

ТОМАС ДЖЕФФЕРСОН

**THE WRITINGS OF  
THOMAS JEFFERSON,  
VOL. 4 (OF 9)**

Томас Джефферсон

**The Writings of Thomas  
Jefferson, Vol. 4 (of 9)**

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**Thomas Jefferson**  
**The Writings of Thomas Jefferson, Vol.**  
**4 (of 9) / Being His Autobiography,**  
**Correspondence, Reports, Messages, Addresses,**  
**and Other Writings, Official and Private**  
**TO THE PRESIDENT OF THE UNITED STATES**

*Philadelphia, June 28, 1793.*

Dear Sir,—I should have taken time ere this to have considered the observations of Mr. Young, could I at this place have done it in such a way as would satisfy either him or myself. When I wrote the notes of the last year, I had never before thought of calculating what were the profits of a capital invested in Virginia agriculture. Yet that appeared to be what Mr. Young most desired. Lest therefore no other of those, whom you consulted for him, should attempt such a calculation, I did it; but being at such a distance from the country of which I wrote, and having been absent from that and from the subject in consideration many years, I could only, for my facts, recur to my own recollection, weakened by time and very different applications, and I had no means here of correcting my facts. I therefore hazarded the calculation rather as an essay of the mode of calculating the profits of a Virginia estate, than as an operation which was to be ultimately relied on. When I went last to Virginia I put the press-copy of those notes into the hands of the most skilful and successful farmer in the part of the country of which I wrote. He omitted to return them to me, which adds another impediment to my resuming the subject here; but indeed if I had them, I could only present the same facts, with some corrections and some justifications of the principles of calculation. This would not and ought not to satisfy Mr. Young. When I return home I shall have time and opportunity of answering Mr. Young's enquiries fully. I will first establish the facts as adapted to the present times, and not to those to which I was obliged to recur by recollection, and I will make the calculation on rigorous principles. The delay necessary for this will I hope be compensated by giving something which no endeavors on my part shall be wanting to make it worthy of confidence. In the meantime Mr. Young must not pronounce too hastily on the impossibility of an annual production of £750 worth of wheat coupled with a cattle product of £125. My object was to state the produce of a *good* farm, under *good* husbandry as practised in my part of the country. Manure does not enter into this, because we can buy an acre of new land cheaper than we can manure an old acre. Good husbandry with us consists in abandoning Indian corn and tobacco, tending small grain, some red clover, following, and endeavoring to have, while the lands are at rest, a spontaneous cover of white clover. I do not present this as a culture judicious in itself, but as *good* in comparison with what most people there pursue. Mr. Young has never had an opportunity of seeing how slowly the fertility of the *original soil* is exhausted. With moderate management of it, I can affirm that the James river lowgrounds with the cultivation of small grain, will never be exhausted: because we know that under that cultivation we must now and then take them down with Indian corn, or they become, as they were originally, too rich to bring wheat. The highlands, where I live, have been cultivated about sixty years. The culture was tobacco and Indian corn as long as they would bring enough to pay the labor. Then they were turned out. After four or five years rest they would bring good corn again, and in double that time perhaps good tobacco. Then they would be exhausted by a second series of tobacco and corn. Latterly we have begun to cultivate small grain; and excluding Indian corn, and following, such of them as

were originally good, soon rise up to fifteen or twenty bushels the acre. We allow that every laborer will manage ten acres of wheat, except at harvest. I have no doubt but the coupling cattle and sheep with this would prodigiously improve the produce. This improvement Mr. Young will be better able to calculate than anybody else. I am so well satisfied of it myself, that having engaged a good farmer from the head of Elk, (the style of farming there you know well,) I mean in a farm of about 500 acres of cleared land and with a dozen laborers to try the plan of wheat, rye, potatoes, clover, with a mixture of some Indian corn with the potatoes, and to push the number of sheep. This last hint I have taken from Mr. Young's letters which you have been so kind as to communicate to me. I have never before considered with due attention the profit from that animal. I shall not be able to put the farm into that form exactly the ensuing autumn, but against another I hope I shall, and I shall attend with precision to the measures of the ground and of the product, which may perhaps give you something hereafter to communicate to Mr. Young which may gratify him, but I will furnish the ensuing winter what was desired in Mr. Young's letter of Jan. 17, 1793. I have the honor to be, with great and sincere esteem, dear Sir, your most obedient humble servant.

## TO DR. GILMER

*Philadelphia, June 25, 1793.*

Dear Doctor,—\* \* \* \* \* Dumourier was known to be a scoundrel in grain. I mentioned this from the beginning of his being placed at the head of the armies; but his victories at length silenced me. His apostasy has now proved that an unprincipled man, let his other fitnesses be what they will, ought never to be employed. It has proved too that the French army, as well as nation, cannot be shaken in their republicanism. Dumourier's popularity put it to as severe a proof as could be offered. Their steadiness to their principles insures the issue of their revolution against every effort but by the way of famine. Should that take place the effect would be incalculable; because our machine, unsupported by food, is no longer under the control of reason. This crisis, however, is now nearly over, as their harvest is by this time beginning. As far as the last accounts come down, they were retiring to within their own limits; where their assignats would do for money, (except at Mentz,) England too is issuing her paper, not founded like the assignats, on land, but on pawns of thread, ribbons, &c. They will soon learn the science of depreciation, and their whole paper system vanish into nothing, on which it is bottomed. My affectionate respects to Mrs. Gilmer, and am, dear Doctor, yours, sincerely.

## TO COLONEL MONROE

*Philadelphia, June 28, 1793.*

Dear Sir,—I have to acknowledge your favor of May 28. I believe that through all America there has been but a single sentiment on the subject of peace and war, which was in favor of the former. The Executive here has cherished it with equal and unanimous desire. We have differed perhaps as to the conduct exactly adapted to the securing it. We have as yet no indications of the intentions or even the wishes of the British government. I rather believe they mean to hold themselves up, and be led by events. In the meanwhile Spain is so evidently *picking a quarrel* with us, that we see a war absolutely inevitable with her. We are making a last effort to avoid it, but our cabinet is without any decision in their expectations of the result. This may not be known before the last of October, earlier than which I think you will meet. You should therefore calculate your domestic measures on this change of position. If France collected within her own limits shall maintain her ground there steadily, as I think she will, (barring the effect of famine which no one can calculate,) and if the bankruptcies of England proceed to the length of an universal crush of their paper, which I also think they will, she will leave Spain the bag to hold; she is emitting assignats also, that is to say exchequer bills, to the amount of five millions English, or one hundred and twenty-five millions French; and these are not founded on land as the French assignats are, but on pins, thread, buckles, hops, and whatever else you will pawn in the exchequer of double the estimated value. But we all know that five millions of such stuff forced for sale on the market of London, where there will be neither cash nor credit, will not pay storage. This paper must rest then ultimately on the credit of the nation as the rest of their public paper does, and will sink with that. If either this takes place, or the confederacy is unsuccessful, we may be clear of war with England. With respect to the increase of our shipping, our merchants have no need, you know, of a permission to buy up foreign bottoms. There is no law prohibiting it, and when bought they are American property, and as such entitled to pass freely by our treaties with some nations, and by the law of nations with all. Such accordingly, by a determination of the Executive, will receive American passports. They will not be entitled indeed to import goods on the low duties of *home-built* vessels, the laws having confined that privilege to these only. We have taken every possible method to guard against fraudulent conveyances, which, if we can augment our shipping to the extent of our own carriage, it would not be our interest to cover. I enclose you a note from Freneau, explaining the interruption of your papers. I do not augur well of the mode of conduct of the new French minister; I fear he will enlarge the evils of those disaffected to his country. I am doing everything in my power to moderate the impetuosity of his movements, and to destroy the dangerous opinions which has been excited in him, that the people of the United States will disavow the acts of their government, and that he has an appeal from the Executive to Congress, and from both to the people. Affairs with the Creeks seem to present war there as inevitable, but that will await for you. We have no news from the northern commissioners, but of the delay likely to be attempted by the Indians; but as we never expected peace from the negotiation, I think no delay will be admitted which may defeat our preparations for a campaign. Crops here are likely to be good, though the beginning of the harvest has been a little wet. I forgot whether I informed you that I had chosen a house for you, and was determined in the choice by the southern aspect of the back buildings, the only circumstance of difference between the two presented to my choice. Give my best love to Mrs. Monroe, and be assured of the affectionate esteem of, dear Sir, your friend and servant.

## TO J. MADISON

*June 29, 1793.*

Sir,—I wrote you on the 23d, and yesterday I received yours of the 17th, which was the more welcome as it acknowledged mine of the 9th, about the safety of which I was anxious. I now risk some other papers, the sequel of those conveyed in that. The result I know not. We are sending a courier to Madrid to make a last effort for the preservation of honorable peace. The affairs of France are recovering their solidity, and from the steadiness of the people on the defection of so popular and capital a commander as Dumourier, we have a proof that nothing can shake this republicanism. Hunger is to be expected; but the silence of the late papers on that head, and the near approach of harvest, makes us hope they will weather that rock. I do not find that there has been serious insurrection but in Brittany, and where the noblesse having been as numerous as the people, and indeed being almost the people, the counter-revolutionary spirit has been known always to have existed since the night in which titles were suppressed. The English are trying to stop the torrent of bankruptcies by an emission of five millions of exchequer bills, loaned on the pawn-broking plan, consequently much inferior to the assignats in value. But that paper will sink to an immediate level with their other public paper, and consequently can only complete the ruin of those who take it from government at par, and on a pledge of pins, buckles, &c., of little value, which will not sell so as to pay storage in a country where there is no specie, and we may say no paper of confidence. Every letter which comes expresses a firm belief that the whole paper system will now vanish into that nothing on which it is bottomed. For even the public faith is nothing as the mass of paper bottomed on it is known to be beyond its possible redemption. I hope this will be a wholesome lesson to our future Legislature. The war between France and England has brought forward the Republicans and Monocrats in every State, so that their relative numbers are perfectly visible.

## TO MESSRS. CARMICHAEL AND SHORT

*Philadelphia, June 30, 1793.*

Gentlemen,—I have received from Messrs. Viar and Jaudenes the representatives of Spain at this place, a letter, which, whether considered in itself, or as the sequel of several others, conveys to us very disagreeable prospects of the temper and views of their court towards us. If this letter is a faithful expression of that temper, we presume it to be the effect of egregious misrepresentations by their agents in America. Revising our own dispositions and proceedings towards that power, we can find in them nothing but those of peace and friendship for them; and conscious that this will be apparent from a true statement of facts, I shall proceed to give you such a one, to be communicated to the court of Madrid. If they find it very different from that conveyed to them by others, they may think it prudent to doubt, and to take and to give time for mutual inquiry and explanation. I shall proceed to give you this statement, beginning it from an early period.

At the commencement of the late war, the United States laid it down as a rule of their conduct, to engage the Indian tribes within their neighborhood to remain strictly neutral. They accordingly strongly pressed it on them, urging that it was a family quarrel with which they had nothing to do, and in which we wished them to take no part; and we strengthened these recommendations by doing them every act of friendship and good neighborhood, which circumstances left in our power. With some, these solicitations prevailed; but the greater part of them suffered themselves to be drawn into the war against us. They waged it in their usual cruel manner, murdering and scalping men, women and children, indiscriminately, burning their houses, and desolating the country. They put us to vast expense, as well by the constant force we were obliged to keep up in that quarter, as by the expeditions of considerable magnitude which we were under the necessity of sending into their country from time to time.

Peace being at length concluded with England, we had it also to conclude with them. They had made war on us without the least provocation or pretence of injury. They had added greatly to the cost of that war. They had insulted our feelings by their savage cruelties. They were by our arms completely subdued and humbled. Under all these circumstances, we had a right to demand substantial satisfaction and indemnification. We used that right, however, with real moderation. Their limits with us under the former government were generally ill defined, questionable, and the frequent cause of war. Sincerely desirous of living in their peace, of cultivating it by every act of justice and friendship, and of rendering them better neighbors by introducing among them some of the most useful arts, it was necessary to begin by a precise definition of boundary. Accordingly, at the treaties held with them, our mutual boundaries were settled; and notwithstanding our just right to concessions adequate to the circumstances of the case, we required such only as were inconsiderable; and for even these, in order that we might place them in a state of perfect conciliation, we paid them a valuable consideration, and granted them annuities in money which have been regularly paid, and were equal to the prices for which they have usually sold their lands.

Sensible, as they were, of the wrong they had done, they expected to make some indemnification, and were, for the most part, satisfied with the mode and measure of it. In one or two instances, where a dissatisfaction was observed to remain as to the boundaries agreed on, or doubts entertained of the authority of those with whom they were agreed, the United States invited the parties to new treaties, and rectified what appeared to be susceptible of it. This was particularly the case with the Creeks. They complained of an inconvenient cession of lands on their part, and by persons not duly representing their nation. They were therefore desired to appoint a proper deputation to revise their treaty; and that there might be no danger of any unfair practices, they were invited to come to the seat of the General Government, and to treat with that directly. They accordingly

came. A considerable proportion of what had been ceded, was, on the revision, yielded back to them, and nothing required in lieu of it; and though they would have been better satisfied to have had the whole restored, yet they had obtained enough to satisfy them well. Their nation, too, would have been satisfied, for they were conscious of their aggression, and of the moderation of the indemnity with which we had been contented. But at that time came among them an adventurer of the name of Bowles, who, acting from an impulse with which we are unacquainted, flattered them with the hope of some foreign interference, which should undo what had been done, and force us to consider the naked grant of their peace as a sufficient satisfaction for their having made war on us. Of this adventurer the Spanish government rid us; but not of his principles, his practices, and his excitements against us. These were more than continued by the officers commanding at New Orleans and Pensacola, and by agents employed by them, and bearing their commission. Their proceedings have been the subject of former letters to you, and proofs of these proceedings have been sent to you. Those, with others now sent, establish the facts, that they called assemblies of the southern Indians, openly persuaded them to disavow their treaties, and the limits therein established, promised to support them with all the powers which depended on them, assured them of the protection of their sovereign, gave them arms in great quantities for the avowed purpose of committing hostilities on us, and promised them future supplies to their utmost need. The Chickasaws, the most steady and faithful friends of these States, have remained unshaken by these practices. So also have the Chocktaws, for the most part. The Cherokees have been teased into some expressions of discontent, delivered only to the Spanish Governors, or their agents; while to us they have continued to speak the language of peace and friendship. One part of the nation only, settled at Cuckamogga and mixed with banditti and outcasts from the Shawanese and other tribes, acknowledging control from none, and never in a state of peace, have readily engaged in the hostilities against us to which they were encouraged. But what was much more important, great numbers of the Creeks, chiefly their young men, have yielded to these incitements, and have now, for more than a twelvemonth, been committing murders and desolations on our frontiers. Really desirous of living in peace with them, we have redoubled our efforts to produce the same disposition in them. We have borne with their aggressions, forbidden all returns of hostility against them, tied up the hands of our people, insomuch that few instances of retaliation have occurred even from our suffering citizens; we have multiplied our gratifications to them, fed them when starving, from the produce of our own fields and labor. No longer ago than the last winter, when they had no other resource against famine, and must have perished in great numbers, we carried into their country and distributed among them, gratuitously, ten thousand bushels of corn; and that too, at the same time, when their young men were daily committing murders on helpless women and children on our frontiers. And though these depredations now involve more considerable parts of the nation, we are still demanding punishment of the guilty individuals, and shall be contented with it. These acts of neighborly kindness and support on our part have not been confined to the Creeks, though extended to them in much the greatest degree. Like wants among the Chickasaws had induced us to send to them also, at first, five hundred bushels of corn, and afterwards, fifteen hundred more. Our language to all the tribes of Indians has constantly been, to live in peace with one another, and in a most especial manner, we have used our endeavors with those in the neighborhood of the Spanish colonies, to be peaceable towards those colonies. I sent you on a former occasion the copy of a letter from the Secretary of War to Mr. Seagrove, one of our agents with the Indians in that quarter, merely to convey to you the general tenor of the conduct marked out for those agents; and I desired you, in placing before the eyes of the Spanish ministry the very contrary conduct observed by their agents here, to invite them to a reciprocity of good offices with our Indian neighbors, each for the other, and to make our common peace the common object of both nations. I can protest that such have hitherto been the candid and zealous endeavors of this government, and that if its agents have in any instance acted in another way, it has been equally unknown and unauthorized by us, and that were even probable proofs of it produced, there would be no hesitation to mark them with the disapprobation of the government. We

expected the same friendly condescension from the court of Spain, in furnishing you with proofs of the practices of the Governor de Carondelet in particular practices avowed by him, and attempted to be justified in his letter.

In this state of things, in such dispositions towards Spain and towards the Indians, in such a course of proceedings with respect to them, and while negotiations were instituted at Madrid for arranging these and all other matters which might affect our friendship and good understanding, we received from Messrs. de Viar and Jaudenes their letter of May the 25th, which was the subject of mine of May the 31st to you; and now again we have received that of the 18th instant, a copy of which is enclosed. This letter charges us, and in the most disrespectful style, with

1. Exciting the Chickasaws to war on the Creeks.
2. Furnishing them with provisions and arms.
3. Aiming at the occupation of a post at the Ecores amargas.
4. Giving medals and marks of distinction to several Indians.
5. Meddling with the affairs of such as are allies of Spain.
6. Not using efficacious means to prevent these proceedings.

I shall make short observations on these charges.

1. Were the first true, it would not be unjustifiable. The Creeks have now a second time commenced against us a wanton and unprovoked war, and the present one in the face of a recent treaty, and of the most friendly and charitable offices on our part. There would be nothing out of the common course of proceeding then, for us to engage allies, if we needed any, for their punishment. But we neither need, nor have sought them. The fact itself is utterly false, and we defy the world to produce a single proof of it. The declaration of war by the Chickasaws, as we are informed, was a very sudden thing, produced by the murder of some of their people by a party of Creeks, and produced so instantaneously as to give nobody time to interfere, either to promote or prevent a rupture. We had, on the contrary, most particularly exhorted that nation to preserve peace, because in truth we have a most particular friendship for them. This will be evident from a copy of the message of the President to them, among the papers now enclosed.

2. The gift of provisions was but an act of that friendship to them, when in the same distress, which had induced us to give five times as much to the less friendly nation of the Creeks. But we have given arms to them. We believe it is the practice of every white nation to give arms to the neighboring Indians. The agents of Spain have done it abundantly, and, we suppose, not out of their own pockets, and this for purposes of avowed hostility on us; and they have been liberal in promises of further supplies. We have given a few arms to a very friendly tribe, not to make war on Spain, but to defend themselves from the atrocities of a vastly more numerous and powerful people, and one which, by a series of unprovoked and even unrepelled attacks on us, is obliging us to look towards war as the only means left of curbing their insolence.

3. We are aiming, as is pretended, at an establishment on the Mississippi, at the Ecores amargas. Considering the measures of this nature with which Spain is going on, having, since the proposition to treat with us on the subject, established posts at the Walnut hills and other places for two hundred miles upwards, it would not have been wonderful if we had taken countervailing measures. But the truth is, we have not done it. We wished to give a fair chance to the negotiation going on, and thought it but common candor to leave things in *statu quo*, to make no innovation pending the negotiation. In this spirit we forbid, and deterred even by military force, a large association of our citizens, under the name of the Yazoo companies, which had formed to settle themselves at those very Walnut hills, which Spain has since occupied. And so far are we from meditating the particular establishment so boldly charged in this letter, that we know not what place is meant by the Ecores amargas. This charge then is false also.

4. Giving medals and marks of distinction to the Indian chiefs. This is but blindly hinted at in this letter, but was more pointedly complained of in the former. This has been an ancient custom

from time immemorial. The medals are considered as complimentary things, as marks of friendship to those who come to see us, or who do us good offices, conciliatory of their good will towards us, and not designed to produce a contrary disposition towards others. They confer no power, and seem to have taken their origin in the European practice, of giving medals or other marks of friendship to the negotiators of treaties and other diplomatic characters, or visitors of distinction. The British government, while it prevailed here, practised the giving medals, gorgets, and bracelets to the savages, invariably. We have continued it, and we did imagine, without pretending to know, that Spain also did it.

5. We meddle with the affairs of Indians in alliance with Spain. We are perfectly at a loss to know what this means. The Indians on our frontier have treaties both with Spain and us. We have endeavored to cultivate their friendship, to merit it by presents, charities, and exhortations to peace with their neighbors, and particularly with the subjects of Spain. We have carried on some little commerce with them, merely to supply their wants. Spain too has made them presents, traded with them, kept agents among them, though their country is within the limits established as ours at the general peace. However, Spain has chosen to have it understood that she has some claim to some parts of that country, and that it must be one of the subjects of our present negotiations. Out of respect for her then, we have considered her pretensions to the country, though it was impossible to believe them serious, as coloring pretensions to a concern with those Indians on the same ground with our own, and we were willing to let them go on till a treaty should set things to right between us.

6. Another article of complaint is, that we have not used efficacious means to suppress these practices. But if the charge is false, or the practice justifiable, no suppression is necessary.

And lastly, these gentlemen say that on a view of these proceedings of the United States with respect to Spain and the Indians, their allies, they foresee that our peace with Spain is very problematical in future. The principal object of the letter being *our* supposed excitements of the Chickasaws against the Creeks and *their* protection of the latter, are we to understand from this that if we arm to repulse the attacks of the Creeks on ourselves it will disturb our peace with Spain? That if we will not fold our arms and let them butcher us without resistance, Spain will consider it as a cause of war? This is, indeed, so serious an intimation, that the President has thought it could no longer be treated with subordinate characters, but that his sentiments should be conveyed to the government of Spain itself, through you.

We love and we value peace; we know its blessings from experience. We abhor the follies of war, and are not untried in its distresses and calamities. Unmeddling with the affairs of other nations, we had hoped that our distance and our dispositions would have left us free, in the example and indulgence of peace with all the world. We had, with sincere and particular dispositions, courted and cultivated the friendship of Spain. We have made to it great sacrifices of time and interest, and were disposed to believe she would see her interests also in a perfect coalition and good understanding with us. Cherishing still the same sentiments, we have chosen, in the present instance, to ascribe the intimations in this letter to the particular character of the writers, displayed in the peculiarity of the style of their communications, and therefore, we have removed the cause from them to their sovereign, in whose justice and love of peace we have confidence. If we are disappointed in this appeal, if we are to be forced into a contrary order of things, our mind is made up. We shall meet it with firmness. The necessity of our position will supersede all appeal to calculation now, as it has done heretofore. We confide in our own strength, without boasting of it; we respect that of others, without fearing it. If we cannot otherwise prevail on the Creeks to discontinue their depredations, we will attack them in force. If Spain chooses to consider our defence against savage butchery as a cause of war to her, we must meet her also in war, with regret, but without fear; and we shall be happier, to the last moment, to repair with her to the tribunal of peace and reason.

The President charges you to communicate the contents of this letter to the court of Madrid, with all the temperance and delicacy which the dignity and character of that court render proper;

but with all the firmness and self-respect which befit a nation conscious of its rectitude, and settled in its purpose.

I have the honor to be, with sentiments of the most perfect esteem and respect, Gentlemen, your most obedient, and most humble servant.

## TO COLONEL MONROE

*Philadelphia, July 14, 1793.*

Dear Sir,—Your favor of June 27th, has been duly received. You have most perfectly seized the *original* idea of the proclamation. When first proposed as a declaration of neutrality, it was opposed, first, because the Executive had no power to declare neutrality. Second, as such a declaration would be premature, and would lose us the benefit for which it might be bartered. It was urged that there was a strong impression in the minds of many that they were free to join in the hostilities on the side of France, others were unapprised of the danger they would be exposed to in carrying contraband goods, &c. It was therefore agreed that a proclamation should issue, declaring that we were in a state of peace, admonishing the people to do nothing contravening it, and putting them on their guard as to contraband. On this ground it was accepted or acquiesced in by all, and E. R., who drew it, brought it to me, the draught, to let me see there was no such word as *neutrality* in it. Circumstances forbid other verbal criticisms. The public, however, soon took it up as a declaration of neutrality, and it came to be considered at length as such. The arming privateers in Charleston, with our means entirely, and partly our citizens, was complained of in a memorial from Mr. Hammond. In our consultation it was agreed we were by treaty *bound* to prohibit the enemies of France from arming in our ports, and were free to prohibit France also, and that by the laws of neutrality we are bound to permit or forbid the same things to both, as far as our treaties would permit. All, therefore, were forbidden to arm within our ports, and the vessels armed before the prohibition were on the advice of a majority ordered to leave our ports. With respect to our citizens who had joined in hostilities against a nation with whom we are at peace, the subject was thus viewed. Treaties are law. By the treaty with England we are in a state of peace with her. He who breaks that peace, if within our jurisdiction, breaks the laws, and is punishable by them. And if he is punishable he ought to be punished, because no citizen should be free to commit his country to war. Some vessels were taken within our bays. There, foreigners as well as natives are liable to punishment. Some were committed in the high seas. There, as the sea is a common jurisdiction to all nations, and divided *by persons*, each having a right to the jurisdiction over their own citizens only, our citizens only were punishable by us. But they were so, because within our jurisdiction. Had they gone into a *foreign land* and committed a hostility, they would have been clearly out of our jurisdiction and unpunishable by the existing laws. As the armament in Charleston had taken place before our citizens might have reflected on the case, only two were prosecuted, merely to satisfy the complaint made, and to serve as a warning to others. But others having attempted to arm another vessel in New York after this was known, all the persons concerned in the latter case, foreign as well as native, were directed to be prosecuted. The Attorney General gave an official opinion that the act was against law, and coincided with all our private opinions; and the lawyers of this State, New York and Maryland, who were applied to, were unanimously of the same opinion. Lately Mr. Rawle, Attorney of the United States in this district, on a conference with the District Judge, Peters, supposed the law more doubtful. New acts, therefore, of the same kind, are left unprosecuted till the question is determined by the proper court, which will be during the present week. If they declare the act no offence against the laws, the Executive will have acquitted itself towards the nation attacked by their citizens, by having submitted them to the sentence of the laws of their country, and towards those laws by an appeal to them in a case which interested the country, and which was at least doubtful. I confess I think myself that the case is punishable, and that, if found otherwise, Congress ought to make it so, or we shall be made parties in every maritime war in which the piratical spirit of the banditti in our ports can engage. I will write you what the judicial determination is. Our prospects with Spain appear to me, from circumstances taking place on this side the Atlantic, absolutely desperate. Measures are taken to know if they are equally so on the other side, and before the close of the year that question

will be closed, and your next meeting must probably prepare for the new order of things. I fear the disgust of France is inevitable. We shall be to blame in past. But the new minister much more so. His conduct is indefensible by the most furious Jacobin. I only wish our countrymen may distinguish between him and his nation, and if the case should ever be laid before them, may not suffer their affection to the nation to be diminished. H., sensible of the advantage they have got, is urging a full appeal by the Government to the people. Such an explosion would manifestly endanger a dissolution of the friendship between the two nations, and ought therefore to be deprecated by every friend to our liberty; and none but an enemy to it would wish to avail himself of the indiscretions of an individual to compromit two nations esteeming each other ardently. It will prove that the agents of the two people are either great bunglers or great rascals, when they cannot preserve that peace which is the universal wish of both. The situation of the St. Domingo fugitives (aristocrats as they are) calls aloud for pity and charity. Never was so deep a tragedy presented to the feelings of man. I deny the power of the general government to apply money to such a purpose, but I deny it with a bleeding heart. It belongs to the State governments. Pray urge ours to be liberal. The Executive should hazard themselves here on such an occasion, and the Legislature when it meets ought to approve and extend it. It will have a great effect in doing away the impression of other disobligations towards France. I become daily more convinced that all the West India islands will remain in the hands of the people of color, and a total expulsion of the whites sooner or later take place. It is high time we should pursue the bloody scenes which our children certainly, and possibly ourselves, (south of Potomac,) have to wade through, and try to avert them. We have no news from the continent of Europe later than the 1st of May. My love to Mrs. Monroe. Tell her they are paving the street before your new house. Adieu. Yours affectionately.

## TO MESSRS. DE VIAR AND JAUDENES

*Philadelphia, July 14, 1793.*

Gentlemen,—I have laid before the President your letters of the 11th and 13th instant. Your residence in the United States has given you an opportunity of becoming acquainted with the extreme freedom of the press in these States. Considering its great importance to the public liberty, and the difficulty of subjecting it to very precise rules, the laws have thought it less mischievous to give greater scope to its freedom, than to the restraint of it. The President has therefore no authority to prevent publications of the nature of those you complain of in your favor of the 11th. I can only assure you that the government of the United States has no part in them, and that all its expressions of respect towards his Catholic Majesty, public and private, have been as uniform as their desire to cultivate his friendship has been sincere.

With respect to the letters I have had the honor of receiving from you for some time past, it must be candidly acknowledged that their complaints were thought remarkable, as to the matters they brought forward as well as the manner of expressing them. A succession of complaints, some founded on small things taken up as great ones, some on suggestions contrary to our knowledge of things, yet treated as if true on very inconclusive evidence, and presented to view as rendering our peace very problematical, indicated a determination to find cause for breaking the peace. The President thought it was high time to come to an *eclaircissement* with your government directly, and has taken the measure of sending a courier to Madrid for this purpose. This of course transfers all explanation of the past to another place. But the President is well pleased to hope from your letters of the 11th and 13th, that all perhaps had not been meant which had been understood from your former correspondence, and will be still more pleased to find these and all other difficulties between the two countries settled in such a way as to insure their future friendship.

I beg you to accept assurances of my particular esteem, and of the real respect with which I have the honor to be, Gentlemen, your most obedient, and most humble servant.

## TO THE CHIEF JUSTICE AND JUDGES OF THE SUPREME COURT OF THE UNITED STATES

*Philadelphia, July 18, 1793.*

Gentlemen,—The war which has taken place among the powers of Europe, produces frequent transactions within our ports and limits, on which questions arise of considerable difficulty, and of greater importance to the peace of the United States. These questions depend for their solution on the construction of our treaties, on the laws of nature and nations, and on the laws of the land; and are often presented under circumstances which do not give a cognizance of them to the tribunals of the country. Yet their decision is so little analogous to the ordinary functions of the executive, as to occasion much embarrassment and difficulty to them. The President would, therefore, be much relieved, if he found himself free to refer questions of this description to the opinions of the judges of the Supreme Court of the United States, whose knowledge of the subject would secure us against errors dangerous to the peace of the United States, and their authority insure the respect of all parties. He has therefore asked the attendance of such judges as could be collected in time for the occasion, to know, in the first place, their opinion, whether the public may with propriety be availed of their advice on these questions? And if they may, to present, for their advice, the abstract questions which have already occurred, or may soon occur, from which they will themselves strike out such as any circumstances might, in their opinion, forbid them to pronounce on.

I have the honor to be, with sentiments of great esteem and respect, Gentlemen, your most obedient humble servant.

## TO J. MADISON

*July 21, 1792.*

I wrote you on the 14th, since which I have no letter from you. It appears that two considerable engagements took place between France and the combined armies on the 1st and 8th of May. In the former, the French have had rather the worst of it, as may be concluded by their loss of cannon and loss of ground. In the latter, they have had rather the best, as is proved by their remaining on the ground, and their throwing relief into Conde, which had been the object of both battles. The French attacked in both. They have sent commissioners to England to sound for peace. General Felix Wimpfen is one. There is a strong belief that the bankruptcies and demolitions of manufacturers through the three kingdoms, will induce the English to accede to peace. E. R. is returned. The affair of the loan has been kept suspended, and is now submitted to him. He brings very flattering information of the loyalty of the people of Virginia to the general government, and thinks the whole indisposition there is directed against the Secretary of the Treasury *personally*, not against his measures. On the whole he has quieted uneasiness here. I have never been able to get a sight of Billy till yesterday. He has promised to bring me the bill of your ploughs, which shall be paid. Adieu. Yours affectionately.

## TO MR. GENET

*Philadelphia, July 24, 1793.*

Sir,—Your favor of the 9th instant, covering the information of Silvat Ducamp, Pierre Nouvel, Chouquet de Savarence, Gaston de Nogere and G. Blustier, that being on their passage from the French West Indies to the United States, on board merchant vessels of the United States, with slaves and merchandise, of their property, these vessels were stopped by British armed vessels and their property taken out as lawful prize, has been received.

I believe it cannot be doubted, but that by the general law of nations, the goods of a friend found in the vessel of an enemy are free, and the goods of an enemy found in the vessel of a friend are lawful prize. Upon this principle, I presume, the British armed vessels have taken the property of French citizens found in our vessels, in the cases above mentioned, and I confess I should be at a loss on what principle to reclaim it. It is true that sundry nations, desirous of avoiding the inconveniences of having their vessels stopped at sea, ransacked, carried into port and detained, under pretence of having enemy goods aboard, have in many instances introduced by their special treaties another principle between them, that enemy bottoms shall make enemy goods, and friendly bottoms friendly goods; a principle much less embarrassing to commerce, and equal to all parties in point of gain and loss. But this is altogether the effect of particular treaty, controlling in special cases the general principle of the law of nations, and therefore taking effect between such nations only as have so agreed to control it. England has generally determined to adhere to the rigorous principle, having, in no instance, as far as I recollect, agreed to the modification of letting the property of the goods follow that of the vessel, except in the single one of her treaty with France. We have adopted this modification in our treaties with France, the United Netherlands and Russia; and therefore, as to them, our vessels cover the goods of their enemies, and we lose our goods when in the vessels of their enemies. Accordingly, you will be pleased to recollect, that in the late case of Holland and Mackie, citizens of the United States, who had laden a cargo of flour on board a British vessel, which was taken by the French frigate l'Ambuscade and brought into this port, when I reclaimed the cargo it was only on the ground that they were ignorant of the declaration of war when it was shipped. You observed, however, that the 14th article of our treaty had provided that ignorance should not be pleaded beyond two months after the declaration of war, which term had elapsed in this case by some days, and finding that to be the truth, though their real ignorance of the declaration was equally true, I declined the reclamation, as it never was in my view to reclaim the cargo, nor apparently in yours, to offer to restore it, by questioning the rule established in our treaty, that enemy bottoms make enemy goods. With England, Spain, Portugal and Austria, we have no treaties; therefore, we have nothing to oppose to their acting according to the general law of nations, that enemy goods are lawful prize though found in the bottom of a friend. Nor do I see that France can suffer on the whole; for though she loses her goods in our vessels when found therein by England, Spain, Portugal, or Austria, yet she gains our goods when found in the vessels of England, Spain, Portugal, Austria, the United Netherlands, or Prussia; and I believe I may safely affirm that we have more goods afloat in the vessels of these six nations, than France has afloat in our vessels; and consequently, that France is the gainer, and we the loser by the principle of our treaty. Indeed, we are the losers in every direction of that principle; for when it works in our favor, it is to save the goods of our friends, when it works against us, it is to lose our own; and we shall continue to lose while the rule is only partially established. When we shall have established it with all nations, we shall be in a condition neither to gain nor lose, but shall be less exposed to vexatious searches at sea. To this condition we are endeavoring to advance; but as it depends on the will of other nations as well as our own, we can only obtain it when they shall be ready to concur.

I cannot, therefore, but flatter myself, that on revising the cases of Ducamp and others, you will perceive that their losses result from the state of war, which has permitted their enemies to take their goods, though found in our vessels; and consequently, from circumstances over which we have no control.

The rudeness to their persons, practised by their enemies, is certainly not favorable to the character of the latter. We feel for it as much as for the extension of it to our own citizens, then companions, and find in it a motive the more for requiring measures to be taken which may prevent repetitions of it.

I have the honor to be, with great respect, Sir, your most obedient humble servant.

## TO THE PRESIDENT OF THE UNITED STATES

*Philadelphia, July 31, 1793.*

Dear Sir,—When you did me the honor of appointing me to the office I now hold, I engaged in it without a view of continuing any length of time, and I pretty early concluded on the close of the first four years of our Republic as a proper period for withdrawing; which I had the honor of communicating to you. When the period, however, arrived, circumstances had arisen, which, in the opinion of some of my friends, rendered it proper to postpone my purpose for awhile. These circumstances have now ceased in such a degree as to leave me free to think again of a day on which I may withdraw without its exciting disadvantageous opinions or conjectures of any kind. The close of the present quarter seems to be a convenient period, because the quarterly accounts of the domestic department are then settled of course, and by that time, also, I may hope to receive from abroad the materials for bringing up the foreign account to the end of its third year. At the close, therefore, of the ensuing month of September, I shall beg leave to retire to scenes of greater tranquility, from those which I am every day more and more convinced that neither my talents, tone of mind, nor time of life fit me. I have thought it my duty to mention the matter thus early, that there may be time for the arrival of a successor, from any part of the Union from which you may think proper to call one. That you may find one more able to lighten the burthen of your labors, I most sincerely wish; for no man living more sincerely wishes that your administration could be rendered as pleasant to yourself, as it is useful and necessary to our country, nor feels for you a more rational or cordial attachment and respect than, dear Sir, your most obedient, and most humble servant.

## TO MR. GENET

*Philadelphia, August 7, 1793.*

Sir,—In a letter of June the 5th, I had the honor to inform you that the President, after reconsidering, at your request, the case of vessels armed within our ports to commit hostilities on nations at peace with the United States, had finally determined that it could not be admitted, and desired that all those which had been so armed should depart from our ports. It being understood afterwards, that these vessels either still remained in our ports, or had only left them to cruise on our coasts and return again with their prizes, and that another vessel, the *Little Democrat*, had been since armed at Philadelphia, it was desired, in my letter of the 12th of July, that such vessels, with their prizes, should be detained, till a determination should be had of what was to be done under these circumstances. In disregard, however, of this desire, the *Little Democrat* went out immediately on a cruise.

I have it now in charge to inform you, that the President considers the United States as bound, pursuant to positive assurances given in conformity to the laws of neutrality, to effectuate the restoration of or to make compensation for prizes, which shall have been made of any of the parties at war with France, subsequent to the fifth day of June last, by privateers fitted out of our ports.

That it is consequently expected, that you will cause restitution to be made of all prizes taken and brought into our ports subsequent to the above-mentioned day by such privateers, in defect of which, the President considers it as incumbent upon the United States to indemnify the owners of those prizes; the indemnification to be reimbursed by the French nation.

That besides taking efficacious measures to prevent the future fitting out of privateers in the ports of the United States, they will not give asylum therein to any which shall have been at any time so fitted out, and will cause restitution of all such prizes as shall be hereafter brought within their ports by any of the said privateers.

It would have been but proper respect to the authority of the country, had that been consulted before these armaments were undertaken. It would have been satisfactory, however, if their sense of them, when declared, had been duly acquiesced in. Reparation of the injury to which the United States have been made so involuntarily instrumental is all which now remains, and in this your compliance cannot but be expected.

In consequence of the information given in your letter of the 4th instant, that certain citizens of St. Domingo, lately arrived in the United States, were associating for the purpose of undertaking a military expedition from the territory of the United States, against that island, the Governor of Maryland, within which State the expedition is understood to be preparing, is instructed to take effectual measures to prevent the same.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

## **TO THE PRESIDENT OF THE UNITED STATES**

*August 11, 1793.*

Thomas Jefferson, with his respects to the President, begs leave to express in writing more exactly what he meant to have said yesterday. A journey home in the autumn is of a necessity which he cannot control after the arrangements he has made, and when there, it would be his extreme wish to remain. But if the continuance in office to the last of December, as intimated by the President, would, by bringing the two appointments nearer together, enable him to marshal them more beneficially to the public, and more to his own satisfaction, either motive will suffice to induce Thomas Jefferson to continue till that time; he submits it therefore to the President's judgment, which he will be glad to receive when convenient, as the arrangements he had taken may require some change.

## TO –

*August 11, 1793.*

Dear Sir,—I wrote you last on the 3d instant. Yours of July 30th, came to hand yesterday. Besides the present which goes by post, I write you another to-day to go by Mr. D. Randolph, who sets out the day after to-morrow for Monticello, but whether by the direct route or via Richmond is not yet decided. I shall desire that letter to be sent to you by express from Monticello. I have not been able to lay my hands on the newspaper which gave a short but true view of the intention of the proclamation; however, having occasion to state it in a paper which I am preparing, I have done it in the following terms, and I give you the very words from the paper, because just as I had finished so far, 812.15. called on me. I read it to him. He said it presented fairly his view of the matter. He recalled to my mind that I had, at the time, opposed its being made a declaration of neutrality on the ground that the Executive was not the competent authority for that, and, therefore, that it was agreed the instrument should be drawn with great care. My statement is in these words: "On the declaration of war between France and England, the United States being at peace with both, their situation was so new and unexperienced by themselves, that their citizens were not, in the first instant, sensible of the new duties resulting therefrom, and of the laws it would impose *even on their dispositions* towards the belligerent powers. Some of them imagined (and chiefly their transient sea-faring citizens) that they were free to indulge those dispositions, to take side with either party, and enrich themselves by depredations on the commerce of the other, and were meditating enterprises of this nature, as was said. In this state of the public mind, and before it should take an erroneous direction difficult to be set right, and dangerous to themselves and their country, the President thought it expedient, by way of Proclamation, to remind our fellow-citizens that we were in a state of peace with all the belligerent powers; that in that state it was our duty neither to aid nor injure any; to exhort and warn them against acts which might contravene this duty, and particularly those of positive hostility, for the punishment of which the laws would be appealed to, and to put them on their guard also as to the risks they would run if they should attempt to carry articles of contraband to any." Very soon afterwards we learnt that he was undertaking the fitting and arming vessels in that port, enlisting men, foreign and citizens, and giving them commissions to cruise and commit hostilities against nations at peace with us, that these vessels were taking and bringing prizes into our ports, that the consuls of France were assuming to hold courts of admiralty on them, to try, condemn and authorize their sale as legal prizes, and all this before Mr. Genet had presented himself or his credentials to the President, before he was received by him, without his consent or consultation, and directly in contravention of the state of peace existing and declared to exist in the President's proclamation, and which it was incumbent on him to preserve till the Constitutional authority should otherwise declare. These proceedings became immediately, as was naturally to be expected, the subject of complaint by the representative here of that power against whom they would chiefly operate, &c. This was the true sense of the proclamation in the view of the draughtsman and of the two signers; but H. had other views. The instrument was badly drawn, and made the P. go out of his line to declare things which, though true, it was not exactly his province to declare. The instrument was communicated to me after it was drawn, but I was busy, and only run an eye over it to see that it was not made a declaration of neutrality, and gave it back again, without, I believe, changing a tittle. Pacificus has now changed his signature to "no Jacobin." Three papers under this signature have been published in Dunlap. I suppose they will get into Fenno. They are commentaries on the laws of nations and on the different parts of our treaty with France. As yet they have presented no very important heresy. Congress will not meet till the legal day. It was referred to a meeting at my office to consider and advice on it. I was for calling them. Kin. against it. H. said his judgment was against it. But he would join any two who should concur so as to make

a majority either way. R. was pointedly against it. We agreed to give our opinions separately, and though the P. was in his own judgment for calling them, he acquiesced in the majority. I pass on to the other letter; so adieu. Yours affectionately.

## TO GOUVERNEUR MORRIS

*Philadelphia, August 16, 1793.*

Sir,—In my letter of January the 13th, I enclosed to you copies of several letters which had passed between Mr. Ternant, Mr. Genet and myself, on the occurrences to which the present war had given rise within our ports. The object of this communication was to enable you to explain the principle on which our government was conducting itself towards the belligerent parties; principles which might not in all cases be satisfactory to all, but were meant to be just and impartial to all. Mr. Genet had been then but a little time with us; and but a little more was necessary to develop in him a character and conduct so unexpected and so extraordinary, as to place us in the most distressing dilemma, between our regard for his nation, which is constant and sincere, and a regard for our laws, the authority of which must be maintained; for the peace of our country, which the executive magistrate is charged to preserve; for its honor, offended in the person of that magistrate; and for its character grossly traduced, in the conversations and letters of this gentleman. In the course of these transactions, it has been a great comfort to us to believe, that none of them were within the intentions or expectations of his employers. These had been too recently expressed in acts which nothing could discolor, in the letters of the Executive Council, in the letter and decrees of the National Assembly, and in the general demeanor of the nation towards us, to describe to them things of so contrary a character. Our first duty, therefore, was, to draw a strong line between their intentions and the proceedings of their minister; our second, to lay those proceedings faithfully before them.

On the declaration of war between France and England, the United States being at peace with both, their situation was so new and unexperienced by themselves, that their citizens were not, in the first instant, sensible of the new duties resulting therefrom, and of the restraints it would impose even *on their dispositions* towards the belligerent powers. Some of them imagined (and chiefly their transient sea-faring citizens) that they were free to indulge those dispositions, to take side with either party, and enrich themselves by depredations on the commerce of the other, and were meditating enterprises of this nature, as there was reason to believe. In this state of the public mind, and before it should take an erroneous direction, difficult to be set right and dangerous to themselves and their country, the President thought it expedient, through the channel of a proclamation, to remind our fellow-citizens that we were in a state of peace with all the belligerent powers, that in that state it was our duty neither to aid nor injure any, to exhort and warn them against acts which might contravene this duty, and particularly those of positive hostility, for the punishment of which the laws would be appealed to; and to put them on their guard also, as to the risks they would run, if they should attempt to carry articles of contraband to any. This proclamation, ordered on the 19th and signed the 22d day of April, was sent to you in my letter of the 26th of the same month.

On the day of its publication, we received, through the channel of the newspapers, the first intimation that Mr. Genet had arrived on the 8th of the month at Charleston, in the character of Minister Plenipotentiary from his nation to the United States, and soon after, that he had sent on to Philadelphia the vessel in which he came, and would himself perform the journey by land. His landing at one of the most distant ports of the Union from his points both of departure and destination, was calculated to excite attention; and very soon afterwards, we learned that he was undertaking to authorize the fitting and arming vessels in that port, enlisting men, foreigners and citizens, and giving them commissions to cruise and commit hostilities on nations at peace with us; that these vessels were taking and bringing prizes into our ports; that the consuls of France were assuming to hold courts of admiralty on them, to try, condemn, and authorize their sale as legal prize, and all this before Mr. Genet had presented himself or his credentials to the President, before he was received by him, without his consent or consultation, and directly in contravention of the state of peace

existing, and declared to exist in the President's proclamation, and incumbent on him to preserve till the constitutional authority should otherwise declare. These proceedings became immediately, as was naturally to be expected, the subject of complaint by the representative here of that power against whom they would chiefly operate. The British minister presented several memorials thereon, to which we gave the answer of May the 15th, heretofore enclosed to you, corresponding in substance with a letter of the same date written to Mr. Ternant, the minister of France then residing here, a copy of which I send herewith. On the next day Mr. Genet reached this place, about five or six weeks after he had arrived at Charleston, and might have been at Philadelphia, if he had steered for it directly. He was immediately presented to the President, and received by him as the minister of the republic; and as the conduct before stated seemed to bespeak a design of forcing us into the war without allowing us the exercise of any free will in the case, nothing could be more assuaging than his assurance to the President at his reception, which he repeated to me afterwards in conversation, and in public to the citizens of Philadelphia in answer to an address from them, that on account of our remote situation and other circumstances, France did not expect that we should become a party to the war, but wished to see us pursue our prosperity and happiness in peace. In a conversation a few days after, Mr. Genet told me that M. de Ternant had delivered him my letter of May the 15th. He spoke something of the case of the Grange, and then of the armament at Charleston, explained the circumstances which had led him to it before he had been received by the government and had consulted its will, expressed a hope that the President had not so absolutely decided against the measure but that he would hear what was to be said in support of it, that he would write me a letter on the subject, in which he thought he could justify it under our treaty; but that if the President should finally determine otherwise, he must submit; for that assuredly his instructions were to do what would be agreeable to us. He accordingly wrote the letter of May the 27th. The President took the case again into consideration, and found nothing in that letter which could shake the grounds of his former decision. My letter of June the 5th notifying this to him, his of June the 8th and 14th, mine of the 17th, and his again of the 22d, will show what further passed on this subject, and that he was far from retaining his disposition to acquiesce in the ultimate will of the President.

It would be tedious to pursue this and our subsequent correspondence through all their details. Referring, therefore, for these to the letters themselves, which shall accompany this, I will present a summary view only of all the points of difference which have arisen, and the grounds on which they rest.

1. Mr. Genet asserts his right of arming in our ports and of enlisting our citizens, and that we have no right to restrain him or punish them. Examining this question under the law of nations, founded on the general sense and usage of mankind, we have produced proofs, from the most enlightened and approved writers on the subject, that a neutral nation must, in all things relating to the war, observe an exact impartiality towards the parties, that favors to one to the prejudice of the other, would import a fraudulent neutrality, of which no nation would be the dupe; that no succor should be given to either, unless stipulated by treaty, in men, arms, or anything else directly serving for war; that the right of raising troops being one of the rights of sovereignty, and consequently appertaining exclusively to the nation itself, no foreign power or person can levy men within its territory without its consent; and he who does, may be rightfully and severely punished; that if the United States have a right to refuse the permission to arm vessels and raise men within their ports and territories, they are bound by the laws of neutrality to exercise that right, and to prohibit such armaments and enlistments. To these principles of the law of nations Mr. Genet answers, by calling them "diplomatic subtleties," and "aphorisms of Vattel and others." But something more than this is necessary to disprove them; and till they are disproved, we hold it certain that the law of nations and the rules of neutrality forbid our permitting either party to arm in our ports.

But Mr. Genet says, that the twenty-second article of our treaty allows him *expressly* to arm in our ports. Why has he not quoted the very words of that article *expressly* allowing it? For that

would have put an end to all further question. The words of the article are, "it shall not be lawful for any foreign privateers not belonging to subjects of the M. C. King, nor citizens of the said United States, who have commissions from any foreign Prince or State in enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties." Translate this from the general terms in which it here stands, into the special case produced by the present war. "Privateers not belonging to France or the United States, and having commissions from the enemies of one of them," are, in the present state of things, "British, Dutch and Spanish privateers." Substituting these, then, for the equivalent terms, it will stand thus, "it shall not be lawful for British, Dutch or Spanish privateers to fit their ships in the ports of the United States." Is this an *express* permission to France to do it? Does the negative to the enemies of France, and silence as to France herself, imply an affirmative to France? Certainly not; it leaves the question as to France open, and free to be decided according to circumstances. And if the parties had meant an affirmative stipulation, they would have provided for it expressly; they would never have left so important a point to be inferred from mere silence or implications. Suppose they had desired to stipulate a refusal to their enemies, but nothing to themselves; what form of expression would they have used? Certainly the one they have used; an express stipulation as to their enemies, and silence as to themselves. And such an intention corresponds not only with the words, but with the circumstances of the times. It was of value to each party to exclude its enemies from arming in the ports of the other, and could in no case embarrass them. They therefore stipulated so far mutually. But each might be embarrassed by permitting the other to arm in its ports. They therefore would not stipulate to permit that. Let us go back to the state of things in France when this treaty was made, and we shall find several cases wherein France could not have permitted us to arm in her ports. Suppose a war between these States and Spain. We know, that by the treaties between France and Spain, the former could not permit the enemies of the latter to arm in her ports. It was honest in her, therefore, not to deceive us by such a stipulation. Suppose a war between these States and Great Britain. By the treaties between France and Great Britain, in force at the signature of ours, we could not have been permitted to arm in the ports of France. She could not then have meant in this article to give us such a right. She has manifested the same sense of it in her subsequent treaty with England, made eight years after the date of ours, stipulating in the sixteenth article of it, as in our twenty-second, that foreign privateers, *not being subjects of either crown*, should not arm against either in the ports of the other. If this had amounted to an affirmative stipulation that the subjects of the other crown might arm in her ports *against us*, it would have been in direct contradiction to her twenty-second article with us. So that to give to these negative stipulations an affirmative effect, is to render them inconsistent with each other, and with good faith; to give them only their negative and natural effect, is to reconcile them to one another and to good faith, and is clearly to adopt the sense in which France herself has expounded them. We may justly conclude, then, that the article only obliges us to refuse this right, in the present case, to Great Britain and the other enemies of France. It does not go on to give it to France, either expressly or by implication. We may then refuse it. And since we are bound by treaty to refuse it to the one party, and are free to refuse it to that other, we are bound by the laws of neutrality to refuse it to the other. The aiding either party then with vessels, arms or men, being unlawful by the law of nations, and not rendered lawful by the treaty, it is made a question whether our citizens, joining in these unlawful enterprises, may be punished?

The United States being in a state of peace with most of the belligerent powers by treaty, and with all of them by the laws of nature, murders and robberies committed by our citizens within our territory, or on the high seas, on those with whom we are so at peace, are punishable equally as if committed on our own inhabitants. If I might venture to reason a little formally, without being charged with running into 'subtleties and aphorisms,' I would say that if one citizen has a right to go to war of his own authority, every citizen has the same. If every citizen has that right, then the nation (which is composed of all its citizens) has a right to go to war, by the authority of its individual

citizen. But this is not true either on the general principles of society, or by our Constitution, which gives that power to Congress alone, and not to the citizens individually. Then the first position was not true; and no citizen has a right to go to war of his own authority; and for what he does without right, he ought to be punished. Indeed, nothing can be more obviously absurd than to say, that all the citizens may be at war, and yet the nation at peace.

It has been pretended, indeed, that the engagement of a citizen in an enterprise of this nature, was a divestment of the character of citizen, and a transfer of jurisdiction over him to another sovereign. Our citizens are certainly free to divest themselves of that character by emigration and other acts manifesting their intention, and may then become the subjects of another power, and free to do whatever the subjects of that power may do. But the laws do not admit that the bare commission of a crime amounts of itself to a divestment of the character of citizen, and withdraws the criminal from their coercion. They would never prescribe an illegal act among the legal modes by which a citizen might disfranchise himself; nor render treason, for instance, innocent by giving it the force of a dissolution of the obligation of the criminal to his country. Accordingly, in the case of Henfeild, a citizen of these States, charged with having engaged in the port of Charleston, in an enterprise against nations at peace with us, and with having joined in the actual commission of hostilities, the Attorney General of the United States, in an official opinion, declared that the act with which he was charged was punishable by law. The same thing has been unanimously declared by two of the circuit courts of the United States, as you will see in the charges of Chief Justice Jay, delivered at Richmond, and Judge Wilson, delivered at Philadelphia, both of which are herewith sent. Yet Mr. Genet, in the moment he lands at Charleston, is able to tell the Governor, and continues to affirm in his correspondence here, that no law of the United States authorizes their government to restrain either its own citizens or the foreigners inhabiting its territory, from warring against the enemies of France. It is true, indeed, that in the case of Henfeild, the jury which tried, absolved him. But it appeared on the trial, that the crime was not knowingly and wilfully committed; that Henfeild was ignorant of the unlawfulness of his undertaking; that in the moment he was apprised of it he showed real contrition; that he had rendered meritorious services during the late war, and declared he would live and die an American. The jury, therefore, in absolving him, did no more than the constitutional authority might have done, had they found him guilty: the Constitution having provided for the pardon of offences in certain cases, and there being no case where it would have been more proper than where no offence was contemplated. Henfeild, therefore, was still an American citizen, and Mr. Genet's reclamation of him was as unauthorized as the first enlistment of him.

2. Another doctrine, advanced by Mr. Genet is, that our courts can take no cognizance of questions whether vessels, *held by theirs* as prizes, are lawful prizes or not; that this jurisdiction belongs exclusively to their consulates here, which have been lately erected by the National Assembly into complete courts of admiralty.

Let us consider, first, what is the extent of jurisdiction which the consulates of France may rightfully exercise here. Every nation has of natural right, entirely and exclusively, all the jurisdiction which may be rightfully exercised in the territory it occupies. If it cedes any portion of that jurisdiction to judges appointed by another nation, the limits of their power must depend on the instrument of cession. The United States and France have, by their consular convention, given mutually to their consuls jurisdiction in certain cases especially enumerated. But that convention gives to neither the power of establishing complete courts of admiralty within the territory of the other, nor even of deciding the particular question of prize or not prize. The consulates of France, then, cannot take judicial cognizance of those questions here. Of this opinion Mr. Genet was when he wrote his letter of May the 27th, wherein he promises to correct the error of the consul at Charleston, of whom, in my letters of the 15th instant, I had complained, as arrogating to himself that jurisdiction; though in his subsequent letters he has thought proper to embark in the errors of his consuls.

But the United States, at the same time, do not pretend any right to try the validity of captures made *on the high seas*, by France, or any other nation, over its enemies. These questions belong, of common usage, to the sovereign of the captor, and whenever it is necessary to determine them, resort must be had to his courts. This is the case provided for in the seventeenth article of the treaty, which says, that such prizes shall not be arrested, nor cognizance taken of the validity thereof; a stipulation much insisted on by Mr. Genet and the consuls, and which we never thought of infringing or questioning. As the validity of captures then, made *on the high seas* by France over its enemies, cannot be tried within the United States by their consuls, so neither can they by our own courts. Nor is this the question between us, though we have been misled into it.

The real question is, whether the United States have not a right to protect vessels within their waters and on their coasts? The Grange was taken within the Delaware, between the shores of Jersey and of the Delaware State, and several miles above its mouth. The seizing her was a flagrant violation of the jurisdiction of the United States. Mr. Genet, however, instead of apologizing, takes great merit in his letters for giving her up. The William is said to have been taken within two miles of the shores of the United States. When the admiralty declined cognizance of the case, she was delivered to the French consul according to my letter of June the 25th, to be kept till the executive of the United States should examine into the case; and Mr. Genet was desired by my letter of June the 29th, to have them furnished with the evidence on behalf of the captors, as to the place of capture. Yet to this day it has never been done. The brig Fanny was alleged to be taken within five miles from our shore; the Catharine within two miles and a half. It is an essential attribute of the jurisdiction of every country to preserve peace, to punish acts in breach of it, and to restore property taken by force within its limits. Were the armed vessel of any nation to cut away one of our own from the wharves of Philadelphia, and to chose to call it a prize, would this exclude us from the right of redressing the wrong? Were it the vessel of another nation, are we not equally bound to protect it, while within our limits? Were it seized in any other of our waters, or on the shores of the United States, the right of redressing is still the same; and humble indeed would be our condition, were we obliged to depend for that on the will of a foreign consul, or on negotiation with diplomatic agents. Accordingly, this right of protection within its waters and to a reasonable distance on its coasts, has been acknowledged by every nation, and denied to none; and if the property seized be yet within their power, it is their right and duty to redress the wrong themselves. France herself has asserted the right in herself and recognized it in us, in the sixth article of our treaty, where we mutually stipulate that we will, *by all the means in our power* (not by negotiation), protect and defend each other's vessels and effects in our ports or roads, or on the seas near our countries, and recover and restore the same to the right owners. The United Netherlands, Prussia and Sweden, have recognized it also in treaties with us; and, indeed, it is a standing formula, inserted in almost all the treaties of all nations, and proving the principle to be acknowledged by all nations.

How, and by what organ of the government, whether judiciary or executive, it shall be redressed, is not yet perfectly settled with us. One of the subordinate courts of admiralty has been of opinion, in the first instance, in the case of the ship William, that it does not belong to the judiciary. Another, perhaps, may be of a contrary opinion. The question is still *sub judice*, and an appeal to the court of last resort will decide it finally. If finally the judiciary shall declare that it does not belong to the *civil* authority, it then results to the executive, charged with the direction of the *military* force of the Union, and the conduct of its affairs with foreign nations. But this is a mere question of internal arrangement between the different departments of the government, depending on the particular diction of the laws and Constitution; and it can in nowise concern a foreign nation to which department these have delegated it.

3. Mr. Genet, in his letter of July the 9th, requires that the ship Jane, which he calls an English privateer, shall be immediately ordered to depart; and to justify this, he appeals to the 22d article of our treaty, which provides that it shall not be lawful for any foreign *privateer* to fit their ships in our

ports, to sell *what they have taken*, or purchase victuals, &c. The ship Jane is an English merchant vessel, which has been many years employed in the commerce between Jamaica and these States. She brought here a cargo of produce from that island, and was to take away a cargo of flour. Knowing of the war when she left Jamaica, and that our coast was lined with small French privateers, she armed for her defence, and took one of those commissions usually called *letters of marque*. She arrived here safely without having had any rencounter of any sort. Can it be necessary to say that a merchant vessel is not a privateer? That though she has arms to defend herself in time of war, in the course of her regular commerce, this no more makes her a privateer, than a husbandman following his plough in time of war, with a knife or pistol in his pocket, is thereby made a soldier? The occupation of a privateer is attack and plunder, that of a merchant vessel is commerce and self-preservation. The article excludes the former from our ports, and from selling *what she has taken*, that is, what she has acquired by war, to show it did not mean the merchant vessel, and what she had acquired by commerce. Were the merchant vessels coming for our produce forbidden to have any arms for their defence, every adventurer who had a boat, or money enough to buy one, would make her a privateer, our coasts would swarm with them, foreign vessels must cease to come, our commerce must be suppressed, our produce remain on our hands, or at least that great portion of it which we have not vessels to carry away, our ploughs must be laid aside and agriculture suspended. This is a sacrifice no treaty could ever contemplate, and which we are not disposed to make out of mere complaisance to a false definition of the term *privateer*. Finding that the Jane had purchased new carriages to mount two or three additional guns, which she had brought in her hold, and that she had opened additional port-holes for them, the carriages were ordered to be re-landed, the additional port-holes stopped, and her means of defence reduced, to be exactly the same at her departure as at her arrival. This was done on the general principle of allowing no party to arm within our ports.

4. The seventeenth article of our treaty leaves armed vessels free to *conduct*, whithersoever they please, the ships and goods taken from their enemies without paying any duty, and to depart and be conducted freely to the places expressed in their commissions, which the captain shall be obliged to show. It is evident, that this article does not contemplate a freedom to *sell their prizes* here; but on the contrary, a *departure* to some other place, always to be expressed in their commission, where their validity is to be finally adjudged. In such case, it would be as unreasonable to demand duties on the goods they had taken from an enemy, as it would be on the cargo of a merchant vessel touching in our ports for refreshment or advices; and against this the article provides. But the armed vessels of France have been also admitted to land and sell their prize goods here for consumption, in which case, it is as reasonable they should pay duties, as the goods of a merchantman landed and sold for consumption. They have however demanded, and as a matter of right, to sell them free of duty, a right, they say, given by this article of the treaty, though the article does not give the right to sell at all. Where a treaty does not give the principal right of selling, the additional one of selling duty free cannot be given; and the laws in admitting the principal right of selling, may withhold the additional one of selling duty free. It must be observed, that our revenues are raised almost wholly on imported goods. Suppose prize goods enough should be brought in to supply our whole consumption. According to their construction we are to lose our whole revenue. I put the extreme case to evince, more extremely, the unreasonableness of the claim. Partial supplies would affect the revenue but partially. They would lessen the evil, but not the error, of the construction; and I believe we may say, with truth, that neither party had it in contemplation, when penning this article, to abandon any part of its revenue for the encouragement of the sea robbers of the other.

5. Another source of complaint with Mr. Genet has been, that the English take French goods out of American vessels, which he says is against the law of nations and ought to be prevented by us. On the contrary, we suppose it to have been long an established principle of the law of nations, that the goods of a friend are free in an enemy's vessel, and an enemy's goods lawful prize in the vessel of a friend. The inconvenience of this principle which subjects merchant vessels to be stopped

at sea, searched, ransacked, led out of their course, has induced several nations latterly to stipulate against it by treaty, and to substitute another in its stead, that free bottoms shall make free goods, and enemy bottoms enemy goods; a rule equal to the other in point of loss and gain, but less oppressive to commerce. As far as it has been introduced, it depends on the treaties stipulating it, and forms exceptions, in special cases, to the general operation of the law of nations. We have introduced it into our treaties with France, Holland and Prussia; and French goods found by the two latter nations in American bottoms are not made prize of. It is our wish to establish it with other nations. But this requires their consent also, is a work of time, and in the meanwhile, they have a right to act on the general principle, without giving to us or to France cause of complaint. Nor do I see that France can lose by it on the whole. For though she loses *her* goods when found in our vessels by the nations with whom we have no treaties, yet she gains *our* goods, when found in the vessels of the same and all other nations; and we believe the latter mass to be greater than the former. It is to be lamented, indeed, that the general principle has operated so cruelly in the dreadful calamity which has lately happened in St. Domingo. The miserable fugitives, who, to save their lives, had taken asylum in our vessels, with such valuable and portable things as could be gathered in the moment out of the ashes of their houses and wrecks of their fortunes, have been plundered of these remains by the licensed sea rovers of their enemies. This has swelled, on this occasion, the disadvantages of the general principle, that "an enemy's goods are free prize in the vessels of a friend." But it is one of those deplorable and unforeseen calamities to which they expose themselves who enter into a state of war, furnishing to us an awful lesson to avoid it by justice and moderation, and not a cause or encouragement to expose our own towns to the same burning and butcheries, nor of complaint because we do not.

6. In a case like the present, where the missionary of one government construes differently from that to which he is sent, the treaties and laws which are to form a common rule of action for both, it would be unjust in either to claim an exclusive right of construction. Each nation has an equal right to expound the meaning of their common rules; and reason and usage have established, in such cases, a convenient and well-understood train of proceeding. It is the right and duty of the foreign missionary to urge his own constructions, to support them with reasons which may convince, and in terms of decency and respect which may reconcile the government of the country to a concurrence. It is the duty of that government to listen to his reasonings with attention and candor, and to yield to them when just. But if it shall still appear to them that reason and right are on their side, it follows of necessity, that exercising the sovereign powers of the country, they have a right to proceed on their own constructions and conclusions as to whatever is to be done within their limits. The minister then refers the case to his own government, asks new instructions, and, in the meantime, acquiesces in the authority of the country. His government examines his constructions, abandons them if wrong, insists on them if right, and the case then becomes a matter of negotiation between the two nations. Mr. Genet, however, assumes a new and bolder line of conduct. After deciding for himself ultimately, and without respect to the authority of the country, he proceeds to do what even his sovereign could not authorize, to put himself within the country on a line with its government, to act as co-sovereign of the territory; he arms vessels, levies men, gives commissions of war, independently of them, and in direct opposition to their orders and efforts. When the government forbids their citizens to arm and engage in the war, he undertakes to arm and engage them. When they forbid vessels to be fitted in their ports for cruising on nations with whom they are at peace, he commissions them to fit and cruise. When they forbid an unceded jurisdiction to be exercised within their territory by foreign agents, he undertakes to uphold that exercise, and to avow it openly. The privateers Citoyen Genet and Sans Culottes having been fitted out at Charleston (though without the permission of the government, yet before it was forbidden) the President only required they might leave our ports, and did not interfere with their prizes. Instead, however, of their quitting our ports, the Sans Culottes remains still, strengthening and equipping herself, and the Citoyen Genet went out only to cruise on our coast, and to brave the authority of the country by returning into port again with her prizes. Though in the letter of June

the 5th, the final determination of the President was communicated, that no future armaments in our ports should be permitted, the *Vainqueur de La Bastille* was afterwards equipped and commissioned in Charleston, the *Anti-George* in Savannah, the *Carmagnole* in Delaware, a schooner and a sloop in Boston, and the *Polly* or *Republican* was attempted to be equipped in New York, and was the subject of reclamation by Mr. Genet, in a style which certainly did not look like relinquishing the practice. The *Little Sarah* or *Little Democrat* was armed, equipped and manned, in the port of Philadelphia, under the very eye of the government, as if meant to insult it. Having fallen down the river, and being evidently on the point of departure for a cruise, Mr. Genet was desired in my letter of July the 12th, on the part of the President, to detain her till some inquiry and determination on the case should be had. Yet within three or four days after, she was sent out by orders from Mr. Genet himself, and is, at this time, cruising on our coasts, as appears by the protest of the master of one of our vessels maltreated by her.

The government thus insulted and set at defiance by Mr. Genet, and committed in its duties and engagements to others, determined still to see in these proceedings but the character of the individual, and not to believe, and it does not believe, that they are by instructions from his employers. They had assured the British minister here, that the vessels already armed to our ports should be obliged to leave them, and that no more should be armed in them. Yet more had been armed, and those before armed had either not gone away, or gone only to return with new prizes. They now informed him that the order for departure should be enforced, and the prizes made contrary to it should be restored or compensated. The same thing was notified to Mr. Genet in my letter of August the 7th, and that he might not conclude the promise of compensation to be of no concern to him, and go on in his courses, he was reminded that it would be a fair article of account against his nation.

Mr. Genet, not content with using our force, whether we will or not, in the military line against nations with whom we are at peace, undertakes also to direct the civil government; and particularly for the executive and legislative bodies, to pronounce what powers may or may not be exercised by the one or the other. Thus, in his letter of June the 8th, he promises to respect the political opinions of the President, *till the Representatives shall have confirmed or rejected them*; as if the President had undertaken to decide what belonged to the decision of Congress. In his letter of June the 4th, he says more openly, that the President ought not to have taken on himself to decide on the subject of the letter, but that it was of importance enough to have consulted Congress thereon; and in that of June the 22d, he tells the President in direct terms, that Congress ought already to have been occupied on certain questions which he had been too hasty in deciding; thus making himself, and not the President, the judge of the powers ascribed by the Constitution to the executive, and dictating to him the occasion when he should exercise the power of convening Congress at an earlier day than their own act had prescribed.

On the following expressions, no commentary shall be made:

July 9. "Les principes philosophiques proclamées par le Président."

June 22. "Les opinions privées ou publiques de M. le Président, et cette égide ne paroissant, pas suffisante."

June 22. "Le gouvernement fédéral s'est empressé, poussé par je ne sais quelle influence."

June 22. "Je ne puis attribuer, des démarches de cette nature qu'à des impressions étrangères dont le tems et la vérité triompheront."

June 25. "On poursuit avec acharnement, en vertu des instructions de M. le Président, les armateurs Français."

June 14. "Ce refus tend à accomplir le système infernal du roi d'Angleterre, et des autres rois ses accomplices, pour faire périr par la famine les Républicains Français avec la liberté."

June 8. "La lâche abandon de ses amis."

July 25. "En vain le désir de conserver la paix fait-il sacrifier les intérêts de la France à cet intérêt, du moment; en vain le soif des richesses l'emporte-t-elle sur l'honneur dans la balance

politique de l'Amerique. Tous ces ménagemens, toute cette condescendance, toute cette humilité n'aboutissent à rien; nos ennemis on rient, et les Français trop confiants sont punis pour avoir cru que la nation Americaine, avoit un pavillon, qu'elle avoit quelque égard pour ses loix, quelque conviction de ses forces, et qu'elle tenoit au sentiment de sa dignité. Il ne m'est pas possible de peindre toute ma sensibilité sur ce scandale qui tend à la diminution de votre commerce, à l'oppression du notre, et à l'abaissement, à l'avilissement des republiques. Si nos concitoyens ont été trompés, si vous n'êtes point en état de soutenir la souveraineté de votre peuple, parlez; nous l'avons garantié quand nous étions esclaves, nous saurons la rendre redoutable étant devenus libres."

We draw a veil over the sensations which these expressions excite. No words can render them; but they will not escape the sensibility of a friendly and magnanimous nation, who will do us justice. We see in them neither the portrait of ourselves, nor the pencil of our friends; but an attempt to embroil both; to add still another nation to the enemies of his country, and to draw on both a reproach, which it is hoped will never stain the history of either. The written proofs, of which Mr. Genet himself was the bearer, were too unequivocal to leave a doubt that the French nation are constant in their friendship to us. The resolves of their National Convention, the letters of their Executive Council, attest this truth, in terms which render it necessary to seek in some other hypothesis the solution of Mr. Genet's machinations against our peace and friendship.

Conscious, on our part, of the same friendly and sincere dispositions, we can with truth affirm, both for our nation and government, that we have never omitted a reasonable occasion of manifesting them. For I will not consider as of that character, opportunities of sallying forth from our ports to waylay, rob and murder defenceless merchants and others, who have done us no injury, and who were coming to trade with us in the confidence of our peace and amity. The violation of all the laws of order and morality which bind mankind together, would be an unacceptable offering to a just nation. Recurring then only to recent things, after so afflicting a libel, we recollect with satisfaction, that in the course of two years, by unceasing exertions, we paid up seven years' arrearages and instalments of our debt to France, which the inefficiency of our first form of government had suffered to be accumulating; that pressing on still to the entire fulfilment of our engagements, we have facilitated to Mr. Genet the effect of the instalments of the present year, to enable him to send relief to his fellow citizens in France, threatened with famine; that in the first moment of the insurrection which threatened the colony of St. Domingo, we stepped forward to their relief with arms and money, taking freely on ourselves the risk of an unauthorized aid, when delay would have been denial; that we have received according to our best abilities the wretched fugitives from the catastrophe of the principal town of that colony, who, escaping from the swords and flames of civil war, threw themselves on us naked and houseless, without food or friends, money or other means, their faculties lost and absorbed in the depth of their distresses; that the exclusive admission to sell here the prizes made by France on her enemies, in the present war, though unstipulated in our treaties, and unfounded in her own practice, or in that of other nations, as we believe; the spirit manifested by the late grand jury in their proceedings against those who had aided the enemies of France with arms and implements of war, the expressions of attachment to his nation, with which Mr. Genet was welcomed on his arrival and journey from south to north, and our long forbearance under his gross usurpations and outrages of the laws and authority of our country, do not bespeak the partialities intimated in his letters. And for these things he rewards us by endeavors to excite discord and distrust between our citizens and those whom they have entrusted with their government, between the different branches of our government, between our nation and his. But none of these things, we hope, will be found in his power. That friendship which dictates to us to bear with his conduct yet a while, lest the interests of his nation here should suffer injury, will hasten them to replace an agent whose dispositions are such a misrepresentation of theirs, and whose continuance here is inconsistent with order, peace, respect, and that friendly correspondence which we hope will ever subsist between the two nations. His government will see too that the case is pressing. That it is impossible for two sovereign and

independent authorities to be going on within our territory at the same time without collision. They will foresee that if Mr. Genet perseveres in his proceedings, the consequences would be so hazardous to us, the example so humiliating and pernicious, that we may be forced even to suspend his functions before a successor can arrive to continue them. If our citizens have not already been shedding each other's blood, it is not owing to the moderation of Mr. Genet, but to the forbearance of the government. It is well known that if the authority of the laws had been resorted to, to stop the Little Democrat, its officers and agents were to have been resisted by the crew of the vessel, consisting partly of American citizens. Such events are too serious, too possible, to be left to hazard, or to what is more than hazard, the will of an agent whose designs are so mysterious.

Lay the case then immediately before his government. Accompany it with assurances, which cannot be stronger than true, that our friendship for the nation is constant and unabating; that, faithful to our treaties, we have fulfilled them in every point to the best of our understanding; that if in anything, however, we have construed them amiss, we are ready to enter into candid explanations, and to do whatever we can be convinced is right; that in opposing the extravagances of an agent, whose character they seem not sufficiently to have known, we have been urged by motives of duty to ourselves and justice to others, which cannot but be approved by those who are just themselves; and finally, that after independence and self-government, there is nothing we more sincerely wish than perpetual friendship with them.

I have the honor to be, with great respect and esteem, Dear Sir, your most obedient, and most humble servant.<sup>1</sup>

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<sup>1</sup> [A copy of the preceding letter was sent, enclosed by the Secretary of State, to Mr. Genet.]

## TO DUKE AND CO

*Philadelphia, August 21, 1793.*

Gentlemen,—Complaint having been made to the government of the United States of some instances of unjustifiable vexation and spoliation committed on our merchant vessels by the privateers of the powers at war, and it being possible that other instances may have happened of which no information has been given to the government, I have it in charge from the President to assure the merchants of the United States concerned in foreign commerce or navigation, that due attention will be paid to any injuries they may suffer on the high seas, or in foreign countries, contrary to the law of nations, or to existing treaties, and that on the forwarding hither well-authenticated evidence of the same, proper proceedings will be adopted for their relief. The just and friendly dispositions of the several belligerent powers afford well-founded expectation that they will not hesitate to take effectual measures for restraining their armed vessels from committing aggressions and vexations on our citizens or their property.

There being no particular portion or description of the mercantile body pointed out by the law for receiving communications of this nature, I take the liberty of addressing it to the merchants of Savannah for the State of Georgia, and of requesting that through them it may be made known to all those of their State whom it may concern. Information will be freely received either from the individuals aggrieved or from any associations of merchants who will be pleased to take the trouble of giving it in a case so interesting to themselves and their country.

I have the honor to be, with great respect, Gentlemen, your most obedient servant.

## TO J. MADISON

*August 25, 1793.*

Sir,—You will perceive by the enclosed papers that Genet has thrown down the gauntlet to the President by the publication of his letter and my answer, and is himself forcing that appeal to the people, and risking that disgust which I had so much wished should have been avoided. The indications from different parts of the continent are already sufficient to show that the mass of the republican interest has no hesitation to disapprove of this intermeddling by a foreigner, and the more readily as his object was evidently, contrary to his professions, to force us into the war. I am not certain whether some of the more furious republicans may not schismatize with him.

## TO J. MADISON

*September 1, 1793.*

Sir,—My last was of the 25th, since that I have received yours of the 20th, and Col. M's of the 21st. Nothing further has passed with Mr. Genet, but one of his consuls has committed a pretty serious deed at Boston, by going with an armed force taken from a French frigate in the harbor, and rescuing a vessel out of the hands of the marshal who had arrested her by process from a court of justice; in another instance he kept off the marshal by an armed force from serving a process on a vessel. He is ordered, consequently, to be arrested himself, prosecuted and punished for the rescue, and his exequatur will be revoked. You will see in the newspapers the attack made on our commerce by the British king in his *additional instruction* of June 8. Though we have only newspaper information of it, *provisional* instructions are going to Mr. Pinckney to require a revocation of them, and indemnification for all losses which individuals may sustain by them in the meantime. Of the revocation I have not the least expectation. I shall therefore be for laying the whole business (respecting both nations) before Congress. While I think it impossible they should not approve of what has been done disagreeable to the friendly nation, it will be in their power to soothe them by strong commercial retaliation against the hostile one. Pinching their commerce will be just against themselves, advantageous to us, and conciliatory towards our friends of the hard necessities into which their agent has drawn us. His conduct has given room for the enemies of liberty and of France, to come forward in a state of acrimony against that nation, which they never would have dared to have done. The disapprobation of the agent mingles with the reprehension of his nation, and gives a toleration to that which it never had before. He has still some defenders in Freneau, and Greenleaf's paper, and who they are I know not: for even Hutcheson and Dallas give him up. I enclose you a Boston paper, which will give you a specimen of what all the papers are now filled with. You will recognize Mr. A— under the signature of Camillus. He writes in every week's paper, and generally under different names. This is the first in which he has omitted some furious incartade against me. Hutcheson says that Genet has totally overturned the republican interest in Philadelphia. However, the people going right themselves, if they always see their republican advocates with them, an accidental meeting with the monarchs will not be a coalescence. You will see much said, and again said, about G.'s threat to appeal to the people. I can assure you it is a fact. I received yesterday the MS. you mentioned to me from F—n. I have only got a dozen pages into it, and never was more charmed with anything. Profound arguments presented in the simplest point of view entitle him really to his ancient signature. In the papers received from you, I have seen nothing which ought to be changed, except a part of one sentence not necessary for its object, and running foul of something of which you were not apprized. A malignant fever has been generated in the filth of Water street, which gives great alarm. About 70 people had died of it two days ago, and as many more were ill of it. It has now got into most parts of the city, and is considerably infectious. At first 3 out of 4 died, now about 1 out of 3. It comes on with a pain in the head, sick stomach, then a little chill, fever, black vomiting and stools, and death from the 2d to the 8th day. Everybody who can, is flying from the city, and the panic of the country people is likely to add famine to disease. Though becoming less mortal, it is still spreading, and the heat of the weather is very unpropitious. I have withdrawn my daughter from the city, but am obliged to go to it every day myself. My threshing machine has arrived at New York. Mr. Pinckney writes me word that the original from which this model is copied, threshes 150 bushels of wheat in 8 hours, with 6 horses and 5 men. It may be moved either by water or horses. Fortunately the workman who made it (a millwright) is come in the same vessel to settle in America. I have written to persuade him to go on immediately to Richmond, offering him the use of my model to exhibit, and to give him letters to get him into immediate employ in making them. I expect an answer before I write to

you again. I understand that the model is made mostly in brass, and in the simple form in which it was first ordered, to be worked by horses. It was to have cost 5 guineas, but Mr. Pinckney having afterwards directed it to be accommodated to water movement also, it has made it more complicated, and costs 13 guineas. It will thresh any grain from the Windsor bean down to the smallest. Adieu.

## TO MR. GORE

*Philadelphia, September 2, 1793.*

Sir,—The President is informed through the channel of a letter from yourself to Mr. Lear, that M. Duplaine, consul of France at Boston, has lately, with an armed force, seized and rescued a vessel from the officer of a court of justice, by process from which she was under arrest in his custody: and that he has in like manner, with an armed force, opposed and prevented the officer, charged with process from a court against another vessel, from serving that process. This daring violation of the laws requires the more attention, as it is by a foreigner clothed with a public character, arrogating an unfounded right to admiralty jurisdiction, and probably meaning to assert it by this act of force. You know that by the law of nations, consuls are not diplomatic characters, and have no immunities whatever against the laws of the land. To put this altogether out of dispute, a clause was inserted in our consular convention with France, making them amenable to the laws of the land, as other inhabitants. Consequently, M. Duplaine is liable to arrest, imprisonment, and other punishments, even capital, as other foreign subjects resident here. The President therefore desires that you will immediately institute such a prosecution against him, as the laws will warrant. If there be any doubt as to the character of his offence, whether of a higher or lower grade, it will be best to prosecute for that which will admit the least doubt, because an acquittal, though it might be founded merely on the opinion that the grade of offence with which he is *charged* is higher than his *act* would support, yet it might be construed by the uninformed to be a judiciary decision against his amenability to the law, or perhaps in favor of the jurisdiction these consuls are assuming. The process therefore, should be of the surest kind, and all the proceedings well grounded. In particular, if an arrest, as is probable, be the first step, it should be so managed as to leave room neither for escape nor rescue. It should be attended with every mark of respect, consistent with safe custody, and his confinement as mild and comfortable also, as that would permit. These are the distinctions to which a consul is entitled, that is to say, of a particular decorum of deportment towards him, indicative of respect to the sovereign whose officer he is.

The President also desires you will immediately obtain the best evidence it shall be in your power to procure, under oath or affirmation, of the transaction stated in your letter, and that in this, you consider yourself as acting as much on behalf of M. Duplaine as the public, the candid truth of the case being exactly that which is desired, as it may be the foundation of an act, the justice of which should be beyond all question. This evidence I shall be glad to receive within as few days, or even hours, of delay as possible.

I am also instructed to ask the favor of you to communicate copies of any memorials, representations or other written correspondence which may have passed between the Governor and yourself, with respect to the privateers and prizes which have been the subject of your letters to Mr. Lear.

I have the honor to be, with great respect, Sir, your most obedient servant.

## TO MR. HAMMOND

*Philadelphia, September 5, 1793.*

Sir,—I am honored with yours of August the 30th. Mine of the 7th of that month assured you that measures were taking for excluding from all further asylum in our ports, vessels armed in them to cruise on nations with which we are at peace, and for the restoration of the prizes, the *Lovely Lass*, *Prince William Henry*, and the *Jane of Dublin*, and that should the measures for restitution fail in their effect, the President considers it as incumbent on the United States, to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, *by all the means in our power* to protect and defend their vessels and effects in our ports or waters, or on the seas near our shores, and to recover and restore the same to the right owners, when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Though we have no similar treaty with Great Britain, it was the opinion of the President that we should use towards that nation the same rule which, under this article, was to govern us with the other nations; and even to extend it to captures made on *the high seas* and brought into our ports, if done by vessels which had been armed within them.

Having, for particular reasons, forborne to use *all the measures in our power* for the restitution of the three vessels mentioned in my letter of August the 7th, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances, and brought in after the 5th of June and *before the date of that letter*, yet where the same forbearance had taken place, it was and is his opinion that compensation would be equally due.

As to prizes made under the same circumstances, and brought in *after the date of that letter*, the President determined that all the means in our power should be used for their restitution. If these fail us, as we should not be bound by our treaties to make compensation to the other powers, in the analogous case, he did not mean to give an opinion that it ought to be done to Great Britain. But still, if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the President would think compensation equally incumbent on the United States.

Instructions are given to the Governors of the different States, to use all the means in their power for restoring prizes of this last description, found within their ports. Though they will, of course, take measures to be informed of them, and the General Government has given them the aid of the Custom House officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information, as far as shall depend on yourself or any person under your direction, in order that the government may use the means in their power, for making restitution. Without knowledge of the capture, they cannot restore it. It will always be best to give the notice to them directly; but any information which you shall be pleased to send to me also, at any time, shall be forwarded to them as quickly as the distance will permit.

Hence you will perceive, Sir, that the President contemplates restitution or *compensation*, in the cases *before* the seventh of August, and, *after* that date, *restitution*, if it can be effected by any means in our power; and that it will be important that you should substantiate the fact that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports, is, I believe, correct.

With respect to losses by detention, waste, spoliation, sustained by vessels taken as before mentioned between the dates of June the 5th and August the 7th, it is proposed, as a provisional

measure, that the collector of the customs of the district, and the British consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo, at the times of her capture and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly, to the collectors of the customs where the respective vessels are.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

## TO MR. PINCKNEY

*Philadelphia, September 7, 1793.*

Sir,—We have received, through a channel which cannot be considered as authentic, the copy of a paper, styled "Additional Instructions to the Commanders of his Majesty's Ships of War and Privateers," &c., dated at St. James's, June 8, 1793. If this paper be authentic, I have little doubt but that you will have taken measures to forward it to me. But as your communication of it may miscarry, and time in the mean will be lost, it has been thought better that it should be supposed authentic; that on that supposition I should notice to you its very exceptionable nature, and the necessity of obtaining explanations on the subject from the British government; desiring at the same time, that you will consider this letter as provisionally written only, and as if never written, in the event that the paper which is the occasion of it be not genuine.

The first article of it permits all vessels, laden wholly or in part with corn, flour or meal, bound to any port in France, to be stopped and sent into any British port, to be purchased by that government, or to be released only on the condition of security given by the master, that he will proceed to dispose of his cargo in the ports of some country *in amity with his Majesty*.

This article is so manifestly contrary to the law of nations, that nothing more would seem necessary than to observe that it is so. Reason and usage have established that when two nations go to war, those who choose to live in peace retain their natural right to pursue their agriculture, manufactures, and other ordinary vocations, to carry the produce of their industry for exchange to all nations, belligerent or neutral, as usual, to go and come freely without injury or molestation, and in short, that the war among others shall be, for them, as if it did not exist. One restriction on their natural rights has been submitted to by nations at peace, that is to say, that of not furnishing to either party implements merely of war for the annoyance of the other, nor anything whatever to a place blockaded by its enemy. What these implements of war are, has been so often agreed and is so well understood as to leave little question about them at this day. There does not exist, perhaps, a nation in our common hemisphere, which has not made a particular enumeration of them in some or all of their treaties, under the name of contraband. It suffices for the present occasion, to say, that corn, flour and meal, are not of the class of contraband, and consequently remain articles of free commerce. A culture which, like that of the soil, gives employment to such a proportion of mankind, could never be suspended by the whole earth, or interrupted for them, whenever any two nations should think proper to go to war.

The state of war then existing between Great Britain and France, furnishes no legitimate right either to interrupt the agriculture of the United States, or the peaceable exchange of its produce with all nations; and consequently, the assumption of it will be as lawful hereafter as now, in peace as in war. No ground, acknowledged by the common reason of mankind, authorizes this act now, and unacknowledged ground may be taken at any time, and at all times. We see then a practice begun, to which no time, no circumstances prescribe any limits, and which strikes at the root of our agriculture, that branch of industry which gives food, clothing and comfort to the great mass of the inhabitants of these States. If any nation whatever has a right to shut up to our produce all the ports of the earth except her own and those of her friends, she may shut up these also, and so confine us within our own limits. No nation can subscribe to such pretensions; no nation can agree, at the mere will or interest of another, to have its peaceable industry suspended, and its citizens reduced to idleness and want. The loss of our produce destined for foreign markets, or that loss which would result from an arbitrary restraint of our markets, is a tax too serious for us to acquiesce in. It is not enough for a nation to say, we and our friends will buy your produce. We have a right to answer, that it suits us better to sell to their enemies as well as their friends. Our ships do not go to France to return empty. They go to

exchange the surplus of one produce which we can spare, for surplusses of other kinds which they can spare and we want; which they can furnish on better terms, and more to our mind, than Great Britain or her friends. We have a right to judge for ourselves what market best suits us, and they have none to forbid to us the enjoyment of the necessaries and comforts which we may obtain from any other independent country.

This act, too, tends directly to draw us from that state of peace in which we are wishing to remain. It is an essential character of neutrality to furnish no aids (not stipulated by treaty) to one party, which we are not equally ready to furnish to the other. If we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to France. To restrain it would be a partiality which might lead to war with France; and between restraining it ourselves, and permitting her enemies to restrain it unrightfully, is no difference. She would consider this as a mere pretext, of which she would not be the dupe; and on what honorable ground could we otherwise explain it? Thus we should see ourselves plunged by this unauthorized act of Great Britain into a war with which we meddle not, and which we wish to avoid if justice to all parties and from all parties will enable us to avoid it. In the case where we found ourselves obliged by treaty to withhold from the enemies of France the right of arming in our ports, we thought ourselves in justice bound to withhold the same right from France also, and we did it. Were we to withhold from her supplies of provisions, we should in like manner be bound to withhold them from her enemies also; and thus shut to ourselves all the ports of Europe where corn is in demand, or make ourselves parties in the war. This is a dilemma which Great Britain has no right to force upon us, and for which no pretext can be found in any part of our conduct. She may, indeed, feel the desire of starving an enemy nation; but she can have no right of doing it at our loss, nor of making us the instruments of it.

The President therefore desires, that you will immediately enter into explanations on this subject with the British government. Lay before them in friendly and temperate terms all the demonstrations of the injury done us by this act, and endeavor to obtain a revocation of it, and full indemnification to any citizens of these States who may have suffered by it in the meantime. Accompany your representations by every assurance of our earnest desire to live on terms of the best friendship and harmony with them, and to found our expectations of justice on their part, on a strict observance of it on ours.

It is with concern, however, I am obliged to observe, that so marked has been the inattention of the British court to every application which has been made to them on any subject, by this government, (not a single answer I believe having ever been given to one of them, except in the act of exchanging a minister) that it may become unavoidable, in certain cases, where an answer of some sort is necessary, to consider their silence as an answer. Perhaps this is their intention. Still, however, desirous of furnishing no color of offence, we do not wish you to name to them any term for giving an answer. Urge one as much as you can without commitment, and on the first day of December be so good as to give us information of the state in which this matter is, that it may be received during the session of Congress.

The second article of the same instruction allows the armed vessels of Great Britain to seize for condemnation all vessels, on their first attempt to enter a blockaded port, except those of Denmark and Sweden, which are to be prevented only, but not seized, on their first attempt. Of the nations inhabiting the shores of the Atlantic ocean, and practising its navigation, Denmark, Sweden and the United States alone are neutral. To declare then all *neutral* vessels (for as to the vessels of the *belligerent* powers no order was necessary) to be legal prize, which shall attempt to enter a blockaded port, except those of *Denmark and Sweden*, is exactly to declare *that the vessels of the United States* shall be lawful prize, and those of Denmark and Sweden shall not. It is of little consequence that the article has avoided naming the United States, since it has used a description applicable to them, and to them alone, while it exempts the others from its operation by name. You will be pleased to ask an explanation of this distinction; and you will be able to say, in discussing its justice, that in every

circumstance, we treat Great Britain on the footing of the most favored nation where our treaties do not preclude us, and that even these are just as favorable to her, as hers are to us. Possibly she may be bound by treaty to admit this exception in favor of Denmark and Sweden. But she cannot be bound by treaty to withhold it from us. And if it be withheld merely because not established with us by treaty, what might not we, on the same ground, have withheld from Great Britain during the short course of the present war, as well as the peace which preceded it?

Whether these explanations with the British government shall be verbal or in writing, is left to yourself. Verbal communications are very insecure; for it is only to deny them or to change their terms, in order to do away their effect at any time. Those in writing have as many and obvious advantages, and ought to be preferred, unless there be obstacles of which we are not apprized.

I have the honor to be, with great and sincere esteem, dear Sir, your most obedient humble servant.

## TO J. MADISON

*September 8, 1793.*

I have received and am charmed with No. 5. I thought the introduction an useful lesson to others as I found it to myself, for I had really, by constantly hearing the sound, been led into a pretty free use of it myself. I struck out the passage you desired in the page. I struck out also the words "and neutrality" in the following passage, "taking the proclamation *in its proper sense* as reminding all concerned, that as the United States were at peace, the laws of peace *and neutrality* were still obligatory," also a paragraph of four lines that a minister from France was hourly expected when the proclamation issued. There was one here at the time; the other did not arrive in six weeks. To have waited that time should have given full course to the evil.

I went through Franklin with enchantment; and what peculiarly pleased me was, that there was not a sentence from which it could be conjectured whether it came from north, south, east or west. At last a whole page of Virginia flashed on me. It was in the section on the state of parties, and was an apology for the continuance of slavery among us. However, this circumstance may be justly palliated, it had nothing to do with the state of parties, with the bank, encumbered a good cause with a questionable argument. Many readers who would have gone heart and hand with the author so far, would have flown off in a tangent from that paragraph. I struck it out. Justify this if you please to those concerned, and if it cannot be done, say so, and it may still be re-established. I mentioned to you in my last that a French consul at Boston had rescued a vessel out of the hands of a Marshal by military force. Genet has, at New York, forbidden a Marshal to arrest a vessel, and given orders to the French squadron to protect her by force. Was there ever an instance before of a diplomatic man overawing and obstructing the course of the law in a country by an armed force? The yellow fever increases. The week before last about three a day died. This last week about eleven a day have died; consequently, from known data about thirty-three a day are taken, and there are about three hundred and thirty patients under it. They are much scattered through the town, and it is the opinion of the physicians that there is no possibility of stopping it. They agree it is a nondescript disease, and no two agree in any one part of their process of cure. The President goes off the day after to-morrow, as he had always intended. Knox then takes flight. Hamilton is ill of the fever, as is said. He had two physicians out at his house the night before last.

## TO MR. HAMMOND

*Philadelphia, September 9, 1793.*

Sir,—I have the honor to acknowledge the receipt of your two memorials of the 4th and 6th instant, which have been duly laid before the President of the United States.

You cannot be uninformed of the circumstances which have occasioned the French squadron now in New York to seek asylum in the ports of the United States. Driven from those where they were on duty, by the superiority of the adverse party in the civil war which has so unhappily afflicted the colonies of France, filled with the wretched fugitives from the same scenes of distress and desolation, without water or provisions for the shortest voyage, their vessels scarcely in a condition to keep the sea at all, they were forced to seek the nearest ports in which they could be received and supplied with necessaries. That they have ever been out again to cruise, is a fact we have never learned, and which we believe to be impossible, from the information received of their wants and other impediments to active service. This case has been noted specially, to show that no inconvenience can have been produced to the trade of the other belligerent powers, by the presence of this fleet in our harbors. I shall now proceed to more general ground.

France, England and all other nations have a right to cruise on our coasts; a right not derived from our permission, but from the law of nature. To render this more advantageous, France has secured to herself, by a treaty with us, (as she has done also by a treaty with Great Britain, in the event of a war with us or any other nation) two special rights. 1. Admission for her prizes and privateers into our ports. This, by the seventeenth and twenty-second articles, is secured to her exclusively of her enemies, as is done for her in the like case by Great Britain, were her present war with us instead of Great Britain. 2. Admission for her public vessels of war into our ports, in cases of stress of weather, pirates, enemies, or other urgent necessity, to refresh, victual, repair, &c. This is not exclusive. As then we are bound by treaty to receive the public armed vessels of France, and are not bound to exclude those of her enemies, the executive has never denied the same right of asylum in our ports to the public armed vessels of your nation. They, as well as the French, are free to come into them in all cases of weather, piracies, enemies, or other urgent necessity, and to refresh, victual, repair, &c. And so many are these urgent necessities, to vessels far from their own ports, that we have thought inquiries into the nature as well as the degree of the necessities which drive them hither, as endless as they would be fruitless, and therefore have not made them. And the rather, because there is a third right, secured to neither by treaty, but due to both on the principles of hospitality between friendly nations, that of coming into our ports, not *under the pressure of urgent necessity*, but whenever their comfort or convenience induces them. On this ground, also, the two nations are on a footing.

As it has never been conceived that either would detain their ships of war in our ports when they were in a condition for action, we have never conceived it necessary to prescribe any limits to the time of their stay. Nor can it be viewed as an injury to either party, to let their enemies lie still in our ports from year's end to year's end, if they choose it. Thus, then, the public ships of war of both nations enjoy a perfect equality in our ports; first, in cases of urgent necessity; secondly, in cases of comfort or convenience; and thirdly, in the time they choose to continue; and all a friendly power can ask from another is, to extend to her the same indulgences which she extends to other friendly powers. And though the admission of the prizes and privateers of France is exclusive, yet it is the effect of treaty made long ago, for valuable considerations, not with a view to the present circumstances, nor against any nation in particular, but all in general, and may, therefore, be faithfully observed without offence to any; and we mean faithfully to observe it. The same exclusive article has been stipulated, as was before observed, by Great Britain in her treaty with France, and indeed is to be found in the treaties between most nations.

With respect to the usurpation of admiralty jurisdiction by the consuls of France, within these States, the honor and rights of the States themselves were sufficient motives for the executive to take measures to prevent its continuance, as soon as they were apprized of it. They have been led by particular considerations to await the effect of these measures, believing they would be sufficient; but finding at length they were not, such others have been lately taken as can no longer fail to suppress this irregularity completely.

The President is duly sensible of the character of the act of opposition made to the serving of legal process on the brig William Tell, and he presumes the representations made on that subject to the minister of France, will have the effect of opening a free access to the officer of justice, when he shall again present himself with the precept of his court.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

## TO MR. GENET

*Philadelphia, September 9, 1793.*

Sir,—In my letter of June the 25th, on the subject of the ship William, and generally of vessels suggested to be taken within the limits of the protection of the United States by the armed vessels of your nation, I undertook to assure you it would be more agreeable to the President, that such vessels should be detained under the orders of yourself or the consul of France, than by a military guard, until the government of the United States should be able to inquire into and decide on the fact. In two separate letters of the 29th of the same month, I had the honor to inform you of the claims lodged with the executive for the same ship William and the brig Fanny, to enclose you the evidence on which they were founded, and to desire that if you found it just, you would order the vessels to be delivered to the owners; or, if overweighed in your judgment by any contradictory evidence which you might have or acquire, you would do me the favor to communicate that evidence; and that the consuls of France might retain the vessels in their custody, in the meantime, until the executive of the United States should consider and decide finally on the subject.

When that mode of proceeding was consented to for your satisfaction, it was by no means imagined it would have occasioned such delays of justice to the individuals interested. The President is still without information, either that the vessels are restored, or that you have any evidence to offer as to the place of capture. I am, therefore, Sir, to repeat the request of early information on this subject, in order that if any injury has been done those interested, it may be no longer aggravated by delay.

The intention of the letter of June the 25th having been to permit such vessels to remain in the custody of the consuls, instead of that of a military guard (which, in the case of the ship William, appeared to have been disagreeable to you), the indulgence was of course to be understood as going only to cases which the executive might take, or keep possession of, with a military guard, and not to interfere with the authority of the courts of justice in any case wherein they should undertake to act. My letter of June the 29th, accordingly, in the same case of the ship William, informed you that no power in this country could take a vessel out of the custody of the courts, and that it was only because they decided not to take cognizance of that case, that it resulted to the executive to interfere in it. Consequently, this alone put it in their power to leave the vessel in the hands of the consul. The courts of justice exercise the sovereignty of this country in judiciary matters; are supreme in these, and liable neither to control nor opposition from any other branch of the government. We learn, however, from the enclosed paper, that the consul of New York, in the first instance, and yourself in a subsequent one, forbid an officer of justice to serve the process with which he was charged from his court, on the British brig William Tell, taken by a French armed vessel within a mile of our shores, as has been deposed on oath, and brought into New York, and that you had even given orders to the French squadron there to protect the vessel against any person who should attempt to take her from their custody. If this opposition were founded, as is there suggested, on the indulgence of the letters before cited, it was extending that to a case not within their purview; and even had it been precisely the case to which they were to be applied, is it possible to imagine you might assert it within the body of the country by force of arms?

I forbear to make the observations which such a measure must suggest, and cannot but believe that a moment's reflection will evince to you the depth of the error committed in this opposition to an officer of justice, and in the means proposed to be resorted to in support of it. I am therefore charged to declare to you expressly, that the President expects and requires that the officer of justice be not obstructed in freely and peaceably serving the process of his court, and that in the meantime the vessel and her cargo be not suffered to depart till the judiciary, if it will undertake it, or himself if not, shall decide whether the seizure has been made within the limits of our protection.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

## TO MR. COXE

*September 10, 1793.*

Thomas Jefferson presents his compliments to Mr. Coxe. He directed a census to be sent him in the moment of receiving his note of the 5th. With respect to the placing consuls in the British Islands, we are so far from being permitted that, that a common mercantile factor is not permitted by their laws. The experiment of establishing consuls in the colonies of the European nations has been going on for some time, but as yet we cannot say it has been formally and fully admitted by any. The French colonial authority has received them, but they have never yet been confirmed by the national authority.

## TO MR. MORRIS

*Philadelphia, September 11, 1793.*

Dear Sir,—My late letters to you have been of August 16, 23, and 26, and a duplicate of the two first will accompany this. Yours lately received are April 4, 5, 11, 19, May 20, and June 1, being Nos. 26 to 31. I have little particulars to say to you by this opportunity which may be less certain than the last.

The north-western Indians have refused to meet our commissioners, unless they would agree to the Ohio as our boundary by way of preliminary article; and this being impossible on account of the army locations and particular sales on that side the river, the war will go on. We may shortly expect to hear that General Wayne is in motion. An infectious and mortal fever is broke out in this place. The deaths under it the week before last were about forty, the last week about fifty, this week they will probably be about two hundred, and it is increasing. Every one is getting out of the city who can. Colonel Hamilton is ill of the fever, but is on the recovery. The President, according to an arrangement of some time ago, set out for Mount Vernon on yesterday. The Secretary of War is setting out on a visit to Massachusetts. I shall go in a few days to Virginia. When we shall reassemble again may perhaps depend on the course of this malady, and on that may depend the date of my next letter.

I have the honor to be, with great and sincere esteem and respect, dear Sir, your most obedient servant.

## TO MR. GENET

*September 15, 1793.*

Sir,—The correspondence which has taken place between the Executive and yourself, and the acts which you have thought proper to do, and to countenance, in opposition to the laws of the land, have rendered it necessary, in the opinion of the President, to lay a faithful statement of them before the government of France, to explain to them the reasons and the necessity which have dictated our measures, to renew assurances of that sincere friendship which has suffered no intermission during the course of these proceedings, and to express our extreme anxiety that none may be produced on their part. This has accordingly been directed to be done by the Minister Plenipotentiary of the United States at Paris, in a letter, a copy of which I now enclose to you;<sup>2</sup> and, in order to bring to an end what cannot be permitted to continue, there could be no hesitation to declare in it the necessity of their having a representation here, disposed to respect the laws and authorities of the country, and to do the best for their interest which these would permit. An anxious regard for those interests, and a desire that they may not suffer, will induce the executive in the meantime to receive your communications in writing, and to admit the continuance of your functions so long as they shall be restrained within the limits of the law, as heretofore announced to you, or shall be of the tenor usually observed towards independent nations by the representative of a friendly power residing with them.

The President thought it respectful to your nation as well as yourself, to leave to yourself the restraining certain proceedings of the consuls of France within the United States, which you were informed were contrary to the laws of the land, and therefore not to be permitted. He has seen with regret, however, that you have been far from restraining these proceedings, and that the duty has devolved on him of suppressing them by the authority of the country. I enclose to you the copy of a letter written to the several consuls and vice-consuls of France, warning them that this will be done if any repetition of these acts shall render it necessary. To the consul of France at Boston, no such letter has been written. A more serious fact is charged on him, which, if proved as there is reason to expect, will render the revocation of his Exequatur an act of immediate duty.

I have the honor to be, with great respect, Sir, your most obedient servant.

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<sup>2</sup> See p. 31.

## TO MR. GENET

*Monticello, October 3, 1793.*

Sir,—In a former letter which I had the honor of writing you, I mentioned that information had been received that M. Duplaine, vice-consul of France, at Boston, had been charged with an opposition to the laws of the land, of such a character, as if true would render it the duty of the President immediately to revoke the Exequatur, whereby he is permitted to exercise the functions of vice-consul in these United States. The fact has been since inquired into, and I now enclose you copies of the evidence establishing it; whereby you will perceive how inconsistent with peace and order it would be, to permit, any longer, the exercise of functions in these United States by a person capable of mistaking their legitimate extent so far, as to oppose, by force of arms, the course of the laws within the body of the country. The wisdom and justice of the government of France, and their sense of the necessity in every government, of preserving the course of the laws free and unobstructed, render us confident that they will approve this necessary arrestation of the proceedings of one of their agents; as we would certainly do in the like case, were any consul or vice-consul of ours to oppose with an armed force, the course of their laws within their own limits. Still, however, indispensable as this act has been, it is with the most lively concern, the President has seen that the evil could not be arrested otherwise than by an appeal to the authority of the country.

I have the honor to be, with great esteem and respect, your most obedient, and most humble servant.

## TO –

*Monticello, October 17, 1793.*

Dear Sir,—I have carefully considered the question whether the President may call Congress to any other place than that to which they have adjourned themselves, and think he cannot have such a right unless it has been given him by the Constitution, or the laws, and that neither of these has given it. The only circumstance which he can alter as to their meeting, is that of *time* by calling them at an *earlier day* than that to which they stand adjourned, but no power to change the place is given. Mr. Madison happened to come here yesterday, after the receipt of your letter. I proposed the question to him, and he thinks there was particular caution intended and used in the direction of the Constitution, to avoid giving the President any power over the place of meeting; lest he should exercise it with local partialities. With respect to the Executive, the Residence law has fixed our office at Philadelphia till the year 1800, and therefore it seems necessary that we should get as near them as we may with safety. As to the place of meeting for the Legislature, were we authorized to decide that question, I should think it right to have it in some place in Pennsylvania, in consideration of the principles of the Residence bill, and we might furnish no pretext to that state to infringe them hereafter. I am quite unacquainted with Reading and its means of accommodation. Its situation is perhaps as little objectionable as that of Lancaster, and less so than Trenton or perhaps Wilmington. However, I think we have nothing to do with the question, and that Congress must meet in Philadelphia, even if it be in the open fields, to adjourn themselves to some other place. I am extremely afraid something has happened to Mr. Bankson, on whom I relied for continuance at my office. For two posts past I have not received any letter from him, nor dispatches of any kind. This involves new fears for the duplicates of those to Mr. Morris. I have the honor to be, with sentiments of the most perfect esteem and attachment, dear Sir, your most obedient, and most humble servant.

## TO -. <sup>3</sup>

*Germantown, November 2, 1793.*

I overtook the President at Baltimore, and we arrived here yesterday, myself fleeced of seventy odd dollars to get from Fredericksburg here, the stages running no further than Baltimore. I mention this to put yourself and Monroe on your guard. The fever in Philadelphia has so much abated as to have almost disappeared. The inhabitants are about returning. It has been determined that the President shall not interfere with the meeting of Congress. R. H. and K. were of opinion he had a right to call them to any place, but that the occasion did not call for it. I think the President inclined to the opinion. I proposed a proclamation notifying that the Executive business would be done here till further notice, which I believe will be agreed. H. R. Lewis, Rawle &c., all concur in the necessity that Congress should meet in Philadelphia, and vote there their own adjournment. If it shall then be necessary to change the place, the question will be between New York and Lancaster. The Pennsylvania members are very anxious for the latter, and will attend punctually to support it, as well as to support much for Muhlenburg, and oppose the appointment of Smith (S. C.) speaker, which is intended by the Northern members. According to present appearances this place cannot lodge a single person more. As a great favor, I have got a bed in the corner of the public room of a tavern; and must continue till some of the Philadelphians make a vacancy by removing into the city. Then we must give him from four to six or eight dollars a week for cuddies without a bed, and sometimes without a chair or table. There is not a single lodging house in the place. Ross and Willing are alive. Hancock is dead. Johnson of Maryland has *refused* Rec. L. and McE. in contemplation; the last least. You will have seen Genet's letters to Moultrie and to myself. Of the last I know nothing but from the public papers; and he published Moultrie's letter and his answer the moment he wrote it. You will see that his inveteracy against the President leads him to meditate the embroiling him with Congress. They say he is going to be married to a daughter of Clinton's. If so, he is afraid to return to France. Hamilton is ill, and suspicious he has taken the fever again by returning to his house. He of course could not attend here to-day; but the President had showed me his letter on the right of calling Congress to another place. Adieu.

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<sup>3</sup> [Probably to Mr. Madison.] "Thomas Jefferson presents his respects to Mr. Liston, and asks the favor of the passport for his friend Thomas Kanberg, of whom he spoke to him yesterday. He is a native of the north of Europe, (perhaps of Germany,) has been known to Thomas Jefferson these twenty years in America, is of a most excellent character, stands in no relation whatever to any of the belligerent powers, as to whom Thomas Jefferson is not afraid to be responsible for his political innocence, as he goes merely for his private affairs. He will sail from Baltimore, if he finds there a good opportunity for France; and if not, he will come on here. March 27, 1798."]

## TO MR. GENET

*Germantown, November 8, 1793.*

Sir,—I have now to acknowledge and answer your letter of September the 13th, wherein you desire that we may define the extent of the line of territorial protection on the coasts of the United States, observing that governments and juriconsults have different views on this subject.

It is certain that, therefore, they have been much divided in opinion, as to the distance from their sea coast to which they might reasonably claim a right of prohibiting the commitment of hostilities. The greatest distance to which any respectable assent among nations has been at any time given, has been the extent of the human sight, estimated at upwards of twenty miles; and the smallest distance, I believe, claimed by any nation whatever, is the utmost range of a cannon ball, usually stated at one sea league. Some intermediate distance have also been insisted on, and that of three sea leagues has some authority in its favor. The character of our coast, remarkable in considerable parts of it for admitting no vessels of size to pass the shores, would entitle us in reason to as broad a margin of protected navigation as any nation whatever. Not proposing, however, at this time, and without a respectful and friendly communication with the powers interested in this navigation, to fix on the distance to which we may ultimately insist on the right of protection, the President gives instructions to the officers acting under his authority, to consider those heretofore given them as restrained, for the present, to the distance of one sea league, or three geographical miles, from the sea shore. This distance can admit of no opposition, as it is recognized by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little or less than is claimed by any of them on their own coasts.

Future occasions will be taken to enter into explanations with them, as to the ulterior extent to which we may reasonably carry our jurisdiction. For that of the rivers and bays of the United States, the laws of the several States are understood to have made provision, and they are moreover, as being land-locked, within the body of the United States.

Examining by this rule the case of the British brig *Fanny*, taken on the 8th of May last, it appears from the evidence that the capture was made four or five miles from the land; and consequently, without the line provisionally adopted by the President, as before mentioned.

I have the honor to be, with sentiments of respect and esteem, Sir, your most obedient, and most humble servant.

## TO MR. HAMMOND

*Germantown, November 10, 1793.*

Sir,—As in cases where vessels are reclaimed by the subjects or citizens of the belligerent powers as having been taken within the jurisdiction of the United States, it becomes necessary to ascertain that fact by testimony taken according to the laws of the United States. The Governors of the several States to whom the application will be made in the first instance, are desired immediately to notify thereof the Attorney's of their respective districts. The Attorney is thereupon instructed to give notice to the principal agent of both parties who may have come in with the prize, and also to the consuls of the nations interested, and to recommend to them to appoint, by mutual consent, arbiters to decide whether the capture was made within the jurisdiction of the United States, as stated to you in my letter of the 8th instant; according to whose award the Governor may proceed to deliver the vessel to the one or the other party. But in case the parties or consuls shall not agree to name arbiters, then the Attorney, or some person substituted by him, is to notify them of the time and place, when and where he will be, in order to take the depositions of such witnesses as they may cause to come before him, which depositions he is to transmit for the information and decision of the President.

It has been thought best to put this business into such a train as that the examination of the fact may take place immediately, and before the witnesses may have again departed from the United States, which would too frequently happen, and especially in the distant States, if it should be deferred until information is sent to the Executive, and a special order awaited to take the depositions.

I take the liberty of requesting that you will be pleased to give such instructions to the consuls of your nation as may facilitate the object of this regulation. I urge it with the more earnestness because as the attorneys of the districts are for the most part engaged in much business of their own, they will rarely be able to attend more than one appointment, and consequently the party who should fail from negligence or other motive to produce his witnesses, at the time and place appointed, might lose the benefit of their testimony altogether. This prompt procedure is the more to be insisted on, as it will enable the President, by an immediate delivery of the vessel and cargo to the party having title, to prevent the injuries consequent on long delay.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

## TO THE MINISTER PLENIPOTENTIARY TO GREAT BRITAIN

*Germantown, November 14th, 1793.*

Sir,—I have to acknowledge the receipt of your letter of the 7th instant, on the subject of the British ship *Rochampton*, taken and sent into Baltimore by the French privateer the *Industry*, an armed schooner of *St. Domingo*, which is suggested to have augmented her force at Baltimore before the capture. On this circumstance a demand is granted that the prize she has made shall be restored.

Before I proceed to the matters of fact in this case, I will take the liberty of calling your attention to the rules which are to govern it. These are, I. That restitution of prizes has been made by the Executive of the United States only in the two cases, 1st, of capture within their jurisdiction, by armed vessels, originally constituted such without the limits of the United States; or 2d, of capture, either within or without their jurisdiction, by armed vessels, originally constituted such within the limits of the United States, which last have been called proscribed vessels.

II. That all *military equipments* within the ports of the United States are forbidden to the vessels of the belligerent powers, even where they have been constituted vessels of war before their arrival in our ports; and where such equipments have been made before detection, they are ordered to be suppressed when detected, and the vessel reduced to her original condition. But if they escape detection altogether, depart and make prizes, the Executive has not undertaken to restore the prizes.

With due care, it can scarcely happen that military equipments of any magnitude shall escape discovery. Those which are small may sometimes, perhaps, escape, but to pursue these so far as to decide that the smallest circumstance of military equipment to a vessel in our ports shall invalidate her prizes through all time, would be a measure of incalculable consequences. And since our interference must be governed by some general rule, and between great and small equipments no practicable line of distinction can be drawn, it will be attended with less evil on the whole to rely on the efficacy of the means of prevention, that they will reach with certainty equipments of any magnitude, and the great mass of those of smaller importance also; and if some should in the event, escape all our vigilance, to consider these as of the number of cases which will at times baffle the restraints of the wisest and best-guarded rules which human foresight can devise. And I think we may safely rely that since the regulations which got into a course of execution about the middle of August last, it is scarcely possible that equipments of any importance should escape discovery.

These principles showing that no demand of restitution holds on the ground of a mere military alteration or an augmentation of force, I will consider your letter only as a complaint that the orders of the President prohibiting these, have not had their effect in the case of the *Industry*, and enquire whether if this be so, it has happened either from neglect or connivance in those charged with the execution of these orders. For this we must resort to facts which shall be taken from the evidence furnished by yourself and the British vice-consul at Baltimore, and from that which shall accompany this letter.

About the beginning of August the *Industry* is said to have arrived at Baltimore with the French fleet from *St. Domingo*; the particular state of her armament on her arrival is lately questioned, but it is not questioned that she was an armed vessel of some degree. The Executive having received an intimation that two vessels were equipping themselves at Baltimore for a cruise, a letter was on the 6th of August addressed by the Secretary of War to the Governor of Maryland, desiring an inquiry into the fact. In his absence the Executive Council of Maryland charged one of their own body, the honorable Mr. Killy, with the inquiring. He proceeded to Baltimore, and after two days' examination found no vessel answering the description of that which was the object of his inquiring. He then engaged the British vice-consul in the search, who was not able, any more than himself, to discover

any such vessels. Captain Killy, however, observing a schooner, which appeared to have been making some equipments for a cruise, to have added to her guns, and made some alteration in her waist, thought these circumstances merited examination, though the rules of August had not yet appeared. Finding that his inquiries excited suspicion, and fearing the vessel might be withdrawn, he had her seized, and proceeded in investigation. He found that she was the schooner *Industry*, Captain Carver, from St. Domingo: that she had been an armed vessel for three years before her coming here, and as late as April last had mounted 16 guns; that she now mounted only 12, and he could not learn that she had procured any of these, or done anything else, essential to her as a privateer, at Baltimore. He therefore discharged her, and on the 23d of August the Executive Council made the report to the Secretary of War, of which I enclose you a copy. About a fortnight after this (Sep. 6) you added to a letter on other business a short paragraph, saying that you had lately received information that a vessel named the *Industry* had, within the last five or six weeks, been armed, manned and equipped in the port of Baltimore. The proceedings before mentioned having been in another department, were not then known to me. I therefore could only communicate this paragraph to the proper department. The separation of the Executive within a few weeks after, prevented any explanations on this subject, and without them it was not in my power to either controvert or admit the information you had received under these circumstances. I think you must be sensible, Sir, that your conclusion from my silence, that I regard the fact as proved, was a very necessary one.

New inquiries at that time could not have prevented the departure of the privateer, or the capture of the *Rochampton*; for the privateer had then been out some time. The *Rochampton* was already taken, and was arriving at Baltimore, which she did about the day of the date of your letter. After her arrival, new witnesses had come forward to prove that the *Industry* had made some military equipments at Baltimore before her cruise. The affidavits taken by the British vice-consul, are dated about nine or ten days after the date of your letter and arrival of the *Rochampton*, and we have only to lament that those witnesses had not given their information to the vice-consul when Mr. Killy engaged his aid in the enquiries he was making, and when it would have had the effect of our detaining the privateer till she should have reduced herself to the condition in which she was when she arrived in our ports, if she had really added anything to her then force. But supposing the testimony just and full, (though taken *ex parte*, and not under the legal sanction of our oath,) yet the Governor's refusal to restore the prize was perfectly proper, for, as has been before observed, restitution has never been made by the Executive, nor can be made on a mere clandestine alteration or augmentation of military equipments, which was all that the new testimony tended to prove.

Notwithstanding, however, that the President thought the information obtained on the former occasion had cleared this privateer from any well-grounded cause of arrest, yet that which you have now offered opens the possibility that the former was defective. He has therefore desired new inquiry to be made before a magistrate legally authorized to administer an oath, and indifferent to both parties; and should the result be that the vessel did really make any military equipments in our ports, instructions will be given to reduce her to her original condition, whenever she shall again come into our ports.

On the whole, Sir, I hope you will perceive that on the first intimation through their own channel, and without waiting for information on your part, that a vessel was making military equipments at Baltimore, the Executive took the best measures for inquiring into the fact, in order to prevent or suppress such equipments; that an officer of high respectability was charged with the inquiry, and that he made it with great diligence himself, and engaged similar inquiries on the part of your vice-consul; that neither of them could find that the privateer had made such equipments, or, of course, that there was any ground for reducing or detaining her; that at the date of your letter of Sep. 6, (the first information received from you,) the privateer was departed, had taken her prize, and that prize was arriving in port; that the new evidence taken ten days after that arrival can produce no other effect than the institution of a new inquiry, and a reduction of the force of the privateer,

should she appear to have made any military alterations or augmentation, on her return into our ports, and that in no part of this proceeding is there the smallest ground for imputing either negligence or connivance to any of the officers who have acted in it.

I have the honor to be, with much respect, Sir, your most obedient and most humble servant.

## TO MR. CIRACCHI, AT MUNICH

*Philadelphia, November 14, 1793.*

Dear Sir,—I have received the favor of your letter of May 29, at Munich, and it was not till then that I knew to what place or through what channel to direct a letter to you. The assurances you receive that the monument of the President would be ordered at the new election, were founded in the expectation that he meant then to retire. The turbid affairs of Europe, however, and the intercessions they produced, prevailed on him to act again, though with infinite reluctance. You are sensible that the moment of his retirement, kindling the enthusiasm for his character, the affections for his person, the recollection of his services, would be that in which such a tribute would naturally be resolved on. This, of course, is now put off to the end of the next bissextile; but whenever it arrives, your title to the execution is engraved in the minds of those who saw your works here. Your purpose, with respect to my bust, is certainly flattering to me. My family has entered so earnestly into it, that I must gratify them with the hope, and myself with the permission, to make a just indemnification to the author. I shall be happy at all times to hear from you, and to learn that your successes in life are as great as they ought to be. Accept assurances of my sincere respect and esteem.

## TO MR. MADISON

*Germantown, November 17, 1793.*

Dear Sir,—I have got good lodgings for Monroe and yourself, that is to say, a good room with a fireplace and two beds, in a pleasant and convenient position, with a quiet family. They will breakfast you, but you must mess in a tavern; there is a good one across the street. This is the way in which all must do, and all I think will not be able to get even half beds. The President will remain here, I believe, till the meeting of Congress, merely to form a point of union for them before they can have acquired information and courage. For at present there does not exist a single subject in the disorder, no new infection having taken place since the great rains of the 1st of the month, and those before infected being dead or recovered. There is no doubt you will sit in Philadelphia, and therefore I have not given Monroe's letter to Sehal. I do not write to him, because I know not whether he is at present moving by sea or by land, and if by the latter, I presume you can communicate to him. Wayne has had a convoy of twenty-two wagons of provisions, and seventy men cut off fifteen miles in his rear by the Indians. Six of the men were found on the spot scalped, the rest supposed taken. He had nearly reached Fort Hamilton. R. has given notice that he means to resign. Genet, by more and more denials of powers to the President and ascribing them to Congress, is evidently endeavoring to sow tares between them, and at any event to curry favor with the latter, to whom he means to turn his appeal, finding it was not likely to be well received by the people. Accept both of you my sincere affection.

## TO MR. SODERSTROM, CONSUL OF SWEDEN

*Germantown, November 20, 1793.*

Sir,—I received last night your favor of the 16th. No particular rules have been established by the President for the conduct of Consuls with respect to prizes. In one particular case where a prize is brought into our ports by any of the *belligerent* parties, and is reclaimed of the Executive, the President has hitherto permitted the Consul of the captor to hold the prize until his determinations is known. But in all cases respecting a neutral nation, their vessels are placed exactly on the same footing with our own, entitled to the same remedy from our courts of justice and the same protection from the Executive, as our own vessels in the same situation. The remedy in the courts of justice, the only one which they or our own can have access to, is slower than where it lies with the Executive, but it is more complete, as damages can be given by the Court but not by the Executive. The President will gladly avail himself of any information you can at any time give him where his interference may be useful to the vessels or subjects of his Danish Majesty, the desire of the United States being to extend to the vessels and subjects of that crown, as well as to those of his Swedish Majesty, the same protections as is given to those of our own citizens.

I have the honor to be, with much respect, Sir, your most obedient servant.

## TO MR. GENET

*Germantown, November 22, 1793.*

Sir,—In my letter of October the 2d, I took the liberty of noticing to you, that the commission of consul to M. Dannery, ought to have been addressed to the President of the United States. He being the only channel of communication between this country and foreign nations, it is from him alone that foreign nations or their agents are to learn what is or has been the will of the nation, and whatever he communicates as such, they have a right and are bound to consider as the expression of the nation, and no foreign agent can be allowed to question it, to interpose between him and any other branch of government, under the pretext of either's transgressing their functions, nor to make himself the umpire and final judge between them. I am, therefore, Sir, not authorized to enter into any discussions with you on the meaning of our Constitution in any part of it, or to prove to you that it has ascribed to him alone the admission or interdiction of foreign agents. I inform you of the fact by authority from the President. I had observed to you, that we were persuaded in the case of the consul Dannery, the error in the address had proceeded from no intention in the Executive Council of France to question the functions of the President, and therefore no difficulty was made in issuing the commissions. We are still under the same persuasion. But in your letter of the 14th instant, you *personally* question the authority of the President, and in consequence of that, have not addressed to him the commission of Messrs. Pennevert and Chervi. Making a point of this formality on your part, it becomes necessary to make a point of it on ours also; and I am therefore charged to return you those commissions, and to inform you, that bound to enforce respect to the order of things established by our Constitution, the President will issue no Exequatur to any consul or vice-consul, not directed to him in the usual form, after the party from whom it comes has been apprized that such should be the address.

I have the honor to be, with respect, Sir, your most obedient, and most humble servant.

## TO MR. PINCKNEY

*Germantown, November 27, 1793.*

Dear Sir,—My last letters to you were of the 11th and 14th of September, since which I have received yours of July 5, 8, August 1, 15, 27, 28. The fever, which at that time had given alarm in Philadelphia, became afterwards far more destructive than had been apprehended, and continued much longer, from the uncommon drought and warmth of the autumn. On the first day of this month the President and heads of the department assembled here. On that day, also, began the first rains which had fallen for some months. They were copious, and from that moment the infection ceased, no new subject took it, and those before infected either died or got well, so that the disease terminated most suddenly. The inhabitants who had left the city, are now all returned, and business going on again as briskly as ever. The President will be established there in about a week, at which time Congress is to meet.

Our negotiations with the North-Western Indians have completely failed, so that war must settle our difference. We expected nothing else, and had gone into negotiations only to prove to all our citizens that peace was unattainable on terms which any one of them would admit.

You have probably heard of a great misunderstanding between Mr. Genet and us. On the meeting of Congress it will be made public. But as the details of it are lengthy, I must refer for them to my next letter, when possibly I may be able to send you the whole correspondence in print. We have kept it merely personal, convinced his nation will disapprove him. To them we have with the utmost assiduity given every proof of inviolate attachment. We wish to hear from you on the subject of Marquis de La Fayette, though we know that circumstances do not admit sanguine hopes.

The copper by the Sigon and the Mohawk is received. Our coinage of silver has been delayed by Mr. Cox's inability to give the security required by law.

I shall write to you again immediately after the meeting of Congress. I have the honor to be, with sentiments of great esteem and respect, dear Sir, your friend and servant.

## TO MR. GENET

*Philadelphia, November 30, 1793.*

Sir,—I have laid before the President of the United States your letter of November 25th, and have now the honor to inform you, that most of its objects being beyond the powers of the Executive, they can only manifest their dispositions by acting on those which are within their powers. Instructions are accordingly sent to the district attorneys of the United States, residing within States wherein French consuls are established, requiring them to inform the consuls of the nature of the provisions made by the laws for preventing, as well as punishing, injuries to their persons, and to advise and assist them in calling these provisions into activity, whenever the occasions for them shall arise.

It is not permitted by the law to prohibit the departure of the emigrants to St. Domingo, according to the wish you now express, any more than it was to force them away, according to that expressed by you in a former letter. Our country is open to all men, to come and go peaceably, when they choose; and your letter does not mention that these emigrants meant to depart armed, and equipped for war. Lest, however, this should be attempted, the Governors of the States of Pennsylvania and Maryland are requested to have particular attention paid to the vessels named in your letter, and to see that no military expedition be covered or permitted under color of the right which the passengers have to depart from these States.

Provisions not being classed among the articles of contraband, in time of war, it is possible that American vessels may have carried them to the ports of Jeremie and La Mole, as they do to other dominions of the belligerent Powers; but, if they have carried arms also, these, as being contraband, might certainly have been stopped and confiscated.

In the letter of May 15th, to Mr. Ternant, I mentioned, that, in answer to the complaints of the British minister, against the exportation of arms from the United States, it had been observed that the manufacture of arms was the occupation and livelihood of some of our citizens; that it ought not to be expected that a war among other nations should produce such an internal derangement of the occupations of a nation at peace, as the suppression of a manufacture which is the support of some of its citizens; but that, if they should export these arms to nations at war, they would be abandoned to the seizure and confiscation which the law of nations authorized to be made of them on the high seas. This letter was handed to you, and you were pleased, in yours of May 27th, expressly to approve of the answer which had been given. On this occasion, therefore, we have only to declare, that the same conduct will be observed which was announced on that.

The proposition to permit all our vessels destined for any port in the French West India islands to be stopped, unless furnished with passports from yourself, is so far beyond the powers of the Executive, that it will be unnecessary to enumerate the objections to which it would be liable. I have the honor to be, &c.

## TO THE PRESIDENT OF THE UNITED STATES

*December 2, 1793.*

Thomas Jefferson, with his respects to the President, has the honor to send him the letters and orders referred to in Mr. Morris' letter, except that of the 8th of April, which must be a mistake for some other date, as the records of the office perfectly establish that no letters were written to him in the months of March and April but those of March 12 and 15, and April 20 and 26, now enclosed. The enigma of Mr. Merlino is inexplicable by anything in his possession.

He encloses the message respecting France and Great Britain. He first wrote it fair as it was agreed the other evening at the President's. He then drew a line with a pen through the passages he proposes to alter, in consequence of subsequent information, (but so lightly as to leave the passages still legible for the President,) and interlined the alterations he proposes. The overtures mentioned in the first alteration, are in consequence of its having been agreed that they should be mentioned in general terms only to the two houses. The numerous alterations made the other evening in the clause respecting our corn trade, with the hasty amendments proposed in the moment, had so much broken the tissue of the paragraph, as to render it necessary to new mould it. In doing this, care has been taken to use the same words as nearly as possible, and also to insert a slight reference to Mr. Pinckney's proceedings.

On a severe review of the question, whether the British communication should carry any such mark of being confidential, as to prevent the Legislature from publishing them, he is clearly of opinion they ought not. Will they be kept secret if secrecy is enjoined? certainly not, and all the offence will be given (if it be possible any should be given) which would follow their complete publication. If they would be kept secret, from whom would it be? from our own constituents only, for Great Britain is possessed of every tittle. Why, then, keep it secret from them? no ground of support for the Executive will ever be so sure as a complete knowledge of their proceedings by the people; and it is only in cases where the public good would be injured, and *because* it would be injured, that proceedings should be secret. In such cases it is the duty of the Executive to sacrifice their personal interests (which would be promoted by publicity) to the public interest. If the negotiations with England are at an end, if not given to the public now, when are they to be given? and what moment can be so interesting? If anything amiss should happen from the concealment, where will the blame *originate* at last? It may be said, indeed, that the President *puts it in the power* of the Legislature to communicate these proceedings to *their constituents*; but is it more their duty to communicate them to their constituents, than it is the President's to communicate them to *his constituents*? and if they were desirous of communicating them, ought the President to restrain them by making the communication confidential? I think no harm can be done by the publication, because it is impossible England, after doing us an injury, should *declare war* against us, merely because we tell our constituents of it; and I think good may be done, because while it puts it in the power of the Legislature to adopt peaceable measures of doing ourselves justice, it prepares the minds of our constituents to go cheerfully into an acquiescence under the measures, by impressing them with a thorough and enlightened conviction that they are founded in right. The motive, too, of proving to the people the impartiality of the Executive between the two nations of France and England, urges strongly that while they are to see the disagreeable things which have been going on as to France, we should not conceal from them what has been passing with England, and induce a belief that nothing has been doing.

## TO MR. GENET

*Philadelphia, December 9, 1793.*

Sir,—I have to acknowledge the receipt of your letter of the 3d instant, which has been duly laid before the President.

We are very far from admitting your principle, that the government on either side has no other right, on the presentation of a consular commission, than to certify that, having examined it, they find it according to rule. The governments of both nations have a right, and that of yours has exercised it as to us, of considering the character of the person appointed; the place for which he is appointed, and other material circumstances; and of taking precautions as to his conduct, if necessary; and this does not defeat the general object of the convention, which, in stipulating that consuls shall be permitted on both sides, could not mean to supersede reasonable objections to particular persons, who might at the moment be obnoxious to the nation to which they were sent, or whose conduct might render them so at any time after. In fact, every foreign agent depends on the double will of the two governments, of that which sends him, and of that which is to permit the exercise of his functions within their territory; and when either of these wills is refused or withdrawn, his authority to act within that territory becomes incomplete. By what member of the government the right of giving or withdrawing permission is to be exercised here, is a question on which no foreign agent can be permitted to make himself the umpire. It is sufficient for him, under our government, that he is informed of it by the executive.

On an examination of the commissions from your nation, among our records, I find that before the late change in the form of our government, foreign agents were addressed sometimes to the United States, and sometimes to the Congress of the United States, that body being then executive as well as legislative. Thus the commissions of Messrs. L'Etombe, Holker, Daunemanis, Marbois, Creve-coeur, and Chateaufort, have all this clause: "Prions et requerons nos tres chers et grands amis et allies, les Etat Unis de l'Amerique septentrionale, leurs gouverneurs, et autres officiers, &c. de laisser jouir, &c. le dit sieur, &c. de la charge de notre consul," &c. On the change in the form of our government, foreign nations, not undertaking to decide to what member of the new government their agents should be addressed, ceased to do it to Congress, and adopted the general address to the United States, before cited. This was done by the government of your own nation, as appears by the commissions of Messrs. Mangourit and La Forest, which have in them the clause before cited. So your own commission was, not as M. Gerond's and Luzerne's had been, "a nos tres chers, &c. le President et membres du Congres general des Etats Unis," &c., but "a nos tres chers, &c. les Etats Unis de l'Amerique," &c. Under this general address, the proper member of the government was included, and could take it up. When, therefore, it was seen in the commission of Messrs. Dupont and Hauterive, that your executive had returned to the ancient address to Congress, it was conceived to be an inattention, insomuch that I do not recollect (and I do not think it material enough to inquire) whether I noticed it to you either verbally or by letter. When that of M. Dannery was presented with the like address, being obliged to notice to you an inaccuracy of another kind, I then mentioned that of the address, not calling it an *innovation*, but expressing my satisfaction, which is still entire, that it was not from any design in your Executive Council. The Exequatur was therefore sent. That they will not consider our notice of it as an innovation, we are perfectly secure. No government can disregard formalities more than ours. But when formalities are attacked with a view to change principles, and to introduce an entire independence of foreign agents on the nation with whom they reside, it becomes material to defend formalities. They would be no longer trifles, if they could, in defiance of the national will, continue a foreign agent among us whatever might be his course of action. Continuing, therefore, the refusal to receive any commission from *yourself*, addressed to an improper member of the government, you are

left free to use either the general one to the United States, as in the commissions of Messrs. Mangourit and La Forest, before cited, or the special one, to the President of the United States.

I have the honor to be, with respect, Sir, your most obedient, and most humble servant.

## TO THE PRESIDENT

*December 11, 1793.*

The President doubtless recollects the communications of Mr. Ternant expressing the dissatisfaction of the Executive Council of France with Mr. Morris, our Minister there, which, however, Mr. Ternant desired might be considered as informal; that Col. Smith also mentioned that dissatisfaction, and that Mr. Le Brun told him he would charge Mr. Genet expressly with their representations on this subject; and that all further consideration thereon lay over therefore for Mr. Genet's representations.

Mr. Genet, some time after his arrival (I cannot now recollect how long, but I think it was a month or more), coming to my house in the country one evening, joined me in a walk near the river. Our conversation was on various topics, and not at all of an official complexion. As we were returning to the house, being then I suppose on some subject relative to his country (though really I do not recall to mind what it was), he turned about to me, just in the passage of the gate, and said, "but I must tell you, we all depend on you to send us a good minister there, with whom we may do business confidentially, in the place of Mr. Morris." These are perhaps not the identical words, yet I believe they are nearly so; I am sure they are the substance, and he scarcely employed more in the expression. It was unexpected, and, to avoid the necessity of an extempore answer, I instantly said something resuming the preceding thread of conversation, which went on, and no more was said about Mr. Morris. From this, I took it for granted, he meant now to come forth formally with complaints against Mr. Morris, as we had been given to expect, and therefore I mentioned nothing of this little expression to the President. Time slipped along; I expecting his complaints, and he not making them. It was undoubtedly his office to bring forward his own business himself, and not at all mine, to hasten or call for it; and if it was not my duty, I could not be without reasons for not taking it on myself officiously. He at length went to New York, to wit, about the \* \* \* \* \* of \* \* \* \* \* without having done anything formally on this subject. I now became uneasy lest he should consider the little sentence he had uttered to me as effectually, though not regularly, a complaint; but the more I reflected on the subject, the more impossible it seemed that he could have viewed it as such; and the rather, because, if he had, he would naturally have asked from time to time, "Well, what are you doing with my complaint with Mr. Morris?" or some question equivalent. But he never did. It is possible I may, at other times, have heard him speak unfavorably of Mr. Morris, though I do not recollect any particular occasion; but I am sure he never made to me any proposition to have him recalled. I believe I mentioned this matter to Mr. Randolph before I left Philadelphia: I know I did after my return; but I did not to the President till the receipt of Mr. Genet's letter of September 30, which, from some unaccountable delay of the post, never came to me in Virginia, though I remained there till October 25 (and received there three subsequent mails), and it never reached me in Philadelphia, till December 2.

The preceding is the state of this matter, as nearly as I can recollect it at this time, and I am sure it is not materially inaccurate in any point.

## TO MR. CHURCH

*Philadelphia, December 11, 1793.*

Sir,—The President has received your letter of August 16, with its enclosures. It was with deep concern that he learnt the unhappy fortunes of M. de La Fayette, and that he still learns his continuance under them. His friendship for him could not fail to impress him with the desire of relieving him, and he was sure that in endeavoring to do this, he should gratify the sincere attachments of his fellow citizens. He has accordingly employed such means as appeared the most likely to effect his purpose; though, under the existing circumstances, he could not be sanguine in their obtaining very immediately the desired effect. Conscious, however, that his anxieties for the sufferer flow from no motives unfriendly to those who feel an interest in his confinement, he indulges their continuance, and will not relinquish the hope that the reasons for this security will at length yield to those of a more benign character.

I have the honor to be, with great respect, Sir, your most obedient, and most humble servant.

## TO MR. HAMMOND, MINISTER PLENIPOTENTIARY OF GREAT BRITAIN

*Philadelphia, December 15, 1793.*

Sir,—I am to acknowledge the honor of your letter of November 30th, and to express the satisfaction with which we learn, that you are instructed to discuss with us the measures, which reason and practicability may dictate, for giving effect to the stipulations of our treaty, yet remaining to be executed. I can assure you, on the part of the United States, of every disposition to lessen difficulties, by passing over whatever is of smaller concern, and insisting on those matters only, which either justice to individuals or public policy render indispensable; and in order to simplify our discussions, by defining precisely their objects, I have the honor to propose that we shall begin by specifying, on each side, the particular acts which each considers to have been done by the other, in contravention of the treaty. I shall set the example.

The provisional and definitive treaties, in their 7th article, stipulated that his "Britannic Majesty should, with all convenient speed, and without causing any destruction, or *carrying away any negroes, or other property*, of the American inhabitants, *withdraw all his armies, garrisons, and fleets, from the said United States*, and from every port, place, and harbor, within the same."

But the British garrisons were not withdrawn with all convenient speed, nor have ever yet been withdrawn from Machilimackinac, on Lake Michigan; Detroit, on the strait of Lakes Erie and Huron; Fort Erie, on Lake Erie; Niagara, Oswego, on Lake Ontario; Oswegatchie, on the river St. Lawrence; Point Au-fer, and Dutchman's Point, on Lake Champlain.

2d. The British officers have undertaken to exercise a jurisdiction over the country and inhabitants in the vicinities of those forts; and

3d. They have excluded the citizens of the United States from navigating, even on our side of the middle line of the rivers and lakes established as a boundary between the two nations.

By these proceedings, we have been intercepted entirely from the commerce of furs with the Indian nations, to the northward—a commerce which had ever been of great importance to the United States, not only for its intrinsic value, but as it was the means of cherishing peace with those Indians, and of superseding the necessity of that expensive warfare we have been obliged to carry on with them, during the time that these posts have been in other hands.

On withdrawing the troops from New York, 1st. A large embarkation of negroes, of the property of the inhabitants of the United States, took place before the commissioners on our part, for inspecting and superintending embarkations, had arrived there, and without any account ever rendered thereof. 2d. Near three thousand others were publicly carried away by the avowed order of the British commanding officer, and under the view, and against the remonstrances of our commissioners. 3d. A very great number were carried off in private vessels, if not by the express permission, yet certainly without opposition on the part of the commanding officer, who alone had the means of preventing it, and without admitting the inspection of the American commissioners; and 4th. Of other species of property carried away, the commanding officer permitted no examination at all. In support of these facts, I have the honor to enclose you documents, a list of which will be subjoined, and in addition to them, I beg leave to refer to a roll signed by the joint commissioners, and delivered to your commanding officer for transmission to his court, containing a description of the negroes publicly carried away by his order as before mentioned, with a copy of which you have doubtless been furnished.

A difference of opinion, too, having arisen as to the river intended by the plenipotentiaries to be the boundary between us and the dominions of Great Britain, and by them called the St Croix, which name, it seems, is given to two different rivers, the ascertaining of this point becomes a matter

of present urgency; it has heretofore been the subject of application from us to the Government of Great Britain.

There are other smaller matters between the two nations, which remain to be adjusted, but I think it would be better to refer these for settlement through the ordinary channel of our ministers, than to embarrass the present important discussions with them; they can never be obstacles to friendship and harmony.

Permit me now, sir, to ask from you a specification of the particular acts, which, being considered by his Britannic Majesty as a non-compliance on our part with the engagement contained in the 4th, 5th, and 6th articles of the treaty, induced him to suspend the execution of the 7th, and render a separate discussion of them inadmissible. And accept assurances, &c.

## **TO THE ATTORNEY GENERAL OF THE UNITED STATES**

*Philadelphia, December 18, 1793.*

Sir,—The Minister Plenipotentiary of France has enclosed to me a copy of a letter of the 16th instant, which he addressed to you, stating that some libellous publications had been made against him by Mr. Jay, Chief Justice of the United States, and Mr. King, one of the Senators for the State of New York, and desiring that they might be prosecuted. This letter has been laid before the President, according to the request of the minister; and the President, never doubting your readiness on all occasions to perform the functions of your office, yet thinks it incumbent on him to recommend it specially on the present occasion, as it concerns a public character peculiarly entitled to the protection of the laws. On the other hand, as our citizens ought not to be vexed with groundless prosecutions, duty to them requires it to be added, that if you judge the prosecution in question to be of that nature, you consider this recommendation as not extending to it; its only object being to engage you to proceed in this case according to the duties of your office, the laws of the land, and the privileges of the parties concerned.

I have the honor to be, with great respect and esteem, Sir, your most obedient, and most humble servant.

## TO THE GOVERNOR OF SOUTH CAROLINA

*Philadelphia, December 23, 1793.*

Sir,—It is my duty to communicate to you a piece of information, although I cannot say I have confidence in it myself. A French gentleman, one of the refugees from St. Domingo, informs me that two Frenchmen, from St. Domingo also, of the names of Castaing and La Chaise, are about setting out from this place for Charleston, with a design to excite an insurrection among the negroes. He says that this is in execution of a general plan, formed by the Brissotine party at Paris, the first branch of which has been carried into execution at St. Domingo. My informant is a person with whom I am well acquainted, of good sense, discretion and truth, and certainly believes this himself. I inquired of him the channel of his information. He told me it was one which had given them many pre-admonitions in St. Domingo, and which had never been found to be mistaken. He explained it to me; but I could by no means consider it as a channel meriting reliance; and when I questioned him what could be the impulse of these men, what their authority, what their means of execution, and what they could expect in result; he answered with conjectures which were far from sufficient to strengthen the fact. However, were anything to happen, I should deem myself inexcusable not to have made the communication. Your judgment will decide whether injury might not be done by making the suggestion public, or whether it ought to have any other effect than to excite attention to these two persons, should they come into South Carolina. Castaing is described as a small dark mulatto, and La Chaise as a Quarteron, of a tall fine figure.

I have the honor to be, with great respect, your Excellency's most obedient, and most humble servant.

## TO DR. EDWARDS

*Philadelphia, December 30, 1793.*

Dear Sir,—I have to acknowledge the receipt of your two favors of July 30th and August 16th, and thank you for the information they contained. We have now assembled a new Congress, being a fuller and more equal representation of the people, and likely, I think, to approach nearer to the sentiments of the people in the demonstration of their own. They have the advantage of a very full communication from the Executive of the ground on which we stand with foreign nations. Some very unpleasant transactions have taken place here with Mr. Genet, of which the world will judge, as the correspondence is now in the press; as is also that with Mr. Hammond on our points of difference with his nation. Of these you will doubtless receive copies. Had they been out yet, I should have had the pleasure of sending them to you; but to-morrow I resign my office, and two days after set out for Virginia, where I hope to spend the remainder of my days in occupations infinitely more pleasing than those to which I have sacrificed eighteen years of the prime of my life; I might rather say twenty-four of them. Our campaign with the Indians has been lost by an unsuccessful effort to effect peace by treaty, which they protracted till the season for action was over. The attack brought on us from the Algerines is a ray from the same centre. I believe we shall endeavor to do ourselves justice in a peaceable and rightful way. We wish to have nothing to do in the present war; but if it is to be forced upon us, I am happy to see in the countenances of all but our paper men a mind ready made up to meet it, unwillingly, indeed, but perfectly without fear. No nation has strove more than we have done to merit the peace of all by the most rigorous impartiality to all. Sir John Sinclair's queries shall be answered from my retirement. I am, with great esteem, dear Sir, your most obedient servant.

## TO MR. GENET

*Philadelphia, December 31, 1793.*

Sir,—I have laid before the President of the United States your letter of the 20th instant, accompanying translations of the instructions given you by the Executive Council of France to be distributed among the members of Congress, desiring that the President will lay them officially before both houses, and proposing to transmit successively other papers, to be laid before them in like manner; and I have it in charge to observe, that your functions as the missionary of a foreign nation here, are confined to the transactions of the affairs of your nation with the Executive of the United States; that the communications, which are to pass between the Executive and Legislative branches, cannot be a subject for your interference, and that the President must be left to judge for himself what matters his duty or the public good may require him to propose to the deliberations of Congress. I have therefore the honor of returning you the copies sent for distribution, and of being, with great respect, Sir, your most obedient, and most humble servant.

## TO THE PRESIDENT OF THE UNITED STATES

*Philadelphia, December 31, 1793.*

Dear Sir,—Having had the honor of communicating to you in my letter of the last of July, my purpose of returning from the office of Secretary of State, at the end of the month of September, you were pleased, for particular reasons, to wish its postponement to the close of the year. That term being now arrived, and my propensities to retirement becoming daily more and more irresistible, I now take the liberty of resigning the office into your hands. Be pleased to accept with it my sincere thanks for all the indulgences which you have been so good as to exercise towards me in the discharge of its duties. Conscious that my need of them has been great, I have still ever found them greater, without any other claim on my part, than a firm pursuit of what has appeared to me to be right, and a thorough disdain of all means which were not as open and honorable, as their object was pure. I carry into my retirement a lively sense of your goodness, and shall continue gratefully to remember it. With very sincere prayers for your life, health and tranquillity, I pray you to accept the homage of the great and constant respect and attachment with which I have the honor to be, dear Sir, your most obedient, and most humble servant.

## TO E. RANDOLPH

*Monticello, February 3, 1794.*

Dear Sir,—I have to thank you for the transmission of the letters from General Gates, La Motte, and Hauterive. I perceive by the latter, that the partisans of the one or the other principle (perhaps of both) have thought my name a convenient cover for declarations of their own sentiments. What those are to which Hauterive alludes, I know not, having never seen a newspaper since I left Philadelphia (except those of Richmond), and no circumstances authorize him to expect that I should inquire into them, or answer him. I think it is Montaigne who has said, that ignorance is the softest pillow on which a man can rest his head. I am sure it is true as to everything political, and shall endeavor to estrange myself to everything of that character. I indulge myself on one political topic only, that is, in declaring to my countrymen the shameless corruption of a portion of the Representatives to the first and second Congresses, and their implicit devotion to the treasury. I think I do good in this, because it may produce exertions to reform the evil, on the success of which the form of the government is to depend.

I am sorry La Motte has put me to the expense of one hundred and forty livres for a French translation of an English poem, as I make it a rule never to read translations where I can read the original. However, the question now is, how to get the book brought here, as well as the communications with Mr. Hammond, which you were so kind as to promise me.

\* \* \* \* \*

This is the first letter I have written to Philadelphia since my arrival at home, and yours the only ones I have received.

Accept assurances of my sincere esteem and respect. Yours affectionately.

## TO JAMES MADISON

*Monticello, April 3, 1794.*

Dear Sir,—Our post having ceased to ride ever since the inoculation began in Richmond, till now, I received three days ago, and all together, your friendly favors of March the 2d, 9th, 12th, 14th, and Colonel Monroe's of March the 3d and 16th. I have been particularly gratified by the receipt of the papers containing yours and Smith's discussion of your regulating propositions. These debates had not been seen here but in a very short and mutilated form. I am at no loss to ascribe Smith's speech to its true father. Every tittle of it is Hamilton's except the introduction. There is scarcely anything there which I have not heard from him in our various private though official discussions. The very turn of the arguments is the same, and others will see as well as myself that the style is Hamilton's. The sophistry is too fine, too ingenious, even to have been comprehended by Smith, much less devised by him. His reply shows he did not understand his first speech; as its general inferiority proves its legitimacy, as evidently as it does the bastardy of the original. You know we had understood that Hamilton had prepared a counter report, and that some of his humble servants in the Senate were to move a reference to him in order to produce it. But I suppose they thought it would have a better effect if fired off in the House of Representatives. I find the report, however, so fully justified, that the anxieties with which I left it are perfectly quieted. In this quarter, all espouse your propositions with ardor, and without a dissenting voice.

The rumor of a declaration of war has given an opportunity of seeing, that the people here, though attentive to the loss of value of their produce in such an event, yet find in it a gratification of some other passions, and particularly of their ancient hatred to Great Britain. Still, I hope it will not come to that; but that the proposition will be carried, and justice be done ourselves in a peaceable way. As to the guarantee of the French islands, whatever doubts may be entertained of the moment at which we ought to interpose, yet I have no doubt but that we ought to interpose at a proper time, and declare both to England and France that these islands are to rest with France, and that we will make a common cause with the latter for that object. As to the naval armament, the land armament, and the marine fortifications which are in question with you, I have no doubt they will all be carried. Not that the monocrats and paper men in Congress want war; but they want armies and debts; and though we may hope that the sound part of Congress is now so augmented as to insure a majority in cases of general interest merely, yet I have always observed that in questions of expense, where members may hope either for offices or jobs for themselves or their friends, some few will be debauched, and that is sufficient to turn the decision where a majority is, at most, but small. I have never seen a Philadelphia paper since I left it, till those you enclosed me; and I feel myself so thoroughly weaned from the interest I took in the proceedings there, while there, that I have never had a wish to see one, and believe that I never shall take another newspaper of any sort. I find my mind totally absorbed in my rural occupations.

\* \* \* \* \*

Accept sincere assurances of affection.

## TO THE PRESIDENT OF THE UNITED STATES

*Monticello, April 25, 1794.*

Dear Sir,—I am to thank you for the book you were so good as to transmit me, as well as the letter covering it, and your felicitations on my present quiet. The difference of my present and past situation is such as to leave me nothing to regret, but that my retirement has been postponed four years too long. The principles on which I calculated the value of life, are entirely in favor of my present course. I return to farming with an ardor which I scarcely knew in my youth, and which has got the better entirely of my love of study. Instead of writing ten or twelve letters a day, which I have been in the habit of doing as a thing in course, I put off answering my letters now, farmer-like, till a rainy day, and then find them sometimes postponed by other necessary occupations. The case of the Pays de Vaud is new to me. The claims of both parties are on grounds which, I fancy, we have taught the world to set little store by. The rights of one generation will scarcely be considered hereafter as depending on the paper transactions of another. My countrymen are groaning under the insults of Great Britain. I hope some means will turn up of reconciling our faith and honor with peace. I confess to you I have seen enough of one war never to wish to see another. With wishes of every degree of happiness to you, both public and private, and with my best respects to Mrs. Adams, I am, your affectionate and humble servant.

## TO TENCH COXE

*Monticello, May 1, 1794.*

Dear Sir,—Your several favors of February the 22d, 27th, and March the 16th, which had been accumulating in Richmond during the prevalence of the small pox in that place, were lately brought to me, on the permission given the post to resume his communication. I am particularly to thank you for your favor in forwarding the Bee. Your letters give a comfortable view of French affairs, and later events seem to confirm it. Over the foreign powers I am convinced they will triumph completely, and I cannot but hope that that triumph, and the consequent disgrace of the invading tyrants, is destined, in order of events, to kindle the wrath of the people of Europe against those who have dared to embroil them in such wickedness, and to bring at length, kings, nobles and priests to the scaffolds which they have been so long deluging with human blood. I am still warm whenever I think of these scoundrels, though I do it as seldom as I can, preferring infinitely to contemplate the tranquil growth of my lucerne and potatoes. I have so completely withdrawn myself from these spectacles of usurpation and misrule, that I do not take a single newspaper, nor read one a month; and I feel myself infinitely the happier for it.

We are alarmed here with the apprehensions of war; and sincerely anxious that it may be avoided; but not at the expense either of our faith or honor. It seems much the general opinion here, the latter has been too much wounded not to require reparation, and to seek it even in war, if that be necessary. As to myself, I love peace, and I am anxious that we should give the world still another useful lesson, by showing to them other modes of punishing injuries than by war, which is as much a punishment to the punisher as to the sufferer. I love, therefore, Mr. Clarke's proposition of cutting off all communication with the nation which has conducted itself so atrociously. This, you will say, may bring on war. If it does, we will meet it like men; but it may not bring on war, and then the experiment will have been a happy one. I believe this war would be vastly more unanimously approved than any one we ever were engaged in; because the aggressions have been so wanton and bare-faced, and so unquestionably against our desire. I am sorry Mr. Cooper and Priestly did not take a more general survey of our country before they fixed themselves. I think they might have promoted their own advantage by it, and have aided the introduction of improvement where it is more wanting. The prospect of wheat for the ensuing year is a bad one. This is all the sort of news you can expect from me. From you I shall be glad to hear all sort of news, and particularly any improvements in the arts applicable to husbandry or household manufacture.

I am, with very sincere affection, dear Sir, your friend and servant.

## TO THE PRESIDENT

*Monticello, May 14, 1794.*

Dear Sir,—I am honored with your favor of April the 24th, and received, at the same time, Mr. Bertrand's agricultural prospectus. Though he mentions my having seen him at a particular place, yet I remember nothing of it, and observing that he intimates an application for lands in America, I conceive his letter meant for me as Secretary of State, and therefore I now send it to the Secretary of State. He has given only the heads of his demonstrations, so that nothing can be conjectured of their details. Lord Kaimes once proposed an essence of dung, one pint of which should manure an acre. If he or Mr. Bertrand could have rendered it so portable, I should have been one of those who would have been greatly obliged to them. I find on a more minute examination of my lands than the short visits heretofore made to them permitted, that a ten years' abandonment of them to the ravages of overseers, has brought on them a degree of degradation far beyond what I had expected. As this obliges me to adopt a milder course of cropping, so I find that they have enabled me to do it, by having opened a great deal of lands during my absence. I have therefore determined on a division of my farm into six fields, to be put under this rotation: first year, wheat; second, corn, potatoes, peas; third, rye or wheat, according to circumstances; fourth and fifth, clover where the fields will bring it, and buckwheat dressings where they will not; sixth, folding, and buckwheat dressings. But it will take me from three to six years to get this plan underway. I am not yet satisfied that my acquisition of overseers from the head of Elk has been a happy one, or that much will be done this year towards rescuing my plantations from their wretched condition. Time, patience and perseverance must be the remedy; and the maxim of your letter, "slow and sure," is not less a good one in agriculture than in politics. I sincerely wish it may extricate us from the event of a war, if this can be done saving our faith and our rights. My opinion of the British government is, that nothing will force them to do justice but the loud voice of their people, and that this can never be excited but by distressing their commerce. But I cherish tranquillity too much, to suffer political things to enter my mind at all. I do not forget that I owe you a letter for Mr. Young; but I am waiting to get full information. With every wish for your health and happiness, and my most friendly respects for Mrs. Washington, I have the honor to be, dear Sir, your most obedient, and most humble servant.

## TO MR. MADISON

*Monticello, May 15, 1794.*

Dear Sir,—I wrote you on the 3d of April, and since that have received yours of March 24, 26, 31, April 14 and 28, and yesterday I received Colonel Monroe's of the 4th instant, informing me of the failure of the Non-importation Bill in the Senate. This body was intended as a check on the will of the Representatives when too hasty. They are not only that, but completely so on the will of the people also; and in my opinion are heaping coals of fire, not only on their persons, but on their body, as a branch of the Legislature. I have never known a measure more universally desired by the people than the passage of that bill. It is not from my own observation of the wishes of the people that I would decide what they are, but from that of the gentlemen of the bar, who move much with them, and by their intercommunications with each other, have, under their view, a greater portion of the country than any other description of men. It seems that the opinion is fairly launched into public that they should be placed under the control of a more frequent recurrence to the will of their constituents. This seems requisite to complete the experiment, whether they do more harm or good. I wrote lately to Mr. Taylor for the pamphlet on the bank. Since that I have seen the "Definition of Parties," and must pray you to bring it for me. It is one of those things which merits to be preserved. The safe arrival of my books at Richmond, and some of them at home, has relieved me from anxiety, and will not be indifferent to you. It turns out that our fruit has not been as entirely killed as was at first apprehended; some latter blossoms have yielded a small supply of this precious refreshment. I was so improvident as never to have examined at Philadelphia whether negro cotton and oznaburgs can be had there; if you do not already possess the information, pray obtain it before you come away. Our spring has, on the whole, been seasonable; and the wheat as much recovered as its thinness would permit; but the crop must still be a miserable one. There would not have been seed made but for the extraordinary rains of the last month. Our highest heat as yet has been 83, this was on the 4th instant. That Blake should not have been arrived at the date of your letter, surprises me; pray inquire into that fact before you leave Philadelphia. According to Colonel Monroe's letter this will find you on the point of departure. I hope we shall see you here soon after your return. Remember me affectionately to Colonel and Mrs. Monroe, and accept the sincere esteem of, dear Sir, your sincere friend and servant.

## TO THE SECRETARY OF STATE

*Monticello, September 7, 1794.*

Dear Sir,—Your favor of August the 28th finds me in bed, under a paroxysm of the rheumatism which has now kept me for ten days in constant torment, and presents no hope of abatement. But the express and the nature of the case requiring immediate answer, I write to you in this situation. No circumstances, my dear Sir, will ever more tempt me to engage in any thing public. I thought myself perfectly fixed in this determination when I left Philadelphia, but every day and hour since has added to its inflexibility. It is a great pleasure to me to retain the esteem and approbation of the President, and this forms the only ground of any reluctance at being unable to comply with every wish of his. Pray convey these sentiments, and a thousand more to him, which my situation does not permit me to go into. But however suffering by the addition of every single word to this letter, I must add a solemn declaration that neither Mr. J. nor Mr. — ever mentioned to me one word of any want of decorum in Mr. Carmichael, nor anything stronger or more special than stated in my notes of the conversation. Excuse my brevity, my dear Sir, and accept assurances of the sincere esteem and respect with which I have the honor to be, your affectionate friend and servant.

## TO WILSON NICHOLAS, ESQ

*Monticello, November 22, 1794.*

Sir,—I take the liberty of enclosing for your perusal and consideration a proposal from a Mr. D'Ivernois, a Genevan, of considerable distinction for science and patriotism, and that, too, of the republican kind, though you will see that he does not carry it so far as our friends of the National Assembly of France. While I was at Paris, I knew him as an exile from his democratic principles, the aristocracy having then the upper hand in Geneva. He is now obnoxious to the democratic party. The sum of his proposition is to translate the academy of Geneva in a body to this country. You know well that the colleges of Edinburgh and Geneva, as seminaries of science, are considered as the two eyes of Europe; while Great Britain and America give the preference to the former, and all other countries give it to the latter. I am fully sensible that two powerful obstacles are in the way of this proposition. 1st. The expense: 2d. The communication of science in foreign languages; that is to say, in French and Latin; but I have been so long absent from my own country as to be an incompetent judge either of the force of the objections or of the dispositions of those who are to decide on them. The respectability of Mr. D'Ivernois' character, and that, too, of the proposition, require an answer from me, and that it should be given on due inquiry. He desires secrecy to a certain degree for the reasons which he explains. What I have to request of you, my dear Sir, is, that you will be so good as to consider his proposition, to consult on its expediency and practicability with such gentlemen of the Assembly as you think best, and take such other measures as you shall think best to ascertain what would be the sense of that body, were the proposition to be hazarded to them. If yourself and friends approve of it, and there is hope that the Assembly would do so, your zeal for the good of our country in general, and the promotion of science, as an instrument towards that, will, of course, induce you to aid them to bring it forward in such a way as you shall judge best. If, on the contrary, you disapprove of it yourselves, or think it would be desperate with the Assembly, be so good as to return it to me with such information as I may hand forward to Mr. D'Ivernois, to put him out of suspense. Keep the matter by all means out of the public papers, and particularly, if you please, do not couple my name with the proposition if brought forward, because it is much my wish to be in nowise implicated in public affairs. It is necessary for me to appeal to all my titles for giving you this trouble, whether founded in representation, patriotism or friendship. The latter, however, as the broadest, is that on which I wish to rely, being with sentiments of very cordial esteem, dear Sir, your sincere friend and humble servant.

## TO JAMES MADISON

*Monticello, December 28, 1794.*

Dear Sir,—I have kept Mr. Jay's letter a post or two, with an intention of considering attentively the observation it contains; but I have really now so little stomach for anything of that kind, that I have not resolution enough even to endeavor to understand the observations. I therefore return the letter, not to delay your answer to it, and beg you in answering for yourself, to assure him of my respects and thankful acceptance of Chalmers' Treatise, which I do not possess, and if you possess yourself of the scope of his reasoning, make any answer to it you please for me. If it had been on the rotation of my crops, I would have answered myself, lengthily perhaps, but certainly *con gusto*.

The denunciation of the democratic societies is one of the extraordinary acts of boldness of which we have seen so many from the faction of monocrats. It is wonderful indeed, that the President should have permitted himself to be the organ of such an attack on the freedom of discussion, the freedom of writing, printing and publishing. It must be a matter of rare curiosity to get at the modifications of these rights proposed by them, and to see what line their ingenuity would draw between democratical societies, whose avowed object is the nourishment of the republican principles of our Constitution, and the society of the Cincinnati, a *self-created* one, carving out for itself hereditary distinctions, lowering over our Constitution eternally, meeting together in all parts of the Union, periodically, with closed doors, accumulating a capital in their separate treasury, corresponding secretly and regularly, and of which society the very persons denouncing the democrats are themselves the fathers, founders and high officers. Their sight must be perfectly dazzled by the glittering of crowns and coronets, not to see the extravagance of the proposition to suppress the friends of general freedom, while those who wish to confine that freedom to the few, are permitted to go on in their principles and practices. I here put out of sight the persons whose misbehavior has been taken advantage of to slander the friends of popular rights; and I am happy to observe, that as far as the circle of my observation and information extends, everybody has lost sight of them, and views the abstract attempt on their natural and constitutional rights in all its nakedness. I have never heard, or heard of, a single expression or opinion which did not condemn it as an inexcusable aggression. And with respect to the transactions against the excise law, it appears to me that you are all swept away in the torrent of governmental opinions, or that we do not know what these transactions have been. We know of none which, according to the definitions of the law, have been anything more than riotous. There was indeed a meeting to consult about a separation. But to consult on a question does not amount to a determination of that question in the affirmative, still less to the acting on such a determination; but we shall see, I suppose, what the court lawyers, and courtly judges, and would-be ambassadors will make of it. The excise law is an infernal one. The first error was to admit it by the Constitution; the second, to act on that admission; the third and last will be, to make it the instrument of dismembering the Union, and setting us all afloat to choose what part of it we will adhere to. The information of our militia, returned from the westward, is uniform, that though the people there let them pass quietly, they were objects of their laughter, not of their fear; that one thousand men could have cut off their whole force in a thousand places of the Alleghany; that their detestation of the excise law is universal, and has now associated to it a detestation of the government; and that a separation which perhaps was a very distant and problematical event, is now near, and certain, and determined in the mind of every man. I expected to have seen some justification of arming one part of the society against another; of declaring a civil war the moment before the meeting of that body which has the sole right of declaring war; of being so patient of the kicks and scoffs of our enemies, and rising at a feather against our friends; of adding a million to the public debt and deriding us with recommendations to pay it if we can &c., &c. But the part of the speech which was to be taken as

a justification of the armament, reminded me of parson Saunders' demonstration why *minus* into *minus* make *plus*. After a parcel of shreds of stuff from Æsop's fables and Tom Thumb, he jumps all at once into his *ergo*, *minus* multiplied into *minus* make *plus*. Just so the fifteen thousand men enter after the fables, in the speech.

However, the time is coming when we shall fetch up the lee-way of our vessel. The changes in your House, I see, are going on for the better, and even the Augean herd over your heads are slowly purging off their impurities. Hold on then, my dear friend, that we may not shipwreck in the meanwhile. I do not see, in the minds of those with whom I converse, a greater affliction than the fear of your retirement; but this must not be, unless to a more splendid and a more efficacious post. There I should rejoice to see you; I hope I may say, I shall rejoice to see you. I have long had much in my mind to say to you on that subject. But double delicacies have kept me silent. I ought perhaps to say, while I would not give up my own retirement for the empire of the universe, how I can justify wishing one whose happiness I have so much at heart as yours, to take the front of the battle which is fighting for my security. This would be easy enough to be done, but not at the heel of a lengthy epistle.

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Present me respectfully to Mrs. Madison, and pray her to keep you where you are for her own satisfaction and the public good, and accept the cordial affections of us all. Adieu.

## TO M. D'IVERNOIS

*Monticello, February 6, 1795.*

Dear Sir,—Your several favors on the affairs of Geneva found me here, in the month of December last. It is now more than a year that I have withdrawn myself from public affairs, which I never liked in my life, but was drawn into by emergencies which threatened our country with slavery, but ended in establishing it free. I have returned, with infinite appetite, to the enjoyment of my farm, my family and my books, and had determined to meddle in nothing beyond their limits. Your proposition, however, for transplanting the college of Geneva to my own county, was too analogous to all my attachments to science, and freedom, the first-born daughter of science, not to excite a lively interest in my mind, and the essays which were necessary to try its practicability. This depended altogether on the opinions and dispositions of our State legislature, which was then in session. I immediately communicated your papers to a member of the legislature, whose abilities and zeal pointed him out as proper for it, urging him to sound as many of the leading members of the legislature as he could, and if he found their opinions favorable, to bring forward the proposition; but if he should find it desperate, not to hazard it; because I thought it best not to commit the honor either of our State or of your college, by an useless act of eclat. It was not till within these three days that I have had an interview with him, and an account of his proceedings. He communicated the papers to a great number of the members, and discussed them maturely, but privately, with them. They were generally well-disposed to the proposition, and some of them warmly; however, there was no difference of opinion in the conclusion, that it could not be effected. The reasons which they thought would with certainty prevail against it, were 1, that our youth, not familiarized but with their mother tongue, were not prepared to receive instructions in any other; 2, that the expense of the institution would excite uneasiness in their constituents, and endanger its permanence; and 3, that its extent was disproportioned to the narrow state of the population with us. Whatever might be urged on these several subjects, yet as the decision rested with others, there remained to us only to regret that circumstances were such, or were thought to be such, as to disappoint your and our wishes.

I should have seen with peculiar satisfaction the establishment of such a mass of science in my country, and should probably have been tempted to approach myself to it, by procuring a residence in its neighborhood, at those seasons of the year at least when the operations of agriculture are less active and interesting. I sincerely lament the circumstances which have suggested this emigration. I had hoped that Geneva was familiarized to such a degree of liberty, that they might without difficulty or danger fill up the measure to its *maximum*; a term, which, though in the insulated man, bounded only by his natural powers, must, in society, be so far restricted as to protect himself against the evil passions of his associates, and consequently, them against him. I suspect that the doctrine, that small States alone are fitted to be republics, will be exploded by experience, with some other brilliant fallacies accredited by Montesquieu and other political writers. Perhaps it will be found, that to obtain a just republic (and it is to secure our just rights that we resort to government at all) it must be so extensive as that local egoisms may never reach its greater part; that on every particular question, a majority may be found in its councils free from particular interests, and giving, therefore, an uniform prevalence to the principles of justice. The smaller the societies, the more violent and more convulsive their schisms. We have chanced to live in an age which will probably be distinguished in history, for its experiments in government on a larger scale than has yet taken place. But we shall not live to see the result. The grosser absurdities, such as hereditary magistracies, we shall see exploded in our day, long experience having already pronounced condemnation against them. But what is to be the substitute? This our children or grand children will answer. We may be satisfied with the certain knowledge that none can ever be tried, so stupid, so unrighteous, so oppressive, so destructive of every end for which

honest men enter into government, as that which their forefathers had established, and their fathers alone venture to tumble headlong from the stations they have so long abused. It is unfortunate, that the efforts of mankind to recover the freedom of which they have been so long deprived, will be accompanied with violence, with errors, and even with crimes. But while we weep over the means, we must pray for the end.

But I have been insensibly led by the general complexion of the times, from the particular case of Geneva, to those to which it bears no similitude. Of that we hope good things. Its inhabitants must be too much enlightened, too well experienced in the blessings of freedom and undisturbed industry, to tolerate long a contrary state of things. I should be happy to hear that their government perfects itself, and leaves room for the honest, the industrious and wise; in which case, your own talents, and those of the persons for whom you have interested yourself, will, I am sure, find welcome and distinction. My good wishes will always attend you, as a consequence of the esteem and regard with which I am, Dear Sir, your most obedient and most humble servant.

## TO JAMES MADISON

*Monticello, April 27, 1795.*

Dear Sir,—Your letter of March the 23d came to hand the 7th of April, and notwithstanding the urgent reasons for answering a part of it immediately, yet as it mentioned that you would leave Philadelphia within a few days, I feared that the answer might pass you on the road. A letter from Philadelphia by the last post having announced to me your leaving that place the day preceding its date, I am in hopes this will find you in Orange. In mine, to which yours of March the 23d was an answer, I expressed my hope of the only change of position I ever wished to see you make, and I expressed it with entire sincerity, because there is not another person in the United States, who being placed at the helm of our affairs, my mind would be so completely at rest for the fortune of our political bark. The wish too was pure, and unmixed with anything respecting myself personally.

For as to myself, the subject had been thoroughly weighed and decided on, and my retirement from office had been meant from all office high or low, without exception. I can say, too, with truth, that the subject had not been presented to my mind by any vanity of my own. I know myself and my fellow citizens too well to have ever thought of it. But the idea was forced upon me by continual insinuations in the public papers, while I was in office. As all these came from a hostile quarter, I knew that their object was to poison the public mind as to my motives, when they were not able to charge me with facts. But the idea being once presented to me, my own quiet required that I should face it and examine it. I did so thoroughly, and had no difficulty to see that every reason which had determined me to retire from the office I then held, operated more strongly against that which was insinuated to be my object. I decided then on those general grounds which could alone be present to my mind at the time, that is to say, reputation, tranquillity, labor; for as to public duty, it could not be a topic of consideration in my case. If these general considerations were sufficient to ground a firm resolution never to permit myself to think of the office, or to be thought of for it, the special ones which have supervened on my retirement, still more insuperably bar the door to it. My health is entirely broken down within the last eight months; my age requires that I should place my affairs in a clear state; these are sound if taken care of, but capable of considerable dangers if longer neglected; and above all things, the delights I feel in the society of my family, and in the agricultural pursuits in which I am so eagerly engaged. The little spice of ambition which I had in my younger days has long since evaporated, and I set still less store by a posthumous than present name. In stating to you the heads of reasons which have produced my determination, I do not mean an opening for future discussion, or that I may be reasoned out of it. The question is forever closed with me; my sole object is to avail myself of the first opening ever given me from a friendly quarter (and I could not with decency do it before), of preventing any division or loss of votes, which might be fatal to the republican interest. If that has any chance of prevailing, it must be by avoiding the loss of a single vote, and by concentrating all its strength on one object. Who this should be, is a question I can more freely discuss with anybody than yourself. In this I painfully feel the loss of Monroe. Had he been here, I should have been at no loss for a channel through which to make myself understood; if I have been misunderstood by anybody through the instrumentality of Mr. Fenno and his abettors. I long to see you. I am proceeding in my agricultural plans with a slow but sure step. To get under full way will require four or five years. But patience and perseverance will accomplish it. My little essay in red clover, the last year, has had the most encouraging success. I sowed then about forty acres. I have sowed this year about one hundred and twenty, which the rain now falling comes very opportunely on. From one hundred and sixty to two hundred acres, will be my yearly sowing. The seed-box described in the agricultural transactions of New York, reduces the expense of seeding from six shillings to two shillings and three pence the acre, and does the business better than is possible to be done by

the human hand. May we hope a visit from you? If we may, let it be after the middle of May, by which time I hope to be returned from Bedford. I have had a proposition to meet Mr. Henry there this month, to confer on the subject of a convention, to the calling of which he is now become a convert. The session of our district court furnished me a just excuse for the time; but the impropriety of my entering into consultation on a measure in which I would take no part, is a permanent one.

Present my most respectful compliments to Mrs. Madison, and be assured of the warm attachment of, Dear Sir, yours affectionately.

## TO WILLIAM B. GILES

*Monticello, April 27, 1795.*

Dear Sir,—Your favor of the 16th came to hand by the last post. I sincerely congratulate you on the great prosperities of our two first allies, the French and Dutch. If I could but see them now at peace with the rest of their continent, I should have little doubt of dining with Pichegru in London, next autumn; for I believe I should be tempted to leave my clover for awhile, to go and hail the dawn of liberty and republicanism in that island. I shall be rendered very happy by the visit you promise me. The only thing wanting to make me completely so, is the more frequent society of my friends. It is the more wanting, as I am become more firmly fixed to the globe. If you visit me as a farmer, it must be as a condisciple: for I am but a learner; an eager one indeed, but yet desperate, being too old now to learn a new art. However, I am as much delighted and occupied with it, as if I was the greatest adept. I shall talk with you about it from morning till night, and put you on very short allowance as to political aliment. Now and then a pious ejaculation for the French and Dutch republicans, returning with due despatch to clover, potatoes, wheat, &c. That I may not lose the pleasure promised me, let it not be till the middle of May, by which time I shall be returned from a trip I meditated to Bedford. Yours affectionately.

## TO MANN PAGE

*Monticello, August 30, 1795.*

It was not in my power to attend at Fredericksburg according to the kind invitation in your letter, and in that of Mr. Ogilvie. The heat of the weather, the business of the farm, to which I have made myself necessary, forbade it; and to give one round reason for all, *mature sanus*, I have laid up my Rosinante in his stall, before his unfitness for the road shall expose him faltering to the world. But why did not I answer you in time? Because, in truth, I am encouraging myself to grow lazy, and I was sure you would ascribe the delay to anything sooner than a want of affection or respect to you, for this was not among the possible causes. In truth, if anything could ever induce me to sleep another night out of my own house, it would have been your friendly invitation and my solicitude for the subject of it, the education of our youth. I do most anxiously wish to see the highest degrees of education given to the higher degrees of genius, and to all degrees of it, so much as may enable them to read and understand what is going on in the world, and to keep their part of it going on right: for nothing can keep it right but their own vigilant and distrustful superintendence. I do not believe with the Rochefoucaults and Montaignes, that fourteen out of fifteen men are rogues: I believe a great abatement from that proportion may be made in favor of general honesty. But I have always found that rogues would be uppermost, and I do not know that the proportion is too strong for the higher orders, and for those who, rising above the swinish multitude, always contrive to nestle themselves into the places of power and profit. These rogues set out with stealing the people's good opinion, and then steal from them the right of withdrawing it, by contriving laws and associations against the power of the people themselves. Our part of the country is in considerable fermentation, on what they suspect to be a recent roguery of this kind. They say that while all hands were below deck mending sails, splicing ropes, and every one at his own business, and the captain in his cabin attending to his log book and chart, a rogue of a pilot has run them into an enemy's port. But metaphor apart, there is much dissatisfaction with Mr. Jay and his treaty. For my part, I consider myself now but as a passenger, leaving the world and its government to those who are likely to live longer in it. That you may be among the longest of these, is my sincere prayer. After begging you to be the bearer of my compliments and apologies to Mr. Ogilvie, I bid you an affectionate farewell, always wishing to hear from you.

## TO H. TAZEWELL, ESQ

*Monticello, September 13, 1795.*

Dear Sir,—I ought much sooner to have acknowledged your obliging attention in sending me a copy of the treaty. It was the first we received in this part of the country. Though I have interdicted myself all serious attention to political matters, yet a very slight notice of that in question sufficed to decide my mind against it. I am not satisfied we should not be better without treaties with any nation. But I am satisfied we should be better without such as this. The public dissatisfaction too and dissension it is likely to produce, are serious evils. I am not without hope that the operations on the 12th article may render a recurrence to the Senate yet necessary, and so give to the majority an opportunity of correcting the error into which their exclusion of public light has led them. I hope also that the recent results of the English will at length awaken in our Executive that sense of public honor and spirit, which they have not lost sight of in their proceedings with other nations, and will establish the eternal truth that acquiescence under insult is not the way to escape war. I am with great esteem,  
Dear Sir, your most obedient humble servant.

## TO JAMES MADISON

*Monticello, September 21, 1795.*

I received about three weeks ago, a box containing six dozen volumes, of two hundred and eighty-three pages, 12 mo, with a letter from Lambert, Beckley's clerk, that they came from Mr. Beckley, and were to be divided between yourself, J. Walker, and myself. I have sent two dozen to J. Walker, and shall be glad of a conveyance for yours. In the meantime, I send you by post, the title page, table of contents, and one of the pieces, Curtius, lest it should not have come to you otherwise. It is evidently written by Hamilton, giving a first and general view of the subject, that the public mind might be kept a little in check, till he could resume the subject more at large from the beginning, under his second signature of Camillus. The piece called "The Features of the Treaty," I do not send, because you have seen it in the newspapers. It is said to be written by Coxe, but I should rather suspect, by Beckley. The antidote is certainly not strong enough for the poison of Curtius. If I had not been informed the present came from Beckley, I should have suspected it from Jay or Hamilton. I gave a copy or two, by way of experiment, to honest, sound-hearted men of common understanding, and they were not able to parry the sophistry of Curtius. I have ceased therefore, to give them. Hamilton is really a colossus to the anti-republican party. Without numbers, he is an host within himself. They have got themselves into a defile, where they might be finished; but too much security on the republican part will give time to his talents and indefatigableness to extricate them. We have had only middling performances to oppose to him. In truth, when he comes forward, there is nobody but yourself who can meet him. His adversaries having begun the attack, he has the advantage of answering them, and remains unanswered himself. A solid reply might yet completely demolish what was too feebly attacked, and has gathered strength from the weakness of the attack. The merchants were certainly (except those of them who are English) as open mouthed at first against the treaty, as any. But the general expression of indignation has alarmed them for the strength of the government. They have feared the shock would be too great, and have chosen to tack about and support both treaty and government, rather than risk the government. Thus it is, that Hamilton, Jay, &c., in the boldest act they ever ventured on to undermine the government, have the address to screen themselves, and direct the hue and cry against those who wish to drag them into light. A bolder party-stroke was never struck. For it certainly is an attempt of a party, who find they have lost their majority in one branch of the Legislature, to make a law by the aid of the other branch and of the executive, under color of a treaty, which shall bind up the hands of the adverse branch from ever restraining the commerce of their patron-nation. There appears a pause at present in the public sentiment, which may be followed by a revulsion. This is the effect of the desertion of the merchants, of the President's chiding answer to Boston and Richmond, of the writings of Curtius and Camillus, and of the quietism into which people naturally fall after first sensations are over. For God's sake take up your pen, and give a fundamental reply to Curtius and Camillus. Adieu affectionately.

## TO MONSIEUR ODIT

*Monticello, October 14, 1795.*

Sir,—I received with pleasure your letter of the 9th ult., by post, but should with greater pleasure have received it from your own hand, that I might have had an opportunity of testifying to you in person the great respect I bear for your character, which had come to us before you, and of expressing my obligations to Professor Pictet, for procuring me the honor of your acquaintance. It would have been a circumstance of still higher satisfaction and advantage to me, if fortune had timed the periods of our service together, so that the drudgery of public business, which I always hated, might have been relieved by conversations with you on subjects which I always loved, and particularly in learning from you the new advances of science on the other side the Atlantic. The interests of our two republics also could not but have been promoted by the harmony of their servants. Two people whose interests, whose principles, whose habits of attachment, founded on fellowship in war and mutual kindnesses, have so many points of union, cannot but be easily kept together. I hope you have accordingly been sensible, Sir, of the general interest which my countrymen take in all the successes of your republic. In this no one joins with more enthusiasm than myself, an enthusiasm kindled by our love of liberty, by my gratitude to your nation who helped us to acquire it, by my wishes to see it extended to all men, and first to those whom we love most. I am now a private man, free to express my feelings, and their expression will be estimated at neither more or less than they weigh, to wit, the expressions of a private man. Your struggles for liberty keep alive the only sparks of sensation which public affairs now excite in me. As to the concerns of my own country, I leave them willingly and safely to those who will have a longer interest in cherishing them. My books, my family, my friends, and my farm, furnish more than enough to occupy me the remainder of my life, and of that tranquil occupation most analogous to my physical and moral constitution. The correspondence you are pleased to invite me to on the natural history of my country, cannot but be profitable and acceptable to me. My long absence from it, indeed, has deprived me of the means of throwing any new lights on it; but I shall have the benefit of participating of your views of it, and occasions of expressing to you those sentiments of esteem and respect with which I have the honor to be, Sir, your most obedient, and most humble servant.

## TO EDWARD RUTLEDGE

Monticello, November 30, 1795.

My Dear Sir,—I received your favor of October the 12th by your son, who has been kind enough to visit me here, and from whose visit I have received all that pleasure which I do from whatever comes from you, and especially from a subject so deservedly dear to you. He found me in a retirement I doat on, living like an antediluvian patriarch among my children and grand children, and tilling my soil. As he had lately come from Philadelphia, Boston, &c., he was able to give me a great deal of information of what is passing in the world, and I pestered him with questions pretty much as our friends Lynch, Nelson, &c., will us, when we step across the Styx, for they will wish to know what has been passing above ground since they left us. You hope I have not abandoned entirely the service of our country. After five and twenty years' continual employment in it, I trust it will be thought I have fulfilled my tour, like a punctual soldier, and may claim my discharge. But I am glad of the sentiment from you, my friend, because it gives a hope you will practice what you preach, and come forward in aid of the public vessel. I will not admit your old excuse, that you are in public service though at home. The campaigns which are fought in a man's own house are not to be counted. The present situation of the President, unable to get the offices filled, really calls with uncommon obligation on those whom nature has fitted for them. I join with you in thinking the treaty an execrable thing. But both negotiators must have understood, that, as there were articles in it which could not be carried into execution without the aid of the Legislatures on both sides, therefore it must be referred to them, and that these Legislatures being free agents, would not give it their support if they disapproved of it. I trust the popular branch of our Legislature will disapprove of it, and thus rid us of this infamous act, which is really nothing more than a treaty of alliance between England and the Anglomen of this country, against the Legislature and people of the United States. I am, my dear friend, yours affectionately.

## TO WILLIAM B. GILES

*Monticello, December 31, 1795.*

Dear Sir,—Your favors of December the 15th and 20th came to hand by the last post. I am well pleased with the manner in which your House have testified their sense of the treaty; while their refusal to pass the original clause of the reported answer proved their condemnation of it, the contrivance to let it disappear silently respected appearances in favor of the President, who errs as other men do, but errs with integrity. Randolph seems to have hit upon the true theory of our Constitution; that when a treaty is made, involving matters confided by the Constitution to the three branches of the Legislature conjointly, the Representatives are as free as the President and Senate were, to consider whether the national interest requires or forbids their giving the forms and force of law to the articles over which they have a power. I thank you much for the pamphlet. His narrative is so straight and plain, that even those who did not know him will acquit him of the charge of bribery. Those who knew him had done it from the first. Though he mistakes his own political character in the aggregate, yet he gives it to you in the detail. Thus, he supposes himself a man of no party (page 57); that his opinions not containing any systematic adherence to party, fell sometimes on one side and sometimes on the other (page 58). Yet he gives you these facts, which show that they fall generally on both sides, and are complete inconsistencies.

1. He never gave an opinion in the cabinet against the rights of the people (page 97); yet he advised the denunciation of the popular societies (page 67).

2. He would not neglect the overtures of a commercial treaty with France (page 79); yet he always opposed it while Attorney General, and never seems to have proposed it while Secretary of State.

3. He concurs in resorting to the militia to quell the pretended insurrections in the west (page 81), and proposes an augmentation from twelve thousand five hundred to fifteen thousand, to march against men at their ploughs (page 80); yet on the 5th of August he is against their marching (pages 83, 101), and on the 25th of August he is for it (page 84).

4. He concurs in the measure of a mission extraordinary to London (as is inferred from page 58), but objects to the men, to wit, Hamilton and Jay (page 50).

5. He was against granting commercial powers to Mr. Jay (page 58); yet he besieged the doors of the Senate to procure their advice to ratify.

6. He advises the President to a ratification on the merits of the treaty (page 97), but to a suspension till the provision order is repealed (page 98). The fact is, that he has generally given his principles to the one party, and his practice to the other, the oyster to one, the shell to the other. Unfortunately, the shell was generally the lot of his friends, the French and republicans, and the oyster of their antagonists. Had he been firm to the principles he professes in the year 1793, the President would have been kept from an habitual concert with the British and anti-republican party. But at that time, I do not know which R. feared most, a British fleet, or French disorganizers. Whether his conduct is to be ascribed to a superior view of things, an adherence to right without regard to party, as he pretends, or to an anxiety to trim between both, those who know his character and capacity will decide. Were parties here divided merely by a greediness for office, as in England, to take a part with either would be unworthy of a reasonable or moral man. But where the principle of difference is as substantial, and as strongly pronounced as between the republicans and the monarchs of our country, I hold it as honorable to take a firm and decided part, and as immoral to pursue a middle line, as between the parties of honest men and rogues, into which every country is divided.

A copy of the pamphlet came by this post to Charlottesville. I suppose we shall be able to judge soon what kind of impression it is likely to make. It has been a great treat to me, as it is a continuation

of that cabinet history, with the former part of which I was intimate. I remark, in the reply of the President a small travestie of the sentiment contained in the answer of the Representatives. They acknowledge that he has *contributed* a great share to the national happiness by his services. He thanks them for ascribing to his *agency* a great share of those benefits. The former keeps in view the cooperation of others towards the public good. The latter presents to view his sole agency. At a time when there would have been less anxiety to publish to the people a strong approbation from your House, this strengthening of your expression would not have been noticed.

Our attentions have been so absorbed by the first manifestation of the sentiments of your House, that we have lost sight of our own Legislature; insomuch, that I do not know whether they are sitting or not. The rejection of Mr. Rutledge by the Senate is a bold thing; because they cannot pretend any objection to him but his disapprobation of the treaty. It is, of course, a declaration that they will receive none but tories hereafter into any department of the government. I should not wonder if Monroe were to be re-called, under the idea of his being of the partisans of France, whom the President considers as the partisans of *war and confusion*, in his letter of July the 31st, and as disposed to excite them to hostile measures, or at least to unfriendly sentiments; a most infatuated blindness to the true character of the sentiments entertained in favor of France. The bottom of my page warns me that it is time to end my commentaries on the facts you have furnished me. You would of course, however, wish to know the sensations here on those facts.

My friendly respects to Mr. Madison, to whom the next week's dose will be directed. Adieu affectionately.

## TO G. WYTHE

*Monticello, January 16, 1796.*

In my letter which accompanied the box containing my collection of printed laws, I promised to send you by post a statement of the contents of the box. On taking up the subject I found it better to take a more general review of the whole of the laws I possessed, as well manuscript as printed, as also of those which I do not possess, and suppose to be no longer extant. This general view you will have in the enclosed paper, whereof the articles stated to be printed constitute the contents of the box I sent you. Those in manuscript were not sent, because not supposed to have been within your view, and because some of them will not bear removal, being so rotten, that in turning over a leaf it sometimes falls into powder. These I preserve by wrapping and sewing them up in oil cloth, so that neither air nor moisture can have access to them. Very early in the course of my researches into the laws of Virginia, I observed that many of them were already lost, and many more on the point of being lost, as existing only in single copies in the hands of careful or curious individuals, on whose death they would probably be used for waste paper. I set myself therefore to work, to collect all which were then existing, in order that when the day should come in which the public should advert to the magnitude of their loss in these precious monuments of our property, and our history, a part of their regret might be spared by information that a portion had been saved from the wreck, which is worthy of their attention and preservation. In searching after these remains, I spared neither time, trouble, nor expense; and am of opinion that scarcely any law escaped me, which was in being as late as the year 1790 in the middle or southern parts of the State. In the northern parts, perhaps something might still be found. In the clerk's offices in the ancient counties, some of these manuscript copies of the laws may possibly still exist, which used to be furnished at the public expense to every county, before the use of the press was introduced; and in the same places, and in the hands of ancient magistrates or of their families, some of the fugitive sheets of the laws of separate sessions, which have been usually distributed since the practice commenced of printing them. But recurring to what we actually possess, the question is, what means will be the most effectual for preserving these remains from future loss? All the care I can take of them, will not preserve them from the worm, from the natural decay of the paper, from the accidents of fire, or those of removal when it is necessary for any public purposes, as in the case of those now sent you. Our experience has proved to us that a single copy, or a few, deposited in manuscript in the public offices, cannot be relied on for any great length of time. The ravages of fire and of ferocious enemies have had but too much part in producing the very loss we are now deploring. How many of the precious works of antiquity were lost while they were preserved only in manuscript! has there ever been one lost since the art of printing has rendered it practicable to multiply and disperse copies? This leads us then to the only means of preserving those remains of our laws now under consideration, that is, a multiplication of printed copies. I think therefore that there should be printed at public expense, an edition of all the laws ever passed by our legislatures which can now be found; that a copy should be deposited in every public library in America, in the principal public offices within the State, and some perhaps in the most distinguished public libraries of Europe, and the rest should be sold to individuals, towards reimbursing the expenses of the edition. Nor do I think that this would be a voluminous work. The MSS. would furnish matter for one printed volume in folio, would comprehend all the laws from 1624 to 1701, which period includes Pervis. My collection of fugitive sheets forms, as we know, two volumes, and comprehends all the extant laws from 1734 to 1783; and the laws which can be gleaned up from the Revivals to supply the chasm between 1701 and 1734, with those from 1783 to the close of the present century, (by which term the work might be completed,) would not be more than the matter of another volume. So that four volumes in folio, would give every law ever passed which is now extant; whereas those who wish to

possess as many of them as can be procured, must now buy the six folio volumes of Revivals, to wit, Pervis and those of 1732, 1784, 1768, 1783, and 1794, and in all of them possess not one half of which they wish. What would be the expense of the edition I cannot say, nor how much would be reimbursed by the sales; but I am sure it would be moderate, compared with the rates which the public have hitherto paid for printing their laws, provided a sufficient latitude be given as to printers and places. The first step would be to make out a single copy from the MSS., which would employ a clerk about a year or something more, to which expense about a fourth should be added for collation of the MSS., which would employ three persons at a time about half a day, or a day in every week. As I have already spent more time in making myself acquainted with the contents and arrangement of these MSS. than any other person probably ever will, and their condition does not admit their removal to a distance, I will cheerfully undertake the direction and superintendence of this work, if it can be done in the neighboring towns of Charlottesville or Milton, farther than which I could not undertake to go from home. For the residue of the work, my printed volumes might be delivered to the printer.

I have troubled you with these details, because you are in the place where they may be used for the public service, if they admit of such use, and because the order of assembly, which you mention, shows they are sensible of the necessity of preserving such of these laws as relate to our landed property; and a little further consideration will perhaps convince them that it is better to do the whole work once for all, than to be recurring to it by piece-meal, as particular parts of it shall be required, and that too perhaps when the materials shall be lost. You are the best judge of the weight of these observations, and of the mode of giving them any effect they may merit. Adieu affectionately.

## TO JAMES MADISON

*Monticello, March 6, 1796.*

Dear Sir,—I wrote you February the 21st, since which I have received yours of the same day. Indeed, mine of that date related only to a single article in yours of January the 31st and February the 7th. I do not at all wonder at the condition in which the finances of the United States are found. Hamilton's object from the beginning, was to throw them into forms which should be utterly undecypherable. I ever said he did not understand their condition himself, nor was able to give a clear view of the excess of our debts beyond our credits, nor whether we were diminishing or increasing the debt. My own opinion was, that from the commencement of this government to the time I ceased to attend to the subject, we had been increasing our debt about a million of dollars annually. If Mr. Gallatin would undertake to reduce this chaos to order, present us with a clear view of our finances, and put them into a form as simple as they will admit, he will merit immortal honor. The accounts of the United States ought to be, and may be made as simple as those of a common farmer, and capable of being understood by common farmers.

Disapproving, as I do, of the unjustifiable largess to the demands of the Count de Grasse, I will certainly not propose to rivet it by a second example on behalf of M. de Chastellux's son. It will only be done in the event of such a repetition of the precedent, as will give every one a right to share in the plunder. It is, indeed, surprising you have not yet received the British treaty in form. I presume you would never receive it were not your co-operation on it necessary. But this will oblige the formal notification of it to you.

My salutations to Mrs. Madison, friendly esteem to Mr. Giles, Page, &c. I am, with sincere affection, yours.

P. S. Have you considered all the consequences of your proposition respecting post roads? I view it as a source of boundless patronage to the executive, jobbing to members of Congress and their friends, and a bottomless abyss of public money. You will begin by only appropriating the surplus of the post office revenues; but the other revenues will soon be called into their aid, and it will be a source of eternal scramble among the members, who can get the most money wasted in their State; and they will always get most who are meanest. We have thought, hitherto, that the roads of a State could not be so well administered even by the State legislature as by the magistracy of the county, on the spot. How will they be when a member of New Hampshire is to mark out a road for Georgia? Does the power to *establish* post roads, given you by the Constitution, mean that you shall *make* the roads, or only *select* from those already made, those on which there shall be a post? If the term be equivocal, (and I really do not think it so,) which is the safest construction? That which permits a majority of Congress to go to cutting down mountains and bridging of rivers, or the other, which if too restricted may be referred to the States for amendment, securing still due measures and proportion among us, and providing some means of information to the members of Congress tantamount to that ocular inspection, which, even in our county determinations, the magistrate finds cannot be supplied by any other evidence? The fortification of harbors was liable to great objection. But national circumstances furnished some color. In this case there is none. The roads of America are the best in the world except those of France and England. But does the state of our population, the extent of our internal commerce, the want of sea and river navigation, call for such expense on roads here, or are our means adequate to it? Think of all this, and a great deal more which your good judgment will suggest, and pardon my freedom.

## TO WILLIAM B. GILES

*March 19, 1796.*

I know not when I have received greater satisfaction than on reading the speech of Dr. Leib, in the Pennsylvania Assembly. He calls himself a new member. I congratulate honest republicanism on such an acquisition, and promise myself much from a career which begins on such elevated ground. We are in suspense here to see the fate and effect of Mr. Pitt's bill against democratic societies. I wish extremely to get at the true history of this effort to suppress freedom of meeting, speaking, writing and printing. Your acquaintance with Sedgwick will enable you to do it. Pray get the outlines of the bill he intended to have brought in for this purpose. This will enable us to judge whether we have the merit of the invention; whether we were really beforehand with the British minister on this subject; whether he took his hint from our proposition, or whether the concurrence in the sentiment is merely the result of the general truth that great men will think alike and act alike, though without intercommunication. I am serious in desiring extremely the outlines of the bill intended for us. From the debates on the subject of our seamen, I am afraid as much harm as good will be done by our endeavors to arm our seamen against impressments. It is proposed to register them and give them certificates. But these certificates will be lost in a thousand ways; a sailor will neglect to take his certificate; he is wet twenty times in a voyage; if he goes ashore without it, he is impressed; if with it, he gets drunk, it is lost, stolen from him, taken from him, and then the want of it gives authority to impress, which does not exist now. After ten years' attention to the subject, I have never been able to devise anything effectual, but that the circumstance of an American bottom be made *ipso facto*, a protection for a number of seamen proportioned to her tonnage; that American captains be obliged, when called on by foreign officers, to parade the men on deck, which would show whether they exceeded their own quota, and allow the foreign officer to send two or three persons aboard and hunt for any suspected to be concealed. This, Mr. Pinckney was instructed to insist upon with Great Britain; to accept of nothing short of it; and, most especially, not to agree that a certificate of citizenship should be requirable from our seamen; because it would be made a ground for the authorized impressment of them. I am still satisfied that such a protection will place them in a worse situation than they are at present. It is true, the British minister has not shown any disposition to accede to my proposition: but it was not totally rejected: and if he still refuses, lay a duty of one penny sterling a yard on British oznaburgs, to make a fund for paying the expenses of the agents you are obliged to employ to seek out our suffering seamen. I congratulate you on the arrival of Mr. Ames and the British treaty. The newspapers had said they would arrive together. We have had a fine winter. Wheat looks well. Corn is scarce and dear. Twenty-two shillings here, thirty shillings in Amherst. Our blossoms are but just opening. I have begun the demolition of my house, and hope to get through its re-edification in the course of the summer. We shall have the eye of a brick-kiln to poke you into, or an octagon to air you in. Adieu affectionately.

## TO COLONEL MONROE

*Monticello, March 21, 1796.*

Dear Sir,—I wrote you on the 2d instant, and now take the liberty of troubling you, in order to have the enclosed letter to M. Gautier safely handed to him. I will thank you for information that it gets safely to hand, as it is of considerable importance to him, to the United States, to the State of Virginia, and to myself, by conveying to him the final arrangement of the accounts of Grand and Company with all those parties.

\* \* \* \* \*

The British treaty has been formally, at length, laid before Congress. All America is a tiptoe to see what the House of Representatives will decide on it. We conceive the constitutional doctrine to be, that though the President and Senate have the general power of making treaties, yet wherever they include in a treaty matters confided by the Constitution to the three branches of Legislature, an act of legislation will be requisite to confirm these articles, and that the House of Representatives, as one branch of the Legislature, are perfectly free to pass the act or to refuse it, governing themselves by their own judgment whether it is for the good of their constituents to let the treaty go into effect or not. On the precedent now to be set will depend the future construction of our Constitution, and whether the powers of legislation shall be transferred from the President, Senate, and House of Representatives, to the President and Senate, and Piamingo or any other Indian, Algerine, or other chief. It is fortunate that the first decision is to be in a case so palpably atrocious, as to have been predetermined by all America. The appointment of Elsworth Chief Justice, and Chase one of the judges, is doubtless communicated to you. My friendly respects to Mrs. Monroe. Adieu affectionately.

## TO JAMES MADISON

*Monticello, March 27, 1796.*

Dear Sir,—I am much pleased with Mr. Gallatin's speech in Bache's paper of March the 14th. It is worthy of being printed at the end of the Federalist, as the only rational commentary on the part of the Constitution to which it relates. Not that there may not be objections, and difficult ones, to it, and which I shall be glad to see his answers to; but if they are never answered, they are more easily to be gulped down than those which lie to the doctrines of his opponents, which do in fact annihilate the whole of the powers given by the Constitution to the Legislature. According to the rule established by usage and common sense, of construing one part of the instrument by another, the objects on which the President and Senate may exclusively act by treaty are much reduced, but the field on which they may act with the sanction of the Legislature, is large enough; and I see no harm in rendering their sanction necessary, and not much harm in annihilating the whole treaty-making power, except as to making peace. If you decide in favor of your right to refuse co-operation in any case of treaty, I should wonder on what occasion it is to be used, if not in one where the rights, the interest, the honor and faith of our nation are so grossly sacrificed; where a faction has entered into a conspiracy with the enemies of their country to chain down the Legislature at the feet of both; where the whole mass of your constituents have condemned this work in the most unequivocal manner, and are looking to you as their last hope to save them from the effects of the avarice and corruption of the first agent, the revolutionary machinations of others, and the incomprehensible acquiescence of the only honest man who has assented to it. I wish that his honesty and his political errors may not furnish a second occasion to exclaim, "curse on his virtues, they have undone his country." Cold weather, mercury at twenty degrees in the morning. Corn fallen at Richmond to twenty shillings; stationary here; Nicholas sure of his election; R. Jouett and Jo. Monroe in competition for the other vote of the county. Affection to Mrs. M. and yourself. Adieu.

## TO JAMES MADISON

*Monticello, April 19, 1796.*

Dear Sir,—Yours of the 4th instant came to hand the day before yesterday. I have turned to the conventional history, and enclose you an exact copy of what is there on the subject you mentioned. I have also turned to my own papers, and send you some things extracted from them, which show that the recollection of the President has not been accurate, when he supposed his own opinion to have been uniformly that declared in his answer of March the 30th. The records of the Senate will vouch for this. My respects to Mrs. Madison. Adieu affectionately.

### [The papers referred to in the preceding.]

#### Extract, verbatim, from last page but one and the last page

"Mr. King suggested that the journals of the Convention should be either destroyed, or deposited in the custody of the President. He thought, if suffered to be made public, a bad use would be made of them by those who would wish to prevent the adoption of the Constitution.

"Mr. Wilson preferred the second expedient. He had at one time liked the first best; but as false suggestions may be propagated, it should not be made impossible to contradict them.

"A question was then put on depositing the journals and other papers of the Convention in the hands of the President, on which New Hampshire, aye, Massachusetts, aye, Connecticut, aye, New Jersey, aye, Pennsylvania, aye, Delaware, aye, Maryland, no, Virginia, aye, North Carolina, aye, South Carolina, aye, and Georgia, aye. This negative of Maryland was occasioned by the language of the instructions to the Deputies of that State, which required them to report to the State the *proceedings* of the Convention.

"The President having asked what the Convention meant should be done with the journals, &c., whether copies were to be allowed to the members, if applied for, it was resolved *nem. con.* that he retain the journal and other papers subject to the order of the Congress, if ever formed under the Constitution."

"The members then proceeded to sign the instrument," &c.

"In the Senate, February 1, 1791.

"The committee, to whom was referred that part of the speech of the President of the United States, at the opening of the session, which relates to the commerce of the Mediterranean, and also the letter from the Secretary of State, dated the 20th of January, 1791, with the papers accompanying the same, reported: whereupon,

"*Resolved*, That the Senate do advise and consent, that the President of the United States take such measures as he may think necessary for the redemption of the citizens of the United States, now in captivity at Algiers, provided the expense shall not exceed forty thousand dollars, and also, that measures be taken to confirm the treaty now existing between the United States and the Emperor of Morocco."

The above is a copy of a resolve of the Senate, referred to me by the President, to propose an answer to, and I find immediately following this, among my papers, a press copy, from an original written fairly in my own hand, ready for the President's signature, and to be given in to the Senate, of the following answer:

"*Gentlemen of the Senate,—*

"I will proceed to take measures for the ransom of our citizens in captivity at Algiers, in conformity with your resolution of advice of the 1st instant, so soon as the moneys necessary shall be appropriated *by the Legislature*, and shall be in readiness.

"The recognition of our treaty with the new Emperor of Morocco requires also previous appropriation and provision. The importance of this last to the liberty and property of our citizens, induces me to urge it on your earliest attention."

Though I have no memorandum of the delivery of this to the Senate, yet I have not the least doubt it was given in to them, and will be found among their records.

I find, among my press copies, the following in my hand writing:

"The committee to report, that the President does not think that circumstances will justify, in the present instance, his entering into *absolute* engagements for the ransom of our captives in Algiers, nor calling for money from the treasury, nor raising it by loan, without previous authority from *both branches* of the Legislature."  
*April 9, 1792.*

I do not recollect the occasion of the above paper with certainty; but I think there was a committee appointed by the Senate to confer with the President on the subject of the ransom, and to advise what is there declined, and that a member of the committee advising privately with me as to the report they were to make to the House, I minuted down the above, as the substance of what he observed to be the proper report, after what had passed with the President, and gave the original to the member, preserving the press copy. I think the member was either Mr. Izard or Mr. Butler, and have no doubt such a report will be found on the files of the Senate.

On the 8th of May following, in consequence of questions proposed by the President to the Senate, they came to a resolution, on which a mission was founded.

## TO P. MAZZEI. <sup>4</sup>

*Monticello, April 24, 1796.*

My Dear Friend,—

\* \* \* \* \*

The aspect of our politics has wonderfully changed since you left us. In place of that noble love of liberty and republican government which carried us triumphantly through the war, an Anglican monarchical aristocratical party has sprung up, whose avowed object is to draw over us the substance, as they have already done the forms, of the British government. The main body of our citizens, however, remain true to their republican principles; the whole landed interest is republican, and so is a great mass of talents. Against us are the Executive, the Judiciary, two out of three branches of the Legislature, all the officers of the government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty, British merchants and Americans trading on British capitals, speculators and holders in the banks and public funds, a contrivance invented for the purposes of corruption, and for assimilating us in all things to the rotten as well as the sound parts of the British model. It would give you a fever were I to name to you the apostates who have gone over to these heresies, men who were Samsons in the field and Solomons in the council, but who have had their heads shorn by the harlot England. In short, we are likely to preserve the liberty we have obtained only by unremitting labors and perils. But we shall preserve it; and our mass of weight and wealth on the good side is so great, as to leave no danger that force will ever be attempted against us. We have only to awake and snap the Lilliputian cords with which they have been entangling us during the first sleep which succeeded our labors.

I will forward the testimonial of the death of Mrs. Mazzei, which I can do the more incontrovertibly as she is buried in my grave yard, and I pass her grave daily. The formalities of the proof you require, will occasion delay. I begin to feel the effects of age. My health has suddenly broken down, with symptoms which give me to believe I shall not have much to encounter of the *tedium vita*. While it remains, however, my heart will be warm in its friendships, and among these, will always foster the affections with which I am, dear Sir, your friend and servant.

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<sup>4</sup> [The first part of this letter is on private business, and is therefore omitted.]

## TO COLONEL MONROE

*Monticello, June 12, 1796.*

Dear Sir,—

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Congress have risen. You will have seen by their proceedings the truth of what I always observed to you, that one man outweighs them all in the influence over the people, who have supported his judgment against their own and that of their representatives. Republicanism must lie on its oars, resign the vessel to its pilot, and themselves to the course he thinks best for them. I had always conjectured, from such facts as I could get hold of, that our public debt was increasing about a million of dollars a year. You will see by Gallatin's speeches that the thing is proved. You will see further, that we are completely saddled and bridled, and that the bank is so firmly mounted on us that we must go where they will guide. They openly publish a resolution, that the national property being increased in value, they must by an increase of circulating medium furnish an adequate representation of it, and by further additions of active capital promote the enterprises of our merchants. It is supposed that the paper in circulation in and around Philadelphia, amounts to twenty millions of dollars, and that in the whole Union, to one hundred millions. I think the last too high. All the imported commodities are raised about fifty per cent. by the depreciation of the money. Tobacco shares the rise, because it has no competition abroad. Wheat has been extraordinarily high from other causes. When these cease, it must fall to its ancient nominal price, notwithstanding the depreciation of that, because it must contend in market with foreign wheats. Lands had risen within the vortex of the paper, and as far out as that can influence. They have not risen at all here. On the contrary, they are lower than they were twenty years ago. Those I had mentioned to you, to wit, Carter's and Colle, were sold before your letter came. Colle at two dollars the acre. Carter's had been offered me for two French crowns (13s. 2d). Mechanics here get from a dollar to a dollar and a half a day, yet are much worse off than at the old prices.

Volney is with me at present. He is on his way to the Illinois. Some late appointments, judiciary and diplomatic, you will have heard, and stared at. The death of R. Jouett is the only small news in our neighborhood.

Our best affections attend Mrs. Monroe, Eliza and yourself. Adieu affectionately.

## TO THE PRESIDENT

*Monticello, June 19, 1796.*

In Bache's Aurora, of the 9th instant, which came here by the last post, a paper appears, which, having been confided, as I presume, to but few hands, makes it truly wonderful how it should have got there. I cannot be satisfied as to my own part, till I relieve my mind by declaring, and I attest everything sacred and honorable to the declaration, that it has got there neither through me nor the paper confided to me. This has never been from under my own lock and key, or out of my own hands. No mortal ever knew from me, that these questions had been proposed. Perhaps I ought to except one person, who possesses all my confidence, as he has possessed yours. I do not remember, indeed, that I communicated it even to him. But as I was in the habit of unlimited trust and council with him, it is possible I may have read it to him; no more: for the quire of which it makes a part was never in any hand but my own, nor was a word ever copied or taken down from it, by any body. I take on myself, without fear, any divulcation on his part. We both know him incapable of it. From myself, then, or my papers, this publication has never been derived. I have formerly mentioned to you, that from a very early period of my life, I had laid it down as a rule of conduct, never to write a word for the public papers. From this, I have never departed in a single instance; and on a late occasion, when all the world seemed to be writing, besides a rigid adherence to my own rule, I can say with truth, that not a line for the press was ever communicated to me, by any other, except a single petition referred for my correction; which I did not correct, however, though the contrary, as I have heard, was said in a public place, by one person through error, through malice by another. I learn that this last has thought it worth his while to try to sow tares between you and me, by representing me as still engaged in the bustle of politics, and in turbulence and intrigue against the government. I never believed for a moment that this could make any impression on you, or that your knowledge of me would not overweigh the slander of an intriguer, dirtily employed in sifting the conversations of my table, where alone he could hear of me; and seeking to atone for his sins against you by sins against another, who had never done him any other injury than that of declining his confidences. Political conversations I really dislike, and therefore avoid where I can without affectation. But when urged by others, I have never conceived that having been in public life requires me to belie my sentiments, or even to conceal them. When I am led by conversation to express them, I do it with the same independence here which I have practiced everywhere, and which is inseparable from my nature. But enough of this miserable tergiversator, who ought indeed either to have been of more truth, or less trusted by his country.<sup>5</sup>

While on the subject of papers, permit me to ask one from you. You remember the difference of opinion between Hamilton and Knox on the one part, and myself on the other, on the subject of firing on the little Sarah, and that we had exchanged opinions and reasons in writing. On your arrival in Philadelphia I delivered you a copy of my reasons, in the presence of Colonel Hamilton. On our withdrawing, he told me he had been so much engaged that he had not been able to prepare a copy of his and General Knox's for you, and that if I would send you the one he had given me, he would replace it in a few days. I immediately sent it to you, wishing you should see both sides of the subject together. I often after applied to both the gentlemen but could never obtain another copy. I have often thought of asking this one, or a copy of it, back from you, but have not before written on subjects of this kind to you. Though I do not know that it will ever be of the least importance to me, yet one loves to possess arms, though they hope never to have occasion for them. They possess my paper in my own handwriting. It is just I should possess theirs. The only thing amiss is, that they should have left me to seek a return of the paper, or a copy of it, from you.

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<sup>5</sup> [Here, in the margin of the copy, is written, apparently at a later date, "General H. Lee."]

I put away this disgusting dish of old fragments, and talk to you of my peas and clover. As to the latter article, I have great encouragement from the friendly nature of our soil. I think I have had, both the last and present year, as good clover from common grounds, which had brought several crops of wheat and corn without ever having been manured, as I ever saw on the lots around Philadelphia. I verily believe that a yield of thirty-four acres, sowed on wheat April was twelvemonth, has given me a ton to the acre at its first cutting this spring. The stalks extended, measured three and a half feet long very commonly. Another field, a year older, and which yielded as well the last year, has sensibly fallen off this year. My exhausted fields bring a clover not high enough for hay, but I hope to make seed from it. Such as these, however, I shall hereafter put into peas in the broadcast, proposing that one of my sowings of wheat shall be after two years of clover, and the other after two years of peas. I am trying the white boiling pea of Europe (the Albany pea) this year, till I can get the hog pea of England, which is the most productive of all. But the true winter vetch is what we want extremely. I have tried this year the Carolina drill. It is absolutely perfect. Nothing can be more simple, nor perform its office more perfectly for a single row. I shall try to make one to sow four rows at a time of wheat or peas, at twelve inches distance. I have one of the Scotch threshing machines nearly finished. It is copied exactly from a model Mr. Pinckney sent me, only that I have put the whole works (except the horse wheel) into a single frame, movable from one field to another on the two axles of a wagon. It will be ready in time for the harvest which is coming on, which will give it a full trial. Our wheat and rye are generally fine, and the prices talked of bid fair to indemnify us for the poor crops of the two last years.

I take the liberty of putting under your cover a letter to the son of the Marquis de la Fayette, not exactly knowing where to direct to him.

With very affectionate compliments to Mrs. Washington, I have the honor to be, with great and sincere esteem and respect, Dear Sir, your most obedient and most humble servant.

## TO M. DE LA FAYETTE

*Monticello, June 19, 1796.*

Dear Sir,—The inquiries of Congress were the first intimation which reached my retirement of your being in this country, and from M. Volney, now with me, I first learned where you are. I avail myself of the earliest moments of this information, to express to you the satisfaction with which I learn that you are in a land of safety, where you will meet in every person the friend of your worthy father and family. Among these, I beg leave to mingle my own assurances of sincere attachment to him, and my desire to prove it by every service I can render you. I know, indeed, that you are already under too good a patronage to need any other, and that my distance and retirement render my affections unavailing to you. They exist, nevertheless, in all their purity and warmth towards your father and every one embraced by his love; and no one has wished with more anxiety to see him once more in the bosom of a nation, who, knowing his works and his worth, desire to make him and his family forever their own. You were, perhaps, too young to remember me personally when in Paris. But I pray you to remember, that should any occasion offer wherein I can be useful to you, there is no one on whose friendship and zeal you may more confidently count. You will, some day perhaps, take a tour through these States. Should anything in this part of them attract your curiosity, it would be a circumstance of great gratification to me to receive you here, and to assure you in person of those sentiments of esteem and attachment, with which I am, Dear Sir, your friend and humble servant.

## TO MR. HITE

*Monticello, June 29, 1796.*

Sir,—The bearer hereof is the Duke de Liancourt, one of the principal noblemen of France, and one of the richest. All this he has lost in the revolutions of his country, retaining only his virtue and good sense, which he possesses in a high degree. He was President of the National Assembly of France in its earliest stage, and forced to fly from the proscriptions of Marat. Being a stranger, and desirous of acquiring some knowledge of the country he passes through, he has asked me to introduce him to some person in or near Winchester, but I too am a stranger after so long an absence from my country. Some apology then is necessary for my undertaking to present this gentleman to you. It is the general interest of our country that strangers of distinction passing through it, should be made acquainted with its best citizens, and those most qualified to give favorable impressions of it. He well deserves any attentions you will be pleased to show him. He would have had a letter from Mr. Madison to you, as he was to have visited Mr. Madison at his own house, being well acquainted with him, but the uncertainty whether he has returned home, and his desire to see Staunton, turns him off the road at this place. I beg leave to add my acknowledgments to his for any civilities you will be pleased to show him, and to assure you of the sentiments of esteem with which I am, Sir, your most obedient, and most humble servant.

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