσης ἐτάξεν ὠρισμένα νομισμάτος ὀμίλειν ταῖς Δεραπαινίδων.  
—Plutarch. Cato.—T. J.

<sup>2</sup> Suet. Claud. 25.—T. J.

<sup>3</sup> “Seneca de ira. L. 3, 40; de Clementia 1, 18; Xiphil. Aug., p. 76.”  
Note in edition of 1853.

method of tak-[261] ing the evidence of their slaves was under torture. Here it has been thought better never to resort to their evidence. When a master was murdered, all his slaves, in the same house, or within hearing, were condemned to death. Here punishment falls on the guilty only, and as precise proof is required against him as against a freeman. Yet notwithstanding these and other discouraging circumstances among the Romans, their slaves were often their rarest artists. They excelled too in science, insomuch as to be usually employed as tutors to their master's children. Epictetus,<sup>1</sup> Terence, and Phædrus, were slaves. But they were of the race of whites. It is not their condition then, but nature, which has produced the distinction.—Whether further observation will or will not verify the conjecture, that nature has been less bountiful to them in the endowments of the head, I believe that in those of the heart she will be found to have done them justice. That disposition to theft with which they have been branded, must be ascribed to their situation, and not to any depravity of the moral sense. The man in whose favour no laws of property exist, probably feels himself less [262] bound to respect those made in favour of others. When arguing for ourselves, we lay it down as a fundamental, that laws, to be just, must give a reciprocation of right: that, without this, they are mere arbitrary rules of conduct, founded in force, and not in conscience; and it is a problem which I give to the

<sup>1</sup> In the edition of 1853 the names of Diogenes and Phædon are inserted at this point.



master to solve, whether the religious precepts against the violation of property were not framed for him as well as his slave? And whether the slave may not as justifiably take a little from one who has taken all from him, as he may slay one who would slay him? That a change in the relations in which a man is placed should change his ideas of moral right and wrong, is neither new, nor peculiar to the colour of the blacks. Homer tells us it was so 2600 years ago.

*Ἕμισυ, γὰρ τ' ἀρετῆς ἀποαίνυται εὐρύοπα Ζεὺ  
Ἄφνερος, εὐτ' ἂν μιν κατὰ δουλιον ἡμαρ ἔλησιν.*

—Od. 17, 323.

Jove fix'd it certain, that whatever day  
Makes man a slave, takes half his worth away.

But the slaves of which Homer speaks were whites. Notwithstanding these considerations which must weaken their respect for the laws of property, we find among them numerous [263] instances of the most rigid integrity, and as many as among their better instructed masters, of benevolence, gratitude, and unshaken fidelity. The opinion that they are inferior in the faculties of reason and imagination, must be hazarded with great diffidence. To justify a general conclusion, requires many observations, even where the subject may be submitted to the Anatomical knife, to Optical glasses, to analysis by fire or by solvents. How much more then where it is a faculty, not a substance, we are examining; where it eludes the research of all the senses; where the conditions of its existence are various and variously

combined; where the effects of those which are present or absent bid defiance to calculation; let me add too, as a circumstance of great tenderness, where our conclusion would degrade a whole race of men from the rank in the scale of beings which their Creator may perhaps have given them. To our reproach it must be said, that though for a century and a half we have had under our eyes the races of black and of red men, they have never yet been viewed by us as subjects of natural history. I advance it, [264] therefore, as a suspicion only, that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind. It is not against experience to suppose that different species of the same genus, or varieties of the same species, may possess different qualifications. Will not a lover of natural history then, one who views the gradations in all the races of animals with the eye of philosophy, excuse an effort to keep those in the department of man as distinct as nature has formed them? This unfortunate difference of colour, and perhaps of faculty, is a powerful obstacle to the emancipation of these people. Many of their advocates, while they wish to vindicate the liberty of human nature, are anxious also to preserve its dignity and beauty. Some of these, embarrassed by the question, 'What further is to be done with them?' join themselves in opposition with those who are actuated by sordid avarice only. Among the Romans emancipation required but one effort. The slave, when made free, might mix with, without

staining the blood of his [265] master. But with us a second is necessary, unknown to history. When freed, he is to be removed beyond the reach of mixture.

The revised code further proposes to proportion crimes and punishments. This is attempted in the following scale. [266]

I. Crimes whose punishment extends to *Life*.

1. High treason. Death by hanging.  
Forfeiture of lands and goods to the commonwealth.
2. Petty treason. Death by hanging. Dissection.  
Forfeiture of half the lands and goods to the representatives of the party slain.
3. Murder.
  1. By poison. Death by poison.  
Forfeiture of one-half, as before.
  2. In duel. Death by hanging. Gibbeting, if the challenger.  
Forfeiture of one-half as before, unless it be the party challenged, then the forfeiture is to the commonwealth.
  3. In any other way. Death by hanging.  
Forfeiture of one-half as before.
4. Manslaughter. The second offence is murder.

II. Crimes whose punishment goes to *Limb*.

1. Rape..... } Dismemberment.
2. Sodomy.... } Dismemberment.
3. Maiming... } Retaliation, and the forfeiture of half of the
4. Disfiguring } lands and goods to the sufferer.

III. Crimes punishable by *Labour*.

1. Manslaughter, 1st offence. Labor VII. years for the public. Forfeiture of half, as in murder.
2. Counterfeiting money. Labor VI. years. Forfeiture of lands and goods to the commonwealth.  
[267]
3. Arson } Labor V. years. Reparation three-fold.
4. Asportation of vessels. } Labor V. years. Reparation three-fold.

5. Robbery.	}	Labor IV. years.	Reparation
6. Burglary.			double.
7. House-breaking.	}	Labor III. years.	Reparation.
8. Horse-stealing.			
9. Grand larceny.		Labor II. years.	Reparation.
			Pillory.
10. Petty larceny.		Labor I. year.	Reparation.
			Pillory.
11. Pretensions to witchcraft, &c.		Ducking.	Stripes.
12. Excusable homicide.	}	To be pitied, not punished.	
13. Suicide.			
14. Apostacy. Heresy.			

[268]

Pardon and privilege of clergy are proposed to be abolished; but if the verdict be against the defendant, the court in their discretion may allow a new trial. No attainder to cause a corruption of blood, or forfeiture of dower. Slaves guilty of offences punishable in others by labour, to be transported to Africa, or elsewhere, as the circumstances of the time admit, there to be continued in slavery. A rigorous regimen proposed for those condemned to labour.

Another object of the revisal is, to diffuse knowledge more generally through the mass of the people. This bill proposes to lay off every country into small districts of five or six miles square, called hundreds and in each of them to establish a school for teaching, reading, writing, and arithmetic. The tutor to be supported by the hundred, and every person in it entitled to send their children three years gratis, and as much longer as they please, paying for it. These schools to be under a visitor who is annually to chuse the boy of best genius in the school, of those whose parents are too poor to give them further education,

and to send him forward to one of the grammar schools, of which twen-[269] ty are proposed to be erected in different parts of the country, for teaching Greek, Latin, geography, and the higher branches of numerical arithmetic. Of the boys thus sent in any one year, trial is to be made at the grammar schools one or two years, and the best genius of the whole selected, and continued six years, and the residue dismissed. By this means twenty of the best geniuses will be raked from the rubbish annually, and be instructed, at the public expence, so far as the grammar schools go. At the end of six years instruction, one half are to be discontinued (from among whom the grammar schools will probably be supplied with future masters); and the other half, who are to be chosen for the superiority of their parts and disposition, are to be sent and continued three years in the study of such sciences as they shall chuse, at William and Mary college, the plan of which is proposed to be enlarged, as will be hereafter explained, and extended to all the useful sciences. The ultimate result of the whole scheme of education would be the teaching all the children of the State reading, writing, and common arithmetic; turning out ten annually, of su- [270] perior genius, well taught in Greek, Latin, geography, and the higher branches of arithmetic; turning out ten others annually, of still superior parts, who, to those branches of learning, shall have added such of the sciences as their genius shall have them led to; the furnishing to the wealthier part of the people convenient schools at which their children may be

educated at their own expence.—The general objects of this law are to provide an education adapted to the years, to the capacity, and the condition of every one, and directed to their freedom and happiness. Specific details were not proper for the law. These must be the business of the visitors entrusted with its execution. The first stage of this education being the schools of the hundreds, wherein the great mass of the people will receive their instruction, the principal foundations of future order will be laid here. Instead, therefore, of putting the Bible and Testament into the hands of the children at an age when their judgments are not sufficiently matured for religious inquiries, their memories may here be stored with the most useful facts from Grecian, Roman, European, and American history. The first [271] elements of morality too may be instilled into their minds; such as, when further developed as their judgments advance in strength, may teach them how to work out their own greatest happiness, by shewing them that it does not depend on the condition of life in which chance has placed them, but is always the result of a good conscience, good health, occupation, and freedom in all just pursuits.—Those whom either the wealth of their parents or the adoption of the state shall destine to higher degrees of learning, will go on to the grammar schools, which constitute the next stage, there to be instructed in the languages. The learning Greek and Latin, I am told, is going into disuse in Europe. I know not what their manners and occupations may call for: but it would be very ill-judged in us

to follow their example in this instance. There is a certain period of life, say from eight to fifteen or sixteen years of age, when the mind like the body is not yet firm enough for laborious and close operations. If applied to such, it falls an early victim to premature exertion; exhibiting, indeed, at first, in these young and tender subjects, the flattering appearance of their be-[272]ing men while they are yet children, but ending in reducing them to be children when they should be men. The memory is then most susceptible and tenacious of impressions; and the learning of languages being chiefly a work of memory, it seems precisely fitted to the powers of this period, which is long enough too for acquiring the most useful languages, antient and modern. I do not pretend that language is science. It is only an instrument for the attainment of science. But that time is not lost which is employed in providing tools for future operation: more especially as in this case the books put into the hands of the youth for this purpose may be such as will at the same time impress their minds with useful facts and good principles. If this period be suffered to pass in idleness, the mind becomes lethargic and impotent, as would the body it inhabits if unexercised during the same time. The sympathy between body and mind during their rise, progress and decline, is too strict and obvious to endanger our being misled while we reason from the one to the other.—As soon as they are of sufficient age, it is supposed they will be sent on from the grammar schools to the [273] university, which constitutes our

third and last stage, there to study those sciences which may be adapted to their views.—By that part of our plan which prescribes the selection of the youths of genius from among the classes of the poor, we hope to avail the state of those talents which nature has shown as liberally among the poor as the rich, but which perish without use, if not sought for and cultivated.—But of all the views of this law none is more important, none more legitimate, than that of rendering the people the safe, as they are the ultimate, guardians of their own liberty. For this purpose the reading in the first stage, where *they* will receive their whole education, is proposed, as has been said, to be chiefly historical. History, by apprising them of the past, will enable them to judge of the future; it will avail them of the experience of other times and other nations; it will qualify them as judges of the actions and designs of men; it will enable them to know ambition under every disguise it may assume; and knowing it, to defeat its views. In every government on earth is some trace of human weakness, some germ of corruption and degene-[274] racy, which cunning will discover, and wickedness insensibly open, cultivate and improve. Every government degenerates when trusted to the rulers of the people alone. The people themselves therefore are its only safe depositories. And to render even them safe, their minds must be improved to a certain degree. This indeed is not all that is necessary, though it be essentially necessary. An amendment of our constitution must here come in aid of the public education. The influence over



government must be shared among all the people. If every individual which composes their mass participates of the ultimate authority, the government will be safe; because the corrupting the whole mass will exceed any private resources of wealth; and public ones cannot be provided but by levies on the people. In this case every man would have to pay his own price. The government of Great Britain has been corrupted, because but one man in ten has a right to vote for members of parliament. The sellers of the government, therefore, get nine-tenths of their price clear. It has been thought that corruption is restrained by confining the right of suffrage to a few of the wealthier of the people: but [275] it would be more effectually restrained by an extension of that right to such members as would bid defiance to the means of corruption.

Lastly, it is proposed, by a bill in this revisal, to begin a public library and gallery, by laying out a certain sum annually in books, paintings, and statues.

#### QUERY XV

*The colleges and public establishments, the roads, buildings, &c.?*

The college of William and Mary is the only public seminary of learning in this State. It was founded in the time of king William and queen Mary, who granted to it 20,000 acres of land, and a penny a pound duty on certain tobaccos exported from Virginia and Maryland, which had been levied by

the statute of 25 Car. II. The assembly also gave it, by temporary laws, a duty on liquors imported, and skins and furs exported. From these resources it received upwards of 3000 communibus annis. The buildings are of brick, sufficient for an indifferent accommo- [276] dation of perhaps an hundred students. By its charter it was to be under the government of twenty visitors, who were to be its legislators, and to have a president and six professors, who were incorporated. It was allowed a representative in the general assembly. Under this charter, a professorship of the Greek and Latin languages, a professorship of mathematics, one of moral philosophy, and two of divinity were established. To these were annexed, for a sixth professorship, a considerable donation by Mr. Boyle, of England, for the instruction of the Indians, and their conversion to Christianity. This was called the professorship of Brafferton, from an estate of that name in England, purchased with the monies given. The admission of the learners of Latin and Greek filled the college with children. This rendering it disagreeable and degrading to young gentlemen already prepared for entering on the sciences, they were discouraged from resorting to it, and thus the schools for mathematics and moral philosophy, which might have been of some service, became of very little. The revenues, too, were exhausted in accommodating those who came only [277] to acquire the rudiments of science. After the present revolution, the visitors, having no power to change those circumstances in the constitution of

the college which were fixed by the charter, and being therefore confined in the number of professorships, undertook to change the objects of the professorships. They excluded the two schools for divinity, and that for the Greek and Latin languages, and substituted others; so that at present they stand thus:

A professorship for Law and Police:

Anatomy and Medicine:

Natural Philosophy and Mathematics:

Moral Philosophy, the Law of Nature and Nations, the Fine Arts:

Modern Languages:

For the Brafferton.

And it is proposed, so soon as the legislature shall have leisure to take up this subject, to desire authority from them to increase the number of professorships, as well for the purpose of subdividing those already instituted, as of adding others for other branches of science. To the professorships usually established in the universities of Europe, it [278] would seem proper to add one for the ancient languages and literature of the North, on account of their connection with our own language, laws, customs, and history. The purposes of the Brafferton institution would be better answered by maintaining a perpetual mission among the Indian tribes, the object of which, besides instructing them in the principles of Christianity, as the founder requires, should be to collect their traditions, laws, customs, languages, and other circumstances which might lead to a discovery of their relation with one another,

or descent from other nations. When these objects are accomplished with one tribe, the missionary might pass on to another.

The roads are under the government of the county courts, subject to be controuled by the general court. They order new roads to be opened wherever they think them necessary. The inhabitants of the county are by them laid off into precincts, to each of which they allot a convenient portion of the public roads to be kept in repair. Such bridges as may be built without the assistance of artificers, they are to build. If the stream be such as to require a bridge of regular [279] workmanship, the court employs workmen to build it at the expence of the whole county. If it be too great for the county, application is made to the general assembly, who authorize individuals to build it, and to take a fixed toll from all passengers, or give sanction to such other proposition as to them appears reasonable.

Ferries are admitted only at such places as are particularly pointed out by law, and the rates of ferriage are fixed.

Taverns are licensed by the courts, who fix their rates from time to time.

The private buildings are very rarely constructed of stone or brick, much the greatest proportion being of scantling and boards, plaistered with lime. It is impossible to devise things more ugly, uncomfortable, and happily more perishable. There are two or three plans, on one of which, according to its size, most of the houses in the state are built. The poorest people build huts of logs, laid hori-

zontally in pens, stopping the interstices with mud. These are warmer in winter, and cooler in summer, than the more expensive constructions of scantling and plank. The wealthy are attentive to the raising of [280] vegetables, but very little so to fruits. The poorer people attend to neither, living principally on milk and animal diet. This is the more inexcusable, as the climate requires indispensably a free use of vegetable food, for health as well as comfort, and is very friendly to the raising of fruits.—The only public buildings worthy mention are the Capitol, the Palace, the College, and the Hospital for Lunatics, all of them in Williamsburg, heretofore the seat of our government. The Capitol is a light and airy structure, with a portico in front of two orders, the lower of which, being Doric, is tolerably just in its proportions and ornaments, save only that the intercolonnations are too large. The upper is Ionic, much too small for that on which it is mounted, its ornaments not proper to the order, nor proportioned within themselves. It is crowned with a pediment, which is too high for its span. Yet, on the whole, it is the most pleasing piece of architecture we have. The Palace is not handsome without, but it is spacious and commodious within, is prettily situated, and with the grounds annexed to it, is capable of being made an elegant seat. The Col- [281] lege and Hospital are rude, mis-shapen piles, which, but that they have roofs, would be taken for brick-kilns. There are no other public buildings but churches and court-houses, in which no attempts are made at

elegance. Indeed, it would not be easy to execute such an attempt, as a workman could scarcely be found here capable of drawing an order. The genius of architecture seems to have shed its maledictions over this land. Buildings are often erected, by individuals, of considerable expence. To give these symmetry and taste, would not increase their cost. It would only change the arrangement of the materials, the form and combination of the members. This would often cost less than the burthen of barbarous ornaments with which these buildings are sometimes charged. But the first principles of the art are unknown, and there exists scarcely a model among us sufficiently chaste to give an idea of them. Architecture being one of the fine arts, and as such within the department of a professor of the college, according to the new arrangement, perhaps a spark may fall on some young subjects of natural taste, kindle up their genius, and produce a reforma- [282] tion in this elegant and useful art. But all we shall do in this way will produce no permanent improvement to our country, while the unhappy prejudice prevails that houses of brick or stone are less wholesome than those of wood. A dew is often observed on the walls of the former in rainy weather, and the most obvious solution is, that the rain has penetrated through these walls. The following facts, however, are sufficient to prove the error of this solution. 1. This dew on the walls appears when there is no rain, if the state of the atmosphere be moist. 2. It appears on the partition as well as the exterior walls. 3. So, also, on

pavements of brick or stone. 4. It is more copious in proportion as the walls are thicker; the reverse of which ought to be the case, if this hypothesis were just. If cold water be poured into a vessel of stone, or glass, a dew forms instantly on the outside: but if it be poured into a vessel of wood, there is no such appearance. It is not supposed, in the first case, that the water has exuded through the glass, but that it is precipitated from the circumambient air; as the humid particles of vapour, passing from the boiler of an alembic [283] through its refrigerant, are precipitated from the air, in which they were suspended, on the internal surface of the refrigerant. Walls of brick or stone act as the refrigerant in this instance. They are sufficiently cold to condense and precipitate the moisture suspended in the air of the room, when it is heavily charged therewith. But walls of wood are not so. The question then is, whether air in which this moisture is left floating, or that which is deprived of it, be most wholesome? In both cases, the remedy is easy. A little fire kindled in the room, whenever the air is damp, prevents the precipitation on the walls: and this practice, found healthy in the warmest as well as coldest seasons, is as necessary in a wooden as in a stone or a brick house. I do not mean to say, that the rain never penetrates through walls of brick. On the contrary, I have seen instances of it. But with us it is only through the northern and eastern walls of the house, after a north-easterly storm, these being the only ones which continue long enough to force through the

walls. This, however, happens too rarely to give a just character of unwholesomeness to such [284] houses. In a house, the walls of which are of well-burnt brick and good mortar, I have seen the rain penetrate through but twice in a dozen or fifteen years. The inhabitants of Europe, who dwell chiefly in houses of stone or brick, are surely as healthy as those of Virginia. These houses have the advantage, too, of being warmer in winter and cooler in summer than those of wood; of being cheaper in their first construction, where lime is convenient, and infinitely more durable. The latter consideration renders it of great importance to eradicate this prejudice from the minds of our countrymen. A country whose buildings are of wood, can never increase in its improvements to any considerable degree. Their duration is highly estimated at 50 years. Every half century then our country becomes a *tabula rasa*, whereon we have to set out anew, as in the first moment of seating it. Whereas when buildings are of durable materials, every new edifice is an actual and permanent acquisition to the State, adding to its value as well as to its ornament. [285]

#### QUERY XVI

*The measures taken with regard of the estates and possessions of the rebels, commonly called Tories?*

A tory has been properly defined to be a traitor in thought, but not in deed. The only description,



by which the laws have endeavoured to come at them, was that of non-jurors, or persons refusing to take the oath of fidelity to the state. Persons of this description were at one time subjected to double taxation, at another treble, and lastly were allowed retribution, and placed on a level with good citizens. It may be mentioned as a proof, both of the lenity of our government, and unanimity of its inhabitants, that though this war has now raged near seven years not a single execution for treason has taken place.

Under this query I will state the measures which have been adopted as to British property, the owners of which stand on a much fairer footing than the Tories. By our laws, the same as the English as in this respect, [286] no alien can hold lands, nor alien enemy maintain an action for money, or other movable thing. Lands acquired or held by aliens become forfeited to the state; and, on an action by an alien enemy to recover money, or other movable property, the defendant may plead that he is an alien enemy. This extinguishes his right in the hands of the debtor or holder of his movable property. By our separation from Great Britain, British subjects became aliens, and being at war, they were alien enemies. Their lands were of course forfeited, and their debts irrecoverable. The assembly, however, passed laws at various times, for saving their property. They first sequestered their lands, slaves, and other property on their farms in the hands of commissioners, who were mostly the confidential friends or agents of the owners, and directed

their clear profits to be paid into the treasury: and they gave leave to all persons owing debts to British subjects to pay them also into the treasury. The monies so to be brought in were declared to remain the property of the British subject, and, if used by the state, were to be repaid, unless an improper conduct in Great-Britain should ren- [287] der a detention of it reasonable. Depreciation had at that time, though unacknowledged and unperceived by the Whigs begun in some small degree. Great sums of money were paid in by debtors. At a later period, the assembly, adhering to the political principles which forbid an alien to hold lands in the state, ordered all British property to be sold: and, become sensible of the real progress of depreciation, and of the losses which would thence occur, if not guarded against, they ordered that the proceeds of the sales should be converted into their then worth in tobacco, subject to the future direction of the legislature. This act has left the question of retribution more problematical. In May 1780 another act took away the permission to pay into the public treasury debts due to British subjects.

#### QUERY XVII

*The different religions received into that state?*

The first settlers in this country were emigrants from England, of the English church, [288] just at a point of time when it was flushed with complete victory over the religious of all other persuasions. Possessed, as they became, of the powers of making,

administering and executing the laws, they shewed equal intolerance in this country with their Presbyterian brethren, who had emigrated to the northern government. The poor Quakers were flying from persecution in England. They cast their eyes on these new countries as asylums of civil and religious freedom; but they found them free only for the reigning sect. Several acts of the Virginia assembly of 1659, 1662, and 1693, had made it penal in parents to refuse to have their children baptized; had prohibited the unlawful assembling of Quakers; had made it penal for any master of a vessel to bring a Quaker into the state; had ordered those already here, and such as should come thereafter, to be imprisoned till they should abjure the country; provided a milder punishment for their first and second return, but death for their third; had inhibited all persons from suffering their meetings in or near their houses, entertaining them individually, or disposing of books which supported their [289] tenets. If no capital execution took place here, as did in New-England, it was not owing to the moderation of the church, or spirit of the legislature, as may be inferred from the law itself; but to historical circumstances which have not been handed down to us. The Anglicans retained full possession of the country about a century. Other opinions began then to creep in, and the great care of the government to support their own church, having begotten an equal degree of indolence in its clergy, two thirds of the people had become dissenters at the commencement of the present revolution. The laws

indeed were still oppressive on them, but the spirit of the one party had subsided into moderation, and of the other had risen to a degree of determination which commanded respect.

The present state of our laws on the subject of religion is this. The convention of May 1776, in their declaration of rights, declared it to be a truth, and a natural right, that the exercise of religion should be free; but when they proceeded to form on that declaration the ordinance of government, instead of taking up every principle declared [290] in the bill of rights, and guarding it by legislative sanction, they passed over that which asserted our religious rights, leaving them as they found them. The same convention, however, when they met as a member of the general assembly in October 1776, repealed all *acts of parliament* which had rendered criminal the maintaining any opinions in matters of religion, the forbearing to repair to church, and the exercising any mode of worship; and suspended the laws giving salaries to the clergy, which suspension was made perpetual in October 1779. Statutory oppressions in religion being thus wiped away, we remain at present under those only imposed by the common law, or by our own acts of assembly. At the common law, *heresy* was a capital offence, punishable by burning. Its definition was left to the ecclesiastical judges, before whom the conviction was, till the statute of the 1 El. c. 1. circumscribed it, by declaring that nothing should be deemed heresy but what had been so determined by authority of the canonical scriptures, or by one

of the four first general councils, or by some other council having for the grounds of their declaration the [291] express and plain words of the scriptures. Heresy, thus circumscribed, being an offence at the common law, our act of assembly of October 1777, c. 17 gives cognizance of it to the general court, by declaring that the jurisdiction of that court shall be general in all matters at the common law. The execution is by the writ *De hæretico comburendo*. By our own act of assembly of 1705, c. 30, if a person brought up in the christian religion denies the being of a God, or the trinity, or asserts there are more Gods than one, or denies the christian religion to be true, or the scriptures to be of divine authority, he is punishable on the first offence by incapacity to hold any office or employment ecclesiastical, civil, or military; on the second by disability to sue, to take any gift or legacy, to be guardian, executor or administrator, and by three years imprisonment, without bail. A father's right to the custody of his own children being founded in law on his right of guardianship, this being taken away, they may of course be severed from him and put, by the authority of a court, into more orthodox hands. This is a summary view of that religious slavery [292] under which a people have been willing to remain who have lavished their lives and fortunes for the establishment of their civil freedom. The error seems not sufficiently eradicated, that the operations of the mind, as well as the acts of the body, are subject to the coercion of the laws.<sup>1</sup> But our rulers can have

<sup>1</sup> Furneaux passim.—T. J.

authority over such natural rights, only as we have submitted to them. The rights of conscience we never submitted, we could not submit. We are answerable for them to our God. The legitimate powers of government extend to such acts only as are injurious to others.<sup>1</sup> But it does me no injury for my neighbor to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg. If it be said his testimony in a court of justice cannot be relied on, reject it then, and be the stigma on him. Constraint may make him worse by making him a hypocrite, but it will never make him a truer man. It may fix him obstinately in his errors, but will not cure [293] them. Reason and free inquiry are the only effectual agents against error. Give a loose to them, they will support the true religion by bringing every false one to their tribunal, to the test of their investigation. They are the natural enemies of error, and of error only. Had not the Roman government permitted free inquiry, christianity could never have been introduced. Had not free inquiry been indulged, at the æra of the reformation, the corruptions of christianity could not have been purged away. If it be restrained now, the present corruptions will be protected, and new ones encouraged. Was the government to prescribe to us our medicine and diet, our bodies would be in such keeping as our souls are now. Thus in France the emetic was once forbidden as a medicine, and the

<sup>1</sup> "Tamen humani juris et naturalis potestatis est, unicuique quod putaverit, colere; nec alii obest, aut prodest, alterius religio. Sed nec religionis est cogere religionem, quæ sponte suscipi debeat, non vi.—Tertullianus ad Scapulam, cap 2."—Footnote in the edition of 1853.

potatoe as an article of food.<sup>1</sup> Government is just as infallible, too, when it fixes systems in physics. Galileo was sent to the inquisition for affirming that the earth was a sphere; the government had declared it to be as flat as a trencher, and Galileo was obliged to abjure his error. This error however at length prevailed, the earth became a globe, and Descartes declared [294] it was whirled round its axis by a vortex. The government in which he lived was wise enough to see that this was no question of civil jurisdiction, or we should all have been involved by authority in vortices. In fact the vortices have been exploded, and the Newtonian principles of gravitation is now more firmly established, on the basis of reason, than it would be were the government to step in and to make it an article of necessary faith. Reason and experiment have been indulged, and error has fled before them. It is error alone which needs the support of government. Truth can stand by itself. Subject opinion to coercion: whom will you make your inquisitors? Fallible men; men governed by bad passions, by private as well as public reasons. And why subject it to coercion? To produce uniformity. But is uniformity of opinion desirable? No more than of face and stature. Introduce the bed of Procrustes then, and as there is danger that the large men may beat the small, make us all of a size, by lopping the former and stretching the latter. Difference of opinion

<sup>1</sup> "Encyclopedia. Article 'Antimoine' and 'Vomissement.' The Parliament of Paris forbade, on pain of death, any doctrine to be taught contrary to Aristotle's—3. Millot. Hist. de France, 280."—*Footnote in the edition of 1853.*

is advantageous in religion. The several sects perform the office of a Censor morum over [295] each other. Is uniformity attainable? Millions of innocent men, women and children, since the introduction of Christianity, have been burnt, tortured, fined, imprisoned: yet we have not advanced one inch towards uniformity. What has been the effect of coercion? To make one half the world fools, and the other half hypocrites. To support roguery and error all over the earth. Let us reflect that it is inhabited by a thousand millions of people. That these profess probably a thousand different systems of religion. That ours is but one of that thousand. That if there be but one right, and ours that one, we should wish to see the 999 wandering sects gathered into the fold of truth. But against such a majority we cannot effect this by force. Reason and persuasion are the only practicable instruments. To make way for these, free inquiry must be indulged; and how can we wish others to indulge it while we refuse it ourselves. But every state, says an inquisitor, has established some religion. "No two, say I, have established the same." Is this a proof of the infallibility of establishments? Our sister states of Pennsylvania [296] and New York, however, have long subsisted without any establishment at all. The experiment was new and doubtful when they made it. It has answered beyond conception. They flourish infinitely. Religion is well supported; of various kinds indeed, but all good enough; all sufficient to preserve peace and order: or if a sect arises whose tenets would subvert morals,



good sense has fair play, and reasons and laughs it out of doors, without suffering the state to be troubled with it. They do not hang more malefactors than we do. They are not more disturbed with religious dissensions. On the contrary, their harmony is unparalleled, and can be ascribed to nothing but their unbounded tolerance, because there is no other circumstance in which they differ from every nation on earth. They have made the happy discovery, that the way to silence religious disputes, is to take no notice of them. Let us too give this experiment fair play, and get rid, while we may, of those tyrannical laws. It is true we are as yet secured against them by the spirit of the times. I doubt whether the people of this country would suffer an execution for heresy, or a three years imprisonment for not [297] comprehending the mysteries of the trinity. But is the spirit of the people an infallible, a permanent reliance? Is it government? Is this the kind of protection we receive in return for the rights we give up? Besides, the spirit of the times may alter, will alter. Our rulers will become corrupt, our people careless. A single zealot may commence persecuter, and better men be his victims. It can never be too often repeated, that the time for fixing every essential right on a legal basis is while our rulers are honest, and ourselves united. From the conclusion of this war we shall be going down hill. It will not then be necessary to resort every moment to the people for support. They will be forgotten therefore, and their rights disregarded. They will forget themselves, but in the

sole faculty of making money, and will never think of uniting to effect a due respect for their rights. The shackles, therefore, which shall not be knocked off at the conclusion of this war, will remain on us long, will be made heavier and heavier, till our rights shall revive or expire in a convulsion. [298]

### QUERY XVIII

*The particular customs and manners that may happen to be received in that State?*

It is difficult to determine on the standard by which the manners of a nation may be tried, whether *catholic* or *particular*. It is more difficult for a native to bring to that standard the manners of his own nation, familiarized to him by habit. There must doubtless be an unhappy influence on the manners of our people produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love, for restraining the intemperance of passion towards his slave, it [299] should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the

lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to the worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. And with what execrations should the statesman be loaded, who permitting one half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the *amor patriæ* of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labour for another: in which he must lock up the faculties of his nature, contribute as far as depends on his individual endeavours to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him. With the morals of the people, their industry also is [300] destroyed. For in a warm climate, no man will labour for himself who can make another labour for him. This is so true, that of the proprietors of slaves a very small proportion indeed are ever seen to labour. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep forever: that considering numbers, nature and natural means

only, a revolution of the wheel of fortune, an exchange of situation, is among possible events: that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest.—But it is impossible to be temperate and to pursue this subject through the various considerations of policy, of morals, of history natural and civil. We must be contented to hope they will force their way into every one's mind. I think a change already perceptible, since the origin of the present revolution. The spirit of the master is [301] abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the auspices of heaven, for a total emancipation, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation.

#### QUERY XIX

*The present state of manufactures, commerce, interior and exterior trade?*

We never had an interior trade of any importance. Our exterior commerce has suffered very much from the beginning of the present contest. During this time we have manufactured within our families the most necessary articles of cloathing. Those of cotton will bear some comparison with the same kinds of manufacture in Europe; but those of wool, flax and hemp are very coarse, unsightly, and unpleasant: and such is our attachment to agriculture, and such our preference for foreign manufactures,

that it be wise or unwise, our people will certainly re- [302] turn as soon as they can, to the raising raw materials, and exchanging them for finer manufactures than they are able to execute themselves.

The political œconomists of Europe have established it as a principle, that every State should endeavour to manufacture for itself; and this principle, like many others, we transfer to America, without calculating the difference of circumstance which should often produce a difference of result. In Europe the lands are either cultivated, or locked up against the cultivator. Manufacture must therefore be resorted to, of necessity, not of choice, to support the surplus of their people. But we have an immensity of land courting the industry of the husbandman. Is it best then that all our citizens should be employed in its improvement, or that one half should be called off from that to exercise manufactures and handicraft arts for the other? Those who labour in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue. It is the focus in which he keeps alive that sacred fire, which otherwise [303] might escape from the face of the earth. Corruption of morals in the mass of cultivators is a phænomenon of which no age nor nation has furnished an example. It is the mark set on those, who not looking up to heaven, to their own soil and industry, as does the husbandman, for their subsistence, depend for it on casualties and caprice of customers. Dependance begets subservience and venality, suffocates the germ of

virtue, and prepares fit tools for the designs of ambition. This, the natural progress and consequence of the arts, has sometimes perhaps been retarded by accidental circumstances: but, generally speaking the proportion which the aggregate of the other classes of citizens bears in any state to that of its husbandmen, is the proportion of its unsound to its healthy parts, and is a good enough barometer whereby to measure its degree of corruption. While we have land to labour then, let us never wish to see our citizens occupied at a work-bench, or twirling a distaff. Carpenters, masons, smiths, are wanting in husbandry: but, for the general operations of manufacture, let our work-shops remain in Europe. It is better to carry provisions and materials to work- [304] men there, than bring them to the provisions and materials, and with them their manners and principles. The loss by the transportation of commodities across the Atlantic will be made up in happiness and permanence of government. The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body. It is the manners and spirit of a people which preserve a republic in vigour. A degeneracy in these is a canker which soon eats to the heart of its laws and constitution.<sup>1</sup>

<sup>1</sup> In a letter to Lithgow (Jan. 4, 1805) concerning a revised edition of the *Notes*, Jefferson wrote:

"I should in that case certainly qualify several expressions in the nineteenth chapter, which have been construed differently from what they were intended. I had under my eye when writing, the manufactures of the great cities in the old countries, at the present time, with whom the want of food and clothing necessary to sustain life, has begotten a depravity of morals, a dependence and corruption, which

## QUERY XX

*A notice of the commercial productions particular to the state, and of those objects which the inhabitants are obliged to get from Europe and from other parts of the world?*

Before the present war we exported, *communibus annis*, according to the best information I can get, nearly as follows: [305]

Articles.	Quantity.	Price in Dollars.	Amount in Dollars.
Tobacco.....	55,000 hhds. of 1,000 lbs.	at 30d. per hhd.	1,650,000
Wheat.....	800,000 bushels.	at 5-6d. per bush.	666,666 $\frac{2}{3}$
Indian corn.....	600,000 "	at $\frac{1}{3}$ d. per bush.	200,000
Shipping.....	.....	.....	100,000
Masts, planks, scantling } shingles, staves.....	.....	.....	66,666 $\frac{2}{3}$
Tar, pitch, turpentine.....	30,000 barrels.	at 1 $\frac{1}{3}$ d. per bbl.	40,000
Peltry, viz., skins of deer, beavers, otters, musk rats, raccoons, foxes... }	180 hhds. of 600 lbs.	at 5-12d. per lb.	42,000
Pork.....	4,000 barrels.	at 10d. per bbl.	40,000
Flax-seed, hemp, cotton.....	.....	.....	8,000
Pit coal, pig iron.....	.....	.....	6,666 $\frac{2}{3}$
Peas.....	5,000 bushels.	at $\frac{1}{3}$ per bush.	3,333 $\frac{1}{3}$
Beef.....	1,000 barrels.	at $\frac{3}{4}$ per bbl.	3,333 $\frac{1}{3}$
Sturgeon, white shad, herring.....	.....	.....	3,333 $\frac{1}{3}$
Brandy from peaches and apples, and whiskey....	.....	.....	1,666 $\frac{2}{3}$
Horses.....	.....	.....	1,666 $\frac{2}{3}$
	.....	.....	2,833,333 $\frac{1}{3}$ <sup>1</sup>

[306]

renders them an undesirable accession to a country whose morals are sound. My expressions look forward to the time when our own great cities would get into the same state. But they have been quoted as if meant for the present time here. As yet our manufactures are as much at their ease, as independent and moral as our agricultural habits, and they will continue so as long as there are vacant lands for them to resort to; because whenever it shall be attempted by the other classes to reduce them to the minimum of subsistence, they will quit their trades and go to laboring the earth. A first question is, whether it is desirable for us to receive at present the dissolute and demoralized handicraftsmen of the old cities of Europe? A second and more difficult

<sup>1</sup> This sum is equal to £850,000; Virginia money, 607,142 guineas.

In the year 1758 we exported seventy thousand hogsheads of tobacco, which was the greatest quantity ever produced in this country in one year. But its culture was fast declining at the commencement of this war, and that of wheat taking its place: and it must continue to decline on the return of peace. I suspect that the change in the temperature of our climate has become sensible to that plant, which, to be good, requires an extraordinary degree of heat. But it requires still more indispensably an uncommon fertility of soil: and the price which it commands at market will not enable the planter to produce this by manure. Was the supply still to depend on Virginia and Maryland alone, as its culture becomes more difficult, the price would rise, so as to enable the planter to surmount those difficulties and to live. But the western country on the Missisipi, and the midlands of Georgia, having fresh and fertile lands in abundance, and a hotter sun, will be able to undersell these two states, and will oblige them to abandon the raising of tobacco altogether. And a happy obligation for them it will be. It is a culture productive of infinite wretchedness. [307] Those employed in it are in a continual state of exertion beyond the power of nature to one is, when even good handicraftsmen arrive here, is it better for them to set up their trade, or go to the culture of the earth? Whether their labor in their trade is worth more than their labor on the soil, increased by the creative energies of the earth? Had I time to revise that chapter, this question should be discussed, and other views of the subject taken, which are presented by the wonderful changes which have taken place here since 1781, when the Notes on Virginia were written. Perhaps when I retire, I may amuse myself with a serious review of this work; at present it is out of the question. Accept my salutations and good wishes."



support. Little food of any kind is raised by them; so that the men and animals on these farms are illy fed, and the earth is rapidly impoverished. The cultivation of wheat is the reverse in every circumstance. Besides cloathing the earth with herbage, and preserving its fertility, it feeds the labourers plentifully, requires from them only a moderate toil, except in the season of harvest, raises great numbers of animals for food and service, and diffuses plenty and happiness among the whole. We find it easier to make an hundred bushels of wheat than a thousand weight of tobacco, and they are worth more when made. The weavil indeed is a formidable obstacle to the cultivation of this grain with us. But principles are already known which must lead to a remedy. Thus a certain degree of heat, to wit, that of the common air in summer, is necessary to hatch the eggs. If subterranean granaries, or others, therefore, can be contrived below that temperature, the evil will be cured by cold. A degree of heat beyond that which hatches the egg we know will [308] kill it. But in aiming at this we easily run into that which produced putrefaction. To produce putrefaction, however, three agents are requisite, heat, moisture, and the external air. If the absence of any one of these be secured, the other two may safely be admitted. Heat is the one we want. Moisture then, or external air, must be excluded. The former has been done by exposing the grain in kilns to the action of fire, which produces heat, and extracts moisture at the same time: the latter, by putting the grain into hogsheads, covering it with a

coating of lime, and heading it up. In this situation its bulk produced a heat sufficient to kill the egg; the moisture is suffered to remain indeed, but the external air is excluded. A nicer operation yet has been attempted; that is, to produce an intermediate temperature of heat between that which kills the egg, and that which produces putrefaction. The threshing the grain as soon as it is cut, and laying it in its chaff in large heaps, has been found very nearly to hit this temperature, though not perfectly, nor always. The heap generates heat sufficient to kill most of the eggs, whilst the chaff commonly restrains it from rising into putrefaction. But all these [309] methods abridge too much the quantity which the farmer can manage, and enable other countries to undersell him, which are not infested with this insect. There is still a desideratum then to give with us decisive triumph to this branch of agriculture over that of tobacco.—The culture of wheat by enlarging our pasture, will render the Arabian horse an article of very considerable profit. Experience has shown that ours is the particular climate of America where he may be raised without degeneracy. Southwardly the heat of the sun occasions a deficiency of pasture, and northwardly the winters are too cold for the short and fine hair, the particular sensibility and constitution of that race. Animals transplanted into unfriendly climates, either change their nature and acquire new senses against the new difficulties in which they are placed, or they multiply poorly and become extinct. A good foundation is laid for their propagation here

by our possessing already great numbers of horses of that blood, and by a decided taste and preference for them established among the people. Their patience of heat without injury, their superior wind, fit them better in this and the more southern climates even for the drudge- [310] ries of the plough and wagon. Northwardly they will become an object only to persons of taste and fortune, for the saddle and light carriages. To these, and for these uses, their fleetness and beauty will recommend them.—Besides these there will be other valuable substitutes when the cultivation of tobacco shall be discontinued, such as cotton in the eastern parts of the state, and hemp and flax in the western.

It is not easy to say what are the articles either of necessity, comfort, or luxury, which we cannot raise, and which we therefore shall be under a necessity of importing from abroad, as everything hardier than the olive, and as hardy as the fig, may be raised here in the open air. Sugar, coffee and tea, indeed, are not between these limits; and habit having placed them among the necessaries of life with the wealthy part of our citizens, as long as these habits remain we must go for them to those countries which are able to furnish them. [311]

#### QUERY XXI

*The weights, measures and the currency of the hard money? Some details relating to exchange with Europe?*

Our weights and measures are the same which are fixed by acts of parliament in England.—How it

has happened that in this as well as the other American States the nominal value of coin was made to differ from what it was in the country we had left, and to differ among ourselves too, I am not able to say with certainty. I find that in 1631 our house of burgesses desired of the privy council in England, a coin debased to twenty-five per cent: that in 1645 they forbid dealing by barter for tobacco, and established the Spanish piece of eight at six shillings, as the standard of their currency: that in 1655 they changed it to five shillings sterling. In 1680 they sent an address to the king, in consequence of which, by proclamation in 1683, he fixed the value of French crowns, rixdollars, and pieces of eight, at six shillings, and the coin of New England at one shilling. That in 1710, 1714, 1727, and 1762 other regulations were made, which will be better presented to the eye stated in the form of a table as follows: [312]

	1710.	1714.	1727.	1762.
Guineas.....	....	26s.....		
British gold coin not milled, gold coin of Spain and France, chequins, Arabian gold, moldores of Portugal.	....	5s. dwt.		
Coined gold of the empire.....	....	5s. dwt.	....	4s. 3d. dwt.
English milled silver money, in proportion to the crown, at.....	....	5s. 10d.	6s. 3d.	
Pieces of eight of Mexico, Seville & Pillar, ducatoons of Flanders, French ecus, or silver Louis, crusados of Portugal.....	3½dwt.	....	4d. dwt.	
Peru pieces, cross dollars, and old rix dollars of the empire.....	3½d. dwt.	....	3½d. dwt.	
Old British silver coin not milled.....	....	3½d. dwt.		313 <sup>1</sup>

<sup>1</sup> In the edition of 1853, the following footnote is added:

"In the States the Dollar is valued at 6s., the coincidence of their currency with the Greek and Roman moneys is so singular as to be worthy of notice, and to found a suspicion that this object may have

The first symptom of the depreciation of our present paper-money, was that of silver dollars selling at six shillings, which had before been worth but five shillings and ninepence. The assembly thereupon raised them by law to six shillings. As the dollar is now likely to become the money-unit of America, as it passes at this rate in some of our sister-states, and as it facilitates their computation in pounds and shillings, &c e converso, this seems

had some influence in fixing our moneys at this particular point, at a time when the value of Greek and Roman learning was more justly estimated than at this day. The *Penny Lawful* is precisely the Roman *As*, which was their unit; 10 of which, equal to *Ten Pence Lawful*, made the Attic Drachma, according to Pliny, L. 21, c. 33. In the latter ages of their history the moneys of these two people were interwoven so as to make parts of the same series, which were in some degree decimal.

The *As* (L.) at first *Libralis*, but latterly  $\frac{1}{2}$  an ounce of copper, and called *Libella* = 1d. lawful.

10 *As* made the *Denarius* (X.) or Attic Drachm = 10d.

100 *Denarii* made the *Mina* or *Pondo* = 1,000d.; or £4 3s. 4d.

The *Denarius* having been divided into fourths of  $2\frac{1}{2}$  *As* each, the fourth was called

A *Sestertius* or *Nummus*, (LLS., or HS) =  $2\frac{1}{2}$ .

100 *Sesterces* made an *Aureus* latterly = 250d., £1 os. 10d.

1,000 *Sesterces* made the *Sestertium* = £10 8s. 4d.

The *Libra* = 96X. = £4 lawful.

The *Talent* of Silver = 60 *Mina* = £250.

The *Talent* of Gold was the decuple of the talent of silver, at the proportion of 10 for 1, as among the Romans = £2,500.

And was the *Military* of the *Libra*, if valued at 16 for 1, as among moderns = 1,000 *Libra* = £4,000.

"It is understood that the Attic Drachm of silver was exactly our Drachm Troy of 60 grains; The *Denarius* of the Romans was the 7th part of their ounce, which is supposed to have been exactly our Avoirdupois Ounce; but this is of  $437\frac{1}{2}$  grains Troy, which would make the Roman *Denarius*  $62\frac{1}{2}$  grains; and consequently  $\frac{1}{4}$  more than the Attic Drachm, contrary to the testimony of antiquity, that the *Denarius* and Drachm were equal. We may very probably conjecture that our Troy weight is taken from the Grecians, from whom our physicians derive their science, and, in copying their receipts, would, of

to be more convenient than its former denomination. But as this particular coin now stands higher than any other in the proportion of  $133\frac{1}{4}$  to 125, or 16 to 15, it will be necessary to raise the others in proportion.

### QUERY XXII

#### *The public Income and expences?*

The nominal amount of these varying constantly and rapidly, with the constant and rapid deprecia-

course preserve their weights, which fix the quantum and proportion of ingredients. We may as probably affirm that our Avoirdupois weight it taken from the Romans, from whom, through their colonies and conquests in France, Spain, Germany, Britain, we derive our agriculture and commerce. Accordingly we observe that, while we weigh our physic by the Troy or Grecian weights, we use the Avoirdupois or Roman for the productions of agriculture and general articles of commerce; and since antiquity affirms that these two series were united by the equality of the Drachm and Denarius, we must conclude that in progress of time they have become a little separated in use with us, to wit,  $\frac{1}{14}$  part as before noted.

“But the point at which their separation has been arrested and fixed is a very remarkable one: 1,000 ounces avoirdupois make exactly a cubic foot of water. This integral, decimal, and cubical relation induces a presumption, that while deciding amongst the varieties and uncertainties which, during the ruder ages of arts, we know had crept into the weights and measures of England, they had adopted for their standard those which stood so conveniently connected through the medium of a natural element, always at hand to be appealed to.

“The ounce Avoirdupois being thus fixed at the thousandth part of a cubic foot of water, the Winchester bushel, of 2,150.4 cubic inches, filled with water, would weigh 77.7 lb Avoirdupois, and, filled with wheat of statute quality, weighed 64 lb. Amidst the varieties discovered between the standard weights, Avoirdupois and Troy, in their different depositories, it would be discovered that all of them were a little over or under this proportion; and this would suffice to give this proportion the preference, and to fix the standard relation between the Avoirdupois and Troy pounds at that which Nature has established between the weights of water and wheat; and the Troy grain, 5,760 of which make the pound Troy, would be so adjusted as that 7,000

tion of our paper-money, it becomes impracticable to say what they are. We find ourselves cheated in every essay by the depreciation intervening between the [314] declaration of the tax and its actual receipt. It will therefore be more satisfactory to consider what our income may be when we shall find means of collecting what our people may spare. I should estimate the whole taxable property of this State at an hundred millions of dollars, or thirty millions of pounds our money. One per cent

of them would make the pound Avoirdupois—for 7,000: 5,760: : 77.7: 64. Exactly the same proportion is known to exist between the dry and liquid measures—for the corn gallon contains 272 cubic inches, and the ancient liquid gallon of Guildhall 224 cubic inches—so that the system of weights and measures, Avoirdupois and Troy, dry and liquid, are found to be in the simple relation of the weights and measures of the two obvious and natural subjects, water and wheat; that is to say, the Pound Avoirdupois: Pound Troy: : the weight of water: weight of wheat: : the bulk of the corn gallon: the bulk of the liquid gallon; or, 7,000: 5,760: : 77.7: 64: : 272: 224.

“These weights and measures seem to have been so combined as to render it immaterial whether a commodity was dealt out by weight or measure; for the dry gallon of wheat, and the liquid one of wine, were of the same weight; and the Avoirdupois pound of wheat, and the Troy pound of wine, were of the same measure. A more natural, accurate, and curious reconciliation of the two systems of Greece and Rome, which happened to be found in use, could not have been imagined; and the extension of the connection, from weights and measures to coins, as is done so integrally by our lawful currency, which makes the penny of 6 grains of silver as was the Roman As, has completed the system.

“It is true, we find no trace, either in English or American history, that these were the views which determined the relation existing between our weights, measures, and moneys; but it is more difficult to conceive that such a series of combinations should have been merely accidental, and that history should have been silent about them.

“I am aware that there are differences of opinion as to the ancient weights and coins. Those here stated are taken from Brerewood, Kennet, Ainsworth, and the Encyclopaedia, and are as likely to have prevailed with our ancestors as the opinions opposed to them.”

on this, compared with anything we ever yet paid, would be deemed a very heavy tax. Yet I think that those who manage well, and use reasonable œconomy, could pay one and a half per cent, and maintain their household comfortably in the meantime, without aliening any part of their principal, and that the people would submit to this willingly for the purpose of supporting their present contest. We may say then that we could raise, and ought to raise, from one million to one million and a half of dollars annually, that is from three hundred to four hundred and fifty thousand pounds, Virginia money.

Of our expences it is equally difficult to give an exact state, and for the same reason. They are mostly stated in paper money, which varying continually, the legislature endeavors at every session, by new cor- [315] rections, to adapt the nominal sums to the value it is wished they would bear. I will state them therefore in real coin, at the point at which they endeavor to keep them.

	Dollars.
The annual expenses of the general assembly are	
about . . . . .	20,000
The governor . . . . .	3,333 $\frac{1}{2}$
The council of state . . . . .	10,666 $\frac{2}{3}$
Their clerks . . . . .	1,166 $\frac{2}{3}$
Eleven judges . . . . .	11,000
The clerk of the chancery . . . . .	666 $\frac{2}{3}$
The attorney general . . . . .	1,000
Three auditors and a solicitor . . . . .	5,333 $\frac{1}{2}$
Their clerks . . . . .	2,000
The treasurer . . . . .	2,000
His clerks . . . . .	2,000
The keeper of the public jail . . . . .	1,000



	Dollars.
The public printer . . . . .	1,666 $\frac{1}{2}$
Clerks of the inferior courts . . . . .	43,333 $\frac{1}{2}$
Public levy: this is chiefly for the expenses of criminal justice . . . . .	40,000
County levy, for bridges, court-houses, prisons, &c.	40,000
	[316]
Members of Congress . . . . .	7,000
Quota of the Federal civil list, supposed $\frac{1}{4}$ of about 78,000 dollars . . . . .	13,000
Expences of collecting, six per cent. on the above .	24,310 <sup>1</sup>
The clergy received only voluntary contributions; suppose them on an average $\frac{1}{4}$ of a dollar a tythe on 200,000 tythes . . . . .	25,000
Contingencies, to make round numbers not far from truth . . . . .	5,523 $\frac{1}{2}$ <sup>2</sup>
	<hr style="width: 20%; margin-left: auto; margin-right: 0;"/> \$250,000

Dollars or 98,571<sup>3</sup> guineas. This estimate is exclusive of the military expence. That varies with the force actually employed, and in time of peace will probably be little or nothing. It is exclusive also of the public debts, which are growing while I am writing, and cannot therefore be now fixed. From these articles if we strike out that of 200,000 dollars for the maintenance of the poor, and 12,000 dollars for its collection, which being merely a matter of charity, cannot be deemed expended in the administration of government; and the 25,000 dollars<sup>4</sup> for the services of the clergy which neither

<sup>1</sup> Altered in edition of 1787 to "12,310."

<sup>2</sup> Altered in edition of 1787 to "7523 $\frac{1}{2}$ ."

<sup>3</sup> Altered in edition of 1787 to "53,571."

<sup>4</sup> In the edition of 1787 from the word "From" to "25,000" dollars is cancelled and the following passage substituted: "So it is the maintenance of the poor, which being merely a matter of charity cannot be

makes [317] part of that administration, more than what is paid to physicians, or lawyers, and being voluntary, is either much or nothing as every one pleases, it leaves \$223,000, equal to 47,785 guineas, the real cost of the apparatus of government with us. This, divided among the actual inhabitants of our country comes to about two fifths of a dollars, 22d sterling, or 42 sols, the price which each pays annually for the protection of the residue of his property, that of his person and the other advantages of a free government. The public revenues of Great Britain divided in like manner on its inhabitants would be sixteen times greater. Deducting the aggregate sum of 460,000 dollars<sup>1</sup> from the million and a half of dollars which we before supposed might be annually paid without distress, we may conclude that this state can contribute one million of dollars annually towards supporting the federal army, paying the federal debt, building a federal navy, or opening roads, clearing rivers, forming safe ports, and other useful works.

To this estimate of our abilities, let me add a word as to the application of them, if, when cleared of the present contest, and of [318] the debts with which that will charge us, we come to measure force hereafter with any European power. Such events are devoutly to be deprecated. Young as we are, and with such a country before us to fill with

deemed expended in the administration of government. And if we strike out the \$25,000" etc.

<sup>1</sup> Altered in edition of 1787 to read: "Deducting even the double of the expenses of government, as before estimated, from the million and a half," etc.

people and with happiness, we should point in that direction the whole generative force of nature, wasting none of it in efforts of mutual destruction. It should be our endeavor to cultivate the peace and friendship of every nation, even of that which has injured us most, when we shall have carried our point against her. Our interest will be to throw open the doors of commerce, and to knock off all its shackles, giving perfect freedom to all persons for the vent of whatever they may choose to bring into our ports, and asking the same in theirs. Never was so much false arithmetic employed on any subject, as that which has been employed to persuade nations that it is their interest to go to war. Were the money which it has cost to gain, at the close of a long war, a little town, or a little territory, the right to cut wood here, or to catch fish there, expended in improving what they already possess, in making roads, opening rivers, building ports, improving the arts [319] and finding employment for their idle poor, it would render them much stronger, much wealthier and happier. This I hope will be our wisdom. And perhaps, to remove as much as possible the occasions of making war, it might be better for us to abandon the ocean altogether, that being the element whereon we shall be principally exposed to jostle with other nations: to leave to others to bring what we shall want, and to carry what we can spare. This would make us invulnerable to Europe, by offering none of our property to their prize, and would turn all our citizens to the cultivation of the earth; and, I repeat

it again, cultivators of the earth are the most virtuous and independant citizens. It might be time enough to seek employment for them at sea, when the land no longer offers it. But the acutal habits of our countrymen attach them to commerce. They will exercise it for themselves. Wars then must sometimes be our lot; and all the wise can do, will be to avoid that half of them which would be produced by our own follies, and our own acts of injustice; and to make for the other half the best preparations we can. Of what nature should these be? [320] A land army would be useless for offence, and not the best nor safest instrument of defence. For either of these purposes, the sea is the field on which we should meet an European enemy. On that element it is necessary we should possess some power. To aim at such a navy as the greater nations of Europe possess, would be a foolish and wicked waste of the energies of our countrymen. It would be to pull on our own heads that load of military expence which makes the European labourer go supperless to bed, and moistens his bread with the sweat of his brows. It will be enough if we enable ourselves to prevent insults from those nations of Europe which are weak on the sea, because circumstances exist, which render even the stronger ones weak as to us. Providence has placed their richest and most defenceless possessions at our door; has obliged their most precious commerce to pass, as it were, in review before us. To protect this, or to assail, a small part only of their naval force will ever be risqued across the Atlantic. The

dangers to which the elements expose them here are too well known, and the greater dangers to which they would be ex-[321] posed at home were any general calamity to involve their whole fleet. They can attack us by detachment only; and it will suffice to make ourselves equal to what they may detach. Even a smaller force than they may detach will be rendered equal or superior by the quickness with which any check may be repaired with us, while losses with them will be irreparable till too late. A small naval force then is sufficient for us, and a small one is necessary. What this should be, I will not undertake to say. I will only say, it should by no means be so great as we are able to make it. Suppose the million dollars, or 300,000 pounds which Virginia could annually spare without distress, to be applied to the creating a navy. A single year's contribution would build, equip, man, and send to sea a force which should carry 300 guns. The rest of the confederacy, exerting themselves in the same proportion, would equip in the same time 1500 guns more. So that one year's contributions would set up a navy of 1800 guns. The British ships of the line average 76 guns; their frigates 38. 1800 guns then would form a fleet of 30 ships, 18 of which might [322] be of the line, and 12 frigates. Allowing 8 men, the British average, for every gun, their annual expence, including subsistence, cloathing, pay, and ordinary repairs, would be about 1280 dollars for every gun, or 2,304,000 dollars for the whole. I state this only as one year's possible exertion, without deciding

whether more or less than a year's exertion should be thus applied.

The value of our lands and slaves, taken conjunctly, doubles in about twenty years. This arises from the multiplication of our slaves, from the extension of culture, and increased demand for lands. The amount of what may be raised will of course rise in the same proportion.

### QUERY XXIII

*The histories of the state, the memorials published in its name in the time of its being a colony, and the pamphlets relating to its interior or exterior affairs present or antient?*

Captain Smith, who next to Sir Walter Raleigh may be considered as the founder [323] of our colony, has written its history, from the first adventures to it till the year 1624. He was a member of the council, and afterwards president of the colony; and to his efforts principally may be ascribed its support against the opposition of the natives. He was honest, sensible, and well informed; but his style is barbarous and uncouth. His history, however, is almost the only source from which we derive any knowledge of the infancy of our State.

The reverend William Stith, a native of Virginia, and president of its college, has also written the history of the same period, in a large octavo volume of small print. He was a man of classical learning, and very exact, but of no taste in style. He is

inelegant, therefore, and his details often too minute to be tolerable, even to a native of the country, whose history he writes.

Beverley, a native also, has run into the other extreme, he has comprised our history from the first propositions of Sir Walter Raleigh to the year 1700, in the hundredth part of the space which Stith employs for the fourth part of the period.

[324]

Sir William Keith has taken it up at its earliest period, and continued it to the year 1725. He is agreeable enough in style, and passes over events of little importance. Of course he is short, and would be preferred by a foreigner.

During the regal government, some contest arose on the exaction of an illegal fee by governor Dinwiddie, and doubtless there were others on other occasions not at present recollected. It is supposed that these are not sufficiently interesting to a foreigner to merit a detail.

The petition of the council and burgesses of Virginia to the king, their memorials to the lords, and remonstrance to the commons in the year 1764, began the present contest: and these having proved ineffectual to prevent the passage of the stamp-act, the resolutions of the house of burgesses of 1765 were passed declaring the independance of the people of Virginia of the parliament of Great Britain, in matters of taxation. From that time till the declaration of independnce by Congress in 1776, their journals are filled with assertions of the public rights. [325]

The pamphlets published in this state on the controverted question, were,

1766, An Inquiry into the rights of the British Colonies, by Richard Bland.

1769, The Monitor's Letters, by Dr. Arthur Lee.

1774, A summary View of the rights of British America.<sup>1</sup>

1774, Considerations &c., by Robert Carter Nicholas.

Since the declaration of independance this State has had no controversy with any other, except with that of Pennsylvania, on their common boundary. Some papers on this subject passed between the executive and legislative bodies of the two states, the result of which was a happy accommodation of their rights.

To this account of our historians, memorials and pamphlets, it may not be unuseful to add a chronological catalogue of American state-papers, as far as I have been able to collect their titles. It is far from being either complete or correct. Where the title alone, and not the paper itself, has come under my observation, I cannot answer for the exactness of the date. Sometimes I have not been able to find any date at all, and sometimes have not been satisfied that such a paper exists. An extensive collection of papers of this description has been for sometime in a course of preparation by a gentleman<sup>2</sup> fully equal to the task, and from whom, therefore, we may hope ere long to receive it. In

<sup>1</sup> By the author of these notes.—*T. J.* See *ante*, ii, 49.

<sup>2</sup> Mr. Hazard.—*T. J.*



the meantime accept this as the result of my labours, and as closing the tedious detail which you have so undesignedly drawn upon yourself. [327]

- 1496, Mar. 5. Pro Johanne Caboto et filiis suis super terra incognita  
11. H. 7. investiganda. 12. Ry. 595. 3. Hakl. 4. 2. Mem. Am.  
409.
- 1498, Feb. 3. Billa signata anno 13. Henrici septimi. 3. Hakluyt's  
13. H. 7. voyages 5.
- 1502, Dec. 19. De potestatibus ad terras incognitas investigandum. 13.  
18. H. 7. Rymer. 37.
- 1540, Oct. 17. Commission de François I. à Jacques Cartier pour l'es-  
tablissement du canada. L'Escarbot. 397. 2. Mem.  
Am. 416.
- 1548, a. E. 6. An act against the exaction of money, or any other  
thing, by any officer for license to traffique into Ise-  
land and Newfoundland, made in An. 2. Edwardi  
sexti. 3. Hakl. 131.
- 1578, June 11. The letters-patent granted by her Majestie to Sir  
20. El. Humphrey Gilbert, knight, for the inhabiting and  
planting of our people in America. 3. Hakl. 135.
- 1583, Feb. 6. Letters-patent of Queen Elizabeth to Adrian Gilbert  
and others [328] to discover the northwest passage  
to China. 3. Hakl. 96.
- 1584, Mar. 25. The letters-patent granted by the Queen's majestie to  
26. El. M. Walter Raleigh, now knight, for the discovering  
and planting of new lands and countries, to continue  
the space of six years and no more. 3. Hakl. 243.
- Mar. 7. 31. El. An assignment by Sir Walter Raleigh for continuing  
the action of inhabiting and planting his people in  
Virginia. Hakl. 1st. ed. publ. in 1589. p. 815.
- 1603, Nov. 8. Lettres de Lieutenant General de l'Acadie et pays cir-  
convoisins pour le Sieur de Monts. L'Escarbot. 417.
- 1606, Apr. 10. Letters-patent to Sir Thomas Gates, Sir George Somers  
4. Jac. 1. and others of America. Stith. Apend. No. 1.
- 1607, Mar. 9. 4. An ordinance and constitution enlarging the council of  
Jac. 1. the two colonies in Virginia and Amer-[329]ica, and  
augmenting their authority, M. S.
- 1609, May 23. The second charter to the treasurer and company for  
7. Jac. 1. Virginia, erecting them into a body politick. Stith.  
Ap. 2.
- 1610, April 10. Letters-patents to the E. of Northampton, granting  
Jac. 1. part of the island of Newfoundland. 1. Harris. 816.

- 1611, Mar. 12. A third charter to the treasurer and company for Vir-  
9. Jac. 1. ginia. Stith. Ap. 3.
1617. Jac. 1. A commission to Sir Walter Raleigh. Qu.
1620. Apr. 7. Commissio specialis concernens le garbling herbæ  
18. Jac. 1. Nocotianæ. 17. Rym. 190.
1620. June 29. A proclamation for restraint of the disordered trading  
18. Jac. 1. of tobacco. 17. Rym. 233.
- 1620, Nov. 3. A grant of New-England to the council of Plymouth.  
Jac. 1.
- 1621, July 24. An ordinance and constitution of the treasurer, council  
Jac. 1. and company in England, for a council [330] of state  
and general assembly in Virginia. Stith. Ap. 4.
- 1621, Sept. 10. A grant of Nova Scotia to Sir William Alexander. 2.  
20 Jac. 1. Mem. de l'Amerique. 193.
- 1622, Nov. 6. A proclamation prohibiting interloping and disorderly  
20 Jac. 1. trading to New England in America. 17. Rym. 416.
- 1623, May 9. De commissione speciali Willelmo Jones militi directa.  
21 Jac. 1. 17. Rym. 490.
1623. A grant to Sir Edmund Ployden, of New Albion. Men-  
tioned in Smith's examination. 82.
- 1624, July 15. De commissione Henrico vicecomiti Mandevill et aliis.  
22. Jac. 1. 17. Rym. 609.
- 1624, Aug. 26. De commissione speciali concernenti gubernationem in  
22 Jac. 1. Virginia. 17. Rym. 618.
- 1624, Sep. 29. A proclamation concerning tobacco. 17. Rym. 621.  
22 Jac. 1. De concessione demiss, Edwardo Ditchfield et aliis.  
17. Rym. 633. [331]
- 1624, Nov. 9. A proclamation for the utter prohibiting the impor-  
22 Jac. 1. tation and use of all tobacco which is not of the pro-  
per growth of the colony of Virginia and the Somer  
islands, or one of them. 17. Rym. 668.
- 1625, Mar. 2. De commissione directa Georgio Yardeley militi et aliis.  
22 Jac. 1. 18. Rym. 311.
- 1625, Mar. 4. Proclamatio de herba Nicotianâ. 18. Rym. 19.
- 1625, Apr. 9. A proclamation for settling the plantation of Virginia.  
1 Car. 1. 18. Rym. 72.
- 1625, May 13. A grant of the soil, barony, and domains of Nova Scotia  
1 Car. 1. to Sir Wm. Alexander of Minstrie. 2. Mem. Am.  
1. Car. 1. 226.
- 1625, July 12. Commissio directa a Johanni Wolstenholme militi et  
18. Rym. 831.
- 1626, Jan. 31. A proclamation touching tobacco. Rym. 848.  
2 Car. 1.
- 1627, Mar. 19. A grant of Massachusetts bay by the council of Ply-  
Qu? 2 Car. 1. mouth to Sir Henry Roswell and others. [332]
- 1627, Mar. 26. De concessione commissionis specialis proconcilio in  
3 Car. 1. Virginia. 18. Rym. 980.

- 1627, Mar. 30. De proclamatione de signatione de tobacco. 18. Rym.  
3 Car. 1. 886.
- 1627, Aug. 9. De proclamatione pra ordinatione de tobacco. 18.  
3 Car. 1. Rym. 920.
- 1628, Mar. 4. A confirmation of the grant of Massachusetts bay by  
3 Car. 1. the crown.
- 1629, Aug. 16. The capitulation of Quebec. Champlain pert. 2. 216.  
2. Mem. Am. 489.
- 1630, Jan. 5. A proclamation concerning tobacco. 19. Rym. 235.  
5 Car. 1. Conveyance of Novia Scotia (Port-royal excepted) by  
1630, April 30. Sir William Alexander to Sir Claude St. Etienne  
Lord of la Tour and of Uarre and to his son Sir  
Charles de St. Etienne Lord of St. Denniscourt, on  
condition that they continue s bjects to the king of  
Scotland under the great seal of Scotland.
- 1630-31, Nov. 4. A proclamation forbidding the disorderly trading with  
6 Car. 1. the savages in New England in Ame-[333]rica, espe-  
cially the furnishing the natives in those and other  
parts of America by the English with weapons and  
habiliments of warre. 19. Ry. 210. 3. Rushw. 82.
- 1630, Dec. 5. 6 A proclamation prohibiting the selling arms, &c., to the  
Car. 1. savages in America. Mentioned 3. Rushw. 75.
- 1630, Car. 1. A grant of Connecticut by the council of Plymouth to  
the E. of Warwick.
- 1630, Car. 1. A confirmation by the crown of the grant of Connecti-  
cut [said to be in the petty-bag office in England.]
- 1631, Mar. 19. A conveyance of Connecticut by the E. of Warwick to  
6 Car. 1. Lord Say, and Seal, and others. Smith's examina-  
tion, Appendix, No. 1.
- 1631, June 27. A special commission to Edward, Earle of Dorsett, and  
7 Car. 1. others, for the better plantation of the colony of  
Virginia. 19. Ry. 301. [334]
- 1632, June 29. Litere continentes promissionem regis ad tradendum  
7 Car. 1. castrum et habitationem de Kebec in Canada ad  
regem Francorum. 19. Ry. 303.
- 1632, Mar. 29. Traité entre le roy Louis XIII. et Charles roi d'Angle-  
8 Car. 1. terre pour la restitution de la nouvelle France, la  
Cadie et Canada et des navires et marchandises pris  
de part et d'autre. Fait a St. Germain. 19. Ry.  
361. 2 Mem. Am. 5.
- 1632, June 20. A grant of Maryland to Cæcilius Calvert, baron of  
8 Car. 1. Baltimore in Ireland.
- 1633, July 3. A petition of the planters of Virginia against the grant  
9 Car. 1. to lord Baltimore.
- 1633, July 3. Order of council upon the dispute between the Virginia

- planters and Lord Baltimore, Votes of repres. Pennsylvania V.
- 1633, Aug. 13. 9 Car. 1. A proclamation to prevent abuses growing by the un-ordered re-[335] tailing of tobacco. Mentioned 3. Rushw. 191.
- 1633, Sep. 23. 9 Car. 1. A special commission to Thomas Young to search, discover and find out what ports are not yet inhabited in Virginia and America and other parts thereunto adjoining. 19. Ry. 472.
- 1633, Oct. 13. 9 Car. 1. A proclamation for preventing of the abuses growing by the unordered retailing of tobacco. 19. Ry. 474.
- 1634, Mar. 13. 10 Car. 1. A proclamation restraining the abusive venting of tobacco. 19. Rym. 522.
- 1634, May 19. 10 Car. 1. A proclamation concerning the landing of tobacco, and also forbidding the planting thereof in the king's dominions. 19. Ry. 553.
- 1634, Car. 1. A commission to the Archbishop of Canterbury and 11 others, for governing the American colonies.
- 1634, June 19. 10 Car. 1. A commission concerning tobacco. M. S. [336]
- 1635, July 18. 11 Car. 1. A commission from Lord Say, and Seal, and others, to John Winthrop to be governor of Connecticut. Smith's App.
- 1635, Car. 1. A grant to Duke Hamilton.
- 1636, Apr. 2. 12 Car. 1. De commissione speciali Johanni Harvey militi to pro meliori regimine coloniae in Virginia. 20. Ry. 3.
- 1637, Mar. 14. 13 Car. 1. A proclamation concerning tobacco. Title in 3. Rush. 617.
- 1636-7, Mar. 16. 12 Car. 1. De commissione speciali Georgio domino Goring et aliis concessâ concernente venditionem de tobacco absque licentiâ regiâ. 20. Ry. 116.
- 1637, Apr. 30. 13 Car. 1. A proclamation against disorderly transporting his Majesty's subjects to the plantations within the parts of America. 20. Ry. 143. 3. Rush. 409.
- 1637, May 1. 13. Car. 1. An order of the privy council to stay 8 ships now in the Thames from going to New England. 3. Rush. 409. [337]
- 1637, Car. 1. A warrant of the Lord Admiral to stop unconformable ministers from going beyond the sea. 3. Rush. 410.
- 1638, Apr. 4. 14 Car. 1. Order of council upon Claiborne's petition against Lord Baltimore. Votes of representatives of Pennsylvania. vi.
- 1638, Apr. 6. 14 Car. 1. An order of the king and council that the attorney general draw up a proclamation to prohibit transportation of passengers to New England without license. 3. Rush. 718.

- 1638, May 1. A proclamation to restrain the transporting of pas-  
14 Car. 1. sengers and provisions to New England without  
license. 20. Ry. 223.
- 1639, Mar. 25. A proclamation concerning tobacco. Title 4. Rush.  
Car. 1. 1060.
- 1639, Aug. 19. A proclamation declaring his majesty's pleasure to  
15 Car. 1. continue his commission and letters patents for licensing  
retailers of tobacco. 20. Ry. 348. [338]
- 1639, Dec. 16. De commissione speciali Henrico Ashton armigero ét  
15 Car. 1. aliis ad amovendum Henricum Hawley gubernatorem  
de Barbadoes. 20. Rym. 357.
- 1639, Car. 1. A proclamation concerning retailers of tobacco. 4.  
Rush. 966.
- 1641, Aug. 9. De constitutione gubernatoris et concilii pro Virginia.  
17 Car. 1. 20. Ry. 484.
- 1643, Car. 1. Articles of union and confederacy entered into by  
Massachusetts, Plymouth, Connecticut and New-  
haven. 1. Neale. 223.
- 1644, Car. 1. Deed from George Fenwick to the old Connecticut  
jurisdiction.  
An ordinance of the lords and commons assembled in  
parliament, for exempting from custom and imposi-  
tion all commodities exported for, or imported from  
New-England, which has been very prosperous and  
without any public charge to this state, and is likely  
to prove [339] very happy for the propagation of the  
gospel in those parts. Tit. in Amer. library 90. 5.  
No date. But seems by the neighbouring articles to  
have been in 1644.
- 1644, June 20. An act for charging of tobacco brought from New Eng-  
Car. 2. land with custom and excise. Title in American  
library. 99. 8.
- 1644, Aug. 1. An act for the advancing and regulating the trade of  
Car. 2. this commonwealth. Tit. in Amer. libr. 99. 9.
- Sept. 18. Grant of the Northern neck of Virginia to Lord Hopton,  
1 Car. 2. Lord Jermyn, Lord Culpepper, Sir John Berkley, Sir  
William Moreton, Sir Dudley Wyatt, and Thomas  
Culpepper.
- 1650, Oct. 3. An act prohibiting trade with the Barbadoes, Virginia,  
2 Car. 2. Bermudas and Antego. Scobell's Acts. 1027.
- 1650, Car. 2. A declaration of Lord Willoughby, governor of Bar-  
badoes, and [340] of his council, against an act of par-  
liament of 3d of October, 1650. 4. Polit. register.  
2. cited from 4 Neal. hist. of the Puritans. App. No.  
12 but not there.

- 1650, Car. 2. A final settlement of boundaries between the Dutch New Netherlands and Connecticut.
- 1651, Sept. 26.  
3 Car. 2. Instructions for Captain Robert Dennis, Mr. Richard Bennet, Mr. Thomas Stagge, and Captain William Claibourn, appointed commissioners for the reducing of Virginia and the inhabitants thereof to their due obedience to the commonwealth of England. 1. Thurloe's state papers, 197.
- 1651, Oct. 9.  
8 Car. 2. An act for increase of shipping and encouragement of the navigation of this nation. Scobell's acts, 1449.
- 1651/2 Mar.  
12. 4 Car. 2. Articles agreed on and concluded at James citie in Virginia for the surrendering and settling of [341] that plantation under the obedience and government of the commonwealth of England, by the commissioners of the council of state, by authoritie of the parliament of England, and by the grand assembly of the governor, council, and burgesse of that state. M. S. [Ante. p. 206.]
- 1651-2, Mar.  
12. 4 Car. 1. An act of indempnitie made at the surrender of the country [of Virginia] [Ante p. 206.]
- 1654, Aug. 16. Capitulation de Port Royal. Mem. Am. 507.
- 1655, Car. 2. A proclamation of the protector relating to Jamaica. 3 Thurl. 75.
- 1655, Sept. 26.  
7 Car. 2. The protector to the commissioners of Maryland. A letter. 4. Thurl. 55.
- 1655, Oct. 8.  
7 Car. 2. An instrument made at the council of Jamaica, Oct. 8, 1655, for the better carrying on of affairs there. 4. Thurl. 71. [342]
- 1655, Nov. 3. Treaty of Westminster between France and England. 6. corps diplom. part 2. p. 121. 2 Mem. Am. 10.
- 1656, Mar. 27.  
8 Car. 2. The assembly at Barbadoes to the protector. 4 Thurl. 651.
- 1656, Aug. 9. A grant by Cromwell to Sir Charles de Saint Etienne, a baron of Scotland, Crowne and Temple. A French translation of it. 2. Mem. Am. 511.
- 1656, Car. 2. A paper concerning the advancement of trade, 5 Thurl. 80.
- 1656, Car. 2. A brief narration of the English rights to the Northern parts of America. 5. Thurl. 81.
- 1656, Oct. 10.  
8 Car. 2. Mr. R. Bennet and Mr. S. Matthew to Secretary Thurlow. 5. Thurl. 482.
- 1656, Oct. 10.  
8 Car. 2. Objections against the Lord Baltimore's patent, and reasons why the government of Maryland should not be put into his hands. 5. Thurl. 482.
- 1656, Oct. 10.  
8 Car. 2. A paper relating to Maryland. 5. Thurl. 483. [343]

- 1656, Oct. 10. A brevet of the proceedings of the lord Baltimore and  
8 Car. 2. his officers and compilers in Maryland, against the  
authority of the parliament of the commonwealth of  
England and against his highness the lord protector's  
authority, laws and government. 5 Thurl. 486.
- 1656, Oct. 15. The assembly of Virginia to secretary Thurlow. 5  
8 Car. 2. Thurl. 497.
- 1657, Apr. 4. The governor of Barbadoes to the protector. 6 Thurl.  
9 Car. 2. 69.
- 1661, Car. 2. Petition of the general court at Hartford upon Con-  
necticut for charter. Smith's exam. App. 4.
- 1662, Apr. 23. Charter of the colony of Connecticut. Smith's exam.  
14 Car. 2. App. 6.
- 1662/3 Mar. 24. Apr. 4. The first charter granted by Charles II. to the pro-  
15 Cr. 2. prietaries of Carolina, to wit, to the Earl of Clarendon,  
Duke of Albemarle, Lord Craven, Lord Berkeley,  
Lord Ashley, Sir George Carteret, Sir William  
Berkeley, [344] and Sir John Colleton. 4 Mem. Am.  
554.
- 1664, Feb. 10. The concessions and agreement of the lords proprietors  
of the province of New Cæsarea, or New Jersey, to  
and with all and every of the adventurers and all  
such as shall settle or plant there. Smith's New  
Jersey. App. 1.
- 1664, Mar. 12. A grant of the colony of New York to the Duke of York.  
20 Car. 2.
- 1664, Apr. 26. A commission to Colonel Nichols and others to settle  
16 Car. 2. disputes in New England. Hutch. Hist. Mass. Bay,  
App. 537.
- 1664, Apr. 26. The commission to Sir Robert Carre and others to put  
the Duke of York in possession of New York, New  
Jersey, and all other lands thereunto appertaining.  
Sir Robert Carre and others proclamation to the in-  
habitants of New York, New Jersey, &c. Smith's N.  
J. 36. [345]
- 1664, June 23. Deeds of lease and release of New Jersey by the Duke  
24. 16 Car. 2. of York to Lord Berkeley and Sir George Carteret.  
A conveyance of the Delaware counties to William Penn.
- { 1664, Aug. 18. Letters between Stuyvesant and Colonel Nichols on the  
18. 24. English right. Smith's N. J. 37-42.  
Aug. 25.  
Sept. 4.
- 1664, Aug. 27. Treaty between the English and Dutch for the sur-  
render of the New Netherlands. Sm. N. J. 42.
- Sept. 3. Nicoll's commission to Sir. Robert Carre to reduce the  
Dutch on the Delaware bay. Sm. N. J. 47.  
Instructions to Robert Carre for the reducing of Dela-

- ware bay and settling the people there under his majesty's obedience. Sm. N. J. 47.
- 1664, Oct. 1. Articles of capitulation between Sir Robert Carre and the Dutch and Swedes on Delaware bay [346] and Delaware river. Sm. N. J. 49.
- 1664, Dec. 1. 16 Car. 2. The determination of the commissioners of the boundary between the Duke of York and Connecticut. Sm. Ex. Ap. 9.
1664. The New Haven case. Smith's Ex. Ap. 20.
- 1665, June 13. 24. 17 Car. 2. The second charter granted by Charles II. to the same proprietors of Carolina. 4. Mem. Am. 586.
- 1666, Jan. 26. Declaration de guerre par la France contre l'Angleterre. 3 Mem. Am. 123.
- 1666, Feb. 9. 17 Car. 2. Declaration of war by the king of England against the king of France.
- 1667, July 31. The treaty of peace between France and England made at Breda. 7 Corps, Dipl. part 1. p. 51 2. Mem. Am. 32.
- 1667, July 31. The treaty of peace and alliance between England and the United Provinces made at Breda. [347] 7. Cor. Dip. p. 1. d. 44. 2. Mem. Am. 40.
- 1667-8, Feb. 17. Acte de la session de l'Acadie au roi de France. 2. Mem. Am. 40.
- 1668, April 21. Directions from the governor and council of New York for a better settlement of the government on Delaware. Sm. N. J. 51.
1668. Lovelace's order for customs at the Hoarkills. Sm. N. J. 55.
- 16-May 8. 21 Car. 2. A confirmation of the grant of the northern neck of Virginia to the Earl of St. Albans, Lord Berkeley, Sir William Moreton and John Tretheway.
1672. Incorporation of the town of Newcastle or Amstel.
- 1673, Feb. 25. 25 Car. 2. A demise of the colony of Virginia to the Earl of Arlington and Lord Culpepper for 31 years. M. S.
- 1673-4. Treaty at London between king Charles II. and the Dutch. Article VI. [348]
- Remonstrance against the two grants of Charles II. of Northern and Southern Virginia. Ment<sup>d</sup> Beverley 65.
- 1674, July 13. Sir George Carteret's instructions to Governor Carteret.
- 1674, Nov. 9. Governor Andros's proclamation on taking possession of Newcastle for the Duke of York. Sm. N. J. 78.
- 1675, Oct. 1. 27 Car. 2. A proclamation for prohibiting the importation of commodities of Europe into any of his majesty's plantations in Africa, Asia, or America, which were not



- laden in England; and for putting all other laws relating to the trade of the plantations in effectual execution.
- 1676, Mar. 3. The concessions and agreements of the proprietors, freeholders and inhabitants of the province of West New-Jersey in America. Sm. N. J. App. 2.
- 1676, July 1. A deed quintipartite for the division of New Jersey. [349]
- 1676, Aug. 18. Letter from the proprietors of New Jersey to Richard Hartshorne. Sm. N. J. 80.  
Proprietors instructions to James Wasse and Richard Hartshorne. Sm. N. J. 83.
- 1676, Oct. 10. The charter of king Charles II. to his subjects of Virginia. M. S.  
28 Car. 2.
1676. Cautionary epistle from the trustees of Byllinge's part of New Jersey. Sm. N. J. 84.
- 1677, Sept. 10. Indian deed for the lands between Rankokus creek and Timber creek, in New Jersey.
- 1677, Sept. 27. Indian deed for lands from Oldman's creek to Wimber creek, in New Jersey.
- 1677, Oct. 10. Indian deed for the lands from Rankokus creek to Assunpink creek in New Jersey.
- 1678, Dec. 5. The will of Sir George Carteret, sole proprietor of East Jersey ordering the same to be sold.
- 1680, Feb. 16. An order of the king in council for the better encouragement of all [350] his majesty's subjects in their trade to his majesty's plantations, and for the better information of all his majesty's loving subjects in these matters—Lond. Gaz. No. 1596. Title in Amer. library. 134. 6.
1680. Arguments against the customs demanded in New West Jersey by the governor of New York, addressed to the Duke's commissioners. Sm. N. J. 117.
- 1680, June 14. 23. 25. Extracts of proceedings of the committee of trade and plantations; copies of letters, reports, &c., between the board of trade, Mr. Penn, Lord Baltimore and Sir John Werden, in the behalf of the Duke of York and the settlement of the Pennsylvania boundaries by the L. C. J. North. Votes of Repr. Pennsylv. vii.-xiii.
- 1680, Oct. 16. 11. 18. 20. 23. Dec. 16. 1680-1. Jan. 15. 22. Feb. 24.
- 1681, Mar. 4. A grant of Pennsylvania to William Penn. Votes of Car. 2. Represen. Pennsylv. xviii. [351]
- 1681, Apr. 2. The king's declaration to the inhabitants and planters of the province of Pennsylvania. Vo. Repr. Penn. xxiv.

- 1681, July 11. Certain conditions or concessions agreed upon by William Penn, proprietary and governor of Pennsylvania, and those who are the adventurers and purchasers in the same province. Votes of Rep. Pennsylv. xxiv.
- 1681, Nov. 9. Fundamental laws of the province of West New-Jersey. Sm. N. J. 126.
- 1681-2, Jan. 14. The methods of the commissioners for settling and regulation of lands in New Jersey. Sm. N. J. 130.
- 1681-2, F. r. 2. Indentures of lease and release by the executors of Sir George Carteret to William Penn and 11 others, conveying East Jersey.
- 1682, Mar. 14. The Duke of York's fresh grant of East-New-Jersey to the 24 proprietors. [352]
- 1682, Apr. 25. The frame of the government of the province of Pennsylvania, in America. Votes of Rep. Penn. xxvii.
- 1682, Aug. 21. The Duke of York's deed for Pennsylvania. Vo. Repr. Penn. xxxv.
- 1682, Aug. 24. The Duke of York's deed for the feoffment of Newcastle and twelve miles circle to William Penn. Vo. Repr. Penn.
- 1682, Aug. 24. The Duke of York's deed of feoffment of a tract of land 12 miles south from Newcastle to the Whorekills, to William Penn. Vo. Repr. Penn. xxxvii.
- 1682, Nov. 27. A commission to Thomas Lord Culpepper to be lieutenant and governor-general of Virginia. M.S.  
34 Car. 2.
- 1682, 10th mon, 6th day. An act of union for annexing and uniting of the counties of Newcastle, Jones' and Whorekill's alias Deal, to the province of Pennsylvania, and of naturalization of all foreigners in the province and counties aforesaid. [353]
- 1682, Dec. 6. An act of settlement.
- 1683, Apr. 2. The frame of the government of the province of Pennsylvania and territories thereunto annexed in America.
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|----------------|-----------------|-----------------|---|
| 1683, Apr. 17. | 1684, Feb. 12.  | 1685, Mar. 17.  | Proceedings of the committee of trade and Plantations in the dispute between Lord Baltimore and Mr. Penn. Vo. R. P. xiii-xviii. |
| 27. May 30.    | July 2, 16, 23. | Aug. 18. 26.    |   |
| June 12.       | Sept. 30.       | Sept. 2.        |   |
|                |                 | Oct. 8, 17. 31. |   |
|                | Dec. 9.         | Nov. 7.         |   |
- 1683, July 17. A commission by the proprietors of East New Jersey to Robert Barclay to be governor. Sm. N. J. 166.

- 1683, July 26. An order of council for issuing a quo warranto against  
35 Car. 2. the charter of the colony of the Massachusetts bay in  
New England, with his majesty's declaration that in  
case the said corporation of Massachusetts bay shall  
before prosecution had upon the same quo [354]  
warranto make a full submission and entire resigna-  
tion to his royal pleasure, he will then regulate their  
charter in such a manner as shall be for his service  
and the good of that colony. Title in American  
library, 139, 6.
- 1683, Sept. 28. A commission to Lord Howard of Effingham to be  
35 Car. 2. lieutenant and governor general of Virginia. M. S.
- 1684, May 3. The humble address of the chief governor, council and  
representatives of the island of Nevis, in the West  
Indies, presented to his majesty by Colonel Nethe-  
way and Captain Jefferson, at Windsor. May 3,  
1684. Title in Amer. libr. 142. 3. cites Lond. Gaz.  
No. 1927.
- 1684, Aug. 2. A treaty with the Indians at Albany.
- 1686, Nov. 16. A treaty of neutrality for America between France and  
England. 7 Corps Dipl. part 2, p. 44. 2. Mem. Am.  
40. [355]
- 1687, Jan. 20. By the king, a proclamation for the more effectual  
reducing and suppressing of pirates and privateers in  
America, as well on the sea as on the land in great  
numbers, committing frequent robberies and piracies,  
which hath occasioned a great prejudice and obstruc-  
tion to trade and commerce, and given a great  
scandal and disturbance to our government in those  
parts. Title Amer. libr. 147. 2. cites Lond. Gaz. No.  
2315.
- 1687, Feb. 12. Constitution of the council of proprietors of West Jersey.  
Smith's N. Jersey. 199.
- 1687, qu. Sept. A confirmation of the grant of the Northern neck of  
27. 4. Jac. 2. Virginia to Lord Culpepper.
- 1687, Sept. 5. Governor Coxe's declaration to the council of pro-  
prietors of West Jersey. Sm. N. J. 190.
- 1687, Dec. 16. Provisional treaty of Whitehall concerning America  
between [356] France and England. 2. Mem. de  
l'Am. 89.
1687. Governor Coxe's narrative relating to the division line,  
directed to the council of proprietors of West Jersey.  
Sm. App. No. 4.
1687. The representation of the council of proprietors of West  
Jersey to Governor Burnet. Smith. App. No. 5.

- 1687 The remonstrance and petition of the inhabitants of East New Jersey to the king. Sm. App. No. 8.  
The memorial of the proprietors of East New Jersey to the Lords of trade. Sm. App. No. 9.
- 1688, Sept. 5. Agreement of the line of partition between East and West New Jersey. Smith's N. J. 196.
1691. Conveiance of the government of West Jersey and territories, by Dr. Coxe, to the West Jersey Society.
- 1691, Oct. 7. A charter granted by King William and Queen Mary to the inhab- [357] bitants of the province of Massachusetts bay, in New England. 2. Mem. de l'Am. 593.
- 1696, Nov. 7. The frame of government of the province of Pennsylvania and the territories thereunto belonging, passed by Gov. Markham. Nov. 7, 1696.
- 1697, Sept. 20. The treaty of peace between France and England, made at Ryswick. 7 Corps. Dipl. part 2. p. 399. 2. Mem. Am. 89.
- 1699, July 5. The opinion and answer of the Lords of trade to the memorial of the proprietors of East N. Jersey. Sm. App. No. 10.
- 1700, Jan. 15. The memorial of the proprietors of East New Jersey to the Lords of trade. Sm. App. No. 11.  
The petition of the proprietors of East and West New Jersey to the Lords justices of England. Sm. App. No. 12.
- 1700, W. 3. A confirmation of the boundary between the colonies of New- [358] York and Connecticut, by the crown.
- 1701, Aug. 12. The memorial of the proprietors of East and West New Jersey to the king. Sm. App. No. 14.
- 1701, Oct. 2. Representation of the Lords of trade to the Lords justices. Sm. App. No. 18.
1701. A treaty with the Indians.
- 1701-2, Jan. 6. Report of Lords of trade to king William, of draughts of a commission and instructions for a governor of N. Jersey. Sm. N. J. 262.
- 1702, Apr. 15. Surrender from the proprietors of E. and W. N. Jersey, of their pretended right of government to her majesty Queen Anne. Sm. N. J. 211.
- 1702, Apr. 17. The Queen's acceptance of the surrender of government of East and West Jersey. Sm. N. J. 219.
- 1702, Nov. 16. Instructions to Lord Cornbury. Sm. N. J. 230. [359]
- 1702, Dec. 5. A commission from Queen Anne to Lord Cornbury, to be captain general and governor in chief of New Jersey. Sm. N. J. 220.
- 1703, June 27. Recognition by the council of proprietors of the true

- boundary of the deeds of Sept. 10, and Oct. 10, 1677, (New Jersey.) Sm. N. J. 96.
1703. Indian deeds for the lands above the falls of the Delaware in West Jersey.  
Indian deed for the lands at the head of Rankokus river, in West Jersey.
- 1704, June 18. A proclamation by Queen Anne, for settling and ascertaining the current rates of foreign coins in America. Sm. N. J. 281.
- 1705, May 3. Additional instructions to Lord Cornbury. Sm. N. J. 235.
- 1707, May 3. Additional instructions to Lord Cornbury. Sm. N. J. 258. [360]
- 1707, Nov. 20. Additional instructions to Lord Cornbury. Sm. N. J. 259.
1707. An answer by the council of proprietors for the western division of N. Jersey, to questions proposed to them by Lord Cornbury, Sm. N. J. 285.
- 1708-9, Feb. 28. Instructions to Colonel Vetch in his negotiations with the governors of America. Sm. N. J. 364.
- 1708-9, Feb. 28. Instructions to the governor of New Jersey and New York. Sm. N. J. 361.
- 1710, Aug. Earl of Dartmouth's letter to governor Hunter.
- 1711, Apr. 22. Premières propositions de la France. 6. Lamberty, 669, 2 Mem. Am. 341.
- 1711, Oct. 8. Réponses de la France aux demandes préliminaires de la Grande Bretagne. 6 Lamb. 681. 2 Mem. Amer. 344.
- Sept. 27. Demandes préliminaires plus particulieres de la Grande-  
1711, Oct. 8. Bretagne, [361] avec les réponses. 2 Mem. de l'Am. 346.
- Sept. 27. L'acceptation de la part de la Grande-Bretagne. 2  
1711, Oct. 8. Mem. Am. 356.
- 1711, Dec. 23. The Queen's instructions to the Bishop of Bristol and Earl of Stafford, her plenipotentiaries, to treat for a general peace. 6 Lamberty, 744. 2. Mem. Am. 358.
- May 24. A memorial of Mr. St. John to the Marquis de Torci,  
1712, June 10. with regard to North America, to commerce, and to the suspension of arms. 7. Recueil de Lamberty 161, 2 Mem. de l'Amer. 376.
- 1712, June 10. Réponse du roi de France au memoire de Londres. 7. Lamberty, p. 163. 2. Mem. Am. 380.
- 1712, Aug. 19. Traité pour une suspension d'armes entre Louis XIV. roi de France, and Anne, reigne de la Grande-Bretagne, fait à Paris. 8. Corps Diplom. part 1, p. 308. 2. Mem. d'Am. 104. [362]

- 1712, Sept. 10. Offers of France to England, demands of England, and the answers of France. 7. Rec. de Lamb. 461. 2 Mem. Am. 390.
- 1713, Mar. 31.  
Apr. 11. Traité de paix et d'amitié entre Louis XIV. roi de France, et Anne, reine de la Grande-Bretagne, fait à Utrecht. 15 Corps Diplomatique de Dumont, 339. id. Latin. 2 Actes et memoires de la pais d'Utrecht, 457. id. Lat. Fr. 2. Mem. Am. 113.
- 1713, Mar. 31.  
April 11. Traité de navigation et de commerce entre Louis XIV. roi de France, et Anne, reine de la Grande-Bretagne. Fait à Utrecht. 8 Corps Dipl. part 1. p. 345. 2 Mem. de l'Am. 137.
1726. A treaty with the Indians.
- 1728, Jan. The petition of the representatives of the province of New Jersey, to have a distinct governor. Sm. N. J. 421.
- 1732, G. 2. Deed of release by the government of Connecticut to that of New York. [363]
- 1732, June 9.  
20. 5 Geo. 2. The charter granted by George II. for Georgia. 4 Mem. de l'Am. 617.
1733. Petition of Lord Fairfax, that a commission might issue for running and marking the dividing line between his district and the province of Virginia.
- 1733, Nov. 29. Order of the king in council for commissioners to survey and settle the said dividing line between the proprietary and royal territory.
- 1736, Aug. 5. Report of the Lords of trade relating to the separating the government of the province of New Jersey from New York. Sm. N. J. 423.
- 1737, Aug. 10. Survey and report of the commissioners appointed on the part of the crown to settle the line between the crown and Lord Fairfax.
- 1737, Aug. 11. Survey and report of the commissioners appointed on the part of Lord Fairfax to settle the [364] line between the crown and him.
- 1738, Dec. 21. Order of reference of the surveys between the crown and Lord Fairfax to the council for plantation affairs.
- 1744, June. Treaty with the Indians of the six nations at Lancaster.
- 1745, Apr. 6. Report of the council for plantation affairs, fixing the head springs of Rappahanoc and Potomac, and a commission to extend the line.
- 1745, Apr. 11. Order of the king in council confirming the said report of the council for plantation affairs.
- 1748, Apr. 30. Articles préliminaires pour parvenir à la paix, signés à Aix-la-Chapelle, entre les ministres de France, de la

- Grande-Bretagne, et des Provinces-Unies des Pays-Bas. 2 Mem. de l'Am. 159.
- 1748, May 21. Declaration des ministres de France, de la Grande-Bretagne, et des Provinces-Unies des Pays- [365] Bas pour rectifier les articles I. et II. des préliminaires, 2. Mem. Am. 165.
- 1748, Oct. 7-18. 22. G. 2. The general and definitive treaty of peace concluded at Aix-la-Chapelle. Lon. Mag. 1748. 503. French 2. Mem. Am. 169.
1754. A treaty with the Indians.
- 1758, Aug. 7. A conference between governor Bernard and Indian nations at Burlington. Sm. N. J. 449.
- 1758, Oct. 8. A conference between governor Denny, governor Bernard, and others, and Indian nations at Easton. Sm. N. J. 455.
- 1759, July 25. 33. G. 2. The capitulation of Niagara.
- 175-. The king's proclamation promising lands to soldiers.
- 1763, Feb. 10. 3. G. 3. The definitive treaty concluded at Paris. Lon. Mag. 1763. 149.
- 1763, Oct. 7. G. 3. A proclamation for regulating the cessions made by the last treaty of peace. Guth. Geogr. Gram. 623. [366]
1763. The king's proclamation against settling on any lands on the waters westward of the Alleghany.
- 1768, Nov. 3. Deed from the six nations of Indians to William Trent, and others, for lands betwixt the Ohio and Monongahela. View of the title to Indiana. Phil. Steiner and Cist. 1776.
- 1768, Nov. 5. Deed from the six nations of Indians to the crown for certain lands and settling a boundary. M.S. [367.]





CORRESPONDENCE AND MISCELLANEOUS  
WRITINGS

1783-1785



CORRESPONDENCE  
AND  
MISCELLANEOUS WRITINGS  
1783-1785

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TO FRANCIS EPPES <sup>1</sup>

PHILADELPHIA, Jan. 14, 1783.

DEAR SIR,—You will hardly expect to receive a letter from me at this place, and of so late a date. Yet I have apprehensions of being here ten days or a fortnight longer, for though ready myself, some time since, the vessel in which I go is not ready. Yesterday's post brought no mail from Virginia. I was not disappointed in this, as I was pretty certain that under expectation of my being gone you did not write. I had entertained some hope of meeting a letter from you on my first arrival here, but suppose the same idea of its not coming in time prevented it, so that at present I have no hope of hearing again, while on this side of the water, from yourself and family and those dear little ones I left with you. We have heard nothing since my last from which the length of my absence may be conjectured. The last authentic advices

<sup>1</sup> From Randall's *Life of Jefferson*, iii., 586.

were of the 14th of October, but the affair of Gibraltar happened just then, and the negotiation was in such a state that what had passed between the negotiators was at that time under submission to the British court for their approbation or disavowal. How far this would be influenced by their good fortune at Gibraltar is the question which the next advices must certainly solve. Since I came here there has been sold the Westover copy of Catesby's *History of Carolina*. It was held near a twelvemonth at twelve guineas, and at last sold for ten. This seems to fix what should be given for Mr. Bollings's copy, if you can induce him to let me have it, which I am very anxious for. Perhaps it would be a temptation to offer that the ten guineas should be paid to Mr. Ross's agent at Nantes, where he could lay them out and send the articles to Mr. Bolling. His draft shall be paid on sight in Paris. Perhaps you had better effect this by making the proposition to Mrs. Bolling. Of this your knowledge of the family will enable you to judge. Be so good as to present me most affectionately to Mrs. Eppes, Mr. and Mrs. Skipwith, and the two families, and believe me to be, with very great sincerity, dear sir, Your friend and servant.

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TO GENERAL WASHINGTON

J. MSS.

PHILADE. Jan. 22, 1783.

SIR,—Having lately recd. a call from Congress to pass the Atlantic in the character of one of their ministers for negotiating peace, I cannot leave the

continent without separating myself for a moment from the general gratitude of my country to offer my individual tribute to your Excy for all you have suffered & all you have effected for us. Were I to indulge myself in those warm effusions which this subject forever prompts, they would wear an appearance of adulation very foreign to my nature; for such is become the prostitution of language that sincerity has no longer distinct terms in which to express her own truths. Should you give me occasion, during the short mission on which I go, to render you any service beyond the water, I shall for a proof of my gratitude appeal from language to the zeal with which I shall embrace it. The negotiations to which I am joined may perhaps be protracted beyond our present expectation, in which case, tho' I know you must receive much better intelligence from the gentlemen whose residence there has brought them into a more intimate acquaintance with the characters & views of the European courts, yet I shall certainly presume to add my mite, should it only serve to convince you of the warmth of those sentiments of respect & esteem with which I have the honor to be your Excy's mo ob & mo hble servt.

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TO JAMES MADISON <sup>1</sup>

M. MSS.

BALTIMORE, Jan. 31, 1783.

DEAR SIR,—A gentleman returning from this place to Philadelphia gives me an opportunity of sending you a line. We reached Newport the evening

<sup>1</sup> The parts in *italic* are written in cipher numbers in the original.

of the day on which we left you. There we were misled by an assurance that a lower ferry could not be crossed. We therefore directed our course for the Bald friar's: & thence to another ferry 6 miles above. Between these two we lost two days, in the most execrable situation in point of accommodation & society which can be conceived. In short braving all weather & plunging thro' thick and thin we arrived here last night being the fifth from Philadelphia.—I saw Monsr. de Ville-Brun last night & augur him to be agreeable enough. I learnt (not from him but others) that to embark their sick &c. will keep us three days.—Having nothing particular to communicate I will give you an *anecdote* which possibly you may not have heard and which is related to me by *Major F* [ranks]<sup>1</sup> who had it from *Doctor Franklin* himself. I use the only cypher I can now get at, using the marginal numbers in order & not as concerted. *Mr. Z*<sup>2</sup> while at Paris had often pressed the *Dr.* to communicate to him his several negotiations with the *Ct. of France*, wch. the *Dr.* avoided as decently as he could. At length he received from *Mr. Z* a very intemperate letter. He folded it up and put it into a pigeon hole. A 2d 3d & so on to a fifth or sixth he recd. & disposed of in the same way. Finding no answer could be obtained by letter, *Mr. Z* paid him a personal visit & gave a

<sup>1</sup> This is "352.4" in cipher, which translates into "F." As Major Franks was Jefferson's secretary at this time, it leaves little doubt as to who is intended.

<sup>2</sup> "946.5" in cipher. It almost certainly alludes to Adams, though the editor of the *Madison Letters* (i., 62) infers that Arthur Lee is the person meant. Cf. with letter, *post*, of Feb. 14, 1783.

*loose to all the warmth of which he is susceptible. The Dr. replied, I can no more answer this conversation than the several impatient letters you have written me, (taking them down from the pigeon hole,) call on me when you are cool & good humored & I will justify myself to you.* They never saw each other afterwards. As I find no A in the book erase the B in the first A B, so that 1.1 may denote A instead of A B.

I met here the enclosed paper which be so good as to return with my compliments to Miss Kitty. I apprehend she had not got a copy of it, and I retain it in my memory. Be pleased to present me very affectionately to the ladies & gentlemen whose pleasing society I lately had at Mrs. House's, and believe me, your assured friend.

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TO JAMES MADISON †

M. MSS.

BALTIMORE, 7 February, 1783.

DEAR SIR,—I write by this post to the Minister of foreign affairs, but will repeat to you the facts mentioned to him & some others improper for a public letter, & some reflections on them which can only be hazarded to the ear of friendship. The cold weather having set in the evening of the 30th ult. (being the same in which I arrived here) the Chevalr. de Villebrun was obliged to fall down with his ship & the Guadeloupe to about twelve miles below this; & the ice has since cut off all correspondence with him till yesterday, when I got a boat and attempted a

† The portion in italic is in cipher in the original.

passage, there having passed a small boat before us, we got about half way with tolerable ease, but the influx of the tide then happening the ice closed on us on every side & became impenetrable to our little vessel, so that we could get neither backwards nor forwards. We were finally relieved from this situation by a sloop which forced it's way down & put us on board the Romulus, where we were obliged to remain all night. The Chevalr. de Ville-brun communicated to me several letters of intelligence which deserves weight; by which we are informed that the enemy, having no other employment at New York, have made our little fleet their sole object for some time, and have now cruizing for us nothing less than

1 ship of 64 guns.

4            50

2            40

$\frac{1}{2}$  frigates from 24 to 30 guns, a most amazing force for such an object. The merchants who intended to have sent their vessels out with us, have so far declined it, that two vessels only go with us, but they are unfortunately the greatest sluggards in the world. The Minister has given Ville-brun leave to remain if he thinks it expedient till the *m. of M-ch*, but politely and kindly offered the Guadeloupe for my passage if I chose to run the risk. I find that having laid ten months under water she got perfectly sobbed, insomuch that she sweats almost continually on the inside, in consequence of which her commander and several of the crew are now laid up with rheumatisms. But this I should have disregarded had it not appeared that it was giving to the enemy



the ship & crew of a friend, & delaying myself in fact by endeavoring at too much haste. I therefore have not made use of the liberty given me by the minister. Ville-brun seems certain he shall not sail on the *first of March*, and I confess to you I see no reason to suppose that when that time arrives the same causes will not place our departure as distant as it now seems. What then is to be done? I will mention the several propositions which occur with some reflections on each.

1. To go to Boston & embark thence. Would to God I had done this at first. I might now have been half-way across the ocean. But it seems very late to undertake a journey of such length, thro' such roads & such weather: & when I should get there some delay would still necessarily intervene,—yet I am ready to undertake it if this shall be thought best.

2. To stay here with patience till our enemies shall think proper to clear our coast. There is no certain termination to this object. It may not be till the end of the war.

3. To fall down to York or Hampton & there wait those favorable circumstances of winds & storms which the winter season sometimes presents. This would be speedier than the 2d but perhaps it may not be approved of by the commander for reasons which may be good tho' unknown to me. Should this however be adopted we ought to be furnished by the Marine department with, or authorised to employ one or more swift sailing boats to go out of the capes occasionally & bring us intelligence to York or Hampton wherever we should be.

4. To ask a flag for me from the enemy & charter a vessel here. This would be both quickest & most certain, but perhaps it may be thought injurious to the dignity of the states, or perhaps be thought such a favour as Congress might not chuse to expose themselves to the refusal of. With respect to the last, nothing can be said: as to the first, I suppose were history sought, many precedents might be found where one of the belligerent powers has received from the other, passports for their Plenipotentiaries; & I suppose that Fitzgerald & Oswald got to Paris now under protection of a flag & passport. However these are tender points & I would not wish the sensibility of Congress to be tried on my account, if it would be probably disagreeable.

5. To await a truce. This cannot take place till after preliminaries are signed, if then: & tho' these are not definitive, yet it must be evident that new instructions & new or perhaps inconsistent matter would be introduced with difficulty & discredit.

There is an idle report here of peace being actually concluded. This comes by the way of the W. Indies, and must probably be founded on the settlement of preliminaries, if it has any foundation at all.

Should you think that the interference of Congress might expedite my departure in any of the above ways or any other I have suggested these hasty reflections in hopes that you would do in it whatever you think right. I shall acquiesce in anything, & if nothing further comes to me I shall endeavor to push the third proposition with the Commander, & if I fail in that shall pursue the 2d. I wish to hear from

you as often as you have anything new. I fear I shall be here long enough to receive many letters from you. My situation is not an agreeable one, and the less so as I contrast it with the more pleasing one I left so unnecessarily. Be so good as to present my esteem to the good ladies & gentlemen of your fireside & to accept yourself the warmest assurances of friendship from Dr Sir, Your friend & servt.

Feb. 8. The preceding was written the last night. Before I close my letter I will ask the favor of you to write me by the return of post and to let me have your own sentiments (whether anything be, or be not determined authoritatively) which will have great weight with me. I confess that after another night's reflection the 4th is the plan which appears to me best on the whole, and that the demand from New York is nothing more than what is made at the close of almost every war, where the one or the other power must have a passport: it is no more than asking a flag to New York. Should this however be disapproved, the 3d seems the only remaining plan which promises any degree of expedition. Perhaps the minister may have a repugnance to venture the Romulus at York or Hampton, in which case if I could receive his approbation I should be willing to fall down there with the Guadeloupe alone & be in readiness to avail ourselves of a northwesterly snow storm or other favorable circumstance.

TO THE FRENCH MINISTER.

J. MSS.

(CHEVALIER DE LA LUZERNE.)

BALTIMORE, Feb. 7, 1783.

SIR,—The Chevalier de Ville-Brun was so kind as to communicate to me yesterday your Excy's lre to him of Jan., together with the intelligence therein referred to. I feel myself bound to return you my thanks for your orders to the *Guadeloupe* frigate to receive me if I should think a passage should be hazarded under present circumstances. According to this information (which is the most worthy of credit of any we have received here) it would seem that our capture would be unavoidable were we to go out now. This therefore is a risk to which I cannot think of exposing his majesty's vessel & subjects, however I might be disposed to encounter personal hazards from my anxiety to execute with all the promptitude in my power a service which has been assigned to me. I shall therefore wait with patience the arrival of the moment when the Chevalr. de Ville-brun shall be of opinion that the one or the other of the vessels may venture out without any greater risk than he shall think proportioned to her proper object independantly of mine. It has been suggested to me this evening that perhaps their safe departure might be greatly forwarded by their falling down to York or Hampton, there to be ready at a moment's warning to avail themselves of those favorable circumstances which the present season sometimes offers. But of this yourself will be the proper judge. I cannot close my lre without expressing to you my obligations to the Chevalr. de

Ville-brun for the particular attention he has shown to my accommodation on board his ship. The apartments he has had constructed for me are ample & commodious & his politeness & merit as an officer are an agreeable presage of everything that shall depend on him. I have delivered to him the two large packets you were pleased to put into my hands, & he will dispose of them accordg. to your orders.

I have the honr to be with the highest sentiments of esteem yr Excy's mo obedt & mo hble servt.

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TO THE SECRETARY FOR FOREIGN AFFAIRS. J. MSS.

(ROBERT R. LIVINGSTON)

BALTIMORE, Feb. 7, 1783.

SIR,—I arrived here on the 30th of the last month, & had a short interview the same evening with the Chevalr. de Ville-Brun, commander of the *Romulus*. There appeared at that time little apprehension but that we might sail in a few days; but we were not very particular in our conference as we expected so soon to see each other again. The severity of the cold however which commenced that night obliged the Chevalr. de Ville-brun to fall 12 miles below this place & excluded all correspondence with him, till yesterday, when I found means to get through the ice on board his ship. He then communicated to me by direction of his Excy the minister of France intelligence as to the number & force of the cruisers now actually watching the capes of the Chesapeake. I must acknolege that these appear such as to render

a capture certain were we to hazard it. The minister was pleased at the same time to submit the *Guadeloupe* to my wishes if I chose to adventure. I take the liberty of troubling you with a copy of my letter to him on that subject. I should certainly be disposed to run very considerable risks myself to effect my passage; but I should think it an unfortunate introduction to an ally who has already done so much for us, were I to add to his losses & disbursements that of a valuable ship & crew. I wish that the present delay offered some period less distant than the lassitude of an avaricious enemy to watch for prey. Perhaps you may be able to put me in some more expeditious mode of passage than the one under which I am acquiescing at present. I shall be much pleased to adopt any such which may come recommended from you without regard to personal risk or trouble. In the meantime any intelligence which you can collect & will be pleased to give me as to the state of our coast will be of utility in determining whether & when we shall depart hence.<sup>1</sup>

<sup>1</sup>On Feb. 14th Livingston replied:

"I have delayed in answering your favor of the 7th. instant till I could obtain the sense of Congress on the matter it contains. I conceive it hardly possible, while the british cruisers retain their present station, for you to elude their vigilance in either of the Ships offered to your choice. This concurring with the late advices from England, has induced Congress to pass the enclosed resolution."

The resolution enclosed was:

"February 14, 1783.

"That the Secretary for Foreign Affairs inform Mr. Jefferson, that it is the pleasure of Congress, considering the advices lately received in America and the probable situation of affairs in Europe, that he do not proceed on his intended voyage until he shall receive their further instructions "

TO THE SECRETARY OF FOREIGN AFFAIRS J. MSS.

(ROBERT R. LIVINGSTON)

BALTIMORE Feb 14, 1783.

SIR,—I apprised you in my former letter of the causes which had so long delayed my departure. These still continue. I have this moment received a printed copy of his Brit. Majesty's speech to his Parliament. by which we learn that preliminaries between America & Gr Br, among which is one for the acknowledgment of our independency, have been provisionally agreed to on his part. That the negotiations with the other powers at war were considerably advanced & that he hoped in a very short time they would end in terms of pacification. As considerable progress has been made in the negotiations for peace since the appointment with which Congress were pleased to honour me, it may have become doubtful whether any communications I could make, or any assistance I could yield to the very able gentleman in whose hands the business already is, would compensate the expense of prosecuting my voyage to Europe. I therefore beg leave through you Sir to assure Congress that I desire this question to be as open to them now as it was on the day of my appointment, and that I have not a wish of my own either to go or to stay. They will be pleased to weigh the economy of the one measure against the chance which the other may offer of my arriving in such time as that any communications which have been confided to me may produce effect on definitive articles. I shall continue here for the prosecution of my voyage under the orders before received, or for

it's discontinuance should that be more eligible to Congress and be signified at any moment for my departure.<sup>1</sup>

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TO JAMES MADISON<sup>2</sup>

MAD.MSS.

BALTIMORE, Feb. 14. 1783

DEAR SIR,—Yours of the 11th came to hand last night. *From what you mention in your letter I suppose the newspapers must be wrong when they say that Mr. Adams had taken up his abode with Dr. F——. I am nearly at a loss to judge how he will act in the nego-n. He has F——, he has Fay, he has the French, he has the English, to whom will he adhere? His vanity is a lineament in his character which had entirely escaped me. His want of taste I had observed. Notwithstanding all this he has a sound head on substantial points, and I think he has integrity. I am glad therefore that he is of the commission & expect he will be useful in it. His dislike of all parties, and all men, by balancing his prejudices, may give them some fair play to his reason as would a general benevolence of*

<sup>1</sup>To this Livingston replied:

PHILADELPHIA, 18th February, 1783.

"SIR,—I was honoured yesterday with your favour of the 14th, which I shall lay before Congress this morning. As you have by this time received their resolution which I had the honour to send you by the last Post, and again enclose; you will be relieved in some measure from your embarrassments, tho' not entirely from your suspense with respect to their final determination. But that cannot be long doubtful, since the negotiations have certainly arrived at such a crisis, as either to terminate soon in a peace, or a total rupture, in the latter case you will necessarily be obliged to proceed on your voyage, as Congress seems anxious to avail themselves of your abilities and information in the negotiations, unless they are fully assured that a speedy peace will preclude them from that advantage."

<sup>2</sup>The parts in italics are in cipher in the original.



temper. At any rate honesty may be extracted even from poisonous weeds.

*My stay here has given me opportunities of making some experiments on my amanuensis F——s perhaps better than I may have in France. He appears to have a good eno' heart, and understanding somewhat better than common, but too little guard over his lips. I have marked him particularly in the company of women where he loses all power over himself, and becomes almost [lacking] his temperature would not be proof against their allurements, were such to be employed as engines against him. This is in some measure the vice of his age, but it seems to be increased also by his peculiar constitution.*

I wrote to the Chevalier de Ville-Brun proposing his falling down to York or Hampton which was one of the measures I suggested in my letter to you, & was the most eligible except that of the flag, in my own opinion. His answer dated Feb 12. is in these words ' Je serois bien de l'avis proposé a votre Excellence d'aller mouiller a York ou Hampton pour etre a portee de profiter des premiers vents de Nord Ouest qui me mettroient loin de la côte dans la nuit, surtout si je n'avois pas de convoi a conserver, mais des batiments entrés aujourd'hui raportent avoir été chassés par quatre fregates pis que sur la Cap Charles et avoir vu au mouillage de Linhaven un vaisseau et un fregate qui ont appareillés et pris un Brig qui navigoit avec eux. De plus York et Hampton n'ont aps un canon monté, si l'ennemi tres superieur, entreprenoit de venir nous y forcer, il y auroit peu de sureté.

Peutetre conviendrait-il autant d'attendre, comme le propose M. de la Luzerne, jusqu'au mois prochain, des nouvelles de' Europe, ou l'arrivée d'une division des Antilles promise par M. de Vaudreuil, ou bien encore que l'ennemi fatigué ne fut obligé de rentrer a New York.' *The last is 681.25, and furnishes matter for doubt how far the departure of the Romulus is a decided measure. It seems not 540. ing 895. tion so for a purpose wherein time is the most pressing circumstance. The idea of getting in her is to be abandoned, to go to Boston would be the most economical plan. But it would be five weeks from my leaving this place before I could expect to sail from thence. Of course I may from here be in France by the time I should be sailing from Boston.*

*Five weeks* in a crisis of negotiation may be much. Should I accept of the *Guadaloupe*, and she should be lost, it would under present circumstance draw censure. Moreover in this or the former case, besides losing the vessel, what will be my situation? that of a prisoner certainly, from what has been done in Lauren's case they would not release me; in expectation of a high exchange; or if they did, it would only be on parole, in which case I could neither act nor communicate. This plan would have in it's favour economy and a possibility (a bare one) of despatch. That of the flag still appears best. It is favoured by the circumstances of despatch, safety, & the preservation of our papers. But when I think of the expence I feel myself annihilated in comparison with it. A vessel may be got here, but I question if for less than 11.819. 36 or 843.10. 819.36 pounds.

Besides can a passport be obtained from New York without naming the vessel, the crew, &c. If not it would take long to furnish these circumstances from hence. The Delaware would be more eligible in that case. Otherwise this place is. If this should be adopted, what would be the extent of the protection of the flag to the papers I should carry? These, so far as this question would affect them, would be of three descriptions. 1. My own commission, instructions, & other documents relative to my mission. 2. Public letters to the consuls, ministers & others on other business. 3. Private letters. I have no means of satisfying myself on these points here. If therefore this measure should be adopted I should thank you for your opinion on them, as you can, where you are doubtful, make enquiry of others. I am exceedingly fatigued with this place, as indeed I should with any other where I had neither occupation nor amusement. I am very particularly indebted here to the politeness & hospitality of Gen'l La Vallette who obliges me to take refuge in his quarters from the tedium of my own, the latter half of every day. You are indebted to him too as I should make my long letters much longer & plague you with more cypher were I confined at home all day. I beg you to be assured of my warmest wishes for your happiness.

Feb. 15, 9 o'clock P.M. After sealing up this letter, I received yours of yesterday inclosing the king's speech, for which I thank you much. The essential information conveyed to us by that is that the preliminary for our independance (which we before

knew to have been agreed between the plenipos) has been provisionally ratified by him. I have thought it my duty to write the enclosed letter which after reading you will be so good as to stick a wafer in & deliver. I wish no supposed inclination of mine to stand in the way of a free change of measure, if Congress should think the public interest required it. The argument of oeconomy is much strengthened by the impossibility (now certain) of going but in an express vessel. The principal matters confided to me were 1. The new instruction; which perhaps may have been sent by Count Rochambeau, or may yet be sent. 2. The details of the financier's department which Mr. Morris not chusing to trust to paper had communicated verbally. These in the event of peace or truce may safely go in paper. 3. The topics which support our right to the fisheries, to the western country, & the navigation of the Mississippi. The first of these is probably settled. The two latter should only come into discussion in the Spanish negociation, and therefore would only have been the subject of private conversation with Mr. Jay, whose good sense & knowledge of the subject will hardly need any suggestions.

I forgot to mention to you in my letter that Mr. Nash arrived here the day before yesterday on his way to N. Carolina, and that Mr. Brunt is not yet arrived, but is weekly expected. I am yours affectionately.

TO FRANCIS EPPES <sup>1</sup>

PHILADELPHIA, March 4, 1783.

DEAR SIR,—In my last, from Baltimore, I informed you that my voyage to Europe was at least suspended till further intelligence should be received. I returned to this place about four or five days ago, that I might be on the spot to act as shall be ultimately concluded by Congress. Though nothing since has come to us, we consider the event of peace as certain and speedy. The hearing nothing is a proof of this. The French minister, the British at New York, and Congress, are equally uninformed. This would not have been the case had the conferences for peace broken off, as has been pretended, or had they become languid. The packets and dispatch vessels are detained, doubtless, on a daily expectation of sending something more definite than the signing of preliminaries. Capt. Barney is lying at L'Orient with the *Washington*, a dispatch vessel of Congress, ready to bring the advices from our plenipotentiaries. From these circumstances, you will judge that I expect every hour to receive permission to return home. I shall be here but a very few days after this shall be received, and expect to be myself the bearer of the first intelligence to you. There is nothing new here. I hope by the next post to receive a letter from you, though after near three months absence without having ever heard a word of my dear little ones, I shall receive your letter with fear and trembling, lest any accident should have happened. This dread, I hope, will be

<sup>1</sup> From Randall's *Life of Jefferson*, iii., 586.

removed. Patsy is well. I hope Mrs. Eppes has recovered better health. If my prayers would be a medicine, she should have them with more fervor than they were ever offered for myself. Present my love to her and the little ones, and whenever you have an opportunity, be so good as to let Mr. and Mrs. Skipwith know that I remember them with affection. I am, dear sir, Your sincere friend.

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TO THE SECRETARY FOR FOREIGN AFFAIRS J. MSS.  
(ROBERT R. LIVINGSTON)

PHA Mar 13, 1783.

SIR,—Supposing the despatches received by the *Washington* may have enabled Congress to decide on the expediency of continuing or of countermanding my mission to Europe I take the liberty of expressing to you the satisfaction it will give me to receive their ultimate will so soon as other business will permit them to revert to this subject. I have &c.<sup>1</sup>

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TO JOHN JAY

J. MSS.

PHILADELPHIA, Apr. 11, 1783.

DR. SIR,—In a lre wch I did myself the honr of writg you by the Chevalr de Chattellux I informed

<sup>1</sup>The following resolution was passed by Congress in response to this letter.

April 1st, 1783.

“*Resolved*, That the Secretary for Foreign Affairs inform the Hon. Thomas Jefferson, in answer to his letter of the 13th of March, that Congress consider the object of his appointment so far advanced as to render it unnecessary for him to pursue his voyage, and that Congress are well satisfied with the readiness he has shown in undertaking a service which from the present situation of affairs they apprehend can be dispensed with.”

you of my being at this place with the intention of joining you in Paris. But the uncommon vigilance of the enemy's cruisers immediately after the departure of the Fr fleet deterrd every vessel from attemptg to go out. The arrival of the preliminaries soon after shewed the impropriety of my proceeding, and I am just now setting out on my return to Virga. I cannot however take my departure without paying to yourself & your worthy colleagues my homage for the good work you have completed for us, and congratulating you on the singular happiness of having borne so distinguished a part both in the earliest & latest transactions of this revolution. The terms obtained for us are indeed great, and are so deemed by your country, a few ill-designing debtors excepted. I am in hopes you will continue at some one of the European courts most agreeable to yourself that we may still have the benefit of your talents. I took the liberty in my letter of suggesting a wish that you would be so kind as to engage lodgings for me. Should you have given yourself this trouble I beg leave to return you my thanks and to ask the favor of you to communicate the amount of their hire to Mr. Rob Morris of this city who will immediately remit it to you as I lodge money in his hands for this purpose. Accept my warmest wishes for your happiness and be assured of the sincerity with which I have the honor to be Dr Sir your mo ob & mo hble servt.

P. S. I beg to be affly remembd to Dr. F. & Mr. A., if they be still with you.

TO JAMES MADISON<sup>1</sup>

J. MSS.

ТУСКАНОЕ, May 7, 1783.

I received your favor of Apr. 22 and am not a little concerned at the alteration which took place in the Report on the impost &c. after I left you. The article which bound the whole together was I fear essential to get the whole passed; as that which proposed the conversion of state into federal debts was one palatable ingredient at least in the pill we were to swallow. This proposition being then hopeful, I never consulted you whether the payment of our Western expenditures, annexed as a condition to our passing the articles recommended, would not be acceded to by Congress; more especially when one of those articles is the cession of that very territory for the acquisition & defense of which these expenditures have been incurred. If I recollect rightly Congress offered this in their first proposition for a cession. I beg your sentiments however on this subject by return of the first post. Notwithstanding the unpromising form of these articles I have waited a fortnight in the neighborhood of Richmond that I might see some of the members. I passed yesterday *in associating & conversing with as many of them as I could. The attorney has cooperated in this work. This is the view I form at present of the leaders. Dr. [Arthur] Lee, R. H. Lee, Mr. Page, Taylor, will be against them. So will Thruston & White if*

<sup>1</sup> This is copied from Jefferson's rough draft and the portions in italics are underlined in the original, evidently to indicate words that were to be put in cipher.



*elected*, and even an *A. Campbell* is thought *worthy of being named* with these as having some *influence in the S. Western quarter*. In their *favour will be Tyler, Tazewell, Genl Nelson, W. Nelson, Nicholas & a Mr. [Archibald] Stewart* a *young man of good talents from the Westward*. *Henry* as usual is *involved in mystery*: should the *popular tide run strongly in either direction*, he will *fall in with it*. Should it not, he will have a struggle between his enmity to the Lees, & his enmity to everything which may give influence to Congress. *T. [homson] Mason* is a *meteor whose path cannot be calculated*. All the powers of *his mind* seem at present to be *concentrated in one single object*, the *producing a convention to new model the [State] Constitution*. This is a *subject much agitated*, and seems the *only one* they will have to *amuse themselves with till* they shall *receive your propositions*. These should be hastened; as I think the session will be short. I have seen *Mr. Wythe*. He has none of his amendments or notes on the Confederation,

*Mr. Short* has desired me to suggest his name as that of a *person willing to become a legatine secretary* should these offices be continued. I have *apprised him* of the possibility that they may not. You know *my high opinion of his abilities & merits*; I will therefore only add that a *peculiar talent for prying into facts* seems to mark his character as *proper for such a business*. He is young, & little experienced in business, tho well prepared for it. These defects will *lessen daily*. Should persons be *proposed less proper* on the whole, you would

on motives of public good, *knowing his willingness to serve, give him a nomination & do justice to his character.*

*I rejoice at the information that 1832. 164.928.36. 323.<sup>1</sup> & yourself concur in sentiments. I rejoice as it will render you happier and give to me a neighbor on whom I shall set high value. You will be continued in your delegation till the end of three years from the completion of the Confederation. You will therefore model your measures accordingly. You say nothing of the time when you shall pay your visit to Virginia. I hope you will let me know of your arrival as soon as it happens. Should the call be made on me, which was sometimes the subject of our conversation, and be so timed with your visit as that you may be the bearer of it, I shall with great pleasure accommodate my movements to yours so as to accompany you on your return to Philadelphia.*

I set out this morning for Monticello. My affectionate compliments to the ladies and gentlemen of the house, and sincere friendship to yourself. Adieu.

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TO JAMES MADISON

MAD. MSS.

MONTICELLO, 1 June, 1783.

DEAR SIR;—The receipt of your letter of May 6 remains unacknowledged. I am also told that Colo. Monroe has letters for me to post, tho' I have not

<sup>1</sup> This I infer to be an allusion to Miss Floyd, whom Madison was then courting, but the allusion is so veiled, as to be undecipherable.

yet received them. I hear but little from our assembly. Mr. Henry has declared in favour of the impost. This will ensure it. How he is as to the other questions of importance, I do not learn.

On opening my papers when I came home I found among them the enclosed cyphers which I had received from either Mr. Morris's or Mr. Livingston's office. Will you be so good as to return them for me? The confusion into which my papers had got going to & from Baltimore & left there for some time will I hope apologize for my having overlooked them when I returned the other papers. I send you inclosed the debates in Congress on the subjects of Independance, voting in Congress, & the Quotas of money to be required from the states. I found on looking that I had taken no others save only in one trifling case. As you were desirous of having a copy of the original of the declaration of Independance I have inserted it at full length distinguishing the alterations it underwent. \* \*

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PROPOSED CONSTITUTION FOR VIRGINIA <sup>1</sup>

[June, 1783.]

To the citizens of the commonwealth of Virginia, and all others whom it may concern, the

<sup>1</sup> Jefferson's dislike of the Virginia Constitution of 1776 has already (11, 158) been alluded to. From its adoption he was always endeavoring to obtain a convention to frame a new one, and on his spending a day in Richmond at the opening of the spring session of the legislature, in 1783, he found such a convention a subject of discussion. He wrote Madison the day after this visit (May 7, 1783): "All the powers of his [Thomson Mason] mind seem at present concentrated in one single

delegates for the said commonwealth in Convention assembled, send greeting:

It is known to you and to the world, that the government of Great Britain, with which the American States were not long since connected, assumed over them an authority unwarrantable and oppressive; that they endeavored to enforce this authority by arms, and that the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, considering resistance, with all its train of horrors, as a lesser evil than abject submission, closed in the appeal to arms. It hath pleased the Sovereign Disposer of all human events to give to this appeal an issue favorable to the

object, the producing of a Convention to new model the Constitution. This is a subject much agitated, and seems the only one they will have to amuse themselves with, till they shall receive your [Congress] propositions." Supposing from this informal talk, that such a convention would be ordered, Jefferson drafted this proposed constitution some time between May 7th and June 17th. On the latter date he wrote Madison: "A Convention for the Amendment of our Constitution having been much the subject of conversation for some time, I have turned my thoughts to the amendments necessary. The result I inclose you." No convention was, however, called. Jefferson in 1786 while in Paris printed this constitution in pamphlet form.

The title of this edition was:

*Draught of a Fundamental Constitution for the Commonwealth of Virginia.* (8vo, pp. 14.)

This Jefferson bound up with his *Notes on Virginia*, as an Appendix, prefaced by the following statement: "In the summer of the year 1783, it was expected that the assembly of Virginia would call a Convention for the establishment of a Constitution. The following draught of a fundamental Constitution for the Commonwealth of Virginia was then prepared, with a design of being proposed in such Convention had it taken place."—*Cf. Madison's Letters*, i., 80, 87.

rights of the States; to enable them to reject forever all dependence on a government which had shown itself so capable of abusing the trusts reposed in it; and to obtain from that government a solemn and explicit acknowledgment that they are free, sovereign, and independent States. During the progress of that war, through which we had to labor for the establishment of our rights, the legislature of the commonwealth of Virginia found it necessary to make a temporary organization of government for preventing anarchy, and pointing our efforts to the two important objects of war against our invaders, and peace and happiness among ourselves. But this, like all other acts of legislation, being subject to change by subsequent legislatures, possessing equal powers with themselves; it has been thought expedient, that it should receive those amendments which time and trial have suggested, and be rendered permanent by a power superior to that of the ordinary legislature. The general assembly therefore of this State recommended it to the good people thereof, to choose delegates to meet in general convention, with powers to form a constitution of government for them, and to declare those fundamentals to which all our laws present and future shall be subordinate; and, in compliance with this recommendation, they have thought proper to make choice of us, and to vest us with powers for this purpose.

We, therefore, the delegates, chosen by the said good people of this State for the purpose aforesaid, and now assembled in general convention, do, in

execution of the authority with which we are invested, establish the following constitution and fundamentals of government for the said State of Virginia:

The said State shall forever hereafter be governed as a commonwealth.

The powers of government shall be divided into three distinct departments, each of them to be confided to a separate body of magistracy; to wit, those which are legislative to one, those which are judiciary to another, and those which are executive to another. No person, or collection of persons, being of one of these departments, shall exercise any power properly belonging to either of the others, except in the instances hereinafter expressly permitted.

The legislature shall consist of two branches, the one to be called the House of Delegates, the other the Senate, and both together the General Assembly. The concurrence of both of these, expressed on three several readings, shall be necessary to the passage of a law.

Delegates for the general assembly shall be chosen on the last Monday of November in every year. But if an election cannot be concluded on that day, it may be adjourned from day to day till it can be concluded.

The number of delegates which each county may send shall be in proportion to the number of its qualified electors; and the whole number of delegates for the State shall be so proportioned to the whole number of qualified electors in it, that they

shall never exceed three hundred, nor be fewer than one hundred. Whenever such excess or deficiency shall take place, the House of Delegates so deficient or excessive shall, notwithstanding this, continue in being during its legal term; but they shall, during that term, re-adjust the proportion, so as to bring their number within the limits before mentioned at the ensuing election. If any county be reduced in its qualified electors below the number authorized to send one delegate, let it be annexed to some adjoining county.

For the election of senators, let the several counties be allotted by the senate, from time to time, into such and so many districts as they shall find best; and let each county at the time of electing its delegates, choose senatorial electors, qualified as themselves are, and four in number for each delegate their county is entitled to send, who shall convene, and conduct themselves, in such manner as the legislature shall direct, with the senatorial electors from the other counties of their district, and then choose, by ballot, one senator for every six delegates which their district is entitled to choose. Let the senatorial districts be divided into two classes, and let the members elected for one of them be dissolved at the first ensuing general election of delegates, the other at the next, and so on alternately forever.

All free male citizens, of full age, and sane mind, who for one year before shall have been resident in the county, or shall through the whole of that time have possessed therein real property of the

value of —; or shall for the same time have been enrolled in the militia, and no others, shall have a right to vote for delegates for the said county, and for senatorial electors for the district. They shall give their votes personally, and *viva voce*.

The general assembly shall meet at the place to which the last adjournment was, on the forty-second day after the day of election of delegates, and thenceforward at any other time or place on their own adjournment, till their office expires, which shall be on the day preceding that appointed for the meeting of the next general assembly. But if they shall at any time adjourn for more than one year, it shall be as if they had adjourned for one year precisely. Neither house, without the concurrence of the other, shall adjourn for more than one week, nor to any other place than the one at which they are sitting. The governor shall also have power, with the advice of the council of State, to call them at any other time to the same place, or to a different one, if that shall have become, since the last adjournment, dangerous from an enemy, or from infection.

A majority of either house shall be a quorum, and shall be requisite for doing business; but any smaller proportion which from time to time shall be thought expedient by the respective houses, shall be sufficient to call for, and to punish, their non-attending members, and to adjourn themselves for any time not exceeding one week.

The members, during their attendance on the general assembly, and for so long a time before and after as shall be necessary for travelling to and



from the same, shall be privileged from all personal restraint and assault, and shall have no other privilege whatsoever. They shall receive, during the same time, daily wages in gold or silver, equal to the value of two bushels of wheat. This value shall be deemed one dollar by the bushel till the year 1790, in which and in every tenth year thereafter, the general court, at their first sessions in the year, shall cause a special jury, of the most respectable merchants and farmers to be summoned, to declare what shall have been the averaged value of wheat during the last ten years; which averaged value shall be the measure of wages for the ten subsequent years.

Of this general assembly, the treasurer, attorney general, register, ministers of the gospel, officers of the regular armies of this State, or of the United States, persons receiving salaries or emoluments from any foreign power to our confederacy, those who are not resident in the county for which they are chosen delegates, or districts for which they are chosen senators, those who are not qualified as electors, persons who shall have committed treason, felony, or such other crime as would subject them to infamous punishment, or who shall have been convicted by due course of law of bribery or corruption, in endeavoring to procure an election to the said assembly, shall be incapable of being members. All others, not herein elsewhere excluded, who may elect, shall be capable of being elected thereto.

Any member of the said assembly accepting any

office of profit under this State, or the United States, or any of them, shall thereby vacate his seat, but shall be capable of being re-elected.

Vacancies occasioned by such disqualifications, by death, or otherwise, shall be supplied by the electors, on a writ from the speaker of the respective house.

The general assembly shall not have power to infringe this constitution; to abridge the civil rights of any person on account of his religious belief; to restrain him from professing and supporting that belief, or to compel him to contributions, other than those he shall have personally stipulated for the support of that or any other; to ordain death for any crime but treason or murder, or military offences; to pardon, or give a power of pardoning, persons duly convicted of treason or felony, but instead thereof they may substitute one or two new trials, and no more; to pass laws for punishing actions done before the existence of such laws; to pass any bill of attainder of treason or felony; to prescribe torture in any case whatever; nor to permit the introduction of any more slaves to reside in this state, or the continuance of slavery beyond the generation which shall be living on the thirty-first day of December, one thousand eight hundred; all persons born after that day being hereby declared free.

The general assembly shall have power to sever from this State all or any parts of its territory westward of the Ohio, or of the meridian of the mouth of the Great Kanhaway, and to cede to Congress one hundred square miles of territory in any other part of this State, so long as Congress shall hold their

sessions therein, or in any territory adjacent thereto, which may be tendered to them by any other State.

They shall have power to appoint the speakers of their respective houses, treasurer, auditors, attorney general, register, all general officers of the military, their own clerks and serjeants, and no other officers, except where, in other parts of this constitution, such appointment is expressly given them.

The executive powers shall be exercised by a *Governor*, who shall be chosen by joint ballot of both houses of assembly, and when chosen shall remain in office five years, and be ineligible a second time. During his term he shall hold no other office or emolument under this State, or any other State or power whatsoever. By executive powers, we mean no reference to those powers exercised under our former government by the crown as of its prerogative, nor that these shall be the standard of what may or may not be deemed the rightful powers of the governor. We give them those powers only, which are necessary to execute the laws (and administer the government), and which are not in their nature either legislative or judiciary. The application of this idea must be left to reason. We do however expressly deny him the prerogative powers of erecting courts, offices, boroughs, corporations, fairs, markets, ports, beacons, light-houses, and sea-marks; of laying embargoes, of establishing precedence, of retaining within the State, or recalling to it any citizen thereof, and of making denizens, except so far as he may be authorized from time to time by the legislature to exercise any of those

powers. The power of declaring war and concluding peace, of contracting alliances, of issuing letters of marque and reprisal, of raising and introducing armed forces, of building armed vessels, forts, or strongholds, of coining money or regulating its value, of regulating weights and measures, we leave to be exercised under the authority of the confederation; but in all cases respecting them which are out of the said confederation, they shall be exercised by the governor, under the regulation of such laws as the legislature may think it expedient to pass.

The whole military of the State, whether regular, or of militia, shall be subject to his directions; but he shall leave the execution of those directions to the general officers appointed by the legislature.

His salary shall be fixed by the legislature at the session of the assembly in which he shall be appointed, and before such appointment be made; or if it be not then fixed, it shall be the same which his next predecessor in office was entitled to. In either case he may demand it quarterly out of any money which shall be in the public treasury; and it shall not be in the power of the legislature to give him less or more, either during his continuance in office, or after he shall have gone out of it. The lands, houses, and other things appropriated to the use of the governor, shall remain to his use during his continuance in office.

A *Council of State* shall be chosen by joint ballot of both houses of assembly, who shall hold their offices seven years, and be ineligible a second time, and who, while they shall be of the said council, shall hold

no other office or emolument under this State, or any other state or power whatsoever. Their duty shall be to attend and advise the governor when called on by him, and their advice in any case shall be a sanction to him. They shall also have power, and it shall be their duty, to meet at their own will, and to give their advice, though not required by the governor, in cases where they shall think the public good calls for it. Their advice and proceedings shall be entered in books to be kept for that purpose, and shall be signed as approved or disapproved by the members present. These books shall be laid before either house of assembly when called for by them. The said council shall consist of eight members for the present; but their numbers may be increased or reduced by the legislature, whenever they shall think it necessary; provided such reduction be made only as the appointments become vacant by death, resignation, disqualification, or regular deprivation. A majority of their actual number, and not fewer, shall be a quorum. They shall be allowed for the present—each by the year, payable quarterly out of any money which shall be in the public treasury. Their salary, however, may be increased or abated from time to time at the discretion of the legislature; provided such increase or abatement shall not, by any ways or means, be made to affect either then, or at any future time, anyone of those then actually in office. At the end of each quarter their salary shall be divided into equal portions by the number of days on which, during that quarter, a council has been held, or required by the

governor, or by their own adjournment, and one of those portions shall be withheld from each member for every of the said days which, without cause allowed good by the board, he failed to attend, or departed before adjournment without their leave. If no board should have been held during that quarter, there shall be no deduction.

They shall annually choose a *President*, who shall preside in council in the absence of the governor, and who, in case of his office becoming vacant by death or otherwise, shall have authority to exercise all his functions, till a new appointment be made, as he shall also in any interval during which the governor shall declare himself unable to attend to the duties of his office.

The *Judiciary* powers shall be exercised by county courts and such other inferior courts as the legislature shall think proper to continue or to erect, by three superior courts, to wit, a Court of Admiralty, a general Court of Common Law, and a High Court of Chancery; and by one Supreme Court, to be called the Court of Appeals.

The judges of the high court of chancery, general court, and court of admiralty, shall be four in number each, to be appointed by joint ballot of both houses of assembly, and to hold their offices during good behavior. While they continue judges, they shall hold no other office or emolument, under this State, or any other State or power whatsoever, except that they may be delegated to Congress, receiving no additional allowance.

These judges, assembled together, shall constitute

the Court of Appeals, whose business shall be to receive and determine appeals from the three superior courts, but to receive no original causes, except in the cases expressly permitted herein.

A majority of the members of either of these courts, and not fewer, shall be a quorum. But in the Court of Appeals nine members shall be necessary to do business. Any smaller numbers however may be authorized by the legislature to adjourn their respective courts.

They shall be allowed for the present — each by the year, payable quarterly out of any money which shall be in the public treasury. Their salaries, however, may be increased or abated, from time to time, at the discretion of the legislature, provided such increase or abatement shall not by any ways or means, be made to effect, either then, or at any future time, any one of those then actually in office. At the end of each quarter their salary shall be divided into equal portions by the number of days on which, during that quarter, their respective courts sat or should have sat, and one of these portions shall be withheld from each member for every of the said days which, without cause allowed good by his court, he failed to attend, or departed before adjournment without their leave. If no court should have been held during the quarter, there shall be no deduction.

There shall, moreover, be a *Court of Impeachments*, to consist of three members of the Council of State, one of each of the superior courts of Chancery, Common Law, and Admiralty, two members

of the house of delegates and one of the Senate, to be chosen by the body respectively of which they are. Before this court any member of the three branches of government, that is to say, the governor, any member of the council, of the two houses of legislature, or of the superior courts, may be impeached by the governor, the council, or either of the said houses or courts, and by no other, for such misbehavior in office as would be sufficient to remove him therefrom; and the only sentence they shall have authority to pass shall be that of deprivation and future incapacity of office. Seven members shall be requisite to make a court, and two-thirds of those present must concur in the sentence. The offences cognizable by this court shall be cognizable by no other, and they shall be triers of the fact as well as judges of the law.

The justices or judges of the inferior courts already erected, or hereafter to be erected, shall be appointed by the governor, on advice of the council of State, and shall hold their offices during good behavior, or the existence of their courts. For breach of the good behavior, they shall be tried according to the laws of the land, before the Court of Appeals, who shall be judges of the fact as well as of the law. The only sentence they shall have authority to pass shall be that of deprivation and future incapacity of office, and two-thirds of the members present must concur in this sentence.

All courts shall appoint their own clerks, who shall hold their offices during good behavior, or the existence of their court; they shall also appoint



all other attending officers to continue during their pleasure. Clerks appointed by the supreme or superior courts shall be removable by their respective courts. Those to be appointed by other courts shall have been previously examined, and certified to be duly qualified, by some two members of the general court, and shall be removable for breach of the good behavior by the Court of Appeals only, who shall be judges of the fact as well as of the law. Two-thirds of the members present must concur in the sentence.

The justices or judges of the inferior courts may be members of the legislature.

The judgment of no inferior court shall be final, in any civil case, of greater value than fifty bushels of wheat, as last rated in the general court for setting the allowance to the members of the general assembly, nor in any case of treason, felony, or other crime which should subject the party to infamous punishment.

In all cases depending before any court, other than those of impeachments, of appeals, and military courts, facts put in issue shall be tried by jury, and in all courts whatever witnesses shall give testimony *viva voce* in open court, wherever their attendance can be procured; and all parties shall be allowed counsel and compulsory process for their witnesses.

Fines, amercements, and terms of imprisonment left indefinite by the law, other than for contempts, shall be fixed by the jury, triers of the offence.

The governor, two councillors of State, and a

judge from each of the superior Courts of Chancery, Common Law, and Admiralty, shall be a council to revise all bills which shall have passed both houses of assembly, in which council the governor, when present, shall preside. Every bill, before it becomes a law, shall be represented to this council, who shall have a right to advise its rejection, returning the bill, with their advice and reasons in writing, to the house in which it originated, who shall proceed to reconsider the said bill. But if after such reconsideration, two-thirds of the house shall be of opinion that the bill should pass finally, they shall pass and send it, with the advice and written reasons of the said Council of Revision, to the other house, wherein if two-thirds also shall be of opinion it should pass finally, it shall thereupon become law; otherwise it shall not.

If any bill, presented to the said council, be not, within one week (exclusive of the day of presenting it) returned by them, with their advice of rejection and reasons, to the house wherein it originated, or to the clerk of the said house, in case of its adjournment over the expiration of the week, it shall be law from the expiration of the week, and shall then be demandable by the clerk of the House of Delegates, to be filed of record in his office.

The bills which they approve shall become law from the time of such approbation, and shall then be returned to, or demandable by, the clerk of the House of Delegates, to be filed of record in his office.

A bill rejected on advice of the Council of Re-

vision may again be proposed, during the same session of assembly, with such alterations as will render it conformable to their advice.

The members of the said Council of Revision shall be appointed from time to time by the board or court of which they respectively are. Two of the executive and two of the judiciary members shall be requisite to do business; and to prevent the evils of non-attendance, the board and courts may at any time name all, or so many as they will, of their members, in the particular order in which they would choose the duty of attendance to devolve from preceding to subsequent members, the preceding failing to attend. They shall have additionally for their services in this council the same allowance as members of assembly have.

The confederation is made a part of this constitution, subject to such future alterations as shall be agreed to by the legislature of this State, and by all the other confederating States.

The delegates to Congress shall be five in number; any three of whom, and no fewer, may be a representation. They shall be appointed by joint ballot of both houses of assembly for any term not exceeding one year, subject to be recalled, within the term, by joint vote of both the said houses. They may at the same time be members of the legislative or judiciary departments, but not of the executive.

The benefits of the writ of Habeas Corpus shall be extended, by the legislature, to every person within this State, and without fee, and shall be so

facilitated that no person may be detained in prison more than ten days after he shall have demanded and been refused such writ by the judge appointed by law, or if none be appointed, then by any judge of a superior court, nor more than ten days after such writ shall have been served on the person detaining him, and no order given, on due examination, for his remandment or discharge.

The military shall be subordinate to the civil power.

Printing presses shall be subject to no other restraint than liableness to legal prosecution for false facts printed and published.

Any two of the three branches of government concurring in opinion, each by the voice of two-thirds of their whole existing number, that a convention is necessary for altering this constitution, or correcting breaches of it, they shall be authorized to issue writs to every county for the election of so many delegates as they are authorized to send to the general assembly, which elections shall be held, and writs returned, as the laws shall have provided in the case of the elections of delegates of assembly, *mutatis mutandis*, and the said delegates shall meet at the usual place of holding assemblies, three months after date of such writs, and shall be acknowledged to have equal powers with this present convention. The said writs shall be signed by all the members approving the same.

*To introduce this government*, the following special and temporary provision is made.

This convention being authorized only to amend

those laws which constituted the form of government, no general dissolution of the whole system of laws can be supposed to have taken place; but all laws in force at the meeting of this convention, and not inconsistent with this constitution, remain in full force, subject to alterations by the ordinary legislature.

The present general assembly shall continue till the forty-second day after the last Monday of November in this present year. On the said last Monday of November in this present year, the several counties shall, by their electors qualified as provided by this constitution, elect delegates, which for the present shall be, in number, one for every —— militia of the said county, according to the latest returns in possession of the governor, and shall also choose senatorial electors in proportion thereto, which senatorial electors shall meet on the fourteenth day after the day of their election, at the court house of that county of their present district which would stand first in an alphabetical arrangement of their counties, and shall choose senators in the proportion fixed by this constitution. The elections and returns shall be conducted, in all circumstances not hereby particularly prescribed, by the same persons and under the same forms as prescribed by the present laws in elections of senators and delegates of assembly. The said senators and delegates shall constitute the first general assembly of the new government, and shall specially apply themselves to the procuring an exact return from every county of the

number of its qualified electors, and to the settlement of the number of delegates to be elected for the ensuing general assembly.

The present governor shall continue in office to the end of the term for which he was elected.

All other officers of every kind shall continue in office as they would have done had their appointment been under this constitution, and new ones, where new are hereby called for, shall be appointed by the authority to which such appointment is referred. One of the present judges of the general court, he consenting thereto, shall by joint ballot of both houses of assembly, at their first meeting, be transferred to the High Court of Chancery.

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TO JAMES MADISON

MAD. MSS.

MONTICELLO, June 17. 1783.

DEAR SIR,—Your favours of the 13th & 20th ult. came to hand about a week ago. I am informed the assembly determined against the capacity of re-election in those gentlemen of the delegation who could not serve a complete year. I do not know on what this decision could be founded. My hopes of the success of the Congressional propositions here have lessened exceedingly. Mr. Henry had declared in favor of the impost: but when the question came on he was utterly silent. I understand it will certainly be lost if it be not already. Instead of ceding more lands to the U. S. a proposition is made to revoke the former cession.

Mr. Henry is for bounding our state reasonably enough, but instead of ceding the parts lopped off he is for laying them off into small republics. What further his plan is I do not hear. However you get the parliamentary news so much more directly from Richmond, that it is idle for me to give it you from hence.

A convention for the amendment of our constitution having been much the topic of conversation for some time, I have turned my thoughts to the amendments necessary. The result I enclose to you. You will have opportunities during your stay in Philadelphia of enquiring into the success of some of the parts of it which tho' new to us have been tried in other states. I shall only except against your communicating it to any one of my own country, as I have found prejudices frequently produced against propositions handed to the world without explanation or support. I trust that you will either now or in some future situation turn your attention to this subject in time to give your aid when it shall be finally discussed. The paper inclosed may serve as a basis for your amendment, or may suggest amendments to a better groundwork. I further learn that the Assembly are excluding members of Congress from among them. Whether the information they may derive from their presence, or their being marked by the confidence of the people, is the cause of this exclusion I cannot tell.

Be pleased to present me with affection to my acquaintances of the house, & to receive yourself

the sincerest assurances of the esteem with which I am Dr Sir Your friend & servt.

P. S. I will take the first opportunity of forwarding the pamphlet to your father.

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TO THE GOVERNOR OF VIRGINIA

V. S. A.

(BENJAMIN HARRISON)

MONTICELLO. July 18—1783.

SIR,—I am sorry you have been at the trouble of sending an Express to me for information as to the transactions between the Executive and Nathan as I am satisfied I do not recollect a single fact that you are not already possessed of. In the winter of 1779—1780 Mr. Baker presented us some bills drawn by Genl Clarke, Colo Todd and perhaps others, which he said he had taken up at New Orleans or the Havanna and paid a hard dollar for every one named in the bills at that time. At that time I think we had been made to believe that depreciation had not reached Kaskaskia and the bills appearing fair, we considered them in the nature of many others taken up by Pollock, & wrote acceptances on the greatest part of them, undertaking to pay them in toto at 4½ dollars the hundred. I believe we restricted some of them, perhaps as drawn by subordinate Officers, till we could write to Genl Clarke & Colo Todd. We wrote to them and desired a description of the bills we were to pay fully & the rates of depreciation, if depreciation had affected any. They sent



us a description of the hard money bills, to wit, all drawn on New Orleans, and a table of depreciation of the others. This shewed we had wrote acceptances for hard money on some bills thereon depreciation should have been allowed. We laid the case before Mr. Pendleton & Wythe intending if they thought us bound by our erroneous acceptances that we would pay them. They differed in opinion. We then informed Nathan of Clarke & Todd's marks to distinguish the bills, that this had proved we had accepted some in hard money on which depreciation should have been allowed, told him it was a case in which every man in the state was interested, that we did not wish to be judges in it ourselves, nor to refer it to any persons within the State, but we would refer it to lawyers in Philadelphia whither we knew he was going, and therefore that it would be convenient for him to have it decided there, as it would to us, our delegates being on the spot to act for us. He agreed to it. I wrote a state of the case, read it to him at the Council board, he agreed every article was right, we enclosed it to our delegates, and is the last part of the transaction which happened within my knowledge. Our delegates have told me since that he tergiversated a little there, disputed facts, declining the reference, but that he had finally come to, but of this they can give more certain information. In every part of the transaction with us he acted candidly enough as far as we could see, and we should certainly have thought ourselves bound to pay the money agreeable to the award.

There was another transaction with him. Colo Gibson (I think it was) came for clothing for the troops at Fort Pitt. We were distressed how to procure them. Nathan offered to go with Gibson to Baltimore and buy them, & to wait a considerable time for the money. Perhaps he might name a year or some such term. We agreed, he went, bought them, & drew on us immediately for the money, which we did not like.

I am persuaded there is nothing above but which you know from more certain hands, for indeed my recollection is too faint to be trusted even as to what I have said. Some parts I recollect positively enough, others very faintly or perhaps steps in the place of memory. I should really be afraid to affirm them positively. If there be however any particular circumstances which you would wish to have sworn to, I will endeavor to recollect them with more certainty and send them to you. There is never a day scarcely but Mr Short, Colo Moore and I Buchanan can send me a letter & I can as speedily return an answer. Be pleased to present my compliments to Mrs. Randolph and believe me to be with much affection, Dr Sir Your friend & servt.

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TO JAMES MADISON

MAD. MSS.

MONTICELLO, Aug. 31. 1783.

DEAR SIR,—Your favor of July 17, which came to hand long ago remains still unacknowledged, as from the time of its receipt I had constant hopes

that you would be on the road for Virginia before an answer could reach you. That of the 11th inst. I received yesterday, and leaves the time of your visit as unfixed as ever, and excites some fear that I shall miss of you. I propose to set out for Congress about the middle of October, unless they should be returned to Philadelphia, in which case I shall take at home the week I meant otherwise to pass at Philadelphia on my way to Congress. I wish it would have been possible for your journey to have been so timed as that your return could have been when I go: for I still suppose you mean to pass the winter there as you told me at a time when it seemed to have no object but that of prosecuting your studies more at leisure. I sincerely lament the misadventure which has happened,<sup>1</sup> from whatever cause it may have happened. Should it be final however, the world still presents the same and many other resources of happiness, and you possess many within yourself. Firmness of mind & unintermitting occupation will not long leave you in pain. No event has been more contrary to my expectations, and these were founded on what I thought a good knowledge of the ground. But of all machines ours is the most complicated & inexplicable—Either here or in Philadelphia I must ask a perusal of your Congressional notes with leave to take notes from them, as they will better than any thing else possess me of the business I am to enter on. What is become of the mutineers? What

<sup>1</sup> The rejection of Madison by Miss Floyd, a daughter of William Floyd of New York.

of the secretaryship of foreign affairs? What of the commercial treaty with Gr. Britain? These and many other questions I hope for the pleasure of having answered by you at Monticello. Be so good as to present my compliments to Mrs. House and Mrs. Trist and to ask whether the pleasure of lodging in their house may be counted among the circumstances which will render Philadelphia agreeable to me in case of the return of Congress thither. Should Congress not return thither, would it be possible for you to engage me a tolerable berth wherever they are? A room to myself, if it be but a barrack, is indispensable. In either event of my being or not being in Philadelphia, I propose to place Patsy there; and will ask the favor of Mrs. Trist to think for me on that subject, and to advise me as to the person with whom she may be trusted. Some boarding school of course tho' I am not without objections to her passing more than the day in such a one.—The want of public occurrences worth detailing has filled my letter you find with private & unimportant subjects. I wish you every possible felicity, and am with sincere esteem Dr Sir, your friend & servt.

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TO CHARLES CARTER

EPPINGTON, Oct. 12. 1783.

DEAR SIR,—Finding that Mr. Eppes has made no purchase of horses for me, the bearer comes for those you were so kind as to offer me. Thinking it almost certain that they will suit me from what I

hear of them, I send you enclosed an order on Mr. Donald for £60, which will be paid at sight: only be so good as to keep it up till Tuesday evening, because if, contrary to my expectations, the horses should not suit, they shall be returned to you by that time. If you have a third horse matching them in all respects and of the same age, price & qualities I will take him also: for as I shall go on to the Northward with a pair of horses in my phaeton, it will be a great relief that the horse on which my servant shall ride may be changed with them occasionally.—One word more, my dear Sir, which is to express my uneasiness at your having supposed I imputed to you a motive in the change of price which never entered my head. I could not think you wanted to take advantage of any necessity of mine, because no such necessity existed. I shall not use the horses I purchase till the month of March, consequently I could not be under the spur of necessity till then, besides this I knew you too well to have thought it under any circumstances. I am with sentiments of sincere attachment & respect Dear Sir, Your most obedt. humble servt.

P.S.—If you send me a third horse I will send an order for payment of the price either to yourself or Mr. Donald according as the first conveyance may offer to the one or the other.

TO THE GOVERNOR OF VIRGINIA <sup>1</sup>

(BENJAMIN HARRISON)

PHILADELPHIA, NOV. 11, 1783.

SIR,—Your Excellency's letter of the 25th ult. on the determination of Congress as to their future residence has been duly received. You would doubtless soon after have heard of their subsequent determination on the same subject. As all this had taken place before my arrival I can give you an account only from the information of others. Congress, it seems, thought it best to generalize their first determination by putting questions on the several rivers on which it had been proposed that they should fix their residence. Hudson river, the Delaware, & Potomac, were accordingly offered to the vote. The first obtained scarcely any voices; the Delaware obtained seven. This of course put the Potomac out of the way: and the Delaware being once determined on there was scarcely any difference of opinion as to the particular spot. The falls met the approbation of all the states present, except Pennsylvania which was for Germantown, & Delaware which was for Wilmington. As to the latter it appeared that she had been induced to vote for the Delaware on the single idea of getting Congress to Wilmington, and that being disappointed in this they would not wish them on that river at all, but would prefer Georgetown or any other place. This being discovered, the Southern delegates at a subsequent day brought on a recon-

<sup>1</sup> From the original in the possession of Mr. F. J. Dreer of Philadelphia.

sideration of the question, and obtained a determination that Congress should set one half of their time at Georgetown and that til accommodations should be provided there, Annapolis should be substituted in it's place. This was considered by some as a compromise; by others as only unhinging the first determination and leaving the whole matter open for discussion at some future day. It was in fact a rally, and making a drawn battle of what had at first appeared to be decided against us. What will be its final decision can only be conjectured. I take the following to be the disposition of the several states.

The four Eastern states are for any place in preference to Philadelphia, the more Northern it is however the more agreeable to them.

New York and New Hampshire are for the falls of Delaware.

Pennsylvania is for Germantown first, and next for the falls of Delaware. It is to be noted that Philadelphia had no attention as a permanent seat. Delaware is for Wilmington: but for Georgetown in preference to the falls of Delaware or any other situation which attract the trade of their river. Maryland is for Annapolis, and the smallest hope for this will sacrifice a certainty for Georgetown.

Virginia, every place southward of Potomac being disregarded by the states as every place north of the Delaware, saw it would be useless to consider her interests as to more Southern positions. The falls of Potomac will probably therefore unite the wishes of the whole state, if this fails, Annapolis and the

falls of Delaware are then the candidates. Were the convenience of the Delegates alone to be considered, or the general convenience to government in their transaction of business with Congress, Annapolis would be preferred without hesitation. But those who respect commercial advantages more than the convenience of individuals will probably think that every position on the bay of Chesapeak or any of its waters is to be dreaded by Virginia as it may attract the trade of that bay and make us with respect to Maryland what Delaware State is to Pennsylvania. Considering the residence of Congress therefore as it may influence trade, if we cannot obtain it on the Potomac it seems to be our interest to bring it past all the waters of the Chesapeak bay.

The three Southern states are for the most Southern situation. It should be noted that N. Hampshire and Georgia were absent on the decisions of these questions, but considering their interests would be directly opposite, it was thought their joint presence or absence would not change the result. From the preceding state of the views of the several members of our union your Excellency will be enabled to judge what will be the probable determination on any future revision of the present plan: the establishment of new states will be friendly or adverse to Georgetown according to their situation. If a state be first laid off on the lakes it will add a vote to the Northern scale, if on the Ohio it will add one to the Southern. I had the happiness of seeing Gen'l. Washington the other day after a space of seven years. He has more health in his countenance than



I ever saw in it before. Among other political conversations he entered earnestly into one respecting the Western section of Virginia, and the late vote of Congress accepting it. He thinks the conditions annexed by Virginia and not acceded to by Congress altogether unimportant, at least much less important than the consequences which would result from the state's adhering to these conditions. He thinks that a friendly and immediate settlement of this matter can alone give us that political happiness and quiet which we must all wish for: and that besides other disagreeable consequences the land will be lost to both as a source of revenue by their settlement of adventurers on it who will never pay any thing. It is now become evident that the nine states North of Potomac have made up their minds on these questions and will act together.

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TO JAMES MONROE<sup>1</sup>

J. MSS.

PHILA. 18 Nov. 1783.

Mr. Mercer talks of setting out tomorrow. Mr. Madison & myself shall leave this place certainly on the 21st, so as to be in Annapolis on the 24th. The President does not set out till the 23d.—Dr. Lee did not engage the house for the delegation, not having been desired to do so, nor having ever informed them he had done so. I rather suppose it is for some particular set of gentlemen with whom he means to join.

<sup>1</sup> This is merely an extract of a letter, on a sheet used by Jefferson later for another purpose.

TO MARTHA JEFFERSON<sup>1</sup>

ANNAPOLIS, Nov. 28th, 1783.

DEAR PATSY,—After four days' journey, I arrived here without any accident, and in as good health as when I left Philadelphia. The conviction that you would be more improved in the situation I have placed you than if still with me, has solaced me on my parting with you, which my love for you has rendered a difficult thing. The acquirements which I hope you will make under the tutors I have provided for you will render you more worthy of my love; and if they cannot increase it, they will prevent its diminution. Consider the good lady who has taken you under her roof, who has undertaken to see that you perform all your exercises, and to admonish you in all those wanderings from what is right or what is clever, to which your inexperience would expose you: consider her, I say, as your mother, as the only person to whom, since the loss with which Heaven has pleased to afflict you, you can now look up; and that her displeasure or disapprobation, on any occasion, will be an immense misfortune, which should you be so unhappy as to incur by any unguarded act, think no concession too much to regain her good-will. With respect to the distribution of your time, the following is what I should approve:

From 8 to 10, practice music.

From 10 to 1, dance one day and draw another.

From 1 to 2, draw on the day you dance, and write a letter next day.

<sup>1</sup> From S. N. Randolph's *Domestic Life of T. Jefferson*, p. 69.

From 3 to 4, read French.

From 4 to 5, exercise yourself in music.

From 5 till bed-time, read English, write, etc.

Communicate this plan to Mrs. Hopkinson, and if she approves of it, pursue it. As long as Mrs. Trist remains in Philadelphia, cultivate her affection. She has been a valuable friend to you, and her good sense and good heart make her valued by all who know her, and by nobody on earth more than me. I expect you will write me by every post. Inform me what books you read, what tunes you learn, and enclose me your best copy of every lesson in drawing. Write also one letter a week either to your Aunt Eppes, your Aunt Skipwith, your Aunt Carr, or the little lady from whom I now enclose a letter, and always put the letter you so write under cover to me. Take care that you never spell a word wrong. Always before you write a word, consider how it is spelt, and, if you do not remember it, turn to a dictionary. It produces great praise to a lady to spell well. I have placed my happiness on seeing you good and accomplished; and no distress this world can now bring on me would equal that of your disappointing my hopes. If you love me, then strive to be good under every situation and to all living creatures, and to acquire those accomplishments which I have put in your power, and which will go far towards ensuring you the warmest love of your affectionate father.

P.S.—Keep my letters and read them at times, that you may always have present in your mind those things which will endear you to me.

TO JAMES MADISON

MAD. MSS.

ANNAPOLIS, Dec. 11. 1783.

DEAR SIR,—Your determination to avail yourself of the fine weather proved I fear a very unfortunate one. I pitied your probable situation in the tempestuous season which immediately succeeded your departure. It is now above a fortnight since we should have met, and six states only appear. We have some hopes of Rhode Island coming in to-day, but when two more will be added seems as insusceptible of calculation as when the next earthquake will happen. We have at length received the Definitive treaty with a joint letter from all our Commissioners. Not a tittle is changed in the treaty but the preamble & some small things which were of course. The Commissioners write that the riot of Philadelphia & departure of Congress thence made the most serious impressions in Europe, and have excited great doubts of the stability of our confederacy, & in what we shall end. The accounts were greatly exaggerated, & it is suspected that Gr. Br. wished to sign no treaty.

You have seen G[eorge] M[ason] I hope, & had much conversation with him. What are his sentiments as to the amendment of our constitution? What amendment would he approve? Is he determined to sleep on, or will he rouse and be active? I wish to hear from you on this subject, & at all times on any others which occupy your thoughts. I see Bradford advertises Smith's history of N. York. As I mean to write for one for myself, and think I heard you say you had it not, I shall add one for

you.—Our news from the good family we left is not agreeable. Mrs. Trist is much agitated by the doubts and difficulties which hang over her & impede her reunion with Mr. Trist. They are without lodgers except those we left there, & the ladies we left there propose soon to depart. We hear some circumstances of rudeness in Mr. S. inconsistent with the inoffensiveness of character we had given him credit for. I wish you much happiness and am with the sincerest esteem Dr. Sir, your friend and servt.

P.S. I have taken the liberty of putting under cover to you a book for my nephew Peter Carr, who is at Mr. Maury's in your neighborhood.

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REPORT OF COMMITTEE ON UNFINISHED BUSINESS <sup>1</sup>

c. c.

[December, 1783.]

The committee appointed to revise the files of reports and appointment of Committees & to report what matters will require the attention of Congress previous to an adjournment have revised the files of reports, digested them under five heads and agreed to the following report thereon.

The first head comprehends important reports requiring the assent of 9 states. These relate to the

<sup>1</sup> Endorsed: "No. 37. Report of Mr. Jefferson, Mr. Gerry, Mr. Williamson to revise the files and report the matters that will require the attention of Congress previous to an adjournmt." It was probably drawn up immediately after the meeting of Congress at Annapolis, Dec. 13, 1783.

ratification of the definitive treaty, the military arrangements in time of peace, the civil arrangements foreign and domestic, the territories on our western border, and the definition of the powers proper for a committee of the states, which several matters are thought essential for the consideration of Congress before their adjournment.

The second head comprehends reports which also require the assent of 9 states, they relate to matters of account, & particular claims for money which may probably be dispatched in those short intervals or portions of the day in which it may not be convenient to discuss the first great subjects. Many of them however are such as ought not to detain Congress whenever they shall be ready for adjournment.

The third head comprehends reports which may be acted on by 7 states & which therefore may be taken up by Congress immediately.

The fourth comprehends those which should be postponed to another session, some of them being not at all pressing and others not yet matured for determination.

The fifth comprehends those reports which having been rendered useless by subsequent events may be postponed generally.

The committee having not had time yet to revise the appointment of Committees, and to arrange their objects under the same heads, beg leave to report again when they shall have made further progress.

REPORT ON DEFINITIVE TREATY<sup>1</sup>

c.c.

[December 16, 1783.]

The Committee to whom were referred the Definitive treaty of peace, between the United States of America and his Britannic Majesty, and the joint letter from mr. Adams mr Franklin and mr Jay have agreed to the following report.

Resolved that the said Definitive treaty be ratified by the United States in Congress assembled.

That a Proclamation should be immediately issued notifying the said definitive treaty & ratification to the several states of the Union, & requiring their observance thereof.

That Congress should immediately and earnestly recommend to the legislatures of the respective States, to provide for the restitution of all estates, rights & properties, which have been confiscated, belonging to real British subjects and also of the estates, rights & properties of persons resident in districts which were in the possession of his Britannic majesty's arms at any time between the 30th day of November 1782, and the 14th day of Jany<sup>2</sup> 1784, and who have not borne arms against the said United States and that persons of any other description shall have free liberty to go to any part or parts of any of the thirteen United States, & therein to remain twelve months unmolested in their endeavors to obtain the restitution of such of their estates, rights & properties as may have been

<sup>1</sup> Endorsed "No. 5. Report of Mr. Jefferson etc. on defin. treaty, delivered 16 December 1783; read.—entd. passed January 14, 1784."

<sup>2</sup> "December" and "1783" are erased in the original.

confiscated; and that Congress should also immediately & earnestly recommend to the several States a reconsideration & revision of all acts or laws regarding the premises so as to render the said laws or acts perfectly consistent not only with justice & equity, but with that spirit of conciliation which, on the return of the blessings of peace, should universally prevail; and that Congress should also immediately & earnestly recommend to the several states, that the estates, rights & properties of such last mentioned persons, should be restored to them, they refunding to any persons, who may be now in possession the *bonâ fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties since the confiscation.

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TO THE GOVERNOR OF VIRGINIA<sup>1</sup>

(BENJAMIN HARRISON)

ANNAPOLIS, Decemb. 17, 1783.

SIR,—I had the honor of writing to your Excellency on the 12th instant on the subject of the Definitive treaty. On the day following we made up a Congress of seven states, but nine being requisite to ratify the treaty, we have been unable to get this done, and of course till it be ratified Congress can make no communications on the subject to the states. I am sorry to say that I see no immediate prospect of making up nine states, so

<sup>1</sup> From the original in the possession of Mr. F. J. Dreer, of Philadelphia.



careless are either the states or their delegates to their particular interests as well as the general good which would require that they be all constantly and fully represented in Congress.

Several letters from our Foreign Ministers have been read in the course of the past week. A joint one accompanying the treaty informs us that they were proceeding in negotiations on the subject of commerce with Mr. Hartley the British Minister, giving and receiving propositions, when a vessel arrived in France from Philadelphia bringing intelligence that all our ports were thrown open to British vessels. Mr. Hartley on this informed them he could take no other steps till he should communicate this intelligence to his court and receive their instructions. He communicated it, and from that moment they were locked up in impenetrable reserve, and he unable to extort an answer of any kind from them. While expecting this answer, the ministers proceeded to exchange propositions for a definite pacification. Ours proposed a three years suspension of executions on judgments for British debts, and that no interest should be allowed from the commencement of the war till the definitive signing. That accounts should be taken of all wanton waste of property on both sides and confiscations, and the balance be paid in money by the party suffering least: that the St. Lawrence, the water boundary between us, & the Mississippi with the carrying places on whatever side should be common to both. But it was now become impossible to get an answer of any sort from the court

of London: and when the regulations between the other belligerent powers were matured for signing, Mr. Hartley received orders to sign the preliminary articles as definitive, which was done. Mr. Hartley, who wished to establish a liberal system of commerce with us, then went to London hoping to return shortly and renew the commercial discussions. But our ministers think it doubtful whether he will return at all. I take the liberty of enclosing you an extract from their letter expressing their sentiments on some subjects of importance, supposing it will be neither unpleasant nor unprofitable to know how we are viewed on the general scale of nations. I am sure it would be unnecessary even to hint to your Excellency that no part of this extract should be permitted to fall into the indiscreet hands of any printer. It seems possible that Great Britain may continue on the reserve till the present crisis in Europe shall have taken it's direction. The two Empires have formed an alliance defensive against all christian powers & offensive against the Turks. When announced by the Empress to the K. of Prussia he answered that he was very sensible upon this communication as one is on the communication of things of great importance. Thus avoiding a declaration and reserving himself at liberty to take any side or no side. The Court of France took it up in a higher tone, and expressed her astonishment at the objects of the alliance. She immediately began the work of putting her army on the war establishment. Yet it is said there is a division in their councils. The present

minister cannot retire from his declarations which are for opposing the dangerous accession of power to Austria and Prussia should they, as they propose, drive the Turks out of Europe & divide the territories they should abandon. The continuance or removal of the present minister is suggested as an index of ultimate determination of France. If he goes out, they mean to be pacific, & to be active if he is retained. Yet it is doubted whether France can venture into the war without the aid of Prussia. Great Britain it is suspected will lie dormant to avail herself of the distresses of her neighbor, happy for us that we have got into port just as the storm is rising. Propositions for treaties of commerce have come to Dr. Franklin from several European courts, and others are ready to treat. Denmark, Portugal, Sardinia, the Emperor of Morocco have made overtures. The last is so well disposed that he has issued orders to his armed vessels to molest no American, and has sent a person to Paris to attend any person delegated from us to his court. Great Britain will send no minister to America till she receives one from thence. The Emperor of Germany cannot from the action of his court. Our minister, Mr. Dana is on the return from Petersburg: nothing being done there, tho' probably their dispositions were become favorable at the time it was thought necessary by his recall to show we should no longer be suppliants anywhere. It is to be noted that the observation of our ministers in the enclosed extract "that the present aspect of our affairs has somewhat abated the ardor of the

European nations to form connections with us" is posterior in time to the state given above. I recollect nothing important enough to be added to this sketch of our affairs in Europe & those of Europe itself.

The former method of correspondence by joint letters from the delegates to the Executive has been liable to some difficulties. The same object does not always make the same impression on different eyes. Of consequence it might happen that by pursuing the method of joint representation, much must be kept back because all had not formed the same idea of it. Being sensible that frequent and full communications are for the public good, we have agreed to adopt the following plan of official correspondence with your Excellency if it shall meet with your approbation. Resolutions of Congress and other solemn things which call for authentic notification we will communicate jointly. But all other matters which admit differences of opinion we propose shall be communicated weekly by some one gentleman of the delegation, having previously shown his letter to his colleagues. If they think he has omitted anything or represented it differently from their own view of it, they reserve a private and separate right of writing to your Excellency their separate sentiments. In this way we think you will receive fuller information: and that you may judge for yourself where you find a difference of opinion. The duty of correspondence is made mine for the present month, and will be taken up by my colleagues successively in the order of their examination, each exercising it a month.

RESOLUTIONS RELATING TO BRITISH TREATY.<sup>1</sup> c.c.

[Dec. 1783.]

~~That the said ministers be instructed in their negotiation with the [erased] court to urge with perseverance the necessity of a reasonable forbearance in the levy of debts due within these states to British subjects. The establishment of the idea of these states that no interest during the war is due on these debts, &c all demands for Interest accruing during the war would be highly inequitable & unjust. The expediency of settling this by precise stipulation, in order to avoid those mutual complaints & altercations which may disturb the harmony of the two nations.~~

That they require with firmness & decision full satisfaction for all slaves & other property belonging to citizens of these states taken and carried away in violation of the preliminary & definitive articles of peace: to enable them to do this on precise grounds Congress will furnish them with necessary facts & documents.

REPORT ON LETTERS FROM THE MINISTERS IN PARIS <sup>2</sup>

[December 20, 1783.]

The com<sup>ee</sup> consisting of M<sup>r</sup> Jefferson M<sup>r</sup> Gerry and M<sup>r</sup> Williamson to whom were referred the letters

<sup>1</sup> These resolutions are written on the same sheet, but the first is cancelled. There is nothing to indicate when they were offered in Congress, but it was presumably during the preparation of the Report on Ministers' Letters immediately following this.

<sup>2</sup> The "joint letter from the ministers of the United States at Paris dated Paris the 10th of September, 1783, accompanied with the definitive

of the Ministers for the U S in Europe have agreed to the following report.

They find that instructions bearing date the 29 of Oct<sup>r</sup> 1783 were sent to the Ministers plenipotentiary of the U S of America at the Court of Versailles empowered to negotiate a peace or to any one or more of them for concerting draughts or propositions for treaties of Amity and commerce with the commercial powers of Europe but that their powers will not extend to the actual signature of any such treaty nor to negotiate with any state or power out of Europe.

They do not find that any commission consonant with these instructions has been issued to the said Ministers.

They are of opinion it will be advantageous to these United States to conclude such treaties with Russia the Court of Vienna Germany Prussia Denmark The Elector of Saxony Hamburg, Great Britain, Spain, Portugal, Genoa Tuscany, Rome, Naples Venice, Sardinia and the Ottoman porte for its possessions in Europe and Asia and Africa.

That in the formation of these treaties the following points be carefully stipulated.

1. That each party shall have a right to carry

treaty" were laid before Congress on Dec. 13th. On Dec. 16th it was referred to a committee. They reported this report on Dec<sup>r</sup> 20th. It is Endorsed "Report of Mr Jefferson Mr Gerry Mr Williamson On the letters from the ministers of the U. S. at Paris—Delivered Dec<sup>r</sup> 20. 1783.—Read & ent<sup>d</sup> 22.—Jany. 22. 1784—Recommitted.—Reported again March 4. 1784. Ent<sup>d</sup> Read.—Monday next assigned for consideration—No copies to be made out. Secret—Ent. Reported 14 April 1784—Order for Thursday." This report is the basis for the "Instructions," printed *post.*, under May 7, 1784.

their own produce, manufactures and merchandize in their own bottoms to the ports of the other and thence to take the produce & merchandize of the other paying in both cases (such duties only) as are paid by the most favoured nation, freely where it is freely granted to such nation on paying the compensation where such nation does the same.

2 That with the nations holding territorial possessions in America a direct & similar intercourse be admitted between the U. S. & such possessions or if this cannot be obtained then a direct & similar intercourse between the U S & certain free ports within such possessions, that if this neither can be obtained permission be stipulated taking from such possessions in their own bottoms the produce & merchandize thereof to those states directly and for these states to carry in their own bottoms their produce & merchandize to such possessions directly or as by a possession to the inhabitants of such possessions to carry their produce and merchandize in their own bottoms to the free ports of other nations, and thence to take back directly the produce & merchandize of these states.

3 That these U S being by their constitution consolidated into one federal republic they be considered in all such treaties & in every case arising under them as one nation upon the principles of the federal Constitution

4 That it be proposed, though not indispensably required that if war should hereafter arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed

to remain 9 months to collect their debts & settle their affairs & may depart freely & carrying off all their effects without molestation or hindrance & all fishermen, all cultivators of the earth & all artisans or manufacturers unarmed & inhabiting unfortified towns villages or places who labour for the common subsistence & benefit of mankind & peaceably following their respective employments shall be allowed to continue the same & shall not be molested by the armed force of the enemy in whose power by the events of war they may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force the same shall be paid for at a reasonable price & all merchants & traders exchanging the products of different places & thereby rendering the necessaries & conveniences & comforts of human life more easy to obtain & more general shall be allowed to pass free & unmolested and neither of the contracting powers shall grant or issue any commission to any private armed vessel empowering them to take or destroy such trading ships or interrupt such commerce

5 And in case either of the contracting parties shall happen to be engaged in war with any other nation it is farther agreed in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandize heretofore called contraband such as arms ammunition & military stores of all kinds, that no such articles carrying by the ships or subjects of one of the parties to the enemies of the other shall on any account be deemed contraband so as to induce confiscation & a loss of



property to individuals. Nevertheless it shall be lawful to stop such ships & detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding on their voyage, paying, however a reasonable compensation for the loss such arrest shall occasion to the proprietors. And it shall farther be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But if the other contracting party will not consent to discontinue the confiscation of contraband goods then that it be stipulated that if the master of the vessel stopped will deliver out the goods charged to be contraband, he shall be admitted to do it and the vessel shall not in that case be carried into any port but shall be allowed to proceed on her voyage.

6. That in the same case where either of the contracting parties shall happen to be engaged in war with any other power, all goods not contraband belonging to the subjects of that other power and shipped in the bottoms of the party hereto who is not engaged in the war shall be entirely free. And that to ascertain what shall constitute the blockade of any place or port, it shall be understood to be in such predicament when the assailing power shall have taken such a station as to expose to eminent danger any ship or ships that would attempt to sail in or out of the said port. And that no vessel of the party who is not engaged in the said war shall

be stopped without a material & well grounded cause: and in such cases justice shall be done, and an indemnification given without loss of time to the persons aggrieved & thus stopped without sufficient cause.

7. That no rights be stipulated for aliens to hold real-estate-property lands within these states, this being utterly inadmissible by their several laws & policy. But where on the death of any person holding real estate within the territory of one of the contracting parties such real estate would by their laws descend on a subject or citizen of the other were he not disqualified by alienage, there he shall be allowed a reasonable time to ~~qualify himself for holding it by the~~ his country & ~~allegiance~~ to dispose of the same & withdraw the proceeds without molestation.

8. ~~And~~ That such treaties be made for a limited to the term of not exceeding 10 years from the exchange of ratifications—

9. That these instructions be considered as supplementary to those of Oct. 1783, and not as revoking except where they contradict them. ~~That our ministers be informed that such articles as may be disagreeable to the other party & are indifferent to us in point of interest remain not that they should insist on indispensably:~~ that where, in treaty with a particular nation; they can procure particular advantages, to the specification of which we have been unable to descend, our object in these instructions having been to form outlines only & general principles of treaty with many nations, it is our

expectation they will procure them, tho' not pointed out in these instructions, and where they may be able to form Treaties on general principles which in their judgment will be more beneficial to the United States, than those herein directed to be made their basis, they are ~~notwithstanding any thing precise~~ or permitted to adopt ~~such~~ ~~as~~ ~~is~~ ~~against~~ to such principles.—That as to the duration of the treaties tho' we have proposed to restrain them to the term of 10. years yet they are at liberty to extend the same as far as 15 years with any nation which may pertinaciously insist thereon: and that it will be agreeable to us to have supplementary treaties with France, the United Netherlands & Sweden, which may bring the treaties we have entered into with them as nearly as may be to the principles of those now directed: but that this be not pressed if the proposal should be found disagreeable.

That treaties of Amity or of Amity and commerce be entered into with Morocco and the Regencies of Algiers, Tunis & Tripoly ~~and other states on the Coast of Barbary~~ to continue for the same term of 10. years or for a term as much longer as can be procured.

That our Ministers to be commissioned for treating with foreign nations make known to the Emperor of Morocco the great satisfaction which Congress feel from the amicable disposition he has shown towards these states and his readiness to enter into alliance with them. That the occupations of the war & distance of our situation have prevented our meeting his friendship so early as we wished; but

that powers are now delegated to them for entering into treaty with him, in the execution of which they are ready to proceed: and that as to the experiences of his Minister they do therein what is for the honor & Interest of the United States and conformable to the practice of other nations.

That a commission be issued to Mr Adams Mr Franklin and Mr Jefferson Mr Jay giving powers to them or the greater part of them to make and receive propositions for such treaties of Amity and commerce and to negotiate and sign the same transmitting them to Congress for their final ratification and that such commissions be in force for a Term not exceeding two years.

~~That the said Ministers be instructed in their negotiations with the [mutilated] court to urge with perseverance the necessity of a reasonable forbearance in the levy of debts due within these states to British subjects, the establishment of the idea of these states that no interest during the war is due on these debts, all demands for Interest Accruing during the war would be highly inequitable & unjust; & on the expediency of settling this by precise stipulation, in order to avoid these mutual complaints & altercations which may disturb the harmony of the two nations.~~

That the said Ministers to be commiss<sup>d</sup> for Treaty with fr nations be referred to the Instructions of the thirtieth day of May 1783 relative to British Debts, the objects of which they are hereby directed to urge with perseverance.

That they require with firmness & decision full

satisfaction for all slaves & other property belonging to citizens of these states taken and carried away in violation of the preliminary & definitive Articles of peace: & to enable them to do this on precise grounds Congress will furnish them with necessary facts & documents.

~~That the said ministers be instructed to notify to the powers with whom they may negotiate, the great value at which these states will esteem their friendship and connection and that it will be their constant endeavour to promote a good understanding and harmony with them and to prevent everything which might interrupt it by every means in their power, but that the heavy debt which they have contracted during the late war and the state of desolation and destitution in which many parts of these states were left in have rendered it inconvenient at present for them to keep Ministers resident at the courts of Europe and they hope that this deviation from the practice of friendly nations may be ascribed to its true cause and not to any want of respect to their friends or of attachment to treaties, to the faithful observance of which they shall at all times pay the most earnest attention.~~

That consuls be appointed for the ports of and consuls general established at

That Doct Franklin be desired to notify to the Apostolical Nuncio at Versailles that Congress will always be pleased to testify their respect to his Sovereign and state but that the subject of his application to Doct Franklin being purely spiritual it is without the jurisdiction and power of Congress,

who have no authority to permit or refuse it, these powers being reserved to the several states individually.

That Doct Franklin be instructed to express to the Court of France the constant desire of Congress to meet their wishes; that these states are about to form a general system of commerce by treaties with other nations ~~& by interest negotiations~~; that at this time we cannot foresee what claims might be given to those nations by the explanatory propositions from the Count de Vergennes on the 2 & 3 Articles of our treaty of Amity & Commerce with his M le M; but that he may be assured it will be our constant care to place no people on more advantageous ground than the subjects of his Majesty.

That the papers containing the claim of the five Forsters, brothers, for the prize of their vessel "the three friends" made by Capt Landais of the *Alliance* frigate, which papers were communicated by the Count de Vergennes to Doct Franklin to the end he might apply to Congress for an indemnification of the said Forsters be remitted to the said Ministers with a copy of the fourth clause of the instructions to them of oct 29th 1783 and the following extract from doct Franklin's letter of July 22. 1783 to the Secretary for foreign Affairs viz: "Mr Barclay has in his hands the affair of the *Alliance* and *Bon homme Richard*. I will afford him all the assistance in my power, but it is a very perplexed business. That expedition though for particular reasons under American commissions & colours was carried on at the Kings expense and under his orders. M de Chau-

mont was the agent appointed by the Minister of the Marine to make the outfit. He was also chosen by all the captains of the squadron as appears by an instrument under their hands, to be their agent, receive, sell and divide prizes &c. The Crown bought two of them at public sale and the Money I understand is lodged in the hands of a responsible person at L'Orient. M de Chaumont says he has given in his accounts to the Marine and that he has no more to do with the affair except to receive a ballance due to him. That account however is I believe unsettled and the absence of some of the captains is said to make another difficulty which retards the completion of the business. I never paid nor received any thing relating to that expedition nor had any other concern in it than barely ordering the *Alliance* to join the Squadron at M de Sartine's request."— from which extract there is reason to believe the United States of America had no concern in the expedition but that it was carried on wholly under the authority and for the advantage of his Most Christian Majesty; that if this fact should not be so apparent as to give full satisfaction to his Majesty's Ministers, they then take such Measures as in their discretion shall be thought Most Conducive to an Amicable and equitable adjustment thereof on the best evidence they shall be able to procure.

That the claim of S<sup>r</sup> Bayard against these United States for the sum of 255,236 dollars continental Money is not founded in justice ~~in the opinion of your committee~~ from the circumstances of the case as stated by himself, which are that a vessel and

cargo in which he was interested sailing in May 1779 from Charles town for France, was taken by an english armed vessel and retaken by an American frigate called the *Boston*, that she was carried to Boston and there sold as french property by Mr de Valnais consul for France at that port: that he unfaithfully and irregularly as is suggested endeavoured to have the whole adjudged to the recaptors but that the sentence was that they were only entitled to one eighth, and the S<sup>r</sup> Bayard's correspondents obliged M<sup>r</sup> de Valnais to deposit with the consul of France in Philadelphia 255.236 dollars continental Money in part of the proceeds with a reserve to the Sieur Bayard against M<sup>r</sup> de Valnais of every right of redress for his irregular conduct: that no injurious intermeddling by the U. S. or any of them or by any of their citizens is here complained of; that the Money was constantly in the hands of the Sieur Bayard's correspondents or of the consul for his nation; that he may indeed have suffered by its depreciation as many others have suffered, both foreigners and citizens but the latter in an infinite proportion to a much greater higher Degree than the former; that this depreciation was not effected by any arbitrary change by Congress in the value or denomination of the Money (which yet has been frequently practised by european states who never have thought themselves bound to make good the losses thereby incurred either by their own citizens or by foreigners that ensued—against the will and the unremitting endeavours of Congress that in this case too it might have been lessened if not prevented by investing it



the money immediately in gold & silver or in other commodities. Your com<sup>ee</sup> therefore are of opinion that these states are not bound to make good the loss by depreciation, and ~~that the doing would bring on an infinitude of other cases with endless investigations and unfairness and would require greater funds than we are prepared with.~~

That as to the residue of the claims of the S<sup>r</sup> Bayard if founded in truth and Right they lie only against the state of Georgia, to the governor whereof it will be proper for Congress to transmit copies of the papers expressing our confidence that that state will cause to be done in it what justice and the respect due between friendly nations require; and that the S<sup>r</sup> Bayard be referred to them.

That the friendly services rendered by the S<sup>r</sup> John Baptist Pequet, Agent for the french nation at Lisbon to great numbers of American sailors carried prisoners into that port during the late war and his sufferings on that account merit the sincere acknowledgments of Congress and that it be referred to the said Ministers to deliver to him these in honorable terms and to make him such gratification as may indemnify his losses & properly reward his zeal.

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REPORT ON CEREMONIAL FOR WASHINGTON<sup>1</sup> c.c.

[December 22, 1783.]

1. The President and members are to be seated and covered, and the Secretary to be standing by the side of the President.

<sup>1</sup> A committee, consisting of Jefferson, Gerry, and M'Henry, was appointed by Congress to make suitable arrangements for the last public

2. The arrival of the General is to be announced by the messenger to the Secretary, who is thereupon to introduce the General, attended by his aids, into the Hall of Congress.

3. The General, being conducted to a chair by the Secretary, is to be seated with an aid on each side standing, and the Secretary is to resume his place.

4. After a proper time for the arrangement of spectators, silence is to be ordered by the Secretary if necessary, and the President is to address the General in the following words. "Sir; The United States in Congress assembled are prepared to receive your communications." Whereupon the General is to arise and address Congress; after which he is to deliver his commission and a copy of his address to the President.

5. The General having resumed his place, the President is to deliver the answer of Congress, which the General is to receive standing.

6. The President having finished, the Secretary is to deliver the General a copy of the answer, and the General is then to take his leave. When the General rises to make his address, and also when he retires, he is to bow to Congress, which they are to return by uncovering without bowing.

audience of General Washington. In conformity with their report, it was resolved, on the 22d of December, that the ceremony should be conducted as above.

TO THE GOVERNOR OF VIRGINIA <sup>1</sup>

(BENJAMIN HARRISON)

ANNAPOLIS, Dec. 24, 1783.

SIR,—The present week affords us nothing new for communication unless it be the affecting scene of yesterday. Gen'l Washington then had his last audience of Congress, laid down his connection and bid a final adieu to them and to all public life. His address on the occasion was worthy of him. This you will see in the public papers. I cannot help expressing my extreme anxiety at our present critical situation. The departure of a member two days hence leaves us with only six states and of course stops all business. We have no certain prospect of nine within a given time; chance may bring them in, and chance may keep them back, in the meantime only a little over two months remain for their assembling, ratifying & getting the ratification across the Atlantic to Paris. All that can be said is that it is yet possible. It is well known that Great Britain wished to postpone the conclusion of the treaty. Her reasons we know not, but she certainly knew that a great continental war was kindling, and that France our principal support would be probably deeply engaged in it. It is not impossible then but she might hope for some favorable opportunity of changing the face of the treaty. If the ratifications are not there by the day she will have too much ground for objection to the validity of the treaty, and to ratify or not as she pleases. As every

<sup>1</sup> From the original in the possession of Mr. F. J. Dreer, of Philadelphia.

circumstance of distress will render her the easier on this point, we are pleased with the intelligence of the day which is that she has actually landed twenty-one regiments in Ireland, it comes by a ship from London to Baltimore, & from thence here, but Baltimore has not been famed for the truth of its intelligence.

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REPORT ON RATIFICATION OF TREATY<sup>1</sup> J. MSS.

[December 27, 1783.]

Resolved that however earnestly and anxiously Congress wish to proceed to the ratification of the Definitive treaty, yet

Resolved that Congress consisting at present of seven states only they are ought not to undertake that ratification of the Definitive treaty without proper explanations.

~~1. Because the 9th article of Confederation takes from~~

~~1. Because by the usage of modern nations it is now established them the power, by declaring that Congress shall~~

that the ratification of a treaty by a Sovereign power is the

~~not enter into any treaty unless nine states assent essential act which gives it validity; the signature~~

<sup>1</sup> There is no record in the *Journals of Congress* of the appointment of the committee who made this report. It was probably the same that later reported the form of ratification, consisting of Jefferson, Gerry, Ellery, Read, and Hawkins. See Jefferson's *Autobiography* (i., 85-7). The report is printed from the rough draft in Jefferson's handwriting. No copy can be found in the files of the Continental Congress papers, nor is it printed in Wharton's *Revolutionary Diplomatic Correspondence*.

of the

~~to the same~~

ministers, notwithstanding their plenipotentiary com-

mission, being understood as placing it, according to the phrase of the writers on this subject, subparati only & as leaving to each sovereign an acknowledged right of rejection.

2. ~~Because it would be a precedent replete with~~

2. Because ratification being an act of so much energy and

~~danger to these states, as under that on future~~

substance the authority to perform it is reserved to

~~occasions seven states in opposition to six may~~

nine States by those words in the ninth article of

~~ratify treaties entered into by ministers in~~

Confederation which declare that Congress shall not enter

~~direct oppositions to their instructions though such~~

~~instructions should have had the con-~~

into any treaty unless nine States assent

~~urrence of nine states to the same?~~

3. Because by the terms "entering into a treaty"

the Confederation must have intended that the

assent of nine states should be necessary to the it's

completion as well as to the it's commencement; of

~~a treaty; it's the object having been to guard the~~

rights of the Union in all those important cases

wherein it has required the assent of nine states;

~~is required: whereas by admitting the contrary~~

construction, seven states containing less than one

third of the citizens of the Union, in opposition to

six containing more than two thirds, may fasten on them a treaty, commenced indeed under ~~the~~ ~~co~~ ~~instru~~ commission & instructions from nine states but concluded by ~~the negotiators~~ in express contradiction to such instructions and in direct sacrifice of their interests of so great a majority.

4. Because if 7 states be incompetent generally to the ratification of a treaty they are not made competent in this particular instance by the circumstances of the ratification of the provisional articles by nine states ~~and in the instructions to our ministers to form a definitive one by them and their actual agreement in substance;~~ for either these circumstances are in themselves a ratification, or are not, if they are, nothing further is requisite than to give attested copies of them in exchange for the British ratification; if they are not, then we remain where we were, without a ratification ~~of~~ by 9 states, and incompetent to ratify ourselves. [The next line is illegible but erased.]

5. Because the seven states now present in Congress saw this question in the same point of view only 4 days ago when by their unanimous resolution they declared that the assent of nine states was requisite to ratify this treaty and urged this as a reason to hasten forward the absent states.

6. Because such a ratification would be rejected by the other contracting party as null & unauthorized, or, if attested to them by the seal of the states without apprising them that it has been ~~accredited~~ expedited by order of seven states only, it will be a breach of faith in us, a prostitution of our seal, & a

future ground, when that circumstance shall become known, of denying the validity, of a ratification into which they shall have been so surprised.

7. Because there being still 67. days before the exchange of ratifications is requisite and states only wanting to render us competent, we have the ~~we may yet hope the presence of 9 states in time~~ strongest presumptions that the measures taken by Congress will bring them forward in time for ratification & for it's passage across the Atlantic.

And 8. because should we be disappointed in this hope, the ratification will yet be placed on more honorable and defensible ground if made by 9. states as soon as so many shall be present, and then sent for exchange, urging in it's support the small importance of an exchange of ratifications, a few days sooner or later, the actual impossibility of an earlier compliance, and that failures produced by circumstances not under the controul of the parties & either in points so immaterial ~~can never affect the validity of a treaty~~ as to call for no compensation, or in those which are material and admit of compensation, can never affect the validity of the treaty itself.

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TO THE GOVERNOR OF VIRGINIA

V. S. A.

(BENJAMIN HARRISON)

ANNAPOLIS, Dec. 31, 1783.

SIR,—Letters from Holland from the middle to the last of September inform us that the citizens of the Dutch state are all in commotion. The conduct

of the Prince of Orange having been such as greatly to strengthen the republican party, they are now pressing in the firmest tone a restoration of their constitutional rights. Friesland, as usual, leads the way. They have demanded of the sovereign assembly of the states that the power of the Stadtholder to change or reinforce the garrisons be limited or taken away, and that themselves be authorized to exercise in arms for the defence of their country: of 80000 men able to bear arms among them it is believed scarcely any will refuse to sign this demand. The Hollanders have referred to a Committee in their last assembly the examination of the power by which the prince undertakes to appoint flag officers of their fleet, and that he be desired to abstain from the exercise of it. There happens to be vacant the place of admiral. The other states seem to be in the same temper, and are now regularly exercising themselves in arms under the ensigns of their respective towns. Tho each state is to chuse their Stadtholder out of the Orange family they consider themselves not bound to chuse the eldest, and of course that they may chuse different ones. The state of Europe at present seems favorable to the republican party, as the powers who might aid the prince are either fatigued with the late war, or likely to be engaged in the ensuing one.

We have yet but seven states, and no more certain prospects of nine than at any time heretofore. We hope that the letters sent to the absent states will bring them forward.



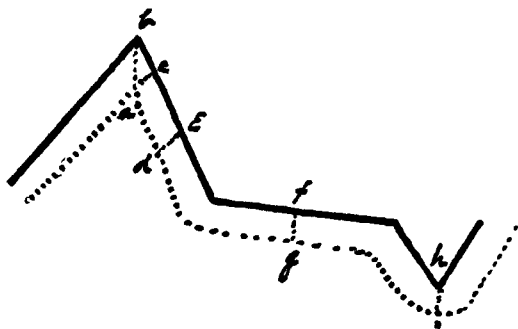
TO JAMES MADISON

MAD. MSS.

ANNAPOLIS, Jan. 1, 1784.

DEAR SIR,—Your favour of the 10<sup>th</sup> Dec. came to hand about a fortnight after its date. It has occasioned me to reflect a little more attentively on Buffon's central heat than I did in the moment of our conversation and to form an opinion different from what I then expressed. The term 'central heat' does of itself give us a false idea of Buffon's hypothesis. If it means a heat lodged in the center of the earth and diffusing it's warmth from thence to the extremities, then certainly it would be less in proportion to the distance from that center, & of course less under the equator than the poles, on high mountains than in deep vallies. But Buffon's theory is that this earth was once in a state of hot fusion, and that it has been, and still continues to be cooling. What is the course of this process? a heated body being surrounded by a colder one whether solid or fluid, the heat, which is itself a fluid flows into the colder body equally from every point of the hotter. Hence if a heated spheroid of iron cools to a given degree, in a given space of time, an inch deep from its surface, in one point, it has in the same time done the same in any & every other point. In a given time more, it will be cooled all round to double that depth. So that it will always be equally cooled at equal depths from the surface. This would be the case with Buffon's earth, if it were a smooth figure without unevennesses. But it has mountains and vallies. The tops of mountains will cool to greater depths in the

same time than the sides of mountains & than plains in proportion as the line a.b. is longer than a.c. or d.e. or f.g. In the valley the line h.i. or depth of the same temperature will be the same as on a plain. This however is very different from



Buffon's opinion. He says that the earth being thinnest at the poles will cool sooner there than under the equator, where it is thicker. If my idea of the process of cooling be right, his is wrong and his whole theory in the Epochs of Nature is upset.

The note which I delivered you contained an acknowledgment of my having borrowed from you a draught for 333 $\frac{1}{4}$  dollars and a promise to repay it on demand. This was exclusive of what I had borrowed in Philadelphia.

We have never yet had more than 7. states, and very seldom that, as Maryland is scarcely ever present, and we are now without a hope of it's attending till February. Consequently having six states only, we do nothing. Expresses & letters are gone forth to hasten on the absent states that we may have 9.

for a ratification of the definitive treaty. Jersey perhaps may come in, and if Beresford will not come to Congress, Congress must go to him to do this one act. Even now it is full late. The critical situation in which we are like to be gave birth to an idea that 7. might ratify. But it could not be supported. I will give you a further account of this when it shall be finally settled.

The letters of our ministers inform us that the two empires have formed a league defensive against Christian powers & offensive ag<sup>t</sup> the Turks. When announced by the Empress to the K. of Prussia he answered that he was very sensible on it as one is when informed of important things. France answered in a higher tone and offered to mediate. If Prussia will join France perhaps it may prevent the war: if he does not, it will be bold for France alone to take the aid of the Turks on herself. Ireland is likely to find employment for England. The United Netherlands are in high fermentation. The people now marshall themselves in arms and exercise regularly under the banners of their towns. Their object is to reduce the powers of the Stadtholder.

I have forwarded your letter to Mrs. House. Mrs. Trist I expect left Philadelphia about the 18th of Dec. for Pittsburgh. I had a letter from her in which she complained of your not having written and desired me to mention it to you. I made your excuse on the good grounds of the delays you must have experienced on your journey & your distance from the post road: but I am afraid she was gone before my letter reached Philadelphia. I have had

very ill health since I have been here and am getting rather lower than otherwise.

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MOTION ON RATIFICATION OF TREATY<sup>1</sup> c. c.

[Jan. 2, 1784.]

FAIR COPY

ROUGH DRAFT

Whereas it is stipulated in the definitive treaty of peace between the United States of America and his Britannic Majesty that the ratifications of sd treaty shall be exchanged on or before the 3d day of March next and there now remains before that period little more time than is requisite for the passage of the said ratification across the Atlantic; and Congress consisting at present but of 7 states these differ in opinion, some of them considering 9, as requisite under the Confederation to the establishment of every treaty, while others are of opinion that 9, having ratified the Provisional treaty and instructed

Whereas it is stipulated in the definitive treaty of peace between the United States and his Britannic Majesty that the ratifications of the sd treaty shall be exchanged on or before the 3d. day of March next and there now remains before that period little more time than is requisite for the passage of the sd ratification across the Atlantic; and Congress consisting at present but of 7. states, these differ in opinion, some of them considering 9. states as requisite under the Confederation to the establishment of every treaty while others are of opinion that ~~the provisional treaty~~ nine states having ratified the Pro-

<sup>1</sup> The rough draft is endorsed: "No. 9. Motion of Mr. Jefferson Jany. 2—1784. Referred to Mr. Jefferson, Mr. Williamson, Mr. Read, Mr. Gerry, Mr. Howell, for ratification of def. treaty. Jany 14. 1784. rendered useless by the ratification this day by 9 states. To be filed." See Jefferson's *Autobiography* (i., 91-2). The fair copy is endorsed "Report of Mr. Jefferson relative to ratification of Defn. treaty read Jan. 3, 1784."

their ministers to enter into a definitive one conformable thereto, which is accordingly done, seven may under these particular circumstances ratify what has been so declared by 9 to have their approbation; and those of the former opinion being equally desirous with the latter that no power which may be supposed they possess should remain unexercised for the final ratification of this instrument, provided it may be done with the preservation of good faith towards the other contracting party, and without importing that Congress has given any express opinion that the sd ratification is be or be not authorized by the Confederation.

Resolved therefore that the states now present in Congress do declare their approbation and so far as they have power, their ratification of the sd treaty, that the (same) Ratification in the usual Form be duly attested under the seal of the States and transmitted to our ministers with instructions to keep the same

visional treaty, and ~~having~~ instructed their Ministers to enter into a definitive one conformable thereto which is accordingly done, seven states may under these particular circumstances ratify what has been so declared by nine states to have their approbation; and those of the former opinion being equally desirous with the latter that no power which it may be supposed they possess should remain unexercised for the final ratification of this instrument establishment of peace provided it may be done with good faith the preservation of good faith towards the other contracting party and without being supposed to conveying any opinion of Congress that such ratification is authoritative, which supposition would be contrary to truth:

Resolved therefore that the states now present in Congress do declare their approbation of and ratification of the sd treaty; that the same be duly attested under the seal of the states; and transmitted to our Ministers ~~with instructions to make use of it till the last point of time: that in the meantime so soon as~~

uncommunicated & to propose to the other contracting party a convention extending the time for the exchange of ratifications 3 months further: that the sd ministers be informed that so soon as 9 states shall be present in Congress the said treaty shall be submitted to them & their ratification when obtained shall be transmitted also: that if they should receive the ratification by 9 states before the ultimate point of time allowed for exchange this alone be used & the former cancelled: that if it should not be received in time, they then produce the act of the 7 states, & give the same in Exchange, *informing the other contracting party, that the sd treaty came to hand when Congress was not in session* that 7 states only had assembled, that this ratification has been expedited with their unanimous consent and offering it in exchange for theirs, with an assurance that it will be followed by another expedited in all it's forms by nine states so soon as they shall be assembled, which shall be delivered to them also.

nine states shall be present in Congress, the said treaty shall be submitted to them and their ~~further~~ ratification & when obtained ~~this~~ shall be transmitted to our Ministers also in hope of its reaching ~~our Ministers~~ them by the stipulated time in which case this shall be used and the former cancelled; that however they do not receive the ratification by nine states before the time for exchange & then ~~tender~~ produce the act of the seven states, ~~at the same time expressing the doubts which Congress otherwise can be entertained of it's validity,~~ offering it to their acceptance of the other party in exchange for theirs with assurance that it ~~may and opposing that that shall be accepted and~~ shall will be followed by ratifications another expedited by nine states to ~~be~~ which shall be delivered to them also; ~~otherwise on that they agree on a further day for the exchange of ratifications at their option and at the same time explaining (if they find it necessary for the preservation of our good faith) the differences of opinion which exist as to the compliance of~~

seven states to this act: or if it be more eligible to the other party that then they agree on a further day for the exchange of ratifications.

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RESOLUTION ON DEFINITIVE TREATY<sup>1</sup> c. c.

[Jan. 14<sup>?</sup>, 1784]

Resolved that the sd ratification be ~~immediately expedited in good and & due form under the seal~~ the following form to wit [here insert the ratification] and be transmitted to our ministers plenipotentiary by whom the said treaty was negotiated and signed.

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RATIFICATION OF DEFINITIVE TREATY<sup>2</sup> c. c.

[JANUARY 14, 1784]

The United States in Congress assembled to all persons to whom these presents shall come greeting:

Whereas definitive articles of peace and friendship between the United States of America and his Britannic majesty were concluded and signed at Paris on the third day of September 1783, by the Commissioners Plenipotentiaries of the said United States and of his said Britannic majesty duly and respectively authorized for that purpose, which

<sup>1</sup>This resolution, though offered in Congress, does not appear in its *Journals*. It was probably in lieu of that adopted Jan. 14, 1784, which was reported by a committee, of which Jefferson was chairman.

<sup>2</sup>The draft, in Jefferson's handwriting, was reported to Congress by a committee consisting of Jefferson, Gerry, Ellery, Read, and Hawkins, some time in December, but was not acted upon by Congress till the treaty was ratified Jan. 14, 1784. See *Journals of Congress* of that date.

definitive articles are in these words following [here insert them]

Now know ye that we the United States in Congress assembled having seen and considered the definitive articles, aforesaid, have approved, ratified and confirmed and by these presents do approve ratify and confirm the said articles, and every part & clause thereof engaging and promising that we will sincerely & faithfully perform & observe the same and never suffer them to be violated by any one, or transgressed in any manner, as far as lies in our power.

In testimony whereof we have caused the seal of the United States to be hereunto affixed.

Witness his Excellency Thomas Mifflin President this ——— day of December, in the year of our Lord 1783 and of the sovereignty in the eighth year and independence of the United States the eighth fourteenth day of Jan<sup>y</sup> in the year of our Lord one thousand seven hundred and eighty four and in the eighth year of the sovereignty & independence of the United States of America.

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DRAFT FOR PROCLAMATION ANNOUNCING RATIFICATION  
OF DEFINITIVE TREATY : c.c.

January 14, 1784.

By the United States of America in Congress  
Assembled  
A Proclamation.

<sup>1</sup> See *Journals of Congress*, Jan. 14, 1784. This proclamation was issued as a broadside with the headlines:

*By the United States in Congress assembled | January 14, 1784. | 4<sup>to</sup>.*  
*Cf. Ford's Bibliography of the Continental Congress*, No. 346.



Whereas Definitive articles of peace and friendship between ~~these~~ the United States of ~~America~~ of America and his Britannic majesty were concluded & signed at Paris on the third day of September 1783, by the ~~Commissioners~~ Plenipotentiaries of the said United States and of his said Britannic majesty duly and respectively authorized for that purpose which definitive articles are in the words following [here insert them].

And we the United States in Congress assembled having seen and duly considered the definitive articles aforesaid did by a certain act under the seal of the United States bearing date this 14 day of December Jan<sup>y</sup> 1784, approve ratify & confirm the same & every part & clause thereof engaging & promising that we would sincerely & faithfully perform & observe the same, and never suffer them to be violated by any one, or transgressed in any manner, as far as should lie in our power.

And being sincerely disposed to carry the said articles into execution ~~honestly~~, truly honestly and with good faith according to the intent & meaning thereof we have thought proper by these presents to notify the premises to all the good citizens of these States, hereby ~~requesting~~ requiring and enjoining ~~all persons and~~ all bodies of magistracy Legislative Executive and Judiciary all persons bearing office civil or military of whatever rank, degree, or powers and all others the good citizens of these States of ~~whatever~~ every vocation and condition that reverencing those stipulations entered into on ~~& condition in obedience to these delegations~~

their behalf under the authority of that federal moral political & legal whereby they are called bond by which their existence as an independant to the observance of stipulations duly & regularly people is bound up together, and is known and derived from their several laws & constitutions acknowledged by the nations of the world; and and with that good faith which is every honest with that good faith which is every man's best comfort that within their man's surest guide, within their several offices, jurisdictions & vocations, they carry into effect the said Definitive articles, & every clause & sentence thereof sincerely strictly & completely.

Given under the seal of the United States. Witness his Excellency Thomas Mifflin, our President at Annapolis this 14<sup>th</sup> day of Dec. Jan<sup>y</sup> 1784 & of the sovereignty & independance of the United States of America the eighth.

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TO MARTHA JEFFERSON <sup>1</sup>

ANNAPOLIS, Jan. 15<sup>th</sup>, 1783.

MY DEAR MARTHA,—I am anxious to know what books you read, what tunes you play, and to receive specimens of your drawing. With respect to your meeting M. Simitière <sup>2</sup> at Mr. Rittenhouse's, nothing could give me more pleasure than your being much with that worthy family, wherein you will see the best

<sup>1</sup> From S. N. Randolph's *Domestic Life of T. Jefferson*, 71, where it is printed with the above date. But either Jefferson misdated it, or it was wrongly inserted, for Jefferson being in Annapolis and his daughter being in Philadelphia makes it certain that the letter was written in 1784.

<sup>2</sup> An artist.

examples of rational life, and learn to esteem and copy them. But I should be very tender of intruding you on the family; as it might, perhaps, be not always convenient for you to be there at your hours of attending M. Simitière. I can only say, then, that if it has been desired by Mr. and Mrs. Rittenhouse, in such a manner as that Mrs. Hopkinson shall be satisfied that they will not think it inconvenient, I would have you thankfully accept it; and conduct yourself with so much attention to the family as that they may never feel themselves incommoded by it. I hope Mrs. Hopkinson will be as good as to act for you in this matter with that delicacy and prudence of which she is so capable. I have much at heart your learning to draw, and should be uneasy at your losing this opportunity, which probably is your last.

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TO THE GOVERNOR OF VIRGINIA

V. S. A.

(BENJAMIN HARRISON)

ANNAPOLIS Jan. 16 1784

SIR,—The Southern post, which had not come in for three weeks past, surprised us by his arrival to day. Being to return in half an hour I could only, after a perusal of my letters, hastily inclose to your Excellency a copy of the proclamation announcing the ratification of the peace, which we were enabled to expedite on the 14th inst. that being the first day on which nine states have attended during the present Congress. This irregularity in the post will account for your having received no letter from Mr.

Hardy, the corresponding member for the month. An indisposition at present puts it out of his power to write, in which case, according to our arrangement, the duty devolves on the next member in the nomination. The right of individual correspondence however still remaining to us I take the liberty of communicating the occurrences of the time:

The important subjects now before Congress are:

1. authorizing our Foreign ministers to enter into treaties of alliance & commerce with the several nations who have desired it.
2. arranging the Domestic administration.
3. establishing Arsenals within the states, & posts on our Frontier.
4. Disposing of the Western territory.
5. treaties of peace and purchase with the **Indians**.
6. Money.

Your Excellency will perceive that these are questions of such difficulty as must produce differences of opinion, and of such importance as forbid a sacrifice of judgment to one another. We have but nine states present, seven of which are represented by only two members each. There are 14 gentlemen then, any one of which differing from the rest, stops our proceeding, for all these questions require the concurrence of nine states. We shall proceed in a day or two to take them up, and it is my expectation that after having tried several of them successively and finding it impossible to obtain a single determination, Congress will find it necessary to adjourn till the spring, first informing the states that they adjourn because from the inattendance of members their

business cannot be done, recommending to them to instruct & *enable* their members to come on at the day appointed, and that they constantly keep three at least with Congress while it shall be sitting. I believe if we had thirteen states present represented by three members each we could clear off our business in two or three months, and that hereafter a session of two or three months in the year could suffice.

The manifesto of the Empress of Russia against the Turks is come to hand—it is flimsy and groundless as that of the Turks is strong & substantial & masterly.

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TO THE GOVERNOR OF VIRGINIA <sup>1</sup>

(BENJAMIN HARRISON)

ANNAPOLIS Jan. 17. 1784.

SIR,—No post having arrived here from the Southward during the present month till this day, & being to return in a few minutes I am obliged without an opportunity of asking the concurrence of my colleagues to enclose you a copy of the proclamation of the Definitive treaty & it's ratification which happily took place on the 14th instant. Two officers were immediately dispatched to seek passage by different vessels to France with this important document. I expect one of them would reach the French packet at New York which was to sail from thence on the 20th.

<sup>1</sup> From the original in the possession of Mr. F. J. Dreer, of Philadelphia.

TO THE GOVERNOR OF VIRGINIA<sup>1</sup>

V. S. A.

(BENJAMIN HARRISON)

ANNAPOLIS, Jan. 23, 1784.

SIR,—The inclosed papers from Oliver Pollock came to our hands a few days ago. Ignorance of the organisation of our government probably led him to make this improper address, on a business so foreign to the line of our duty. We take the liberty on his behalf of inclosing them to your Excellency with a copy of our answer to him.

We have the honor to be with the most profound respect & esteem Your Excellency's most obedient and most humble servants

TH. JEFFERSON    JAS. MONROE  
ARTHUR LEE      S. HARDY

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TO OLIVER POLLOCK

ANNAPOLIS Jan 23. 1784.

SIR,—Your letter bearing date at the Havana Nov. 20, 1783, came to our hands a few days ago. The subject of it however is one of those submitted by the constitution of our State to its Executive power, our duties being such only as respect the Confederacy in general. We think it therefore the most likely means of promoting your wishes to inclose the letter with the papers accompanying it to his Excellency the Governor of Virginia which we will immediately do & have no doubt you will receive justice from the State on every well authenticated claim.

<sup>1</sup> In Jefferson's handwriting.

DRAFT OF A REPORT ON THE MEMORIAL OF ZEBULON  
BUTLER AND OTHERS<sup>1</sup>

JEFF. MSS.

ROUGH DRAFT

FAIR COPY

C. C.

[January 23, 1784]

The Commee to whom were referred the pet<sup>n</sup> of Zebulon Butler & others claim<sup>t</sup> under the State of ~~resolutions of the General assembly of Connecticut private soil in this & the letter & proclamation of Gov<sup>r</sup> Trumbul desiring that a court may be inst<sup>d</sup> for determin<sup>g</sup> the a revision of the sentence of the Judges formerly Connect. of the private right of soil within the territory Westw<sup>d</sup> of appointed to hear & finally determine the controversy the Delaware, lately in controversy betw. the s<sup>d</sup> sd states between that state & the state of Pennsylvania con of Connecticut & that of Penna & complain<sup>t</sup> that they are disturbed in cerning the boundaries & jurisdiction of the sd States their sd right by others claiming under the sd state of on the Western side of the Delaware,~~

The Commee to whom were referred the petition of Zebulon Butler & others claiming under the state of Connecticut private right of soil within the territory Westward of the Delaware lately formerly in controversy between the said state & that of

Pennsylvania and lately determined by a court constituted & appointed agreeably to the 9 Articles of Confederation and perpetual union to be within the jurisdiction of the State of Pennsylvania,

<sup>1</sup> The fair copy, presented to Congress, is endorsed "No. 71. Report of Mr. Jefferson, Mr. Lee, Mr. Williamson, on the meml. of Zebulon Butler & others. Read. Passed Jan 23, 1784." As adopted, it was slightly modified. Cf. text in *Journals of Congress*, under Jan. 23, and April 24, 1784.

~~also that a Penna & praying that a C<sup>t</sup> may be inst<sup>d</sup> for determin<sup>e</sup> the Court may be instituted for determining the said rights; and the resolns of the G A of Conn & Ire private right of soil within the sd territory & proclamn of Gov<sup>r</sup> Trumbul praying in like mann<sup>r</sup> the instn of such a court and further notifying that the sd state of Connecticut claims jurisdiction over all the lands between Pennsylvania & the Missisipi from 41° to 42° 2" Northern latitude. and the petition of Zebulon Butler & others inhabitants within the territory late in dispute between the sd states complaining that they are disturbed in their private right of soil & praying in like manner the institution of a court for determining the same, have agreed to the following report resoln.~~

It appears to your Commee that the controversy between the states of Pennsylv<sup>a</sup> & Connecticut for the territory on the Western side of Delaware river alledged to be within both their boundaries was originated in Congress so early as the 5 day of Octob. 1775, and was frequently &

complaining that they are disturbed in their said right by others claiming under the said state of Pennsylvania and praying that a court may be instituted under the 9<sup>th</sup> article of the Confederation for determining the sd right; Also the resolutions of the General assembly of Connecticut & the letter & proclamation of Gov<sup>r</sup> Trumbull, desiring in like manner the institution of such a court; and further notifying that the said state of Connecticut claims jurisdiction over all the lands between Pennsylvania & the Misissippi from 41° to 42° 2" Northern latitude have agreed to the following resolutions



much agitated therein from that time to the 3<sup>d</sup> day of Nov. 1781.

That the state of Pennsva did then petition Congress that the same might be determined according to the 9<sup>th</sup> Art. of the Confedn.

That Congress did ~~thereon~~ on the 14<sup>th</sup> day of the same month direct a notification to the state of Connecticut of the petition from Pennsylvania and assign a day for proceeding thereon.

That the same was regularly proceeded on according to the 9<sup>th</sup> Art. of the Confedn and that the judges met at Trenton on the 12<sup>th</sup> day of Nov. 1782 to hear and determine the same.

That a fair, full & patient hearing of the parties by their agents, was given and mature consideration had by the sd court from the sd 12<sup>th</sup> day of Nov. day by day without intermission till the 30<sup>th</sup> day of Dec. when final sentence was pronounced: that this sentence was with the unanimous concurrence of the sd judges.

~~That no improper bias or conduct in the judges or any of them is suggested or supposed or even suggested.~~

~~That the sd 9<sup>th</sup> Article of the Confedn declares that the sentence of such a court shall be final & conclusive~~

~~Resolved therefore that the sd sentence ought not to be revised.~~

Resolved that a court should be instituted according to the sd 9<sup>th</sup> Art. of the Confedn for determining the private right of soil so far as the same is by the sd article submitted to the determination of such court.

Resolved that the 4<sup>th</sup> Monday in June next be assigned for the appearance of the sd ~~states of Connecticut & Pennsylvania~~ and parties by their lawful agents at the place in which before Congress or the Commee of the states wheresoever they shall be then sitting.

Resolved that the form of the notice be as follows, ~~to be transmitted by the secretary~~ To the claimants of the private right of soil within the territory heretofore claimed by the state of Connecticut but adjudged to belong to the state of Pennsylvania by the sentence of a federal court pronounced at Trenton on the 30<sup>th</sup> day of December 1782

Resolved that a court be instituted according to the said ninth article of the Confederation for determining the private right of soil within the said territory so far as the same is by the sd article submitted to the determination of such a court

~~Resolved~~ That the 4<sup>th</sup> Monday in June next be assigned for the appearance of the parties by their lawful agents before Congress or the Commee of the states wheresoever they shall be then sitting.

~~Resolved~~ That the form notice of the assignment of the sd day be given to the parties in the following form

To the claimants of the private right of soil within the territory Westward of the Delaware heretofore in controversy between the states of Connecticut & Pennsylvania and adjudged ~~to the latter~~ by the sentence of a federal

~~To the Legislative and Executive authorities of the state of Pennsylvania~~

It is hereby made known that pursuant to the 9<sup>th</sup> article of the Confederation the Legislative & Executive bodies of the state of Connecticut and sundry individuals claiming private right of soil under the state of Connecticut of the said state have made application to Congress relating within the territory Westward of the Delaware late in dispute between the sd state & that of Pennsylvania have made application to Congress stating that they sd individuals and others claiming lands under grants from the sd state of Connecticut have been disturbed in their said right of soil by others claiming under grants from the state of Pennsylvania and praying for the institution of a court for determining the private right of soil in pursuance of the sd 9<sup>th</sup> article of the Confedn; and that the 4<sup>th</sup> Monday in June next is assigned for the appearance of the Connecticut & sd states of Pennsylvania and Connecticut parties by their lawful agents before Congress or a Commee of the

~~court of Pennsylvia &c.~~ pronounced at Trenton on the 30<sup>th</sup> day of Decemb. 1782.

It is hereby made known that sundry individuals claiming private right of soil under the state of Connecticut within the said territory have made application to Congress stating that they have been disturbed in their said right of soil by others claiming under the state of Pennsylvania & praying for the institution of a court for determining the said private right of soil in pursuance of the 9<sup>th</sup> article of Confederation: and that the 4<sup>th</sup> Monday in June next is assigned for the appearance of the parties by their lawful agents before Congress or a Commee of the states wheresoever they shall be then sitting, to proceed in the premises as by the Confederation is directed. By order of Congress. Charles Thomson, Secretary.

states wheresoever they shall be then sitting, to proceed in the premises as by the sd Confedn is directed.

By order of Congress

Charles Thomson

Secretary

Resolved that the sd notice be transmitted by the Secretary to the Executives of the states of Connecticut & ~~Legislative powers of the state of~~ Pennsylvn with a request that they take proper measures for serving the same on the parties interested under their states respectively.

The Commee having not had time to go through so much of the papers referred to them as relates to the claim of the sd state of Connecticut to territory Westward of the state of Pennsylvania beg further time for that purpose.

Resolved that the sd notice be transmitted by the Secretary to the Executives of the states of Connecticut & Pennsylvania with a request that they take proper measures for having the same served on the parties interested under their states respectively.

The Commee having not had time to go through so much of the matters referred to them as relates to the claim of the sd state of Connecticut to territory Westward of the state of Pennsylvania beg further time for that purpose.

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REPORT ON LETTER FROM JOHN ALLAN <sup>1</sup>

[January 29, 1784.]

The Commee to whom were referred the letter of John Allen of Dec. 25. 1783 to his Excy the President of Congress and the papers therein inclosed have agreed to the following resolution.

<sup>1</sup> Reported to Congress by a committee consisting of Jefferson, Osgood, and Williamson, and adopted Jan. 29th. The report is in Jefferson's handwriting.

Resolved that a copy of the sd letter be sent to the Governor of Massachusetts with a recommendation that he cause enquiry to be made whether the encroachments therein suggested have been actually made on the territories of the United States of Massachusetts by the subjects of his Britannic Majesty from the government of Nova Scotia and that if he shall find ~~them~~ any such to have been made, that he send a representation thereof to the British Governor of Nova Scotia with a copy of the Proclamation of the United States of the 14<sup>th</sup> inst. (which should be inclosed to the Governor of Massachusetts for that purpose) requesting him in a friendly manner and as a proof of that disposition for peace and harmony which should subsist between neighboring states to recall ~~the said~~ from off the said territory of ~~these states~~ the sd subjects of his Britannic Majesty so found to have incroached thereon: and that the Gov<sup>r</sup> of Massachusetts be requested to inform Congress of his proceedings herein & the result thereof.

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DRAFT OF REPORT ON A COMMITTEE OF THE  
STATES<sup>1</sup>

J. MSS.

[January 30, 1784.]

The Commee to whom was referred a report on the powers with which a Commee of the States

<sup>1</sup> Congress being the executive of the United States, the continuous administration of the government required that it should always be in session. To avoid this latter necessity, it had been proposed, even as early as December 1775 (see *ante*, ii., 149), to constitute a committee of that body to act in its stead for certain purposes. During the war,

should be vested during the recess of Congress and a Motion on the same subject have agreed to the following resolutions.

Resolved that the Commee of the states which shall be appointed pursuant to the 9th article of Confederation to sit in the recess of Congress for conducting the business of the United States shall be invested with the powers of directing the determination of controversies concerning the private right of soil in the cases & according to the mode pointed out by the 9th article of the Confederation, regulating the trade and managing all affairs with the Indians not members of any of the states:

Regulating the post offices from one state to another throughout all the United States, appointing officers of the land forces in the service of the United States, except only the commander in chief and regimental officers:

Appointing the officers of the naval forces:

Commissioning all officers whatever in the service of the United States:

Making rules for the governmt. & regulation of the sd land and naval forces, not inconsistent with the articles of war established by Congress: directing the operations of the said land and naval forces:

however, the sessions were so lengthy that the need was not a pressing one, but with the termination of that, the difficulties of obtaining a Congress, and the needlessness of long sessions, once more brought the question to the front. Soon after the Congress met in Dec., 1783, a committee, consisting of Jefferson, Osgood, and Sherman, were appointed to report on the subject. For this committee Jefferson drafted the above paper, but before it was presented it was greatly curtailed and changed, as will be seen by comparing it with the report that immediately follows it.

Building, buying & equipping vessels previously agreed by Congress to be built, bought & equipped:

Making requisitions from the states for their quotas of men & money proportioned on them by Congress.

Superintending all offices appertaining to the United States.

Directing and controuling the application of money in the detail according to the general appropriation previously made by Congress:

Supplying all vacancies by new appointments to continue in force only until Congress shall make the final appointments.

Executing in general the resolutions, orders, and Ordinances of Congress:

[*torn*] bling Congress at an earlier day than that to which they shall stand adjourned, if the public exigencies shall in their opinion require it.

Provided that in none of these instances they repeal or contravene any Ordinance passed by Congress.

Resolved that nine members shall be requisite to proceed to business: and that no question except for adjourning from day to day, shall be determined without the concurrence of seven votes:

That the President of Congress, if a member of the said Commee, and if not a member, or if absent at any time, then a Chairman to be chosen by themselves shall preside; the President or chairman retaining a right to vote:

That the Secretary & other officers of Congress shall attend the sd. Commee.

That they shall keep an accurate journal of their proceedings to be laid before Congress:

And that in these journals shall be entered the yeas and nays of the members when any one of them shall have desired it before the question be put.

POWERS FROM WHICH THE  
COMMERCE OF THE STATES  
ARE EXCLUDED.

Engaging in war.  
Grant<sup>d</sup> letters of Marque in  
time of Peace.  
Entering into treaties or  
alliances.  
Coining money.  
Regulating its value.  
Ascertain<sup>d</sup> sums necessary  
for defence or welfare.  
Emitting bills.  
Borrowing money.  
Appropriating money.  
Agree<sup>d</sup> on number of ves-  
sels of war or number of land  
or sea forces.  
Appointing Commander in  
chief of army or navy.

POWERS FROM WHICH THEY  
SHOULD BE EXCLUDED.

Sending and receiving Am-  
bassadors.  
Establishing rules of deci-  
sion in cases of captures.  
Establishing courts of Ap-

POWERS WHICH THEY MAY  
EXERCISE.

Appoint<sup>d</sup> courts for trial of  
piracies.  
Decid<sup>d</sup> private right of soil  
after decision of y General  
right.  
Regulating Indian trade.  
Regulating post office.  
Appoint<sup>d</sup> military officers &  
commissioning them.  
Making rules for governm<sup>t</sup>  
of forces.  
Directing operations of  
forces.  
Build, buy or equip vessels  
agreed on by Congress.  
Make requisitions on the  
States for quotas of men.

POWERS WHICH SHOULD BE  
GIVEN THEM.

To Execute whatever Con-  
gress has determin<sup>d</sup> on.  
To superintend all the  
offices.  
To apply Definite sums of



peals in cases of captures.

Deciding disputes between states.

Fixing standard of weights & measures.

money to Definite purposes e. g. expresses, fuel, paper & other contingencies.

To supply all vacant offices till meet of Congress.

To Convoke Congress.

That the Commee of the States be authorized & instructed

To appoint proper persons to enquire into the quantity of pure silver in the Spanish milled dollars of different dates in circulation with us: from the best assays which have been made.

To enquire in like manner into the fineness of all other the coins which may be found in circulation within these States.

To report to the Commee the result of these enquiries by them to be laid before Congress

To appoint also proper persons to enquire what are the proportions between the values of fine gold & fine silver at the markets of the several countries with which we are or probably may be connected in commerce, & what would be a proper proportion here, having regard to the average of their values at those markets & to other circumstances, & to report the same to the Commee by them to be laid before Congress.

To prepare an Ordinance for establishing the Unit of money within these states, for subdividing it, & for striking coins of gold, silver, & copper on the following principles.

That the money Unit of these states shall be equal in value to a Spanish milled dollar containing so

much fine silver as the enquiry before directed shall shew to be contained on an average in dollars of the several dates in circulation with us.

That the Unit shall be divided into fractions decimally expressed.

That there shall be a coin of silver of the value of an Unit.

one other of the same metal of the value of one tenth of an Unit.

one other of copper of the value of the Hundredth of an Unit.

That there shall be a coin of gold of the value of ten Units, according to the report before directed & the judgment of the Commee thereon.

That for the convenience of paiment there shall also be a gold coin of 5. Units & silver coins of  $\frac{1}{2}$   $\frac{2}{10}$  &  $\frac{5}{100}$  &c.

That the alloy of the sd coins of gold & silver shall be equal in weight to one eleventh part of the fine metal.

That there be proper devices for these coins.

That measures be proposed for preventing their diminution & also their currency & that of any others when diminished.

That the several foreign coins be described & classed in the sd Ordinance, the fineness of each class stated, & it's value by weight estimated in Units & fractions of Units decimally expressed.

And that the sd draught of an Ordinance be reported to Congress at their next meeting for their consideration & determination.

REPORT ON COMMITTEE OF THE STATES<sup>1</sup> c. c.

The Commee. to whom was referred a report on the powers with which a Commee of the states should be vested during the recess of Congress and a Motion on the same subject have agreed to the following resolutions.

Resolved that the Commee. of the states which shall be appointed pursuant to the 9th. article of Confederation and perpetual union to sit in the recess of Congress for transacting the business of the United States shall possess all the powers which may be exercised by seven States in Congress assembled, except those of sending Ambassadors, Ministers, Envoys, resident-Consuls or Agents to foreign Countries or courts: establishing rules for deciding what captures: on land or water shall be legal & in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated.

Establishing courts for receiving & determining finally appeals in cases of capture, constituting courts for deciding disputes & differences arising between two or more states: fixing the standard of weights & measures for the United States: changing the rate of postage on the papers passing through

<sup>1</sup> Endorsed: "No. 33. Report Mr. Jefferson, Mr. Osgood, Mr. Sherman, On powers of a comm<sup>ee</sup> of the States in recess of Congress: Delivered 30 Jan<sup>y</sup> 1784. Ent<sup>d</sup> Read May 27. Postponed to 29. May. Pass'd May 29: 1784."

By the *Journals of Congress* it appears that this plan was debated April 26th (under which date the plan is printed), and on May 27th, while the plan as finally adopted is printed under May 29, 1784. See *ante*, page 229, and Jefferson's *Autobiography* (i., 84).

the post offices established by Congress, and of repealing or contravening any Ordinance or Act passed by Congress.

Resolved that no question except for adjourning from day to day shall be determined without the concurrence of nine votes. That a chairman to be chosen by the Committee shall preside. That the officers of Congress when required shall attend on the sd. Commee. That the Committee shall keep a journal of their proceedings to be laid before Congress and that in these journals, which shall be published monthly & transmitted to the executives of the several States, shall be entered the yeas & nays of the members when any one of them shall have desired it before the question be put.

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TO THE SUPERINTENDENT OF FINANCE : J. MSS.

(ROBERT MORRIS)

[February 1, 1784]

A grand Committee of Congress is now engaged in preparing estimates of the necessary federal expenses of the present year from the first to the last day of it inclusive and of the articles of interest on the public debts foreign & domestic which call indispensably for immediate provision while the impost proposed ultimately for their discharge shall be on it's passage through the states; these estimates are to lead to a new requisition of money from the

<sup>1</sup> Morris' reply is printed in the Sparks' *Diplomatic Correspondence*, xii., 468, and in Wharton's *Revolutionary Diplomatic Correspondence*, vi., 774; but neither work prints this letter.

states, but the commee have hopes that this new requisition may be lessened if not altogether dispensed with provided a full compliance can be obtained with the former requisitions of Nov. 2. 1781 for 8 millions of dollars & of Octob. 10 1782 for 2 millions of dollars. They suppose that the requisition of 8 millions was greater than all the objects of it did in event require. They suppose further that some of these objects have been transferred to other funds. Of course there will be a surplus remaining after all the demands against this requisition which have been paid & payable out of this fund. In like manner 2 m having been part of 6 mill<sup>ns</sup> estimated on a war establmt and peace taking place immediately after, they expect a surplus may remain on this also after all paiments made & to be made out of it. These surplusses which will be reached by no former appropriation & which are therefore fairly open to be newly appropriated they ask of you to estimate according to the best of your information, that they may see how far an enforcement of them will go toward supplying the demands of the current year: but that they may know how to call on the several states to pay up their deficiencies, it will be necessary also for you to inform them what proportion of these requisitions had been paid up by each state to the 1st day of Jan. 1784.

Another object claimed the attention of the Commee. By a vote of Sept. 4, 1782, 1,200,000 Dollars were required from the states for the special purpose of paying interest, with a permission to them to pay first out of their quotas the interest on loan

office certificates and other liquidated debts, loaned or contracted in their own states, so that the balance only was to be remitted to the Continental Treasury. Have any such balances been remitted, or have you any information how far the several states have proceeded, in compliance to comply with this requisition by paim<sup>t</sup> of interest within their own state? Or loan office certificates? If you have we shall be obliged to you for it.

A former commee had been appointed to revise the civil list and to adapt it to the change of circumstances which peace has induced. They have gone through that work & reported except so far as it relates to the department of Finance, by which I mean to include the establishments of in the several offices of the Superintend<sup>t</sup>., Comptroller, Auditor, Register, Treasurer, & the Commers. for settling the accts in the several states, and the accts of the Staff departments. They hope from your letter in answer to one written you by Dr. Williamson their chairman that you are turning your attention to this subject and that you will be so kind as to inform them whether any of the offices or officers may be dispensed with under present circumstances so as to lessen it's expenses without endangering more substantial loss, a true & laudable œconomy being their object. I take the liberty of mentioning this subject to you only because the Grand Commee under whose instructions I write to you, will of course be delayed in their estimates till the other commee shall have made a full report on the civil list.

With you I know it is unnecessary to urge as early

an answer as is practicable and have therefore only to add assurances of the sincere respect & esteem with which I have the honor to be, &c.

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TO JAMES MADISON

MAD. MSS.

ANNAPOLIS, Feb. 20. 1784.

DEAR SIR,—Your favour of the 11th inst. came to hand this day. I had prepared a multitude of memons of subjects whereon to write you, but I will first answer those arising from your letter. By the time my order got to Philadelphia every copy of Smith's history of New York was sold. I shall take care to get Blair's lectures for you as soon as published, and will attend to your presumed wishes whenever I meet with anything rare & of worth. I wish I knew better what things of this kind you have collected for yourself, as I may often doubt whether you have or have not a thing. I know of no objections to the printing the revisal; on the contrary I think good will result from it. Should this be decided I must make a short trip to Virginia, as from the loss of originals I believe my copies must often be wanting.<sup>1</sup>

I had never met with the particular fact relative to the grinders of the incognitum found in Brasil & Lima & deposited in the British Museum, which you mention from Dr. Hunter. I know it has been said that in a very few instances such bones have been found in S. America. You will find a collection of

<sup>1</sup> *The Report of the Committee of Revisors.*—Cf. ii., 383.

these in 2. Buff. Epoq. de la Nature, 187. But they have been so illy attested, so loosely & ignorantly described, and so seldom even pretended to have been seen, that I have supposed their identity with the Northern bones, & perhaps their existence at all not sufficiently established. The authority of Hunter is respectable: but if this be the only well attested instance of those bones brought from S. Amera, they may still be believed to have been first carried there either previous to the emigration of the Spaniards when there was doubtless a communication between the Ind<sup>ns</sup> of the two continents, or after that emigration, when an intercourse between the Spaniards of N. & S. Amera took place. It would be unsafe to deny the fact; but I think it may well be doubted. I wish you had a thermometer. Mr. Madison of the college & myself are keeping observations for a comparison of climate. We observe at sunrise & at four o'clock P. M., which are the coldest & warmest points of the day. If you could observe at the same time it would show the difference between going North & Northwest on this continent. I suspect it to be colder in Orange or Albemarle than here.

I think I informed you in my last that an attempt had been made to ratify the Definitive treaty by seven states only, and to impose this under the sanction of our seal (without letting our actual state appear) on the British court. Reade, Williamson & Lee were violent for this, and gave notice that when the question should be put they would call the yeas & nays, & shew by whose fault the ratification of this important instrument should fail, if it should fail. I



prepared the enclosed resolution by way of protest & informed them I would place that also on the journals with the yeas & nays as a justification of those who opposed the proposition. I believe this put a stop to it. They suffered the question to rest undecided till the 14th of Jan. when 9 states appeared & ratified. Colo. Harmer & Colo. Franks were immediately dispatched to take passage to Europe with copies of the ratification. But by the extraordinary severity of the season, we know they had not sailed on the 7th. inst. The ratification will not therefore arrive in time. Being persuaded I shall be misrepresented within my own state, if any difficulties should arise, I inclose you a copy of the protest containing my reasons. Had the question been put there were but two states who would have voted for a ratification by seven. The others would have been in the negative or divided.—I find Congress every moment stopped by questions whether the most trifling money propositions are not above the powers of seven states as being appropriations of money. My idea is that the estimate for the year & requisition grounded on that, whereon the sums to be allowed to each department are stated, is the general appropriation which requires 9 states, & that the detailing it out provided they do not go beyond these sums may be done by the subordinate officers of the federal government or by a Congress of 7 states. I wish you to think of this & give me your thoughts on the subject.—We have as yet no Sec<sup>y</sup> of Foreign affairs. *Lee* avows himself a candidate—The plan of Foreign affairs likely to take place is to commission Adams,

Franklin & Jay to conclude treaties with the several European powers, and then to return, leaving the field to subordinate characters. Mess<sup>rs</sup> Adams & Jay have paid a visit to the court of London unordered & uninvited. Their reception has been forbidding. *Luzerne leaves* in August. Whether *recalled* or on *his own request* is not known. This information comes from *himself*, tho' is not as yet *known* [?] of *publickly*. *Lee* finding no *faction* among the 737 here, entered into that among the 864. 737. which rages to a very high degree. A *trial* being appointed by the one party on a certain 761, he undertook to 792 one, and fixed it on precisely the same 761. This of course has placed him in the midst of the mud. He is 80. 302. 885. 409. 941 a 312. 730. 784. 561. 727. of 551. 675 and of 655. 320. 187 expectation. I have no doubt from some conversations with *him*, that there is a design agitating to sever the *western* 1090. 278 and add it to this *state*. *He* supported in conversation with me the propriety & necessity of such a general measure, to wit, of enlarging the *small states* to interest them in the 1104. 162. 130. *He* deserves to be well *switched* in our state. *He* is extremely soured with it, and is not cautious in betraying his hostility *against it*. We cannot make up a Congress at all. There are 8 states in town 6 of which are represented by two members only. Of these two members of different states are confined by the gout, so that we cannot make a house. We have not sat above 3 days I believe in as many weeks. Admonition after admonition has been sent to the states, to no effect.

We have sent one to-day. If it fails, it seems as well we should all retire. There have never been 9 states on the floor but for the ratification of the treaty and a day of two after.—Georgetown languishes. The smile is hardly covered now when the federal towns are spoken of. I fear that our chance is at this time desperate. Our object therefore must be if we fail in an effort to remove to Georgetown to endeavor then to get to some place off the waters of the Chesapeak where we may be ensured against Congress considering themselves as fixed. My present expectations are, that as soon as we get a Congress to do business, we shall attend to nothing but the most pressing matters, get through them & adjourn, not to meet again till November, leaving a Commee of the States. That Commee will be obliged to go immediately to Philadelphia to examine the offices & of course they will sit there till the meeting in November. Whether that meeting will be in Philadelphia or Trenton will be the question and will in my opinion depend on the vote of *New York* [?]. Did not you once suppose in conversation with me that Congress had no authority to decide any cases between two differing states, except those of disputed territory? I think you did. If I am not mistaken in this, I should wish to know your good sense of the words which describe those cases which may be submitted to a federal court. They seem to me to comprehend every cause of difference.

We have received the act of our assembly ceding the lands north of Ohio & are about executing a deed for it. I think the territory will be laid out by

passing a meridian through the western cape of the mouth of the Gr. Kanhaway from the Ohio to L. Erie, and another through the rapids of Ohio from the same river to Michigan & crossing these by the parallels of latitude  $37^{\circ}$   $39^{\circ}$   $41^{\circ}$  &c, allowing to each state an extent of  $2^{\circ}$  from n. to south. On the Eastern side of the merid<sup>n</sup> of Kanhaway will still be one new state, to wit, the territory lying between that meridian, Pennsylv<sup>a</sup>, the Ohio & L. Erie. We hope N. Carola will cede all beyond the same meridian of Kanhaway & Virginia also. For God's sake push this at the next session of assembly. We have transmitted a copy of a petition from the people of Kentucky to Congress praying to be separated from Virginia. Congress took no notice of it. We sent the copy to the Governor desiring it to be laid before the Assembly. Our view was to bring on the question. It is for the interest of Virginia to cede so far immediately, because the people beyond that will separate themselves, because they will be joined by all our settlements beyond the Alleghany if they are the first movers. Whereas if we draw the line, those at Kentucky having their end will not interest themselves for the people of Indiana, Greenbriar &c. who will of course be left to our management, and I can with certainty almost say that Congress would approve of the meridian of the mouth of the Kanhaway and consider it as the ultimate point to be desired from Virginia. I form this opinion from conversation with many members. Should we not be the first movers, and the Indianians & Kentuckians take themselves off and claim to the Alleghany I am afraid

Congress would secretly wish them well. Virginia is extremely interested to retain to that meridian. 1. because the Gr. Kanhaway runs from north to south across our whole county, forming by its waters a belt of fine land, which will be thickly seated & will form a strong barrier for us. 2. Because the country for 180 miles beyond that is an absolute desert, barren & mountainous, which can never be inhabited, & will therefore be a fine separation between us & the next state. 3. Because the government of Virginia is more convenient to the people on all the upper parts of Kanhaway than any other which will be laid out. 4. Because our lead mines are in that country. 5. Because the Kanhaway is capable of being made navigable and therefore gives entrance into the western waters to every part of our latitude. 6. Because it is not now navigable & can only be made so by expensive works, which require that we should own the soil on both sides. 7. Because the Ohio, and it's branches which head up against the Patowmac affords the shortest water communication by 500 miles of any which can ever be got between the western waters & Atlantic, & of course promises us almost a monopoly of the western & Indian trade. I think the opening this navigation is an object on which no time is to be lost. Pennsylvia is attending to the Western commerce. She has had surveys made of the river Susquehanna and of the grounds thro' which a canal must pass to go directly to Philadelphia. It is reported practicable at an expense of £200,000 and they have determined to open it. What an example this is! If we do not push this

matter immediately they will be beforehand with us & get possession of the commerce. And it is difficult to turn it from a channel in which it is once established. Could not our assembly be induced to lay a particular tax which should bring in 5 or 10,000£ a year to be applied till the navigation of the Ohio & Patowmac is opened, then James river & so on through the whole successively. Gen'l Washington has that of the Patowmac much at heart. The superintendance of it would be a noble amusement in his retirement & leave a monument of him as long as the waters should flow. I am of opinion he would accept of the direction as long as the money should be to be employed on the Patowmac, & the popularity of his name would carry it thro' the assembly. The portage between Yohogania & the N. branch of Patowmac is of 40 or 50 miles. Cheat river is navigable far up. It's head is within 10 miles of the head of the North branch of Patowmac & I am informed offers the shortest & best portage. —I wish in the next election of delegates for Congress, Short could be sent. His talents are great & his weight in our state must ere long become principal. I see the best effects produced by sending our young statesmen here. They see the affairs of the Confederacy from a high ground; they learn the importance of the Union & befriend federal measures when they return. Those who never come here, see our affairs insulated, pursue a system of jealousy & self interest, and distract the Union as much as they can. Gen'l Gates would supply Short's place in the council very well, and would act. He is now here.

What will you do with the council? They are expensive, and not constantly nor often necessary: yet to drop them would be wrong. I think you had better require their attendance twice a year to examine the Executive Department, & see that it be going on rightly, advise on that subject the Governor, or inform the legislature as they shall see occasion. Give them 50 guineas each for each trip, fill up only 5 of the places, and let them be always subject to summons on great emergencies by the Governor, on which occasions their expences only should be paid. At an expence of 500 guineas you will then preserve this member of the constitution always fit for use. Young & ambitious men will leave it & go into the Assembly, but the elderly & able who have retired from the legislative field as too turbulent will accept of the offices.—Among other legislative subjects *our* distresses ask notice. I had been from home four months & had expended 1200 Dollars before I received one farthing. By the last post we received about seven week's allowance. In the meantime some of us had had the mortification to have our horses turned out of the livery stable for want of money. There is really no standing this. The supply gives us no relief because it was mortgaged. We are trying to get something more effectual from the treasury, having sent an express to inform them of our predicament. I shall endeavour to place as much in the Philadelphia bank as will repay your kindness, unless you should alter your mind & chuse to take it in the Virginia treasury.—I have hunted out *Chatellux journal* & had a reading

of it. I had never so falsely estimated the character of a book. There are about six sentences of offensive bagatelles, which are all of them publicly known, because having respected individual characters they were like carrion for the buzzard curiosity. All the rest of the book (and it is a 4<sup>to</sup> of 186 pages) is either entertaining, or instructive & would be highly flattering to the Americans. He has visited all the principal fields of battle, enquired minutely into the detail of the actions, & has given what are probably the best accounts extant of them. He often finds occasion to criticise & to deny the British accounts from an inspection of the ground. I think to write to him recommend the expunging the few exceptionable passages & publication of the rest.—I have had an opportunity here of examining Bynkershoek's works. There are about a fourth part of them which you would like to have. They are the following tracts. *Questiones juris publici—de lege Rhodeâ—de dominio maris—du Juge conopetent des Ambassadeurs.* for this last if not the rest has been translated into French with notes by Barbeyrae. I have had from Boirod & Gaillard a copy of Mussenbroeck's *cours de Physique*. It is certainly the most comprehensive & most accurate body of Nat<sup>l</sup> Philosophy which has been ever published. I would recommend to you to get it, or I will get that and any other books you want from Boirod or elsewhere. I hope you have found access to my library. I beg you to make free use of it. Key, the steward is living there now & of course will be always in the way. Monroe is buying



land almost adjoining me. Short will do the same. What would I not give [if] you could fall into the circle. With such a society I could once more venture home & lay myself up for the residue of life, quitting all it's contentions which grow daily more and more insupportable. Think of it. To render it practicable only requires you to think it so. Life is of no value but as it brings us gratifications. Among the most valuable of these is rational society. It informs the mind, sweetens the temper, cheers our spirits, and promotes health. There is a little farm of 140 a<sup>s</sup> adjoining me, & within two miles, all of good land, tho' old, with a small indifferent house on it, the whole worth not more than £250. Such a one might be a farm of experiment & support a little table & household. It is on the road to Orange & so much nearer than I am. It is convenient enough for supplementary supplies from thence. Once more think of it, and Adieu.

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DRAFT OF DEED OF CESSION OF NORTHWEST  
TERRITORY<sup>1</sup>

J. MSS.

[March 1, 1784.]

To all who shall see these presents we [here name the delegates] the underwritten delegates for the Commonwealth of Virginia in the Congress of the United States of America send greeting.

Whereas the general assembly of the Commonwealth of Virginia at their sessions begun on the 20<sup>th</sup>

<sup>1</sup> The deed as finally executed is in the *Journals of Congress* for March 1, 1784. This rough draft is in Jefferson's handwriting.

day of Octob. 1783, passed an Act entituled 'An act to authorise the delegates &c.'—in these words following to wit 'Whereas the Congress &c.' [reciting the act verbatim.]

And whereas the sd General Assembly by their Resolution of June 6<sup>th</sup> 1783, had constituted & appointed us the sd A. B. C. &c delegates to represent the sd Commonwealth in Congress for one year from the first Monday in November then next following, which resolution remains in full force.

Now therefore know ye that we the sd A. B. C. &c by virtue of the power & authority, committed to us by the act of the sd. General Assembly of Virginia before recited, and in the name & for & on behalf of the sd Commonwealth do by these presents convey, transfer, assign, & make over unto the United States in Congress assembled for the benefit to the sd States, Virginia inclusive, all right, title & claim as well of soil as of jurisdiction which the sd. Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying & being to the Northwest of the river Ohio to and for the uses & purposes and on the conditions of the sd recited act.

In testimony whereof we have hereunto subscribed our names and affixed our seals in Congress the            day of            in the year of our lord 1784, and of the independance of the United States the eighth.

Signed, sealed and  
delivered in presence of

REPORT ON GOVERNMENT FOR WESTERN TERRITORY <sup>1</sup>  
C. C.

[March 1, 1784.]

The Committee appointed to prepare a plan for the temporary Government of the Western territory have agreed to the following resolutions:

Resolved that the territory ceded or to be ceded by Individual States to the United States whensoever the same shall have been purchased of the Indian Inhabitants & offered for sale by the U. S. shall be formed into distinct States bounded in the following manner as nearly as such cessions will admit, that is to say; Northwardly & Southwardly by parallels of latitude so that each state shall comprehend from South to North two degrees of latitude beginning to count from the completion of thirty-one degrees North of the Equator, but any territory Northwardly of the 47<sup>th</sup> degree shall make part of the state—next below, and Eastwardly & Westwardly they shall be bounded, those on the Mississippi by that

<sup>1</sup> Endorsed: "Report of Mr. Jefferson, Mr. Chase, Mr. Howell. Temporary Governm<sup>t</sup> of Western Country Delivered 1 March 1784. Ent<sup>d</sup>—Read.—March 3. Monday next assigned for the consideration of this report. March 17. 1784. recommitted."—There is no record of the appointment of this committee, but it must have been before Feb. 21, 1784, for on that date Howells wrote to Arnold (*Rhode Island and the Continental Congress*, 479), stating that the committee had agreed to this report, and sketching its outlines. It was probably appointed before Congress adjourned to Annapolis, Nov. 4, 1783, for Howells wrote that the subject "was largely debated at Princeton last summer," but the committee did not report till the Virginia cession had been formally signed, and accepted by Congress.

This report is entirely in Jefferson's handwriting, as will be seen by the facsimile. It was recommitted to the original committee, who reported a substitute for it, March 22, 1784, which is printed in this collection under that date.

river on one side and the meridian of the lowest point of the rapids of Ohio on the other; and those adjoining on the East by the same meridian on their Western side, and on their eastern by the meridian of the Western cape of the mouth of the Great Kan-haway. And the territory eastward of this last meridian between the Ohio, Lake Erie & Pennsylvania shall be one state.

That the settlers within the territory so to be purchased & offered for sale shall, either on their own petition, or on the order of Congress, receive authority from them, with appointments of time and place for their free males of full age to meet together for the purpose of establishing a temporary government, to adopt the constitution & laws of any one of these states, so that such laws nevertheless shall be subject to alteration by their ordinary legislature, and to erect, subject to a like alteration counties or townships for the election of members for their legislature.

That such temporary government shall only continue in force in any state until it shall have acquired 20,000 free inhabitants, when, giving due proof thereof to Congress, they shall receive from them authority with appointments of time and place to call a Convention of representatives to establish a permanent Constitution & Government for themselves.

Provided that both the temporary & permanent Governments be established on these principles as their basis. 1, That they shall forever remain a part of the United States of America 2, That in

The Committee appointed to prepare a plan for the temporary government of the Western Territory have agreed to the following resolutions.

Resolved that the Territory ceded or to be ceded by Individual States to the United States shall be divided into distinct States bounded of the Indian Inhabitants & Affairs for sale by the U.S. in the following manner as nearly as such sections will admit, that is to say; Northwardly & Southwardly by parallels of latitude so that each state shall comprehend from South to North two degrees of latitude beginning to count from the completion of thirty one degrees North of the Equator, but any Territory Northwardly of the 37th degree shall ~~be included~~ <sup>be included</sup> and make part of the state next below. and Eastwardly & Westwardly they shall be bounded, those on the Mississippi by that river on one side and the meridian of the lowest point of the rapids of Ohio on the other; and those adjoining on the East by the same meridian on their Western side, and on their Eastern by the meridian of the Western cape of the mouth of the Great Kanawha. And the Territory Eastward of this last meridian between the Ohio Lake Line & Pennsylvania shall be one state.

That the settlers within <sup>the Territory to be purchased & offered for sale</sup> ~~the Territory~~ shall, either on their own petition, or on the order of Congress, receive authority from them, with appointments of time and place for their free males of full age to meet together for the purpose of establishing a temporary government, to adopt the constitution & laws of any one of these states, so that such laws nevertheless shall be subject to alteration by their ordinary legislature, and to erect, subject to a like alteration counties or townships for the election of members for their legislature.

That such temporary government shall only continue in force in any state until it shall have acquired 20,000 free inhabitants; when giving due proof thereof to Congress, they shall receive from them authority with appointments of time and place to call a convention of representatives to establish a permanent constitution & government for themselves.

their persons, property & territory, they shall be subject to the Government of the United States in Congress assembled and to the articles of confederation in all those cases in which the original states shall be so subject. 3, That they shall be subject to pay a part of the federal debts contracted or to be contracted to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states. 4, That their respective Governments shall be in republican forms, and shall admit no person to be a citizen, who holds any hereditary title. 5, That after the year 1800 of the Christian æra, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty.

That whenever any of the sd states shall have, of free inhabitants as many as shall then be in any one the least numerous of the thirteen original states, such state shall be admitted by it's delegates into the Congress of the United States, on an equal footing with the said original states: After which the assent of two thirds of the United States in Congress assembled shall be requisite in all those cases, wherein by the Confederation the assent of nine States is now required. Provided the consent of nine states to such admission may be obtained according to the eleventh of the Articles of Confederation. Until such admission by their delegates into Congress, any of the said states, after the establishment of their temporary Government, shall have authority to keep

a sitting Member in Congress, with a right of debating, but not of voting.

That the territory Northward of the 45<sup>th</sup> degree, that is to say of the completion of 45<sup>o</sup> from the Equator & extending to the Lake of the Woods, shall be called SYLVANIA:

That of the territory under the 45<sup>th</sup> & 44<sup>th</sup> degrees that which lies Westward of Lake Michigan shall be called MICHIGANIA, and that which is Eastward thereof within the peninsula formed by the lakes & waters of Michigan, Huron, St. Clair and Erie, shall be called CHERRONESUS, and shall include any part of the peninsula which may extend above the 45<sup>th</sup> degree.

Of the territory under the 43<sup>d</sup> & 42<sup>d</sup> degrees, that to the Westward thro' which the Assenisipi or Rock river runs shall be called ASSENISIPIA, and that to the Eastward in which are the fountains of the Muskingum, the two Miamis of Ohio, the Wabash, the Illinois, the Miami of the lake and Sandusky rivers, shall be called METROPOTAMIA.

Of the territory which lies under the 41<sup>st</sup> & 40<sup>th</sup> degrees the Western, thro which the river Illinois runs, shall be called ILLINOIA; that next adjoining to the Eastward SARATOGA, and that between this last & Pennsylvania & extending from the Ohio to Lake Erie shall be called WASHINGTON.

Of the territory which lies under the 39<sup>th</sup> & 38<sup>th</sup> degrees to which shall be added so much of the point of land within the fork of the Ohio & Missisipi as lies under the 37<sup>th</sup> degree, that to the Westward within & adjacent to which are the confluences of the rivers

Provided that both the temporary & permanent governments be established  
2 on these principles as ~~stated above~~ that they shall for ever remain a part  
~~of the United States of America.~~ That in their persons, property & territory they shall  
be subject to the government of the United States in Congress assembled, and to the les-  
sures of confederation in all those cases in which the original states shall be so  
subject. 3. That they shall be subject to pay a part of the federal debts contracted  
or to be contracted to be apportioned on them by Congress according to the same  
common rule and measure, by which apportionments thereof shall be made  
on the other states. 4. That their respective governments shall be in republi-  
-can form, and shall admit no person to be a citizen who holds any heredi-  
-tary title. 5. That after the year 1800 of the Christian era, there shall be  
neither slavery nor involuntary servitude in any of the said states, otherwise  
than in punishment of crimes, whereof the party shall have been duly con-  
-victed to have been personally guilty.

That whenever any of the 2d states shall have, of free inhabitants,  
as many as shall then be in any one the least numerous of the thirteen  
original states, such state shall be admitted by its delegates into the Congress  
of the United States, on an equal footing with the said original states.  
after which the assent of two thirds of the United States in Congress assem-  
-bled shall be requisite in all those cases, wherein by the Confederation  
the assent of nine states is now required provided the consent of nine  
states to such admission may be obtained according to the seventh of the  
articles of Confederation. Until such admission by their delegates into  
Congress, any of the said states, after the establishment of their temporary  
government, shall have authority to keep a sitting member in Congress  
with a right of debating, but not of voting.



Wabash, Shawnee, Tanissee, Ohio, Illinois, Missisipi & Missouri, shall be called POLYPOTAMIA, and that to the Eastward farther up the Ohio otherwise called the PELISIPI shall be called PELISIPIA.

That the preceding articles shall be formed into a charter of Compact, shall be duly executed by the President of the U. S. in Congress assembled under his hand and the seal of the United States, shall be promulgated, and shall stand as fundamental constitutions between the thirteen original States, & those now newly described unalterable but by the joint consent of the U. S. in Congress assembled and of the particular state within which such alteration is proposed to be made.

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TO THE GOVERNOR OF VIRGINIA

V.S.A.

(BENJAMIN HARRISON)

ANNAPOLIS, Mar. 3. 1784.

SIR,—Mr. Hardy's illness & Colo. Mercer's absence deranged the order in which the office of corresponding member was to pass: so that mr Lee exercised it for January, Colo. Monroe for Feb. and mr Hardy takes it for the present month. I mention this that my own correspondence as an individual may not at any time be mistaken as having passed the sanction of the delegation. On receiving the act of assembly for the Western cession, our delegation agreed on the form of a deed; we then delivered to Congress a copy of the act, and the form of the deed we were ready to execute whenever they should think proper to declare they would

accept it. They referred the act & deed to a committee, who reported the act of assembly to conform perfectly with the propositions of Congress, and that the deed was proper in its form, and that Congress ought to accept the same. On the question to agree to the report of the Committee 8 states being present, Jersey was in the negative & S. Carolina & Pennsylvania divided (being represented each by 2 members). Of course there were 5 ayes only & the report fell. We determined on consultation that our proper duty was to be still, having declared we were ready to execute, we would leave it to them to come forward and tell us they were ready to accept. We meddled not at all therefore, & shewed a perfect indifference. N. Hampshire came to town which made us 9 states. A member proposed that we should execute the deed & lay it on the table, which after what had been done by Congress would be final, urging the example of N. York which had executed their deed, laid it on the table, where it remained 18 months before Congress accepted it. We replied, no, if the lands are not offered for sale the ensuing spring, they will be taken from us all by adventurers, we will therefore put it out of our power by the execution of a deed to sell them ourselves, if Congress will not. A member from Rhode Island then moved that Congress should accept. Another from Jersey proposed as an amendment a proviso that it should not amount to an acknowledgement of our right. We told them we were not authorised to admit any conditions or provisions, that their acceptance must be simple, absolute & unqualified or we

That the territory Northward of the 45<sup>th</sup> degree that is to say, of the com-  
-paction of 45° from the Equator, <sup>extending to the Lake of the Woods</sup> & Westward of Lake Superior, shall be called *Sylvania*:

That of the territory under the 45<sup>th</sup> & 44<sup>th</sup> degrees that which lies Westward  
of Lake Michigan, shall be called *Michigan*, and that which is Eastward thereof  
~~and not already mentioned~~ within the peninsula formed by the lakes & waters of Michigan, Huron, St. Clair and  
Erie, shall be called *Cherronesus*, and shall include any part of the pe-  
-ninsula which may extend above the 45<sup>th</sup> degree.

Of the territory under the 43<sup>rd</sup> & 42<sup>nd</sup> degrees, that to the Westward thro  
which the Assenisipi or Rock river runs shall be called *Assenisipia*,  
and that to the Eastward in which are the fountains of the Mustangum the  
two Miamis of Ohio, the Wabash, the Illinois, the Miami of the lake and  
Sandusky rivers, shall be called *Metropotamia*.

Of the territory which lies under the 41<sup>st</sup> & 40<sup>th</sup> degrees, the Western,  
thro which the river Illinois runs, shall be called *Illinoia*; that next  
adjoining to the Eastward *Saratoga* and that between this east & Pennsylvania  
bordering from the Ohio to Lake Erie, shall be called *Washington*.

Of the territory which lies under the 39<sup>th</sup> & 38<sup>th</sup> degrees to which shall  
be added so much of the point of land within the fork of the Ohio & Mississippi  
as lies under the 37<sup>th</sup> degree, that to the Westward within & adjacent to which  
are the confluences of the rivers Wabash, Shawanee, Tennessee, Ohio, Illinois,  
Mississippi & Missouri, shall be called *Polypotamia*, and that to the  
Eastward, farther up the Ohio, & thence called the Pelisipi shall be cal-  
-led *Pelisia*.

That the preceding articles shall be formed into a Charter of Compact  
shall be duly executed by the President of the U. S. in Congress assembled  
under his hand & the seal of the United States, shall be promulgated,  
and shall stand as fundamental constitutions between the thirteen origi-  
-nal states, & those now newly described unalterable but by the <sup>joint</sup> consent of  
the U. S. in Congress assembled and of the particular state within which such  
alteration is proposed to be made.

could not execute. On the question there were 6 ayes, Jersey no, S. Carolina & Pennsylvania divided. The motion dropped & the house proceeded to other business. About an hour after the dissenting Pennsylvania asked & obtained leave to change his no, into aye, the vote then passed & we executed the deed. We have desired an exemplification of it under the seal of the states which we shall transmit you by the post if no safer opportunity occurs. This shows the wisdom of the assembly in not tacking any new conditions, which would certainly have defeated their accomodating intentions.

We have just received from the Superintendant of finance a report of the payments made and the arrears still due on the requisition of Octo. 30. 1781 for 8 millions of dollars. This statement comes down to Jan. 1. 1784.

	paid Doll.	due Doll.
N. Hampshire	3,000	370,598
Massachusetts	247,676 $\frac{1}{2}$	1,059,919 $\frac{1}{2}$
Rhode island	67,847 $\frac{3}{4}$	148,836 $\frac{1}{2}$
Connecticut	131,577 $\frac{1}{2}$	615,618 $\frac{1}{2}$
New York	39,064 $\frac{1}{2}$	334,533 $\frac{3}{4}$
New Jersey	102,004 $\frac{1}{2}$	383,674 $\frac{1}{2}$
Pennsylvania	346,632 $\frac{3}{4}$	774,161 $\frac{1}{2}$
Delaware	Nothing	112,085
Maryland	89,302 $\frac{1}{2}$	844,693 $\frac{3}{4}$
Virginia	115,103 $\frac{1}{2}$	1,192,490 $\frac{3}{4}$
N. Carolina	Nothing	622,677
S. Carolina	344,301 $\frac{1}{2}$	29,296 $\frac{3}{4}$
Georgia	Nothing	24,905

Colo. Harmer with the ratification of the Definitive treaty which was executed in Congress Jan. 14<sup>th</sup> got on board the French packet at N. York on the

20<sup>th</sup> of Jan. Colo. Frank took his passage on another vessel a few days after. Neither sailed till the 17th of Feb. being blocked up by the ice. They have then not got to Paris to exchange them this day as had been stipulated. In right this can make no difference. We executed the ratification in time, and its passage across the Atlantic was prevented by circumstances not under our controul. The accomodation of the Turks and Russians, leaving Europe in Peace and France of course at liberty, keeps us safe. This accomodation is said to have been effected by the interposition of France & Prussia. This does not come from our ministers, from whom we have had no late intelligence on this subject, but is told me by Monsr. Marbois who sais he has it from good information. We are still farther insured against any ill effect from this accident if the news of the day be true. An English vessel, arrived at N. York, brings papers which say that L<sup>d</sup> North & mr Fox carried their E. India bill triumphantly by  $\frac{2}{3}$  of the voices through the house of commons, but lost it in the lords, when they resigned; and that mr Pitt & his friends would be at the head of the administration. The Prince of Wales voted against the bill & received a replemand from the King—so far the papers. The change would be fortunate for us, as L. North's hostility is notorious, and Pitt rather well disposed to us. The movements of the K. of Prussia to emancipate the navigation of the Vistula, and of the emperor to free that of the Scheld do not I believe threaten the peace of Europe. On the contrary they indicate that they

have no great work on hand. This assertion then of the natural right of the inhabitants of the upper part of a river to an innocent passage through the country below is rather pleasing to us. It tends to establish a principle favorable to our right of navigating the Missisipi.

We are now engaged in making an estimate of the expences of the current year. It appears that the commissioners sent to the several states to settle their accounts add so unreasonable a proportion to the expences of the Finance department, that it is my opinion Congress will recall them after some not very distant day. I mention this that your Excellency may keep an eye over the progress of the state-settlement with mr Turner & push it unremittingly to avoid the being obliged to send the vouchers, accounts &c to Philadelphia for such parts as shall not be completed before the recall.

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REPORT ON REDUCTION OF CIVIL LIST <sup>1</sup>

[March 5, 1784.]

The committee appointed to consider what reductions may be made in the civil list have agreed to the following resolutions:

Resolved that the following offices be discontinued, to wit,

<sup>1</sup> Endorsed: "Report of M: Williamson, M: Gerry, M: Tilton, M: Jefferson, M: M'Henry. Reduction of civil list. Ent<sup>d</sup> read 5 March 1784." It was considered March 24th and again on May 5th.

The Chargé des affaires at the Court of Madrid whose salary is.....	4444 Dollars
Agent at the Hague.....	920.
2 <sup>d</sup> Under Secretary of Foreign Affairs.....	700.
The Secretary of the War offices.....	1000.
Agent of Marine.....	1500.
Paymaster.....	1000
Commissary of prisoners.....	1200
The Assistant to the Superintendent of finance.....	1850
3 Clerks in the Office of finance (meaning that 3 shall remain).....	1500
1 Clerk to the Comptroller.....	500
2 Auditors.....	2000
1 Chaplain.....	400
The Establishment of the Jail.....	1338½
Door keeper to Congress.....	400

Whereby an annual saving will accrue to the United States of..... 18,752½ Dol.

Resolved that the following salaries may be reduced by taking from the allowances heretofore established the following sums.

The Superintendent of finance	2000 Doll.
The Three foreign Ministers each 1111½ Doll.	3333½

Whereby an annual saving will accrue to the United States of..... 5333½

Resolved that instead of the annual salary heretofore allowed the Judges of the Court of Appeals they be allowed on every special occasion wherein they shall be called on, the sum of 14 Dollars each for every day they shall sit in court, and the same for every day necessarily employed in travelling to & from Court.

Resolved that after the day of the following offices may be discontinued.

13 Commissioners for settling the accounts of the U. S. in the several States.....	Doll.
	19,500
9 Clerks to the said Commissioners.....	4,500
5 Commissioners for settling the accounts of the Staff departments.....	7,500
9 clerks to the Commissioners last mentioned	4,500
Whereby an annual saving will thence ensue of	<u>36,000 Doll.</u>

Resolved that the duties of Agent of Marine be performed by the Secretary at War, who for his assistance therein shall retain a Secretary of Marine heretofore allowed in the office of the Agent of Marine.

A view of the civil list as proposed to be reduced, (stated for the satisfaction of the house but not made a part of the report.)

Secretary of Congress.....	3000.	Doll.
Depy. Secretary.....	1000	
2 Clerks.....	1000	
Messenger.....	400.	5400
Chaplain.....		400
Secretary of Foreign affairs.....	4000	
1 Under Secretary.....	800	
2 Clerks.....	1000.	<u>5,800</u>
Secretary at War.....	4000	
Assistant.....	1250	
2 Clerks.....	1000	
Secretary of Marine.....	1000	
Messenger.....	300	<u>7550</u>



Superintendant of Finance.....	4000	
Secretary.....	1000	
3 Clerks.....	1500	
Waiter.....	300	
Comptroller.....	1850	
Auditor.....	1000	
6 Clerks of Accounts.....	3000	
Register.....	1200	
4 Clerks.. . . . .	2000	
Messenger.....	192	
Treasurer.....	1500	
Clerk.....	500.	18042
		<hr/>
		37192

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3 Foreign ministers @ 10,000.....	30,000.
1 Secretary of embassy.....	1,333½
	<hr/>
	31,333½
Brought forward.....	37,192
	<hr/>
	68,525½
3 Judges of Appeals.	

INSTRUCTIONS FOR NEGOTIATING WITH INDIANS.<sup>1</sup> c. c.

[MARCH 5, 1784.]

The Committee appointed to revise the 4<sup>th</sup> & 5<sup>th</sup> of the instructions of Oct. 15, 1782, given to the Commissioners for negotiating a treaty with the Indians have agreed to the following resolutions.

Resolved that the said 4<sup>th</sup> article be repealed &

<sup>1</sup> Endorsed: "Report of Mr Jefferson, M Howell, Mr Williamson. On 4 & 5 of instructions of 15 Oct. 1783, to Com<sup>rs</sup> for negotiating with Indians. Ent<sup>d</sup> read. 4 March. 1784.—Passed 19 March, 1784." See *Journals of Congress*, March 5, 1784.

that instead thereof the following be substituted:  
 4<sup>thly</sup> that a meridian line passing through the lowest point of the Rapids of Ohio to the Northern boundary of these United States, shall be proposed as the ~~comprehending all the lands between the sd. boundary on the North the Ohio on the South the sd meridian on the West and Pennsylvania on the East, or so much thereof as they nation having title thereto. may be inclined to con yield sent etc.~~ shall be added to the United States shall be agreed on as the dividing line of ~~and possession thereof or of any parts thereof to be given to the U. S. at such times as may be agreed upon in the Treaty.~~ division between the several Indian Tribes nations & these states, so that all the lands comprehended between the sd boundary on the North, the Ohio on the South, the sd meridian on the West and Pennsylvania on the East, or so much thereof as the tribes having title thereto, may be induced to part with, shall be ceded to the United States.

Resolved that the said 5<sup>th</sup> Article be repealed & that instead thereof the following be substituted:  
 5<sup>thly</sup>, ~~the interests & happiness of the Indians as well as of the inhabitants of the United States requiring that every circumstance should be avoided which may lead to hostile dispositions between them, and the meeting of several tribes nations in at one council having a tendency to generate combinations for the purposes of War the said commissioners are instructed, as far as they shall be in their power find it convenient to treat with the several nations every tribe at different times & places; & where necessity~~

shall oblige them to bring two or more ~~tribes~~ nations together, that they are still to keep their treaties & conferences as distinct; as may be that they make known to the Shawanese & Delawares that these United States consider them as independent Nations & will protect them as such: that they countenance every disposition in any one of the six nations to treat & act separately & independently of their confederacy; and that in general they discourage every coalition & consultation which might tend to involve them or your tribes in the contests which any one of them may enter into with these United States any one ~~tribe~~ nation in the Wars of the other.

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TO GEORGE WASHINGTON

W. MSS.

ANNAPOLIS, Mar. 6. 1784.

DEAR SIR,—Your favor of the 3<sup>rd</sup> is this moment put into my hands, and as the post does not usually stay here above an hour, it leaves me time to scribble a few lines only, scarcely admitting them to be pre-faced with an acknowledgement of the pleasure it will give me to be permitted to communicate with you occasionally. We received dispatches from Europe yesterday by Capt. Barney. There is no news but in one from Dr. Franklin of Dec. 25 and another from the Marquis Fayette of Dec. 26. The Doctor tells us only of the movements of our ministers, that Mr. Laurens was about sailing from England for America, Mr. Adams about setting out from England to the Hague, and Mr. Jay at Bath.

He gives a picture of the disposition of England towards us: he observes that tho' they have made peace with us, they are not reconciled to us nor to the loss of us. He calls to our attention the numerous royal progeny to be provided for, the military education giving to some of them, the ideas in England of the distraction among ourselves, that the people here are already fatigued with their new governments, the possibility of circumstances arising on the Continent of Europe which might countenance the wishes of Gr. Britain to recover us, and from thence inculcates a useful lesson to cement the friendships we possess in Europe. The Marquis tells us the Turks & Russians will be kept apart for a while, probably for another year, but that they must in the end come to decision. That Mr. Fox & L<sup>d</sup> North were both out of the Ministry, & this by a manœuvre of the King's, who got them compromised fairly with their E. India bill, & contrived to get it rejected in the Lords; & that Mr. Pitt & E. Temple would come in. The Marquis himself will sail for America in the spring.

The present hurry forbids me to write to you on a subject I have much at heart, the approaching & opening the Navigation of the Ohio & Patowmac. I will trouble you by the next post. De Witt's petition happens to be in my possession as member of a committee who have not yet reported on it. I was happy to learn from you something of the man.

TO GEORGE WASHINGTON

W. MSS.

ANNAPOLIS Mar. 15. 1784.

D<sup>r</sup> Sir,—Since my last nothing new has occurred, I suppose the crippled state of Congress is not new to you. We have only 9 states present, 8. of whom are represented by two members each, and of course, on all great questions not only an unanimity of States but of members is necessary. An unanimity which can never be obtained on a matter of any importance. The consequence is that we are wasting our time & labour in vain efforts to do business.— Nothing less than the presence of 13. States, represented by an odd number of delegates will enable us to get forward a single capital point. The deed for the cession of Western territory by Virginia was executed & accepted on the 1<sup>st</sup> instant. I hope our country will of herself determine to cede still further to the meridian of the mouth of the great Kanhaway. Further she cannot govern; so far is necessary for her own well being. The reasons which call for this boundary (which will retain all the waters of the Kanhaway) are 1. That within that are our lead mines. 2. This river rising in N. Carola traverses our whole latitude and offers to every part of it a channel for navigation & commerce to the Western Country, but 3. It is a channel which can not be opened but at immense expense and with every facility which an absolute power over both shores will give. 4. This river & it's waters forms a band of good land passing along our whole frontier, and forming on it a barrier which will be strongly seated. 5. For 180 miles beyond these waters is a mountainous barren

which can never be inhabited & will of course form a safe separation between us & any other State. 6. This tract of country lies more convenient to receive it's government from Virginia than from any other State. 7. It will preserve to us all the upper parts of Yohogany & Cheat rivers within which much will be done to open these which are the true doors to the Western commerce. The union of this navigation with that of the Patowmac is a subject on which I mentioned that I would take the liberty of writing to you. I am sure it's value and practicability are both well known to you. This is the moment however for seizing it if ever we mean to have it. All the world is becoming commercial. Was it practicable to keep our new empire separated from them we might indulge ourselves in speculating whether commerce contributes to the happiness of mankind. But we cannot separate ourselves from them. Our citizens have had too full a taste of the comforts furnished by the arts & manufactures to be debarred the use of them. We must then in our defence endeavour to share as large a portion as we can of this modern source of wealth & power. That offered to us from the Western Country is under a competition between the Hudson, the Patowmac & the Missisipi itself. Down the last will pass all heavy commodities. But the navigation through the gulf of Mexico is so dangerous, & that up the Missisipi so difficult & tedious, that it is not probable that European merchandize will return through that channel. It is most likely that flour, lumber & other heavy articles will be floated on rafts which

will be themselves an article of sale as well as their loading, the navigators returning by land or in light batteaux. There will therefore be a rivalry between the Hudson & Patowmac for the residue of the commerce of all the country Westward of L. Erie, on the waters of the lakes, of the Ohio & upper parts of the Missisipi. To go to N. York, that part of the trade which comes from the lakes or their waters must first be brought into L. Erie. So also must that which comes from the waters of the Missisipi, and of course must cross at some portage into the waters of the lakes. When it shall have entered L. Erie it must coast along it's Southern Shore on account of the number & excellence of it's harbours, the Northern, tho' shortest, having few harbours & these unsafe. Having reached Cuyahoga, to proceed on to N. York will be 970 miles from thence & five portages, whereas it is but 430 miles to Alexandria, if it turns into the Cuyahoga & passes through that, Big beaver, Ohio, Yohogany (or Monongahela & Cheat) & Patowmac, & there are but two portages. For the trade of the Ohio or that which shall come into it from it's own waters or the Missisipi, it is nearer to Alexandria than to New York by 730 miles, and is interrupted by one portage only. Nature then has declared in favour of the Patowmac, and through that channel offers to pour into our lap the whole commerce of the Western world. But unfortunately the channel by the Hudson is already open & known to practice; ours is still to be opened. This is the moment in which the trade of the West will begin to get into motion and to

take it's direction. It behoves us then to open our doors to it. I have lately pressed this subject on my friends in the General assembly, proposing to them to endeavor to have a tax laid which shall bring into a separate chest from five to ten thousand pounds a year, to be employed first in opening the upper waters of the Ohio & Patowmac, where a little money & time will do a great deal, leaving the great falls for the last part of the work. To remove the idea of partiality I have suggested the propriety & justice of continuing this fund till all the rivers shall be cleared successively. But a most powerful objection always arises to propositions of this kind. It is that public undertakings are carelessly managed and much money spent to little purpose. To obviate this objection is the purpose of my giving you the trouble of this discussion. You have retired from public life. You have weighed this determination & it would be impertinence in me to touch it. But would the superintendence of this work break in too much on the sweets of retirement & repose? If they would I stop here. Your future time & wishes are sacred in my eye. If it would be only a dignified amusement to you, what a monument of your retirement would it be! It is one which would follow that of your public life and bespeak it the work of the same great hand. I am confident that would you either alone or jointly with any persons you think proper be willing to direct this business, it would remove the only objection the weight of which I apprehend. Tho' the tax should not come in till the fall, it's proceeds should be anticipated by



borrowing from some other fund to enable the work to be begun this summer. When you view me as not owning, nor ever having a prospect of owning one inch of land on any water either of the Patowmac or Ohio, it will tend to apologize for the trouble I have given you of this long letter, by showing that my zeal in this business is public & pure. The best atonement for the time I have occupied you will be not to add to it longer than while I assure you of the sincerity & esteem with which I have the honour to be D<sup>r</sup> Sir Your most obedient & most humble servt.

P. S. The hurry of time in my former letter prevented my thanking you for your polite & friendly invitation to Mount Vernon. I shall certainly pay my respects there to Mrs Washington & yourself with great pleasure whenever it shall be in my power.

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TO JAMES MADISON †

MAD. MSS.

ANNAPOLIS, Mar. 16. 1784.

DEAR SIR,—I received yesterday by Mr. Maury your favor of Feb. 17. That which you mention to have written by post a few days before is not yet come to hand. I am induced to this quick reply to the former by an alarming paragraph in it, which is that *Mazzei* is coming to Annapolis. I tremble at the idea. I know he will be worse to me than a return of my double quotidian head-ach. There is a resolution reported to Congress by a Committee that

† Parts in italic are in cipher.

they will never appoint to the office of minister, chargé des affaires, consul, agent, &c. (describing the foreign employments) any but natives. To this I think there will not be a dissenting vote: and it will be taken up among the first things. Could you not by making him acquainted with this divert him from coming here? A *consulate* is his object, in which he will assuredly fail. But his coming will be attended with evil. He is the violent enemy of *Franklin*, having been some time at *Paris*, from my knowledge of the man I am sure he will have employed himself in collecting on the spot facts true or false to *impeach* him. You know there are people here who, on the first idea of this will take him to their bosom & turn all Congress topsy turvy. For God's sake then save us from this confusion if you can.

We have eight states only & 7 of these represented by two members. Delaware & S. Carolina we lost within these two days by the expiration of their powers. The other absent states are N. York, MARYLAND & Georgia. We have done nothing and can do nothing in this condition but waste our time, temper, & spirits in debating things for days & weeks & then losing them by the negative of one or two individuals.

We have letters from Franklin & the Marq. Fayette of the 24th and 25th of Dec. They inform us that North & Fox are out, Pitt & Temple coming in, that whole nation extremely indisposed towards us, & as having not lost the idea of reannexing us, the Turks and Russians likely to be kept quiet another year, the Marquis coming to America this spring, Mr.

Laurens then about sailing for America, Mr. Adams leaving England for the Hague, Mr. Jay at Bath, but returning to Paris. Our ratification tho on board two different vessels at N. York in the hands of officers as early as the 20th of Jan. did not sail thence till the 17th of Feb. on account of the ice.—I will attend to your desire about the booksellers. I am considerably mended in my health & hope a favorable change in the weather which seems to be taking place will re-establish me.

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TO THE GOVERNOR OF VIRGINIA

V. S. A.

(BENJAMIN HARRISON)

ANNAPOLIS Mar. 18. 1784

SIR,—In my letter of the 3<sup>d</sup> inst I mentioned to you the gazette account of a change in the British Ministry. Just in the moment of the departure of the post we received a letter from the Marquis Fayette confirming the account of the change, and rectifying that of the vote of the Prince of Wales, the letter which had come here supposed the king a friend to the E. India bill & that the Prince voted against it. The Marquis said that the king by a special manœuvre got Fox & North committed on the fate of their bill which they carried through the commons, but his practices were disappointed in the Lords, in which latter stage the Prince voted for the bill, in opposition to his father.

Dr. Franklin's letter containing an interesting paragraph I have copied it & take the liberty of in-

closing it.<sup>1</sup> We have had no post since that which carried my letter of the 3d. nor are we certain when to expect one. I am therefore obliged to have letters in readiness, to send the moment of his coming as he does not tary above an hour here. Hence it happens that my letters are sometimes a week or a fortnight old before they leave the post office.

P. S. The Marquis Fayette is coming out this spring. Mr. Laurens is supposed to be on his way to America, Mr. Adams left England for the Hague & Mr. Jay at Bath but about to return to Paris.

<sup>1</sup> "Extract of a letter from Dr. Franklin to the President of Congress dated Passy, Dec. 25. 1783.

"With respect to the British Court we should, I think, be constantly on our guard & impress strongly upon our minds that tho' it has made peace with us, it is not in truth reconciled either to us or to its loss of us; but still flatters itself with hopes that some change in the affairs of Europe or some disunion among ourselves may afford them an opportunity of recovering their dominion, punishing those who have most offended, and securing our future dependence. It is easy to see by the general turn of the ministerial newspapers (light things indeed as straws & feathers, and like them they show which way the wind blows,) and by the malignant improvement their ministers make in all the foreign courts of every little accident or dissension among us, the riot of a few soldiers at Philadelphia, the resolves of some town meetings, the reluctance to pay taxes &c &c all which are exaggerated to represent our governments as so many anarchies of which the people themselves are weary, the Congress as having lost its influence, being no longer respected. I say it is easy from this conduct to see that they bear us no good will, & that they wish the reality of what they are pleased to imagine. They have too numerous a royal progeny to provide for, some of whom are educated in the military line. In these circumstances we cannot be too careful to preserve the friendships we have acquired abroad, & the Union we have Established at home, to secure our credit by a punctual discharge of our obligations of every kind, & our reputation by the wisdom of our councils; since we know not how soon we may have a fresh occasion for friends & for reputation."

RESOLVES ON EUROPEAN TREATIES<sup>1</sup>

J. MSS.

[March, 1784].

Resolved that treaties of Amity & commerce with the European nations ought not to be refused on our part until those nations will send ministers to negotiate them within these states: nor ought they to be delayed until they shall have previously been submitted to the several legislatures & received their approbation.

1. Because it is not to be expected that the nations of Europe, antient & established as they are, will cross the Atlantic to treat with us on our own ground:

2. Because a refusal to treat with them in Europe amounts to a refusal to treat with them at all; to the suppression of every effort for the admission of our citizens into their ports on an equal footing with those of other countries; to a continuance of the occlusion of the West Indian markets against the produce of these states; loses a crisis of favourable disposition in the European powers in general to enter into connections of amity and commerce with us; endangers the loss of a proffered treaty from the Emperor of Morocco who has made us friendly advances whose honour will be touched and resentment kindled by our declining to meet them; and whose power & connections may, in our present unarmed state, shut to us the ports of the Mediter-

<sup>1</sup> The first notice of this subject is in the *Secret Journals of Congress*, March 26, 1784, when the report of a committee, consisting of Jefferson, Gerry, and Williamson, was taken into consideration by Congress. These resolutions were probably prepared in connection with that report.

ranean, oblige us to send our commodities to them in foreign bottoms, or to seek them in our own at the risk of consigning our citizens to perpetual slavery & chains.

3. Because the federal constitution does not require that treaties, before their conclusion, should be communicated to the thirteen legislatures, and should receive all their several approbations, and such a delay in the present instance would be unseasonable & injurious to them; would protract the negotiations to a length indefinite both in time & expence; would leave our citizens in the mean time exposed to all the evils before stated; would be more distressing to these states, whose channels of commerce are yet to be opened, than to the nations constituting the other parties, who may in the mean time pursue their antient & long established trade; and might suffer opportunities finally to pass by which might never be recalled.

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REPORT OF GOVERNMENT FOR THE WESTERN  
TERRITORY<sup>1</sup>

c.c.

[March 22, 1784.]

The Committee to whom was recommitted the the report of a plan for a temporary government

<sup>1</sup> Endorsed "Report on Western Territory. Delivered 22 March, 1784. Read. Wednesday 24 assigned for consideration."

The original report of a temporary ordinance (see *ante*, p. 251) not satisfying Congress, it was recommitted to the original committee for amendment, and the above was by them reported to Congress. It was considered on April 19, 21, and 23, 1784, when, after amendment, it was adopted, by the vote of every state but one. The report was at once printed as:

*The Committee to whom was recommitted the Report of a | Plan for a*

of the Western territory have agreed to the following resolutions.

Resolved, that so much of the territory ceded or to be ceded by individual states to the United States as is already purchased or shall be purchased of the

*temporary Government of the Western Territory having agreed to the following resolutions.* / Folio. Broadside.

The ordinance as adopted was printed with the title of:

*By the United States in Congress assembled.* / April 23, 1784. / Folio. 2 leaves.

Next to the Declaration of Independence (if indeed standing second to that), this document ranks in historical importance of all those drawn by Jefferson; and, but for its being superseded by the "Ordinance of 1787," would rank among all American State papers immediately after the National Constitution. Its importance has already been commented upon in the introduction. That it contains practically every provision which has made the later ordinance famous, has been carefully overlooked by those who have desired to give the credit of them to Northerners. Still more have these special pleaders suppressed the fact that Jefferson proposed to interdict slavery in all the western territory and not merely in the northwest territory as the Ordinance of 1787 did. Had it been adopted as Jefferson reported it, slavery would have died a natural death, and secession would have been impossible.

There is another reason, however, for the little reputation this paper has brought to Jefferson, aside from the studious suppression of its importance by the special pleaders of New England. This plan, with its limitation of slavery, though failing by only one vote of adoption in 1784, was unpopular at the South and increasingly so as slavery became more and more profitable and more and more a Southern institution. As early as 1790 Jefferson's partisans were already his apologists for this document, and from that time Jefferson carefully avoided any public utterance on slavery. This change of attitude is alone sufficient explanation why Southerners acquiesced with the Northerners in the suppression of this paper, and of Jefferson's drafting of it. In Jefferson's memoranda of the services which he took pride in having rendered his country, written in 1800, he carefully omitted all mention, as also in his *Autobiography*, written in 1821. And thus it has been left to the Massachusetts orators to glorify King, Dane, and Cutler for clauses in the Ordinance of 1787, which the latter had in truth but taken from the Ordinance of 1784, and which they made sectional, where Jefferson had made them national.

The COMMITTEE to whom was recommended the Report of a  
 PLAN for a temporary Government of the WESTERN TER-  
 RITORY, have agreed to the following RESOLUTIONS.

RESOLVED,

**T**HAT so much of the territory ceded, or to be ceded by individual states, to the United States, as is already purchased or shall be purchased of the Indian inhabitants, and offered for sale by Congress, shall be divided into distinct states, in the following manner, as nearly as such cessions will admit; that is to say, by parallels of latitude, so that each state shall comprehend from ~~four to six~~ <sup>four to six</sup> north to South two degrees of latitude, beginning to count from the completion of ~~the~~ <sup>the</sup> one degree north of the equator; and by meridians of longitude, one of which shall pass through the lowest point of the rapids of Ohio, and the other through the western cape of the mouth of the Great Kanaway. But the territory eastward of this last meridian, between the Ohio, lake Erie, and Pennsylvania, shall be one state, whatsoever may be its comprehension of latitude. That which may lie beyond the completion of the 45th degree, between the said meridians, shall make part of the state adjoining it on the fourth, and that part of the Ohio which is between the same meridians, coinciding nearly with the parallel of 39° shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased and offered for sale, shall, either on their own petition, or on the order of Congress, receive authority from them, with appointments of time and place, for their free males of full age, within the limits of their state, to meet together for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original states; so that such laws nevertheless shall be subject to alteration by their ordinary legislature; and to erect, subject to a like alteration, counties ~~or~~ <sup>and</sup> townships for the election of members for their legislature.

That such temporary government shall only continue in force in any state, until it shall have acquired twenty thousand free inhabitants; ~~when~~ <sup>upon</sup> giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place to call a convention of representatives to establish a permanent constitution and government for themselves.

Provided that both the temporary and permanent governments be established on these principles as their basis. 1. That they shall for ever remain a part of this confederacy of the United States of America. 2. That in their persons, property and territory they shall be subject to the government of the United States in Congress assembled, and to the articles of confederation in all those cases in which the original states shall be so subject. 3. That they shall be subject to pay a part of the federal debts contracted or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure, by which apportionments thereof shall be made on the other states. 4. That their respective governments shall be republican forms, and shall hold no office for the continuance of more than one year. 5. That after the year 1800 of the christian era, there shall be neither slavery nor involuntary servitude in any of the said states, nor in the punishment of crimes, whereof the party shall have been personally guilty.

That whenever any of the said states shall have, of free inhabitants, as many as shall then be in any one the least numerous of the thirteen original states, such states shall be admitted by its delegates into the Congress of the United States on an equal footing with the said original states; Provided ~~the states agree to such admission~~ <sup>the states agree to such admission</sup>; according to the said articles of confederation, and in order to adopt the said articles of confederation, to the state of Congress, when its numbers shall be thus encreased, it shall be proposed to the legislatures of the states originally parties thereto, to require the assent of two-thirds of the United States in Congress assembled, in all those cases wherein by the said articles, the assent of nine states is now required; which being agreed to by them, shall be binding on the new states. Until such admission by their delegates into Congress, any of the said states, after the establishment of their temporary government, shall have authority to keep a ~~single~~ <sup>single</sup> member in Congress, with a right of debating, but not of voting.

That the preceding articles shall be formed into a charter of compact, shall be duly executed by the president of the United States in Congress assembled, under his hand and the seal of the United States, shall be promulgated, and shall stand as fundamental constitutions between the thirteen original states, and each of the several states now newly described, unalterable, but by the joint consent of the United States in Congress assembled, and of the particular state within which such alteration is proposed to be made.

Approved 23<sup>rd</sup> 1794 Passed in Congress by the votes of ten States out of eleven present.

and to call the state Yorktown as of Congress make conformable thereto

That such measures as may be necessary to the execution of the said articles, and inconsistent with the principles of the Confederation, & necessary for the preservation of peace & good order among the settlers in any of the said new states until they shall assume a temporary government as aforesaid may from time to time be taken by the U.S. in Congress assembled

to South

2. That they in no case interfere with the temporary disposal of the lands by the U.S. in Congress assembled, nor with the signature of any and necessary for securing the title in such oil & tobacco, &c. that no tax shall be imposed on land by the Congress of the U.S. that the rights of government & the jurisdiction over the lands of the U.S. shall be preserved to the U.S. in Congress assembled, the consent of so many states as Congress in point of time shall be competent to constitute

from & after the sale of any part of the territory of such state pursuant to this section



Indian inhabitants & offered for sale by Congress, shall be divided into distinct states, in the following manner, as nearly as such cessions will admit; that is to say, by parallels of latitude, so that each state shall comprehend from South to North two degrees of latitude beginning to count from the completion of thirty-one degrees North of the Equator; and by meridians of longitude, one of which shall pass thro' the lowest point of the rapids of Ohio, and the other through the Western Cape of the mouth of the Great Kanhaway, but the territory Eastward of this last meridian, between the Ohio, Lake Erie, & Pennsylvania shall be one state, whatsoever may be its comprehension of latitude. That which may lie beyond the completion of the 45<sup>th</sup> degree between the sd. meridians shall make part of the state adjoining it on the South, and that part of the Ohio which is between the same meridians coinciding nearly with the parallel of 39° shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased & offered for sale shall, either on their own petition, or on the order of Congress, receive authority from them with appointments of time & place for their free males of full age, within the limits of their state to meet together for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original states, so that such laws nevertheless shall be subject to alteration by their ordinary legislature; & to erect, subject to a like alteration, counties or townships for the election of members for their legislature.

That such temporary government shall only continue in force in any state until it shall have acquired 20,000 free inhabitants, when giving due proof thereof to Congress, they shall receive from them authority with appointment of time & place to call a convention of representatives to establish a permanent Constitution & Government for themselves. Provided that both the temporary & permanent governments be established on these principles as their basis. 1. That they shall forever remain a part of this confederacy of the United States of America. 2. That in their persons, property & territory they shall be subject to the Government of the United States in Congress assembled, & to the articles of Confederation in all those cases in which the original states shall be so subject. 3. That they shall be subject to pay a part of the federal debts contracted or to be contracted, to be apportioned on them by Congress, according to the same common rule & measure, by which apportionments thereof shall be made on the other states. 4. That their respective Governments shall be in republican forms and shall admit no person to be a citizen who holds any hereditary title. 5. That after the year 1800 of the Christian æra, there shall be neither slavery nor involuntary servitude in any of the sd states, otherwise than in punishment of crimes whereof the party shall have been convicted to have been personally guilty.

That whensoever any of the sd states shall have, of free inhabitants, as many as shall then be in any one of the least numerous, of the thirteen original states, such state shall be admitted by it's delegates

into the Congress of the United States on an equal footing with the said original states: provided nine States agree to such admission according to the reservation of the 11<sup>th</sup> of the articles of Confederation, and in order to adapt the sd articles of confederation to the state of Congress when it's numbers shall be thus increased, it shall be proposed to the legislatures of the states originally parties thereto, to require the assent of two thirds of the United States in Congress assembled in all those cases wherein by the said articles the assent of nine states is now required; which being agreed to by them shall be binding on the new states. Until such admission by their delegates into Congress, any of the said states after the establishment of their temporary government shall have authority to keep a sitting member in Congress, with a right of debating, but not of voting.

That the preceding articles shall be formed into a charter of compact, shall be duly executed by the president of the United States in Congress assembled, under his hand & the seal of the United States, shall be promulgated & shall stand as fundamental constitutions between the thirteen original states and each of the several states now newly described, unalterable but by the joint consent of the United States in Congress assembled, & of the particular state within which such alteration is proposed to be made.

That measures not inconsistent with the principles of the Confedn. & necessary for the preservation of peace & good order among the settlers in any of the

said new states until they shall assume a temporary Government as aforesaid, may from time to time be taken by the U S in C. assemble<sup>d</sup>

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REPORT ON CESSION OF WESTERN TERRITORY.<sup>1</sup> c. c.

March 22, 1784.

The Report of a Committee on the Subject of Western territory having been referred to the Grand committee they have had the same under their consideration and agreed to the following report.

Congress by their resolution of Sep. 6. 1780, having thought it advisable to press upon the states having claims to the Western country a liberal surrender of a portion of their territorial claims, by that of the 10<sup>th</sup> of Oct. in the same year having fixed the conditions to which the Union should be bound on receiving such cessions: and having again proposed the same subject to those states in their address of April 1783, wherein, stating the National debt & it's annual interest, they recommended for the discharge of the interest the plan of an impost on commerce now under consideration with the states, with such subsidiary funds as they might judge most convenient, & for the discharge of the principal & expressing some their reliance for its discharge on other resources but chiefly on the prospect of vacant territory, in aid of other resources, they, for that purpose, as well as to obviate disagreeable controversies & confusions included in the same recom-

<sup>1</sup> Endorsed "Report of grand Com<sup>ee</sup> delivered March 22, 1784. Monday 29 assigned for consideration."

mendation a renewal of those of Sep. the 6<sup>th</sup> & of Oct. the 10<sup>th</sup> 1780. which several recommendations have not yet been finally complied with.

Resolved, that the same subject be again presented to the attention of the said states, that they be urged to consider that the war being now brought to a happy termination by the personal services of our souldiers, the supplies of property by our citizens, & loans of money from them as well as from foreigners, these several creditors have a right to ~~call for a precise designation of the funds~~ expect that funds shall be provided on which they ~~are to~~ may rely for indemnification; that Congress still consider vacant territory as ~~the~~ a capital resource; that this too is the time when our Confederacy with all the territory included within it's limits should assume it's ultimate and permanent form; & that therefore the sd states be earnestly pressed by immediate & liberal cessions to forward these necessary ends, & to remove those obstacles which disturb the harmony of the Union, which embarrass it's councils & obstruct its operations.

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REPORT OF THE ARREARS OF INTEREST<sup>1</sup> c. c.

[March 22, 1784]

The Grand Committee consisting of

appointed to prepare and report to Congress the arrears of interest on the National debt, together with

<sup>1</sup> There is no record of the appointment of this committee, which consisted of Jefferson, Foster, Partridge, Howell, Sherman, Beatty,

the interest and expences for the year 1784 from the first to the last day thereof inclusive and a requisition of Money on the States for discharging the same, have agreed to the following report.

Resolved that there will be wanting for arrears of interest, and for the interest & services of the present year 1784, from the first to the last day thereof inclusive, the following sums expressed in Dollars, tenths and hundredths of Dollars.

Montgomery, Tilton, Chase, Spaight, and Read. The report was considered by Congress April 5, 12, 22, and 27, 1784; and, after material amendment, was adopted April 28, 1784. In the *Jefferson MSS.* (5th, II.) is a rough draft of this report, in Jefferson's handwriting, and this fair copy, which was presented to Congress, is also written by him.

This report was at once printed as a broadside (*cf. Ford's Bibliography of the Continental Congress*), with the title:

The Grand Committee consisting of [blank] / appointed to prepare and report to Congress, the arrears of interest on the national / debt, together with the interest and expenses for the year 1784, from the first to the last / day thereof inclusive, and a requisition of money on the states for discharging the / same, have agreed to the following Report: / Folio. Broadside.

The report as adopted was printed as:

The United States in Congress assembled / April 27, 1784. / Folio. Broadside.

The / United States / in / Congress assembled, / April 27, 1784. / Congress resumed the considera- / tion of the report to the Grand / Committee appointed to pre- / pare and report to Congress, the arrears / of Interest on the national debt, toge- / ther with the expenses for the year / 1784, from the first to the last day / thereof inclusive, and a requisition of / money on the States for maintaining the / same, which being amended to read as follows: / . . . . . / [colophon.] Boston: Printed by Adams and Nourse. / By Order of the Honourable House of Representatives. / M,DCC,LXXXIV. / 8vo. pp. 12.

	The Civil department.....		107,525.33		
	The Military department.....		200,000		
	The Marine department.....		30,000		
	Purchases of Indian rights of soil & the incidental expenses....		60,000		
	Contingencies.....		60,000		457,525.33
	Debts contracted & still unpaid for the services of 1782 and 1783.....	1,000,000		1,000,000	
	Interest on the National debt as follows.	Rate.			
Foreign Debt.	1782	Dec. 31. three years interest on the Spanish loan of \$150,000.....	5.	22,500	22,500
	1783	Dec. 31. Spanish loan..... Private French loans of 4. Mills. livres....	5.	7,500	
			5.	37,037	44,537
	1784	June 1. Dutch loan of 1,800,000 Florins..... Sep. 3. Public French loan of 24. Mills livres..... Nov. 5. Dutch loan of 10 Mills. livres guarantd. by France.. Dec. 31. Spanish loan..... Private French loans.	5.	35,000	
			5.	222,000	
				74,074	
				7,500	
				37,037	375,611
	Domestic Debt.	1782	Dec. 31. Loan office debt 11,473,802.26 Liquidated debt. .701,404. Army debt. ....5,635,618.	6	1,184,176
6				21,042	
6				676,272	
				1,881,490	
		Deduct the requisition of Sep. 1, 1782.....		1,200,000	681,490
1783		Dec. 31. Loan office debt. .... Liquidated debt. .... Unliquidated debt of 8. Mills. doll. sup- pose $\frac{1}{4}$ non liqui- dated..... Army debt.....		749,050	
				42,084	
			6	160,000	
				338,136	1,289,270
1784		Dec. 31. Loan office debt. .... Liquidated debt. .... Unliquidated debt, suppose the whole non liquidated.... Army debt.....		749,050	
			42,084		
			481,000		
			338,136	1,609,270	

The Committee were apprized that the resolutions of Congress of Apr. the 18<sup>th</sup> 1783. had recommended to the several states the raising an annual revenue by the establishment of certain imposts for the purpose of discharging the national debt, principal and interest. But it occurred to them that those recommendations were still before several of the legislatures; that however desirable a compliance therewith is for the preservation of our faith, & establishment of a National Credit, yet as time had already elapsed, and more must elapse before their final confirmation can be hoped at; after it shall be obtained time will also be requisite to advance the plan to the term of actual collection, good faith requires that in the mean while other measures should be resorted to for the purpose of discharging the growing interest.

In the statement of the interest due at the close of the year 1782, the Committee have supposed its amount lessened by 1,200,000 dollars required & apportioned by the resolutions of Congress of Sep. the 4<sup>th</sup> and 10<sup>th</sup> 1782, & appropriated to the sole purpose of paying the interest of the public debt. This requisition gave license to the states to apply so much as should be necessary of their respective quotas of it, to the payment of interest due on certificates issued from the loan office of their own states, & other liquidated debts of the United States contracted therein. Hence they suppose it has happened that the actual payment of these quotas have been uncommunicated to the office of finance for the United States. The Committee are of



opinion that the states should be desired to communicate to the Superintendant of finance the payments they have made under this requisition, & where they have been incomplete to hasten their completion as the means still relied on by Congress for the discharge of that part of the interest of the public debt. And while on this subject they beg leave to add that from the representation to Congress by the Minister of France, referred to this Committee they learn that in some of the states a discrimination has taken place between the citizens of their own & subjects or citizens of other Countries, which was not authorized by the said resolution: they are of opinion that such states should be requested to revise & reform their proceedings herein; and to extend the benefits of this provision equally and impartially to all persons within it's description.

Your Committee came then to consider in what way it would be best to call for the sums requisite for the services before stated. And they thought it their duty in the first place to enquire whether no surpluses might remain on former requisitions of Congress after ~~effecting fully~~ the purposes were effected to which they were originally appropriated; under an assurance that it would be both the duty and sense of Congress to apply such surpluses, in every instance, towards lessening the next requisitions on the states. They found in fact that such a surplus would remain on the requisition of Oct. 30. 1781, for eight millions of Dollars for the services of the ensuing year; and that this surplus would be great from the following circumstances.

That requisition was estimated on supposition that the Continental army would be completed by the states to it's full establishment, and that cloathing, subsistence & other necessaries for such an army must of course be provided. The states were far short of producing such an army. Hence the calls for money were proportionably abridged. It was estimated too on the further supposition that we might be disappointed in the endeavors we were then exerting to borrow money both at home & abroad, and of course that the whole must be supplied by taxes. Loans however were obtained and the surplus increased by this second cause. A third circumstance has further enlarged it. The payments on this requisition have been small & slow. Hence, instead of money, those who served & supplied the United States have received certificates only that money is due to them, and these debts have been transferred to the fund proposed to be raised by way of impost. So that tho' the debts exist, they are removed from this to another fund. To know then the amount of this surplus, the Committee extended their enquiries to the sums actually received under this requisition, the purposes to which they have been applied, and the anticipations thereof still unsatisfied. They found that 1,486,511.71 only of the eight millions of Dollars had been received at the treasury at the close of the year 1783: that these had been applied to the services of the years 1782. & 1783: and that for other services of the same years debts were contracted to the amount of about one million of dollars more,

which depend for their discharge on further receipts under this requisition. Your Committee then are of opinion that a surplus of 5,513,488.28 Dollars will remain of this requisition after answering all the demands which actually rose against it, which were not answered by other Means, nor transferred to other funds: and that this surplus ought to be applied so far as it will go, to the common purposes of the United States, so as to prevent new requisitions on them till the old shall have been exhausted, and to shew to those who may have paid their whole quota of any requisition that they will not be called on anew till all the other states shall in like manner have paid up their quotas.

Your Committee found also that there was a requisition of Congress of Oct. 16, 1782. for 2. Millions of Dollars for the Services of the year 1783, on which some small payments had been tendered, but that the Superintendant of finance had found it better to receive and credit them as part of the eight millions. They are accordingly comprehended in the sum before stated to have been paid in under that head.

Having thus stated the demands existing against the states, the Committee would have performed but half their duty had they passed over unnoticed their condition to pay them. Their abilities must be measured in weighing their burthens. Their creditors themselves will view them, just relieved from the ravages of predatory armies, returning from an attendance on camps to the culture of their fields, beginning to sow, but not having reaped,

exhausted of necessaries & habitual comforts and therefore needing new supplies out of the first proceeds of their labour. Forbearance then, to a certain degree will suggest itself to them. Those entrusted with the dispensation of justice between them will suppose both parties desirous that their mutual situations should be considered & accommodated. Your Committee are of opinion that if the whole balances of the two requisitions of eight and of two millions should be rigorously called into payment within the course of the present year, a compliance with such call would produce much distress; and that some term short of this should be fixed on, within the reach of the least as well as of the most able states. They propose therefore that the states be required to furnish within the course of the present year such part of their deficiencies under the requisitions of 8 millions, as, with their payments to the close of the last year, will make up three fourths of their original quota thereof: and that these payments be appropriated to the services of the present year 1784, in conformity with the statement in the first part of this report, giving generally, where accommodation cannot be effected among the several objects, a preference according to the order in which they are arranged in the sd statement.

But while this proportion of the former deficiencies is of necessity called for under the pressure of demands which will admit neither denial nor delay, the Committee must acknowledge that even the punctual compliance expected from all the states will not effect completely all the purposes of their

preceding statement. To accomplish these perfectly; to enable the federal administration to fulfil the whole of those just & desirable objects, they wish earnestly & warmly to encourage the abler states to go as far beyond this proposition as their happier situation will admit, under an assurance that their further contributions will be applied towards reducing the interest & principal of the public debt, & will be placed to their credit in the next requisitions, with interest thereon from the time of payment.

Individual states have at times thought it hard that while, in their own opinion, they were in advance for the United States on accounts existing & unsettled between them, they should yet be called on to furnish actual contributions of Money. ~~Your~~ The Committee observe in answer to this, first, that almost every state thinks itself in advance: and secondly that it has been the constant wish of Congress that these accounts should be settled, & the contributions of each be known & credited. They have accordingly put it in the power of the states to effect these settlements: and as a further encouragement to hasten this desirable work, the Committee are of opinion Congress should declare that so soon as these accounts shall be all settled, and it shall appear in favor of what states balances arise, such states shall have credit for the same in the requisitions next ensuing.

But it will be necessary also to remind the states that no materials have yet been furnished to enable Congress to adjust the ultimate ratio in which the

expenditures of the late war shall be apportioned on the states. The Confederation directs that this shall be regulated by the value of the lands in the several states with the buildings & improvements thereon. Experiments made however since the date of that instrument for the purposes of ordinary taxation had induced doubts both as to the practicability of this rule of apportionment and of its equality apportionable. Yet Congress thought it their duty to give it fair trial, and recommended to the several states on the 17th of Feb. 1783. to furnish an account of their lands buildings & number of inhabitants, whereon they might proceed to estimate their respective quotas. But apprehending the incompetence of the rule would immediately shew itself, and desirous that no time should be unnecessarily lost, they followed it with another recommendation of the 18<sup>th</sup> of Apr. 1783. to substitute in lieu of that article in the Confederation another which should make the number of inhabitants, under certain modifications, the measure of contribution for each state. Both these propositions are still under reference to the several legislatures; the latter accompanied by the earnest wishes & preference of Congress, under full conviction that it will be found in event ~~the most~~ as equal, ~~the most~~ more satisfactory, & ~~most~~ more easy of execution: the former only pressed if the other should be rejected. The Committee is informed that the states of Connecticut New Jersey, Pennsylvania & S. Carolina have acceded to the alteration proposed; but have no evidence that the other states have as yet decided

thereon. As it is necessary that the one or the other measure should be immediately resorted to, they are of opinion it should be recommended to the legislatures which have not yet decided between them, to come to decision at their next meeting.

In order to present to the eye a general view of the several existing requisitions & of the payments made under them, the Committee has subjoined them in the form of a table, wherein the 1<sup>st</sup> column enumerates the states: the 2<sup>d</sup> the apportionment of the D1.200.000: the 3<sup>d</sup> that of the 8. millions: the 4<sup>th</sup> that of the 2. millions: the 5<sup>th</sup> the sums paid by the several states in part of their respective quotas to the last day of the year 1783: and the 6<sup>th</sup> the sums now required to made up three fourths of their respective quotas of the 8. millions express<sup>d</sup> in Doll<sup>rs</sup> 10<sup>th</sup> & 100<sup>th</sup> of Doll.

	Apportionment of the 1,200,000 Dollars.	Apportionment of the 8.	Apportionment of the 2.	Paid of the 8 before Dec. 31, 1783.	Sums now re- quired to make 3/4 of the 8.
New Hampshire	48.000	373.598	80.000	3.000	277.198. 5
Massachusetts.	192.000	1.307.596	320.000	247.676.66	733.020.33
Rhode island..	28.000	216.684	48.000	67.847.95	94.655.04
Connecticut...	133.200	747.196	222.000	131.577.83	428.819.25
New York.....	54.000	373.598	90.000	39.064. 1	241.134. 4
New Jersey....	66.000	485.679	110.000	102.004.95	202.254. 3
Pennsylvania..	180.000	1.120.794	300.000	346.632.98	493.962.51
Delaware.....	16.800	112.085	28.000	.....	84.063.75
Maryland.....	132.000	933.996	220.000	89.302.11	611.194.88
Virginia.....	174.000	1.307.594	290.000	115.103.53	865.591.54
N. Carolina.....	88.800	622.677	148.000	.....	467.009.75
S. Carolina....	72.000	373.598	120.000	344.301.57	.....
Georgia.....	14.400	24.905	24.000	.....	18.678.75
	1.200.000	8.000.000	2.000.000	1.486.511.71	4.577.591.02

It remained lastly to consider whether no facilities might be given to the payment of these sums by the several states. The Committee observed that of the purposes for which money is wanting, about a moiety can be answered by nothing but money itself; but that the other moiety, consisting of interest on our domestic debt, may be effected by procuring a discount of the demand in the hands of the holder; an operation which will be shorter & less impoverishing to the state. And however, in times of greater plenty, the accuracy of fiscal administration might require all transactions to be in actual money, at the treasury itself; yet till our constituents shall have had some respite from their late difficulties, it behoves us to prefer their easement. The Committee are therefore of opinion that the several legislatures may be admitted so to model the collection of the sums now called for as that, the one half being paid in actual money, the other may be discharged by procuring discounts of interest with our domestic creditors; only taking care that the collection of money shall proceed at least in equal pace with the operations of discount. And to ascertain the evidence of discount which shall be receivable in lieu of money, the holders of loan office certificates shall be at liberty to carry them to the office from which they issued; and the holders of certificates of other liquidated debts of the United States, to carry the same to the loan office of that State wherein the debt was contracted and to have the interest due thereon settled & certified to the last day of the year 1783; for which interest the loan



officer shall give a certificate in such form, and under such cautions & instructions as the Superintendent of finance shall transmit to him; which certificates of interest, being parted with by the holder of the principal, shall be deemed evidence that he has received satisfaction for the same, & therefore shall be receivable from the bearer, within the same State, in lieu of money in the proportion before stated. And where loan office certificates, issued after the 1<sup>st</sup> day of Mar. 1778, shall be presented to the loan officer, they shall be reduced to their specie value according to the resolutions of Congress of June 28, 1780. that specie value expressed on some part of the certificate, & the interest thereon settled & certified as in other cases.

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TO GEORGE WASHINGTON

W. MSS.

ANNAPOLIS, Mar. 31, 1784.

DEAR SIR,—Your servant delivered me your favor this morning; Capt. Barney is gone to Philadelphia and his vessel to Baltimore, having left with me one of your packages only. The persons who brought this could give me no certain account of the other package which you suppose to have been brought. This your servant now receives.

Being obliged to seize a moment in Congress of writing you these few lines, I can only mention to you that late advices from Europe mention another revolution in the British ministry, Mr. Pitt & his friends having resigned. No new ministry was formed. This does not come however authentically.

TO THE GOVERNOR OF VIRGINIA <sup>2</sup>

(BENJAMIN HARRISON.)

ANNAPOLIS, APR. 2, 1784.

SIR,—We have received no foreign intelligence through any authentic channel since the letter of Dr. Franklin of Dec. 25, an extract from which I formerly did myself the honour of enclosing to you. Through different ways however, such as to merit belief, we have information that the utmost confusion prevails in the British government. The House of Commons on the 16th of January came to a vote that the ministry (Mr. Pitt & his associates) neither possessed nor ought to possess the confidence of the nation. One account sais that on this Mr. Pitt resigned. Another that he had not resigned and that the doubt was whether the King would dissolve the parliament or part with his ministry. The error in the composition of the administration seems to have been the filling it from the house of lords, and taking in not enough of the men of interest and talents in the house of commons. Matters on the continent are quiet. The Emperor & Dutch have appointed commissioners to settle their differences. Whether his object was to have opened the Scheld, or whether the dispute arose about contested territory seems not very clear. I should have added to the above intelligence that the city of London were warm for Mr. Pitt and had addressed the King to continue his favor to him.—Your letter from Mount Vernon came safely to hand. We have eleven states in Congress,

<sup>2</sup> From the original in the possession of Mr. F. J. Dreer, of Philadelphia.

and are applying ourselves solely to the important subjects. I am not without hopes that we shall be able by the first of May to adjourn till November. Nothing could prevent it but the loss of votes sometimes by divisions of the states, 8 of the 11 being represented by two members only, any three of the sixteen members can still defeat our endeavors, and your knowledge of men will suggest to you the possibility of 3 dissenting voices out of 16 on any question. Mr. Mercer, the corresponding member for the month will perhaps be able to supply any intelligence which may escape me.

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TO GEORGE WASHINGTON

W. MSS.

ANNAPOLIS, Apr. 6, 1784.

DEAR SIR,—I am obliged to you for your query as to the distance from New York to Cuyahoga, as it occasioned my re-examination of that matter & detection of an error of 150 miles. The distances from New York to Niagara I collect from information as follows

from N. York to Albany	164 miles
Oneida	165
Oswego	171
Niagara	180

---

680

From Niagara to Cuyahoga 140 this last distance I

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820

collect by measuring on Hutchin's map & reducing that proportionably by the known distance from Niagara to Detroit which is 250 miles.

The public papers confirm the resignation of Mr. Pitt & his friends. A ship arrived here, & some others in Philadelphia have brought us a riddle without a key. They received their bounties & drawbacks on clearing out from London as they used to do while we were colonies without any public act authorizing it being visible. The Custom house officers tendered them, & they were not so rude as to refuse them. The prohibitory proclamation they say is eluded & connived at by government. We have 11 states in Congress & hope by the middle of May to adjourn to November. If anything prevents this it will be the representation of 8. states of the 11. by 2 members each, who frequently dividing retard business extremely.—The inclosed letter was put into my hands with a request to forward it to you.—This will be delivered you by Mons<sup>r</sup> de Hogendorff, a relation of Mr. Van Berchel's. A very particular acquaintance with him here has led me to consider him as the best informed man of his age I have ever seen. Nature & application seem equally to have concurred in fitting him for important business. He returns to Holland, his native country, in the summer, and cannot deny himself the satisfaction of paying his tribute of respect to you.

P. S. The Minister of France arrived here to-day. I believe he is on a tour through Virginia, but I have not yet learned when he sets out. Since writing this I learn that the Minister has declined his tour

through Virginia, but thinks to go as far as your house: perhaps within a fortnight.

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NOTES ON THE ESTABLISHMENT OF A MONEY UNIT,  
AND OF A COINAGE FOR THE UNITED STATES <sup>1</sup>

[April, 1784.]

In fixing the Unit of Money, these circumstances are of principal importance.

I. That it be of *convenient size* to be applied as a measure to the common money transactions of life.

II. That its parts and multiples be in *an easy proportion* to each other, so as to facilitate the money arithmetic.

III. That the Unit and its parts, or divisions, be *so nearly of the value of some of the known coins*, as that they may be of easy adoption for the people.

The Spanish Dollar seems to fulfill all these conditions.

I. Taking into our view all money transactions, great and small, I question if a common measure of more *convenient size* than the Dollar could be proposed. The value of 100, 1000, 10,000 dollars is well estimated by the mind; so is that of the tenth or the hundredth of a dollar. Few transactions are

<sup>1</sup> See Jefferson's *Autobiography* (1, 82); *Diplomatic Correspondence*, XII, 81; and Sparks' *Life of Gouverneur Morris*, I, 273.

This was printed as:

*Notes on the Establishment of a Money Unit, and of a Coinage for the United States.* [Paris: 1785] 8vo., pp. 14.

It was also printed in:

*Propositions respecting the Coinage of Gold, Silver and Copper.* [1785.] folio, pp. 12.

above or below these limits. The expediency of attending to the size of the money Unit will be evident, to any one who will consider how inconvenient it would be to a manufacturer or merchant, if, instead of the yard for measuring cloth, either the inch or the mile had been made the Unit of Measure.

II. The most *easy ratio* of multiplication and division, is that by ten. Every one knows the facility of Decimal Arithmetic. Every one remembers, that, when learning Money-Arithmetic, he used to be puzzled with adding the farthings, taking out the fours and carrying them on; adding the pence, taking out the twelves and carrying them on; adding the shillings, taking out the twenties and carrying them on; but when he came to the pounds, where he had only tens to carry forward, it was easy and free from error. The bulk of mankind are school-boys through life. These little perplexities are always great to them. And even mathematical heads feel the relief of an easier, substituted for a more difficult process. Foreigners, too, who trade and travel among us, will find a great facility in understanding our coins and accounts from this ratio of subdivision. Those who have had occasion to convert the livres, sols, and deniers of the French; the gilders, stivers, and frenings of the Dutch; the pounds, shillings, pence, and farthings of these several States, into each other, can judge how much they would have been aided, had their several subdivisions been in a decimal ratio. Certainly, in all cases, where we are free to choose between easy and difficult modes of operation, it is most rational to choose

the easy. The Financier, therefore, in his report, well proposes that our Coins should be in decimal proportions to one another. If we adopt the Dollar for our Unit, we should strike four coins, one of gold, two of silver, and one of copper, viz.:

1. A golden piece, equal in value to ten dollars:
2. The Unit or Dollar itself, of silver:
3. The tenth of a Dollar, of silver also:
4. The hundredth of a Dollar, of copper.

Compare the arithmetical operations, on the same sum of money expressed in this form, and expressed in the pound sterling and its division.

	£ s. d. qrs. Dollars.		£ s. d. qrs. Dollars.
Addition.	$\begin{array}{r} 8 \text{ } 13 \text{ } 11 \text{ } 1-2 = 38.65 \\ 4 \text{ } 12 \text{ } 8 \text{ } 3-4 = 20.61 \\ \hline 13 \text{ } 6 \text{ } 8 \text{ } 1-4 = 59.26 \end{array}$	Subtraction.	$\begin{array}{r} 8 \text{ } 13 \text{ } 11 \text{ } 1-2 = 38.65 \\ 4 \text{ } 12 \text{ } 8 \text{ } 3-4 = 20.61 \\ \hline 4 \text{ } 1 \text{ } 2 \text{ } 3-4 = 18.04 \end{array}$
Multiplication by 8.		Division by 8.	
	$\begin{array}{r} \text{£ s. d. qrs. Dollars.} \\ 8 \text{ } 13 \text{ } 11 \text{ } 1-2 = 38.65 \\ \hline 20 \qquad \qquad \qquad 8 \\ \hline 173 \qquad \qquad \qquad \$309.20 \\ 12 \\ \hline 2087 \\ 4 \\ \hline 8350 \\ 8 \\ \hline 4 \text{ } 66.800 \\ 12 \text{ } 16700 \\ 20 \text{ } 1391 \text{ } 8 \\ \hline \text{£}69 \text{ } 11 \text{ } 8 \end{array}$		$\begin{array}{r} \text{£ s. d. qrs. Dollars.} \\ 8 \text{ } 13 \text{ } 11 \text{ } 1-2 = 8 \text{ } 38.65 \\ \hline 20 \qquad \qquad \qquad 4.83 \\ \hline 173 \\ 12 \\ \hline 2087 \\ 4 \\ \hline 8 \text{ } 8350 \\ 4 \text{ } 1043 \\ 12 \text{ } 260 \text{ } 3-4 \\ 20 \text{ } 21 \text{ } 8 \text{ } 3-4 \\ \hline \text{£}1 \text{ } 1 \text{ } 8 \text{ } 3-4 \end{array}$

A bare inspection of the above operations will evince the labor which is occasioned by subdividing the Unit into 20ths, 240ths, and 960ths, as the

English do, and as we have done; and the ease of subdivision in a decimal ratio. The same difference arises in making payment. An Englishman, to pay £8, 13s. 11d. 1-2 qrs., must find, by calculation, what combination of the coins of his country will pay this sum; but an American having the same sum to pay, thus expressed \$38.65, will know, by inspection only, that three golden pieces, eight units or dollars, six tenths, and five coppers, pay it precisely.

III. The third condition required is, that the Unit, its multiples, and subdivisions, coincide in value with some of the known coins so nearly, that the people may, by a quick reference in the mind, estimate their value. If this be not attended to, they will be very long in adopting the innovation, if ever they adopt it. Let us examine, in this point of view, each of the four coins proposed.

1. The golden piece will be 1-5 more than a half Joe, and 1-15 more than a double guinea. It will be readily estimated, then, by reference to either of them; but more readily and accurately as equal to ten dollars.

2. The Unit, or Dollar, is a known coin, and the most familiar of all, to the minds of the people. It is already adopted from South to North? has identified our currency, and therefore happily offers itself as a Unit already introduced. Our public debt, our requisitions, and their appointments, have given it actual and long possession of the place of Unit. The course of our commerce, too, will bring us more of this than of any other foreign coin, and therefore



renders it more worthy of attention. I know of no Unit which can be proposed in competition with the Dollar, but the Pound. But what is the Pound? 1547 grains of fine silver in Georgia; 1289 grains in Virginia, Connecticut, Rhode Island, Massachusetts, and New Hampshire; 1031 1-4 grains in Maryland, Delaware, Pennsylvania, and New Jersey; 966 3-4 grains in North Carolina and New York. Which of these shall we adopt? To which State give that pre-eminence of which all are so jealous? And on which impose the difficulties of a new estimate of their corn, their cattle, and other commodities? Or shall we hang the pound sterling, as a common badge, about all their necks? This contains 1718 3-4 grains of pure silver. It is difficult to familiarize a new coin to the people; it is more difficult to familiarize them to a new coin with an old name. Happily, the dollar is familiar to them all, and is already as much referred to for a measure of value, as their respective provincial pounds.

3. The tenth will be precisely the Spanish bit, or half pistereen. This is a coin perfectly familiar to us all. When we shall make a new coin, then, equal in value to this, it will be of ready estimate with the people.

4. The hundredth, or copper, will differ little from the copper of the four Eastern States, which is 1-108 of a dollar; still less from the penny of New York and North Carolina, which is 1-96 of a dollar; and somewhat more than the penny or copper of Jersey, Pennsylvania, Delaware, and Maryland, which is 1-90 of a dollar. It will be about the

medium between the old and the new coppers of these States, and will therefore soon be substituted for them both. In Virginia, coppers have never been in use. It will be as easy, therefore, to introduce them there of one value as of another. The copper coin proposed will be nearly equal to three-fourths of their penny, which is the same with the penny lawful of the Eastern States.

A great deal of small change is useful in a State, and tends to reduce the price of small articles. Perhaps it would not be amiss to coin three more pieces of silver, one of the value of five-tenths, or half a dollar, one of the value of two-tenths, which would be equal to the Spanish pistereen, and one of the value of five coppers, which would be equal to the Spanish half-bit. We should then have five silver coins, viz.:

1. The Unit or Dollar:
2. The half dollar or five-tenths:
3. The double tenth, equal to 2, or one-fifth of a dollar, or to the pistereen:
4. The tenth, equal to a Spanish bit:
5. The five copper piece, equal to .5, or one-twentieth of a dollar, or the half-bit.

The plan reported by the Financier is worthy of his sound judgment. It admits, however, of objection, in the size of the Unit. He proposes that this shall be the 1440th part of a dollar: so that it will require 1440 of his units to make the one before proposed. He was led to adopt this by a mathematical attention to our old currencies, all of which this Unit will measure without leaving a fraction. But

as our object is to get rid of those currencies, the advantage derived from this coincidence will soon be past, whereas the inconveniencies of this Unit will forever remain, if they do not altogether prevent its introduction. It is defective in two of the three requisites of a Money Unit. 1. It is inconvenient in its application to the ordinary money transactions. 10,000 dollars will require eight figures to express them, to wit, 14,400,000 units. A horse or bullock of eighty dollars value, will require a notation of six figures, to wit, 115,200 units. As a money of account, this will be laborious, even when facilitated by the aid of decimal arithmetic: as a common measure of the value of property, it will be too minute to be comprehended by the people. The French are subjected to very laborious calculations, the Livre being their ordinary money of account, and this but between 1-5th and 1-6th of a dollar; but what will be our labors should our money of account be 1-1440th of a dollar? 2. It is neither equal, nor near to any of the known coins in value.

If we determine that a Dollar shall be our Unit, we must then say with precision what a Dollar is. This coin, struck at different times, of different weights and fineness, is of different values. Sir Isaac Newton's assay and representation to the Lords of the Treasury, in 1717, of those which he examined, make their values as follows:

	dwts.	grs.	
The Seville piece of eight.	. 17-12	containing	387 grains of pure silver
The Mexico piece of eight .	. 17-10	5-9 "	385 1-2
The Pillar piece of eight .	. 17-9	"	385 3-4
The new Seville piece of eight.	14—	"	308 7-10

The Financier states the old Dollar as containing 376 grains of fine silver, and the new 365 grains. If the Dollars circulating among us be of every date equally, we should examine the quantity of pure metal in each, and from them form an average for our Unit. This is a work proper to be committed to mathematicians as well as merchants, and which should be decided on actual and accurate experiment.

The quantum of alloy is also to be decided. Some is necessary to prevent the coin from wearing too fast; too much, fills our pockets with copper, instead of silver. The silver coin assayed by Sir Isaac Newton, varied from 1 1-2 to 76 pennyweights alloy, in the pound troy of mixed metal. The British standard has 18 dwt.; the Spanish coins assayed by Sir Isaac Newton have from 18 to 19 1-2 dwt.; the new French crown has in fact 19 1-2, though by edict, it should have 20 dwt., that is 1-12.

The taste of our countrymen will require, that their furniture plate should be as good as the British standard. Taste cannot be controlled by law. Let it then give the law, in a point which is indifferent to a certain degree. Let the Legislature fix the alloy of furniture plate at 18 dwt., the British standard, and Congress that of their coin at one ounce in the pound, the French standard. This proportion has been found convenient for the alloy of gold coin, and it will simplify the system of our mint to alloy both metals in the same degree. The coin, too, being the least pure, will be the less easily melted into plate. These reasons are light, indeed, and, of course, will

only weigh, if no heavier ones can be opposed to them.

The proportion between the values of gold and silver is a mercantile problem altogether. It would be inaccurate to fix it by the popular exchanges of a half Joe for eight dollars, a Louis for four French crowns, or five Louis for twenty-three dollars. The first of these would be about the Spanish proportion between gold and silver; the second, the French; the third, a mere popular barter, wherein convenience is consulted more than accuracy. The legal proportion in Spain is 16 for 1; in England, 15 1-2 for 1; in France, 15 for 1. The Spaniards and English are found, in experience, to retain an over-proportion of gold coins, and to lose their silver. The French have a greater proportion of silver. The difference at market has been on the decrease. The Financier states it at present, as at 14 1-2 for one. Just principles will lead us to disregard legal proportions altogether; to enquire into the market price of gold, in the several countries with which we shall principally be connected in commerce, and to take an average from them. Perhaps we might, with safety, lean to a proportion somewhat above par for gold, considering our neighborhood, and commerce with the sources of the coins, and the tendency which the high price of gold in Spain has, to draw thither all that of their mines, leaving silver principally for our and other markets. It is not impossible that 15 for 1, may be found an eligible proportion. I state it, however, as a conjecture only.

As to the alloy for gold coin, the British is an

ounce in the pound; the French, Spanish, and Portuguese differ from that, only from a quarter of a grain, to a grain and a half. I should, therefore, prefer the British, merely because its fraction stands in a more simple form, and facilitates the calculations into which it enters.

Should the Unit be fixed at 365 grains of pure silver, gold at 15 for 1, and the alloy of both be one-twelfth, the weight of the coins will be as follows:

	Grains.	Grains.	dwt. Grains.
The Golden piece containing 242 1-3 of pure metal, 22.12 of alloy, will weigh			11—1.45
The Unit or Dollar . . . . .	365 . . . . .	33.18 . . . . .	16—14.18
The half dollar, or five tenths, 182 1-2 . . . . .		16.59 . . . . .	8—7.09
The fifth, or Pistereen, . . . . .	73 . . . . .	6.63 . . . . .	3—7.63
The tenth, or Bit, . . . . .	36 1-2 . . . . .	3.318 . . . . .	1—15.818
The twentieth, or half Bit, . 18 1-4 . . . . .		1.659 . . . . .	19.9

The quantity of fine silver which shall constitute the Unit, being settled, and the proportion of the value of gold to that of silver; a table should be formed from the assay before suggested, classing the several foreign coins according to their fineness, declaring the worth of a pennyweight or grain in each class, and that they shall be lawful tenders at those rates, if not clipped or otherwise diminished; and, where diminished, offering their value for them at the mint, deducting the expense of re-coinage. Here the Legislatures should co-operate with Congress, in providing that no money be received or paid at their treasuries, or by any of their officers, or any bank, but on actual weight; in making it criminal, in a high degree, to diminish their own coins, and, in some smaller degree, to offer them in payment when diminished.

That this subject may be properly prepared, and in readiness for Congress to take up at their meeting in November, something must now be done. The present session drawing to a close, they probably would not choose to enter far into this undertaking themselves. The Committee of the States, however, during the recess, will have time to digest it thoroughly, if Congress will fix some general principles for their government. Suppose they be instructed,

To appoint proper persons to assay and examine, with the utmost accuracy practicable, the Spanish milled dollars of different dates, in circulation with us.

To assay and examine, in like manner, the fineness of all the other coins which may be found in circulation within these States.

To report to the Committee the result of these assays, by them to be laid before Congress.

To appoint, also, proper persons to enquire what are the proportions between the values of fine gold, and fine silver, at the markets of the several countries with which we are, or probably may be, connected in commerce; and what would be a proper proportion here, having regard to the average of their values at those markets, and to other circumstances, and to report the same to the Committee, by them to be laid before Congress.

To prepare an Ordinance for establishing the Unit of Money within these States; for subdividing it; and for striking coins of gold, silver, and copper, on the following principles:

That the Money Unit of these States shall be equal in value to a Spanish milled dollar containing so much fine silver as the assay, before directed, shall show to be contained, on an average, in dollars of the several dates in circulation with us.

That this Unit shall be divided into tenths and hundredths; that there shall be a coin of silver of the value of a Unit; one other of the same metal, of the value of one-tenth of a Unit; one other of copper, of the value of the hundredth of a Unit.

That there shall be a coin of gold of the value of ten Units, according to the report before directed, and the judgment of the Committee thereon.

That the alloy of the said coins of gold and silver, shall be equal in weight to one-eleventh part of the fine metal.

That there be proper devices for these coins.

That measures be proposed for preventing their diminution, and also their currency, and that of any others, when diminished.

That the several foreign coins be described and classed in the said Ordinance, the fineness of each class stated, and its value by weight estimated in Units and decimal parts of Units.

And that the said draught of an Ordinance be reported to Congress at their next meeting, for their consideration and determination.

April 1784

### *Supplementary Explanations*

The preceding notes having been submitted to the consideration of the Financier, he favored me with



his opinion and observations on them, which render necessary the following supplementary explanations.

I observed, in the preceding notes, that the true proportion of value between gold and silver was a mercantile problem altogether, and that, perhaps, fifteen for one, might be found an eligible proportion. The Financier is so good as to inform me, that this would be higher than the market would justify. Confident of his better information on this subject, I recede from that idea.<sup>1</sup>

He also informs me, that the several coins, in circulation among us, have been already assayed with accuracy, and the result published in a work on that subject. The assay of Sir Isaac Newton had superseded, in my mind, the necessity of this operation as to the older coins, which were the subject of his examination. This latter work, with equal reason, may be considered as saving the same trouble as to the latter coins.

So far, then, I accede to the opinions of the Financier. On the other hand, he seems to concur with me, in thinking his smallest fractional division too minute for a Unit, and, therefore, proposes to transfer that denomination to his largest silver coin, containing 1000 of the units first proposed, and worth about 4s. 2d. lawful, or 25-36 of a Dollar. The only question then remaining between us is, whether the

<sup>1</sup> In a newspaper, which frequently gives good details in political economy, I find, under the Hamburg head, that the present market price of Gold and Silver is, in England, 15.5 for 1: in Russia, 15: in Holland, 14.75: in Savoy, 14.6: in France, 14.42: in Spain, 14.3: in Germany, 14.155: the average of which is 14.675 or 14 5-8. I would still incline to give a little more than the market price for gold, because of its superior convenience in transportation.—T. J.

Dollar, or this coin, be best for the Unit. We both agree that *the ease of adoption with the people*, is the thing to be aimed at.

1. As to the Dollar, events have overtaken and superseded the question. It is no longer a doubt whether the people can adopt it with ease; they have adopted it, and will have to be turned out of that, into another tract of calculation, if another Unit be assumed. They have now two Units, which they use with equal facility, viz., the Pound of their respective State, and the Dollar. The first of these is peculiar to each State: the second, happily, common to all. In each State, the people have an easy rule of converting the pound of their State into dollars, or dollars into pounds; and this is enough for them, without knowing how this may be done in every State of the Union. Such of them as live near enough the borders of their State to have dealings with their neighbors, learn also the rule of their neighbors; thus, in Virginia and the Eastern States, where the dollar is 6s. or  $\frac{3}{10}$  of a pound, to turn pounds into dollars, they multiply by 10 and divide by 3. To turn dollars into pounds, they multiply by 3, and divide by 10. Those in Virginia who live near to Carolina, where the dollar is 8s. or  $\frac{4}{10}$  of a pound, learn the operation of that State, which is a multiplication by 4, and division by 10, *et e converso*. Those who live near Maryland, where the dollar is 7s. 6d. or  $\frac{3}{8}$  of a pound, multiply by 3, and divide by 8, *et e converso*. All these operations are easy, and have been found, by experience, not too much for the arithmetic of the people, when

they have occasion to convert their old Unit into dollars, or the reverse.

2. As to the Unit of the Financier; in the States where the dollar is  $\frac{3}{10}$  of a pound, this Unit will be  $\frac{5}{24}$ . Its conversion into the pound then, will be by a multiplication of 5, and a division by 24. In the States where the dollar is  $\frac{3}{8}$  of a pound, this Unit will be  $\frac{25}{96}$  of a pound, and the operation must be to multiply by 25, and divide by 96, *et e converso*. Where the dollar is  $\frac{4}{10}$  of a pound, this Unit will be  $\frac{5}{18}$ . The simplicity of the fraction, and of course the facility of conversion and reconversion, is therefore against this Unit, and in favor of the dollar, in every instance. The only advantage it has over the dollar, is, that it will in every case express our farthing without a remainder; whereas, though the dollar and its decimals will do this in many cases, it will not in all. But, even in these, by extending your notation one figure further, to wit, to thousands, you approximate to perfect accuracy within less than the two-thousandth part of a dollar; an atom in money which every one would neglect. Against this single inconvenience, the other advantages of the dollar are more than sufficient to preponderate. This Unit will present to the people a new coin, and whether they endeavor to estimate its value by comparing it with a Pound, or with a Dollar, the Units they now possess, they will find the fraction very compound, and of course less accommodated to their comprehension and habits than the dollar. Indeed the probability is, that they could never be led to compute in it generally.

The Financier supposes that the 1-100 part of a dollar is not sufficiently small, where the poor are purchasers or vendors. If it is not, make a smaller coin. But I suspect that it is small enough. Let us examine facts, in countries where we are acquainted with them. In Virginia, where our towns are few, small, and of course their demand for necessities very limited, we have never yet been able to introduce a copper coin at all. The smallest coin which anybody will receive there, is the half-bit, or 1-20 of a dollar. In those States where the towns are larger and more populous, a more habitual barter of small wants, has called for a copper coin of 1-90, 1-96, or 1-108 of a dollar. In England, where the towns are many and populous, and where ages of experience have matured the conveniences of intercourse, they have found that some wants may be supplied for a farthing, or 1-208 of a dollar, and they have accommodated a coin to this want. This business is evidently progressive. In Virginia, we are far behind. In some other States, they are further advanced, to wit, to the appreciation of 1-90, 1-96, 1-108 of a dollar. To this most advanced state, then, I accommodated my smallest coin in the decimal arrangement, as a *money of payment*, corresponding with the *money of account*. I have no doubt the time will come when a smaller coin will be called for. When that comes, let it be made. It will probably be the half of the copper I suppose, that is to say, 5-1000 or .005 of a dollar, this being very nearly the farthing of England. But it will be time enough to make it, when the people shall be ready to receive it.

My proposition then, is, that our notation of money shall be decimal, descending *ad libitum* of the person noting; that the Unit of this notation shall be a Dollar; that coins shall be accommodated to it from ten dollars to the hundredth of a dollar; and that, to set this on foot, the resolutions be adopted which were proposed in the notes, only substituting *an inquiry into the fineness of the coins* in lieu of *an assay of them*.

Annapolis May 9, 1784

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MOTION ON STEUBEN.<sup>1</sup>

c.c.

[April 13, 1784]

Congress having been made sensible that Major Genl. Baron de Steuben when he left Europe to enter into the service of America, independantly of other sacrifices, relinquished offices of very considerable income & honour and that unless he can receive the Monies due to him from these states, his return from their service will be to a Situation distressing to himself dishonourable to them & discouraging to others in future:

Resolved that the proper officers proceed to the liquidation of the Monies due from these states to Maj<sup>r</sup> Gen<sup>l</sup> Baron de Steuben: that the financier paid to him — dollars in part thereof that he Superintendant of finance report to Congress his opinion of

<sup>1</sup> A committee of Congress brought in a report on Steuben April 13th, which was not adopted. His case was again considered April 15th; and some time during the discussion this motion was made.

the most speedy & practicable efficacious means of procuring & paying the same either here or in Europe; that Baron Steuben be assured that Congress will adopt these or such others, as shall appear most proper and effectual for doing him that justice which the peculiarity of his case authorise for his own accommodation in the mean time he be presented with ten thousand dollars for the immediate delivery of which the financier will take order

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NOTES ON THE PERMANENT SEAT OF CONGRESS.<sup>1</sup> J. MSS.

[April 13, 1784]

North River—recommended for the permanent seat of Cong<sup>s</sup> chiefly by its security against foreign danger.

Falls of Potomac—By 1. geographical centrality—2. proximity to Western Country already ceded—3. inducement to further cessions from N. C. S. C. & Georgia. 4. remoteness from the influence of any overgrown commercial city.

Falls of Delaware—By 1. centrality with regard to number of inhabitants. 2. centrality as to n<sup>o</sup> of States & of Delegates. 3. facility of obtaining intelligence from sea.

Temporary seat of Congress—

Princeton—in favor of it, 1. its neighbourhood to

<sup>1</sup> Probably used during the discussion of this question in Congress, April 13, 1784. Cf. *Journals*.

the Permanent seat, 2. inconveniency of a removal. 3. beneficial effect of a frugal situation of Cong<sup>s</sup> on their popularity throughout the States. 4. the risque in case of removal from Princeton of returning under the commercial & corrupt influence of Philad<sup>a</sup>—against it—1—unfitness for transacting the public business—2. deficiency of accomodation, exposing y<sup>e</sup> members attending members to the danger of indignities & extortions, discouraging perhaps the fittest men from undertaking the services & amounting to a prohibition of such as had families from which they would not part. 3 Trenton. arg<sup>ts</sup> in favor & ag<sup>st</sup> it similar to those respecting Princeton. It was particularly remarked that when the option lay between the President & committee between Trenton & Princeton the latter was preferred as least unfit to receive Cong<sup>s</sup> on their removal from Philad<sup>a</sup>

Philad<sup>a</sup> In favor of it. 1. its infinite-unrivald conveniency for transacting the public business, & accomodating Congress. 2 its being the only place where ~~the~~ all the public offices, particularly that of Finance could be kept under the inspection & controul of, & proper intercourse with Cong<sup>s</sup> 3 its conveniency for F. Ministers, to which, *cæteris paribus*, some regard would be expected. 4 the circumstances which produced a removal from Philad<sup>a</sup> which rendered a return expedient as soon as the insult had been expiated, expedient for supporting in the eyes of foreign nations the appearance of internal harmony, and preventing an appearance of resentment in Cong<sup>s</sup> ag<sup>st</sup> the state

of P<sup>a</sup> or city of Philad<sup>a</sup> an appearance which was very much strengthened by some of their proceedings at Princeton—particularly by an unnecessary & irregular declaration not to return to Phi<sup>a</sup>. In addition to these overt reasons, it was concluded by sundry of the members who were most anxious to fix Cong<sup>s</sup> permanently at Georgetown the falls of Potowmac that a temporary residence in Philad<sup>a</sup> would be most likely to endeavor prepare a sufficient number of votes ~~in favor of Philadep~~ for that place in preference to the Falls of Delaware ~~for the permanent~~, and to produce a reconsideration of the vote in favor of the latter ag<sup>st</sup> Philad<sup>a</sup> were alleged. 1. the difficulty & uncertainty of getting away from it at the time limited. 2. the influence of a large commercial & wealthy city on the public councils. In addition to these objections, the hatred ag<sup>st</sup> Mr. M. and hope of accelerating his final resignation were latent motives with some, as perhaps envy of the prosperity of Philad<sup>a</sup> ~~might be~~ and dislike of the support of P<sup>a</sup> to obnoxious recommendations of Cong<sup>s</sup> were with others.

Annapolis. In favor of it, 1<sup>st</sup> its capacity for accommodating Cong<sup>s</sup> and its conveniences for the public business. 2. the soothing tendency of so Southern a position on the temper of the S. States. Ag<sup>st</sup> it, 1<sup>st</sup> the preposterousness of taking a temporary station so distant from the permanent seat fixed on, especially as better accommodations were to be passed by at Philad<sup>a</sup> which was not less than  $\frac{1}{4}$ ths of the distance from the Permanent Seat



2<sup>d</sup> the peculiar force such a step would give to the charge ag<sup>st</sup> Cong<sup>s</sup> of being swayed by improper motives. Besides these considerations it was the opinion of some that way—a removal of Cong<sup>s</sup> to Annapolis would inspire Maryland with hopes that w<sup>d</sup> prevent a co-operation in favor of Georgetown, & favor the commerce of that State at the expence of Virginia.

1. It requires 9 states to appropriate money, and only 7 to adjourn. There cannot therefore be buildings erected at Georgetown without the concurrence of 9 states, a number which I fear we shall never obtain. Yet if the buildings were erected, 7 could adjourn us there, & this number is within hope, but not within certainty.

Obj. It is then but a speculation by which the state may throw away 15000 Dollars.

Ans. True. But this is the extent of their loss.

Their possible advantages will be

- Common to all the States. {
1. The firmness & tone which will be given to the federal government by fixing it's administration more nearly central.
  2. The placing the federal council within reach of the Western states, & thereby cementing them to it's Eastern part.
  3. Securing the seat of federal govmt from sudden enterprize without expensive works or establishments.
  4. Adjacence to two states from the one or the other of which a protection may generally be expected.

- |                                |   |  |
|--------------------------------|---|--|
| Common to<br>Southern States.  | } | <ol style="list-style-type: none"> <li>1. Drawing the federal fleets into the bay of Chesapeak.</li> <li>2. Bringing the federal administration nearer to the Southern States.</li> <li>3. Rendering an attendance in Congress more convenient to Southern members, and by thus removing obstacles, increase the chances for inducing the best men into the office.</li> </ol>   |
| Common to Virga &<br>Maryland. | } | <ol style="list-style-type: none"> <li>1. Attracting foreigners, manufacturers and settlers to the two States of Virga &amp; Maryland.</li> <li>2. Attracting commerce to them.</li> <li>3. Throwing a very large sum of Money annually into circulation which will be divided between them.</li> <li>4. Preferment of their citizens to <del>poss<sup>n</sup></del> of honour profit &amp; Power to the federal administration.</li> <li>5. The advantages of a favorable biass in the Executive officers.</li> </ol> |
| Peculiar to<br>Virginia.       | } | <ol style="list-style-type: none"> <li>1. The establishment of Alexandria on a par with Baltimore as a secondary place of commerce.</li> <li>2. Leaving Norfolk in possession of all the advantages of a primary emporium. Add to these that the £100.000 offered by Virginia will never be accepted.</li> </ol>   |

	Phila.	Trenton.	George Town 146 from P.
N. Hampshire	429	399	575
Massachusetts	365	335	511
Rhode Island	317	287	463
Connecticut	245	215	391
N. York	97	67	243
N. Jersey	30	o   1303 2805	176
Pennsylva	o   1483 2595	30	146
Delaware	30	60	116
Maryland	144	174	o   2621 1837 784
Virginia	280	310	134
N. Caroli	427	457	281
S. Caroli	797	827	651
Georgia	917	947	771

RESOLUTIONS FOR THE LEGISLATURES OF MARYLAND  
AND VIRGINIA.<sup>1</sup>

J. MSS.

[April 13, 1784]

Resolved that the Governor be desired to propose to the state of Maryland to concur with this Commonwealth in erecting buildings for the immediate accomodation of the Congress of the United States on the lands on Potowmac offered to be ceded to them by these two states, & particularly on such parts of them as they shall have reason to believe will be most agreeable to the Congress, the expence of which buildings with the purchase of the ground shall not exceed thirty thousand dollars to be advanced from time to time, as it shall be wanting, by

<sup>1</sup> Probably drafted while the question of the national capital was under discussion.

the said states in equal portions: which advances on the part of this Commonwealth the Treasurer is hereby authorized & required to make on warrants from the Auditors according to the established forms of his office.

Resolved that three Commissioners be appointed by joint balot of both houses of Assembly, to act with Commissioners or other persons appointed or to be appointed on the part of the state of Maryland, who shall have powers to purchase sufficient ground to agree on the buildings necessary to be erected, to have them erected without delay, to call for & to apply Monies by way of paiment or of advance for the same, and to tender the said buildings to Congress for the sole purpose of their general & of their personal accomodation.

Resolved that to prevent any difficulties or delays which might be produced by doubts in what manner the said Commissioners when assembled shall vote, it be proposed to the State of Maryland that they shall proceed to business always with an equal number (not less than two) from each state, that, so constituted, they shall be considered as forming one Committee, every member whereof shall have one vote and no more and that if at any time they shall be divided on any question which may be likely to delay the said work, they shall state the same in writing to the delegates of the two states, in Congress, who concurring by a Majority of their respective members present shall decide the same.

## RESOLVE ON CONTINENTAL CONGRESS

J. MSS.

[April 14, 1784?]

1. Resolved that the object of the several states in appointing delegates to meet in General Congress, being that they may therein proceed transact for the good of their states several of the Union in general and their state in particular, those matters which the Confederation has submitted to the direction of Congress, the said delegates ought to be invested in the place where they may be sitting with such privileges and exemptions immunities as will leave them in cover them from molestation and disturbance, and leave them in freedom & tranquility to apply their whole time and attention to the objects of their delegation.

2. That territory and exclusive jurisdiction in & about the place of their session is not necessary to attain these ends and would subject them to avocations from their proper objects.

3. That the legations which have been practised among long experience has led the civilized nations of Europe have led to a long course of experience to an ascertainment of those privileges and immunities which are necessary for the free exercise of their functions which may enable the representative of an independent nation exercising high functions within another that they may to do the same unawed and undisturbed and that therefore the privileges and immunities annexed by the law and usage of nations to such characters to these legations should be allowed to the Congress of the United States collectively and to their members individu-

ally by the laws of the states in and adjacent to which they may be sitting, and should be secured in their continuance by sufficient sanctions.

4. That legal provision should also be made for protecting and vindicating those privileges and immunities to which foreign ministers & others attending on Congress are entitled by the law of nations.

5. That Congress will rely on the honour and affection of the states in and adjacent to which they may be sitting as a security that measures shall ~~always~~ be provided for preventing violations of their rights ~~when foreseen~~ before stated in general and duly punishing them when arising too suddenly for prevention.

6. That the United States should be made capable of acquiring & holding in perpetuum such grounds and buildings in and about the place of their session of Congress as may be necessary for the transaction of business by their own ~~for their~~ body, their committees & officers ~~for the transaction of business~~ and that each state should be made capable of acquiring and holding in perpetuum such grounds and buildings as they may at any time think proper to acquire & erect for the personal accomodation of their delegates: and that all these grounds and buildings before mentioned ~~so long as they shall be~~ so long as Congress or a Commee of the states shall be resident at such place ~~shall~~ should be exempt from taxation.

7. That as in time of war the enemies of these states might employ emissaries and spies to discover the views & proceedings of Congress ~~Congress~~ that body should have authority within a certain

distance of the place of their session to arrest and deal with as they shall think proper, all persons, not being citizens of any of these states nor entitled to their protection, whom they shall have cause to suspect to be spies.

8. That as the United States in Congress assembled represent the sovereignty of the whole Union, their body collectively and their President individually should on all occasions have precedence of all other bodies & persons.

9. That during the recess of Congress the Committee of the states being left to pursue the same objects & under the same circumstances their body, their members & their President, or chairman should respectively be placed on the same footing with the body the members & the President of Congress respectively.

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TO GEORGE WASHINGTON

J. MSS.

ANNAPOLIS, Apr 16. 1784.

DEAR SIR,—I received your favor of Apr. 8. by Colo. Harrison. The subject of it is interesting, and, so far as you have stood connected with it, has been matter of anxiety to me; because whatever may be the ultimate fate of the institution of the Cincinnati, as in it's course it draws to it some degree of disapprobation, I have wished to see you standing on ground separated from it, and that the character which will be handed to future ages at the head of our revolution may in no instance be compromitted in subordinate altercations. The subject has been at the

point of my pen in every letter I have written to you, but has been still restrained by the reflection that you had among your friends more able counsellors, and, in yourself, one abler than them all. Your letter has now rendered a duty what was before a desire, and I cannot better merit your confidence than by a full and free communication of facts & sentiments, as far as they have come within my observation. When the army was about to be disbanded, & the officers to take final leave, perhaps never again to meet, it was natural for men who had accompanied each other thro' so many scenes of hardship, of difficulty and danger, who in a variety of instances must have been rendered mutually dear by those aids & good offices to which their situations had given occasion; it was natural I say for these to seize with fondness any proposition which promised to bring them together again at certain & regular periods. And this I take for granted was the origin & object of this institution; & I have no suspicion that they foresaw, much less intended, those mischiefs, which exist perhaps in the forebodings of politicians only. I doubt however whether, in it's execution, it would be found to answer the wishes of those who framed it, and to foster those friendships it was intended to preserve. The members would be brought together at their annual assemblies no longer to encounter a common enemy, but to encounter one another in debate & sentiment. For something I suppose is to be done at these meetings, & however unimportant, it will suffice to produce difference of opinion, contradiction & irritation.



The way to make friends quarrel is to put them in disputation under the public eye. An experience of near twenty years has taught me that few friendships stand this test, & that public assemblies, where every one is free to act & speak, are the most powerful looseners of the bands of private friendship. I think therefore that this institution would fail in it's principal object, the perpetuation of the personal friendships contracted thro' the war.

The objections of those who are opposed to the institution shall be briefly sketched. You will readily fill them up. They urge that it is against the confederation—against the letter of some of our constitutions;—against the spirit of all of them—that the foundation on which all these are built is the natural equality of man, the denial of every pre-eminence but that annexed to legal office, & particularly the denial of a preeminence by birth; that however, in their present dispositions, citizens might decline accepting honorary instalments into the order, a time may come when a change of dispositions would render these flattering, when a well directed distribution of them might draw into the order all the men of talents, of office & wealth, and in this case would probably procure an ingraftment into the government; that in this they will be supported by their foreign members, & the wishes & influence of foreign courts; that experience has shewn that the hereditary branches of modern governments are the patrons of privilege & prerogative, & not of the natural rights of the people whose oppressors they generally are: that besides these evils,

which are remote, others may take place more immediately; that a distinction is kept up between the civil & military, which it is for the happiness of both to obliterate; that when the members assemble they will be proposing to do something, & what that something may be will depend on actual circumstances; that being an organized body under habits of subordination, the first obstructions to enterprize will be already surmounted; that the moderation & virtue of a single character has probably prevented this revolution from being closed as most others have been, by a subversion of that liberty it was intended to establish; that he is not immortal, & his successor, or some of his successors, may be led by false calculation into a less certain road to glory:

What are the sentiments of Congress on this subject, & what line will they pursue, can only be stated conjecturally. Congress, as a body, if left to themselves, will in my opinion say nothing on the subject. They may however be forced into a declaration by instructions from some of the states, or by other incidents. Their sentiments, if forced from them, will be unfriendly to the institution. If permitted to pursue their own path, they will check it by side blows whenever it comes in their way, & in competitions for office, on equal or nearly equal ground, will give silent preferences to those who are not of the fraternity. My reasons for thinking this are 1. The grounds on which they lately declined the foreign order proposed to be conferred on some of our citizens. 2. The fourth of the fundamental articles of constitution for the new states. I inclose

you the report. It has been considered by Congress, recommitted & reformed by a committee according to sentiments expressed on other parts of it, but the principle referred to, having not been controverted at all, stands in this as in the original report. It is not yet confirmed by Congress. 3. Private conversations on this subject with the members. Since the receipt of your letter I have taken occasion to extend these; not indeed to the military members, because, being of the order, delicacy forbade it; but to the others pretty generally; and among these I have as yet found but one who is not opposed to the institution, & that with an anguish of mind, tho' covered under a guarded silence, which I have not seen produced by any circumstance before. I arrived at Philadelphia before the separation of the last Congress, & saw there & at Princetown some of its members not now in delegation. Burke's piece happened to come out at that time, which occasioned this institution to be the subject of conversation. I found the same impressions made on them which their successors have received. I hear from other quarters that it is disagreeable generally to such citizens as have attended to it, & therefore will probably be so to all when any circumstance shall present it to the notice of all.

This, Sir, is as faithful an account of sentiments & facts as I am able to give you. You know the extent of the circle within which my observations are at present circumscribed, & can estimate how far, as forming a part of the general opinion, it may merit notice, or ought to influence your particular conduct.

It remains now to pay obedience to that part of your letter which requests sentiments on the most eligible measures to be pursued by the society at their next meeting. I must be far from pretending to be a judge of what would in fact be the most eligible measures for the society. I can only give you the opinions of those with whom I have conversed, & who, as I have before observed, are unfriendly to it. They lead to these conclusions. 1. If the society proceeds according to it's institution, it will be better to make no applications to Congress on that subject or any other in their associated character. 2. If they should propose to modify it, so as to render it unobjectionable, I think this would not be effected without such a modification as would amount almost to annihilation; for such would it be to part with it's inheritability, it's organization, & it's assemblies. 3. If they shall be disposed to discontinue the whole, it would remain with them to determine whether they would chuse it to be done by their own act only, or by a reference of the matter to Congress which would infallibly produce a recommendation of total discontinuance.

You will be sensible, Sir, that these communications are without all reserve. I supposed such to be your wish, & mean them but as materials with such others as you may collect, for your better judgment to work on. I consider the whole matter as between ourselves alone, having determined to take no active part in this or anything else, which may lead to altercation, or disturb that quiet &

tranquillity of mind to which I consign the remaining portion of my life. I have been thrown back by events on a stage where I had never more thought to appear. It is but for a time however, & as a day labourer, free to withdraw, or be withdrawn at will. While I remain I shall pursue in silence the path of right, but in every situation, public or private, I shall be gratified by all occasions of rendering you service, & of convincing you there is no one to whom your reputation & happiness are dearer.

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TO JAMES MADISON

ANNAPOLIS, April 25, 1784.

DEAR SIR,—My last to you on the 16th of March, as was the latest I have received from you. By the proposition to bound our country to the westward I meant no more than the passing an act declaring that that should be our boundary from the moment that the people of the Western country & Congress should agree to it. The act of Congress now inclosed to you will shew you that they have agreed to it, because it extends not only to the territory ceded, but *to be ceded*, and shews how and when they shall be taken into the union. There is nobody then to consult but the people to be severed. If you will make your act final as to yourselves, as soon as those people shall have declared their assent in a certain manner to be pointed out by the act, the whole business is settled. For their assent will follow immediately. One of the conditions is that they pay their quota of the contracted. Of course

no difficulty need arise on this head: as no quota has been fixed on us unalterably. The minuter circumstances of selling the ungranted lands will be provided in an ordinance already prepared but not reported. You will observe two clauses struck out of the report, the 1st respecting hereditary honors, the second slavery. The 1st was done not from an approbation of such honors, but because it was thought an improper place to encounter them. The 2nd was lost by an individual vote only. Ten states were present. The 4 Eastern states N. York, and Penns., were for the clause. Jersey would have been for it, but there were but two members, one of whom was sick in his chambers. South Carolina, Maryland, and !Virginia! voted against it. N. Carolina was divided, as would have been Virginia, had not one of its delegates been sick in bed.

The place at which Congress should meet in Nov. has been the subject of discussion lately. Alexandria, Philadelphia, & Trenton were proposed. The first was negatived easily. Trenton had the 4 Eastern states, N. Y., N. J., & Penns. We expect Georgia & Delaware shortly, in which case it will become possible that Phila. may be determined on. The question is put off to be considered with the establishment of a com. of the states, which, to my astonishment, would have been negatived when first proposed had not the question been staved off. Some of the states who were against the measure, I believe, because they had never reflected on the consequences of leaving a government without a head, seem to be come over.

Dr. Lee is appointed an Indian com. He is not present, but is known to have sought it, & of course will accept. This vacates his seat here. I wish Short could be sent in his room. It is a good school for our young statesmen. It gives them impressions friendly to the federal government instead of those adverse which too often take place in persons confined to the politics of their state.

I like the method you propose of settling at once with Maryland all matters relative to Potowmac. To introduce this more easily, I have conversed with Mr. Stone (one of their delegates) on the subject & finding him of the same opinion, have told him I would by letters bring the subject forward on our part. They will consider it therefore as originated by this conversation.

*Mercer is 604 ing a very 590. or 745 part. He is a candidate for the 188 [secretary?] ship of foreign 575 [affairs?] and tho he will not get the vote of one state I believe he expects the appointment. He has been endeavoring to defeat all foreign treaties to force the nations of Europe to 400. 255 treat here that he may have the execution of 238. 789. 243. 926. 523. this 467, 364 tho he 960. not 374 the vote of his state. He intrigued with a 312. 730 1017 ol from wes 66 & an old one from New York 890 424 [?] them to divide their state by voting in the 1095 and there being but 586 states present one of which was 728 before to be divided the 467 set of 99 were re 921. 278. 539. 359 tho approved by twenty-one out of twenty-five members the 467 364 has been in the 895. 565. for a month and whether it can be resumed & 835 depends on the*

uncertainty of 160 or 343 coming on. *Vanity & ambition* [?] seem to be the 398 *ing passion* of this 312 730. *man* and as *his* 898 are in 818. *re* as also are *his mean intrigue* is a *principal one* on 820 47 as *party attachment* is in the *able his* 6 now about *one* 760 of the *time of Congress to himself & in conversations with Read*, 651, 746, 776. 14. 364. *inconceivable that* 823. the 794 is *col* 66 & no otherwise of *Ken[tucky?]* than as by *his vote* 24 can *divide his state*.

The more I reflected on your proposition for printing the Revisal, the more I have liked it. I am convinced too from late experiments it cannot be passed in the detail. One of the Eastern States had their laws revised and then attempted to pass them through their legislature, but they got so mangled that all consistence was destroyed, & I believe they dropped them altogether. Should this be printed, I will ask you to send me half a dozen copies wherever I shall be.

Would it not be well for Virginia to empower persons privately to buy up her quota of old Continental Money. I would certainly advise this were I not afraid that the possession of her quota on such easy terms would tempt her to refuse justice to the other states on this matter. For surely there would be no justice in wiping off her part of this debt by so much smaller a contribution than the others. If she would avail herself of it only to shield herself against injustice and to enable her from a high ground to declare & do what is right, I should much wish to see her adopt secret measures for the purchase. I think some other states will do thus & fear with unjust



views. You know that many gentlemen of this state had money in the hands of merchants in England. I am well informed that these merchants have uniformly refused to pay them interest, saying the money was always ready if they would have called for it. This adds another to the many good reasons we had before against paying interest during the war. \* \* \*

Congress hope to adjourn by the last of May. The estimate and requisitions for the year, the arrangements for the land office, and foreign treaties, are subjects they will endeavor to complete. Vermont is pressed on them by New York, and a day declared beyond which they will await no interposition, but assert their right of government. The Chevalier Luzerne has taken his leave of us. He makes a tour to the lakes before he leaves the continent. Marbois acts as chargé des affaires till the arrival of a successor. \* \* \*

April 30. A London ship is arrived here which left that port the 25th March. Pitt was still in place, supported by the King, lords, and nation in general, the city of London enthusiastically in his favor. Still there was a majority of twelve in favor of Fox, who was supported by the Prince of Wales. It was thought that parliament would be dissolved. Congress has determined to adjourn on the 3d June to meet in November at Trenton. Adieu.

REPORT ON MERCER <sup>1</sup>

[April 27, 1784.]

The commee &amp;c

having agreed to the following resolution.

Resolved that the Superintendant of finance be directed to take order for the paiment of 333½ Dollars to the guardian of Hugh Mercer son of the late General Mercer for one year's education & maintenance.

DRAFT OF "AN ORDINANCE ESTABLISHING A LAND OFFICE  
FOR THE UNITED STATES" <sup>2</sup> c. c.

[April 30, 1784.]

Be it ordained by the United States in Congress assembled, that the territory ceded by individual States to the United States, when the same shall have been purchased of the Indian inhabitants, & laid off into States, shall be disposed of in the following manner. It shall be divided into Hundreds of ten

<sup>1</sup> Endorsed: "No. 20. Resolu of Com<sup>ee</sup> Mr. Jefferson, Mr. Sherman, Mr. Gerry. On a Motion of Mr. Jefferson. Pass'd April 27<sup>th</sup> 1784. Allowance to H. Mercer—son of Gen<sup>l</sup> Mercer."

<sup>2</sup> Endorsed: "Report of Mr. Jefferson, Mr. Williamson, Mr. Howell, Mr. Gerry, Mr. Read. An Ordinance for ascertaining the mode of locating & disposing of Lands in the Western territory. Read April 30, 1784. Friday May 7, assigned."

On May 7th, according to the *Journals of Congress*, this was reported and "read a first time," and "Monday next assigned for the second reading." No further mention of it is made till May 28th, when it was called for, but a motion to consider it was carried in the negative, not a single state voting in its favor. It was not again considered till March 4, 1785, when it was read, and ordered for a second reading. It was then referred to a committee, who, on April 14th, reported an entirely new Ordinance, printed in the *Journals* under April 26, 1785.

This ordinance was printed as:

*An Ordinance for ascertaining the mode of locating and disposing of lands in the Western Territory.* / Folio. 2 leaves.

geographical miles square, each mile containing 6086 feet and four tenths of a foot, by lines to be run & marked due North & South, & others crossing these at right angles, the first of which lines, each way, shall be at ten miles distance from one of the corners, of the State within which they shall be. But if the Indian purchase shall not have included any one of the corners of the state, the lines shall then be run at the termination of integral miles as measured from some one of the corners, but shall be extended, by actual marks, only so far as the purchase extends. These Hundreds shall be subdivided into lots of one mile square each, or 850 acres and four tenths of an acre by marked lines running in like manner due North & South and others crossing these at right angles.

For laying off the said territory, Surveyors shall be appointed by Congress, or the Committee of the States, who shall proceed forthwith, under the direction of the Register hereafter to be mentioned, to divide the same into hundreds, by lines in the directions, & at the intervals before mentioned, which lines shall be measured with a chain, shall be plainly marked by Chops, or marks on the trees & shall be exactly described on the plat, whereon shall be noted at their proper distances, all watercourses, mountains & other remarkeable & permanent things over or near which such lines shall pass.

The Hundreds being laid off and marked, nine of them shall be assigned as a district to each surveyor, who shall then proceed to divide each Hundred of his district into lots as before directed,

beginning with the Hundreds most in demand, and measuring, marking & platting the said dividing lines thereof in the manner before directed for the Hundreds, save only that the lines of the lots shall be distinguished by a single mark on each tree, and those of the hundreds by three marks. And that the sd lots may be capable of more accurate description and distinction from each other, those in every Hundred shall be designated by the numbers in their order from 1. to 100, beginning at the Northwestern lot of the Hundred & applying the numbers from 1 to 10. to the lots of the first row from West to East successively, those from 11 to 20, to the lots of the second row from West to East & so on. The surveyors shall pay due & constant attention to the variation of the magnetic meridian, & shall run & note all lines by the true meridian, certifying with every plat what was the variation at the time of running the lines thereon noted.

A Register shall be appointed by Congress for each of the states within which the said territory shall lie, who shall keep his office within the said state, be resident at it himself & provide a seal for authenticating it's acts, to him returns shall be made by the several surveyors on the last days of March & August in every year, of the plats of all lines, measured & marked by them in the preceding half year, to be by him collated, and reduced into a general map of the whole state for which he acts. He shall annually, to wit, on the first Monday in November of every year, deliver, or cause to be delivered to the Secretary of Congress, a copy of

such portions of the said general map as shall have been formed, or further filled up, during the preceeding year, retaining one in his own office for the use thereof. He shall have power to suspend any surveyor for negligence or malversation, making report thereof to Congress, or a Committee of the states, that they may direct a proper enquiry.

Each Register shall cause to be printed under such devices, difficult of imitation, as he shall think best, warrants, each of which shall give right to one lot of a mile square described as before directed: and other warrants for each of the said states which shall give right, each of them, to one of the Hundreds of ten mile square as before described. These warrants shall have blanks for names & dates, shall be numbered and signed by the Register, sealed with the seal of his office & shall be cut with indentures from a book, the margin of which shall be numbered in correspondence with the warrant cut therefrom, & which shall be preserved in the office as a further check. The sd warrants shall be deposited in the Treasury of the United States, and the Treasurer thereon debited with them, from thence they shall be sent in such numbers as the Register issuing them shall direct, to the Commissioner of the loan office for the United States in each of the states with in the Union, the Treasurer countersigning them on parting therewith & having a credit duly entered in his own account with the United States, & a debit against the loan officer to whom they are sent.

Any person, chusing to become a purchaser of

lands within the said territory & paying to the Treasurer or loan officer, the sum of       dollars, shall receive in lieu thereof one of the sd smaller warrants entitling him to a lot, on paying       dollars, shall receive in lieu thereof one of the said larger warrants entitling him to a whole Hundred within the State from which the warrant issued; the Treasurer or loan officer inserting the name of the purchaser in the proper blank, filling up the date, & attesting the warrant by his own subscription. Loan Office certificates, reduced to their specie value by the scale of depreciation on certificates of liquidated debts of the United States, shall be receivable for the sd. warrants in lieu of money; and evidences of military rights to lands herein after to be described, shall be receivable instead of the price itself of so much land.

~~These warrants shall pass by descent or decree as real property.~~

These warrants shall pass as lands, by descent or devise, but not by assignment nor by survivorship.

The owner of any warrant proceeding to locate the same, shall deliver it to the Surveyor of the district, wherein his location is to be, describing to him the particular lot on which he places it, or the Hundred, if it be a warrant for a hundred, by a designation of some point, either natural or artificial, within the said lot or Hundred, so singular & certain as may be adapted to no other lot or Hundred or by reference to the position of the Hundred, or number of the lot, which description the surveyor shall immediately enter in a book well bound, with the

date of the entry describing the warrant located thereon by its number, date, signatures & name of the original owner and leaving no blank space or leaf between that & the preceeding entry, nor any margin by its side. If the location be made before the lot or hundred be yet laid off by lines actually new & marked, the Surveyor shall retain the warrant in his hands until the Hundred, if it be for a Hundred, or until all the lots of the Hundred, if it be for a lot, shall be actually laid off by marked lines: and then, or at the time of the entry, if the lines were marked before the entry was made, having satisfied himself by proper evidence or by his own inspection & examination, on what particular lot, or on what Hundred the location is, and that there has been no previous location on the same he shall give to the party a certificate, describing the lot or Hundred so specially as that it may be known from all others, by particular marks or circumstances, natural or artificial by stating the order or position of the Hundred relatively to the boundaries of the State, and specifying the lot by it's number: with which certificate he shall return the warrant also to the party. These being delivered to the Register, & the warrant examined, & found genuine by him, he shall give a receipt for the same, and in due time proceed to execute a grant of the land in the following form. "A. B. register of the land office of the United States within the State of —— to all to whom these presents shall come, greeting. Know ye that for good consideration there is granted by the United States of America unto C. D. a certain lot [or Hundred

of land as the case shall be, describing it from the certificate] within the said State of —— to have & to hold the said lot, [or Hundred] of land, with its appurtenances, to him the sd C. D. & his heirs for ever. In witness whereof the sd A. B. register of the land office of the sd State hath hereunto set his hand, and caused the seal of this office to be affixed, this —— day of —— in the year —— and of the independance of the United States the —— which grant shall be entered of record, at full length, in good, well bound, books to be provided for that purpose, at the expense of the United States, & kept by the Register, and being so entered, shall be certified to have been registered, & then be delivered to the party or his order. Different lots adjoining side by side within the same Hundred, may be included & passed by the same grant; but separate lots & lots in different Hundreds, as also different Hundreds, shall be passed by different grants, no fractions of a lot shall be granted, unless where such fractions are occasioned by the boundary of the State, or of the Indian conveyance, until a temporary Government shall be established in any State according to the resolutions of Congress of April —— 1784. The lands therein shall pass, in descent & dower according to the customs known in the common law by the name of Gavelkind; and shall be transferrable by deed or will proved by two witnesses, but so soon as a temporary Government shall be so established they shall become subject to the laws of the State, & shall never after, in any case, revert to the United States. Where a grant shall



be made out to the heir or devisee of the person in whose name the warrant was originally issued, he shall be named in the sd grant as heir or devisee.

For preventing hasty, & surreptitious titles, the Register shall execute no grant for lands until the warrant & certificate delivered him for the same shall have remained in his office        months, at any time within which period any person, claiming the same lands under a prior location, shall be at liberty, to enter a caveat, with the Register, against the execution of any grant to the other, setting forth in the entry a copy of the location under which himself claims. The Register shall thereupon issue a Summons, reciting the entry made with him & calling the defendant to appear at a certain time & place, in defence of his right, which Summons being served, & the parties appearing he shall refer the decision to three arbitrators to be chosen by them, or if they cannot agree, then to three intelligent honest & indifferent persons to be named by himself; which arbitrators being first sworn to do justice between the parties according to the best of their knowledge and abilities by the Register who is hereby authorized to administer such oath, shall proceed thereon, at such times & places, as they shall appoint, giving notice thereof to the parties, & their award being rendered, the Register shall execute a grant to the plaintiff or defendant, conformably therewith. The party whose location is annulled shall be authorized to receive again his warrant, & to locate it on other lands. If the defendant, being summoned, or the plaintiff, fails to appear by himself or another before

the Register on the day appointed the Register may give a further day, or in his descretion may proceed on the evidence before him to execute a grant to the party having the right. If the defendant fails to appear, & there be no sufficient proof that the Summons has been served, the Register shall issue a new Summons, unless it shall be proved that he hath been sought at the usual place of his dwelling & hath not been found in which case the Summons shall be advertised three times in some gazette of the State wherein he then resides or last was known to reside giving a new day of appearance, which shall not be within less than            months after the date of the last third publication, and on his failing to appear at that day, the Register shall proceed to decision. But in case of a decision against the defendant, where there was no actual service of the Summons, he shall be allowed at any time, within one year after such decision a rehearing before arbitrators to be appointed & qualified as directed in the case of an appearance. But on such rehearing the mere right alone shall be tried.

The Register together with the map before directed to be delivered annually to the Secretary of Congress, shall report a Calendar of all grants executed by him, stating in different columns thereof the date, grantee, quantity, how much of that was for military service, the Hundred, & Lot. The monies arising from the sale of warrants shall be applied to the sinking such part of the principal of the National debt as Congress shall from time to time direct & to no other purpose whatsoever.

The Register, before he enters on the duties of his office, shall give such bond & security for the faithful discharge thereof as Congress, or the Committee of the states, shall approve, and shall be entitled to receive, for the execution of every grant,

dollar, for every Lot the same shall contain or dollars if it be for a whole Hundred; which shall be paid at the time he receives the warrant & certificate, & shall be deemed satisfaction for all the services & expenses of his office, except the purchase of books for registering grants & of the seal of his office.

Every Surveyor shall also, before he enters on the duties of his office give such bond and security for the faithful discharge thereof as Congress, or the Committee of the states shall approve & shall be entitled to receive for every Lot located with ~~him~~ dollars and dollars for a whole Hundred which shall be paid at the time of location, & shall be deemed satisfaction for all the services & expenses of his office. But where he shall have admitted more location than one on the same land he shall restore the fees received from the party whose location shall be set aside.

A surveyor desiring to locate lands for himself shall make such location with the Register.

And whereas Congress by their resolutions of Sep. 16. 1776 & Aug. 12, 1780 stipulated grants of land to the officers & souldiers who should engage the service of the United States, and continue therein to the close of the war or until discharged by Congress & to the representatives of such officers &

souldiers as should be slain by the enemy, in the following proportions, to wit, to a Major General 1100 acres, to a Brigedier 850, to a Colonel 500, to a L<sup>t</sup> Colonel 450, to a Major 400, to a Captain 300, to a Lieutenant 200, to an Ensign 150, & to a non-commissioned officer or souldier 100. For complying therefore with such stipulation, & for ascertaining the evidence of rights accruing under the same which shall be receivable instead of money, it is ordained that the evidence to be required from commissioned officers shall be a certificate from the War office of their rank and continuance in service to the end of the war & from non commissioned officers & souldiers a certificate from the captain of their Company, countersigned by the officer who commanded ~~commanding officer~~ of their regiment at the time of their discharge, that they were enlisted into the service of the United States, during the war, & continued therein to the close of it to wit, to the day of 1783 & from the representatives of such officers & souldiers as were slain by the enemy, a certificate, from the same authority of the rank, or term of enlistment of the deceased, & that he was slain by the enemy, together with satisfactory affidavits that they are his representatives: which evidences shall be receivable by the treasurer Loan officer of the United States in the state to the line of which he belonged, or by the Treasurer if he belonged to the line of no state: and on the warrant issued shall be an endorsement signed by the Treasurer or Loan officer declaring the proportion thereof which was satisfied by military service; and in the

same proportion shall all fees be abated to which that warrant would otherwise be subject. The proceedings on it in all other respects shall be the same as on a warrant issued wholly for money.

Saving and conforming always to all Officers & souldiers entitled to lands on the Northern side of the Ohio, by donation or bounty from the commonwealth of Virginia & to all persons claiming under them all rights to which they are so entitled by the laws of the said state & the acts of Congress accepting the cession of Western territory from the sd state.

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TO THE GOVERNOR OF VIRGINIA

V. S. A.

(BENJAMIN HARRISON)

ANNAPOLIS Apr. 30: 1784

SIR,—I do myself the honor of inclosing you an act of Congress on the subject of Western territory as passed a few days ago. The Ordinance for opening the land office so soon as our purchases are made from the Indians is not yet passed. I also inclose a copy of the estimate & requisitions of the year as they passed Congress. This however you will shortly receive from the President officially. Congress have determined that they will adjourn on the 3<sup>d</sup> of June to meet at Trenton in November. Virginia, Maryland & Pennsylvania gave each certain powers to Congress to enable them to counteract the British commercial measures. But these powers were all different. A recommendation is therefore now under consideration proposing to the states to give a uniform

power for a given term of years which may enable Congress to make it the interest of every nation to enter into equal treaties with us. This I think will be ready by the next post. The Cheval<sup>r</sup> Luzerne has notified his leave to return home & that Mons<sup>r</sup> de Marbois will act as chargé des affaires till a successor arrives. We begin to hope that the bills of the financier threatened with protest have been taken up. The ground of our hope is the length of time elapsed without hearing of their ultimate protest. A vessel arrived here two days ago which left London the 25<sup>th</sup> of March. She brings papers to the 20<sup>th</sup>. Pitt was still in place, supported by the king, H. of Lords, the city of London, E. India Company & the nation in general, who were sending addresses from all parts of the Crown in his favor. The Grocers Company having presented him with the freedom of their body & given him an entertainment, the city was illuminated, and the windows of the opposition who would not illuminate were broken. Still the opposition returned a majority of 12 in the H. of Commons who kept all the wheels of government suspended. It was in Mr. Pitt's power to secure himself at any time by admitting a coalition but this would seem to shift him on the very ground which had shaken his adversaries. It was believed that parliament would be dissolved. They had continued the king's power over our commerce six months longer.

TO HORATIO GATES <sup>1</sup>

ANNAPOLIS, May 7th, 1784.

DEAR GENERAL,—I received by the last post your favor of the 27th Ult. and am obliged for the communication therein. The ferment on the subject of your society seems just becoming general. They write us from Virginia that it works high there, and that the division is precisely into civil and military. We will not presume to send foreign news from Annapolis to Philadelphia. Congress expects to adjourn on the 3d of June. They have passed the estimate and requisitions for the year, and some recommendations to the states to vest Congress with such much power over their commerce as will enable them to retaliate on any nation who may wish to grasp it on unequal terms; and to enable them if it should be found expedient to pass something like the British navigation act. You say [*sic*] in the public papers a report of a committee, erroneously said to be an act of Congress, for dividing the Western country into new states. That report was recommitted, the paragraphs of names struck off, the principles of government somewhat varied & the act then passed. Foreign treaties of commerce occupy us at present. I am not yet fixed as to the time of my coming to Philadelphia, tho' think it will not be long [after the] first.

<sup>1</sup> From the original in the possession of Dr. Thomas Addis Emmet of New York.

REPORT ON CONTINENTAL BILLS OF CREDIT <sup>1</sup>

[May 7, 1784.]

The Grand Committee. To whom was referred a Letter of the Governor of Massachusetts of the 28<sup>th</sup> of October 1783 relative to the Continental Bills of Credit of the old Emissions, submit the following.

Resolved.

That all sums of Continental bills of credit *paid by or to any State* on account of the United States shall be credited or debited in account according to the specie value of such bills at the time of payment, as settled by the legislature of the same state in their table of depreciation formed for the use of their state: and where none such has been formed, an average shall be taken from those of the states adjoining wherein such tables have been formed, on which payments an interest shall be allowed at the rate of 6 per centum per annum from the time of payment.

That all such bills *now in the Treasury* of any state shall be credited to such state at the value they bore in specie at the time they were received by the state, which value shall be settled by a table of depreciation as directed in the preceding resolution for

<sup>1</sup> Endorsed: "No. 88 Report of grand Com<sup>ee</sup> on Old Cont: Money. Ent<sup>d</sup> Read May 17, 1784. Monday 24 May assigned for consideration."

This report, as adopted by Congress, was printed as:

*The Grand Committee to whom was referred / a Letter of the Governor of Massachusetts, of the 28th of Oc- / tober, 1783, relative to the Continental Bills of Credit / of / the Old Emissions, submit the following. / 4to Broadside.*



all the period of time comprehended in such depreciation table and if the sd bills were received after the last day to which such table descends they shall then be credited at the rate at which they were actually purchased or received, or if not purchased or received at any particular rate, then at the market value of such bills within the state at the time, to be estimated on the best evidence which may be obtained, on which sums also a like interest of 6 per cent per annum from the time of receipt shall be allowed, and the affidavit of the Treasurer receiving the sd bills shall be evidence of the time and rate at which they were received.

That all such bills *now in the hands of individuals* shall be redeemed at the same rates prescribed for those in the Treasury of their state. That the holders of such bills shall be at liberty to carry them to the loan officer of the U. S. within their state who shall give them in exchange for the same a certificate expressing the sum in specie which the U. S. owe in lieu thereof & the time from which it bears interest, which time shall be the 1<sup>st</sup> day of April 1781, where the sd bills were received before that day, & when received afterwards the time of their actual receipt. The loan officer shall require from the holder the best evidence of the time of his receiving them which the nature of the case will admit, viz. that of circumstances & disinterested persons where to be had, and where not to be had to his satisfaction, then resorting to the examination of the party himself on oath, & giving thereto so much credit as in his conscience he shall think it deserves: and in

all cases of importance & difficulty shall associate to himself two honest & able persons to assist him in the examination & judgment. These certificates shall be funded & paid as the other debts of the U. S., but no certificate shall be issued for a less sum than twenty specie dollars.

That the Superintendent of finance direct the form & mode of issuing the aforesd certificates, & take order for destroying the Continental bills of credit brought in.

Passed in Commee May. 7. 1784.

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TO THE GOVERNOR OF VIRGINIA

V. S. A.

(BENJAMIN HARRISON)

ANNAPOLIS May 7, 1784

SIR,—The duty of correspondence for the Month being devolved on me, and no authentic intelligence from abroad having been received, I have it in my power to communicate to you only what we get through the channel of the public papers. The inclosed will present to you some of the late debates of the H. of Commons, their address to the king & his answers. These seem to exclude the prospect of accomodation. In my last I inclosed you a copy of the estimate & requisitions for the year, and the act for the division of the Western territories as they had ultimately passed Congress, since that, the resolutions have been passed which have been forwarded to you by the President recommending to the legislatures to invest Congress with certain powers in some cases of commerce. The principles on which

treaties of commerce are to be formed with foreign powers, occupy the attention of Congress at this time. These will then remain for discussion before their adjournment. 1. The opening of their land office. 2. Indian affairs. 3. The Western posts. 4. A proposed arrangement of the treasury on the resignation of Mr. Morris is expected. & 5. A definition of the powers of the Committee of the states.

In your favour of the 23<sup>d</sup> of Apr. you ask at what rate the Loan-office debt is to be discharged? The resolutions of June 28. 1780 which fix the rate of depreciation, declare that the principal of the loans shall be discharged in Spanish dollars according to those rates.

We have had information of the adoption of the impost by every state except Georgia, N. Carolina, New York, Connecticut & Rhode Island. From the three first there is no reason to apprehend any opposition. Connecticut declares itself opposed unless the Commutation can be separated from it. The firmness of Congress on this head will exclude her from every hope of that, and I am informed it is probable she will yield that point & adopt the measure. I have frequently heard the gentleman of Rhode island, to whom the opposition of that state has been generally imputed, declare that Rhode island would never come into the measure of the impost as long as any other state would hold off. That if every other acceded however, she would not solely oppose the will of the whole union, but in that case would yield. The probability is therefore that the

measure will get through all the legislatures in the course of this summer.

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TO THE GOVERNOR OF VIRGINIA

V. S. A.

(BENJAMIN HARRISON)

ANNAPOLIS, May 7, 1784

SIR,—Since my letter of this morning the post has arrived and brought us a letter from Dr Franklin of Mar. 9. He had received a letter from Congress informing him of the reasons of delaying our ratification. He apprehends no difficulty from this circumstance, & the rather as he had received a letter from Mr Hartley dated Mar. 2. (the day before the exchange should have taken place) desiring him he would inform him when the American ratification should arrive, & he would then apply for the British & attend the exchange. Letters this moment received from Holland inform us that the protested bills will be taken up: but by pushing a plan of loan on terms most ruinous and disgraceful: yet less so than nonpayment would have been. This shows the necessity of doing something effectual in the business of supplies.

P. S. Mr Hardy desires me to present his compliments and to inform you that the want of anything material to be added to the intelligence I have communicated prevents him troubling you with a letter.

INSTRUCTIONS TO THE MINISTERS PLENIPOTENTIARY  
APPOINTED TO NEGOTIATE TREATIES OF COMMERCE  
WITH THE EUROPEAN NATIONS <sup>1</sup>

May 7, 1784.

WHEREAS, instructions bearing date the 29th day of October, 1783, were sent to the Ministers Plenipotentiary of the United States of America at the Court of Versailles, empowered to negotiate a peace, or to any one or more of them, for concerting drafts or propositions for treaties of amity and commerce with the commercial powers of Europe:

*Resolved*, That it will be advantageous to these United States to conclude such treaties with Russia, the Court of Vienna, Prussia, Denmark, Saxony, Hamburg, Great Britain, Spain, Portugal, Genoa, Tuscany, Rome, Naples, Venice, Sardinia, and the Ottoman Porte.

*Resolved*, That in the formation of these treaties the following points be carefully stipulated:

1st. That each party shall have a right to carry their own produce, manufactures, and merchandise, in their own bottoms to the ports of the other, and thence the produce and merchandise of the other, paying, in both cases, such duties only as are paid by the most favored nation, freely, where it is freely granted to such nation, or paying the compensation where such nation does the same.

2. That with the nations holding territorial possessions in America, a direct and similar intercourse be admitted between the United States and such possessions; or if this cannot be obtained, then a

<sup>1</sup> Cf. *Secret Journals of Congress*, May 7, 1784.

direct and similar intercourse between the United States and certain free ports within such possessions; that if this neither can be obtained, permission be stipulated to bring from such possessions, in their own bottoms, the produce and merchandise thereof to their States directly; and for these States to carry in their own bottoms their produce and merchandise to such possessions directly.

3. That these United States be considered in all such treaties, and in every case arising under them, as one nation, upon the principles of the federal constitution.

4. That it be proposed, though not indispensably required, that if war should hereafter arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance, and all fishermen, all cultivators of the earth, and all artisans or manufacturers, unarmed and inhabiting unfortified towns, villages or places, who labor for the common subsistence and benefit of mankind, and peaceably following their respective employments, shall be allowed to continue the same, and shall not be molested by the armed force of the enemy, in whose power, by the events of war, they may happen to fall; but if anything is necessary to be taken from them, for the use of such armed force, the same shall be paid for at a reasonable price; and all merchants and traders, exchanging the products of different places, and thereby rendering the

necessaries, conveniences, and comforts of human life more easy to obtain and more general, shall be allowed to pass free and unmolested; and neither of the contracting powers shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading ships, or interrupt such commerce.

5. And in case either of the contracting parties shall happen to be engaged in war with any other nation, it be further agreed, in order to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition and military stores of all kinds, that no such articles, carrying by the ships or subjects of one of the parties to the enemies of the other, shall, on any account, be deemed contraband, so as to induce confiscation, and a loss of property to individuals. Nevertheless, it shall be lawful to stop such ships and detain them for such length of time as the captors may think necessary, to prevent the inconvenience or damage that might ensue, from their proceeding on their voyage, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall be further allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But if the other contracting party will not consent to discontinue the confiscation of contraband goods, then that it be stipulated, that if the master of the vessel stopped,

will deliver out the goods charged to be contraband, he shall be admitted to do it, and the vessel shall not in that case be carried into any port; but shall be allowed to proceed on her voyage.

6. That in the same case, when either of the contracting parties shall happen to be engaged in war with any other power, all goods, not contraband, belonging to the subjects of that other power, and shipped in the bottoms of the party hereto, who is not engaged in the war, shall be entirely free. And that to ascertain what shall constitute the blockade of any place or port, it shall be understood to be in such predicament, when the assailing power shall have taken such a station as to expose to imminent danger any ship or ships, that would attempt to sail in or out of the said port; and that no vessel of the party, who is not engaged in the said war, shall be stopped without a material and well-grounded cause; and in such cases justice shall be done, and an indemnification given, without loss of time to the persons aggrieved, and thus stopped without sufficient cause.

7. That no right be stipulated for aliens to hold real property within these States, this being utterly inadmissible by their several laws and policy; but when on the death of any person holding real estate within the territories of one of the contracting parties, such real estate would by their laws descend on a subject or citizen of the other, were he not disqualified by alienage, then he shall be allowed reasonable time to dispose of the same, and withdraw the proceeds without molestation.



8. That such treaties be made for a term not exceeding ten years from the exchange of ratification.

9. That these instructions be considered as supplementary to those of October 29th, 1783; and not as revoking, except when they contradict them. That where in treaty with a particular nation they can procure particular advantages, to the specification of which we have been unable to descend, our object in these instructions having been to form outlines only and general principles of treaty with many nations, it is our expectation they will procure them, though not pointed out in these instructions; and where they may be able to form treaties on principles which, in their judgment, will be more beneficial to the United States than those herein directed to be made their basis, they are permitted to adopt such principles. That as to the duration of treaties, though we have proposed to restrain them to the term of ten years, yet they are at liberty to extend the same as far as fifteen years with any nation which may pertinaciously insist thereon. And that it will be agreeable to us to have supplementary treaties with France, the United Netherlands and Sweden, which may bring the treaties we have entered into with them as nearly as may be to the principles of those now directed; but that this be not pressed, if the proposal should be found disagreeable.

*Resolved*, That the treaties of amity, or of amity and commerce, be entered into with Morocco, and the Regencies of Algiers, Tunis and Tripoli, to continue for the same term of ten years, or for a term as much longer as can be procured.

That our Ministers, to be commissioned for treating with foreign nations, make known to the Emperor of Morocco the great satisfaction which Congress feel from the amicable disposition he has shown towards these States, and his readiness to enter into alliance with them. That the occupations of the war, and distance to our situation have prevented our meeting his friendship so early as we wished. But the powers are now delegated to them for entering into treaty with him, in the execution of which they are ready to proceed, and that as to the expenses of his Minister, they do therein what is for the honor and interest of the United States.

*Resolved*, That a commission be issued to Mr. J. Adams, Mr. B. Franklin, and Mr. T. Jefferson, giving powers to them, or the greater part of them, to make and receive propositions for such treaties of amity and commerce, and to negotiate and sign the same, transmitting them to Congress for their final ratification; and that such commission be in force for a term not exceeding two years.

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TO JAMES MONROE

MON. MSS.

PHILADELPHIA May. 21, 1784.

DEAR SIR,—Your favor of the 14th came duly to hand. It enabled me to give to Col Humphries the first intimation of his appointment and to see that he received real pleasure from it. He was before unknown to me; but our future connection in business has occasioned me to inquire into his character with which I am much pleased. We have taken

arrangements for passing the Atlantic together. Short is not yet arrived. But had he not been coming, the servant whom I ordered to join me here would have been with me before now. I wait for time & for our commissions & instructions. The moment these arrive I shall set out for Boston, where a passage will be provided.—Is there a commission for an additional treaty with France? The instructions made this necessary, and without it we shall be at Paris but private citizens, unprotected by the laws of nations, and liable to the jurisdiction of the country. A very disagreeable affair has happened here which will give you trouble probably both on this & the other side the water. It is an assault by a very worthless Frenchman on Mr Marbois, for refusing to give the attestations of the consulate to some falsehoods which he wished to establish. I mean to make myself acquainted with the affair & will write you particularly on it before I leave this place. Genl. Knox went on from hence two days ago to receive the orders of Congress as to the western posts. The mouth of the Illinois is the interesting post for Virginia, because it will open a trade up the Missouri & Mississippi. The spot there is advantageous for defence according to Hutchins' pamphlet, & Genl. Washington's letter on the peace establishment. Michillimacinac is very important for the United States in general: it is interesting to Virginia on the expectation that she may open the navigation from lake Erie to Patowmac. Detroit is a place of consequence, but so strongly settled that I doubt whether any force need be kept there. The

N. Yorkers will wish a force at Niagara or Oswego. I should yield to them as far as necessity requires; but the further north that post is the better for Virginia, were it even pushed to the intersection of the Cataraqui with the 45<sup>th</sup> degree. It might then leave a possibility of drawing the six nations to F. Pitt. Mr Thomson's counsel on this subject will probably be useful, the interests of Pennsylv & Virginia being united as to all these posts. We shall not begin to scramble for the trade till we have brought it to F. Pitt. To the Southward it would be our interest to have an agency kept up with the Overhill Cherokees, & Martin the agent. If S. Carola & Georgia would then be contented with one other agency, & could agree on it's situation it would be well. I had thought of the head of Mobile river because there is a very short portage from there to the waters of the Tenissee which would give us access to it, but Mr Reid thought it too distant from the inhabited country. I am to thank you for your care of my baggage which is come safely to hand. Mr Hopkinson had sent on under cover to me a draught from mr Morris for 233 $\frac{1}{2}$  Dollars for me, and for the amount of mr Hardy's bill. My part was intended for mr Jenifer. I hope you will have been so good as to dispose of both parts according to their destination. Boirot & Gaillard had also forwarded by the stage some of the books you desired. I have not yet received their bill & will transmit it to you as soon as received. The stage having ceased to pass between Baltimore & Annapolis, possibly these books may remain at the former place. I believe there is

sometimes too a stoppage at Susquehanna by a change of interest in the proprietors of the stage. Should this have happened, your enquiries must come that far.—I have had the pleasure of seeing three balons here. The largest was of 8.f. diameter & ascended about 300 feet. I shall write to you again from this place & afterwards in the course of my Northern progress. I shall be obliged to you to continue your letters as long as they can reach Boston by the 15<sup>th</sup> of June. A particular detail of Congressional proceedings, and of the communications from or concerning your foreign ministers will be most acceptable. Hopkinson tells me he had mentioned in his letter to me that the office of Director or master of the mint would be acceptable. He was therefore uneasy when I told him that I had left a request with a friend to open my letters. But I satisfied him perfectly on that head, and that you would render him any service which the duties of your situation would permit. He is a man of genius, gentility & great merit, & at the same time poor & the father of a numerous family. He holds a little office here, more respectable than profitable, for he can but barely live. He is as capable of the office as any man I know & the appointment would give general pleasure, because he is generally esteemed.—Messrs. Boirod & Gaillard will be glad to receive the Prospectus of the Encyclopedia. Foreseeing that if I turn over the leaf I shall plague you with another page full I will here bid you adieu.

TO CHARLES THOMSON <sup>1</sup>

PHILADELA, May 21, 1784.

DEAR SIR,—I received your favor of the 16th last night. I was out when it was delivered, so knew not how it came, a circumstance no otherwise important than as I am at a loss how or where to inquire for the packet which should have accompanied it, containing the Commissions, Instructions, etc. I shall immediately, however, make the enquiry. I am obliged to you for the order for the journal. I shall make use of it to procure those of 1779-1783, and part of 1784 which my set wants. My matter in the printing way is dropped. Aitken had formerly told me he would print it for £4 a sheet. He now asks £5 10s., which raises the price from £48 to £66; but what was a more effectual and inseparable bar was that he could not complete it under three weeks, a time I could not wait for it. Dunlap happened to be out of town, so I relinquished the plan. Perhaps I may have a few copies struck off in Paris if there be an English Printer. If I do you shall assuredly have one. I shall take the liberty of adding some of your notes—those which were mendatory merely will have their effect on the body of the work. I left all the papers belonging to the Grand Committee in the hands of Mr. Blanchard. Among these were the papers relating to Vermont. My reason for not delivering them to you as I did the others was, that the Committee was to sit that morning. There are vessels arrived here which left London as late as the 14 of April. Nothing important, however, has yet

<sup>1</sup> From *Collections of the N. Y. Historical Society for 1878*, p. 186.

been communicated from them. The principal interesting occurrence here is a very daring insult committed on Mr. Marbois by a Frenchman, who calls himself the Cheval. De Longchamps, but it is in fact, the nephew of the Minister's Steward's wife. He obliged him in his own defence to box in the street like a porter. He is demanded by the Minister to be delivered up by the Executive here to be sent to France for punishment. They are plodding over the case. Whether he be a citizen of America or not is not yet decided. I shall endeavor to make myself acquainted with the facts because it will probably be the cause of something disagreeable here, and perhaps on the other side of the water. I think there is a desire in the Executive to give every satisfaction they can, but whether it is in the syllables and letters of the Law that a Frenchman committing an outrage may be delivered up to his master for punishment is matter of dubiety. You will hear enough of it, as it comes to Congress, of course; so I will add no more than my respectful compliments to Mrs Thomson and assurances to yourself that I am, with much esteem, Dr Sir, your friend and servant.

P. S. I find your Letter came by post, but no packet with it. The arrival of so late a vessel is now contradicted.

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TO JAMES MADISON

MAD. MSS.

PHILADELPHIA, May 25, 1784.

DEAR SIR,—\* \* \* I could not get my notes printed here & therefore refer it till I shall cross the

water when I will have a few copies struck off and send you one—The assembly of N. York have made Payne, the author of *Common sense* a present of a farm. Could you prevail on our assembly to do something for him. I think their quota of what ought to be given him would be 2000 guineas, or an inheritance with 100 guineas a year. It would be peculiarly magnanimous in them to do it; because it would shew that no particular & smaller passion has suppressed the grateful impressions which his services have made on our minds. \* \* \* I am obliged to put a period here to my letter being desired to assist in a consultation on a very disagreeable affair. A Frenchman of obscure & worthless character having applied to Mr. Marbois to give him the Consular attestations to a falsehood and being refused, attacked him in the streets a day or two after and beat him much with his cane. The minister has taken up this daring insult & violation of the law of nations in the person of the Secretary to their embassy & demands him to be given up (being a subject of France) to be sent there for punishment. I doubt whether the laws of this state have provided either to punish him sufficiently here, or to surrender him to be punished by his own sovereign; and the ——<sup>1</sup> of this state is so indecisive that no defects of law will be supplied by any confidence of his in the justification of his assembly when they shall meet. They have not yet declared what they can or will do & the scoundrel is going at large on bail, sending anonymous letters to the minister & Marbois with

<sup>1</sup> The governor, John Dickinson.



threats of assassination &c if the prosecution be not discontinued. The affair is represented to Congress who will have the will but not the power to interpose. It will probably go next to France & bring on serious consequences. For god's sake while this instance of the necessity of providing for the enforcement of the law of nations is fresh on men's minds, introduce a bill which shall be effectual & satisfactory on this subject. Consuls you will always have. Ministers may pass occasionally through our country. Members of Congress must pass through it. Should Congress sit in or near the state, frequent instances of these & public ministers entering the state may occur. I wish you every possible felicity & shall hope to hear from you frequently.

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TO BENJAMIN FRANKLIN <sup>1</sup>

BOSTON, 19 June, 1784.

DEAR SIR,—Supposing that Congress would communicate to you directly the powers committed to yourself, Mr. Adams and myself, I have delayed from day to day the honor of writing to you, in hopes that every day would open to me a certainty of the time and place at which I might sail. A French packet will leave New York early in the month. By her I mean to take my passage, and may therefore expect, in the ordinary course of things, to have the pleasure of joining you at Paris in the middle or latter part of August, and of communicating the commissions and

<sup>1</sup> From Bigelow's *Works of Franklin*, x.

instructions under which we are to act. The latter are more special than those heretofore sent. I shall then also have the pleasure of giving you more particular information of the situation of our affairs than I could do by letter; in general, I may observe to you that their aspect is encouraging.

Congress, understanding that Mr. Jay was probably on his passage to America, appointed him their Secretary for Foreign affairs. It would give me peculiar pleasure to meet with him before my departure, and to know that he will act in an office with which we shall be so immediately connected. Congress adjourned on the 3rd of June, to meet at Trenton on the first Monday of November, leaving a committee of the States at the helm during their recess.

I have the pleasure to inform you that Mrs. Bache and her family were well when I left Philadelphia, which was about three weeks ago. In hopes of joining you nearly as soon as you will receive this letter, I subscribe myself, with very sincere esteem and regard, dear sir, your most affectionate humble servant.

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TO JAMES MADISON

MAD. MSS.

BOSTON, July 1, 1784.

DEAR SIR,—After visiting the principal towns through Connecticut, Rhode Island, this state, & New Hampshire in order to acquire what knowledge I could of their commerce and other circumstances I am returned to this place, and shall sail the day after to-morrow in the *Ceres* bound for London: but my

purpose is to get on shore in some boat on the coast of France & proceed directly to Paris. My servant being sent off today, & much on hand to prepare for my voyage I have no time for any particular communications. Indeed there are few I should have to make, unless I were to enter into a detail which would be lengthy, as to the country and people I have visited. The lower house of this state have passed a bill giving Congress the powers over their commerce which they had asked. It had had two readings with the senate, and meets with no opposition. I find the conviction growing strongly that nothing can preserve our confederacy unless the band of union, their common council, be strengthened. \* \* \*

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TO THE GOVERNOR OF VIRGINIA <sup>1</sup>

(BENJAMIN HARRISON)

PARIS, Aug. 20, 1784.

SIR,—A few days after my arrival here Colo. Le Maire, writer of the enclosed letter called & asked me to forward it to you with such explanations as I could give. As to his commission, having lost the original as he therein mentions, he asks an authenticated copy of it, which he thinks will enforce some application he is making to this government. As to lands, I remember the gift of 2000 acres, & think the entry of it will be found in the minutes of the council some time in the summer or autumn of 1779. A letter was written to Colo. Shelby or to Maj Martin,

<sup>1</sup> From the original in the possession of Mr. F. J. Dreer, of Philadelphia.

(the Cherokee agent) to locate the warrant on the best lands possible; and I believe it was meant that every expence should be borne by the state so that Le Maire should receive an actual grant clear of all charges & trouble. But of these things the minutes & letters of the Executive will give more certain information; or if these should have been lost, Mr. Blair will probable recollect the circumstances.

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TO JAMES MADISON.

MAD. MSS.

PARIS, 11 November, 1784.

I am obliged to you for your information as to the prospects of the present year in our farms. It is a great satisfaction to know it & yet it is a circumstance which few correspondents think worthy of mention. I am also much indebted for your very full observations on the navigation of the Mississippi. I had thought on the subject, & sketched the anatomy of a memorial on it, which will be much aided by your communications.—You mention that my name is used by some speculators in western land jobbing, as if they were acting for me as well as for themselves. About the year 1776 or 1777 I consented to join Mr. Harvey and some others in an application for lands there; which scheme, however, I believe he dropped on the threshold, for I never after heard one syllable on the subject. In 1782 I joined some gentlemen in a project to obtain some lands in the western part of North Carolina. But in the winter of 1782 and 1783, while I was in ex-

pectation of going to Europe, and that the title to western lands might possibly come under the discussion of the ministers, I withdrew myself from this company. I am further assured that the members never prosecuted their views. These were the only occasions in which I ever took a single step for the acquisition of western lands, & in these I retracted at the threshold. I can with truth therefore declare to you, & wish you to repeat it on every proper occasion, that no person on earth is authorized to place my name in any adventure for lands on the western waters, that I am not engaged in any but the two before mentioned. I am one of eight children to whom my father left his share in the loyal company, whose interests, however, I never espoused, and they have long since received their quietus. Excepting these, I never was nor am I now interested in one foot of land on earth off the waters of James river.

I shall subjoin the few books I have ventured to buy for you. I have been induced to do it by the combined circumstances of their utility and cheapness. I wish I had a catalogue of the books you would be willing to buy, because they are often to be met on stalls very cheap, and I would get them as occasion should arise. The subscription for the Encyclopædia is still open. Whenever an opportunity offers of sending you what is published of that work (37 vols.) I shall subscribe for you and send it with the other books purchased for you.

Whatever money I may lay out for you here in books, or in anything else which you may desire, may

be replaced crown for crown (without bewildering ourselves in the exchange) in Virginia by making payments. \* \* \*

Colonel Le Maire, whom you know, is the bearer of this; he comes to Virginia to obtain the two thousand acres of land given him for his services in procuring us arms, and what else he may be entitled to as having been an officer in our service; above all things, he wishes to obtain the Cincinnatus eagle, because it will procure him here the order of St. Louis, and of course a pension for life of one thousand livres; he is so extremely poor that another friend and myself furnish him money for his whole expenses from here to Virginia. There I am in hopes the hospitality of the country will be a resource for him till he can convert a part of his lands advantageously into money; but as he will want some small matter of money, if it should be convenient for you to furnish him with as much as ten guineas from time to time on my account, I will invest that sum in books or anything else you may want here by way of payment. He is honest and grateful, and you may be assured that no aid that you can give him in the forwarding his claims will be misplaced. \* \* \*

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TO JAMES MONROE

MON. MSS.

PARIS NOV. II, 1784.

DEAR SIR,—Your journey to the Westward having prevented my writing to you till now that a letter may probably find you at Congress I shall resume

the correspondence discontinued since I left Boston. My passage was remarkably short, being only 19 days from land to land, & I suffered little by sickness. Having very thick weather when we approached the coast of Europe, we fell in with no vessel which could take me & put me on the French coast as I had intended. I therefore went ashore at Portsmouth where I was detained three or four days by a fever which had seized my daughter two days before we landed. As soon as she was clear of it I hired a vessel to carry me over to Havre, from whence I came on to this place, thro' a country than which nothing can be more fertile, better cultivated & more elegantly improved. It was at the time when harvest was beginning, & it is principally a farming country.

I informed you from Boston that before I had received your letters of May 25 & June 1, I had packed up our cypher and therefore could not there make out the passages which were put into cypher. I have tried it here & find that by some unfortunate mistake, probably in the young gentleman who wrote the cypher, it will not explain a single syllable. He has arranged all the numbers in their regular order, and then placed against each the words, syllables &c in alphabetical order. You can judge whether this was the plan of it. The want of the cypher would have restrained me from mentioning some things were I not assured of the fidelity of the bearer hereof Colo. Le Maire.

I am to acknowledge the receipt of your letter of Aug. 9. from New York, but not of the previous one

therein mentioned to be sent by Mr. Short, he being not yet come, nor any tidings of him.

The die is thrown here & has turned up war. Doubts whether an accommodation may not yet take place are still entertained by some, but I hold it impossible. Probably the Emperor will encourage negotiations during the winter, while no warlike operations may go on, in order to amuse his adversary & lessen their preparations. It is believed the campaign will open on the Scheld. How the other nations of Europe will conduct themselves seems very doubtful. The probability is that France, Prussia, & the Porte will take an active part with the Dutch & Russia with the Germans. It is presumed that England will endeavor to keep out of the scrape. 1. Because she cannot borrow money to take part in it. 2. Because Ireland is likely to give her disturbance. 3. Because her disputes with us are not settled by a full execution of the articles of the treaty, and the hatred of her people towards us has arisen to such a height as to prepare their minds for a recommencement of hostilities should their government find this desirable. Supposing we are not involved in a new contest with Great Britain, this war may possibly renew that disposition in the powers of Europe to treat with us on liberal principles, a disposition which blazed out with enthusiasm on the conclusion of peace, but which had subsided as far below the just level in consequence of the anarchy, & depravation of principle which the British papers have constantly held forth as having taken place among us. I think when



it shall become certain that war is to take place, that those nations at least who are engaged in it will be glad to ensure our neutrality & friendly dispositions by a just treaty. Such a one, or none is our business. With England nothing will produce a treaty but an enforcement of the resolutions of Congress proposing that there should be no trade where there is no treaty. The infatuation of that nation seems really preternatural. If anything will open their eyes it will be an application to the avarice of the merchants who are the very people who have opposed the treaty first meditated, and who have excited the spirit of hostility at present prevailing against us. Deaf to every principle of common sense, insensible to the feelings of man, they firmly believe they shall be permitted by us to keep all the carrying trade and that we shall attempt no act of retaliation because they are pleased to think it our interest not to do so. A gentleman immediately from England dined the other day at the same house with an American. They happened to sit next each other at table and spoke on the subject of our commerce. He had the air of a man of credibility. He said that just before his departure from England he had a conversation with Mr. Pitt, in which Mr. Pitt assured him the proclamation of which we complain would be passed into an act at the next session of parliament.—In the despatches we send to Congress you will see a great interval between the Spanish Ambassador's answer to us & our reply to him. The reason of our keeping back was the hope that in the meantime he would get an answer from his Court

which would save us the difficulty of answering him. I have had a hint that they may agree to make New Orleans a free port for our vessels coming down the Missisipi but without permission to us to export our produce thence. All the inadequacies of this to our purpose strike me strongly. Yet I would wish you to sound your acquaintances on this subject & to let me know what they think of it; and whether if nothing more can be obtained this or no treaty, that is to say, this or war would be preferred.—Can nothing be done for young Franklin. He is sensible, discreet, polite, & goodhumored, & fully qualified as a *Secetaire d'Ambassade*. His grandfather has none annexed to his legation at this Court. He is most sensibly wounded at his grandson's being superseded. Should this war take place it would certainly be acceptable to Congress to receive regular, early, & authentic intelligence of it's operations. In this view would it not be worth while to continue the agency of Dumas. His intelligence has all these qualities. He is undoubtedly in the confidence of some one who has a part in the Dutch government, & who seems to allow him to communicate to us.— Before my arrival here Mr. Barclay in consequence of the powers given him by his commission had made an appointment or two of Consuls for some of the ports of this country: particularly of Franks for Marseilles. He is very anxious to be continued in it & is now there in the exercise of his office. If I have been rightly informed his services & sacrifices during the war have had their merit and I should suppose Congress would not supersede him but on

good grounds. I promised him that I would communicate his wishes to some of my friends that his pretensions might not be set aside for want of being known.—There is an idea here of removing the packets from L'Orient to Havre. This latter may be considered as the port of Paris itself, because the transportation between them is down the Seine in boats & makes scarcely a greater addition to the price than in transportation from a warehouse to the waterside. Paris is the only place at which all the productions & manufactures of France are brought to a point. Mr. Tracy, who is here from Boston has carefully examined into all their manufactures, and finds them of almost every kind, as good as in England, & cheaper generally. This truth once known, & our ships coming hither for those articles which England thinks she alone can furnish us will advantage us first in opening to us double markets, & secondly in the shock it will communicate across the Channel. L'Orient is convenient in war & therefore should be left as it is, a free port. But conveyances from hence thither are by land, long, precarious, & expensive. I think our merchants will turn their views on Havre.—There is here some Frenchman from Philadelphia (perhaps Perée) who has drawn up a visionary scheme of a settlement of French emigrants, 500 in number on the Ohio. He supposes Congress, flattered by the prospect of such an addition to our numbers, will give them 400,000 acres of land, & permit them to continue French subjects. My opinion has been asked, & I have given it, that Congress will make

bargains with nobody, that they will lay down general rules, to which all applicants must conform themselves by applying to the proper offices & not perplexing Congress with their visions: that they are sufficiently assured that the land office will absorb all their certificates of public debt, beyond which they have no object but to provide that the new governments shall admit an easy & firm union with the old; & that therefore I did not think they would encourage a settlement in so large a body of strangers whose language, manners & principles were so heterogeneous to ours.—I shall subscribe for you to the *Encyclopedia Methodique*. It will be in about 60 vols, & will cost 751 livres equal to 30 English guineas. If you should not chuse to take it, it will be only a sacrifice of the subscription money, which is a guinea & half. The subscription is daily expected to be closed. There is about two fifths of the work now ready to be delivered amounting to about 300 livres.—We have taken some pains to find out the sums which the nations of Europe give to the Barbary States to purchase their peace. They will not tell this: yet from some glimmerings it appears to be very considerable: and I do expect that they would tax us at one, two, or perhaps three hundred thousand dollars a year. Surely our people will not give this. Would it not be better to offer them an equal treaty. If they refuse, why not go to war with them? Spain, Portugal, Naples, France & Venice are now at war with them. Every part of the Mediterranean therefore would offer us friendly ports. We ought to begin a naval power, if we mean to carry on our

own commerce. Can we begin it on a more honorable occasion, or with a weaker foe? I am of opinion Paul Jones with half a dozen frigates would totally destroy their Commerce: not by attempting bombardments as the Mediterranean states do wherein they act against the whole Barbary force brought to a point, but by constant cruising & cutting them to pieces by piecemeal.—I must say a word on my own affairs because they are likely to be distressed. All the ministers who came to Europe before me, came at a time when all expences were paid and a sum allowed in addition for their time. Of course they all had their outfit. Afterwards they were put on fixed salaries: but still these were liberal. Congress in the moment of my appointment struck off 500 guineas of the sallary, and made no other provision for the outfit but allowing me to call for two quarters' salary in advance. The outfit has cost me near a thousand guineas; for which I am in debt, and which, were I to stay here seven years, I could never make good by savings out of my salary: for be assured we are the lowest & most obscure of the whole diplomatic tribe. When I was in Congress I chose never to intermeddle on the subject of salary, first because I was told the eyes of some were turned on me for this office; & secondly because I was really ignorant what might be it's expences. The latter reason ceases; the former which presents me as an interested person shall still keep me silent with all the world but yourself, to whose secrecy & delicacy I can trust. I live here about as well as we did at Annapolis. I keep a hired carriage & two horses.

A riding horse I cannot afford to keep. This still is far below the level. Yet it absorbs the whole allowance, and return when I will to America, I shall be the outfit in debt to Congress. I think I am the first instance in the world where it has not been given. I mention these circumstances to you that if you should think the allowance reasonable and any opportunity should occur while you are in Congress wherein it can be decently obtained, you would be so good as to think of it. I would wish it could be done on some general occasion. The article of houserent in Mr. Adams' account in Holland and in Dr. Franklin's here may perhaps afford an occasion of touching on this article as to myself. Mr. A. lived at the Hague in a house belonging to the U. S. The question is whether you will charge him rent. Dr. F. has lived in a house the rent of which (6000 livres per. ann.) has been always charged to the U. S. The question on that is whether you will reject that & make him pay eight or nine years rent. If these articles pass it will of course add houserent to the salaries, which will be some aid but not an adequate one for the ministers in general. When this matter shall be considered the difference which has taken place between them & me as to the article of outfit may perhaps be mentioned & redressed: otherwise, as I have before mentioned, I shall return that much in debt & be obliged to sell to pay it: a circumstance which I shall think hard. I ask nothing for my time: but I think my expences should be paid in a stile equal to that of those with whom I am classed.—I must ask the favor of you on behalf

of Mr. Adams as well as myself to explain the following transaction to our Commissioners of the treasury. Congress you know directed the financier to advance me two quarters salary. He gave me a letter of credit to Mr. Grand. Relying on the effect of this I had ordered furniture for a small hotel which I rent: & had entered into engagements for paying part of the rent in advance. A little before the parties were to call on me for the money I applied to Mr. Grand: but our funds were out & I found he was not disposed to advance the money. Nothing could equal my distress. In this situation Mr. Adams thought himself justifiable in drawing in my favor on the fund in Holland for 6000 florins: knowing of the order of Congress in my favor, of the failure of the funds here and that it could not be important to Congress from what part the money came. It was unlucky I did not know of the failure here before I had contracted the debt because I could have hired furniture for one third or one half of its worth annually. But this was such miserable economy, amounting to from 33½ to 50 per cent per ann. for the use of money, as induced me to buy. I wish this to be explained to the Commissioners to save Mr. Adams from censure.

Address your letters "A Mons<sup>r</sup> Mons<sup>r</sup> Jefferson  
Ministre plenipotentiaire des etats unis de l'Ame-  
rique a Paris Cul-de-sac Tetebout."

TO CHARLES THOMSON <sup>1</sup>

PARIS, NOV. 11TH, 1784.

DEAR SIR,— \* \* \* There has been a lamp called the cylinder lamp lately invented here. It gives a light equal as is thought, to that of six or eight candles. It requires olive oil, but its consumption is not great. The improvement is produced by forcing the wick into a hollow cylinder so that there is a passage for the air through the hollow. The idea had occurred to Doctor Franklin a year or two before, but he tried his experiment with a rush, which not succeeding he did not prosecute it. The fact was the rush formed too small a cylinder; the one used is of an inch diameter. They make shade candlesticks for studious men, which are excellent for reading; these cost two guineas. I should have sent you a specimen of the phosphoric matches, but that I am told Mr. Rittenhouse has had some of them. They are a beautiful discovery and very useful, especially to heads which like yours and mine cannot at all times be got to sleep. The convenience of lighting a candle without getting out of bed, sealing letters without calling a servant, of kindling a fire without flint, steel, punk, &c., are of value. Will you subscribe for the *Encyclopedie Methodique*? The subscription is as yet open; about two-fifths of the work is published; the whole will cost to subscribers 751 livres. I know of no other work here lately published or now on hand which is interesting. I must pray you send me a complete copy of the

<sup>1</sup> From *The Collections of the N. Y. Historical Society for 1878*, p. 196.



journals from Nov. 1, 1783 downwards. The few sheets I had I sent when in Philadelphia to Dunlap to complete, and he never returned them or any others to me. I have the pleasure of seeing Mr. Norris sometimes. I am in hopes he is discreet and that you need not fear the corruption of his morals; he is well at present. There is one danger at his age which some other instances have proved real—that of forming a connection, as is the fashion here, which he might be unwilling to shake off when it shall be proper for him to return to his own country, and which might detain him disadvantageously here. I have not the smallest intimation that he is disposed to do this, but it is difficult for young men to refuse it where beauty is a begging in every street. Indeed, from what I have seen here I know not one good purpose on earth which can be affected by a young gentleman coming here. He may learn indeed to speak the language, but put this in the scale amongst other things he will learn and evils he is sure to acquire and it will be found too light. I have always disapproved of a European education for our youth from theory; I now do it from inspection.

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TO JAMES MADISON

PARIS, 8 December, 1784.

\* \* \* I thank you very much for the relation of the proceedings of assembly. It is the most grateful of all things to get those details when one is so distant from home. I like to see a disposition

increasing to replenish the public coffers, and so far approve of the young stamp act. But would it not be better to simplify the system of taxation rather than to spread it over such a variety of subjects, and pass the money through so many new hands? Taxes should be proportioned to what may be annually spared by the individual, but I do not see that the sale of his land is an evidence of his ability to spare. One of my reasons for wishing to centre our commerce at Norfolk was that it might bring to a point the proper subjects of taxation and reduce the army of tax-gatherers almost to a single hand. The simplest system of taxation yet adopted is that of levying on the land and the labourer. But it would be better to levy the same sums on the produce of that labour when collected in the barn of the farmer; because then if through the badness of the year he made little, he would pay little. It would be better yet to levy only on the surplus of this product above his own wants. It would be better too to levy it not in his hands, but in those of the merchant purchaser; because tho' the farmer would in fact pay it, as the merchant purchaser would deduct it from the original price of his produce yet the farmer would not be sensible that he paid it. This idea would no doubt meet its difficulties & objections when it should come to be reduced to practice: yet I suspect it would be practical & expedient. Our tax-gatherers in Virginia cost as much as the whole civil list besides. What a comfort to the farmer to be allowed to supply his own wants before he should be liable to pay anything, & then only pay on his surplus—The

proposition for a Convention has had the result I expected. If one could be obtained I do not know whether it would not do more harm than good. While *Mr. Henry lives* another bad constitution would be formed & forever on us. What we have to do I think is *devotedly* to 252.746. for *his death* in the meantime to 203. 925. 243. 719 the 896.755 that the present is but an 851 & to 268: 661. the 872. of the 312. 730. 737. I am glad the 1005. 83 953. 735. 380. 945 have again shewn their teeth & fangs. The 777.400 had almost forgotten them.

I still hope something will be done for Paine. He richly deserves it; and it will give a character of littleness to our state if they suffer themselves to be restrained from the compensation due for his services by the paltry consideration that he opposed our right to the western country. Who was there out of Virginia who did not oppose it? Place this circumstance in one scale, and the effect his writings produced in uniting us in independence in the other, and say which preponderates. Have we gained more by his advocacy of independence than we lost by his opposition to our territorial right? Pay him the balance only. I look anxiously to the approaching and improving the navigation of the Potomac and Ohio; the actual junction of the Big Beaver and Cuyahoga by a canal; as also that of Albemarle Sound and Elizabeth through the Dismal. These works will spread the field of our commerce westwardly and southwardly beyond anything ever yet done by man.

I once hinted to you the project of seating yourself

in the neighborhood of Monticello, and my sanguine wishes made me look on your answer as not absolutely excluding the hope. Monroe is decided in settling there, and is actually engaged in the endeavor to purchase. Short is the same. Would you but make it a "partie quarrée," I should believe that life had still some happiness in store for me. Agreeable society is the first essential in constituting the happiness, and, of course, the value of our existence. And it is a circumstance worthy great attention when we are making first our choice of a residence. Weigh well the value of this against the difference in pecuniary interest, and ask yourself which will add most to the sum of your felicity through life. I think that, weighing them in this balance, your decision will be favorable to all our prayers. Looking back with fondness to the moment when I am again to be fixed in my own country, I view the prospect of this society as inestimable. I find you thought it worth while to pass the last summer in exploring the woods of America, and I think you were right. Do you not think the men and arts of this country would be worth another summer? You can come in April, pass the months of May, June, July, August, and most of September here, and still be back to the commencement of real business in the assembly following, which I would not have you absent from. You shall find with me a room, bed, and plate, if you will do me the favor to become one of the family; as you would be here only for the summer season, I think your outfit of clothes need not cost you more than 50 guineas, and perhaps the attendance

on the theatres and public entertainments, with other small expenses, might be half a guinea or three quarters a day. Your passage backward and forward would, I suppose, be 60 or 70 guineas more. Say that the whole would be 200 guineas. You will for that have purchased the knowledge of another world. I expect Monroe will come in the spring, and return to congress in the fall. If either this object, or the one preceding, for settling you near Monticello, can be at all promoted by the use of the money which the assembly have given me for my share in the revisal, make use of it freely, and be assured it can in no other way be applied so much to my gratification. The return of it may wait your perfect convenience. \* \* \*

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TO JAMES MONROE

MON. MSS.

PARIS, Dec. 10, 1784.

DEAR SIR,—I wrote you the 11th of Nov. by the last packet. Since that I have received by Mr. Short your's of July 20 inclosing the Cypher. I hope that the establishment of a port on each river will end in the final success of one or of two only. Actual circumstances will prevent York & Tappahanoc from being any thing in spite of any encouragement. The accumulation of Commodities at Norfolk & Alexander will be so great as to carry all purchasers there, & York & Tappahanoc will find it their interest to send their Commodities to the same places in order to have the benefit of a competition among a great mass of purchasers. It is not amiss

to encourage Alexandria because it is a rival in the very bosom of Baltimore.

I know of no investigation, at the instance or any nation, of the extent of the clause giving the rights of the most favoured nation but from the import of the words themselves, & from the clause that a privilege granted to any other nation shall immediately become common, freely where freely granted, or *yielding the compensation*<sup>1</sup> where a compensation is given, I have no doubt that if any one nation will admit our goods duty free in consideration of our doing the same by them, no other nation can claim an exception from duties in our ports without yielding us the same in theirs. The abolition of the *monopoly* of our *tobacco* in the hands of the *Farmers General* will be pushed by us with all our force. But it is so interwoven with the very foundations of *their* system of *finance* that it is of *doubtful event*. I could not get my answer to the queries on Virginia printed in Philadelphia; but I am printing it here, & will certainly ask your acceptance of a copy. Can you employ the succeeding summer better than by coming here? Suppose Congress rises in time for you to sail by the first of April, you may pass May, June, July, August, & September here, & still be at the meeting of the ensuing Congress. You shall find with me a room, bed, & plate with a hearty welcome: & I do not think the other expences of your passage coming & going, out-fit of clothes, attending the theatres & other public places, will exceed 200 guineas. I have recommended the same meas-

<sup>1</sup> This italic is Jefferson's. The rest are cipher translations.

ure to Mr. Madison. Perhaps you can make the voyage together.

I wrote you in my last that there would probably be war. The common belief is now that the matters will be accomodated. These who are not in the secrets of the Cabinet can only judge from external circumstances. Every movement of the two parties indicate war. I found much too on the character of the Emperor, whose public acts speak him much above the common level. Those who expect peace say also that they have in view the Emperor's character which they represent as whimsical and eccentric & that he is especially affected in the Dog days. We shall not know what will be done till the spring admits the movement of troops into the field. I see no probable event which may divert the Emperor from his object but the health of the empress of Russia, which at present is very precarious. Any accident to her might possibly cripple the projects of Vienna. By this packet congress will receive the British ambassador's letter to us. It appears extraordinary, when in our letter to him we had informed him that we (three in number) had full powers to treat, that his court should propose in answer as a *previous stipulation* that congress should send a *person* with full powers to London. I cannot suppose they have any personal objections: and therefore believe they only want to gain time in order to see how their schemes will work without a treaty. We shall bring them to an issue. I suppose it will probably end in our going to London. I think that after this we shall be obliged to go to

Madrid & probably to some of the other more important courts. As it is impossible for us whenever we leave Paris to give up our homes (in which are our furniture & whatever we do not carry with us) and to find others in the instant of our return, & to remove into them, it is visible that during these journeys we are subject to double expences for a confidential servant must be left to take care of the house. And as during our travels the daily expences will be much greater than at Paris where we are settled, *it will shew the reasonableness of Congress allowing house rent in the cases formally mentioned to you of Mr. Adams and Doctor Franklin & of course to me. I write on this subject to you alone & would not to you were it not 701 from circumstances explained in a former letter. I am like to be distressed in the article of house rent. My case will of course rest on a common bottom with the other gentlemen, indeed theirs being to be previously settled, mine will follow of course and I would not have the article of the outfit mentioned if it should be like to excite with an 340. 766. present with thought as to me. It appears to me not subject to the 359. 650. 75. 27. of an attack [?] to desire to have my expences paid or I would have surpressed the first thought of it.*

There are great complaints of the stoppage of letters in New York, as well those which are coming from America to France, as those from France to America. If a letter is sent from hence for S. Carolina, for instance it is deposited at N. York till the French postage is paid. If one is sent from S. Carolina to France, it is deposited at N. Y. till the



American postage is paid. Every person then in France or America, who ever expects to receive a letter by post, must keep an agent & a little bank in New York. In Europe this matter is so arranged that letters pass from one country to another without the least difficulty. France has a convention for this purpose with almost every country in Europe. She had such a one with England till the late war, & they are now proposing to renew it. Would it not be well for Congress to send us an instruction & power to form conventions to facilitate the passage of letters with those powers with whom we form treaties, or at least with some of them. It is certainly material with France, Holland, Gr. Br. Spain & Portugal & perhaps the Italian states.

Be so good as to present my compliments to your colleagues. I think Mr. Hardy promised to write to me sometimes. I shall take great pleasure in an exchange of information with him.

P. S. I hope you will not desist from your plan of settlement in Albem. Short will join us, & I hope Mr. Madison. Can you inform me if letters to & from us are free of postage in America?

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TO HORATIO GATES <sup>1</sup>

PARIS, Dec. 13, 1784.

DEAR GENERAL,—I duly received the letter you were so good as to write me from New York. We have here under our contemplation the future

<sup>1</sup> From the original in the possession of Dr. Thomas Addis Emmet of New York.

miseries of human nature, like to be occasioned by the ambition of a young man, who has been taught to view his subjects as his cattle. The pretensions he sets up to the navigation of the Scheld would have been good, if natural right had been left uncontrolled but it is impossible for express compact to have taken away a right more effectually than it has the Emperor's. There are numbers here (but not of the cabinet) who still believe he will retract, but I see no one circumstance on which to found such a belief. Nothing had happened but what he must have foreseen and calculated on. And in fact all his movements indicate war. The Dutch are truly animated and ready to place their existence on the stake now contended for. The spring which brings general happiness to all other beings will probably open the sluices of calamity on our wretched fellow creatures on this side of the Atlantic. France, Holland, Prussia & Turkey against the two empires I think will be an overmatch. England will be neuter from interest as well as importance. The disposition of her inhabitants is very unfriendly to us. It remains to see whether their ministers suffer themselves to be led by passions also. I think it probable we shall go over there for a short time. An American vessel (a Virginia), has been lately taken by a frigate of the emperor of Morocco, who has five of them cruising on the Atlantic. The brig had just left Cadiz. Our trade to Portugal, Spain, & the Mediteranean is annihilated unless we do something decisive. Tribute or war is the usual alternative of these pirates. If we yield the power, it will require sums which our

people will feel. Why not begin a navy then & decide on war? We cannot begin in a better cause nor against a weaker foe. You will have heard that the E. of Shelburne is made Marquis of Lansdown & Lord Temple Marquis of Buckingham. There is no appearance however of the former coming into the ministry which seem absolutely firm.

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TO NATHANAEL GREENE <sup>1</sup>

PARIS, Jan. 12, 1785.

SIR,—Everything in Europe is quiet, & promises quiet for at least a year to come. We do not find it easy to make commercial arrangements in Europe. There is a want of confidence in us. This country has lately reduced the duties on Amercian whale oil to about a guinea & a half a ton, and I think they will take the greatest part of what we can furnish. I hope therefore that this branch of our commerce will resume its activity. Portugal shews a disposition to court our trade, but this has for some time been discouraged by the hostilities of the pyratival states of Barbary. The Emperor of Morocco who had taken one of our vessels, immediately consented to suspend hostilities, & ultimately gave up the vessel, cargo & crew. I think we shall be able to settle matters with him, but I am not sanguine as to the Algerines. They have taken two of our vessels, and I fear will ask such a tribute for the forbearance of their piracies as the U. S. would be unwilling to pay.—When this

<sup>1</sup> From the original in the possession of Mr. F. J. Dreer of Philadelphia.

idea comes across my mind my faculties are absolutely suspended between indignation & impotence. —I think whatever sums we are obliged to pay for freedom of navigation in the European seas, should be levied on European commerce with us, by a separate impost, that these powers may see that they protect these enormities for their own loss.

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TO THE GOVERNOR OF VIRGINIA

V. S. A.

(PATRICK HENRY)

PARIS, Jan. 12. 1785.

SIR,—The letter of July 20. 1784 with which your Excellency was pleased to honour me & which inclosed the resolution of assembly for the statue of Gen'l Washington came to my hands on the 29th of Nov. by Mr. Short: & a few days afterwards I received a duplicate of it. As it was not practicable to get the business into any train before the sailing of the December packet, I omitted acknowledging its receipt till the packet of this month should sail. There could be no question raised as to the Sculptor who should be employed; the reputation of Mons<sup>r</sup> Houdon of this city being unrivalled in Europe. He is resorted to for the statues of most of the sovereigns in Europe. On conversing with him Doct'r Franklin & myself became satisfied that no statue could be executed so as to obtain the approbation of those to whom the figure of the original is known, but on an actual view by the artist. Of course no statue of Genl. Washington, which might be a true

evidence of his figure to posterity, could be made from his picture. Statues are made every day from portraits: but if the person be living, they are always condemned by those who know him for a want of resemblance, and this furnishes a conclusive presumption that similar representations of the dead are equally unfaithfull. Mons<sup>r</sup> Houdon, whose reputation is such as to make it his principal object, was so anxious to be the person who should hand down the figure of the General to future ages, that without hesitating a moment he offered to abandon his business here, to leave the statues of kings unfinished, & to go to America to take the true figure by actual inspection & mensuration. We believe, from his character, that he will not propose any very considerable sum for making this journey; probably two or three hundred guineas, as he must necessarily be absent three or four months & his expences will make at least a hundred guineas of the money. When the whole merit of the piece was to depend on this previous expenditure, we could not doubt your approbation of the measure; and that you would think with us that things which are just or handsome should never be done by halves. We shall regulate the article of expence as œconomically as we can with justice to the wishes of the world. This article, together with the habit, attitude, devices &c. are now under consideration, & till they be decided on, we cannot ultimately contract with Mons<sup>r</sup> Houdon. We are agreed in one circumstance, that the size shall be precisely that of life. Were we to have executed a statue in any other case, we should have

preferred making it somewhat larger than life; because as they are generally a little elevated, they appear smaller, but we think it important that some one monument should be preserved of the true size as well as figure, from which all other countries (and our own at any future day when they shall desire it) may take copies, varying them in their dimensions as may suit the particular situation in which they wish to place them. The duty as well as the glory of this presentation we think belongs peculiarly to Virginia. We are sensible that the eye, alone considered, will not be quite as well satisfied; but connecting the consideration that the whole, & every part of it presents the true size of the life, we suppose the beholders will receive a greater pleasure on the whole. Should we agree with Mons<sup>r</sup> Houdon, he will come over in the April packet & of course may be expected in Virginia about the last of May. His stay with the General will be about a month. This will be employed in forming his bust of plaister. With this he will return to Paris, & will then be between two & three years in executing the whole in Marble. I have thought it my duty to detail to your Excellency our ideas on the subject as far as they are settled, that if in any point we are varying from the wishes of the Executive or legislature, we may be set right in time. I conjecture that you will receive this about the latter end of February and as Mons<sup>r</sup> Houdon will not set out till about the 12<sup>th</sup> or 14<sup>th</sup> of April there may be time to receive your pleasure in the meanwhile. We think that the whole expence of the journey & execution of the figure will be within the

limits conjectured by your excellency; but of this we cannot be certain as yet.

TO JAMES MONROE

MON. MSS.

[Feb., 1785.]

DEAR SIR,—You were informed by my letters of Nov. 11. & Jan. 14. that the cypher established between us would not explain a syllable of your letters.—Those of Nov. 1. & Dec. 14. having rendered me extremely desirous of deciphering them, I set to work with a resolution to effect it if possible. I soon found that they were written by your first cypher. To this, therefore, I applied myself and after several days spent on it I was able to set rights the many errors of your copyist, whose inattention alone had inducted those difficulties. I found the numbers in my copy & yours to correspond as follows.

From 1-153 was right.

154. in yours corresponded to 185 in mine.

From 156 to 205 in yours corresponded to from 186 to 235 in mine.

“ 206 to 236 in yours corresponded to from 154 to 184 in mine.

“ 237 “ 248 “ “ “ “ “ 236 “ 247 “ “

“ 268 “ 352 “ “ “ “ “ 266 “ 350 “ “

“ 359 “ 454 “ “ “ “ “ 356 “ 451 “ “

“ 456 “ 551 “ “ “ “ “ 452 “ 547 “ “

“ 558 “ 989 “ “ “ “ “ 553 “ 984 “ “

994 in yours corresponded to 988, 989 in mine.

996, 997 in yours corresponded to 01. 02 in mine.

02. 03. 04. 05. 06. 07. 08. 09. in yours corresponded to 06. 07. 08. 09.

009. 008. 007. 006. in mine.

006. 002. 017. 016. 060. 050. 032. 041. 042. in yours corresponds to

002. 017. 013. 012. 020. 021. 036. 045. 046.

The remaining numbers of the cypher either did not enter into your letters at all, or not often enough

to detect the errors. I have now therefore completely deciphered your letters of June 1. June 25. Nov. 1. and Dec. 14. At present my only uneasiness is about my letters which have gone to you in cypher. That of Nov. 11. must have been in the 1st cypher. For this reason I have noted to you the differences in our copies as above that you may translate my numbers into yours. As I received the 2d cypher the 29th of Nov., I think it probable that my letters of Dec. 10. & Jan. 14. were written by that. If they were, I am in hopes you will have understood them. If they were written by the 1st. you will now be able by translating the numbers to understand them also; and thus this comedy of errors will be cleared up. Since writing so far I have made out a table adjusting the numbers in my copy to those in yours, which will enable you to translate with ease. Our business goes on very *slowly*. No answers from *Spain* or *Britain*. The *backwardness* of the latter is not new. Perhaps Mr. *Fay* or Mr. *Laurens* who have been at that *court* since the present *ministry* has been *in place* may have been able to account for this on better grounds than we can. The English Parliament, Irish Parliament and Irish Convention sitting together will surely bring their disputes to a crisis. Scotland too seems to be stepping in as a third party with her difficulties, and their affairs in the East Indies are in a wretched situation. The opposition have opened their campaign on the East India regulations, the proceedings with Ireland, & the late taxes. The minister having declared he will propose a



plan of parliamentary reform, they have taken the contrary side of course on that question. I am anxious to see whether the parliament will take any and what steps as to our *commerce*. The effecting *treaties* with the *powers* holding *positions* in the *West Indies*, I consider as the *important* part of our *business*. It is not of great consequence whether the *others* *treat* or not. Perhaps *trade* may go on with them well enough without. *But Britain, Spain, Portugal, France* are consequent, and *Holland, Denmark, Sweden* may be of service too. We have hitherto waited for *favorable circumstances* to *press matters* with *France*. We are now about to do it *tho* I cannot say the *prospect* is good. The *merchants* of *this country* are very *clamorous* against our admission into the *West Indies* and *ministers* are afraid for their *places*. The *pamphlet* which I sent you is approved by the sensible people here and I am in *hopes* has been of *some service*. There are *warm ones* written against it. Our affairs with the *pyratical* states are distressing. It is impossible I fear to find out what is given by other countries. Either shame or jealousy makes them wish to keep it secret. Several of their *ministers* to whom we have applied have *promised* to *procure information*. These *pyrates* are contemptibly weak. Morocco who has just dared to commit an outrage on us owns only four or five frigates of 18 or 20 guns. There is not a port in their country which has more than 13 feet water. Tunis is not quite so strong (having 3 or 4 frigates only, small and worthless) is more mercantile than predatory, and would easily be led to treat either by money or

fear. Tripoli has one frigate only. Algiers alone possesses any power, & they are brave. As far as I have been able to discover she possesses about 16 vessels from 22 up to 52 guns, but the vessels of all these powers are wretched in the last degree, being mostly built of the discordant pieces of other vessels which they take and pull asunder, their cordage & sails are of the same kind, taken from vessels of different sizes & powers, seldom any two guns of the same bore, & all of them light. These States too are divided, & jealous of each other, & especially of Algiers the most powerful. The others would willingly see her reduced. We have two plans to pursue. The one to carry nothing for ourselves, & thereby render ourselves invulnerable to the European states, the other (which our country will be for) is to carry as much as possible. But this will require a protecting force on the sea. Otherwise the smallest power in Europe, every one which possesses a single ship of the line, may dictate to us, and enforce their demands by captures on our commerce. Some naval force then is necessary if we mean to be commercial. Can we have a better occasion of beginning one? or find a foe more certainly within our dimensions? The motives pleading for war rather than tribute are numerous & honorable, those opposing them are mean & short sighted. However if it be decided that their peace shall be bought it shall engage my most earnest endeavours.—it is as uncertain as ever whether we are to have war or peace. The *ministers of this country intimate peace* and Mons<sup>r</sup> de Maillebois who is to com-

mand the Dutch army is not set out. I should consider his departure as an indication of war.

I must pray you to send your letters by the French packet. They come by that conveyance with certainty, having first undergone the Ceremony of being opened & read in the post office which I am told is done in every country in Europe. Letters by the way of England are sometimes months getting from London here. Give me fully always the Congressional news, & by every letter if you please the journals of Congress.

I would make an additional observation or two as to the pyratival states. If we enter into treaty there, a consul must be kept with each to recover our vessels taken in breach of their treaty. For these violations they practise constantly against the strongest nations & the vessels so taken are recovered with trouble & always some loss & considerable delay. The attempts heretofore made to suppress these powers have been to exterminate them at one blow. They are too numerous and powerful by land for that. A small effort, but long continued, seems to be the only method. By suppressing their marine & trade totally and continuing this till the present race of seamen should be pretty well out of the way & the younger people betake themselves to husbandry for which their toil & climate is well fitted, these nests of banditti might be reformed. I am not well enough acquainted with the present disposition of the European courts to say whether a general confederacy might be formed for suppressing these Pyracies. Such as should refuse would give us a just right to

turn pyrates also on their West India trade, and to require an annual tribute which might reimburse what we may be obliged to pay to obtain a safe navigation in their seas. Were we *possessed* even of a *small naval force* what a *bridle* would it be in the *mouths* of the *West Indian powers* and how *respectfully* would they *demean themselves towards us*. Be assured that the present *disrespect* of the *nations of Europe* for us will inevitably bring on *insults* which must *involve us in war*. A *coward* is much more *exposed to quarrels* than a *man of spirit*.

Be so good as to present one of the pamphlets with my esteem to Mr. Gherry & let him know he is a letter in my debt.

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TO JAMES MADISON

PARIS Mar. 18. 1785.

DEAR SIR,—My last to you was dated Dec. 8. Since that yours of Feb. 1, has come to hand; and I am in hopes I shall shortly receive from you the history of the last session of our assembly. I will pray you always to send your letters by the French packet which sails from N. York the 15th of every Month. I had made Neill Jamieson my post master general there, who will always take care of my letters and confide them to passengers when there are any worthy of confidence. Since the removal of Congress to that place, you can chuse between N. Jamieson & our delegates there, to which you would rather address my letters. The worst conveyances you can possibly find are private hands,

or Merchant ships coming from Virginia directly to France. Those letters either come not at all, or like the histories of antient times they detail to us events after their influence is spent.

Your *character* of the 446. *magistrate*<sup>1</sup> is precisely agreeable to the idea I had formed of *him*. I take *him* to be of *unmeasured ambition* but that the *men he uses* are virtuous. *He is re. 476. ed fraught with affection to 375. and dispose merchants to render every 1071. service.* Of the cause which *separated the com. of the states* we never have had. 945. 578. 394. 957. 421. 574. 1040. 130. 421 and 360. 561. 164. 400. 597. From newspapers & private letters have *excited without satisfying our curiosity.* As your *cipher* is safe pay 792. *me a de* 13 of it. The navigation of the Scheld had for a great while agitated the politics of Europe & seemed to threaten the involving it in a general war. All of a sudden another subject, infinitely more interesting is brought on the carpet. There is reason to believe that the Emperor has made an exchange of territories with the Elector of Bavaria, & that while the Scheld has been the ostensible, Bavaria has been the real object of his Military preparations. When the proposition was communicated to the *King of Prussia* it is said he declared *qu'il Moverroit le cul sur le selle* rather than see it take effect. *The 895. 421. 1009.* it is thought would be *secretly 1070. 495. 359.* with it. And some *think* that certain 8 said to be 564. 333. 719. 359. By the *Emperor* on the 781. 763. 561. of 103. are meant to be *given to the latter* for her

<sup>1</sup> Patrick Henry, recently elected Governor of Virginia.

*acquiescence*. I am *attending* with *anxiety* to the part she will act. On this occasion I shall change my opinion of *her system*. Of *policy* if it be not *executable*. If the Dutch escape war, they seem still to be in danger of internal revolution. The Stadholder & aristocracy can carry their differences no further without an appeal to the sword. The people are on the side of the 185. The conduct of the *aristocracy* in pushing *their* measures to such extremity is inexplicable but on the *supposition* that 103. has *promised* to *support them* which it is 39. 543. was 971. 359. to *do before they would enter into the late treaty*. We hear nothing from England. This circumstance, with the passage of their N. F. land bill thro' the house of commons, & the sending a Consul to America (which we hear they have done) sufficiently prove a perseverance in the system of managing for us as well as for themselves in their connection with us. The administration of that country are governed by the people, & the people by their own interested wishes without calculating whether they are just or capable of being effected. Nothing will bring them to reason but physical obstruction, applied to their bodily senses. We must show that we are capable of foregoing commerce with them, before they will be capable of consenting to an equal commerce. We have all the world besides open to supply us with gew-gaws, and all the world to buy our tobacco, for in such an event England must buy it from Amsterdam, l'Orient or any other place at which we should think proper to deposit it for them. They allow our commodities to be taken from our own ports to the

W. Indies in their vessels only. Let us allow their vessels to take them to no port. The transportation of our own produce is worth 750.000 £ sterl. annually, will employ 200.000 tonnage of ships, & 12.000 seamen constantly. It will be no misfortune that Gr. Br. obliges us to exclude her from a participation in this business. Our own shipping will grow fast under the exclusion, & till it is equal to the object the Dutch will supply us. The commerce with the Eng. W. I. is valuable & would be worth a sacrifice to us. But the commerce with the British dominion in Europe is a losing one & deserves no sacrifice. Our tobacco they must have from whatever place we make it's deposit, because they can get no other whose quality so well suits the habits of their people. It is not a commodity like wheat, which will not bear a double voyage. Were it so, the privilege of carrying it directly to England might be worth something. I know nothing which would act more powerfully as a sumptuary law with our people than an inhibition of commerce with England. They are habituated to the luxuries of that Country & will have them while they can get them. They are unacquainted with those of other countries, and therefore will not very soon bring them so far into fashion as that it shall be thought disreputable not to have them in one's house or on their table.—It is to be considered how far an exemption of Ireland from this inhibition would embarrass the councils of Engld. on the one hand, and defeat the regulation itself on the other. I rather believe it would do more harm in the latter way than good in the

former. In fact a heavy aristocracy & corruption are two bridles in the mouths of the Irish which will prevent them from making any effectual efforts against their masters. We shall now 406. 643. call for *decisive answer* to certain points *interesting* to the 826. and unconnected with the *general treaty* which they have a right to *decline*. I mentioned to you in a former letter a very good dictionary of universal law called the Code d'humanité in 13 vols 4to. Meeting by chance an opportunity of buying a copy, new & well bound for 104 livres I purchased it for you. It comes to 8 livres a volume which is a fraction over a dollar & a half, & in England costs 15/sterl. a volume. I shall have an opportunity of sending this & what other books I have bought for you in May. But new information throws me all into doubt what to do with them. Late letters tell us you are *nominated* for the 80. of Spain.<sup>1</sup> I must depend on further intelligence therefore to decide whether to send them or to await your orders. I need not tell you how much I shall be pleased with such an event. Yet it has it's displeasing sides also. *I sent* in the 170. 110. and also in 730. Yet we cannot have 312. 378. 823 485. We must therefore be contented to have 312. 485. 312. 1009. 638. Adieu, yours affectionately &c.

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TO JAMES MONROE

MON. MSS.

PARIS Mar. 18. 1785.

DEAR SIR,—I wrote you by the packet which sailed from hence in Feb. and then acknowledged

<sup>1</sup> Allusion to Mr. Madison's proposed appointment abroad.



the receipt of yours of Dec. 14. which came by the packet arriving here in Jan. That which sailed from N. Y. in Jan. & arrived here in Feb. brings me no letter from any body except from Mr Jay to Mr Adams, Dr. F. & myself jointly. Since my last the rumor of an exchange proposed between the Emperor & El. of Bavaria has proved to have some foundation. What issue it will be permitted to have is doubtful. The K. of Prussia will risk his own annihilation to prevent it. The Dutch would rather be pleased with it; and it is thought by some that it will *not be disagreeable to France*. It has even been said that certain *places are reserved by the emperor on the borders of France to give to this court by way of trust money*. I am *watching* with anxiety the *part which this court will act*. If the *sordid one suspected* by some, I shall *renounce* all *faith in national rectitude*, and believe that in *public conduct* we are not yet emerged from the *rascality* of the 16th century. There are great numbers of well *enlightened men in this nation*. The *ministry* is such. The *King* has an *honest heart*. The *line of policy* hitherto *pursued by* them has been such as *virtue would dictate and wisdom approve*, relying on their *wisdom* only I think they would not *accept* the *bribe* *suppose it would be to relinquish* that *honorable character of disinterestedness and new faith* which they have *acquired by many sacrifices* and which has put *in their hands* the *government* as it were of *Europe*. A wise man, if nature has not formed him honest, will yet act as if he were honest: because he will find it the most advantageous & wise part in the long run. I have *believed* that

*this court* possesses this *high species* of *wisdom* even if it's *new faith* be *ostensible only*. If they *trip* on *any occasion* it will be *warning* to *us*. I do not *expect* they will, but it is our *business to be* on the *watch*. The Dutch seem to be on the brink of some internal revolution, even if they escape being engaged in war, as appearances at present seem to indicate. The division between the Stadholder and the aristocracy cannot be greater & the people are on the side of the former. The fury with which the aristocracy drive their measures is inexplicable but on the supposition *that France has promised to support* and this *I believe she did to induce them to the late treaty*. We hear nothing from England. This circumstance, with the passage of their N. F. land bill through the H. of Commons and the sending a Consul to America (which we hear they have done) sufficiently prove a perseverance in the system of managing for both sides in their connection with us. Our people and merchants must consider their business as not yet settled with England. After exercising the self denial which was requisite to carry us thro' the war, they must push it a little further to obtain proper peace arrangements with them. They can do it the better as all the world is open to them; and it is very extraordinary if the whole world besides cannot supply them with what they may want. I think it essential to exclude them from the carriage of American produce. We wait the arrival of the packet which left you in Feb. in expectation of some instructions on the subject of England. Should none come, we shall immediately press them for an

answer on those subjects which were unconnected with a treaty of commerce.—It is to be considered how far an exception in favor of Ireland in our commercial regulations might embarrass the councils of England on the one hand, & on the other how far it might give room to an evasion of the regulations.—Mr Carmichael has obtained the interference of the court of Madrid for the vessel & crew taken by the Emperor of Morocco: & I understand there is a prospect of their being restored. A letter on this subject is come to Doctr. Franklin. I have not yet seen it & I doubt whether it will be in time to be copied & communicated by this packet, the post being near it's departure. On the arrival of the packet now expected here, whether she brings us new instructions or not as to those states, we shall proceed to act for the best on the ground before marked out for us. The Marquis Fayette has arrived here in good health, and in the best dispositions towards us. I have had a very bad winter, having been confined the greatest part of it. A seasoning as they call it is the lot of most strangers: & none I believe have experienced a more severe one than myself. The air is extremely damp, and the waters very unwholesome. We have had for three weeks past a warm visit from the sun (my almighty physician) and I find myself almost reestablished. I begin now to be able to walk 4 or 5 miles a day, & find myself much better for it. If the state of our business will permit I wish much to take a tour through the South of France for three or four weeks. The climate & exercise would I think restore my

health.—I have used the second cypher in this letter. Either by a gentleman who will go to America in the April packet, or by young Mr Adams who will go in May, I will send you a new cypher which I have prepared on a large & commodious plan. This young gentleman is I think very promising. To a vast thirst after useful knowledge he adds a facility in acquiring it. What his judgement may be I am not well enough acquainted with him to decide: but I expect it is good, & much hope it, as he may become a valuable & useful citizen.—I sent you by the former packet the Pour and Contre for the emancipation of the French W. I. Trade. I now send you the answer to it. The mass of the nation is with the latter. Adieu.

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TO JAMES MONROE

MON. MSS.

PARIS, Apr. 15. 1785.

DEAR SIR,—We wrote a public letter to Mr. Jay the day before yesterday. We were induced to hasten it, because young Mr Chaumont was to set out yesterday for l'Orient to go to N. York in the packet, & a private conveyance is alone to be depended on for secrecy. I have put off writing any letters as long as I could, expecting the arrival of the packet. She is arrived as the packet of the last month did without bringing a scrip of a pen public or private to any American here. This perplexes us extremely. From your letter of Dec. 14. and from one written at the same time by Mr Jay to Dr Franklin we have reason to believe *congress have*

*done some thing* in the affairs with *England and Spain*. We also thought something would be said to *us* on the *subject* of the *barbary state*. We therefore deferred *moving* lest we should have to *change our move* which is always *dishonorable*. We particularly *expected instructions* as to the *posts still held* by the *English*. We shall do the *best we can* under our *old instructions*. The letter from the *duke of Dorset* will dare say *surprise you all*. It is a folly above the highest that could have been expected. I know from *one* who saw *his instructions* that he *softened* them *much* in the *letter to us*. The following paragraph is from a letter I received from *Doctor Price* about *ten days ago*. "There is, I fancy *no probability* that *Britain can be brought* to consent to that *reciprocity in trade* which the *United States expect*. This is *bad policy* for *Britain* but it may *turn out* to be best *for America* and should the issue be *our exclusion* from the *American ports* we may be *ruined* but I do not see *that trade* would suffer in its true *interest*. The fixed conviction however is that *we are able to employ America* on so *much better terms* than any other country that do *what we will* we must have *its trade*." It is dated *March twenty*. He is said to be in great *intimacy* with *Mr. Pitt*, and I verily believe *this paragraph contains* the *genuine creed* of the *nation and ministry*. You will observe that the 4th article of our original draught of a treaty transmitted to the *several courts* was *contrary to a right reserved* by the states in the *confederation*. We shall correct it in every instance.

War and peace still doubtful. It rather seems

that the peace may continue a while yet but not very long. The Emperor has a head too combustible to be quiet. He is an eccentric character, all enterprise, without calculation, without principle, without feelings. Ambitious in the extreme but too unsteady to surmount difficulties. He had in view at one time to open the Scheld, to get Maestricht from the Dutch, to take a large district from the Turks, to exchange some of his Austrian Dominions for Bavaria, to create a ninth electorate, to make his nephew King of the Romans, and to change totally the Constitution of Hungary. Any one of these was as much as a wise prince would have undertaken at any one time. *Quod ault, valde ault, sed non diu ault.*

I send you Voltaire's legacy to the K. of Prussia, a libel which will do much more injury to Voltaire than to the King. Many of the traits in the character of the latter to which the former gives a turn satirical & malicious, are real virtues. I should remind you that two packets have now come without bringing me a letter from you, and should scold you soundly, but that I consider it as certain evidence of your being sick. If this be so, you know you have my sincere prayers for better health, but why has no body else written to me? Is it that one is forgotten as soon as their back is turned? I have a better opinion of men. It must be either that they think that the details known to themselves are known to every body & so come to us thro' a thousand channels, or that we should set no value on them. Nothing can be more erroneous than both those opinions. We value those details little &

great, public & private in proportion to our distance from our own country: and so far are they from getting to us through a thousand channels, that we hear no more of them or of our country here than if we were among the dead. I have never received a tittle from any member of Congress but yourself & one letter from Dr. Williamson.—The D. de Rochefoucault is kind enough to communicate to us the intelligence which he receives from Mr. St John, & the M. de la F. what he gets from his correspondents. These have been our only sources of intelligence since the middle of December.

There are particular public papers here which collect and publish with a good deal of accuracy the facts connected with political arithmetic. In one of these I have just read the following table of the proportion between the value of gold & silver in several countries. Germany 1. to  $14\frac{1}{4}$ . Spain 1. to  $14\frac{3}{10}$ . Holland 1. to  $14\frac{3}{4}$ . England 1 to  $15\frac{1}{2}$ . France 1 to  $14\frac{4}{10}$ . Savoy 1. to  $14\frac{3}{8}$ . Russia 1 to 15. The average is 1. to  $14\frac{1}{8}$ . As Congress were on this subject when I left them & I have not heard of their having finished it, I thought this worth your notice.

Since the warm weather has set in I am almost perfectly re-established. I am able now to walk six or eight miles a day which I do very regularly. This must supply the place of the journey I had meditated into the South of France. Tho' our business does not afford constant occupation, it is of such a nature one does not know when our presence may be wanted. I need add no signature but wishing you every happiness bid you adieu.

TO JAMES MADISON

MAD. MSS.

PARIS, May 11, 1785.

DEAR SIR,—Your favor of Jan. 9 came to my hands on the 13th of April. The very full and satisfactory detail of the proceedings of Assembly which it contained, gave me the highest pleasure. The value of these communications can not be calculated at a shorter distance than the breadth of the Atlantic. Having lately made a cypher on a more convenient plan than the one we have used, I now transmit it to you by a Monsr. Doradour, who goes to settle in Virginia. His family will follow him next year. Should he have occasion of your patronage I beg leave to solicit it for him. They yesterday finished printing my notes. I had 200 copies printed, but do not put them out of my own hands, except two or three copies here & two which I shall send to America, to yourself & Colo Monroe, if they can be ready this evening, as promised. In this case you will receive one by Monsr. Doradour. I beg you to peruse it carefully, because I ask your advice on it & ask no body's else. I wish to put it into the hands of the young men at the college, as well on account of the political as physical parts. But there are sentiments on some subjects which I apprehend might be displeasing to the country, perhaps to the assembly or to some who lead it. I do not wish to be exposed to their censure; nor do I know how far their influence, if exerted, might effect a misapplication of law to such a publication were it made. Communicate it then in confidence to those whose judgments & information you would



pay respect to, & if you think it will give no offence I will send a copy to each of the students of W. M. C. and some others to my friends & to your disposal, otherwise I shall only send over a very few copies to particular friends in confidence & burn the rest. —Answer me soon & without reserve. Do not view me as an author & attached to what he has written. I am neither. They were at first intended only for Marbois. When I had enlarged them, I thought first of giving copies to three or four friends. I have since supposed they might set our young students into a useful train of thought, and in no event do I propose to admit them to go to the public at large. A variety of accidents have postponed my writing to you till I have no further time to continue my letter. The next packet will sail from Havre. I will then send your books & write more fully. But answer me immediately on the preceding subject.

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TO THE GOVERNOR OF VIRGINIA

V. S. A.

(PATRICK HENRY)

PARIS, June 16, 1785.

SIR,—I had the honor of receiving the day before yesterday the resolution of council of Mar. 10, and your letter of Mar. 30, and shall with great pleasure unite my endeavours with those of the M. de la Fayette and Mr. Barclay for the purpose of procuring the arms desired. Nothing can be more wise than this determination to arm our people as it is impossible to say when our neighbors may think proper to give them exercise. I suppose that the

establishing a manufacture of arms to go hand in hand with the purchase of them from hence is at present opposed by good reasons. This alone would make us independent for an article essential to our preservation, and workmen could probably be either got here, or drawn from England to be embarked hence.

In a letter of Jan. 12, to Govr. Harrison I informed him of the necessity that the statuary should see Genl. Washington, that we should accordingly send him over unless the Executive disapproved of it, in which case I prayed to receive their pleasure. Mr. Houdon being now re-established in his health, and no countermand received, I hope this measure meet the approbation of the Executive; Mr. Houdon will therefore go over with Dr. Franklin some time in the next month.

I have the honour of inclosing you the substance of propositions which have been made from London to the Farmers general of this country to furnish them with the tobaccos of Virginia & Maryland which propositions were procured for me by the M. de la Fayette. I take the liberty of troubling you with them on a supposition that it may be possible to have this article furnished from those two States to this country immediately without its passing through the entrepot of London, & the returns for it being made of course in London merchandise. 20,000 hhds of tobō a year delivered here in exchange for the produce and manufactures of this country, many of which are as good, some better, & most of them cheaper than in England, would

establish a rivalship for our commerce which would have happy effects in all the three countries. Whether this end will be best effected by giving out these propositions to our merchants, & exciting them to become candidates with the farmers general for this contract or by any other means, your Excellency will best judge on the spot.

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TO JAMES MONROE :

MON. MSS.

PARIS, June 17. 1785.

DEAR SIR,—I received three days ago your favor of Apr. 12. You therein speak of a former letter to me, but it has not come to hand, nor any other of later date than the 14th of December. My last letter to you was of the 11th of May by Mr. Adams who went in the packet of that month. These conveniences are now becoming deranged. We have had expectations of their coming to Havre which would infinitely facilitate the communication between Paris & Congress: but their deliberations on the subject seem to be taking another turn. They complain of the expence, and that their commerce with us is too small to justify it. They therefore talk of sending a packet every six weeks only. The present one therefore, which should have sailed about this time, will not sail until the 1st of July. However the whole matter is as yet undecided. I have hoped that when Mr. St. John arrives from N. York

<sup>1</sup> In this letter and those which follow Jefferson employed the new cipher, mentioned in the letter of March 18, 1785. All in italic is cipher numbers in the original.

he will get them replaced on their monthly system. By the bye what is the meaning of a very angry resolution of Congress on this subject? I have it not by me and therefore cannot cite it by date, but you will remember it, and will oblige me by explaining it's foundation. This will be handed you by Mr. Otto who comes to America as Chargé des Affaires in the room of Mr. Marbois promoted to the Intendancy of Hispaniola, which office is next to that of Governor. He becomes the head of the civil as the Governor is of the military department. I am much pleased with Otto's appointment. He is good humored, affectionate to America, will see things in a friendly light when they admit of it, in a rational one always, and will not pique himself on writing every trifling circumstance of irritation to his court. I wish you to be acquainted with him, as a friendly intercourse between individuals who do business together produces a mutual spirit of accommodation useful to both parties. It is very much our interest to keep up the affection of this country for us, which is considerable. A court has no affections, but those of the people whom they govern influence their decisions even in the most arbitrary governments.—The negotiations between the Emperor & Dutch are spun out to an amazing length. At present there is no apprehension but that they will terminate in peace. This court seems to press it with ardour and the Dutch are averse considering the terms cruel & unjust as they evidently are. The present delays therefore are imputed to their coldness & to their forms. In the

mean time the Turk is delaying the demarcation of limits between him and the emperor, is making the most vigorous preparations for war, and has composed his ministry of war-like characters deemed personally hostile to the emperor. Thus time seems to be spinning out both by the Dutch & Turks, & time is wanting for France. Every year's delay is a great thing to her. It is not impossible therefore but that she may secretly encourage the delays of the Dutch & hasten the preparations of the Porte while she is recovering vigour herself and, in order to be able to present such a combination to the emperor as may dictate to him to be quiet. But the designs of these courts are inscrutable. It is our interest to pray that this country may have no continental war till our peace with England is perfectly settled. The merchants of this country continue as loud & furious as ever against the Arret of August 1784, permitting our commerce with their islands to a certain degree. Many of them have actually abandoned their trade. The Ministry are disposed to be firm, but there is a point at which they will give way, that is if the clamours should become such as to endanger their places. It is evident that nothing can be done by us, at this time, if we may hope it hereafter. I like your removal to N. York, and hope Congress will continue there and never execute the idea of building their federal town. Before it could be finished a change of Members in Congress or the admission of new states would remove them somewhere else. It is evident that when a sufficient number of the Western states come in

they will remove it to George town. In the mean time it is our interest that it should remain where it is, and give no new pretensions to any other place. I am also much pleased with the proposition to the states to invest Congress with the regulation of their trade, reserving its revenue to the states. I think it a happy idea, removing the only objection which could have been justly made to the proposition. The time too is the present, before the admission of the Western states. I am very differently affected towards the new plan of opening our land office by dividing the lands among the states and selling them at vendue. It separates still more the interests of the states which ought to be made joint in every possible instance in order to cultivate the idea of our being one nation, and to multiply the instances in which the people shall look up to Congress as their head. And when the states get their portions they will either fool them away, or make a job of it to serve individuals. Proofs of both these practices have been furnished, and by either of them that invaluable fund is lost which ought to pay our public debt. To sell them at vendue, is to give them to the bidders of the day be they many or few. It is ripping up the hen which lays golden eggs. If sold in lots at a fixed price as first proposed, the best lots will be sold first. As these become occupied it gives a value to the interjacent ones, and raises them, tho' of inferior quality, to the price of the first. I send you by Mr. Otto a copy of my book. Be so good as to apologize to Mr. Thomson for my not sending him one by this conveyance. I could not burthen

Mr. Otto with more on so long a road as that from here to l'Orient. I will send him one by a Mr. Williams who will go ere long. I have taken measures to prevent it's publication. My reason is that I fear the terms in which I speak of slavery and of our constitution may produce an irritation which will revolt the minds of our countrymen against reformation in these two articles, and thus do more harm than good. I have asked of Mr. Madison to sound this matter as far as he can, and if he thinks it will not produce that effect, I have then copies enough printed to give one to each of the young men at the college, and to my friends in the country.

*I am sorry to see a possibility of A. L.'s<sup>1</sup> being put into the Treasury. He has no talents for the office, and what he has will be employed in rummaging old accounts to involve you in eternal war with R. M.<sup>2</sup> and he will in a short time introduce such dissensions into the Commission as to break it up. If he goes on the other appointment to Kaskaskia he will produce a revolt of that settlement from the U. S. I thank you for your attention to my outfit. For the articles of household furniture, clothes, and a carriage, I have already paid 28,000 livres and have still more to pay. For the greatest part of this I have been obliged to anticipate my salary from which however I shall never be able to repay it. I find that by a rigid economy, bordering however on meanness I can save perhaps \$500 a month, at least in the summer. The residue goes for expences so much of course & of necessity that I cannot avoid them without abandoning all respect to*

<sup>1</sup> Arthur Lee.

<sup>2</sup> Robert Morris.

*my public character. Yet I will pray you to touch this string, which I know to be a tender one with Congress with the utmost delicacy. I had rather be ruined in my fortune, than in their esteem. If they allow me half a year's salary as an outfit I can get through my debts in time. If they raise the salary to what it was, or even pay our house rent & taxes, I can live with more decency. I trust that Mr. A.'s house at the Hague & Dr. F.'s at Passy the rent of which had been always allowed him will give just expectations of the same allowance to me. Mr. Jay however did not charge it. But he lived economically and laid up money.* I will take the liberty of hazarding to you some thoughts on the policy of entering into treaties with the European nations, and the nature of them. I am not wedded to these ideas, and therefore shall relinquish them cheerfully when Congress shall adopt others, and zealously endeavor to carry theirs into effect. First as to the policy of making treaties. Congress, by the Confederation have no original and inherent power over the commerce of the states. But by the 9<sup>th</sup> article they are authorized to enter into treaties of commerce. The moment these treaties are concluded the jurisdiction of Congress over the commerce of the states springs into existence, and that of the particular states is superseded so far as the articles of the treaty may have taken up the subject. There are two restrictions only on the exercise of the power of treaty by Congress. 1<sup>st</sup> that they shall not by such treaty restrain the legislatures of the states from imposing such duties on foreigners as their own people are subject to. 2<sup>dly</sup> nor from prohibiting the



exportation or importation of any particular species of goods. Leaving these two points free, Congress may by treaty establish any system of commerce they please. But, as I before observed, it is by treaty alone they can do it. Though they may exercise their other powers by resolution or ordinance, those over commerce can only be exercised by forming a treaty, and this probably by an accidental wording of our Confederation. If therefore it is better for the states that Congress should regulate their commerce, it is proper that they should form treaties with all nations with whom we may possibly trade. You see that my primary object in the formation of treaties is to take the commerce of the states out of the hands of the states, and to place it under the superintendence of Congress, so far as the imperfect provisions of our constitution will admit, and until the states shall by new compact make them more perfect. I would say then to every nation on earth, *by treaty*, your people shall trade freely with us, & ours with you, paying no more than the most favoured nation, in order to put an end to the right of individual states acting by fits and starts to interrupt our commerce or to embroil us with any nation. As to the terms of these treaties, the question becomes more difficult. I will mention three different plans. 1. that no duties shall be laid by either party on the productions of the other. 2. that each may be permitted to equalize their duties to those laid by the other. 3. that each shall pay in the ports of the other such duties only as the most favoured nations pay. 1. Were the nations of Europe as free and

unembarrassed of established system as we are, I do verily believe they would concur with us in the first plan. But it is impossible. These establishments are fixed upon them, they are interwoven with the body of their laws & the organization of their government & they make a great part of their revenue; they cannot then get rid of them. 2. The plan of equal imposts presents difficulties insurmountable. For how are the equal imposts to be effected? Is it by laying in the ports of A. an equal percent on the goods of B. with that which B. has laid in his ports on the goods of A.? But how are we to find what is that percent? For this is not the usual form of imposts. They generally pay by the ton, by the measure, by the weight, & not by the value. Besides if A. sends a million's worth of goods to B. & takes back but the half of that, and each pays the same percent, it is evident that A. pays the double of what he recovers in the same way with B. This would be our case with Spain. Shall we endeavour to effect equality then by saying A. may levy so much on the sum of B.'s importations into his ports, as B. does on the sum of A's importations into the ports of B.? But how find out that sum? Will either party lay open their custom house books candidly to evince this sum? Does either keep their books so exactly as to be able to do it? This proposition was started in Congress when our institutions were formed, as you may remember, and the impossibility of executing it occasioned it to be disapproved. Besides who should have a right of deciding when the imposts were equal. A. would say to B. my imposts do not

raise so much as yours; I raise them therefore. B. would then say you have made them greater than mine, I will raise mine, and thus a kind of auction would be carried on between them, and a mutual imitation, which would end in anything sooner than equality, and right. 3. I confess then to you that I see no alternative left but that which Congress adopted, of each party placing the other on the footing of the most favoured nation. If the nations of Europe from their actual establishments are not at liberty to say to America that she shall trade in their ports duty free they may say she may trade there paying no higher duties than the most favoured nation. And this is valuable in many of these countries where a very great difference is made between different nations. There is no difficulty in the execution of this contract, because there is not a merchant who does not know, or may not know, the duty paid by every nation on every article. This stipulation leaves each party at liberty to regulate their own commerce by general rules; while it secures the other from partial and oppressive discriminations. The difficulty which arises in our case is, with the nations having American territory. Access to the West Indies is indispensably necessary to us. Yet how to gain it, when it is the established system of these nations to exclude all foreigners from their colonies. The only chance seems to be this, our commerce to the mother countries is valuable to them. We must endeavor then to make this the price of an admission into their West Indies, and to those who refuse the admission we must refuse our

commerce or load theirs by odious discriminations in our ports. We have this circumstance in our favour too, that what one grants us in their islands, the others will not find it worth their while to refuse. The misfortune is that with this country we gave this price for their aid in the war, and we have now nothing more to offer. She being withdrawn from the competition leaves Gr. Britain much more at liberty to hold out against us. This is the difficult part of the business of treaty, and I own it does not hold out the most flattering prospect.—I wish you would consider this subject and write me your thoughts on it. Mr. Gherry [*sic*] wrote me on the same subject. Will you give me leave to impose on you the trouble of communicating this to him? It is long, and will save me much labour in copying. I hope he will be so indulgent as to consider it as an answer to that part of his letter, and will give me his further thoughts on it.

Shall I send you so much of the Encyclopedia as is already published or reserve it here till you come? It is about 40 vols. which probably is about half the work. Give yourself no uneasiness about the money. Perhaps I may find it convenient to ask you to pay trifles occasionally for me in America. I sincerely wish you may find it convenient to come here. The pleasure of the trip will be less than you expect but the utility greater. It will make you adore your own country, it's soil, it's climate, it's equality, liberty, laws, people & manners. My God! how little do my country men know what precious blessings they are in possession of, and which no other people on

earth enjoy. I confess I had no idea of it myself. While we shall see multiplied instances of Europeans going to live in America, I will venture to say no man now living will ever see an instance of an American removing to settle in Europe & continuing there. Come then & see the proofs of this, and on your return add your testimony to that of every thinking American, in order to satisfy our countrymen how much it is their interest to preserve uninfected by contagion those peculiarities in their government & manners to which they are indebted for these blessings. Adieu, my dear friend. Present me affectionately to your colleagues. If any of them think me worth writing to, they may be assured that in the epistolary account I will keep the debit side against them. Once more adieu.

June 19. Since writing the above we receive the following account. Mons. Pilatre de Rosiere, who has been waiting some months at Boulogne for a fair wind to cross the channel, at length took his ascent with a companion. The wind changed after a while & brought him back on the French coast. Being at a height of about 6000 f. some accident happened to his baloon of inflammable air. It burst, they fell from that height & were crushed to atoms. There was a Montgolfier combined with the baloon of inflammable air. It is suspected the heat of the Montgolfier rarified too much the inflammable air of the other & occasioned it to burst. The Montgolfier came down in good order.

TO MRS. JOHN (ABIGAIL) ADAMS

J. MSS.

PARIS, June 21 [1785].

DEAR MADAM,— I have received duly the honour of your letter and am now to return you thanks for your condescension in having taken the first steps for settling a correspondence which I so much desired; for I now consider it as *settled* and proceed accordingly. I have always found it best to remove obstacles first. I will do so therefore in the present case by telling you that I consider your boasts of the splendour of your city and of it's superb hackney coaches as a flout, and declaring that I would not give the polite, self-denying, feeling, hospitable, good-humoured people of this country & their amiability in every point of view, (tho' it must be confessed our streets are somewhat dirty, & our fiacres rather indifferent) for ten such races of rich, proud hectoring, swearing, squibbling, carnivorous animals as those among whom you are; and that I do love this *people* with all my heart, and think that with a better religion, a better form of Government and their present governors their condition & Country would be most enviable. I pray you to observe that I have used the term *people* and that this is a noun of the masculine as well as feminine gender. I must add too that we are about reforming our fiacres, and that I expect soon an ordnance that all their drivers shall wear breeches unless any difficulty should arise whether this is a subject for the police or for the general legislation of the country to take care of.

We have lately had an incident of some conse-

quence, as it shews a spirit of treason, and audaciousness which was hardly thought to exist in this Country. Some eight or ten years ago a Chevalr.

was sent on a message of state to the princess of— of— of (before I proceed an inch further I must confess my profound stupidity. For tho' I have heard this story told fifty times in all it's circumstances, I declare I am unable to recollect the name of the Ambassador, the name of the Princess & the nation he was sent to; I must therefore proceed to tell you the naked story, shorn of all those precious circumstances) some chevalier or other was sent on some business or other to some princess or other. Not succeeding in his negociation, he wrote on his return the following song:

Ennivé du brillant poste  
Que j'occupe récemment,  
Dans une chaise de poste  
Je me campe fierement;  
Et j'avais en ambassade  
Au mon de mon souverain  
Dire que je suis malade,  
Et que lui se porte bien.

Avec une joue enflie,  
Je débarque tout honteux:  
La princesse pour soufflée.  
Au lieu d'une, en avoit deux:  
Et son altesse sauvage  
Sans doute a trouvé mauvais  
Que j'eusse sur mon visage  
La moitié de ses attraits.

Princesse, le roi mon maitre  
M'a pris pour Ambassadeur;  
Je viens vous faire connoitre  
Quelle est pour vous son Ardeur.  
Quand vous seriez sous le chaume,  
Il donneroit, m'a-t-il dit,  
La moitié de son royaume  
Pour celle de votre lit.

La princesse à son pupitre  
Compose un remerciement:  
Elle me donne une spitre  
Que j'emporte lestement,  
Et je m'en vais dans la rue  
Fort satisfait d'ajouter  
A l'honneur de l'avoir vue  
Le plaisir de la quitter.

This song run thro all companies and was known to everybody. A book was afterwards printed with a regular license, called "Les quatres saisons littéraires," which being a collection of little things,

contained this also, and all the world bought it or might buy it if they would, the Government taking no notice of it; it being the office of the Journal de Paris to give an account and criticism of new publications, this book came in turn to be criticised by the redacteur, and he happened to select and print in his Journal this song as a specimen of what the collection contained. He was seized in his bed that night and has been never since heard of. Our excellent Journal de Paris then is suppressed and this bold traitor has been in jail now three weeks, and for ought any body knows will end his days there. Thus you see, madam, the value of energy in Government; our feeble republic would in such a case have probably been wrapt in the flames of war & desolation for want of a power lodged in a single hand to punish summarily those who write songs. The fate of poor Pilatre de Rosiere will have reached you before this does, and with more certainty than we yet know it. This will damp for a while the ardor of the Phaetons of our race who are endeavoring to learn us the way to heaven on wings of our own. I took a trip yesterday to Saunois and commenced an acquaintance with the old Countess d' Hocquetout. I received much pleasure from it and hope it has opened a door of admission for me to the circle of literati with which she is environed. I heard there the nightingale in all its perfection: and I do not hesitate to pronounce that in America it would be deemed a bird of the third rank only, our mocking bird, & fox-coloured thrush being unquestionably superior to it.—The squibs against Mr. Adams are such as I expected



from the polished, mild tempered, truth-speaking people he is sent to. It would be ill policy to attempt to answer or refute them, but counter-squibs I think would be good policy. Be pleased to tell him that as I had before ordered his Madeira Frontignac to be forwarded, and had asked his orders to Mr. Garvey as to the residue, which I doubt not he has given, I was afraid to send another order about the Bourdeaux lest it should produce confusion. In stating my accounts with the United States, I am at a loss whether to charge house rent or not. It has always been allowed to Dr. Franklin. Does Mr. Adams mean to charge this for Auteuil & London? Because if he does, I certainly will, being convinced by experience that my expenses here will otherwise exceed my allowance. I ask this information of you Madam, because I think you know better than Mr. Adams what may be necessary & right for him to do in occasions of this class. I will beg the favor of you to present my respects to Miss Adams. I have no secrets to communicate to her in cypher at this moment, what I write to Mr. Adams being mere commonplace stuff, not meriting a communication to the Secretary.

I have the honor to be with the most perfect esteem D<sup>r</sup> Madam. Your most obedient & most humble servt.

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TO JAMES MONROE

J. MSS.

PARIS, July 5, 1785.

DEAR SIR,—I wrote you by Mr. Adams, May 11, and by Mr. Otto June 17. The latter acknowledged

the receipt of yours of Apr. 12, which is the only one come to hand of later date than Dec. 14. Little new has occurred since my last. Peace seems to shew herself under a more decided form. The emperor is now on a journey to Italy, and the two Dutch plenipotentiaries have set out for Vienna; there to make an apology for their state having dared to fire a gun in defence of their invaded rights; this is insisted on as a preliminary condition. The emperor seems to prefer the glory of terror to that of justice; and to satisfy this tinsel passion, plants a dagger in the heart of every Dutchman which no time will extract; I enquired lately of a gentleman who lived long at Constantinople, in a public character, and enjoyed the confidence of that government, insomuch as to become well acquainted with it's spirit & it's powers, what he thought might be the issue of the present affairs between the emperor & the porte. He thinks the latter will not push matters to a war; and if they do they must fail under it. They have lost their warlike spirit, and their troops cannot be induced to adopt the European arms. We have no news yet of Mr. Lambe; of course our Barbary proceedings are still at a stand. *This will be br. you by Master Franklin. He has a separate letter of introduction to you. I have never been with him enough to unravel his character with certainty. Seems to be good in the main, but 640. I see sometimes an attempt to keep himself unpenetrated, which perhaps is the effect of the old lesson of his grandfather; his understanding is good enough for common use, but not great enough for uncommon ones. However, you will*

have *better opportunity of knowing him*. The Doctor is *extremely wounded* by the *inattention* of Congress to his *application* for him. He *expects* something to be *done* as a *reward* for his *service*. He will *present* 587. 8. a *determined silence* on this *subject* in *future*. Adieu. Yours affectionately.

P. S. Europe fixes an attentive eye on *your reception of Doct. Franklin*. He is infinitely *esteemed*. Do not *neglect* any *mark* of your *approbation* which you *think* 639. 1543. or *proper*. It will *honor* you here.

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TO MRS. SPROWLE

J. MSS.

PARIS, July 5, 1785.

MADAM,—Your letter of the 21st of June has come safely to hand. That which you had done me the honour of writing before has not yet been received. Having gone by Dr. Witherspoon to America, which I had left before his return to it, the delay is easily accounted for.

I wish you may be rightly informed that the property of Mr. Sprowle is yet unsold. It was advertised for sale so long ago as to found a presumption that the sale has taken place. In any event, you may go safely to Virginia. It is in the London newspapers only that exist those mobs and riots which are fabricated to deter strangers from going to America. Your person will be sacredly safe, & free from insult. You can best judge from the character and qualities of your son whether he may be an useful coadjutor

to you there. I suppose him to have taken side with the British before our declaration of independence; and if this was the case, I respect the candour of the measure, tho I do not it's wisdom. A right to take the side which every man's conscience approves in a civil contest is too precious a right and too favourable to the preservation of liberty not to be protected by all it's well informed friends. The Assembly of Virginia have given sanction to this right in several of their laws, discriminating honourably those who took side against us before the declaration of independence, from those who remained among us and strove to injure us by their treacheries. I sincerely wish that you & every other to whom this distinction applies favourably, may find in the Assembly of Virginia the good effects of that justice & generosity which have dictated to them this discrimination. It is a sentiment which will gain strength in their breasts in proportion as they can forget the savage cruelties committed on them, and will I hope in the end induce them to restore the property itself wherever it is unsold, and the price received for it where it has been actually sold. I am Madam Your very humble servt,

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TO MRS. JOHN (ABIGAIL) ADAMS

J. MSS.

PARIS, July 7, 1785.

DEAR MADAM,—I had the honor of writing you on the 21st of June, but the letter being full of treason, has waited a private conveyance. Since that date there has been received for you at Auteuil a cask of about 60 gallons of wine. I would have examined

its quality, & have ventured to decide on it's disposal, but it is in a cask within a cask, and therefore cannot be got at but by operations which would muddy it and disguise its quality. As you probably know what it is, what it cost, &c., be so good as to give me your orders on the subject & they shall be complied with.

Since my last I can add another chapter to the history of the redacteur of the *Journal de Paris*. After the paper had been discontinued about three weeks it appeared again, but announcing in the first sentence a changement de domicile of the redacteur, the English of which, is that the redaction of the paper had been taken from the imprisoned culprit, and given to another. Whether the imprisonment of the former has been made to cease, or what will be the last chapter of his history I cannot tell. I love energy in Government dearly,—it is evident it was become necessary on this occasion, & that a very daring spirit has lately appeared in this country, for notwithstanding the several examples lately made of suppressing the London papers, suppressing the *Leyden Gazette*, imprisoning Beaumarchais, & imprisoning the redacteur of the *Journal*, the Author of the *Mercure* of the last week has had the presumption, speaking of the German newspapers, to say 'car les journaux de ce pays—la ne sont pas forcés de s'en tenir à juger des hemistiches ou à annoncer des programmes academiques.'—Probably he is now suffering in a jail the just punishments of his insolent sneer on this mild Government tho' as yet we do not know the fact.

The settlement of the affairs of the Abbie Mably is likely to detain his friends Arnoud & Chault in Paris the greatest part of the summer. It is a fortunate circumstance for me, as I have much society, with them.—What mischief is this which is brewing anew between Faneuil hall and the nation of God-demees? Will that focus of sedition be never extinguished? I apprehend the fire will take thro' all the states and involve us again in the displeasure of our Mother Country.

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TO RICHARD HENRY LEE

J. MSS.

PARIS, July 12, 1785.

SIR,—I was honoured two days ago with yours of May 16. and thank you for the intelligence it contained, much of which was new to me. It was the only letter I received by this packet except one from Mr. Hopkinson on philosophical subjects. I generally write about a dozen by every packet, & receive sometimes one, sometimes two, & sometimes n'er a one. You are right in supposing all letters opened which come either thro' the French or English channel, unless trusted to a passenger. Yours had been evidently opened, and I think I never received one through the post office which had not been. It is generally discoverable by the smoakiness of the wax & faintness of the reimpression. Once they sent me a letter open, having forgotten to reseal it. I should be happy to hear that Congress thought of establishing packets of their own between N. York and Havre. To send a packet from each port once in

two months, the business might possibly be done by two packets, as will be seen by the following scheme, wherein we will call the two packets A. and B.

Jan. A. sails from New York, B. from Havre.

Feb.

Mar. B. New York. A. Havre.

Apr.

May A. New York. B. Havre.

June.

July B. New York. A. Havre.

Aug.

Sep. A. New York. B. Havre.

Oct.

Nov. B. New York. A. Havre.

Dec.

I am persuaded this government would gladly arrange this matter with us, and send their packets in the intermediate months, as they are tired of the expence. We should then have a safe

conveiance every two months, & one for common matters every month. A courier would pass between this & Havre in twenty-four hours. Could not the surplus of the Post office revenue be applied to this? This establishment would look like the commencement of a little Navy, the only kind of force we ought to possess. You mention that Congress is on the subject of requisition. No subject is more interesting to the honour of the states. It is an opinion which prevails much in Europe that our government wants authority to draw money from the states, & that the states want faith to pay their debts. I shall wish much to hear how far the requisitions on the states are productive of actual cash. Mr. Grand informed me the other day that the Commissioners were dissatisfied with his having paid to this country

but 200,000 livres of the 400,000 for which Mr. Adams drew on Holland, reserving the residue to replace his advances & furnish current expenses. They observe that these last objects might have been effected by the residue of the money in Holland which was lying dead. Mr. Grand's observation to me was that Mr. Adams did not like to draw for these purposes, that he himself had no authority, and that the Commissioners had not accompanied their complaint with any draught on that fund, so that the debt still remains unpaid while the money is lying dead in Holland. He did not desire me to mention this circumstance, but should you see the Commissioners it might not be amiss to communicate it to them, that they may take any measures they please, if they think it proper to do anything in it. I am anxious to hear what is done with the states of Vermont & Franklin. I think that the former is the only innovation on the system of Apr. 23, 1784, which ought ever possibly to be admitted. If Congress are not firm on that head, our several states will crumble to atoms by the spirit of establishing every little canton into a separate state. I hope Virginia will concur in that plan as to her territory South of the Ohio & not leave to the Western country to withdraw themselves by force & become our worst enemies instead of our best friends. Europe is likely to be quiet. The departure of the Dutch deputies for Vienna, is a proof that matters are arranged between the Emperor & Dutch. The Turks shew a disposition to rally against the pursuits of the Emperor: but if this country can



preserve the peace she will do it. She is not ready for war, and yet could not see peaceably any new accession of power to him. A lover of humanity would wish to see that charming country from which the Turks exclude science & freedom, in any hands rather than theirs, & in those of the native Greeks rather than any others. The recovery of their antient language would not be desperate, could they recover their antient liberty. But those who wish to remove the Turks, wish to put themselves in their places. This would be exchanging one set of Barbarians for another only.—I am sorry to hear your health is not yet established. I was in hopes a change of climate would have effected it. Perhaps the summer of N. York may have produced that good effect.

This will be handed you by Monsr. Houdon. The letter which I give him to our delegation will apprise you of his character and mission, as well as of the object he would propose with Congress. I will here only add my request to you personally to render him such civilities as may be convenient, and to avail him of those opportunities which are in your power of making him acquainted with the members of Congress and of disposing them in his favour. He will well merit their notice.

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TO THE VIRGINIA DELEGATES IN CONGRESS J. MSS.

PARIS, July 12, 1785.

GENTLEMEN,—In consequence of the orders of the Legislative & Executive bodies of Virginia, I have

engaged Monsr. Houdon to make the Statue of Genl. Washington. For this purpose it is necessary for him to see the General. He therefore goes with Doctr. Franklin, & will have the honor of delivering you this himself. As his journey is at the expence of the State according to our contract, I will pray you to favor him with your patronage & counsels, and to protect him as much as possible from those impositions to which strangers are but too much exposed. I have advised him to proceed in the stages to the General's. I have also agreed, if he can see General Greene & Gates, whose busts he has a desire to make, that he may make a moderate deviation for this purpose, after he is done with General Washington.

But the most important object with him is to be employed to make General Washington's equestrian statue for Congress. Nothing but the expectation of this could have engaged him to have undertaken this voyage. The pedestrian statue for Virginia will not make it worth the business he loses by absenting himself. I was therefore obliged to assure him of my recommendations for this greater work. Having acted in this for the state, you will I hope think yourselves in some measure bound to patronize & urge his being employed by Congress. I would not have done this myself, nor asked you to do it, did I not see that it would be better for Congress to put this business into his hands, than those of any other person living, for these reasons: 1. he is without rivalship the first statuary of this age; as a proof of which he receives orders from every other country

for things intended to be capital: 2. he will have seen General Washington, have taken his measures in every part, and of course whatever he does of him will have the merit of being original, from which other workmen can only furnish copies. 3. He is in possession of the house, the furnaces, & all the apparatus provided for making the statue of Louis XV. If any other workman is employed, this will all be to be provided anew and of course to be added to the price of the statue, for no man can ever expect to make two equestrian statues. The addition which this would be to the price will much exceed the expectation of any person who has not seen that apparatus. In truth it is immense. As to the price of the work it will be much greater than Congress is aware of, probably. I have enquired somewhat into this circumstance, and find the prices of those made for two centuries past have been from 120.000 guineas down to 16.000 guineas, according to the size. And as far as I have seen, the smaller they are, the more agreeable. The smallest yet made is infinitely above the size of the life, and they all appear outrée and monstrous. That of Louis XV. is probably the best in the world, and it is the smallest here. Yet it is impossible to find a point of view from which it does not appear a monster, unless you go so far as to lose sight of the features and finer lineaments of the face and body. A statue is not made, like a mountain, to be seen at a great distance. To perceive those minuter circumstances which constitute its beauty you must be near it, and, in that case, it should be so little above the size of the life, as to appear actually

of that size from your point of view. I should not therefore fear to propose that the one intended by Congress should be considerably smaller than any of those to be seen here; as I think it will be more beautiful, and also cheaper. I have troubled you with these observations as they have been suggested to me from an actual sight of works in this kind, & supposed they might assist you in making up your minds on this subject. In making a contract with Monsr. Houdon it would not be proper to advance money, but as his disbursements and labour advance. As it is a work of many years, this will render the expence insensible. The pedestrian statue of marble is to take three years. The equestrian of course much more. Therefore the sooner it is begun the better.

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TO THE GOVERNOR OF VIRGINIA

V. S. A.

(PATRICK HENRY)

PARIS, July 15.

SIR,—Mr Houdon's long & desperate illness has retarded till now his departure for Virginia, and we had hoped from our first conversations with him that it would be easy to make our terms, and that the cost of the statue and expence of sending him would be but about a thousand guineas but when we came to settle this precisely, he thought himself obliged to ask vastly more. Insomuch that at one moment we thought our treaty at an end. But unwilling to commit such a work to an inferior hand, we made him an ultimate proposition on our part. He was

as much mortified at the prospect of not being the executor of such a work, as we were, not to have it done by such a hand. He therefore acceded to our terms, tho' we are satisfied he will be a considerable loser. We were led to insist on them because in a former letter to the Governor I had given the hope we entertained of bringing the whole within 1000 guineas. The terms are 25,000 livres or 1000 English guineas (the English guinea being worth 25 livres) for the statue & pedistal. Besides this we pay his expences going & returning, which we expect will be between four and five thousand livres: and if he dies in the voyage we pay his family 10,000 livres. This latter proposition was disagreeable to us. But he has a father, mother & sisters who have no resource but in his labour: and he is himself one of the best men in the world. He therefore made it a *sine qua non*, without which all would have been off. We have reconciled it to ourselves by determining to get insurance on his life made in London, which we expect can be done for 5 per cent, so that it becomes an additional sum of 500 livres. I have written to Mr Adams to know for what per cent the insurance can be had. I inclose you for a more particular detail, a copy of the agreement. Dr Franklin being on his departure did not become a party to the instrum't, tho it has been concluded with his approbation. He was disposed to give 250 guineas more, which would have split the difference between the actual terms & Mr Houdon's demand. I wish the state, at the conclusion of the work may agree to give him this much more, because I am persuaded he will be a loser,

which I am sure their generosity would not wish. But I have not given him the smallest expectation of it, chusing the proposition should come from the state which will be more honourable. You will perceive by the agreement that I pay him immediately 8333 $\frac{1}{3}$  livres, which is to be employed in getting the marble in Italy, it's transportation &c. The package & transportation of his stucco to make the moulds will be about 500 livres. I shall furnish him with money for his expences in France & I have authorised Dr Franklin when he arrives in Philadelphia to draw on me for money for his other expences going, staying & returning. These draughts will have been made probably & will be on their way to me before you receive this, & with the paiments made here will amount to about 5000 livres more than the amount of the bill remitted me. Another third, of 8333 $\frac{1}{3}$  will become due at the end of the ensuing year. Dr Franklin leaves Passy this morning. As he travels in a litter, Mr Houdon will follow him some days hence and will embark with him for Philadelphia. I am in hopes he will not stay in America more than a month.

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TO N. AND J. VAN STAPHORST <sup>1</sup>

J. MSS.

PARIS, July 30, 1785.

GENTLEMEN,—I received yesterday your favor of the 25th. Supposing that the funds which are the object of your enquiry are those which constitute what we call our *Domestic* debt, it is my opinion that

<sup>1</sup> Bankers in Amsterdam.

they are absolutely secure: I have no doubt at all but that they will be paid with their interest at six per cent. But I cannot say that they are as secure and solid as the funds which constitute our *foreign* debt; because no man in America ever entertained a doubt that our foreign debt is to be paid fully; but some people in America have seriously contended that the certificates & other evidences of our domestic debt ought to be redeemed only at what they have cost the holder; for I must observe to you, that these certificates of Domestic debt having as yet no provision for the payment either of principal or interest, and the original holders being mostly needy, they have been sold at a very great discount. When I left America (July 1784) they sold in different states at from 15/ to 2/6 in the pound, and any amount of them might then have been purchased. Hence some thought that full justice would be done if the public paid the purchasers of them what they actually paid for them, & interest on that. But this is very far from being a general opinion; a very great majority being firmly decided that they shall be paid fully. Were I the holder of any of them, I should not have the least fear of their full payment. There is also a difference between different species of certificates, some of them being receivable in taxes, others having the benefit of particular assurances, &c. Again some of these certificates are for paper money debts. A deception here must be guarded against. Congress ordered all such to be re-settled by the depreciation tables, and a new certificate to be given in exchange for them expressing their value in real

money. Yet all have not yet been resettled. In short this is a science in which few in America are expert, and no person in a foreign country can be so. Foreigners should therefore be sure that they are well advised before they meddle with them, or they may suffer. If you will reflect with what degree of success persons actually in America could speculate in the European funds which rise and fall daily, you may judge how far those in Europe may do it in the American funds, which are more variable from a variety of causes.

I am not at all acquainted with Mr. Daniel Parker, but as having once seen him in Philadelphia. He is of Massachusetts (I believe) and I am of Virginia. His circumstances are utterly unknown to me. I think there are few men in America, if there is a single one, who could command a hundred thousand pounds sterling's worth of these notes, at their real value. At their nominal amount this might be done perhaps with 25,000£ sterling, if the market price of them be as low as when I left America.

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TO JOHN ADAMS<sup>1</sup>

J. MSS.

PARIS, July 31, 1785.

DEAR SIR,—I was honoured yesterday with yours of the 24th instant. When the 1st *article* of our *instrns* of May 7. 1784, was *under debate in Congress*, it was *proposed* that *neither party* should make the *other pay in their ports greater duties than they paid*

<sup>1</sup> The parts in italic are underlined, evidently to be translated into cipher.



in the *ports* of the *other*. One *objection* to this was it's impracticability, another *that it would put it out of our power to lay such duties on alien importation* as might *encourage importation by natives*. Some members much attached to *English policy* thought such a *distinction* should actually be *established*. Some thought the *power* to do it should be *reserved* in case any peculiar circumstances should *call for it*, tho under the present or *perhaps any probable circumstances they did not think it would be good policy ever to exercise it*. The *footing gentis amicissimæ* was therefore *adopted* as you see in the *instruction*. As far as my inquiries enable me to judge France and Holland make no *distinction of duties between aliens and natives*. I also rather believe that the *other states of Europe* make *none*, England excepted, to whom this *policy*, as that of her *navigation act*, seems *peculiar*. The question then is, *should we disarm ourselves of the power to make this distinction against all nations in order to purchase an exception from the alien duties in England only; for if we put her importations on the footing of native, all other nations with whom we treat will have a right to claim the same*. I think we *should* because *against other nations who make no distinction in their ports between us & their own subjects, we ought not to make a distinction in ours*. And *if the English will agree, in like manner to make none, we should with equal reason abandon the right as against them*. I think all the world would gain by *setting commerce at perfect liberty*. I remember this *proposition to put foreigners and natives on the same footing* was considered; and

we were *all three* Dr. F. as well as you & myself in favor of it. We finally however *did not admit* it partly from the *objection* you mention, but more still on account of *our instructions*. But tho' the *English proclamation* had appeared in America at the time of framing these instructions I think it's effect as to alien duties had not yet been experienced & therefore was not attended to. If it had been noted in the debate I am sure that the *annihilation of our whole trade* would have been thought too great a price to pay for the reservation of a barren power which a majority of the members did not propose ever to exercise tho they were willing to retain it. Stipulating for equal rights for foreigners & natives we obtain more in foreign ports than our instructions required, and we only part with, in our own ports, a power of which sound policy would probably forever forbid the exercise. Add to this, that our treaty will be for a very short term, and if any evil be experienced under it, a reformation will soon be in our power. I am therefore for putting this among our original propositions to the court of London. If it should prove an insuperable obstacle with them, or if it should stand in the way of a greater advantage, we can but abandon it in the course of the negotiation,

In my copy of the cypher, on the alphabetical side, numbers are wanting from "Denmark" to "disc" inclusive, and from "gone" to "governor" inclusive. I suppose them to have been omitted in copying. Will you be so good as to send them to me from yours by the first safe conveyance?

TO DR. RICHARD PRICE

J. MSS.

PARIS, Aug. 7, 1785.

SIR,—Your favor of July 2. came duly to hand. The concern you therein express as to the effect of your pamphlet in America, induces me to trouble you with some observations on that subject. From my acquaintance with that country I think I am able to judge with some degree of certainty of the manner in which it will have been received. Southward of the Chesapeak it will find but few readers concurring with it in sentiment on the subject of slavery. From the mouth to the head of the Chesapeak, the bulk of the people will approve it in theory, and it will find a respectable minority ready to adopt it in practice, a minority which for weight & worth of character preponderates against the greater number, who have not the courage to divest their families of a property which however keeps their conscience inquiet. Northward of the Chesapeak you may find here & there an opponent to your doctrine as you may find here & there a robber & a murderer, but in no greater number. In that part of America, there being but few slaves, they can easily disencumber themselves of them, and emancipation is put into such a train that in a few years there will be no slaves northward of Maryland. In Maryland I do not find such a disposition to begin the redress of this enormity as in Virginia. This is the next state to which we may turn our eyes for the interesting spectacle of justice in conflict with avarice & oppression: a conflict wherein the sacred side is gaining daily recruits, from the influx into office of young men grown & growing up.

These have sucked in the principles of liberty as it were with their mother's milk; and it is to them I look with anxiety to turn the fate of this question. Be not therefore discouraged. What you have written will do a great deal of good: and could you still trouble yourself with our welfare, no man is more able to give aid to the labouring side. The college of William & Mary in Williamsburg, since the remodelling of it's plan, is the place where are collected together all the young men (of Virginia) under preparation for public life. They are there under the direction (most of them) of a Mr. Wythe one of the most virtuous of characters, and whose sentiments on the subject of slavery are unequivocal. I am satisfied if you could resolve to address an exhortation to those young men, with all that eloquence of which you are master, that it's influence on the future decision of this important question would be great, perhaps decisive. Thus you see that, so far from thinking you have cause to repent of what you have done, I wish you to do more, and wish it on an assurance of it's effect. The information I have received from America of the reception of your pamphlet in the different states agrees with the expectations I had formed. Our country is getting into a ferment against yours, or rather has caught it from yours. God knows how this will end; but assuredly in one extreme or the other. There can be no medium between those who have loved so much. I think the decision is in your power as yet, but will not be so long. I pray you to be assured of the sincerity of the esteem & respect with which

I have the honour to be Sir your most obedt humble servt.

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TO JOHN JAY

J. MSS.

PARIS Aug 23 1785.

DEAR SIR,—I shall sometimes ask your permission to write you letters, not official but private. The present is of this kind, and is occasioned by the question proposed in yours of June 14. “whether it would be useful to us to carry all our own productions, or none?” Were we perfectly free to decide this question, I should reason as follows. We have now lands enough to employ an infinite number of people in their cultivation. Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independant, the most virtuous, & they are tied to their country & wedded to it's liberty & interests by the most lasting bonds. As long therefore as they can find employment in this line, I would not convert them into mariners, artisans or anything else. But our citizens will find employment in this line till their numbers, & of course their productions, become too great for the demand both internal & foreign. This is not the case as yet, & probably will not be for a considerable time. As soon as it is, the surplus of hands must be turned to something else. I should then perhaps wish to turn them to the sea in preference to manufactures, because comparing the characters of the two classes I find the former the most valuable citizens. I consider the class of artificers as the panders of vice & the instruments by which the liberties of a country

are generally overturned. However we are not free to decide this question on principles of theory only. Our people are decided in the opinion that it is necessary for us to take a share in the occupation of the ocean, & their established habits induce them to require that the sea be kept open to them, and that that line of policy be pursued which will render the use of that element as great as possible to them. I think it a duty in those entrusted with the administration of their affairs to conform themselves to the decided choice of their constituents: and that therefore we should in every instance preserve an equality of right to them in the transportation of commodities, in the right of fishing, & in the other uses of the sea. But what will be the consequence? Frequent wars without a doubt. Their property will be violated on the sea, & in foreign ports, their persons will be insulted, imprisoned &c. for pretended debts, contracts, crimes, contraband, &c., &c. These insults must be resented, even if we had no feelings, yet to prevent their eternal repetition, or in other words, our commerce on the ocean & in other countries must be paid for by frequent war. The justest dispositions possible in ourselves will not secure us against it. It would be necessary that all other nations were just also. Justice indeed on our part will save us from those wars which would have been produced by a contrary disposition. But to prevent those produced by the wrongs of other nations? By putting ourselves in a condition to punish them. Weakness provokes insult & injury, while a condition to punish it often prevents it. This reasoning leads to the

necessity of some naval force, that being the only weapon with which we can reach an enemy. I think it to our interest to punish the first insult; because an insult unpunished is the parent of many others. We are not at this moment in a condition to do it, but we should put ourselves into it as soon as possible. If a war with England should take place, it seems to me that the first thing necessary would be a resolution to abandon the carrying trade because we cannot protect it. Foreign nations must in that case be invited to bring us what we want & to take our productions in their own bottoms. This alone could prevent the loss of those productions to us & the acquisition of them to our enemy. Our seamen might be employed in depredations on their trade. But how dreadfully we shall suffer on our coasts, if we have no force on the water, former experience has taught us. Indeed I look forward with horror to the very possible case of war with an European power, & think there is no protection against them but from the possession of some force on the sea. Our vicinity to their West India possessions & to the fisheries is a bridle which a small naval force on our part would hold in the mouths of the most powerful of these countries. I hope our land office will rid us of our debts, & that our first attention then will be to the beginning a naval force of some sort. This alone can countenance our people as carriers on the water, & I suppose them to be determined to continue such.

I wrote you two public letters on the 14th inst., since which I have received yours of July 13. I shall

always be pleased to receive from you in a private way such communications as you might not chuse to put into a public letter.

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TO JAMES MONROE †

J. MSS.

PARIS Aug. 28, 1785.

DEAR SIR,—I wrote you on the 5th of July by Mr. Franklin & on the 12th of the same month by Mons<sup>r</sup> Houdon. Since that date yours of June 16. by Mr. Mazzei is received. Everything looks like peace here. The settlement between the Emperor & Dutch is not yet published, but it is believed to be agreed. Nothing is done as yet between him & the Porte. He is much wounded by the Confederation of several of the Germanic body at the head of which is the King of Prussia, & to which the King of England as elector of Hanover is believed to accede. The object is to preserve the constitution of that empire. It shews that these princes entertain serious jealousies of the ambition of the Emperor, and this will very much endanger the election of his nephew as King of the Romans. A late arret of this court against the admission of British Manufactures produces a great sensation in England. I wish it may produce a disposition there to receive our commerce in all their dominions on advantageous terms. *This is the only balm which can heal the wound that it has received. It is but too true that that country furnishes market, three fourths of the exports of the eight northern most states. A truth not proper to be spoken of, but which should influence our proceedings with them.*

† The parts in italics are in cipher numbers in the original.



*How that negotiation advances* you are probably better informed than I am. The infidelity of the post offices rendering the communication *between Master Adams and myself difficult*. The improvement of our commerce *with France will be advanced more by negotiation at Saint James than at Versailles*.

The July French packet being arrived without bringing any news of Mr Lambe. If the English one of the same month be also arrived without news of him, I expect Mr Adams will concur with me in sending some other person to treat with the Barbary states. Mr. Barclay is willing to go, & I have proposed him to Mr. Adams but have not yet received his answer. The peace expected between Spain & Algiers will probably not take place. It is said the former was to have given a million of dollars. Would it not be prudent to *send a minister to Portugal?* Our commerce with *that country* is very important. Perhaps *more so than with any other country in Europe*. It is possible too that they might *permit our whaling vessels to refresh in Brazil or give some other indulgence in South America*. The lethargic character of *their ambassador here* gives a very *unhopeful aspect* to a *treaty on this ground*. I lately spoke with *him on the subject and he has promised to interest himself in obtaining an answer from his court*. I have waited to see what was the pleasure of Congress as to the secretaryship of my office here; that is, to see whether they proposed to appoint a secretary of legation, or leave me to appoint a private secretary. Colo. Humphrey's occupation in the dispatches & record of the matters which

relate to the general commissions does not afford him leisure to aid me in my office, were I entitled to ask that aid. In the meantime the lengthy papers which often accompany the communications between the ministers here & myself, & the other business of the office absolutely require a scribe. I shall therefore on Mr. Short's return from the Hague appoint him my private secretary till Congress shall think proper to signify their pleasure. The salary allowed Mr. Franklin in the same office was 1000 Dollars a year. I shall presume that Mr Short may draw the same allowance from the funds of the N. T. here as soon as I shall have made this appointment. I shall give official notice of it to Mr. Jay, that Congress may, if they disapprove of it, say so.

I am much pleased with your land ordinance, & think it improved from the first in the most material circumstances. I had mistaken the object of the division of the lands among the states. I am sanguine in my expectations of lessening our debts by this fund, and have expressed my expectations to the Minister & others here. I see by the public papers you have adopted the dollar as your money unit. In the arrangement of coins I had proposed, I ought to have inserted a gold coin of 5. dollars, which being within 2/ of the value of a guinea will be very convenient.—The English papers are incessantly repeating their lies about the tumults, the anarchy, the bankruptcies & distresses of America, these ideas prevail very generally in Europe. At a large table where I dined the other day, a gentleman from Switzerland expressed his apprehensions for the fate of

Doct<sup>r</sup> Franklin as he said he had been informed he would be received with stones by the people, who were generally dissatisfied with the revolution & incensed against all those who had assisted in bringing it about. I told him his apprehensions were just, & that the People of America would probably salute Dr. Franklin with the same stones they had thrown at the Marquis Fayette. The reception of the Doctor is an object of very general attention, and will weigh in Europe as an evidence of the satisfaction or dissatisfaction of America with their revolution. As you are to be in Williamsburgh early in November, this is the last letter I shall write you till about that time; I am with very sincere esteem Dr. Sir Your friend and servt.

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TO DAVID HARTLEY

J. MSS.

PARIS Sep 5, 1785.

DEAR SIR,—Your favour of Apr 15, happened to be put into my hands at the same time with a large parcel of letters from America, which contained a variety of intelligence. It was then put where I usually place my unanswered letters, & I from time to time put off acknowledging the receipt of it till I should be able to furnish you American intelligence worth communicating. A favourable opportunity, by a courier, of writing to you occurring this morning, what has been my astonishment & chagrin on reading your letter again to find there was a case in it which required an immediate answer, but which, by the variety of matters which happened to be

presented to my mind at the same time had utterly escaped my recollection. I pray you to be assured that nothing but this slip of memory would have prevented my immediate answer, & no other circumstance would have prevented it's making such an impression on my mind as that it could not have escaped. I hope you will therefore obliterate the imputation of want of respect, which under actual appearances must have arisen in your mind, but which would refer to an untrue cause the occasion of my silence. I am not sufficiently acquainted with the proceedings of the New York Assembly to say with certainty in what predicament the lands of Mr. Upton may stand. But on conferring with Colo Humphreys, who being from the neighboring state was more in the way of knowing what passed in New York, he thinks that the descriptions in their confiscation laws were such as not to include a case of this nature. The first thing to be done by Mr. Upton is to state his case to some intelligent lawyer of the country, that he may know with certainty whether they be confiscated, or not; & if not confiscated, to know what measures are necessary for completing & securing his grant. But if confiscated, there is then no other tribunal of redress but their general assembly. If he is unacquainted there, I would advise him to apply to Colo Hamilton (who was aid to Genl. Washington) and is now very eminent at the bar, and much to be relied on. Your letter in his favor to Mr. Jay will also procure him the benefit of his council.

With respect to America I will rather give you a

general view of its situation, than merely relate recent events. The impost is still unpassed by the two states of New York & Rhode Island; for the manner in which the latter has passed it does not appear to me to answer the principal object, of establishing a fund, which, by being subject to Congress alone, may give such credit to the certificates of public debt as will make them negotiable. This matter then is still suspended.

Congress have lately purchased the Indian right to nearly the whole of the land lying in the new state bounded by lake Erie, Pennsylvania & the Ohio. The northwestern corner alone is reserved to the Delawares & Wiandots. I expect a purchase is also concluded with other tribes for a considerable proportion of the state next to this on the north side of the Ohio. They have passed an ordinance establishing a land office, considerably improved I think on the plan of which I had the honor of giving you a copy. The lands are to be offered for sale to the highest bidder. For this purpose portions of them are to be proposed in each state, that each may have the means of purchase carried equally to their doors, & that the purchasers may be a proper mixture of the citizens from all the different states. But such lots as cannot be sold for a dollar an acre are not to be parted with. They will receive as money the certificates of public debt. I flatter myself that this arrangement will very soon absorb the whole of these certificates, & thus rid us of our domestic debt, which is four fifths of our whole debt. Our foreign debt will then be a bagatelle.

I think it probable that Vermont will be made independant, as I am told the state of New York is likely to agree to it. Le-Maine will probably in time be also permitted to separate from Massachusetts. As yet they only begin to think of it. Whenever the people of Kentucky shall have agreed among themselves, my friends write me word that Virginia will consent to their separation. They will constitute the new state on the South side of Ohio, joining Virginia. North Carolina, by an act of their assembly, ceded to Congress all their lands Westward of the Alleghany. The people inhabiting that territory thereon declared themselves independant, called their state by the name of Franklin, & solicited Congress to be received into the Union. But before Congress met, N. Carolina (for what reasons I could never learn) resumed their cession. The people however persist; Congress recommended to the state to desist from their opposition, & I have no doubt they will do it. It will therefore result from the act of Congress laying off the Western country into new states, that these states will come into the union in the manner therein provided, & without any disputes as to their boundaries.

I am told that some hostile transaction by our people at the Natchez against the Spaniards has taken place. If it be fact Congress will certainly not protect them, but leave them to be chastised by the Spaniards, saving the right to the territory. A Spanish minister being now with Congress, & both parties interested in keeping the peace I think, if such an event has happened, it will be easily arranged.

I told you when here of the propositions made by Congress to the States to be authorized to make certain regulations in their commerce; & that from the disposition to strengthen the hands of Congress, which was then growing fast, I thought they would consent to it. Most of them did so, & I suppose all of them would have done it, if they have not actually done it, but that events proved a much more extensive power would be requisite. Congress have therefore desired to be invested with the whole regulation of their trade, & forever: & to prevent all temptations to abuse & all fears of it, they propose that whatever monies shall be levied on commerce, either for the purpose of revenue or by way of forfeitures or penalty, shall go directly into the coffers of the state wherein it is levied without being touched by Congress. From the present temper of the states & the conviction which your country has carried home to their minds that there is no other method of defeating the greedy attempts of other countries to trade with them on equal terms, I think they will add an article for this purpose to their confederation. But the present powers of Congress over the commerce of the states under the Confederation seems not at all understood by your ministry. They say that body has no power to enter into a treaty of commerce; why then make one? This is a mistake. By the 6th art. of the confederation the states renounce individually all power to make any treaty of whatever nature with a foreign nation. By the 9th article they give the power of making treaties wholly to Congress, with two reservations only. 1. That no treaty of

commerce shall be made which shall restrain the legislatures from making foreigners pay the same imposts with their own people: nor 2, from prohibiting the exportation or importation of any species of merchandize which they might think proper. Were any treaty to be made which should violate either of these two reservations, it would be so far void. In the treaties therefore made with France, Holland, &c. this has been cautiously avoided. But are these treaties of no advantage to those nations? Besides the advantages expressly given by them, there results another of great value. The commerce of those nations with the U. S. is thereby under the protection of Congress, & no particular state, acting by fits & starts, can harass the trade of France, Holland, &c. by such measures as several of them have practiced against England by loading her merchandize with partial impost, refusing admittance to it altogether, excluding her merchants, &c. &c. For you will observe that tho by the 2d. reservation before-mentioned they can prohibit the importation of any *species* of merchandize, as for instance tho' they may prohibit the importation of wines in general, yet they cannot prohibit that of *French* wines in particular. Another advantage is that the nations having treaties with Congress can & do provide in such treaties for the admission of their consuls, a kind of officer very necessary for the regulation & protection of commerce. You know that a Consul is the creature of treaty. No nation, without an agreement, can place an officer in another country with any powers or jurisdiction whatever. But as the states have



renounced the separate power of making treaties with foreign nations, they cannot separately receive a consul; & as Congress have by the Confederation no immediate jurisdiction over commerce, as they have only a power bringing that jurisdiction into existence by entering into a treaty, till such treaty be entered into Congress themselves cannot receive a Consul. Till a treaty then there exists no power in any part of our government, federal or particular, to admit a Consul among us; & if it be true as the papers say that you have lately sent one over, he cannot be admitted by any power in existence to an exercise of any function. Nothing less than a new article to be agreed to by all the states would enable Congress or the particular states to receive him. You must not be surprised then if he be not received.

I think I have by this time tired you with American politics & will therefore only add assurances of the sincere regard & esteem with which I have the honour to be dr Sir your most obedient humble servt.

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TO MARY JEFFERSON <sup>1</sup>

PARIS, Sept. 20th, 1785.

MY DEAR POLLY,—I have not received a letter from you since I came to France. If you knew how much I love you and what pleasure the receipt of your letters gave me at Philadelphia, you would have written to me, or at least have told your aunt what to write, and her goodness would have induced her

<sup>1</sup> From S. N. Randolph's *Domestic Life of T. Jefferson*, 103.

to take the trouble of writing it I wish so much to see you, that I have desired your uncle and aunt to send you to me. I know, my dear Polly, how sorry you will be, and ought to be, to leave them and your cousins; but your sister and myself cannot live without you, and after a while we will carry you back again to see your friends in Virginia. In the meantime you shall be taught here to play on the harpsichord, to draw, to read and talk French, and such other things as will make you more worthy of the love of your friends; but above all things by our care and love of you, we will teach you to love us more than you will do if you stay so far from us I had no opportunity since Colonel Le Maire went, to send you anything; but when you come here you shall have as many dolls and playthings as you want for yourself, or to send to your cousins whenever you shall have opportunities. I hope you are a very good girl, that you love your uncle and aunt very much, and are very thankful to them all for their goodness to you; that you never suffer yourself to be angry with any body, that you give your playthings to those who want them, that you do whatever any body desires of you that is right, that you never tell stories, never beg for anything, mind your books and your work when your aunt tells you, never play but when she permits you, nor go where she forbids you; remember, too, as a constant charge, not to go out without your bonnet, because it will make you very ugly, and then we shall not love you so much. If you always practice these lessons we shall continue to love you as we do now, and it is impossible to love

you any more. We shall hope to have you with us next summer, to find you a very good girl, and to assure you of the truth of our affection for you. Adieu, my dear child. Yours affectionately.

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TO MRS JOHN (ABIGAIL) ADAMS

PARIS Sep. 25. 1785.

DEAR MADAM,—Mr. Short's return the night before last availed me of your favor of Aug. 12. I immediately ordered the shoes you desired which will be ready tomorrow. I am not certain whether this will be in time for the departure of Mr. Barclay or of Col<sup>o</sup> Franks, for it is not yet decided which of them goes to London. I have also procured for you three plateaux de dessert with a silvered ballustrade round them, and four figures. Of Biscuit the former cost 192<sup>s</sup>, the latter 12<sup>s</sup> each, making together 240. livres or 10. Louis. The merchant undertakes to send them by the way of Rouen through the hands of Mr. Garvey & to have them delivered in London. There will be some additional expenses of packing, transportation & duties here. Those in England I imagine you can save. When I know the amount I will inform you of it, but there will be no occasion to remit it here. With respect to the figures I could only find three of those you named, matched in size. These were Minerva, Diana, and Apollo, I was obliged to add a fourth, unguided by your choice. They offered me a fine Venus; but I thought it out of taste to have two at table at the same time.

Paris & Helen were represented. I conceived it would be cruel to remove them from their peculiar shrine. When they shall pass the Atlantic, it will be to sing a requiem over our freedom & happiness. At length a fine Mars was offered, calm, bold, his faulchion not drawn but ready to be drawn. This will do, thinks I, for the table of the American Minister in London, where those whom it may concern may look and learn that though Wisdom is our guide, and the Song and Chase our supreme delight, yet we offer adoration to that tutelar God also who rocked the cradle of our birth, who has accepted our infant offerings & has shown himself the patron of our rights & avenger of our wrongs. The group then was closed, and your party formed. Envy & malice will never be quiet. I hear it already whispered to you that in admitting Minerva to your table I have departed from the principle which made me reject Venus: in plain English that I have paid a just respect to the daughter but failed to the mother. No Madam, my respect to both is sincere. Wisdom, I know, is social. She seeks her fellows, but Beauty is jealous, and illy bears the presence of a rival.—But, Allons, let us turn over another leaf, & begin the next chapter, I receive by Mr. Short a budget of London papers, they teem with every horror of which human nature is capable, assassinations, suicides, thefts, robberies, &, what is worse than assassination, theft, suicide, or robbery, the blackest slanders! indeed the man must be of rock, who can stand all this; to Mr Adams it will be but one victory the more. It would have illy suited me. I do not love difficulties. I am

fond of quiet, willing to do my duty, but irritable by slander & apt to be forced by it to abandon my post. These are weaknesses from which reason & your counsels will preserve Mr. Adams. I fancy it must be the quantity of animal food eaten by the English which renders their character insusceptible of civilization. I suspect it is in their kitchens & not in their churches that their reformation must be worked, & that Missionaries of that description from hence would avail more than those who should endeavor to tame them by precepts of religion or philosophy. But what do the foolish printers of America mean by retailing all this stuff in our papers? As if it was not enough to be slandered by one's enemies without circulating the slanders among his friends also.

To show you how willingly, I shall ever receive & execute your commissions, I venture to impose one on you. From what I recollect of the diaper & damask we used to import from England I think they were better & cheaper than here, you are well acquainted with those of both countries, if you are of the same opinion I would trouble you to send me two sets of tablecloths & napkins for 20 covers each, by Col<sup>o</sup> Franks or Mr. Barclay who will bring them to me, but if you think they can be better got here I would rather avoid the trouble this commission will give. I enclose you a specimen of what is offered me at 100 livres for the tablecloth & 12 napkins. I suppose that, of the same quality, a table cloth<sup>h</sup> 2 aunes wide & 4 aunes long & 20 napkins of 1 aune each, would cost 7. guineas.—I shall certainly charge the publick my houserent & court taxes. I shall do

more. I shall charge my outfit. Without this I can never get out of debt. I think it will be allowed. Congress is too reasonable to expect, where no imprudent expenses are incurred, none but those which are required by a decent respect for the mantle with which they cover the public servants that such expences should be left as a burthen on our private fortunes.—But when writing to you I fancy myself at Auteuil, and chatter on till the last page of my paper awakes me from my reverie, & tells me it is time to assure you of the sincere respect & esteem with which I have the honor to be Dear Madam,

Your most obedient & Most humble serv<sup>t</sup>

P.S. The cask of wine at Auteuil, I take cheerfully. I suppose the seller will apply to me for the price. Otherwise, as I do not know who he is, I shall not be able to find him out.

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TO HOGENDORP

J. MSS.

(COUNT GYSBERT-CHARLES VAN)

PARIS, Oct. 13, 1785.

DEAR SIR,—Having been much engaged lately, I have been unable sooner to acknowledge the receipt of your favor of Sep. 8. What you are pleased to say on the subject of my Notes is more than they deserve. The condition in which you first saw them would prove to you how hastily they had been originally written; as you may remember the numerous insertions I had made in them from time to time, when I could find a moment for turning to them

from other occupations. I have never yet seen Monsr. de Buffon. He has been in the country all the summer. I sent him a copy of the book, & have only heard his sentiments on one particular of it, that of the identity of the Mammoth & Elephant. As to this he retains his opinion that they are the same. If you had formed any considerable expectations from our Revised code of laws you will be much disappointed. It contains not more than three or four laws which could strike the attention of the foreigner. Had it been a digest of all our laws, it would not have been comprehensible or instructive but to a native. But it is still less so, as it digests only the British statutes & our own acts of assembly, which are but a supplementary part of our law. The great basis of it is anterior to the date of the Magna charta, which is the oldest statute extant. The only merit of this work is that it may remove from our book shelves about twenty folio volumes of our statutes, retaining all the parts of them which either their own merit or the established system of laws required.

You ask me what are those operations of the British nation which are likely to befriend us, and how they will produce this effect? The British government as you may naturally suppose have it much at heart to reconcile their nation to the loss of America. This is essential to the repose, perhaps even to the safety of the King & his ministers. The most effectual engines for this purpose are the public papers. You know well that that government always kept a kind of standing army of news writers who without any regard to truth, or to what should be

like truth, invented & put into the papers whatever might serve the minister. This suffices with the mass of the people who have no means of distinguishing the false from the true paragraphs of a newspaper. When forced to acknowledge our independence they were forced to redouble their efforts to keep the nation quiet. Instead of a few of the papers formerly engaged, they now engaged every one. No paper therefore comes out without a dose of paragraphs against America. These are calculated for a secondary purpose also, that of preventing the emigrations of their people to America. They dwell very much on American bankruptcies. To explain these would require a long detail, but would shew you that nine tenths of these bankruptcies are truly English bankruptcies in no wise chargeable on America. However they have produced effects the most desirable of all others for us. They have destroyed our credit & thus checked our disposition to luxury; & forcing our merchants to buy no more than they have ready money to pay for, they force them to go to those markets where that ready money will buy most. Thus you see they check our luxury, they force us to connect ourselves with all the world, & they prevent foreign emigrations to our country all of which I consider as advantageous to us. They are doing us another good turn. They attempt without disguise to possess themselves of the carriage of our produce, & to prohibit our own vessels from participating of it. This has raised a general indignation in America. The states see however that their constitutions have provided no means of counteracting it. They are



therefore beginning to invest Congress with the absolute power of regulating their commerce, only reserving all revenue arising from it to the state in which it is levied. This will consolidate our federal building very much, and for this we shall be indebted to the British.

You ask what I think on the expediency of encouraging our states to be commercial? Were I to indulge my own theory, I should wish them to practise neither commerce nor navigation, but to stand with respect to Europe precisely on the footing of China. We should thus avoid wars, and all our citizens would be husbandmen. Whenever indeed our numbers should so increase as that our produce would overstock the markets of those nations who should come to seek it, the farmers must either employ the surplus of their time in manufactures, or the surplus of our hands must be employed in manufactures, or in navigation. But that day would, I think be distant, and we should long keep our workmen in Europe, while Europe should be drawing rough materials & even subsistence from America. But this is theory only, & a theory which the servants of America are not at liberty to follow. Our people have a decided taste for navigation & commerce. They take this from their mother country: & their servants are in duty bound to calculate all their measures on this datum: we wish to do it by throwing open all the doors of commerce & knocking off its shackles. But as this cannot be done for others, unless they will do it for us, & there is no great probability that Europe will do this, I suppose we

shall be obliged to adopt a system which may shackle them in our ports as they do us in theirs.

With respect to the sale of our lands, that cannot begin till a considerable portion shall have been surveyed. They cannot begin to survey till the fall of the leaf of this year, nor to sell probably till the ensuing spring. So that it will be yet a twelve-month before we shall be able to judge of the efficacy of our land office to sink our national debt. It is made a fundamental that the proceeds shall be solely & sacredly applied as a sinking fund to discharge the capital only of the debt. It is true that the tobaccos of Virginia go almost entirely to England. The reason is that they owe a great debt there which they are paying as fast as they can.—I think I have now answered your several queries, & shall be happy to receive your reflections on the same subjects, & at all times to hear of your welfare & to give you assurances of the esteem with which I have the honor to be Dear Sir your most obedient & most humble servant.

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TO N. AND J. VAN STAPHORST

PARIS, Oct. 25. 1785.

GENTLEMEN,—I received yesterday your favor of the 20th inst. In order to give you the information you desire on the subject of the *Liquidated* debts of the United States, & the comparative footing on which they stand, I must observe to you that the first & great division of our federal debt is into 1. Foreign and 2. Domestic. The Foreign debt comprehends

1. the loan from the government of Spain. 2. the loans from the government of France & from the Farmers general. 3. the loans negotiated in Holland by orders of Congress. This branch of our debt stands absolutely singular: no man in the United States having ever supposed that Congress or their legislatures can in any wise modify or alter it. They justly view the United States as the one party & the lenders as the other & that the consent of both would be requisite were any modification to be proposed. But with respect to the Domestic debt, they consider Congress as representing both the borrowers & lenders, and that the modifications which have taken place in this, have been necessary to do justice between the two parties, & that they flowed properly from Congress as their mutual umpire. The Domestic debt comprehends 1. the army debt; 2. the Loan office debt. 3. the liquidated debt. & 4. the unliquidated debt. The 1<sup>st</sup> term includes debts to the officers & souldiers for pay, bounty & subsistence. The 2<sup>d</sup> term means monies put into the loan-office of the United States. The 3<sup>d</sup> comprehends all debts contracted by quartermasters, commissaries, & others duly authorized to procure supplies for the army, and which have been liquidated (that is, settled) by commissioners appointed under the resolution of Congress of June 12. 1780. or by the officer who made the contract. The 4<sup>th</sup> comprehends the whole mass of debts described in the preceding article which have not yet been liquidated. These are in a course of liquidation, and are passing over daily into the 3<sup>d</sup> class. The debts of this 3<sup>d</sup> class, that is the liquidated

debt is the object of your inquiry. No time is fixed for the payment of it, no fund is yet determined, nor any firm provision for the interest in the meantime. The consequence is that the certificates of these debts sell greatly below par. When I left America they could be bought for from  $\frac{2}{6}$  to  $\frac{15}{100}$  in the pound: this difference proceeding from the circumstances of some states having provided for paying the interest on those due in their own state, which others had not. Hence, an opinion had arisen with some, & propositions had even been made in the legislatures for paying off the principal of these debts with what they had cost the holder & interest on that. This opinion is far from being general, & I think will not prevail. But it is among possible events. I have been thus particular that you might be able to judge not only in the present case, but also in others, should any attempts be made to speculate in your city on these papers. It is a business in which foreigners will be in great danger of being duped. It is a science which bids defiance to the powers of reason. To understand it, a man must not only be on the spot, and be perfectly possessed of all the circumstances relative to every species of these papers, but he must have that dexterity which the habit of buying & selling them alone gives. The brokers of these certificates are few in number, and any other person venturing to deal with them engages in a very unequal contest.

TO PHILLIP MAZZEI

J. MSS.

PARIS, Nov. ? 1785.

DEAR SIR,—You desire me to give you an idea of the Origin and Object of our Court of Chancery, the Limits of it's jurisdiction, and it's Tendency to render property & liberty more or less secure in a country where that security is infinitely valued. The purpose for which you require this obliges me to be concise, as indeed does my situation here, where, as you know, I am without books which might enable me to enter into details, I shall confine myself therefore to general description only. The terms of this, if presented to professors of the law, would furnish matter for abundant exceptions. But these should be suppressed by the reflection that we mean only to sketch for foreigners a general idea of this Court.

The system of law in most of the United States, in imitation of that of England is divided into two departments, the Common law & the Chancery.

The Common law is a *written law* the text of which is preserved from the beginning of the 13th century downwards, but what has preceded that is lost, it's substance, however, has been retained in the memory of the people & committed to writing from time to time in the decisions of the judges and treatises of the jurists, insomuch that it is still considered as a *lex scripta*, the letter of which is sufficiently known to guide the decisions of the courts. In this department the courts restrain themselves to the letter of the law. Antiently indeed before the improvement of perhaps the existence of the court of Chancery, they allowed

themselves greater latitude, extending the provisions of every law not only to the cases within it's letter but to those also which came within the spirit and reason of it. This was called the equity of the law but it is now very long since certainty in the law has become so highly valued by the nation that the judges have ceased to extend the operation of laws beyond those cases which are clearly within the intention of the legislators. This intention is to be collected principally from the words of the law; only where these are ambiguous they are permitted to gather further evidence from the history of the times when the law was made & the circumstances which produced it. In antient times, when contracts and transfers of property were more rare, and their object more simple, the imperfections of this administration of justice according to the letter of the law were less felt. But when commerce began to make progress, when the transfer of property came into daily use, when the modifications of these transfers were infinitely diversified, when with the improvement of other faculties that of the moral sense became also improved, and learnt to respect justice in a variety of cases which it had not formerly discriminated, the instances of injustice left without remedy by courts adhering to the letter of the law, would be so numerous as to produce a general desire that a power should be found somewhere which would redress them. History renders it probable that appeals were made to the king himself in these cases, and that he exercised this power sometimes in person, but more generally by his Chancellor to whom he referred the

case. This was most commonly an Ecclesiastic, learning being rare in any other class at that time. Roman learning, and a prejudice in favour of Roman institutions are known to have been a leading feature in the ecclesiastical character. Hence it happened that the forms of proceeding in the court of Chancery & the rules of its decisions were assimilated to those of the Roman law. The distinction in that system between the *jus prætorium*, or discretion of the Prætor, and the general law is well known, among the Romans & in most modern nations these were & are exercised by the same person. But the Chancellors of England, finding the ordinary courts in possession of the administration of general law, & confined to that, assumed to themselves by degrees that of the *jus prætorium*, and made theirs be considered as a court of conscience, or of equity. The history of the struggles between the ordinary, or common law courts, and the court of equity or Chancery would be beyond our purpose, it is sufficient to say that the interpositions of the Chancellor were at first very rare, that they increased insensibly, and were rather tolerated from their necessity, than authorized by the laws in the earlier periods of history. L<sup>d</sup> Bacon first introduced regularity into their proceedings & Finch, Earl of Nottingham, in the reign of Charles the 2<sup>d</sup> opened to view that system which has been improving from that time to this. The power of that court as acknowledged at this day, is to relieve:

1. Where the common law gives no remedy.
2. Where its remedy is imperfect.

3. Where it would do injustice by comprehending within it's letter cases not within it's reason, nor intended to have been comprehended.

But this court whilst developing and systematising it's powers has found, in the jealousy of the nation and it's attachment to certain and impartial law, an obstacle insuperable beyond that line. It has been obliged therefore to establish for itself certain barriers as the limitations of it's power which whenever it transcends, the general jurisdiction which superintends all the Courts & receives appeals from them corrects it's encroachments & reverses it's decisions. This is the house of lords in England, and the Court of Appeals in Virginia. These limitations are 1. That it cannot take cognisance of any case wherein the common law can give complete remedy. 2. That it cannot interpose in any case against the express letter and intention of the legislature. If the legislature means to enact an injustice, however palpable, the court of Chancery is not the body with whom a correcting power is lodged. 3. That it shall not interpose in any case which does not come within a general description and admit of redress by a general and practicable rule. This is to prevent partiality. When a Chancellor pretends that a case is distinguished from all others, it is thought better that that singular case should go without remedy, than that he should be at liberty to cover partial decisions under pretence of singular circumstances, which ingenious men can always invent. Hence all the cases remediable in chancery are reduced to certain classes. When a new case presents itself, not found in any of



these classes it is dismissed as irremediable. If in the progress of commerce, and of the developments of moral duties the same case is presented so often that the Chancellor can seize certain leading features which submit it to a general description and show that it is a proper object for the application of some moral rule—here is a new class of cases formed and brought within the regular relief of the court of Chancery, which thus continues the administration of justice progressive almost in equal pace with the progress of commerce and refinement of morality. One practice only is wanting to render this court completely valuable. That is that when a class of cases has been formed & has been the subject of so many decisions in the Court of Chancery as to have been seen there under all circumstances, & in all its combinations and the rules for its decision are modified accordingly & thoroughly digested, the legislature should reduce these rules to a text and transplant them into the department of the common law, which is competent then to the application of them, and is a safer depository for the general administration of justice. This would be to make the Chancery a nursery only for the forming new plants for the Department of the common law. Much of the business of Chancery is now actually in a state of perfect preparation for removal into the common law.

It has often been predicted in England that the Chancery would swallow up the common law, during many centuries however, that these two courts have gone on together, the jurisdiction of the common law has not been narrowed in a single article: on the

contrary it has been enlarged from time to time by act of the legislature; but jealousy uncorrected by reason or experience, sees certainty where ever there is a possibility and sensible men still think that the danger from this court overweighs its utility.

Even some of the states in our Union have chosen to do without this court; and it has been proposed to others to follow their example in this case. One of two consequences must follow. Either, 1—the cases now remediable in Chancery must be left without remedy, in which event the clamorers for justice which originally begat this court, would produce it's re-institution; or 2—the courts of common law must be permitted to perform the discretionary functions of the Chancery. This will be either by adopting at once all the rules of the Chancery, with the consent of the legislature, or if that is withheld, these courts will be led, by the desire of doing justice, to extend the text of the law according to it's equity as was done in England before the Chancery took a regular form. This will be worse than running on Scylla to avoid Charybdis, for at present nine tenths of our legal contestations are perfectly remedied by the common law, & can be carried before that judicature only. This proportion then of our rights is placed on sure ground. Relieve the judges from the rigour of text law, and permit them, with prætorian discretion, to wander into its equity, & the whole legal system becomes uncertain. This has been it's fate in every country where the fixed, & the discretionary law have been committed into the same hands. It is probable that the singular certainty,

with which justice has been administered in England, has been the consequence of their distribution into two distinct departments. Unhappily for that country, however, a very unexpected revolution is working in their laws of late years. L<sup>d</sup> Mansfield, a man of the clearest head & most seducing eloquence coming from a country where the powers of the common law & chancery are united in the same court, has been able since his admission to the bench of judges in England, to persuade the courts of common law to revise the practice of construing their text equitably. The object of former judges has been to render the law more & more certain. That of this personage to render it more incertain under pretence of rendering it more reasonable. No period of the English law of what ever length it be taken, can be produced wherein so many of it's settled rules have been reversed as during the time of this judge. His decisions will be precious in those states where no chancery is established, but his accession to the bench should form the epoch, after which all recurrence to English decisions should be proscribed in those states which have separated the two courts. His plan of rendering the chancery useless by administering justice in the same way in the courts of common law has been admirably seconded by the celebrated D<sup>r</sup> Blackstone, a judge in the same department, who has endeavored seriously to prove that the jurisdiction of the Chancery is a chaos, irreducible to system, insusceptible of fixed rules, & incapable of definition or explanation. Were this true, it would be a monster whose existence should not be

suffered one moment in a free country wherein every power is dangerous which is not bound up by general rules.

Before I end up my letter I will further observe, to guard still more effectually against the dangers apprehended from a court of Chancery, the legislature of Virginia have very wisely introduced into it the trial by jury for all matters of fact.

I have thus gone over, with much rapidity the subject of your inquiries, yet I fear I have been more lengthy than you wished. You can, however, extract such of these details as will fulfill your object, neglecting those which go beyond it. I shall close therefore with assurances of the sincere esteem with which I am Dear Sir, Your friend & servant.

CONFERENCE WITH THE COUNT DE VERGENNES ON THE  
SUBJECT OF THE COMMERCE OF THE UNITED  
STATES WITH FRANCE.<sup>1</sup>

1785.

The next levee day at Versailles, I meant to bring again under the view of the Count de Vergennes, the whole subject of our commerce with France; but the number of audiences of ambassadors and other ministers, which take place, of course, before mine, and which seldom, indeed, leave me an opportunity of audience at all, prevented me that day. I was only able to ask the Count de Vergennes, as a particular favor, that he would permit me to wait on him some day that week. He did so, and I went to Versailles the Friday following (the 9th of December). M. de Reyneval was with the Count. Our conversation began with the usual topic; that the

<sup>1</sup> In a letter to John Jay, dated Paris, January 2, 1786, Jefferson wrote:

"SIR,—Several conferences and letters having passed between the Count de Vergennes and myself, on the subject of the commerce of this country with the United States, I think them sufficiently interesting to be communicated to Congress. They are stated in the form of a report, and are herein enclosed. The length of this despatch, perhaps, needs apology. Yet I have not been able to abridge it, without omitting circumstances which I thought Congress would rather choose to know. Some of the objects of these conferences present but small hopes for the present, but they seem to admit a possibility of success at some future moment. . . ."

See also *post*, letter to Jay, of May 23, 1786.

trade of the United States had not yet learned the way to France, but continued to centre in England, though no longer obliged by law to go there. I observed, that the real cause of this, was to be found in the difference of the commercial arrangements in the two countries; that merchants would not, and could not trade but where there was to be some gain; that the commerce between two countries could not be kept up, but by an exchange of commodities; that, if an American merchant was forced to carry his produce to London, it could not be expected he would make a voyage from thence to France, with the money, to lay it out here; and, in like manner, that if he could bring his commodities, with advantage, to this country, he would not make another voyage to England, with the money, to lay it out there, but would take in exchange the merchandise of this country. The Count de Vergennes agreed to this, and particularly that where there was no exchange of merchandise, there could be no durable commerce; and that it was natural for merchants to take their returns in the port where they sold their cargo. I desired his permission then, to take a summary view of the productions of the United States, that we might see which of them could be brought here to advantage.

1. Rice. France gets from the Mediterranean a rice not so good indeed, but cheaper than ours. He said that they bought of our rice, but that they got from Egypt also, rice of a very fine quality. I observed that such was the actual state of their commerce, in that article, that they take little from us. 2. Indigo. They make a plenty in their own

colonies. He observed that they did, and that they thought it better than ours. 3. Flour, fish, and provisions of all sorts, they produce for themselves. That these articles might, therefore, be considered as not existing, for commerce, between the United States and the kingdom of France.

I proceeded to those capable of becoming objects of exchange between the two nations. 1. Peltry and furs. Our posts being in the hands of the English, we are cut off from that article. I am not sure even, whether we are not obliged to buy of them, for our own use. When these posts are given up, if ever they are, we shall be able to furnish France with skins and furs, to the amount of two millions of livres, in exchange for her merchandise; but at present, these articles are to be counted as nothing. 2. Potash. An experiment is making whether this can be brought here. We hope it may, but at present it stands for nothing. He observed that it was much wanted in France, and he thought it would succeed. 3. Naval stores. Trials are also making on these, as subjects of commerce with France. They are heavy, and the voyage long. The result, therefore, is doubtful. At present, they are as nothing in our commerce with this country. 4. Whale oil. I told him I had great hopes that the late diminution of duty would enable us to bring this article, with advantage, to France; that a merchant was just arrived (Mr. Barrett) who proposed to settle at L'Orient, for the purpose of selling the cargoes of this article, and choosing the returns. That he had informed me, that in the first year, it would be neces-

sary to take one-third in money, and the remainder only in merchandise; because the fishermen require, indispensably, some money. But he thought that after the first year, the merchandise of the preceding year, would always produce money for the ensuing one, and that the whole amount would continue to be taken annually afterwards, in merchandise. I added, that though the diminution of duty was expressed to be but for one year, yet I hoped they would find their advantage in renewing and continuing it; for that if they intended really to admit it for one year only, the fishermen would not find it worth while to rebuild their vessels, and to prepare themselves for the business. The Count expressed satisfaction on the view of commercial exchange held up by this article. He made no answer as to the continuance of it; and I did not choose to tell him, at that time, that we should claim its continuance under their treaty with the Hanseatic towns, which fixes this duty for them, and our own treaty, which gives us the rights of the most favored nation.

5. Tobacco. I recalled to the memory of the Count de Vergennes, the letter I had written to him on this article; and the object of the present conversation being, how to facilitate the exchange of commerciable articles between the two countries, I pressed that of tobacco, in this point of view; observed that France, at present, paid us two millions of livres for this article; that for such portions of it as were bought in London, they sent the money directly there, and for what they bought in the United States, the money was still remitted to London, by bills of



exchange; whereas, if they would permit our merchants to sell this article freely, they would bring it here, and take the returns on the spot, in merchandise, not money. The Count observed, that my proposition contained what was doubtless useful, but that the King received on this article, at present, a revenue of twenty-eight millions, which was so considerable, as to render them fearful of tampering with it; that the collection of this revenue by way of Farm, was of very ancient date, and that it was always hazardous to alter arrangements of long standing, and of such infinite combinations with the fiscal system. I answered, that the simplicity of the mode of collection proposed for this article, withdrew it from all fear of deranging other parts of their system; that I supposed they would confine the importation to some of their principal ports, probably not more than five or six; that a single collector in each of these, was the only new officer requisite; that he could get rich himself on six livres a hogshead, and would receive the whole revenue, and pay it into the treasury, at short hand. M. de Reyneval entered particularly into this part of the conversation, and explained to the Count, more in detail, the advantages and simplicity of it, and concluded by observing to me, that it sometimes happened that useful propositions, though not practicable at one time, might become so at another. I told him that that consideration had induced me to press the matter when I did, because I had understood the renewal of the Farm was then on the carpet, and that it was the precise moment when I supposed that this

portion might be detached from the mass of the Farms. I asked Count de Vergennes whether, if the renewal of the Farm was pressing, this article might not be separated, merely in suspense, till government should have time to satisfy themselves on the expediency of renewing it. He said no promises could be made.

In the course of this conversation he had mentioned the liberty we enjoyed of carrying our fish to the French islands. I repeated to him what I had hinted in my letter, of November the 20th, 1785, that I considered as a prohibition the laying such duties on our fish, and giving such premiums on theirs, as made a difference between their and our fishermen of fifteen livres the quintal, in an article which sold for but fifteen livres. He said it would not have that effect, for two reasons: 1. That their fishermen could not furnish supplies sufficient for their islands, and, of course, the inhabitants must, of necessity, buy our fish. 2. That from the constancy of our fishery, and the short season during which theirs continued, and also from the economy and management of ours, compared with the expense of theirs, we had always been able to sell our fish, in their islands, at twenty-five livres the quintal, while they were obliged to ask thirty-six livres. (I suppose he meant the livre of the French islands.) That thus, the duty and premium had been a necessary operation on their side, to place the sale of their fish on a level with ours, and that without this, theirs could not bear the competition.

I have here brought together the substance of

what was said on the preceding subjects, not pretending to give it verbatim, which my memory does not enable me to do. I have, probably, omitted many things which were spoken, but have mentioned nothing which was not. It was interrupted, at times, with collateral matters. One of these was important. The Count de Vergennes complained, and with a good deal of stress, that they did not find a sufficient dependence on arrangements taken with us. This was the third time too, he had done it; first, in a conversation at Fontainebleau, when he first complained to me of the navigation acts of Massachusetts and New Hampshire; secondly, in his letter of October the 30th, 1785, on the same subject; and now, in the present conversation, wherein he added, as another instance, the case of the Chevalier de Mezieres, heir of General Oglethorpe, who, notwithstanding that the 11th article of the treaty provides, that the subjects or citizens of either party shall succeed, *ab intestato*, to the lands of their ancestors, within the dominions of the other, had been informed from Mr. Adams, and by me also, that his right of succession to the General's estate in Georgia was doubtful. He observed too, that the administration of justice with us was tardy, insomuch that their merchants, when they had money due to them within our States, considered it as desperate; and that our commercial regulations, in general, were disgusting to them. These ideas were new, serious and delicate. I decided, therefore, not to enter into them at that moment, and the rather, as we were speaking in French, in which language I did

not choose to hazard myself. I withdrew from the objections of the tardiness of justice with us, and the disagreeableness of our commercial regulations, by a general observation, that I was not sensible they were well founded. With respect to the case of the Chevalier de Mezieres, I was obliged to enter into some explanations. They related chiefly to the legal operation of our Declaration of Independence, to the undecided question whether our citizens and British subjects were thereby made aliens to one another, to the general laws as to the conveyances of land to aliens, and the doubt whether an act of the Assembly of Georgia might not have been passed, to confiscate General Oglethorpe's property, which would of course prevent its devolution on any heir. Mr. Reyneval observed, that in this case, it became a mere question of fact, whether a confiscation of these lands had taken place before the death of General Oglethorpe, which fact might be easily known by inquiries in Georgia, where the possessions lay. I thought it very material, that the opinion of this court should be set to rights on these points. On my return, therefore, I wrote the following observations on them, which, the next time I went to Versailles, (not having an opportunity of speaking to the Count de Vergennes), I put into the hands of M. Reyneval, praying him to read them, and to ask the favor of the Count to do the same.

*Explanations on some of the subjects of conversation which I had the honor of having with his Excellency, the Count de Vergennes, when I was last at Versailles.*

The principal design of that conversation was, to discuss those articles of commerce which the United States could spare, which are wanted in France, and if received there on a convenient footing, would be exchanged for the productions of France. But in the course of the conversation, some circumstances were incidentally mentioned by the Count de Vergennes, which induced me to suppose he had received impressions, neither favorable to us, nor derived from perfect information.

The case of the Chevalier de Mezieres was supposed to furnish an instance of our disregard of treaties; and the event of that case was inferred from opinions supposed to have been given by Mr. Adams and myself. This is ascribing a weight to our opinions, to which they are not entitled. They will have no influence on the decision of the case. The judges in our courts, would not suffer them to be read. Their guide is the law of the land, of which law its treaties make a part. Indeed, I know not what opinion Mr. Adams may have given on the case. And, if any be imputed to him derogatory of our regard to the treaty with France, I think his opinion has been misunderstood. With respect to myself, the doubts which I expressed to the Chevalier de Mezieres, as to the success of his claims, were not founded on any question whether the treaty between France and the United States would be observed. On the contrary, I venture to pronounce that it will be religiously observed, if his case comes under it. But I doubted whether it would come under the treaty. The case, as I understand it, is this: General

Oglethorpe, a British subject, had lands in Georgia. He died since the peace, having devised these lands to his wife. His heirs are the Chevalier de Mezieres, son of his elder sister, and the Marquis de Belgarde, son of his younger sister. This case gives rise to legal questions, some of which have not yet been decided, either in England or America, the laws of which countries are nearly the same.

1. It is a question under the laws of those countries, whether persons *born before their separation*, and once completely invested, in both, with the character of natural subjects, can ever become aliens in either? There are respectable opinions on both sides. If the negative be right, then General Oglethorpe having never become an alien, and having devised his lands to his wife, who, on this supposition, also, was not an alien, the devise has transferred the lands to her, and there is nothing left for the treaty to operate on.

2. If the affirmative opinion be right, and the inhabitants of Great Britain and America, *born before the Revolution*, are become aliens to each other, it follows by the laws of both, that the lands which either possessed, within the jurisdiction of the other, became the property of the State in which they are. But a question arises, whether the transfer of the property took place on the Declaration of Independence, or not till an office, or an act of Assembly, had declared the transfer. If the property passed to the State on the Declaration of Independence, then it did not remain in General Oglethorpe, and, of course, at the time of his death, he having nothing,

there was nothing to pass to his heirs, and so, nothing for the treaty to operate on.

3. If the property does not pass till declared by an office found by jury, or an act passed by the Assembly, the question then is, whether an office had been found, or an act of Assembly been passed for that purpose, before the peace? If there was, the lands had passed to the State during his life, and nothing being left in him, there is nothing for his heirs to claim under the treaty.

4. If the property had not been transferred to the State before the peace, either by the Declaration of Independence, or an office, or an act of Assembly, then it remained in General Oglethorpe at the epoch of the peace; and it will be insisted, no doubt, that, by the sixth article of the treaty of peace, between the United States and Great Britain, which forbids future confiscations, General Oglethorpe acquired a capacity of holding and of conveying his lands. He has conveyed them to his wife. But she being an alien, it will be decided by the laws of the land, whether she took them for her own use, or for the use of the State. For it is a general principle of our law, that conveyances to aliens pass the lands to the State; and it may be urged, that though, by the treaty of peace, General Oglethorpe could convey, yet that treaty did not mean to give him a greater privilege of conveyance than natives hold, to wit: a privilege of transferring the property to persons incapable, by law, of taking it. However, this would be a question between the State of Georgia and the widow of General Oglethorpe, in the

decision of which the Chevalier de Mezieres is not interested, because, whether she takes the land by the will, for her own use, or for that of the State, it is equally prevented from descending to him: there is neither a conveyance to him, nor a succession *ab intestato* devolving on him, which are the cases provided for by our treaty with France. To sum up the matter in a few words; if the lands had passed to the State before the epoch of peace, the heirs of General Oglethorpe cannot say they have descended on them, and if they remained in the General at that epoch, the treaty saving them to him, he could convey them away from his heirs, and he has conveyed them to his widow, either for her own use, or for that of the State.

Seeing no event in which, according to the facts stated to me, the treaty could be applied to this case, or could give any right whatever, to the heirs of General Oglethorpe, I advised the Chevalier de Mezieres not to urge his pretensions on the footing of right, nor under the treaty, but to petition the Assembly of Georgia for a grant of these lands. If, in the question between the State and the widow of General Oglethorpe, it should be decided that they were the property of the State, I expected from their generosity, and the friendly disposition in America to the subjects of France, that they would be favorable to the Chevalier de Mezieres. There is nothing in the preceding observations which would not have applied against the heir of General Oglethorpe, had he been a native citizen of Georgia, as it now applies against him, being a subject of France. The treaty has placed the subjects of



France on a footing with natives, as to conveyances and descent of property. There was no occasion for the Assemblies to pass laws on this subject; the treaty being a law, as I conceive, superior to those of particular Assemblies, and repealing them, when they stand in the way of its operations.

The supposition that the treaty was disregarded on our part, in the instance of the acts of Assembly of Massachusetts and New Hampshire, which made a distinction between natives and foreigners, as to the duties to be paid on commerce, was taken notice of in the letter of November the 20th, which I had the honor of addressing to the Count de Vergennes. And while I express my hopes that, on a revision of these subjects, nothing will be found in them derogatory from either the letter or spirit of our treaty, I will add assurances that the United States will not be behind hand in going beyond both, whenever occasion shall offer of manifesting their sincere attachment to this country.

I will pass on to the observation, that our commercial regulations are difficult, and repugnant to the French merchants. To detail these regulations minutely, as they exist in every State, would be beyond my information. A general view of them, however, will suffice, because the States differ little in their several regulations. On the arrival of a ship in America, her cargo must be reported at the proper office. The duties on it are to be paid. These are commonly from two and a half to five per cent. on its value. On many articles, the value of which is tolerably uniform, the precise sum is fixed by law.

A tariff of these is presented to the importer, and he can see what he has to pay, as well as the officer. For other articles, the duty is such a per cent. on their value. That value is either shown by the invoice, or by the oath of the importer. This operation being once over, and it is a very short one, the goods are considered as entered, and may then pass through the whole thirteen States without their being ever more subject to a question, unless they be re-shipped. Exportation is still more simple; because, as we prohibit the exportation of nothing, and very rarely lay a duty on any article of export, the State is little interested in examining outward-bound vessels. The captain asks a clearance for his own purposes. As to the operations of internal commerce, such as matters of exchange, of buying, selling, bartering, &c., our laws are the same as the English. If they have been altered in any instance, it has been to render them more simple.

Lastly, as to the tardiness of the administration of justice with us, it would be equally tedious and impracticable for me to give a precise account of it in every State. But I think it probable that it is much on the same footing through all the States, and that an account of it in any one of them may found a general presumption of it in the others. Being best acquainted with its administration in Virginia, I shall confine myself to that. Before the Revolution, a judgment could not be obtained under eight years in the supreme court, where the suit was in the department of the common law, which department embraces about nine-tenths of the subject

of legal contestation. In that of the chancery, from twelve to twenty years were requisite. This did not proceed from any vice in the laws, but from the indolence of the judges appointed by the King; and these judges holding their office during his will only, he could have reformed the evil at any time. This reformation was among the first works of the legislature after our independence. A judgment can now be obtained in the supreme court in one year at the common law, and in about three years in the chancery. But more particularly to protect the commerce of France, which, at that moment, was considerable with us, a law was passed, giving all suits wherein a foreigner was a party, a privilege to be tried immediately, on the return of his process, without waiting till those of natives, which stand before them, shall have been decided on. Out of this act, however, the British stand excluded by a subsequent one. This, with its causes, must be explained. The British army, after ravaging the State of Virginia, had sent off a very great number of slaves to New York. By the seventh article of the treaty of peace, they stipulated not to carry away any of these. Notwithstanding this, it was known, when they were evacuating New York, that they were carrying away the slaves. General Washington made an official demand of Sir Guy Carleton, that he should cease to send them away. He answered, that these people had come to them under promise of the King's protection, and that that promise should be fulfilled in preference to the stipulation in the treaty. The State of Virginia, to

which nearly the whole of these slaves belonged, passed a law to forbid the recovery of debts due to British subjects. They declared, at the same time, they would repeal the law, if Congress were of opinion they ought to do it. But, desirous that their citizens should be discharging their debts, they afterwards permitted British creditors to prosecute their suits, and to receive their debts in seven equal and annual payments; relying that the demand for the slaves would be either admitted or denied in time to lay their hands on some of the latter payments for reimbursement. The immensity of this debt was another reason for forbidding such a mass of property to be offered for sale under execution at once, as, from the small quantity of circulating money, it must have sold for little or nothing, whereby the creditor would have failed to receive his money, and the debtor would have lost his whole estate without being discharged of his debt. This is the history of the delay of justice in that country in the case of British creditors. As to all others, its administration is as speedy as justice itself will admit. I presume it is equally so in all the other states, and can add, that it is administered in them all, with a purity and integrity of which few countries can afford an example.

I cannot take leave altogether of the subjects of this conversation without recalling the attention of the Count de Vergennes to what had been its principal drift. This was to endeavor to bring about a direct exchange between France and the United States (without the intervention of a third nation), of those productions with which each could furnish

the other. We can furnish to France (because we have heretofore furnished to England), of whale oil and spermaceti, of furs and peltry, of ships and naval stores, and of potash to the amount of fifteen millions of livres; and the quantities will admit of increase. Of our tobacco, France consumes the value of ten millions more. Twenty-five millions of livres, then, mark the extent of that commerce of exchange, which is, at present, practicable between us. We want, in return, productions and manufactures, not money. If the duties on our produce are light, and the sale free, we shall undoubtedly bring it here, and lay out the proceeds on the spot in the productions and manufactures which we want. The merchants of France will, on their part, become active in the same business. We shall no more think, when we shall have sold our produce here, of making an useless voyage to another country to lay out the money, than we think at present, when we have sold it elsewhere, of coming here to lay out the money. The conclusion is, that there are commodities which form a basis of exchange to the extent of a million of guineas annually; it is for the wisdom of those in power to contrive that the exchange shall be made.

Having put this paper into the hands of Monsieur Reyneval, we entered into conversation again, on the subject of the Farms, which were now understood to be approaching to a conclusion. He told me, that he was decidedly of opinion, that the interest of the State required the Farm of tobacco to be discontinued, and that he had, accordingly, given

every aid to my proposition, which laid within his sphere; that the Count de Vergennes was very clearly of the same opinion, and had supported it strongly with reasons of his own, when he transmitted it to the Comptroller General; but that the Comptroller, in the discussions of this subject which had taken place, besides the objections which the Count de Vergennes had repeated to me, and which are before mentioned, had added, that the contract with the Farmers General was now so far advanced, that the article of tobacco could not be withdrawn from it, without unravelling the whole transaction. Having understood that, in this contract, there was always reserved to the crown a right to discontinue it at any moment, making just reimbursements to the Farmers, I asked M. Reyneval, if the contract should be concluded in its present form, whether it might still be practicable to have it discontinued, as to the article of tobacco, at some future moment. He said it might be possible.

Upon the whole, the true obstacle to this proposition has penetrated, in various ways, through the veil which covers it. The influence of the Farmers General has been heretofore found sufficient to shake a minister in his office. Monsieur de Calonne's continuance or dismissal, has been thought, for some time, to be on a poise. Were he to shift this great weight, therefore, out of his own scale into that of his adversaries, it would decide their preponderance. The joint interests of France and America would be insufficient counterpoise in his favor.

It will be observed that these efforts to improve

the commerce of the United States, have been confined to that branch only which respects France itself, and that nothing passed on the subject of our commerce with the West Indies, except an incidental conversation as to our fish. The reason of this, was no want of a due sense of its importance. Of that, I am thoroughly sensible. But efforts in favor of this branch would, at present, be desperate. To nations with which we have not yet treated, and who have possessions in America, we may offer a free vent of their manufactures in the United States, for a full or modified admittance into those possessions. But to France, we are obliged to give that freedom for a different compensation; to wit, for her aid in effecting our independence. It is difficult, therefore, to say what we have now to offer to her, for an admission into her West Indies. Doubtless, it has its price. But the question is, what this would be, and whether worth our while to give it. Were we to propose to give to each other's citizens all the rights of natives, they would, of course, count what they should gain by this enlargement of right, and examine whether it would be worth to them as much as their monopoly of their West India commerce. If not, that commercial freedom which we wish to preserve, and which, indeed, is so valuable, leaves us little to offer. An expression in my letter to the Count de Vergennes, of November the 20th, wherein I hinted that both nations might, perhaps, come into the opinion, that the condition of *natives* might be a better ground of intercourse for their citizens, than that of the *most favored*

nation, was intended to furnish on opportunity to the minister of parleying on that subject, if he was so disposed, and to myself, of seeing whereabouts they would begin, that I might communicate it to Congress, and leave them to judge of the expediency of pursuing the subject. But no overtures have followed; for I have no right to consider as coming from the minister, certain questions which were, very soon after, proposed to me by an individual. It sufficiently accounts for these questions, that that individual had written a memorial on the subject, for the consideration of the minister, and might wish to know what we would be willing to do. The idea that I should answer such questions to him, is equally unaccountable, whether we suppose them originating with himself, or coming from the minister. In fact, I must suppose them to be his own; and I transmit them, only that Congress may see what one Frenchman, at least, thinks on the subject. If we can obtain from Great Britain reasonable conditions of commerce, (which, in my idea, must forever include an admission into her islands,) the freest ground between these two nations would seem to be the best. But if we can obtain no equal terms from her, perhaps Congress might think it prudent, as Holland has done, to connect us unequivocally with France. Holland has purchased the protection of France. The price she pays, is *aid in time of war*. It is interesting for us to purchase a free commerce with the French islands. But whether it is best to pay for it, by *aids in war*, or by *privileges in commerce*, or not to purchase it at all, is the question.



**CORRESPONDENCE**

**1786**



## CORRESPONDENCE

1786

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TO DR. JAMES CURRIE

J. MSS.

PARIS, Jan. 18, 1786.

DEAR SIR,—Your favor of Oct. 17. with a P.S. of Oct. 20. came to hand a few days ago and I am now to thank you for the intelligence it contains. It is more difficult here to get small than great news because most of our correspondents in writing letters to cross the Atlantic, think they must always tread in buskins, so that half one's friends might be dead without it's being ever spoken of here. Your letter was handed me by Mr. Littlepage whom I have never seen before and who set out from home for Warsaw after two or three days stay. I observe by the public papers that he has brought on a very disagreeable altercation with Mr. Jay, in which he has given to the character of the latter a colouring which does not belong to it. These altercations, little thought of in America, make a great impression here, in truth it is afflicting that a man who has past his life in serving the public, who has served them in every the highest stations with universal approbation, and with a purity of conduct which has silenced even party opprobrium, who tho' poor, has never permitted

himself to make a shilling in the public employ, should yet be liable to have his peace of mind so much disturbed by any individual who shall think proper to arraign him in a newspaper. It is however an evil for which there is no remedy, our liberty depends on the freedom of the press, and that cannot be limited without being lost. To the sacrifice of time, labor, fortune, a public servant must count upon adding that of peace of mind and even reputation. And all this is preferable to European bondage, he who doubts it need only be placed for one week on any part of the Continent of Europe. Your desire of possessing the new Encyclopedie was expressed so problematically in a former letter that I doubted whether you did not merely render yourself thro' complaisance to my proposition. Your last letter, however, is more explicit, wherefore I have immediately subscribed for you. And have obtained an abatement of two guineas in the price. It will be brought to me to-day and as there are now 29. vols complete, and binding is done so much better and cheaper here (about 3 livres a volume) I will have them bound and send them by the first conveyance. The medical part has not yet begun to appear, that author having chosen to publish the whole at once. I do not expect it will be the most valuable part of the work, for that science was demolished here by the blows of Moliere, and in a nation so addicted to ridicule, I question if ever it rises under the weight while his comedies continue to be acted. It furnished the most striking proof I have ever seen in my life of the injury which ridicule

is capable of doing. I send by this conveyance designs for the Capitol. They are simple & sublime, more cannot be said, they are not the brat of a whimsical conception never before brought to light, but copied from the most precious, the most perfect model of antient architecture remaining on earth; one which has received the approbation of near 2000 years, and which is sufficiently remarkable to have been visited by all travellers. It will be less expensive, too, than the one begun. For some time past nothing has come out here worth sending you. Whenever there does you shall receive it. The Abbé Rochon (who had discovered that all the natural chrystels were composed of two different substances of different refracting powers, and those powers actually uncombined tho' the substance seem perfectly combined.) has lately applied the metal called Platina to the purpose of making the specula of telescopes. It is susceptible of as high a polish as the metallic composition heretofore used, and as insusceptible of rust as gold; it yields like that to no acid but the aqua vegra. One Hoffman practices here a pleasing method of engraving, such as would be useful to any Gentleman. He gives you a plate of copper, write on it with his ink, letters, designs of animals, landscapes, architecture, music, geography, or what you please, and in an hour the plate is ready to strike off what number of copies you please.

I charge you always with my affectionate respects to the families at Tuckaho & Ampthill & to McLurg whose indolence is the only bar to our correspondence without an intermediate. I have taken the liberty

of desiring A. Stuart to send some objects of natural history for me to your care, relying you will be so good as to contrive them to me, always remembering that Havre is the most convenient port, & next to that l'Orient, and that packages for me must be directed to the American Consul at the port. I am with sincere esteem Dear Sir, Your friend & servt.

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TO THE GOVERNOR OF VIRGINIA.<sup>1</sup>

(PATRICK HENRY.)

PARIS, January 24, 1786.

SIR,—I have been honored with your Excellency's two letters of Sept. 10th, and that of Oct. 14th, 1785. The former were brought me by Mr. Houdon, who is returned with the necessary moulds and measures for General Washington's Statue. I fear the expences of his journey have been considerably increased by the unlucky accident of his tools, materials, clothes, &c., not arriving at Havre in time to go with him to America, so that he had to supply himself there. The money which you were so kind as to send by Captain Littlepage, for the purpose of this statue, he found himself obliged to deposite in New York, to satisfy a demand made upon him there. This was a debt which he owed to Mr. Jay. He assures me that in a settlement with his guardian the latter took credit for this debt, so as to be answerable to Mr. Jay for it, and of course to the State, now that Mr. Jay is paid with the State's money. I

<sup>1</sup> From *Calendar of Virginia State Papers*, iv., 84.

mention this circumstance, that your Excellency may be enabled to take the earliest measures for recovering this money and indemnifying the State.

Mr. Littlepage, to satisfy me, had obtained from the M. de la Fayette his engagement to stand bound as Mr. Littlepage's security for the payment of this money, but knowing the punctuality and responsibility of his guardian, I did not suppose a security necessary. Besides, if a loss were to be incurred, I know too well the sentiments of the State of Virginia towards M. de la Fayette to suppose they would be willing to throw that loss on him. I therefore acted as I thought your Excellency and the Council would have directed me to act could you have been consulted. I waited on the Marquis, and in his presence cancelled his name from the obligation which had been given me, leaving only that of Mr. Littlepage. I have now the honor to enclose you one of those instruments, duplicates of which had been given me by Mr. Littlepage. The first of the Marquis's busts will be finished next month. I shall present that one to the City of Paris, because the delay has been noticed by some. I hope to be able to send another to Virginia in the course of the summer. These are to cost three thousand livres each.

The agreement for the arms has been at length concluded by Mr. Barclay. He was so much better acquainted with this business than the Marquis Fayette or myself, that we left it altogether with him. We were sensible that they might have been got cheaper, but not so good. However, I suppose he has given you the details of his proceedings, so as to

render them unnecessary from me. It will be eight months before they will be ready. The cause of this, too, Mr. Barclay told me he would explain to you. It is principally to ensure their goodness. The bills remitted to pay for them have been honoured, and the money is lodged in Mr. Grand's hands who is willing to allow a small interest for it.

An improvement is made here in the construction of the musket, which may be worthy of attention. It consists in making every part of them so exactly alike that every part of every one may be used for the same part in any other musket made by the same hand. The government here has examined and approved the method, and is establishing a large manufactory for the purpose. As yet the inventor has only completed the lock of the musket on this plan. He will proceed immediately to have the barrel, stock and their parts executed in the same way. I visited the workman. He presented me the parts of 50 locks taken to pieces and arranged in compartments. I put several together myself, taking the pieces at hazard as they came to hand, and found them to fit interchangeably in the most perfect manner. The tools by which he effects this have, at the same time, so abridged the labour that he thinks he shall be able to furnish the musket two livres cheaper than the King's price. But it will be two or three years before he will be able to finish any quantity.

I have duly received the propositions of Messrs. Ross, Pleasants & Co. for furnishing tobacco to the farmers general; but Mr. Morris had, in the meantime, obtained the contract. I have been fully



sensible of the baneful influence on the commerce of France and America which this double monopoly will have. I have struck at its root here, and spared no pains to have the farm itself demolished, but it has been in vain. The persons interested in it are too powerful to be opposed, even by the interest of the whole country. I mention this matter in confidence, as a knowledge of it might injure any future endeavors to attain the same object.

Everything is quiet here, and will certainly remain so another year. Mr. Barclay left Paris a few days ago, and will be absent from France for some time. I shall spare no endeavors to fulfill the several objects with which he was charged in the best manner I can.

END OF VOLUME IV.