

ТОМАС ДЖЕФФЕРСОН

**THE WRITINGS OF  
THOMAS JEFFERSON,  
VOL. 5 (OF 9)**

**Томас Джефферсон**  
**The Writings of Thomas**  
**Jefferson, Vol. 5 (of 9)**

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*The Writings of Thomas Jefferson, Vol. 5 (of 9) / Being His Autobiography,  
Correspondence, Reports, Messages, Addresses, and Other Writings, Official  
and Private:*

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**TO WILSON C.**  
**NICHOLAS.—(Confidential.)**

*Washington, March 24, 1806.*

Dear Sir,—A last effort at friendly settlement with Spain is proposed to be made at Paris, and under the auspices of France. For this purpose, General Armstrong and Mr. Bowdoin (both now at Paris) have been appointed joint commissioners; but such

a cloud of dissatisfaction rests on General Armstrong in the minds of many persons, on account of a late occurrence stated in all the public papers, that we have in contemplation to add a third commissioner, in order to give the necessary measure of public confidence to the commission. Of these two gentlemen, one being of Massachusetts and one of New York, it is thought the third should be a southern man; and the rather, as the interests to be negotiated are almost entirely southern and western. This addition is not yet ultimately decided on; but I am inclined to believe it will be adopted. Under this expectation, and my wish that you may be willing to undertake it, I give you the earliest possible intimation of it, that you may be preparing both your mind and your measures for the mission. The departure would be required to be very prompt; though the absence I think will not be long, Bonaparte not being in the practice of procrastination. This particular consideration will, I hope, reconcile the voyage to your affairs and your feelings. The allowance to an extra mission, is salary from the day of leaving home, and expenses to the place of destination, or in lieu of the latter, and to avoid settlements, a competent fixed sum may be given. For the return, a continuance of the salary for three months after fulfilment of the commission. Be so good as to make up your mind as quickly as possible, and to answer me as early as possible. Consider the measure as proposed provisionally only, and not to be communicated to any mortal until we see it proper.

Affectionate salutations.

# TO WILSON C. NICHOLAS

*Washington, April 13, 1806.*

Dear Sir,—The situation of your affairs certainly furnishes good cause for your not acceding to my proposition of a special mission to Europe. My only hope had been, that they could have gone on one summer without you. An unjust hostility against General Armstrong will, I am afraid, show itself whenever any treaty made by him shall be offered for ratification. I wished, therefore, to provide against this, by joining a person who would have united the confidence of the whole Senate. General Smith was so prominent in the opposition to Armstrong, that it would be impossible for them to act together. We conclude, therefore, to leave the matter with Armstrong and Bowdoin. Indeed, my dear Sir, I wish sincerely you were back in the Senate; and that you would take the necessary measures to get yourself there. Perhaps, as a preliminary, you should go to our Legislature. Giles' absence has been a most serious misfortune. A majority of the Senate means well. But Tracy and Bayard are too dexterous for them, and have very much influenced their proceedings. Tracy has been of nearly every committee during the session, and for the most part the chairman, and of course drawer of the reports. Seven federalists voting always in phalanx, and joined by some discontented republicans, some oblique ones, some capricious,

have so often made a majority, as to produce very serious embarrassment to the public operations; and very much do I dread the submitting to them, at the next session, any treaty which can be made with either England or Spain, when I consider that five joining the federalists, can defeat a friendly settlement of our affairs. The House of Representatives is as well disposed as I ever saw one. The defection of so prominent a leader, threw them into dismay and confusion for a moment; but they soon rallied to their own principles, and let them go off with five or six followers only. One half of these are from Virginia. His late declaration of perpetual opposition to this administration, drew off a few others who at first had joined him, supposing his opposition occasional only, and not systematic. The alarm the House has had from this schism, has produced a rallying together and a harmony, which carelessness and security had begun to endanger. On the whole, this little trial of the firmness of our representatives in their principles, and that of the people also, which is declaring itself in support of their public functionaries, has added much to my confidence in the stability of our government; and to my conviction, that, should things go wrong at any time, the people will set them to rights by the peaceable exercise of their elective rights. To explain to you the character of this schism, its objects and combinations, can only be done in conversation; and must be deferred till I see you at Monticello, where I shall probably be about the 10th or 12th of May, to pass the rest of the month there. Congress has agreed to rise on Monday, the 21st.

Accept my affectionate salutations.

# TO MR. HARRIS

*Washington, April 18, 1806.*

Sir,—It is now some time since I received from you, through the house of Smith and Buchanan at Baltimore, a bust of the Emperor Alexander, for which I have to return you my thanks. These are the more cordial, because of the value the bust derives from the great estimation in which its original is held by the world, and by none more than by myself. It will constitute one of the most valued ornaments of the retreat I am preparing for myself at my native home. Accept, at the same time, my acknowledgments for the elegant work of Atkinson and Walker on the customs of the Russians. I had laid it down as a law for my conduct while in office, and hitherto scrupulously observed, to accept of no present beyond a book, a pamphlet, or other curiosity of minor value; as well to avoid imputation on my motives of action, as to shut out a practice susceptible of such abuse. But my particular esteem for the character of the Emperor, places his image in my mind above the scope of law. I receive it, therefore, and shall cherish it with affection. It nourishes the contemplation of all the good placed in his power, and of his disposition to do it.

A little before Dr. Priestley's death, he informed me that he had received intimations, through a channel he confided in,

that the Emperor entertained a wish to know something of our Constitution. I have therefore selected the two best works we have on that subject, for which I pray you to ask a place in his library. They are too much in detail to occupy his time; but they will furnish materials for an abstract, to be made by others, on such a scale as may bring the matter within the compass of the time which his higher callings can yield to such an object.

At a very early period of my life, contemplating the history of the aboriginal inhabitants of America, I was led to believe that if there had ever been a relation between them and the men of color in Asia, traces of it would be found in their several languages. I have therefore availed myself of every opportunity which has offered, to obtain vocabularies of such tribes as have been within my reach, corresponding to a list then formed of about two hundred and fifty words. In this I have made such progress, that within a year or two more I think to give to the public what I then shall have acquired. I have lately seen a report of Mr. Volney's to the Celtic academy, on a work of Mr. Pallas, entitled "Vocabulaires compares des langues de toute la terre;" with a list of one hundred and thirty words, to which the vocabulary is limited. I find that seventy-three of these words are common to that and to my vocabulary, and therefore will enable us, by a comparison of language, to make the inquiry so long desired, as to the probability of a common origin between the people of color of the two continents. I have to ask the favor of you to procure me a copy of the above work of Pallas, to inform

me of the cost, and permit me to pay it here to your use; for I presume you have some mercantile correspondent here, to whom a payment can be made for you. A want of knowledge what the book may cost, as well as of the means of making so small a remittance, obliges me to make this proposition, and to restrain it to the sole condition that I be permitted to reimburse it here.

I enclose you a letter for the Emperor, which be pleased to deliver or have delivered; it has some relation to a subject which the Secretary of State will explain to you.

Accept my salutations, and assurances of esteem and consideration.

# TO THE EMPEROR OF RUSSIA

*Washington, April 19, 1806.*

I owe an acknowledgment to your Imperial Majesty for the great satisfaction I have received from your letter of August the 20th, 1805, and embrace the opportunity it affords of giving expression to the sincere respect and veneration I entertain for your character. It will be among the latest and most soothing comforts of my life, to have seen advanced to the government of so extensive a portion of the earth, and at so early a period of his life, a sovereign whose ruling passion is the advancement of the happiness and prosperity of his people; and not of his own people only, but who can extend his eye and his good will to a distant and infant nation, unoffending in its course, unambitious in its views.

The events of Europe come to us so late, and so suspiciously, that observations on them would certainly be stale, and possibly wide of their actual state. From their general aspect, however, I collect that your Majesty's interposition in them has been disinterested and generous, and having in view only the general good of the great European family. When you shall proceed to the pacification which is to re-establish peace and commerce, the same dispositions of mind will lead you to think of the general intercourse of nations, and to make that provision for its

future maintenance which, in times past, it has so much needed. The northern nations of Europe, at the head of which your Majesty is distinguished, are habitually peaceable. The United States of America, like them, are attached to peace. We have then with them a common interest in the neutral rights. Every nation indeed, on the continent of Europe, belligerent as well as neutral, is interested in maintaining these rights, in liberalizing them progressively with the progress of science and refinement of morality, and in relieving them from restrictions which the extension of the arts has long since rendered unreasonable and vexatious.

Two personages in Europe, of which your Majesty is one, have it in their power, at the approaching pacification, to render eminent service to nations in general, by incorporating into the act of pacification, a correct definition of the rights of neutrals on the high seas. Such a definition, declared by all the powers lately or still belligerent, would give to those rights a precision and notoriety, and cover them with an authority, which would protect them in an important degree against future violation; and should any further sanction be necessary, that of an exclusion of the violating nation from commercial intercourse with all the others, would be preferred to war, as more analogous to the offence, more easy and likely to be executed with good faith. The essential articles of these rights, too, are so few and simple as easily to be defined.

Having taken no part in the past or existing troubles of Europe,

we have no part to act in its pacification. But as principles may then be settled in which we have a deep interest, it is a great happiness for us that they are placed under the protection of an umpire, who, looking beyond the narrow bounds of an individual nation, will take under the cover of his equity the rights of the absent and unrepresented. It is only by a happy concurrence of good characters and good occasions, that a step can now and then be taken to advance the well-being of nations. If the present occasion be good, I am sure your Majesty's character will not be wanting to avail the world of it. By monuments of such good offices, may your life become an epoch in the history of the condition of man; and may He who called it into being, for the good of the human family, give it length of days and success, and have it always in His holy keeping.

# TO COLONEL MONROE

*Washington, May 4, 1806.*

Dear Sir,—I wrote you on the 16th of March by a common vessel, and then expected to have had, on the rising of Congress, an opportunity of peculiar confidence to you. Mr. Beckley then supposed he should take a flying trip to London, on private business. But I believe he does not find it convenient. He could have let you into the *arcana rerum*, which you have interests in knowing. Mr. Pinckney's pursuits having been confined to his peculiar line, he has only that general knowledge of what has passed here which the public possess. He has a just view of things so far as known to him. Our old friend, Mercer, broke off from us some time ago; at first professing to disdain joining the federalists, yet, from the habit of voting together, becoming soon identified with them. Without carrying over with him one single person, he is now in a state of as perfect obscurity as if his name had never been known. Mr. J. Randolph is in the same track, and will end in the same way. His course has excited considerable alarm. Timid men consider it as a proof of the weakness of our government, and that it is to be rent into pieces by demagogues, and to end in anarchy. I survey the scene with a different eye, and draw a different augury from it. In a House of Representatives of a great mass of good sense, Mr. Randolph's popular eloquence

gave him such advantages as to place him unrivalled as the leader of the House; and, although not conciliatory to those whom he led, principles of duty and patriotism induced many of them to swallow humiliations he subjected them to, and to vote as was right, as long as he kept the path of right himself. The sudden defection of such a man could not but produce a momentary astonishment, and even dismay; but for a moment only. The good sense of the House rallied around its principles, and without any leader pursued steadily the business of the session, did it well, and by a strength of vote which has never before been seen. Upon all trying questions, exclusive of the federalists, the minority of republicans voting with him has been from four to six or eight, against from ninety to one hundred; and although he yet treats the federalists with ineffable contempt, yet, having declared eternal opposition to this administration, and consequently associated with them in his votes, he will, like Mercer, end with them. The augury I draw from this is, that there is a steady, good sense in the Legislature, and in the body of the nation, joined with good intentions, which will lead them to discern and to pursue the public good under all circumstances which can arise, and that no *ignis fatuus* will be able to lead them long astray. In the present case, the public sentiment, as far as declarations of it have yet come in, is, without a single exception, in firm adherence to the administration. One popular paper is endeavoring to maintain equivocal ground; approving the administration in all its proceedings, and Mr. Randolph in

all those which have heretofore merited approbation, carefully avoiding to mention his late aberration. The ultimate view of this paper is friendly to you; and the editor, with more judgment than him who assumes to be at the head of your friends, sees that the ground of opposition to the administration is not that on which it would be advantageous to you to be planted. The great body of your friends are among the firmest adherents to the administration; and in their support of you, will suffer Mr. Randolph to have no communications with them. My former letter told you the line which both duty and inclination would lead me sacredly to pursue. But it is unfortunate for you to be embarrassed with such a *soi-disant* friend. You must not commit yourself to him. These views may assist you to understand such details as Mr. Pinckney will give you. If you are here at any time before the fall, it will be in time for any object you may have, and by that time the public sentiment will be more decisively declared. I wish you were here at present, to take your choice of the two governments of Orleans and Louisiana, in either of which I could now place you; and I verily believe it would be to your advantage to be just that much withdrawn from the focus of the ensuing contest, until its event should be known. The one has a salary of five thousand dollars, the other of two thousand dollars; both with excellent hotels for the Governor. The latter at St. Louis, where there is good society, both French and American; a healthy climate, and the finest field in the United States for acquiring property. The former not unhealthy, if you begin a

residence there in the month of November. The Mrs. Trists and their connections are established there. As I think you can within four months inform me what you say to this, I will keep things in their present state till the last day of August, for your answer.

The late change in the ministry I consider as insuring us a just settlement of our differences, and we ask no more. In Mr. Fox, personally, I have more confidence than in any man in England, and it is founded in what, through unquestionable channels, I have had opportunities of knowing of his honesty and his good sense. While he shall be in the administration, my reliance on that government will be solid. We had committed ourselves in a line of proceedings adapted to meet Mr. Pitt's policy and hostility, before we heard of his death, which self-respect did not permit us to abandon afterwards; and the late unparalleled outrage on us at New York excited such sentiments in the public at large, as did not permit us to do less than has been done. It ought not to be viewed by the ministry as looking towards them at all, but merely as the consequences of the measures of their predecessors, which their nation has called on them to correct. I hope, therefore, they will come to just arrangements. No two countries upon earth have so many points of common interest and friendship; and their rulers must be great bunglers indeed, if, with such dispositions, they break them asunder. The only rivalry that can arise is on the ocean. England may, by petty larceny thwartings, check us on that element a little, but nothing she can do will retard us there one year's growth. We shall be supported

there by other nations, and thrown into their scale to make a part of the great counterpoise to her navy. If, on the other hand, she is just to us, conciliatory, and encourages the sentiment of family feelings and conduct, it cannot fail to befriend the security of both. We have the seamen and materials for fifty ships of the line, and half that number of frigates; and were France to give us the money, and England the dispositions to equip them, they would give to England serious proofs of the stock from which they are sprung, and the school in which they have been taught; and added to the efforts of the immensity of sea coast lately united under one power, would leave the state of the ocean no longer problematical. Were, on the other hand, England to give the money, and France the dispositions to place us on the sea in all our force, the whole world, out of the continent of Europe, might be our joint monopoly. We wish for neither of these scenes. We ask for peace and justice from all nations; and we will remain uprightly neutral in fact, though leaning in belief to the opinion that an English ascendancy on the ocean is safer for us than that of France. We begin to broach the idea that we consider the whole Gulf Stream as of our waters, in which hostilities and cruising are to be frowned on for the present, and prohibited so soon as either consent or force will permit us. We shall never permit another privateer to cruise within it, and shall forbid our harbors to national cruisers. This is essential for our tranquillity and commerce. Be so good as to have the enclosed letters delivered, to present me to your family, and be assured

yourself of my unalterable friendship.

For fear of accidents, I shall not make the unnecessary addition of my name.

# TO GENERAL SMITH

*Washington, May 4, 1806.*

Dear Sir,—I received your favor covering some papers from General Wilkinson. I have repented but of one appointment there, that of Lucas, whose temper I see overrules every good quality and every qualification he has. Not a single fact has appeared, which occasions me to doubt that I could have made a fitter appointment than General Wilkinson. One qualm of principle I acknowledge I do feel, I mean the union of the civil and military authority. You remember that when I came into office, while we were lodging together at Conrad's, he was pressed on me to be made Governor of the Mississippi territory; and that I refused it on that very principle. When, therefore, the House of Representatives took that ground, I was not insensible to its having some weight. But in the appointment to Louisiana, I did not think myself departing from my own principle, because I consider it not as a civil government, but merely a military station. The Legislature had sanctioned that idea by the establishment of the office of Commandant, in which were completely blended the civil and military powers. It seemed, therefore, that the Governor should be in suit with them. I observed, too, that the House of Representatives, on the very day they passed the stricture on this union of authorities, passed a

bill making the Governor of Michigan commander of the regular troops which should at any time be within his government. However, on the subject of General Wilkinson nothing is in contemplation at this time. We shall see what turn things take at home and abroad in the course of the summer. Monroe has had a second conversation with Mr. Fox, which gives me hopes that we shall have an amicable arrangement with that government. Accept my friendly salutations, and assurances of great esteem and respect.

# TO MR. DIGGES

*July 1, 1806.*

Thomas Jefferson salutes Mr. Digges with friendship and respect, and sends him the newspapers received last night. He is sorry that only the latter part of the particular publication which Mr. Digges wished to see, is in them. He will be happy to see Mr. Digges and his friends on the fourth of July, and to join in congratulations on the return of the day which divorced us from the follies and crimes of Europe, from a dollar in the pound at least of six hundred millions sterling, and from all the ruin of Mr. Pitt's administration. We, too, shall encounter follies; but if great, they will be short, if long, they will be light; and the vigor of our country will get the better of them. Mr. Pitt's follies have been great, long, and inflicted on a body emaciated with age, and exhausted by excesses beyond its power to bear.

# TO MR. BIDWELL

*Washington, July 5, 1806.*

Sir,—Your favor of June the 21st has been duly received. We have not as yet heard from General Skinner on the subject of his office. Three persons are proposed on the most respectable recommendations, and under circumstances of such equality as renders it difficult to decide between them. But it shall be done impartially. I sincerely congratulate you on the triumph of republicanism in Massachusetts. The Hydra of federalism has now lost all its heads but two. Connecticut I think will soon follow Massachusetts. Delaware will probably remain what it ever has been, a mere county of England, conquered indeed, and held under by force, but always disposed to counter-revolution. I speak of its majority only.

Our information from London continues to give us hopes of an accommodation there on both the points of "accustomed commerce and impressment." In this there must probably be some mutual concession, because we cannot expect to obtain everything and yield nothing. But I hope it will be such an one as may be accepted. The arrival of the *Hornet* in France is so recently known, that it will yet be some time before we learn our prospects there. Notwithstanding the efforts made here, and made professedly to assassinate that negotiation in embryo, if

the good sense of Bonaparte should prevail over his temper, the present state of things in Europe may induce him to require of Spain that she should do us justice at least. That he should require her to sell us East Florida, we have no right to insist; yet there are not wanting considerations which may induce him to wish a permanent foundation for peace laid between us. In this treaty, whatever it shall be, our old enemies the federalists, and their new friends, will find enough to carp at. This is a thing of course, and I should suspect error where they found no fault. The buzzard feeds on carrion only. Their rallying point is "war with France and Spain, and alliance with Great Britain:" and everything is wrong with them which checks their new ardor to be fighting for the liberties of mankind; on the sea always excepted. There one nation is to monopolize all the liberties of the others.

I read, with extreme regret, the expressions of an inclination on your part to retire from Congress. I will not say that this time, more than all others, calls for the service of every man; but I will say, there never was a time when the services of those who possess talents, integrity, firmness, and sound judgment, were more wanted in Congress. Some one of that description is particularly wanted to take the lead in the House of Representatives, to consider the business of the nation as his own business, to take it up as if he were singly charged with it, and carry it through. I do not mean that any gentleman, relinquishing his own judgment, should implicitly support all the measures of the administration; but that, where he does not disapprove of

them, he should not suffer them to go off in sleep, but bring them to the attention of the House, and give them a fair chance. Where he disapproves, he will of course leave them to be brought forward by those who concur in the sentiment. Shall I explain my idea by an example? The classification of the militia was communicated to General Varnum and yourself merely as a proposition, which, if you approved, it was trusted you would support. I knew, indeed, that General Varnum was opposed to anything which might break up the present organization of the militia: but when so modified as to avoid this, I thought he might, perhaps, be reconciled to it. As soon as I found it did not coincide with your sentiments, I could not wish you to support it; but using the same freedom of opinion, I procured it to be brought forward elsewhere. It failed there, also, and for a time, perhaps, may not prevail; but a militia can never be used for distant service on any other plan; and Bonaparte will conquer the world, if they do not learn his secret of composing armies of young men only, whose enthusiasm and health enable them to surmount all obstacles. When a gentleman, through zeal for the public service, undertakes to do the public business, we know that we shall hear the cant of backstairs' councillors. But we never heard this while the declaimer was himself a backstairs' man, as he calls it, but in the confidence and views of the administration, as may more properly and respectfully be said. But if the members are to know nothing but what is important enough to be put into a public message, and indifferent enough to be made known to all the

world; if the Executive is to keep all other information to himself, and the House to plunge on in the dark, it becomes a government of chance and not of design. The imputation was one of those artifices used to despoil an adversary of his most effectual arms; and men of mind will place themselves above a gabble of this order. The last session of Congress was indeed an uneasy one for a time; but as soon as the members penetrated into the views of those who were taking a new course, they rallied in as solid a phalanx as I have ever seen act together. Indeed I have never seen a House of better dispositions. \* \* \* \* \* Perhaps I am not entitled to speak with so much frankness; but it proceeds from no motive which has not a right to your forgiveness. Opportunities of candid explanation are so seldom afforded me, that I must not lose them when they occur.

The information I receive from your quarter agrees with that from the south; that the late schism has made not the smallest impression on the public, and that the seceders are obliged to give to it other grounds than those which we know to be the true ones. All we have to wish is, that at the ensuing session, every one may take the part openly which he secretly befriends. I recollect nothing new and true, worthy communicating to you. As for what is not true, you will always find abundance in the newspapers. Among other things, are those perpetual alarms as to the Indians, for no one of which has there ever been the slightest ground. They are the suggestions of hostile traders, always wishing to embroil us with the Indians, to perpetuate their own extortionate

commerce. I salute you with esteem and respect.

# TO MR. BOWDOIN

*Washington, July 10, 1806.*

Dear Sir,—I believe that when you left America the invention of the polygraph had not yet reached Boston. It is for copying with one pen while you write with the other, and without the least additional embarrassment or exertion to the writer. I think it the finest invention of the present age, and so much superior to the copying machine, that the latter will never be continued a day by any one who tries the polygraph. It was invented by a Mr. Hawkins, of Frankford, near Philadelphia, who is now in England, turning it to good account. Knowing that you are in the habit of writing much, I have flattered myself that I could add acceptably to your daily convenience by presenting you with one of these delightful machines. I have accordingly had one made, and to be certain of its perfection I have used it myself some weeks, and have the satisfaction to find it the best one I have ever tried; and in the course of two years' daily use of them, I have had opportunities of trying several. As a secretary, which copies for us what we write without the power of revealing it, I find it a most precious possession to a man in public business. I enclose directions for unpacking and using the machine when you receive it; but the machine itself must await a special and sure conveyance under the care of some person going to Paris. It

is ready packed, and shall go by the first proper conveyance.

As we heard two or three weeks ago of the safe arrival of the *Hornet* at L'Orient, we were anxiously waiting to learn from you the first impressions on her mission. If you can succeed in procuring us Florida, and a good western boundary, it will fill the American mind with joy. It will secure to our fellow citizens one of the most ardent wishes, a long peace with Spain and France. For be assured, the object of war with them and alliance with England, which, at the last session of Congress, drew off from the republican band about half a dozen of its members, is universally reprobated by our *native* citizens from north to south. I have never seen the nation stand more firm to its principles, or rally so firmly to its constituted authorities, and in reprobation of the opposition to them. With England, I think we shall cut off the resource of impressing our seamen to fight her battles, and establish the inviolability of our flag in its commerce with her enemies. We shall thus become what we sincerely wish to be, honestly neutral, and truly useful to both belligerents. To the one, by keeping open market for the consumption of her manufactures, while they are excluded from all the other countries under the power of her enemy; to the other, by securing for her a safe carriage of all her productions, metropolitan or colonial, while her own means are restrained by her enemy, and may, therefore, be employed in other useful pursuits. We are certainly more useful friends to France and Spain as neutrals, than as allies. I hope they will be sensible of it,

and by a wise removal of all grounds of future misunderstanding to another age, enable you to present us such an arrangement, as will insure to our fellow-citizens long and permanent peace and friendship with them. With respect to our western boundary, your instructions will be your guide. I will only add, as a comment to them, that we are attached to the retaining of the Bay of St. Bernard, because it was the first establishment of the unfortunate La Sale, was the cradle of Louisiana, and more incontestibly covered and conveyed to us by France, under that name, than any other spot in the country. This will be secured to us by taking for our western boundary the Guadaloupe, and from its head around the sources of all waters eastward of it, to the highlands embracing the waters running into the Mississippi. However, all these things I presume will be settled before you receive this; and I hope so settled as to give peace and satisfaction to us all.

Our crops of wheat are greater than have ever been known, and are now nearly secured. A caterpillar gave for awhile great alarm, but did little injury. Of tobacco, not half a crop has been planted for want of rain; and even this half, with cotton and Indian corn, has yet many chances to run.

This summer will place our harbors in a situation to maintain peace and order with them. The next, or certainly the one following that, will so provide them with gun-boats and common batteries, as to be *hors d'insulte*. Although our prospect is peace, our policy and purpose is to provide for defence by all those means to which our resources are competent.

I salute you with friendship, and assure you of my high respect and consideration.

# TO W. A. BURWELL

*Monticello, September 17, 1806.*

Dear Sir,—Yours of August the 7th, from Liberty, never got to my hands till the 9th instant. About the same time I received the Enquirer, in which Decius was so judiciously answered. The writer of that paper observed, that the matter of Decius consisted, first of facts; secondly, of inferences from these facts: that he was not well enough informed to affirm or deny his facts, and he therefore examines his inferences, and in a very masterly manner shows that even were his facts true, the reasonable inferences from them are very different from those drawn by Decius. But his facts are far from truth, and should be corrected. It happened that Mr. Madison and General Dearborne were here when I received your letter. I therefore, with them, took up Decius and read him deliberately; and our memories aided one another in correcting his bold and unauthorized assertions. I shall note the most material of them in the order of the paper.

1. It is grossly false that our ministers, as is said in a note, had proposed to surrender our claims to compensation for Spanish spoliations, or even for French. Their instructions were to make no treaty in which Spanish spoliations were not provided for; and although they were permitted to be silent as to French spoliations carried into Spanish ports, they were not expressly to

abandon even them. 2. It is not true that our ministers, in agreeing to establish the Colorado as our western boundary, had been obliged to exceed the authority of their instructions. Although we considered our title good as far as the Rio Bravo, yet in proportion to what they could obtain east of the Mississippi, they were to relinquish to the westward, and successive sacrifices were marked out, of which even the Colorado was not the last. 3. It is not true that the Louisiana treaty was antedated, lest Great Britain should consider our supplying her enemies with money as a breach of neutrality. After the very words of the treaty were finally agreed to, it took some time, perhaps some days, to make out all the copies in the very splendid manner of Bonaparte's treaties. Whether the 30th of April, 1803, the date expressed, was the day of the actual compact, or that on which it was signed, our memories do not enable us to say. If the former, then it is strictly conformable to the day of the compact; if the latter, then it was postdated, instead of being antedated. The motive assigned too, is as incorrect as the fact. It was so far from being thought, by any party, a breach of neutrality, that the British minister congratulated Mr. King on the acquisition, and declared that the King had learned it with great pleasure; and when Baring, the British banker, asked leave of the minister to purchase the debt and furnish the money to France, the minister declared to him, that so far from throwing obstacles in the way, if there were any difficulty in the payment of the money, it was the interest of Great Britain to aid it. 4. He speaks of a

double set of opinions and principles; the one ostensible, to go on the journals and before the public, the other efficient, and the real motives to action. But where are these double opinions and principles? The executive informed the legislature of the wrongs of Spain, and that preparation should be made to repel them, by force, if necessary. But as it might still be possible to negotiate a settlement, they asked such means as might enable them to meet the negotiation, whatever form it might take. The first part of this system was communicated publicly, the second privately; but both were equally official, equally involved the responsibility of the executive, and were equally to go on the journals. 5. That the purchase of the Floridas was in direct opposition to the views of the executive, as expressed in the President's *official* communication. It was not in opposition even to the public part of the communication, which did not recommend war, but only to be prepared for it. It perfectly harmonized with the private part, which asked the means of negotiation in such terms as covered the purchase of Florida as evidently as it was proper to speak it out. He speaks of secret communications between the executive and members, of backstairs' influence, &c. But he never spoke of this while he and Mr. Nicholson enjoyed it most solely. But when he differed from the executive in a leading measure, and the executive, not submitting to him, expressed their sentiments to others, the very sentiments (to wit, the purchase of Florida) which he acknowledges they expressed to him, then he roars out upon backstairs' influence.

6. The committee, he says, forbore to recommend offensive measures. Is this true? Did not they recommend the raising – regiments? Besides, if it was proper for the committee to forbear recommending offensive measures, was it not proper for the executive and Legislature to exercise the same forbearance? 7. He says Monroe's letter had a most important bearing on our Spanish relations. Monroe's letter related, almost entirely, to our British relations. Of those with Spain he knew nothing particular since he left that country. Accordingly, in his letter he simply expressed an opinion on our affairs with Spain, of which he knew we had better information than he could possess. His opinion was no more than that of any other sensible man; and his letter was proper to be communicated with the English papers, and with them only. That the executive did not hold it up on account of any bearing on Spanish affairs, is evident from the fact that it was communicated when the Senate had not yet entered on the Spanish affairs, and had not yet received the papers relating to them from the other House. The moment the Representatives were ready to enter on the British affairs, Monroe's letter, which peculiarly related to them, and was *official* solely as to them, was communicated to both Houses, the Senate being then about entering on Spanish affairs.

\* \* \* \* \*

These, my dear Sir, are the principal facts worth correction.

Make any use of them you think best, without letting your source of information be known. Can you send me some cones or seeds of the cucumber tree? Accept affectionate salutations, and assurances of great esteem and respect.

# TO ALBERT GALLATIN

*Washington, October 12, 1806.*

Dear Sir,—You witnessed in the earlier part of the administration, the malignant and long-continued efforts which the federalists exerted in their newspapers, to produce misunderstanding between Mr. Madison and myself. These failed completely. A like attempt was afterwards made, through other channels, to effect a similar purpose between General Dearborne and myself, but with no more success. The machinations of the last session to put you at cross questions with us all, were so obvious as to be seen at the first glance of every eye. In order to destroy one member of the administration, the whole were to be set to loggerheads to destroy one another. I observe in the papers lately, new attempts to revive this stale artifice, and that they squint more directly towards you and myself. I cannot, therefore, be satisfied, till I declare to you explicitly, that my affections and confidence in you are nothing impaired, and that they cannot be impaired by means so unworthy the notice of candid and honorable minds. I make the declaration, that no doubts or jealousies, which often beget the facts they fear, may find a moment's harbor in either of our minds. I have so much reliance on the superior good sense and candor of all those associated with me, as to be satisfied

they will not suffer either friend or foe to sow tares among us. Our administration now drawing towards a close, I have a sublime pleasure in believing it will be distinguished as much by having placed itself above all the passions which could disturb its harmony, as by the great operations by which it will have advanced the well-being of the nation.

Accept my affectionate salutations, and assurances of my constant and unalterable respect and attachment.

# TO GENERAL WILKINSON

*Washington, January 3, 1807.*

Dear Sir,—I had intended yesterday to recommend to General Dearborne the writing to you weekly by post, to convey information of our western affairs, so long as they are interesting, because it is possible, though not probable, you might sometimes get the information quicker this way than down the river, but the General received yesterday information of the death of his son in the East Indies, and of course cannot now attend to business. I therefore write you a hasty line for the present week, and send it in duplicates by the Athens and the Nashville routes.

The information in the enclosed paper, as to proceedings in the State of Ohio, is correct. Blennerhasset's flotilla of fifteen boats and two hundred barrels of provisions, is seized, and there can be no doubt that Tyler's flotilla is also taken, because, on the 17th of December, we know there was a sufficient force assembled at Cincinnati to intercept it there, and another party was in pursuit of it on the river above. We are assured that these two flotillas composed the whole of the boats, provided Blennerhasset and Tyler had fled down the river. I do not believe that the number of persons engaged for Burr has ever amounted to five hundred, though some have carried them to one thousand or fifteen hundred. A part of these were engaged as settlers

of Bastrop's land, but the greater part of these were engaged under the express assurance that the projected enterprise was against Mexico, and secretly authorized by this government. Many were expressly enlisted in the name of the United States. The proclamation which reached Pittsburg, December 2d, and the other parts of the river successively, undeceived both these classes, and of course drew them off, and I have never seen any proof of their having assembled more than forty men in two boats from Beaver, fifty in Tyler's flotilla, and the boatmen of Blennerhasset's. I believe therefore, that the enterprise may be considered as crushed, but we are not to relax in our attentions until we hear what has passed at Louisville. If everything from that place upwards be successfully arrested, there is nothing from below that is to be feared. Be assured that Tennessee, and particularly General Jackson, are faithful. The orders lodged at Massac and the Chickasaw bluffs, will probably secure the interception of such fugitives from justice as may escape from Louisville, so that I think you will never see one of them. Still I would not wish, till we hear from Louisville, that you should relax your preparations in the least, except so far as to dispense with the militia of Mississippi and Orleans leaving their homes under our order of November 25th. Only let them consider themselves under requisition, and be in a state of readiness should any force, too great for your regulars, escape down the river. You will have been sensible that those orders were given while we supposed you were on the Sabine, and the supposed crisis did

not admit the formality of their being passed through you. We had considered Fort Adams as the place to make a stand, because it covered the mouth of the Red river. You have preferred New Orleans on the apprehension of a fleet from the West Indies. Be assured there is not any foundation for such an expectation, but the lying exaggerations of those traitors to impose on others and swell their pretended means. The very man whom they represented to you as gone to Jamaica, and to bring the fleet, has never been from home, and has regularly communicated to me everything which had passed between Burr and him. No such proposition was ever hazarded to him. France or Spain would not send a fleet to take Vera Cruz; and though one of the expeditions now near arriving from England, is probably for Vera Cruz, and perhaps already there, yet the state of things between us renders it impossible they should countenance an enterprise unauthorized by us. Still I repeat that these grounds of security must not stop our proceedings or preparations until they are further confirmed. Go on, therefore, with your works for the defence of New Orleans, because they will always be useful, only looking to what should be permanent rather than means merely temporary. You may expect further information as we receive it, and though I expect it will be such as will place us at our ease, yet we must not place ourselves so until it be certain, but act on the possibility that the resources of our enemy may be greater and deeper than we are yet informed.

Your two confidential messengers delivered their charges

safely. One arrived yesterday only with your letter of November 12th. The oral communications he made me are truly important. I beseech you to take the most special care of the two letters which he mentioned to me, the one in cypher, the other from another of the conspirators of high standing, and to send them to me by the first conveyance you can trust. It is necessary that all important testimony should be brought to one centre, in order that the guilty may be convicted, and the innocent left untroubled. Accept my friendly salutations, and assurances of great esteem and respect.

# TO MR. GALLATIN

*January 4, 1807.*

There is a vessel fitting out at New York, formerly called the Emperor, now the James, or the Brutus (accounts differ), to carry 22 guns and 150 men, and to be commanded by Blakely, who went out Lieutenant of the Leander. She is confidently believed to be destined for Burr at New Orleans. The collector should be put on his guard; he can get much information from the Mayor of New York on the subject. If Blakely went out really with Miranda as Lieutenant, he should be immediately arrested and put on his trial. Will you be so good as to take the necessary measures on this subject?

\* \* \* \* \*

# TO MR. GALLATIN

*January 6, 1807.*

Mr. Clarke left with me the papers I now send you, presenting the claim of the Corporation of New Orleans to all the lands between the city and the Bayou St. Jean, as a common. What is to be done? The subject is broader than these papers present. I presume this claim would be proper for an investigation and report by the commissioners. I believe it to be a plot against Lafayette. That there should be left a reasonable common for them we had directed; but they might as well claim to the ocean as to the Bayou St. Jean. I am certain there is in some of Claiborne's letters information that they never had a right to a common, but under a kind of lease or permission for a term of years expired long since.

But I think we should go further, and direct the governor to report to us in detail all the lots and buildings owned by the public in New Orleans, stating the use they were applied to under the former government, and that for which they would be proper now; to be laid before Congress at their next session, for their determination. Indeed I am not certain but that Claiborne has made such a report to the Secretary at War. Affectionate salutations.

# TO MR. CHARLES CLAY

*Washington, January 11, 1807.*

Dear Sir,—Yours of December 19th has been duly received, and I thank you for your friendly attention to the offer of lands adjoining me for sale. It is true that I have always wished to purchase a part of what was Murray's tract, which would straiten the lines of the Poplar Forest, but I really am not able to make a purchase. I had hoped to keep the expenses of my office within the limits of its salary, so as to apply my private income entirely to the improvement and enlargement of my estate; but I have not been able to do it.

Our affairs with Spain, after which you inquire, do not promise the result we wish. Not that war will take place immediately, but they may go off without a settlement, and leave us in constant bickering about indemnification for spoliations, the navigation of the Mobile and the limits of Louisiana. Burr's enterprise is the most extraordinary since the days of Don Quixotte. It is so extravagant that those who know his understanding, would not believe it if the proofs admitted doubt. He has meant to place himself on the throne of Montezuma, and extend his empire to the Alleghany, seizing on New Orleans as the instrument of compulsion for our western States. I think his undertaking effectually crippled by the activity of Ohio. Whether

Kentucky will give him the *coup de grace* is doubtful; but if he is able to descend the river with any means, we are sufficiently prepared at New Orleans. I hope, however, Kentucky will do its duty, and finish the matter for the honor of popular government, and the discouragement of all arguments for standing armies. Accept my friendly salutations, and assurances of great esteem and respect.

# TO JONATHAN WILLIAMS AND C. W. PEALE, JUDGES OF ELECTION FOR THE A. P. SOCIETY

*Washington, January 12, 1807.*

Gentlemen,—I am again to return the tribute of my thanks for the continued proofs of favor from the American Philosophical Society; and I ever do it with sincere gratitude, sensible it is the effect of their good will, and not of any services I have it in my power to render them. I pray you to convey to them these expressions of my dutiful acknowledgments, and to accept yourselves thanks for the favorable terms in which your letter of the 2d instant announces the suffrage of the Society.

I am happy at the same time to greet them on the safe return of a valuable member of our fraternity, from a journey of uncommon length and peril. He will ere long be with them, and present them with the additions he brings to our knowledge of the geography and natural history of our country, from the Mississippi to the Pacific.

Tendering them my humble respects, permit me to add for yourselves my friendly salutations, and assurances of high consideration.

# TO MR. GALLATIN

*January 12, 1807.*

I return you the letter of Mr. Gelston respecting the Brutus. From what I learn, she cannot be destined for the Mississippi, because she draws too much water to enter it. However, considering the difficulty Congress finds in enlarging the limits of our preventive powers, I think we should be cautious how we step across those limits ourselves. She is probably bound to St. Domingo. Could not Congress, while continuing that law, amend it so as to prevent the abuse actually practised. Affectionate salutations.

# TO JOHN DICKINSON

*Washington, January 13, 1807.*

My dear and ancient Friend,—I have duly received your favor of the 1st instant, and am ever thankful for communications which may guide me in the duties which I wish to perform as well as I am able. It is but too true that great discontents exist in the territory of Orleans. Those of the French inhabitants have for their sources, 1, the prohibition of importing slaves. This may be partly removed by Congress permitting them to receive slaves from the other States, which, by dividing that evil, would lessen its danger; 2, the administration of justice in our forms, principles, and language, with all of which they are unacquainted, and are the more abhorrent, because of the enormous expense, greatly exaggerated by the corruption of bankrupt and greedy lawyers, who have gone there from the United States and engrossed the practice; 3, the call on them by the land commissioners to produce the titles of their lands. The object of this is really to record and secure their rights. But as many of them hold on rights so ancient that the title papers are lost; they expect the land is to be taken from them whenever they cannot produce a regular deduction of title in writing. In this they will be undeceived by the final result, which will evince to them a liberal disposition of the government

towards them. Among the American inhabitants it is the old division of federalists and republicans. The former are as hostile there as they are everywhere, and are the most numerous and wealthy. They have been long endeavoring to batter down the Governor, who has always been a firm republican. There were characters superior to him whom I wished to appoint, but they refused the office: I know no better man who would accept of it, and it would not be right to turn him out for one not better. But it is the second cause, above mentioned, which is deep-seated and permanent. The French members of the Legislature, being the majority in both Houses, lately passed an act declaring that the civil, or French laws, should be the laws of their land, and enumerated about fifty folio volumes, in Latin, as the depositories of these laws. The Governor negatived the act. One of the Houses thereupon passed a vote for self-dissolution of the Legislature as a useless body, which failed in the other House by a single vote only. They separated, however, and have disseminated all the discontent they could. I propose to the members of Congress in conversation, the enlisting thirty thousand volunteers, Americans by birth, to be carried at the public expense, and settled immediately on a bounty of one hundred and sixty acres of land each, on the west side of the Mississippi, on the condition of giving two years of military service, if that country should be attacked within seven years. The defence of the country would thus be placed on the spot, and the additional number would entitle the territory to become

a State, would make the majority American, and make it an American instead of a French State. This would not sweeten the pill to the French; but in making that acquisition we had some view to our own good as well as theirs, and I believe the greatest good of both will be promoted by whatever will amalgamate us together.

I have tired you, my friend, with a long letter. But your tedium will end in a few lines more. Mine has yet two years to endure. I am tired of an office where I can do no more good than many others, who would be glad to be employed in it. To myself, personally, it brings nothing but unceasing drudgery and daily loss of friends. Every office becoming vacant, every appointment made, *me donne un ingrat, et cent ennemis*. My only consolation is in the belief that my fellow citizens at large give me credit for good intentions. I will certainly endeavor to merit the continuance of that good-will which follows well-intended actions, and their approbation will be the dearest reward I can carry into retirement.

God bless you, my excellent friend, and give you yet many healthy and happy years.

# TO MR. HENING

*Washington, January 14, 1807.*

Sir,—Your letter of December 26th, was received in due time. The only object I had in making my collection of the laws of Virginia, was to save all those for the public which were not then already lost, in the hope that at some future day they might be republished. Whether this be by public or private enterprise, my end will be equally answered. The book divides itself into two very distinct parts; to wit, the printed and the unprinted laws. The former begin in 1682, (Pervis' collection.) My collection of these is in strong volumes, well bound, and therefore may safely be transported anywhere. Any of these volumes which you do not possess, are at your service for the purpose of republication, but the unprinted laws are dispersed through many MS. volumes, several of them so decayed that the leaf can never be opened but once without falling into powder. These can never bear removal further than from their shelf to a table. They are, as well as I recollect, from 1622 downwards. I formerly made such a digest of their order, and the volumes where they are to be found, that, under my own superintendence, they could be copied with once handling. More they would not bear. Hence the impracticability of their being copied but at Monticello. But independent of them, the printed laws, beginning in 1682, with all our former

printed collections, will be a most valuable publication, and sufficiently distinct. I shall have no doubt of the exactness of your part of the work, but I hope you will take measures for having the typography and paper worthy of the work. I am lead to this caution by the scandalous volume of our laws printed by Pleasants in 1803, and those by Davis in 1796 were little better; both unworthy the history of Tom Thumb. You can have them better and cheaper printed anywhere north of Richmond. Accept my salutations and assurances of respect.

# TO DANIEL CLARKE, ESQ

*Washington, January 14, 1807.*

Sir,—I have examined the papers you left with me on the claim to the common of New Orleans, and finding the subject to be within the cognizance of the Board of Commissioners for that territory, they will be immediately instructed to make full inquiry into the foundation of the claim, and to report it for the decision of Congress.

With respect to the lots and buildings in the city of New Orleans, held by the public, the Governor will be immediately instructed to report an exact list of them, stating the uses to which they were applied under the former government, and those for which he thinks them proper at present, which shall be laid before Congress at their next session, the Legislature alone being competent to their final disposition.

I have lodged in the Treasury Office the papers you left with me; but if you wish their return, they will there be delivered to you. Accept my salutations and assurances of respect.

# TO GENERAL SHEE

*Washington, January 14, 1807.*

Sir,—Your letter of the 16th ult. was duly received, conveying a tender of the Philadelphia republican militia legion, of their voluntary services, against either foreign or domestic foes. The pressure of business, usual at this season, has prevented its earlier acknowledgment, and the return of my thanks, on the public behalf, for this example of patriotic spirit. Always a friend to peace, and believing it to promote eminently the happiness and prosperity of nations, I am ever unwilling that it should be disturbed, until greater and more important interests call for an appeal to force. Whenever that shall take place, I feel a perfect confidence that the energy and enterprise displayed by my fellow citizens in the pursuits of peace, will be equally eminent in those of war. The Legislature have now under consideration, in what manner, and to what extent, the executive may be permitted to accept the service of volunteers, should the public peace be disturbed, either from without or within. In whatever way they shall give that authority, the legion may be assured that no unreasonable use shall be made of the proffer which their laudable zeal has prompted them to make. With my just acknowledgments to them, I pray you to accept personally the assurance of my high consideration and respect.

# TO CAPTAIN CHRISTIAN

*Washington, January 14, 1807.*

Sir,—I have duly received your letter of December 24th, conveying a tender, by the officers, non-commissioned officers, and privates of the Saratoga Rangers, of their voluntary services to support the Constitution, laws, and integrity of our country, when the constitutional authorities shall declare it necessary, and I now, on the public behalf, return them thanks for this example of patriotic spirit. Always a friend to peace, and believing it to promote eminently the happiness and prosperity of mankind, I am ever unwilling that it should be disturbed until greater and more imperious interests call for an appeal to force. Whenever that shall take place, I feel a perfect confidence that the energy and enterprise displayed by my fellow citizens in the pursuits of peace, will be equally eminent in those of war. The Legislature have now under consideration, in what manner, and to what extent, the executive may be permitted to accept the service of volunteers, should the public peace be disturbed either from without or within. In whatever way they shall give that authority, the Saratoga Rangers may be assured that no unreasonable use shall be made of the proffer which their laudable zeal has prompted them to make. With my acknowledgments to them, I pray you to accept personally the assurance of my high

consideration and respect.

# TO GOVERNOR PINCKNEY

*Washington, January 20, 1807.*

Dear Sir,—I received two days ago a letter from General Wilkinson, dated at New Orleans, December 14th, in which he enclosed me an affidavit, of which I now transmit you a copy. You will perceive that it authenticates the copy of a letter from Colonel Burr to the General, affirming that Mr. Alston, his son-in-law, is engaged in the unlawful enterprises he is carrying on, and is to be an actor in them. I am to add, also, that I have received information from another source, that Mr. Alston, while returning from Kentucky last autumn through the upper part of your State, proposed to a Mr. Butler of that part of the country, to join in Colonel Burr's enterprise, which he represented as of a nature to make his fortune, and is understood to have been explained as against Mexico, as well as for separating the Union of these States. That Butler communicated this to a person, of the same part of the country, called Span, who communicated it to a Mr. Horan, the clerk of a court in that quarter; that Butler and Span agreed to join in the enterprise, but Horan refused.

Nobody is a better judge than yourself whether any and what measures can be taken on this information. As to General Wilkinson's affidavit, it will be laid before the Legislature in a few days, and, of course, will be public; but as to the other part,

if no use can be made of it, your own discretion and candor would lead you to keep it secret. It is further well known here that Mr. Alston is an endorser to a considerable amount, of the bills which have enabled Colonel Burr to prepare his treasons. A message which I shall send into the Legislature two days hence, will give a development of them. I avail myself with pleasure of this opportunity of recalling myself to your recollection, and of assuring you of my constant esteem and high consideration.

# TO THE SECRETARY OF THE TREASURY

*January 24, 1807.*

Several French vessels of war, disabled from keeping the sea, by the storms which some time since took place on our coast, put into the harbors of the United States to avoid the danger of shipwreck. The Minister of their nation states that their crews are without resources for subsistence, and other necessaries, for the reimbursement of which he offers bills on his government, the faith of which he pledges for their punctual payment.

The laws of humanity make it a duty for nations, as well as individuals, to succor those whom accident and distress have thrown upon them. By doing this in the present case, to the extent of mere *subsistence and necessaries*, and so as to aid no military equipment, we shall keep within the duties of rigorous neutrality, which never can be in opposition to those of humanity. We furnished, on a former occasion, to a distressed crew of the other belligerent party, similar accommodations, and we have ourselves received, from both those powers, friendly and free supplies to the necessities of our vessels of war in their Mediterranean ports. In fact, the governments of civilized nations generally are in the practice of exercising these offices of humanity towards each other. Our government having as yet

made no regular provision for the exchange of these offices of courtesy and humanity between nations, the honor, the interest, and the duty of our country requires that we should adopt any other mode by which it may legally be done on the present occasion. It is expected that we shall want a large sum of money in Europe, for the purposes of the present negotiation with Spain, and besides this we want annually large sums there, for the discharge of our instalments of debt. Under these circumstances, supported by the unanimous opinion of the heads of departments, given on the 15th of December, and again about the 10th inst., and firmly trusting that the government of France will feel itself peculiarly interested in the punctual discharge of the bills drawn by their Minister, for the sole subsistence of their people, I approve of the Secretary of the Treasury's taking the bills of the Minister of France, to an amount not exceeding sixty thousand dollars, which according to his own, as well as our estimate, will subsist his people until he will have had time to be furnished with funds from his own government.

# TO MR. GALLATIN

*January 31st, 1807.*

Satisfied that New Orleans must fall a prey to any power which shall attack it, in spite of any means we now possess, I see no security for it but in planting on the spot the force which is to defend it. I therefore suggest to some members of the Senate to add to the volunteer bill now before them, as an amendment, some such section as that enclosed, which is on the principles of what we agreed on last year, except the omission of the two years' service. If, by giving one hundred miles square of that country, we can secure the rest, and at the same time create an American majority before Orleans becomes a State, it will be the best bargain ever made. As you are intimate with the details of the Land Office, I will thank you to make any amendments to the enclosed in that part, or in any other which you may think needs it. Affectionate salutations.

# TO MR. MADISON

*Sunday, February 1st, 1807.*

The more I consider the letter of our minister in London, the more seriously it impresses me. I believe the *sine quâ non* we made is that of the nation, and that they would rather go on without a treaty than with one which does not settle this article. Under this dilemma, and at this stage of the business, had we not better take the advice of the Senate? I ask a meeting at eleven o'clock to-morrow, to consult on this question.

# TO H. D. GOVERNOR TIFFIN

*Washington, February 2d, 1807.*

Sir,—The pressure of business during a session of the Legislature has rendered me more tardy in addressing you than it was my wish to have been. That our fellow citizens of the West would need only to be informed of criminal machinations against the public safety to crush them at once, I never entertained a doubt. I have seen with the greatest satisfaction that among those who have distinguished themselves by their fidelity to their country, on the occasion of the enterprise of Mr. Burr, yourself and the Legislature of Ohio have been the most eminent. The promptitude and energy displayed by your State has been as honorable to itself as salutary to its sister States; and in declaring that you have deserved well of your country, I do but express the grateful sentiment of every faithful citizen in it. The hand of the people has given the mortal blow to a conspiracy which, in other countries, would have called for an appeal to armies, and has proved that government to be the strongest of which every man feels himself a part. It is a happy illustration, too, of the importance of preserving to the State authorities all that vigor which the Constitution foresaw would be necessary, not only for their own safety, but for that of the whole. In making these acknowledgments of the merit of having set this

illustrious example of exertion for the common safety, I pray that they may be considered as addressed to yourself and the Legislature particularly, and generally to every citizen who has availed himself of the opportunity given of proving his devotion to his country. Accept my salutations and assurances of great consideration and esteem.

# TO GENERAL WILKINSON

*Washington, February 3d, 1807.*

Sir,—A returning express gives me an opportunity of acknowledging the receipt of your letters of November 12th, December 9th, 10th, 14th, 18th, 25th, 26th, and January 2d. I wrote to you January 3d, and through Mr. Briggs, January 10th. The former being written while the Secretary at War was unable to attend to business, gave you the state of the information we then possessed as to Burr's conspiracy. I now enclose you a message, containing a complete history of it from the commencement down to the eve of his departure from Nashville; and two subsequent messages showed that he began his descent of the Mississippi January 1st, with ten boats, from eighty to one hundred men of his party, navigated by sixty oarsmen not at all of his party. This, I think, is fully the force with which he will be able to meet your gun-boats; and as I think he was uninformed of your proceedings, and could not get the information till he would reach Natchez, I am in hopes that before this date he is in your possession. Although we at no time believed he could carry any formidable force out of the Ohio, yet we thought it safest that you should be prepared to receive him with all the force which could be assembled, and with that view our orders were given; and we were pleased to see that without

waiting for them, you adopted nearly the same plan yourself, and acted on it with promptitude; the difference between yours and ours proceeding from your expecting an attack by sea, which we knew was impossible, either by England or by a fleet under Truxton, who was at home; or by our own navy, which was under our own eye. Your belief that Burr would really descend with six or seven thousand men, was no doubt founded on what you knew of the numbers which could be raised in the Western country for an expedition to Mexico, *under the authority of the government*; but you probably did not calculate that the want of that authority would take from him every honest man, and leave him only the desperadoes of his party, which in no part of the United States can ever be a numerous body. In approving, therefore, as we do approve, of the defensive operations for New Orleans, we are obliged to estimate them, not according to our own view of the danger, but to place ourselves in your situation, and only with your information. Your sending here Swartwout and Bollman, and adding to them Burr, Blannerhassett, and Tyler, should they fall into your hands, will be supported by the public opinion. As to Alexander, who is arrived, and Ogden, expected, the evidence yet received will not be sufficient to commit them. I hope, however, you will not extend this deportation to persons against whom there is only suspicion, or shades of offence not strongly marked. In that case, I fear the public sentiment would desert you; because, seeing no danger here, violations of law are felt with strength. I have thought it just to give you these views

of the sentiments and sensations here, as they may enlighten your path. I am thoroughly sensible of the painful difficulties of your situation, expecting an attack from an overwhelming force, unversed in law, surrounded by suspected persons, and in a nation tender as to everything infringing liberty, and especially from the military. You have doubtless seen a good deal of malicious insinuation in the papers against you. This, of course, begot suspicion and distrust in those acquainted with the line of your conduct. We, who knew it, have not failed to strengthen the public confidence in you; and I can assure you that your conduct, as now known, has placed you on ground extremely favorable with the public. Burr and his emissaries found it convenient to sow a distrust in your mind of our dispositions towards you; but be assured that you will be cordially supported in the line of your duties. I pray you to send me D.'s original letter, communicated through Briggs, by the first entirely safe conveyance. Accept my friendly salutations, and assurances of esteem and respect.

# TO GOVERNOR CLAIBORNE

*Washington, February 3, 1807.*

Dear Sir,—I pray you to read the enclosed letter, to seal and deliver it. It explains itself so fully, that I need say nothing. I am sincerely concerned for Mr. Reibelt, who is a man of excellent understanding and extensive science. If you had any academical berth, he would be much better fitted for that than for the bustling business of life. I enclose to General Wilkinson my message of January 22d. I presume, however, you will have seen it in the papers. It gives the history of Burr's conspiracy, all but the last chapter, which will, I hope, be that of his capture before this time, at Natchez. Your situations have been difficult, and we judge of the merit of our agents there by the magnitude of the danger as it appeared to them, not as it was known to us. On great occasions every good officer must be ready to risk himself in going beyond the strict line of law, when the public preservation requires it; his motives will be a justification as far as there is any discretion in his ultra-legal proceedings, and no indulgence of private feelings. On the whole, this squall, by showing with what ease our government suppresses movements which in other countries requires armies, has greatly increased its strength by increasing the public confidence in it. It has been a wholesome lesson too to our citizens, of the necessary obedience

to their government. The Feds, and the little band of Quids, in opposition, will try to make something of the infringement of liberty by the military arrest and deportation of citizens, but if it does not go beyond such offenders as Swartwout, Bollman, Burr, Blennerhasset, Tyler, &c., they will be supported by the public approbation. Accept my friendly salutations, and assurances of esteem and respect.

# TO MR. SMITH

*February 6, 1807.*

A resolution of the House of Representatives of yesterday, asks from me information as to the efficacy of the gun-boat defence, what particular ports we propose to place them in, and how many in each. I will enumerate the particular ports, but instead of saying literally how many to each, on which there would be a thousand opinions, I will throw them into groups as below, and say how many to each group. Will you be so good as to state how many you would think necessary for each of the ports below mentioned, to give then such a degree of protection as you think would be sufficiently effectual in time of war? Also to strike out any of the ports here named, and insert others as you shall think best:

Mississippi river, }  
Lake Ponchartrain, }  
Savannah, }  
Beaufort, }  
Charleston, }  
Cape Fear, }  
Ocracock, }  
Chesapeake Bay and water, }  
Delaware Bay, }  
New York, }  
New London, }  
Newport, }  
Boston, }  
Newburyport, }  
Portsmouth, }  
Portland, }  
Kennebeck, }  
Penobscot, }  
Passamaquoddy.

Send me also, if you please, copies of the opinions of certain officers on the effect of gun-boats, which I believe, were formerly laid before a committee.

A similar note in substance was sent to General Dearborne.

# TO MR. GALLATIN

*February 9, 1807.*

I thank you for the case in the Siman Sea, which escaped my recollection. It was indeed a very favorable one. I have adopted your other amendments, except as to the not building *now*; my own opinion being very strongly against this for these reasons: 1st. The 127 gun-boats cannot be built in one, two, or even six months. Commodore Preble told me he could build those he undertook, in two months. They were but four, and though he was preparing during the winter, was engaged in April, and pressed to expedite them, they were not ready for sea till November. 2d. After war commences they cannot be built in New York, Boston, Norfolk, or any seaport, because they would be destroyed by the enemy, on the stocks. They could then be built only in interior places, inaccessible to ships and defended by the body of the country, where the building would be slow. 3d. The first operation of war by an enterprising enemy would be to sweep all our seaports, of their vessels at least. 4th. The expense of their preservation would be all but nothing, because I have had the opinion of, I believe, every captain of the navy, that the largest of our gun-boats can be drawn up, out of the water, and placed under a shed with great ease, by preparing ways and capstans proper for it, and always ready to let her down again. Such of

them as are built in suitable places may remain on the stocks unlaunched. 5th. Full the half of the whole number would be small, and not costing more than three-fifths of the large ones. Affectionate salutations.

# TO THOMAS SEYMOUR, ESQ

*Washington, February 11, 1807.*

Sir,—The mass of business which occurs during a session of the Legislature, renders me necessarily unpunctual in acknowledging the receipt of letters, and in answering those which will admit of delay. This must be my apology for being so late in noticing the receipt of the letter of December 20th, addressed to me by yourself, and several other republican characters of your State of high respectability. I have seen with deep concern the afflicting oppression under which the republican citizens of Connecticut suffer from an unjust majority. The truths expressed in your letter have been long exposed to the nation through the channel of the public papers, and are the more readily believed because most of the States during the momentary ascendancy of kindred majorities, in them have seen the same spirit of opposition prevail.

With respect to the countervailing prosecutions now instituted in the Court of the United States in Connecticut, I had heard but little, and certainly, I believe, never expressed a sentiment on them. That a spirit of indignation and retaliation should arise when an opportunity should present itself, was too much within the human constitution to excite either surprise or censure, and confined to an appeal to truth only, it cannot lessen the useful

freedom of the press.

As to myself, conscious that there was not a *truth* on earth which I feared should be known, I have lent myself willingly as the subject of a great experiment, which was to prove that an administration, conducting itself with integrity and common understanding, cannot be battered down, even by the falsehoods of a licentious press, and consequently still less by the press, as restrained within the legal and wholesome limits of truth. This experiment was wanting for the world to demonstrate the falsehood of the pretext that freedom of the press is incompatible with orderly government. I have never therefore even contradicted the thousands of calumnies so industriously propagated against myself. But the fact being once established, that the press is impotent when it abandons itself to falsehood, I leave to others to restore it to its strength, by recalling it within the pale of truth. Within that it is a noble institution, equally the friend of science and of civil liberty. If this can once be effected in your State, I trust we shall soon see its citizens rally to the republican principles of our Constitution, which unite their sister-States into one family. It would seem impossible that an intelligent people, with the faculty of reading and right of thinking, should continue much longer to slumber under the pupilage of an interested aristocracy of priests and lawyers, persuading them to distrust themselves, and to let them think for them. I sincerely wish that your efforts may awaken them from this voluntary degradation of mind, restore them to a

due estimate of themselves and their fellow-citizens, and a just abhorrence of the falsehoods and artifices which have seduced them. Experience of the use made by federalism of whatever comes from me, obliges me to suggest the caution of considering my letter as private. I pray you to present me respectfully to the other gentlemen who joined in the letter to me, and to whom this is equally addressed, and to accept yourself my salutations, and assurances of great esteem and consideration.

# TO GENERAL DEARBORNE

*February 14, 1807.*

Thomas Jefferson salutes General Dearborne with friendship, and communicates the following information from Captain Lewis, which may be useful to Colonel Freeman, and our future explorers; and indeed may enable us understandingly to do acceptable things to our Louisiana neighbors when we wish to gratify them.

He says the following are the articles in highest value with them:

1. *Blue* beads. This is a coarse cheap bead imported from China, and costing in England 13d. the pound, in strands. It is far more valued by the Indians than the *white* beads of the same manufacture, and answers all the purposes of money, being counted by the fathom. He says that were his journey to be performed again, one-half or two-thirds of his stores *in value* should be of these.

2. Common brass buttons, more valued than anything except beads.

3. Knives.

4. Battleaxes and tomahawks.

5. Sadlers' seat awls, which answer for moccasin awls.

6. Some glovers' needles.

7. Some iron combs.

8. Some nests of camp kettles; brass is much preferred to iron, though both are very useful to the Indians.

Arrow-points should have been added.

# TO MR. NICHOLSON

*Washington, February 20, 1807.*

Dear Sir,—I did not receive your letter of the 18th till this morning. I am as yet in possession of no evidence against Adair, which could convict him. General Wilkinson writes me that he would send the evidence against him and Ogden by the officer bringing them, and that officer informed General Dearborne (from Baltimore) that he was in possession of a large packet from General Wilkinson to me, which he was ordered to deliver into my hands only; and, on that, he was ordered to come on with his prisoners, that they and the evidence against them might be delivered up to the court here. If the evidence, however, be found conclusive, they can be arrested again, if it shall be worth while. Their crimes are defeated, and whether they shall be punished or not belongs to another department, and is not the subject of even a wish on my part. Accept my friendly salutations, and assurances of great respect and esteem.

# TO DR. WISTAR

*Washington, February 25, 1807.*

Dear Sir,—I enclose you a letter from Dr. Goforth on the subject of the bones of the mammoth. Immediately on the receipt of this, as I found it was in my power to accomplish the wishes of the society for the completion of this skeleton with more certainty than through the channel proposed in the letter, I set the thing into motion, so that it will be effected without any expense to the society, or other trouble than to indicate the particular bones wanting. Being acquainted with Mr. Ross, proprietor of the big bone lick, I wrote to him for permission to search for such particular bones as the society might desire, and I expect to receive it in a few days. Captain Clarke (companion of Captain Lewis) who is now here, agrees, as he passes through that country, to stop at the Lick, employ laborers, and superintend the search at my expense, not that of the society, and to send me the specific bones wanted, without further trespassing on the deposit, about which Mr. Ross would be tender, and particularly where he apprehended that the person employed would wish to collect for himself. If therefore you will be so good as to send me a list of the bones wanting (the one you formerly sent me having been forwarded to Dr. Brown), the business shall be effected without encroaching at all on the funds of the society, and it will

be particularly gratifying to me to have the opportunity of being of some use to them. But send me the list if you please without any delay, as Captain Clarke returns in a few days, and we should lose the opportunity. I send you a paper from Dr. Thornton for the society. Accept my friendly salutations, and assurances of great esteem and respect.

# TO MR. CHANDLER PRICE

*Washington, February 28, 1807.*

Sir,—Your favor of the 24th was received this morning. The greatest favor which can be done me is the communication of the opinions of judicious men, of men who do not suffer their judgments to be biassed by either interests or passions. Of this character, I know Mr. Morgan to be. I return you the original of the letter of January 15th, having copied it to a mark in the 4th page, which you will see. I retain, as I understand, with your permission, the copies of those of January 22d and 27th, because they are copies; and the original of December 31st, because it relates wholly to public matters. They shall be sacredly reserved to myself, and for my own information only. The fortification of New Orleans will be taken up on a sufficient footing; but the other part of Mr. Morgan's wish, an additional regular force, will not prevail. The spirit of this country is totally adverse to a large military force. I have tried for two sessions to prevail on the Legislature to let me plant thirty thousand well chosen volunteers on donation lands on the west side of the Mississippi, as a militia always at hand for the defence of New Orleans; but I have not yet succeeded. The opinion grows, and will perhaps ripen by the next session. A great security for that country is, that there is a moral certainty that neither France nor England would meddle

with that country, while the present state of Europe continues, and Spain we fear not. Accept my salutations, and assurances of esteem and respect.

# TO THE KING OF HOLLAND

*February 28, 1807.*

Great and good Friend,—Having received your letter of September last, which notifies your accession to the throne of Holland, I tender you in behalf of the United States my congratulations on this event. Connected with that nation by the earliest ties of friendship, and maintaining with them uninterrupted relations of peace and commerce, no event which interests their welfare can be indifferent to us. It is therefore with great pleasure I receive the assurances of your majesty that you will continue to cherish these ancient relations; and we shall, on our part, endeavor to strengthen your good will by a faithful observance of justice, and by all the good offices which occasion shall permit. Distant as we are from the powers of Europe, and devoted to pursuits which separate us from their affairs, we still look with brotherly concern on whatever affects those nations, and offer constant prayers for their welfare. With a friendly solicitude for your Majesty's person, I pray God, that he may always have you, great and good friend, in His holy keeping. Done, &c.

# TO WILSON C. NICHOLAS

*Washington, February 28, 1807.*

Dear Sir,—Your letter of January the 20th was received in due time. But such has been the constant pressure of business, that it has been out of my power to answer it. Indeed, the subjects of it would be almost beyond the extent of a letter, and as I hope to see you ere long at Monticello, it can then be more effectually done verbally. Let me observe, however, generally, that it is impossible for my friends ever to render me so acceptable a favor, as by communicating to me, without reserve, facts and opinions. I have none of that sort of self-love which winces at it; indeed, both self-love and the desire to do what is best, strongly invite unreserved communication. There is one subject which will not admit a delay till I see you. Mr. T. M. Randolph is, I believe, determined to retire from Congress, and it is strongly his wish, and that of all here, that you should take his place. Never did the calls of patriotism more loudly assail you than at this moment. After excepting the federalists, who will be twenty-seven, and the little band of schismatics, who will be three or four (all tongue), the residue of the House of Representatives is as well disposed a body of men as I ever saw collected. But there is no one whose talents and standing, taken together, have weight enough to give him the lead. The consequence is, that there is no one who

will undertake to do the public business, and it remains undone. Were you here, the whole would rally round you in an instant, and willingly co-operate in whatever is for the public good. Nor would it require you to undertake drudgery in the House. There are enough, able and willing to do that. A rallying point is all that is wanting. Let me beseech you then to offer yourself. You never will have it so much in your power again to render such eminent service.

Accept my affectionate salutations and high esteem.

# TO MR. GALLATIN

*March 7, 1807.*

In the case of Mr. Bloodworth, our first duty is to save the public from loss; the second, to aid the securities in saving themselves. They have not asked a dismissal, which would probably do them injury, but an examination. I should think it equally safe for the public, and better for the securities, to send them a dismissal of the collector, to be used or not at their discretion. With this in their hand, they could compel him to convey his property as a security to them, and to receive deputies of their appointment, who should apply all the future emoluments of the collector, or a given part of them, towards making up the deficit. But in such case, faithful reports should be made to you from time to time, that you may see that this operation is honestly going on, and no new danger arising to the public. These ideas are submitted merely for your consideration, as I am ready to sign a dismissal as above proposed, or make a new appointment at once, whichever you think best. Affectionate salutations.

# TO ROBERT BRENT, ESQ

*Washington, March 10, 1807.*

Sir,—I have received your letter of yesterday, asking the application of a part of a late appropriation of Congress, to certain avenues and roads in this place.

The only appropriation ever before made by Congress to an object of this nature, was "to the public buildings and the highways *between* them." This ground was deliberately taken, and I accordingly restrained the application of the money to the avenue between the Capitol and the Executive buildings, and the roads round the two squares.

The last appropriation was in terms much more lax, to wit, "for avenues and roads in the District of Columbia." This, indeed, would take in a large field, but besides that we cannot suppose Congress intended to tax the people of the United States at large, for all the avenues in Washington and roads in Columbia; we know the fact to have been that the expression was strongly objected to, and was saved merely from a want of time to discuss, (the last day of the session,) and the fear of losing the whole bill. But the sum appropriated (three thousand dollars) shows they did not mean it for so large a field; for by the time the Pennsylvania avenue, between the two houses, is widened, newly gravelled, planted, brick tunnels instead of wood, the roads round

the squares put in order, and that in the south front of the war office dug down to its proper level, there will be no more of the three thousand dollars left than will be wanting for constant repairs. With this view of the just and probable intention of the Legislature, I shall not think myself authorized to take advantage of a lax expression, forced on by circumstances, to carry the execution of the law into a region of expense which would merit great consideration before they should embark in it. Accept my friendly salutations, and assurances of great esteem and respect.

# TO MR. GALLATIN

*March 20, 1807.*

I think with you it is better to leave the leasing the Salt Springs to Governor Harrison, who will do it according to general rules; and I am averse to giving contracts of any kind to members of the Legislature. On the subject of Latimer's letter, I gave him a general answer, that all indulgence permitted by the spirit of the law would be used. I am unable to give any particular opinion, because the law not having been printed yet, I cannot turn to it; but I am ready to approve any proposition you think best. Indeed, I have but a little moment in the morning in which I can either read, write, or think; being obliged to be shut up in a dark room from early in the forenoon till night, with a periodical head-ache. Affectionate salutations.

# TO THE GOVERNOR OF KENTUCKY, TENNESSEE, OHIO, AND MISSISSIPPI

*Washington, March 21, 1807.*

Sir,—Although the present state of things on the western side of the Mississippi does not threaten any immediate collision with our neighbors in that quarter, and it is our wish they should remain undisturbed until an amicable adjustment may take place; yet as this does not depend on ourselves alone, it has been thought prudent to be prepared to meet any movements which may occur. The law of a former session of Congress, for keeping a body of 100,000 militia in readiness for service at a moment's warning, is still in force. But by an act of the last session, a copy of which I now enclose, the Executive is authorized to accept the services of such volunteers as shall offer themselves on the conditions of the act, which may render a resort to the former act unnecessary. It is for the execution of this act that I am now to solicit your zealous endeavors. The persons who shall engage will not be called from their homes until some aggression, committed or intended, shall render it necessary. When called into action, it will not be for a lounging, but for an active, and perhaps distant, service. I know the effect of this consideration in kindling that

ardor which prevails for this service, and I count on it for filling up the numbers requisite without delay. To yourself, I am sure, it must be as desirable as it is to me, to transfer this service from the great mass of our militia to that portion of them, to whose habits and enterprise active and distant service is most congenial. In using, therefore, your best exertions towards accomplishing the object of this act, you will render to your constituents, as well as to the nation, a most acceptable service.

With respect to the organizing and officering those who shall be engaged within your State, the act itself will be your guide; and as it is desirable that we should be kept informed of the progress in this business, I must pray you to report the same from time to time to the Secretary at War, who will correspond with you on all the details arising out of it.

I salute you with great consideration and respect.

# TO JAMES MONROE

*Washington, March 21, 1807.*

Dear Sir,—A copy of the treaty with Great Britain came to Mr. Erskine's hands on the last day of the session of Congress, which he immediately communicated to us; and since that Mr. Purviance has arrived with an original. On the subject of it you will receive a letter from the Secretary of State, of about this date, and one more in detail hereafter. I should not have written, but that I perceive uncommon efforts, and with uncommon wickedness, are making by the federal papers to produce mischief between myself, personally, and our negotiators; and also to irritate the British government, by putting a thousand speeches into my mouth, not one word of which I ever uttered. I have, therefore, thought it safe to guard you, by stating the view which we have given out on the subject of the treaty, in conversation and otherwise; for ours, as you know, is a government which will not tolerate the being kept entirely in the dark, and especially on a subject so interesting as this treaty. We immediately stated in conversation, to the members of the Legislature and others, that having, by a letter received in January, perceived that our ministers might sign a treaty not providing satisfactorily against the impressment of our seamen, we had, on the 3d of February, informed you, that should

such an one have been forwarded, it could not be ratified, and recommending, therefore that you should resume negotiations for inserting an article to that effect; that we should hold the treaty in suspense until we could learn from you the result of our instructions, which probably would not be till summer, and then decide on the question of calling the Senate. We observed, too, that a written declaration of the British commissioners, given in at the time of signature, would of itself, unless withdrawn, prevent the acceptance of any treaty, because its effect was to leave us bound by the treaty, and themselves totally unbound. This is the statement we have given out, and nothing more of the contents of the treaty has ever been made known. But depend on it, my dear Sir, that it will be considered as a hard treaty when it is known. The British commissioners appear to have screwed every article as far as it would bear, to have taken everything, and yielded nothing. Take out the eleventh article, and the evil of all the others so much overweighs the good, that we should be glad to expunge the whole. And even the eleventh article admits only that we may enjoy our right to the indirect colonial trade, *during the present hostilities*. If peace is made this year, and war resumed the next, the benefit of this stipulation is gone, and yet we are bound for ten years, to pass no non-importation or non-intercourse laws, nor take any other measures to restrain the unjust pretensions and practices of the British. But on this you will hear from the Secretary of State. If the treaty can not be put into acceptable form, then the next best thing is to back

out of the negotiation as well as we can, letting that die away insensibly; but, in the meantime, agreeing informally, that both parties shall act on the principles of the treaty, so as to preserve that friendly understanding which we sincerely desire, until the one or the other may be deposed to yield the points which divide us. This will leave you to follow your desire of coming home, as soon as you see that the amendment of the treaty is desperate. The power of continuing the negotiations will pass over to Mr. Pinckney, who, by procrastinations, can let it die away, and give us time, the most precious of all things to us. The government of New Orleans is still without such a head as I wish. The salary of five thousand dollars is too small; but I am assured the Orleans legislature would make it adequate, would you accept it. It is the second office in the United States in importance, and I am still in hopes you will accept it. It is impossible to let you stay at home while the public has so much need of talents. I am writing under a severe indisposition of periodical headache, without scarcely command enough of my mind to know what I write. As a part of this letter concerns Mr. Pinckney as well as yourself, be so good as to communicate so much of it to him; and with my best respects to him, to Mrs. Monroe and your daughter, be assured yourself, in all cases, of my constant and affectionate friendship and attachment.

# TO ROBERT R. LIVINGSTON, ESQ

*Washington, March 24th, 1807.*

Dear Sir,—The two receipts of Poncin's have come safely to hand. The account had been settled without difficulty. The federal papers appear desirous of making mischief between us and England, by putting speeches into my mouth which I never uttered. Perceiving, by a letter received in January, that our commissioners were making up their mind to sign a treaty which contained no provision against impressment, we immediately instructed them not to do so; and if done, to consider the treaty as not accepted, and to resume their negociations to supply an article against impressment. We therefore hold the treaty in suspense, until we hear what is done in consequence of our last instructions. Probably we shall not hear till midsummer, and we reserve till that time the question of calling the Senate. In the meantime, to show the continuance of a friendly spirit, we continue the suspension of the non-importation act by proclamation. Another cause for not accepting the treaty was a written declaration by the British commissioner, at the time of signing, reserving a right, if we did not oppose the French decree to their satisfaction, to retaliate in their own way, however it might affect the treaty; so that, in fact, we were to be bound, and they left free. I think, upon the whole, the emperor cannot

be dissatisfied at the present state of things between us and England, and that he must rather be satisfied at our unhesitating rejection of a proposition to make common cause against him, for such in amount it was. Burr has indeed made a most inglorious exhibition of his much over-rated talents. He is now on his way to Richmond for trial. Accept my friendly salutations, and assurances of constant esteem and respect.

# TO –

Washington, March 25th, 1807.

Dear Sir,— \* \* \* \* \* Burr is on his way to Richmond for trial. No man's history proves better the value of honesty. With that, what might he not have been! I expect you are at a loss to understand the situation of the British treaty, on which the newspapers make so many speeches for me which I never made. It is exactly this. By a letter received from our negotiators in January, we found they were making up their minds to sign a treaty containing no provision against the impressment of our seamen. We instantly (February 3d) instructed them not to do so; and that if such a treaty had been forwarded, it could not be ratified; that therefore they must immediately resume the negociations to supply that defect, as a *sine quâ non*. Such a treaty having come to hand, we of course suspend it, until we know the result of the instructions of February 3d, which probably will not be till midsummer. We reserve ourselves till then to decide the question of calling the Senate. In the meantime, I have, by proclamation continued the suspension of the non-importation law, as a proof of the continuance of friendly dispositions. There was another circumstance which would have prevented the acceptance of the treaty. The British commissioners, at the time of signing, gave in a written declaration, that until they knew

what we meant to do in the subject of the French decree, the king reserved to himself the right of not ratifying, and of taking any measures retaliating on France which he should deem proper, notwithstanding the treaty. This made the treaty binding on us; while he was loose to regard it or not, and clearly squinted at the expectation that we should join in resistance to France, or they would not regard the treaty. We rejected this idea unhesitatingly.

I expected to have paid a short visit to Monticello before this, but have been detained by the illness of my son-in-law, Mr. Randolph, and now by an attack of periodical headache on myself. This leaves me but an hour and a half each morning capable of any business at all. A part of this I have devoted to write you this letter, and to assure you of my constant friendship and respect.

# TO COLONEL G. MORGAN

*Washington, March 26th, 1807.*

Sir,—Your favors of January 19th and 20th came to hand in due time, but it was not in my power to acknowledge their receipt during the session of Congress. General Gage's paper I have filed with that on Pensacola, in the War Office, and Mr. Hutchins' map, in the Navy Office, where they will be useful. I tender you my thanks for this contribution to the public service. The bed of the Mississippi and the shoals on the coast change so frequently, as to require frequent renewals of the surveys. Congress have authorized a new survey of our whole coast, by an act of the last session. Burr is on his way to Richmond for trial; and if the judges do not discharge him before it is possible to collect the testimony from Maine to New Orleans, there can be no doubt where his history will end. To what degree punishments of his adherents shall be extended, will be decided when we shall have collected all the evidence, and seen who were cordially guilty. The federalists appear to make Burr's cause their own, and to spare no efforts to screen his adherents. Their great mortification is at the failure of his plans. Had a little success dawned on him, their openly joining him might have produced some danger. As it is, I believe the undertaking will not be without some good effects, as a wholesome lesson to those who have more ardor than

principle. I believe there is reason to expect that Blennerhasset will also be sent by the judges of Mississippi to Virginia. Yours was the very first intimation I had of this plot, for which it is but justice to say you have deserved well of your country. Accept my friendly salutations, and assurances of great esteem and respect.

# TO MR. COXE

*Washington, March 27, 1807.*

Sir,—I received on the 24th of January a communication, which from an endorsement in your hand, I knew to have come from you. Others had been received at different periods before, which candor obliges me frankly to say, had not been answered because some of the earliest of them had been of a character with which I thought it my duty to be dissatisfied. Observing, however, that you have continued to turn your attention assiduously to the public interests, and to communicate to the government your ideas, which have often been useful, I expunge from my mind the umbrage which had been taken, and wish it no more to be recollected or explained on either side.

Your idea of providing as many arms as we have fighting men, is undoubtedly a sound one. Its execution, however, depends on the Legislature. Composed, indeed, of gentlemen of the best intentions, but like all others collected in mass, requiring considerable time to receive impressions, however useful, if new. Time and reflection will not fail in the end to bring them to whatever is right. The session before the last I proposed to them the classification of the militia, so that those in the prime of life only, and unburthened with families, should ever be called into distant service; and that every man should receive a stand of arms

the first year he entered the militia. This would have required 40,000 stands a year, and in a few years would have armed the whole, besides the stock in the public arsenals, which is a good one. Converts to the measure are daily coming over, and it will prevail in time. The same thing will happen as to the employing the surplus of our revenues to roads, rivers, canals, education. The proposition for building lock-docks for the preservation of our navy, has local rivalries to contend against. Till these can be overruled or compromised, the measure can never be adopted. Yet there ought never to be another ship built until we can provide some method of preserving them through the long intervals of peace which I hope are to be the lot of our country. I understand that, employing private as well as the public manufactories, we can make about 40,000 stand of arms a year. But they come so much dearer than the imported of equal quality, that we shall import also. From the beginning of my administration, I have discouraged the laying in stores of powder, but have recommended great stores of sulphur and salt-petre. I confess, however, I do not apprehend that the dislike which I know the European governments have to our form, will combine them in any serious attempts against it. They have too many jealousies of one another, to engage in distant wars for a matter of opinion only. I verily believe that it will ever be in our power to keep so even a stand between England and France, as to inspire a wish in neither to throw us into the scale of his adversary. But if we can do this for a dozen years only, we shall have little to fear

from them. Accept my salutations, and assurances of esteem and respect.

# TO LEVETT HARRIS, ESQ

*Washington, March 28, 1807.*

Sir,—Your letters of August 10th and September 18th have been duly received, and I have to thank you for the safe transmission of the four volumes of the "Vocabulaires Comparés de Pallas," for which I am indebted, through you, to the Minister of Commerce, Count Romanzoff. I must pray you, in a particular manner, to express to his Excellency my sensibility for this mark of his obliging attention, rendered the more impressive from a high esteem for his personal character, and from the hope that an interchange of personal esteem may contribute to strengthen the friendship of the two nations, bound together by many similar interests. To this I must add by anticipation my thanks for his work on the Commerce of Russia, as well as to Count Potoski, for the two works from him, which you mention to have been sent by Mr. A. Smith, and which, I doubt not, will come safely to hand. Accept for yourself my salutations and assurances of esteem and respect.

# TO MR. GALLATIN

*March 29, 1807.*

A doubt is entertained whether the Acts of Congress respecting claims to lands in Orleans and Louisiana, and authorizing the commissioners "to decide according to the laws and established usages and customs of the French and Spanish governments, *upon all claims to lands within their respective districts,*" &c., meant to give that power as to *all claims*, or to restrict it to those claims only which had been previously recognized by Congress.

Were it necessary for us to decide that question, I should be of opinion that it meant *all claims*, because the words are general. "*All claims to lands within their respective districts,*" and there are no other words restricting them to those claims only, previously recognized by Congress; and because the intention of the Act was to quiet and satisfy all the minor claimants, and reserve only the great and fraudulent speculations for rigorous examination.

But the Board of Commissioners, being a judiciary tribunal, I should think it proper to leave them to the law itself, as their instructions, on the meaning of which they are competent to decide, and, being on the spot, are better informed of the nature of those claims than we are. Affectionate salutations.

# TO GENERAL DEARBORNE

*March 29, 1807.*

Many officers of the army being involved in the offence of intending a military enterprise against a nation at peace with the United States, to remove the whole without trial, by the paramount authority of the executive, would be a proceeding of unusual severity. Some line must therefore be drawn to separate the more from the less guilty. The only sound one which occurs to me is between those who believed the enterprise was with the approbation of the government, open or secret, and those who meant to proceed in defiance of the government. Concealment would be no line at all, because all concealed it. Applying the line of *defiance* to the case of Lieutenant Meade, it does not appear by any testimony I have seen, that he meant to proceed in defiance of the government, but, on the contrary, that he was made to believe the government approved of the expedition. If it be objected that he concealed a part of what had taken place in his communications to the Secretary at War, yet if a concealment of the whole would not furnish a proper line of distinction, still less would the concealment of a part. This too would be a removal for *prevarication*, not for *unauthorized enterprise*, and could not be a proper ground for exercising the extraordinary power of removal by the President. On the whole, I think Lieutenant Meade's is not

a case for its exercise. Affectionate salutations.

# TO MR. ROBERT PATTERSON

*Washington, March 29, 1807.*

Dear Sir,—I have duly received your letter of the 25th, proposing the appointment of an assistant-engraver to the Mint, at a salary of \$600, and that Mr. Reich should be the assistant. You are so exclusively competent to decide on the want of such an officer, that I approve the proposition in the faith of your opinion. With respect to the person to be appointed, my knowledge of the superior talents of Mr. Reich concurs with your recommendation in the propriety of appointing him.

I should approve of your employing the Mint on small silver coins, rather than on dollars and gold coins, as far as the consent of those who employ it can be obtained. It would be much more valuable to the public to be supplied with abundance of dimes and half dimes, which would stay among us, than with dollars and eagles which leave us immediately. Indeed I wish the law authorized the making two cent and three cent pieces of silver, and golden dollars, which would all be large enough to handle, and would be a great convenience to our own citizens. Accept my affectionate salutations.

# TO M. LE COMTE DIODATI

*Washington, March 29, 1807.*

My Dear and Ancient Friend,—Your letter of August the 29th reached me on the 18th of February. It enclosed a duplicate of that written from Brunswick five years before, but which I never received, or had notice of, but by this duplicate. Be assured, my friend, that I was incapable of such negligence towards you, as a failure to answer it would have implied. It would illy have accorded with those sentiments of friendship I entertained for you at Paris, and which neither time nor distance has lessened. I often pass in review the many happy hours I spent with Madame Diodati and yourself on the banks of the Seine, as well as at Paris, and I count them among the most pleasing I enjoyed in France. Those were indeed days of tranquillity and happiness. They had begun to cloud a little before I left you; but I had no apprehension that the tempest, of which I saw the beginning, was to spread over such an extent of space and time. I have often thought of you with anxiety, and wished to know how you weathered the storm, and into what port you had retired. The letters now received give me the first information, and I sincerely felicitate you on your safe and quiet retreat. Were I in Europe, *pax et panis* would certainly be my motto. Wars and contentions, indeed, fill the pages of history with more matter. But more blest is that nation

whose silent course of happiness furnishes nothing for history to say. This is what I ambition for my own country, and what it has fortunately enjoyed for now upwards of twenty years, while Europe has been in constant volcanic eruption, I again, my friend, repeat my joy that you have escaped the overwhelming torrent of its lava.

At the end of my present term, of which two years are yet to come, I propose to retire from public life, and to close my days on my patrimony of Monticello, in the bosom of my family. I have hitherto enjoyed uniform health; but the weight of public business begins to be too heavy for me, and I long for the enjoyments of rural life, among my books, my farms and my family. Having performed my *quadragena stipendia*, I am entitled to my discharge, and should be sorry, indeed, that others should be sooner sensible than myself when I ought to ask it. I have, therefore, requested my fellow citizens to think of a successor for me, to whom I shall deliver the public concerns with greater joy than I received them. I have the consolation too of having added nothing to my private fortune, during my public service, and of retiring with hands as clean as they are empty. Pardon me these egotisms, which, if ever excusable, are so when writing to a friend to whom our concerns are not uninteresting. I shall always be glad to hear of your health and happiness, and having been out of the way of hearing of any of our cotemporaries of the *corps diplomatique* at Paris, any details of their subsequent history which you will favor me with,

will be thankfully received. I pray you to make my friendly respects acceptable to Madame la Comtesse Diodati, to assure M. Tronchin of my continued esteem, and to accept yourself my affectionate salutations, and assurances of constant attachment and respect.

# TO MR. BOWDOIN

*Washington, April 2, 1807.*

Dear Sir,—I wrote you on the 10th of July last; but neither your letter of October the 20th, nor that of November the 15th mentioning the receipt of it, I fear it has miscarried. I therefore now enclose a duplicate. As that was to go under cover of the Secretary of State's despatches by any vessel going from our distant ports, I retained the polygraph therein mentioned for a safer conveyance. None such has occurred till now, that the United States armed brig the Wasp, on her way to the Mediterranean is to touch at Falmouth, with despatches for our ministers at London and at Brest, with others for yourself and General Armstrong.

You heard in due time from London of the signature of a treaty there between Great Britain and the United States. By a letter we received in January from our ministers at London, we found they were making up their minds to sign a treaty, in which no provision was made against the impressment of our seamen, contenting themselves with a note received in the course of their correspondence, from the British negotiators, assuring them of the discretion with which impressments should be conducted, which could be construed into a covenant only by inferences, against which its omission in the treaty was a strong inference;

and in its terms totally unsatisfactory. By a letter of February the 3d, they were immediately informed that no treaty, not containing a satisfactory article on that head, would be ratified, and desiring them to resume the negotiations on that point. The treaty having come to us actually in the inadmissible shape apprehended, we, of course, hold it up until we know the result of the instructions of February the 3d. I have but little expectation that the British government will retire from their habitual wrongs in the impressment of our seamen, and am certain, that without that, we will never tie up our hands by treaty, from the right of passing a non-importation or non-intercourse act, to make it her interest to become just. This may bring on a war of commercial restrictions. To show, however, the sincerity of our desire for conciliation, I have suspended the non-importation act. This state of things should be understood at Paris, and every effort used on your part to accommodate our differences with Spain, under the auspices of France, with whom it is all important that we should stand in terms of the strictest cordiality. In fact, we are to depend on her and Russia for the establishment of neutral rights by the treaty of peace, among which should be that of taking no persons by a belligerent out of a neutral ship, unless they be the *soldiers* of an enemy. Never did a nation act towards another with more perfidy and injustice than Spain has constantly practised against us: and if we have kept our hands off of her till now, it has been purely out of respect to France, and from the value we set on the friendship of France. We expect, therefore, from the friendship

of the Emperor, that he will either compel Spain to do us justice, or abandon her to us. We ask but one month to be in possession of the city of Mexico.

No better proof of the good faith of the United States could have been given, than the vigor with which we have acted, and the expense incurred, in suppressing the enterprise meditated lately by Burr against Mexico. Although at first, he proposed a separation of the western country, and on that ground received encouragement and aid from Yrujo, according to the usual spirit of his government towards us, yet he very early saw that the fidelity of the western country was not to be shaken, and turned himself wholly towards Mexico. And so popular is an enterprise on that country in this, that we had only to lie still, and he would have had followers enough to have been in the city of Mexico in six weeks. You have doubtless seen my several messages to Congress, which give a faithful narrative of that conspiracy. Burr himself, after being disarmed by our endeavors of all his followers, escaped from the custody of the court of Mississippi, but was taken near Fort Stoddart, making his way to Mobile, by some country people, who brought him on as a prisoner to Richmond, where he is now under a course for trial. Hitherto we have believed our law to be, that suspicion on probable grounds was sufficient cause to commit a person for trial, allowing time to collect witnesses till the trial. But the judges here have decided, that conclusive evidence of guilt must be ready in the moment of arrest, or they will discharge the malefactor. If this is still

insisted on, Burr will be discharged; because his crimes having been sown from Maine, through the whole line of the western waters, to New Orleans, we cannot bring the witnesses here under four months. The fact is, that the federalists make Burr's cause their own, and exert their whole influence to shield him from punishment, as they did the adherents of Miranda. And it is unfortunate that federalism is still predominant in our judiciary department, which is consequently in opposition to the legislative and executive branches, and is able to baffle their measures often.

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

# TO WILLIAM B. GILES

*Monticello, April 20, 1807.*

Dear Sir,—Your favor of the 6th instant, on the subject of Burr's offences, was received only four days ago. That there should be anxiety and doubt in the public mind, in the present defective state of the proof, is not wonderful; and this has been sedulously encouraged by the tricks of the judges to force trials before it is possible to collect the evidence, dispersed through a line of two thousand miles from Maine to Orleans. The federalists, too, give all their aid, making Burr's cause their own, mortified only that he did not separate the Union or overturn the government, and proving, that had he had a little dawn of success, they would have joined him to introduce his object, their favorite monarchy, as they would any other enemy, foreign or domestic, who could rid them of this hateful republic for any other government in exchange.

The first ground of complaint was the supine inattention of the administration to a treason stalking through the land in open day. The present one, that they have crushed it before it was ripe for execution, so that no overt acts can be produced. This last may be true; though I believe it is not. Our information having been chiefly by way of letter, we do not know of a certainty yet what will be proved. We have set on foot an inquiry through the whole

of the country which has been the scene of these transactions, to be able to prove to the courts, if they will give time, or to the public by way of communication to Congress, what the real facts have been. For obtaining this, we are obliged to appeal to the patriotism of particular persons in different places, of whom we have requested to make the inquiry in their neighborhood, and on such information as shall be voluntarily offered. Aided by no process or facilities from the *federal* courts, but frowned on by their new born zeal for the liberty of those whom we would not permit to overthrow the liberties of their country, we can expect no revelations from the accomplices of the chief offender. Of treasonable intentions, the judges have been obliged to confess there is probable appearance. What loophole they will find in the case, when it comes to trial, we cannot foresee. Eaton, Stoddart, Wilkinson, and two others whom I must not name, will satisfy the world, if not the judges, of Burr's guilt. And I do suppose the following overt acts will be proved. 1. The enlistment of men, in a regular way. 2. The regular mounting of guard round Blennerhasset's island when they expected Governor Tiffin's men to be on them, *modo guerrino arraiati*. 3. The rendezvous of Burr with his men at the mouth of Cumberland. 4. His letter to the acting Governor of Mississippi, holding up the prospect of civil war. 5. His capitulation regularly signed with the aids of the Governor, as between two independent and hostile commanders.

But a moment's calculation will show that this evidence cannot be collected under four months, probably five, from the moment

of deciding when and where the trial shall be. I desired Mr. Rodney expressly to inform the Chief Justice of this, unofficially. But Mr. Marshall says, "More than five weeks have elapsed since the opinion of the Supreme Court has declared the necessity of proving the overt acts, if they exist. Why are they not proved?" In what terms of decency can we speak of this? As if an express could go to Natchez, or the mouth of Cumberland, and return in five weeks, to do which has never taken less than twelve. Again, "If, in November or December last, a body of troops had been assembled on the Ohio, it is impossible to suppose the affidavits establishing the fact could not have been obtained by the last of March." But I ask the judge where they should have been lodged? At Frankfort? at Cincinnati? at Nashville? St. Louis? Natchez? New Orleans? These were the probable places of apprehension and examination. It was not known at *Washington* till the 26th of March that Burr would escape from the Western tribunals, be retaken and brought to an Eastern one; and in five days after, (neither five months nor five weeks, as the judge calculated,) he says, it is "impossible to suppose the affidavits could not have been obtained." Where? At Richmond he certainly meant, or meant only to throw dust in the eyes of his audience. But all the principles of law are to be perverted which would bear on the favorite offenders who endeavor to overturn this odious Republic. "I understand," says the judge, "*probable* cause of guilt to be a case made out by *proof* furnishing good reason to believe," &c. Speaking as a lawyer, he must mean

legal proof, i. e., proof on oath, at least. But this is confounding *probability* and *proof*. We had always before understood that where there was reasonable ground to believe guilt, the offender must be put on his trial. That guilty intentions were probable, the judge believed. And as to the overt acts, were not the bundle of letters of information in Mr. Rodney's hands, the letters and facts published in the local newspapers, Burr's flight, and the universal belief or rumor of his guilt, probable ground for presuming the facts of enlistment, military guard, rendezvous, threat of civil war, or capitulation, so as to put him on trial? Is there a candid man in the United States who does not believe some one, if not all, of these overt acts to have taken place?

If there ever had been an instance in this or the preceding administrations, of federal judges so applying principles of law as to condemn a federal or acquit a republican offender, I should have judged them in the present case with more charity. All this, however, will work well. The nation will judge both the offender and judges for themselves. If a member of the executive or legislature does wrong, the day is never far distant when the people will remove him. They will see then and amend the error in our Constitution, which makes any branch independent of the nation. They will see that one of the great co-ordinate branches of the government, setting itself in opposition to the other two, and to the common sense of the nation, proclaims impunity to that class of offenders which endeavors to overturn the Constitution, and are themselves protected in it by the Constitution itself; for

impeachment is a farce which will not be tried again. If their protection of Burr produces this amendment, it will do more good than his condemnation would have done. Against Burr, personally, I never had one hostile sentiment. I never indeed thought him an honest, frank-dealing man, but considered him as a crooked gun, or other perverted machine, whose aim or shot you could never be sure of. Still, while he possessed the confidence of the nation, I thought it my duty to respect in him their confidence, and to treat him as if he deserved it; and if his punishment can be commuted now for an useful amendment of the Constitution, I shall rejoice in it. My sheet being full, I perceive it is high time to offer you my friendly salutations, and assure you of my constant and affectionate esteem and respect.

# TO THE SECRETARY OF STATE

*Monticello, April 21st, 1807.*

Dear Sir,—Yours of the 13th came to hand only yesterday, and I now return you the letters of Turreau and Woodward, and Mr. Gallatin's paper on foreign seamen. I retain Monroe and Pinckney's letters, to give them a more deliberate perusal than I can now before the departure of the post. By the next they shall be returned. I should think it best to answer Turreau at once, as he will ascribe delay to a supposed difficulty, and will be sure to force an answer at last. I take the true principle to be, that "for violations of jurisdiction, with the consent of the sovereign, or his voluntary sufferance, indemnification is due; but that for others he is bound only to use all *reasonable* means to obtain indemnification from the aggressor, which must be calculated on his circumstances, and these endeavors *bonâ fide* made; and failing, he is no further responsible." It would be extraordinary indeed if we were to be answerable for the conduct of belligerents through our whole coast, whether inhabited or not.

Will you be so good as to send a passport to Julian Y. Niemcewicz, an American citizen, of New Jersey, going to Europe on his private affairs? I have known him intimately for twenty years, the last twelve of which he has resided in the United States, of which he has a certificate of citizenship. He

was the companion of Kosciusko. Be so good as to direct it to him at Elizabethtown, and without delay, as he is on his departure. Mr. Gallatin's estimate of the number of foreign seamen in our employ renders it prudent, I think, to suspend all propositions respecting our non-employment of them. As, on a consultation when we were all together, we had made up our minds on every article of the British treaty, and this of not employing their seamen was only mentioned for further inquiry and consideration, we had better let the negotiations go on, on the ground then agreed on, and take time to consider this supplementary proposition. Such an addition as this to a treaty already so bad would fill up the measure of public condemnation. It would indeed be making bad worse. I am more and more convinced that our best course is, to let the negotiation take a friendly nap, and endeavor in the meantime to practice on such of its principles as are mutually acceptable. Perhaps we may hereafter barter the stipulation not to employ their seamen for some equivalent to our flag, by way of convention; or perhaps the general treaty of peace may do better for us, if we shall not, in the meantime, have done worse for ourselves. At any rate, it will not be the worse for lying three weeks longer. I salute you with sincere affection.

P. S. Will you be so good as to have me furnished with a copy of Mr. Gallatin's estimate of the number of foreign seamen? I think he overrates the number of officers greatly.

# TO MR. GALLATIN

*Monticello, April 21, 1807.*

Some very unusual delay has happened to the post, as I received yesterday only my letter from Philadelphia, as far back as April 9th, and Washington, April 11th. Of course yours of the 13th and 16th were then only received, and being overwhelmed with such an accumulated mail, I must be short, as the post goes out in a few hours. I return you Huston's, Findlay's, and Governor Harrison's letters. J. Smith's is retained because it is full of nominations. I had received, a week ago, from a member of the Pennsylvania legislature, a copy of their act for the Western road. I immediately wrote to Mr. Moore that we should consider the question whether the road should pass through Uniontown, as now decided affirmatively, and I referred to the commissioner to reconsider the question whether it should also pass through Brownsville, and to decide it according to their own judgment. I desired him to undertake the superintendence of the execution, to begin the work in time to lay out the whole appropriation this summer, and to employ it in making effectually good the most difficult parts. I approve of Governor Harrison's lease to Taylor, and of the conveying the salt water by pipes to the fuel and navigation, rather than the fuel and navigation to the Saline. I think it our indispensable duty to remove immediately

all intruders from the lands, the timber of which will be wanting for the Salines, and will sign any order you will be so good as to prepare for that purpose. You are hereby authorized to announce to the collector of Savannah, his removal, if you judge it for the public good. I recollect nothing of Bullock, the attorney, and not having my papers here, I am not able to refresh my memory concerning him. I expect to leave this, on my return to Washington, about three weeks hence. Your estimate of the number of foreign seamen in our employ, renders it prudent, in my opinion, to drop the idea of any proposition not to employ them. As we had made up our minds on every article of the British treaty, when consulting together, and this idea was only an after thought referred for enquiry and consideration, we had better take more time for it. Time strengthens my belief that no equal treaty will be obtained from such a higher as Lord Auckland, or from the present ministry, Fox being no longer with them, and that we shall be better without any treaty than an unequal one. Perhaps we may engage them to act on certain articles, including their note on impressment, by a mutual understanding, under the pretext of further time to arrange a general treaty. Perhaps, too, the general peace will, in the meantime, establish for us better principles than we can obtain ourselves.

I enclose a letter from Gideon Fitz. Affectionate salutes.

# TO MR. NIEMCEWICZ

*Monticello, April 22, 1807.*

Dear Sir,—I received on the 20th your favor of the 10th instant, and yesterday I wrote to desire the Secretary of State to forward your passport to Elizabethtown. In the visit you propose to make to your native country, I sincerely wish you may find its situation, and your own interests in it, satisfactory. On what it has been, is, or shall be, however, I shall say nothing. I consider Europe, at present, as a world apart from us, about which it is improper for us even to form opinions, or to indulge any wishes but the general one, that whatever is to take place in it, may be for its happiness. For yourself, however, personally, I may express with safety as well as truth, my great esteem and the interest I feel for your welfare. From the same principles of caution, I do not write to my friend Kosciusko. I know he is always doing what he thinks is right, and he knows my prayers for his success in whatever he does. Assure him, if you please, of my constant affection, and accept yourself my wishes for a safe and pleasant voyage, with my friendly salutations and assurances of great esteem and respect.

# TO MR. MADISON

*Monticello, April 25, 1807.*

Dear Sir,—Yours of the 20th came to hand on the 23d, and I now return all the papers it covered, to wit, Harris's, Maunce's, and General Smith's letters, as also some papers respecting Burr's case, for circulation. Under another cover is a letter from Governor Williams, confidential, and for yourself alone, as yet. I expect we shall have to remove Meade. Under still a different cover you will receive Monroe's and Pinckney's letters, detained at the last post. I wrote you then on the subject of the British treaty, which the more it is developed the worse it appears. Mr. Rodney being supposed absent, I enclose you a letter from Mr. Reed, advising the summoning Rufus Easton as a witness; but if he is at St. Louis, he cannot be here by the 22d of May. You will observe that Governor Williams asks immediate instructions what he shall do with Blennerhasset, Tyler, Floyd, and Ralston. I do not know that we can do anything but direct General Wilkinson to receive and send them to any place where the judge shall decide they ought to be tried. I suppose Blennerhasset should come to Richmond. On consulting with the other gentlemen, be so good as to write to Williams immediately, as a letter will barely get there by the 4th Monday of May. I enclose you a warrant for five thousand dollars for Mr.

Rodney, in the form advised by Mr. Gallatin.

We have had three great rains within the last thirteen days. It is just now clearing off after thirty-six hours of rain, with little intermission. Yet it is thought not too much. I salute you with sincere affection.

# TO MR. THOMAS MOORE

*Monticello, May 1, 1807.*

Sir,—On the 14th of April I wrote to you, on the presumption that a law respecting the western road had passed the Legislature of Pennsylvania, in the form enclosed by Mr. Dorsey, and which I enclosed to you. I have now received from the Governor an authentic copy of the law, which agrees with that I forwarded to you. You will therefore be pleased to consider the contents of that letter as founded in the certainty of the fact that the law did pass in that form, although not certainly known at that time, and proceed on it accordingly. I shall be in Washington on the 16th and 17th inst., should you have occasion for further communication with me. I salute you with esteem and respect.

# TO MR. MADISON

*Monticello, May 1, 1807.*

Dear Sir,—I return you Monroe's, Armstrong's, Harris's, and Anderson's letters, and add a letter and act from Gov. McKean, to be filed in your office. The proposition for separating the western country, mentioned by Armstrong to have been made at Paris, is important. But what is the declaration he speaks of? for none accompanies his letter, unless he means Harry Grant's proposition. I wish our Ministers at Paris, London, and Madrid, could find out Burr's propositions and agents there. I know few of the characters of the new British administration. The few I know are true Pittites, and anti-American. From them we have nothing to hope, but that they will readily let us back out. Whether they can hold their places will depend on the question whether the Irish propositions be popular or unpopular in England. Dr. Sibley, in a letter to Gen. Dearborne, corrects an error of fact in my message to Congress of December. He says the Spaniards never had a single soldier at Bayou Pierre till after 1805. Consequently it was not a keeping, but a taking of a military possession of that post. I think Gen. Dearborne would do well to desire Sibley to send us affidavits of that fact.

Our weather continues extremely seasonable, and favorable for vegetation. I salute you with sincere affection.

P. S. The pamphlet and papers shall be returned by next post.

# TO MR. OLIVER EVANS

*Monticello, May 2, 1807.*

Sir,—Your favor of the 18th came to hand two days ago. That the ingenuity of an advocate, seeking for something to defend his client, should have hazarded as an objection that it did not appear on the face of the patent itself, that you had complied with the requisitions of the act authorizing a patent for your invention, is not wonderful; but I do not expect that such an objection can seriously embarrass the good sense of a judge. The law requires, indeed, that certain acts shall be performed by the inventor to authorize a monopoly of his invention, and, to secure their being done, it has called in, and relied on, the agency of the Secretary of State, the Attorney General, and President. When they are satisfied the acts have been done, they are to execute a patent, granting to the inventor the monopoly. But the law does not require that the patent itself should bear the evidence that they should have been performed, any more than it requires that in a judgment should be stated all the evidence on which it is founded. The evidence of the acts on which the patent is founded, rests with those whose duty it is to see that they are performed; in fact, it is in the Secretary of State's office, where the interloper or inventor may have recourse to it if wanting. If these high officers have really failed to see that the acts were performed, or to

preserve evidence of it, they have broken their trust to the public, and are responsible to the public; but their negligence cannot invalidate the inventor's right, who has been guilty of no fault. On the contrary, the patent, which is a record, has conveyed a right to him from the public, and that it was issued rightfully ought to be believed on the signature of these high officers affixed to the patent,—this being a solemn pledge on their part that the acts had been performed. Would their assertion of the fact, in the patent itself, pledge them more to the public? I do not think, then, that the disinterested judgment of a court can find difficulty in this objection. At any rate your right will be presumed valid, until they decide that it is not. Their final decision alone can authorize your resort to any remedial authority,—that is to say, to the Legislature, who alone can provide a remedy. Certainly an inventor ought to be allowed a right to the benefit of his invention for some certain time. It is equally certain it ought not to be perpetual; for to embarrass society with monopolies for every utensil existing, and in all the details of life, would be more injurious to them than had the supposed inventors never existed; because the natural understanding of its members would have suggested the same things or others as good. How long the term should be is the difficult question. Our Legislators have copied the English estimate of the term, perhaps without sufficiently considering how much longer, in a country so much more sparsely settled, it takes for an invention to become known, and used to an extent profitable to the inventor. Nobody wishes more

than I do that ingenuity should receive a liberal encouragement: nobody estimates higher the utility which society has derived from that displayed by yourself; and I assure you with truth, that I shall always be ready to manifest it by every service I can render you. To this assurance I add that of my great respect and esteem, and my friendly salutations.

# TO J. MADISON

*Monticello, May 5, 1807.*

I return you the pamphlet of the author of War in Disguise. Of its first half, the topics and the treatment of them are very commonplace; but from page 118 to 130 it is most interesting to all nations, and especially to us. Convinced that a militia of all ages promiscuously are entirely useless for distant service, and that we never shall be safe until we have a selected corps for a year's distant service at least, the classification of our militia is now the most essential thing the United States have to do. Whether, on Bonaparte's plan of making a class for every year between certain periods, or that recommended in my message, I do not know, but I rather incline to his. The idea is not new, as, you may remember, we adopted it once in Virginia during the revolution, but abandoned it too soon. It is the real secret of Bonaparte's success. Could H. Smith put better matter into his paper than the twelve pages above mentioned, and will you suggest it to him? No effort should be spared to bring the public mind to this great point. I salute you with sincere affection.

# TO THE HONORABLE JOHN SMITH

*Monticello, May 7, 1807.*

Dear Sir,—Your two letters of March 27th and April 6th have been received. Writing from this place, where I have not my papers to turn to, I cannot even say whether I have received such as you ask copies of. But I am sorry to answer any request of yours by saying that a compliance would be a breach of trust. It is essential for the public interest that I should receive all the information possible respecting either matters or persons connected with the public. To induce people to give this information, they must feel assured that when deposited with me it is secret and sacred. Honest men might justifiably withhold information, if they expected the communication would be made public, and commit them to war with their neighbors and friends. This imposes the duty on me of considering such information as mere suggestions for inquiry, and to put me on my guard; and to injure no man by forming any opinion until the suggestion be verified. Long experience in this school has by no means strengthened the disposition to believe too easily. On the contrary, it has begotten an incredulity which leaves no one's character in danger from any hasty conclusion. I hope these considerations will satisfy you, both as they respect you

and myself, and that you will be assured I shall always be better pleased with those cases which admit that compliance with your wishes which is always pleasing to me. Accept my salutations, and assurances of great esteem and respect.

# TO MR. MADISON

*Monticello, May 8, 1807.*

I return you Monroe's letter of March 5th. As the explosion in the British ministry took place about the 15th, I hope we shall be spared the additional embarrassment of his convention. I enclose you a letter of Michael Jones for circulation, and to rest with the Attorney General. It contains new instances of Burr's enlistments. I received this from Mr. Gallatin, so you can hand it to General Dearborne direct.

I expect to leave this on the 13th, but there is a possible occurrence which may prevent it till the 19th, which however is not probable. Accept affectionate salutations.

# TO MR. HAY

*Washington, May 20, 1807.*

Dear Sir,—Dr. Bollman, on his arrival here in custody in January, voluntarily offered to make communications to me, which he accordingly did, Mr. Madison also being present. I previously and subsequently assured him, (without, however, his having requested it,) that they should never be used *against himself*. Mr. Madison on the same evening committed to writing, by memory, what he had said; and I moreover asked of Bollman to do it himself, which he did, and I now enclose it to you. The object is, as he is to be a witness, that you may know how to examine him, and draw everything from him. I wish the paper to be seen and known only to yourself and the gentlemen who aid you, and to be returned to me. If he should prevaricate, I should be willing you should go so far as to ask him whether he did not say so and so to Mr. Madison and myself. In order to let him see that his prevarications will be marked, Mr. Madison will forward you a pardon for him, which we mean should be delivered previously. It is suspected by some he does not intend to appear. If he does not, I hope you will take effectual measures to have him immediately taken into custody. Some other blank pardons are sent on to be filled up at your discretion, if you should find a defect of evidence, and believe that this would

supply it, by avoiding to give them to the gross offenders, unless it be visible that the principal will otherwise escape. I send you an affidavit of importance received last night. If General Wilkinson gets on in time, I expect he will bring Dunbaugh on with him. At any rate it may be a ground for an arrest and commitment for treason. Accept my friendly salutations, and assurances of great esteem and respect.

# TO MR. DE LA COSTE

*Washington, May 24, 1807.*

Sir,—I received, in due time, your favor of April 10th, enclosing a scheme and subscription for the establishment of a museum of natural history, at Williamsburgh, by private contributions. Nobody can desire more ardently than myself, to concur in whatever may promote useful science, and I view no science with more partiality than natural history. But I have ever believed that in this, as in most other cases, abortive attempts retard rather than promote this object. To be really useful we must keep pace with the state of society, and not dishearten it by attempts at what its population, means, or occupations will fail in attempting. In the particular enterprises for museums, we have seen the populous and wealthy cities of Boston and New York unable to found or maintain such an institution. The feeble condition of that in each of these places sufficiently proves this. In Philadelphia alone, has this attempt succeeded to a good degree? It has been owing there to a measure of zeal and perseverance in an individual rarely equalled; to a population, crowded, wealthy, and more than usually addicted to the pursuit of knowledge. And, with all this, the institution does not maintain itself. The proprietor has been obliged to return to the practice of his original profession to help it on. I know, indeed, that there

are many individuals in Williamsburg, and its vicinity, who have already attained a high degree of science, and many zealously pursuing it. But after viewing all circumstances there as favorably as the most sanguine of us could wish, I cannot find in them a rational ground for expecting success in an undertaking to which the other positions have been found unequal. I sincerely wish I may be mistaken, and that the success which your zeal I am sure will merit, may be equal to your wishes, as well as ours. But, for the present, I would rather reserve myself till its prospects can be more favorably estimated; because the aid we would be disposed to give to a promising enterprise, would be very different to one we might offer to a desperate one. Although less sanguine on this particular subject, I do entire justice to the zeal for the promotion of science, which has excited your effort, and shall see it with uncommon pleasure surmounting the present difficulties, or engaged in other pursuits which may reward it with better success. Be assured that no one is more sincere in wishing it, and accept my salutations and assurances of great respect and consideration.

# TO MR. CLINTON

*Washington, May 24, 1807.*

Th: Jefferson presents his compliments to Mr. Clinton, and his thanks for the pamphlet sent him. He recollects the having read it at the time with a due sense of his obligation to the author, whose name was surmised, though not absolutely known, and a conviction that he had made the most of his matter. The ground of defence might have been solidly aided by the assurance (which is the absolute fact) that the whole story fathered on Mazzei, was an unfounded falsehood. Dr. Linn, as aware of that, takes care to quote it from a dead man, who is made to quote from one residing in the remotest part of Europe. Equally false was Dr. Linn's other story about Bishop Madison's lawn sleeves, as the Bishop can testify, for certainly Th: J. never saw him in lawn sleeves. Had the Doctor ventured to name time, place, and person, for his third lie, (the government without religion) it is probable he might have been convicted on that also. But these are slander and slanderers, whom Th: Jefferson has thought it best to leave to the scourge of public opinion. He salutes Mr. Clinton with esteem and respect.

# TO GEORGE HAY, ESQ

*Washington, May 26, 1807.*

Dear Sir,—We are this moment informed by a person who left Richmond since the 22d, that the prosecution of Burr had begun under very inauspicious symptoms by the challenging and rejecting two members of the Grand Jury, as far above all exception as any two persons in the United States. I suppose our informant is inaccurate in his terms, and has mistaken an objection by the criminal and voluntary retirement of the gentlemen with the permission of the court, for a challenge and rejection, which, in the case of a Grand Jury, is impossible. Be this as it may, and the result before the formal tribunal, fair or false, it becomes our duty to provide that full testimony shall be laid before the Legislature, and through them the public. For this purpose, it is necessary that we be furnished with the testimony of every person who shall be with you as a witness. If the Grand Jury find a bill, the evidence given in court, taken as verbatim as possible, will be what we desire. If there be no bill, and consequently no examination before court, then I must beseech you to have every man privately examined by way of affidavit, and to furnish me with the whole testimony. In the former case, the person taking down the testimony as orally delivered in court, should make oath that he believes it to be substantially correct. In

the latter case, the certificate of the magistrate administering the oath, and signature of the party, will be proper; and this should be done before they receive their compensation, that they may not evade examination. Go into any expense necessary for this purpose, and meet it from the funds provided by the Attorney General for the other expenses. He is not here, or this request would have gone from him directly. I salute you with friendship and respect.

# TO MR. HAY

*Washington, May 28, 1807.*

Dear Sir,—I have this moment received your letter of the 25th, and hasten to answer it. If the grand jury do not find a bill against Burr, as there will be no examination before a petty jury, Bollman's pardon need not in that case to be delivered; but if a bill be found, and a trial had, his evidence is deemed entirely essential, and in that case his pardon is to be produced before he goes to the book. In my letter of the day before yesterday, I enclosed you Bollman's written communication to me, and observed you might go so far, if he prevaricated, as to ask him whether he did not say so and so to Mr. Madison and myself. On further reflection I think you may go farther, if he prevaricates grossly, and show the paper to him, and ask if it is not his handwriting, and confront him by its contents. I enclose you some other letters of Bollman to me on former occasions, to prove by similitude of hand that the paper I enclosed on the 26th was of his handwriting. I salute you with esteem and respect.

# TO COLONEL MONROE

*Washington, May 29, 1807.*

Dear Sir,—I have not written to you by Mr. Purviance, because he can give you *vivâ voce* all the details of our affairs here, with a minuteness beyond the bounds of a letter, and because, indeed, I am not certain this letter will find you in England. The sole object in writing it, is to add another little commission to the one I had formerly troubled you with. It is to procure for me "a machine for ascertaining the resistance of ploughs or carriages, invented and sold by Winlaw, in Margaret street, Cavendish Square." It will cost, I believe, four or five guineas, which shall be replaced here instanter on your arrival. I had intended to have written you to counteract the wicked efforts which the federal papers are making to sow tares between you and me, as if I were lending a hand to measures unfriendly to any views which our country might entertain respecting you. But I have not done it, because I have before assured you that a sense of duty, as well as of delicacy, would prevent me from ever expressing a sentiment on the subject, and that I think you know me well enough to be assured I shall conscientiously observe the line of conduct I profess. I shall receive you on your return with the warm affection I have ever entertained for you, and be gratified if I can in any way avail the public of your services. God

bless you and yours.

# TO M. SILVESTRE, SECRETAIRE DE LA SOCIETE D'AGRICULTURE DE PARIS

*Washington, May 29, 1807.*

Sir,—I have received, through the care of Gen. Armstrong, the medal of gold by which the society of agriculture at Paris have been pleased to mark their approbation of the form of a mould-board which I had proposed; also the four first volumes of their memoirs, and the information that they had honored me with the title of foreign associate to their society. I receive with great thankfulness these testimonies of their favor, and should be happy to merit them by greater services. Attached to agriculture by inclination, as well as by a conviction that it is the most useful of the occupations of man, my course of life has not permitted me to add to its theories the lessons of practice. I fear, therefore, I shall be to them but an unprofitable member, and shall have little to offer of myself worthy their acceptance. Should the labors of others, however, on this side the water, produce anything which may advance the objects of their institution, I shall with great pleasure become the instrument of its communication, and shall moreover execute with zeal any orders of the society in this portion of the globe. I pray you to express to them my sensibility

for the distinctions they have been pleased to confer on me, and to accept yourself the assurances of my high consideration and respect.

# TO GEORGE HAY

*Washington, June 2, 1807.*

Dear Sir,—While Burr's case is depending before the court, I will trouble you, from time to time, with what occurs to me. I observe that the case of *Marbury v. Madison* has been cited, and I think it material to stop at the threshold the citing that case as authority, and to have it denied to be law. 1. Because the judges, in the outset, disclaimed all cognizance of the case, although they then went on to say what would have been their opinion, had they had cognizance of it. This, then, was confessedly an extrajudicial opinion, and, as such, of no authority. 2. Because, had it been judicially pronounced, it would have been against law; for to a commission, a deed, a bond, *delivery* is essential to give validity. Until, therefore, the commission is delivered out of the hands of the executive and his agents, it is not his deed. He may withhold or cancel it at pleasure, as he might his private deed in the same situation. The Constitution intended that the three great branches of the government should be co-ordinate, and independent of each other. As to acts, therefore, which are to be done by either, it has given no control to another branch. A judge, I presume, cannot sit on a bench without a commission, or a record of a commission; and the Constitution having given to the judiciary branch no means of compelling the executive either to *deliver* a

commission, or to make a record of it, shows it did not intend to give the judiciary that control over the executive, but that it should remain in the power of the latter to do it or not. Where different branches have to act in their respective lines, finally and without appeal, under any law, they may give to it different and opposite constructions. Thus, in the case of William Smith, the House of Representatives determined he was a citizen; and in the case of William Duane, (precisely the same in every material circumstance,) the judges determined he was no citizen. In the cases of Callendar and others, the judges determined the sedition act was valid under the Constitution, and exercised their regular powers of sentencing them to fine and imprisonment. But the executive determined that the sedition act was a nullity under the Constitution, and exercised his regular power of prohibiting the execution of the sentence, or rather of executing the real law, which protected the acts of the defendants. From these different constructions of the same act by different branches, less mischief arises than from giving to any one of them a control over the others. The executive and Senate act on the construction, that until delivery from the executive department, a commission is in their possession, and within their rightful power; and in cases of commissions not revocable at will, where, after the Senate's approbation and the President's signing and sealing, new information of the unfitness of the person has come to hand before the *delivery* of the commission, new nominations have been made and approved, and new commissions have issued.

On this construction I have hitherto acted; on this I shall ever act, and maintain it with the powers of the government, against any control which may be attempted by the judges, in subversion of the independence of the executive and Senate within their peculiar department. I presume, therefore, that in a case where our decision is by the Constitution the supreme one, and that which can be carried into effect, it is the constitutionally authoritative one, and that that by the judges was *coram non judice*, and unauthoritative, because it cannot be carried into effect. I have long wished for a proper occasion to have the gratuitous opinion in *Marbury v. Madison* brought before the public, and denounced as not law; and I think the present a fortunate one, because it occupies such a place in the public attention. I should be glad, therefore, if, in noticing that case, you could take occasion to express the determination of the executive, that the doctrines of that case were given extrajudicially and against law, and that their reverse will be the rule of action with the executive. If this opinion should not be your own, I would wish it to be expressed merely as that of the executive. If it is your own also, you would of course give to the arguments such a development as a case, incidental only, might render proper. I salute you with friendship and respect.

# TO ALBERT GALLATIN

*June 3, 1807.*

I gave you, some time ago, a project of a more equal tariff on wines than that which now exists. But in that I yielded considerably to the faulty classification of them in our law. I have now formed one with attention, and according to the best information I possess, classing them more rigorously. I am persuaded that were the duty on cheap wines put on the same ratio with the dear, it would wonderfully enlarge the field of those who use wine, to the expulsion of whiskey. The introduction of a very cheap wine (St. George) into my neighborhood, within two years past, has quadrupled in that time the number of those who keep wine, and will ere long increase them tenfold. This would be a great gain to the treasury, and to the sobriety of our country. I will here add my tariff, (*see opposite page,*) wherein you will be able to choose any rate of duty you please, and to decide whether it will not, on a fit occasion, be proper for legislative attention. Affectionate salutations.

Cost per gallon.

Tokay, Cape,  
Malmesey,  
Hock

Champagne,  
Burgundy,  
Claret,<sup>[1]</sup>  
Hermitage

London particular Madeira

All other Madeira

Pacharetti, Sherry

<sup>1</sup> The term Claret should be abolished, because unknown in the country where it is made, and because indefinite here. The four crops should be enumerated here instead of Claret, and all other wines to which that appellation has been applied, should fall into the ad valorem class. The four crops are Lafitte, Latour and Margaux, in Medoc, and Hautbrion, in Grave.

<sup>2</sup> Blanquefort, Oalon, Leoville, Cantenac, &c., are wines of Medoc. Barsac, Sauterne, Beaume, Preignac, St. Bris, Carbonien, Langon, Podensac, &c., are of Grave. All these are of the second order, being next after the four crops.

# TO GEORGE HAY

*Washington, June 5, 1807.*

Dear Sir,—Your favor of the 31st instant has been received, and I think it will be fortunate if any circumstance should produce a discharge of the present scanty grand jury, and a future summons of a fuller; though the same views of protecting the offender may again reduce the number to sixteen, in order to lessen the chance of getting twelve to concur. It is understood, that wherever Burr met with subjects who did not choose to embark in his projects, unless approved by their government, he asserted that he had that approbation. Most of them took his word for it, but it is said that with those who would not, the following stratagem was practised. A forged letter, purporting to be from General Dearborne, was made to express his approbation, and to say that I was absent at Monticello, but that there was no doubt that, on my return, my approbation of his enterprises would be given. This letter was spread open on his table, so as to invite the eye of whoever entered his room, and he contrived occasions of sending up into his room those whom he wished to become witnesses of his acting under sanction. By this means he avoided committing himself to any liability to prosecution for forgery, and gave another proof of being a great man in little things, while he is really small in great ones. I must

add General Dearborne's declaration, that he never wrote a letter to Burr in his life, except that when here, once in a winter, he usually wrote him a billet of invitation to dine. The only object of sending you the enclosed letters is to possess you of the fact, that you may know how to pursue it, if any of your witnesses should know anything of it. My intention in writing to you several times, has been to convey facts or observations occurring in the absence of the Attorney General, and not to make to the dreadful drudgery you are going through the unnecessary addition of writing me letters in answer, which I beg you to relieve yourself from, except when some necessity calls for it. I salute you with friendship and respect.

# TO MR. WEAVER

*Washington, June 7, 1807.*

Sir,—Your favor of March 30th never reached my hands till May 16th. The friendly views it expresses of my conduct in general give me great satisfaction. For these testimonies of the approbation of my fellow citizens, I know that I am indebted more to their indulgent dispositions than to any peculiar claims of my own. For it can give no great claims to any one to manage honestly and disinterestedly the concerns of others trusted to him. Abundant examples of this are always under our eye. That I should lay down my charge at a proper season, is as much a duty as to have borne it faithfully. Being very sensible of bodily decays from advancing years, I ought not to doubt their effect on the mental faculties. To do so would evince either great self-love or little observation of what passes under our eyes; and I shall be fortunate if I am the first to perceive and to obey this admonition of nature. That there are in our country a great number of characters entirely equal to the management of its affairs, cannot be doubted. Many of them, indeed, have not had opportunities of making themselves known to their fellow citizens; but many have had, and the only difficulty will be to choose among them. These changes are necessary, too, for the security of republican government. If some period be not fixed,

either by the Constitution or by practice, to the services of the First Magistrate, his office, though nominally elective, will, in fact, be for life; and that will soon degenerate into an inheritance. Among the felicities which have attended my administration, I am most thankful for having been able to procure coadjutors so able, so disinterested, and so harmonious. Scarcely ever has a difference of opinion appeared among us which has not, by candid consultation, been amalgamated into something which all approved; and never one which in the slightest degree affected our personal attachments. The proof we have lately seen of the innate strength of our government, is one of the most remarkable which history has recorded, and shows that we are a people capable of self-government, and worthy of it. The moment that a proclamation apprised our citizens that there were traitors among them, and what was their object, they rose upon them wherever they lurked, and crushed by their own strength what would have produced the march of armies and civil war in any other country. The government which can wield the arm of the people must be the strongest possible. I thank you for the interest you are so kind as to express in my health and welfare, and return you the same good wishes with my salutations, and assurance of respect.

# TO DOCTOR HORATIO TURPIN

*Washington, June 10, 1807.*

Dear Sir,—Your favor of June the 1st has been received. To a mind like yours, capable in any question of abstracting it from its relation to yourself, I may safely hazard explanations, which I have generally avoided to others on questions of appointment. Bringing into office no desires of making it subservient to the advancement of my own private interests, it has been no sacrifice, by postponing them, to strengthen the confidence of my fellow citizens. But I have not felt equal indifference towards excluding merit from office, merely because it was related to me. However, I have thought it my duty so to do, that my constituents may be satisfied, that, in selecting persons for the management of their affairs, I am influenced by neither personal nor family interests, and especially, that the field of public office will not be perverted by me into a family property. On this subject, I had the benefit of useful lessons from my predecessors, had I needed them, marking what was to be imitated and what avoided. But in truth, the nature of our government is lesson enough. Its energy depending mainly on the confidence of the people in the chief magistrate, makes it his duty to spare nothing which can strengthen him with that confidence.

\* \* \* \* \*

Accept assurances of my constant friendship and respect.

# TO JOHN NORVELL

*Washington, June 11, 1807.*

Sir,—Your letter of May the 9th has been duly received. The subject it proposes would require time and space for even moderate development. My occupations limit me to a very short notice of them. I think there does not exist a good elementary work on the organization of society into civil government: I mean a work which presents in one full and comprehensive view the system of principles on which such an organization should be founded, according to the rights of nature. For want of a single work of that character, I should recommend Locke on Government, Sidney, Priestley's Essay on the first Principles of Government, Chipman's Principles of Government, and the Federalist. Adding, perhaps, Beccaria on crimes and punishments, because of the demonstrative manner in which he has treated that branch of the subject. If your views of political inquiry go further, to the subjects of money and commerce, Smith's Wealth of Nations is the best book to be read, unless Say's Political Economy can be had, which treats the same subjects on the same principles, but in a shorter compass and more lucid manner. But I believe this work has not been translated into our language.

History, in general, only informs us what bad government

is. But as we have employed some of the best materials of the British constitution in the construction of our own government, a knowledge of British history becomes useful to the American politician. There is, however, no general history of that country which can be recommended. The elegant one of Hume seems intended to disguise and discredit the good principles of the government, and is so plausible and pleasing in its style and manner, as to instil its errors and heresies insensibly into the minds of unwary readers. Baxter has performed a good operation on it. He has taken the text of Hume as his ground work, abridging it by the omission of some details of little interest, and wherever he has found him endeavoring to mislead, by either the suppression of a truth or by giving it a false coloring, he has changed the text to what it should be, so that we may properly call it Hume's history republicanised. He has moreover continued the history (but indifferently) from where Hume left it, to the year 1800. The work is not popular in England, because it is republican; and but a few copies have ever reached America. It is a single quarto volume. Adding to this Ludlow's Memoirs, Mrs. M'Cauley's and Belknap's histories, a sufficient view will be presented of the free principles of the English constitution.

To your request of my opinion of the manner in which a newspaper should be conducted, so as to be most useful, I should answer, "by restraining it to true facts and sound principles only." Yet I fear such a paper would find few subscribers. It is a melancholy truth, that a suppression of the press could not

more completely deprive the nation of its benefits, than is done by its abandoned prostitution to falsehood. Nothing can now be believed which is seen in a newspaper. Truth itself becomes suspicious by being put into that polluted vehicle. The real extent of this state of misinformation is known only to those who are in situations to confront facts within their knowledge with the lies of the day. I really look with commiseration over the great body of my fellow citizens, who, reading newspapers, live and die in the belief, that they have known something of what has been passing in the world in their time; whereas the accounts they have read in newspapers are just as true a history of any other period of the world as of the present, except that the real names of the day are affixed to their fables. General facts may indeed be collected from them, such as that Europe is now at war, that Bonaparte has been a successful warrior, that he has subjected a great portion of Europe to his will, &c., &c.; but no details can be relied on. I will add, that the man who never looks into a newspaper is better informed than he who reads them; inasmuch as he who knows nothing is nearer to truth than he whose mind is filled with falsehoods and errors. He who reads nothing will still learn the great facts, and the details are all false.

Perhaps an editor might begin a reformation in some such way as this. Divide his paper into four chapters, heading the 1st, Truths. 2d, Probabilities. 3d, Possibilities. 4th, Lies. The first chapter would be very short, as it would contain little more than authentic papers, and information from such sources, as the

editor would be willing to risk his own reputation for their truth. The second would contain what, from a mature consideration of all circumstances, his judgment should conclude to be probably true. This, however, should rather contain too little than too much. The third and fourth should be professedly for those readers who would rather have lies for their money than the blank paper they would occupy.

Such an editor too, would have to set his face against the demoralizing practice of feeding the public mind habitually on slander, and the depravity of taste which this nauseous aliment induces. Defamation is becoming a necessary of life; insomuch, that a dish of tea in the morning or evening cannot be digested without this stimulant. Even those who do not believe these abominations, still read them with complaisance to their auditors, and instead of the abhorrence and indignation which should fill a virtuous mind, betray a secret pleasure in the possibility that some may believe them, though they do not themselves. It seems to escape them, that it is not he who prints, but he who pays for printing a slander, who is its real author.

These thoughts on the subjects of your letter are hazarded at your request. Repeated instances of the publication of what has not been intended for the public eye, and the malignity with which political enemies torture every sentence from me into meanings imagined by their own wickedness only, justify my expressing a solicitude, that this hasty communication may in nowise be permitted to find its way into the public papers. Not

fearing these political bull-dogs, I yet avoid putting myself in the way of being baited by them, and do not wish to volunteer away that portion of tranquillity, which a firm execution of my duties will permit me to enjoy.

I tender you my salutations, and best wishes, for your success.

# TO WILLIAM SHORT

*Washington, June 12, 1807.*

Dear Sir, \* \* \* \* \*

The proposition in your letter of May the 16th, of adding an umpire to our discordant negotiators at Paris, struck me favorably on reading it, and reflection afterwards strengthened my first impressions. I made it therefore a subject of consultation with my coadjutors, as is our usage. For our government, although in theory subject to be directed by the unadvised will of the President, is, and from its origin has been, a very different thing in practice. The minor business in each department is done by the Head of the department, on consultation with the President alone. But all matters of importance or difficulty are submitted to all the Heads of departments composing the cabinet; sometimes by the President's consulting them separately and successively, as they happen to call on him; but in the greatest cases, by calling them together, discussing the subject maturely, and finally taking the vote, in which the President counts himself but as one. So that in all important cases the executive is, in fact, a directory, which certainly the President might control; but of this there was never an example, either in the first or the present administration. I have heard, indeed, that my predecessor sometimes decided things against his council. \* \* \* \* \* I adopted in the present case

the mode of separate consultation. The opinion of each member, taken separately, was that the addition of a third negotiator was not at this time advisable. For the present therefore, the question must rest. Mr. Bowdoin, we know, is anxious to come home, and is detained only by the delicacy of not deserting his post. In the existing temper between him and his colleague, it would certainly be better that one of them should make an opening for re-composing the commission more harmoniously.

I salute you with affection and respect.

# TO GEORGE HAY

*Washington, June 12, 1807.*

Dear Sir,—Your letter of the 9th is this moment received. Reserving the necessary right of the President of the United States to decide, independently of all other authority, what papers, coming to him as President, the public interests permit to be communicated, and to whom, I assure you of my readiness under that restriction, voluntarily to furnish on all occasions, whatever the purposes of justice may require. But the letter of General Wilkinson, of October the 21st, requested for the defence of Colonel Burr, with every other paper relating to the charges against him, which were in my possession when the Attorney General went on to Richmond in March, I then delivered to him; and I have always taken for granted he left the whole with you. If he did, and the bundle retains the order in which I had arranged it, you will readily find the letter desired, under the date of its receipt, which was November the 25th; but lest the Attorney General should not have left those papers with you, I this day write to him to forward this one by post. An uncertainty whether he is at Philadelphia, Wilmington, or New Castle, may produce delay in his receiving my letter, of which it is proper you should be apprized. But, as I do not recollect the whole contents of that letter, I must beg leave to devolve on you

the exercise of that discretion which it would be my right and duty to exercise, by withholding the communication of any parts of the letter, which are not directly material for the purposes of justice.

With this application, which is specific, a prompt compliance is practicable. But when the request goes to "copies of the orders issued in relation to Colonel Burr, to the officers at Orleans, Natchez, &c. by the Secretaries of the War and Navy departments," it seems to cover a correspondence of many months, with such a variety of officers, civil and military, all over the United States, as would amount to the laying open the whole executive books. I have desired the Secretary at War to examine his official communications; and on a view of these, we may be able to judge what can and ought to be done, towards a compliance with the request. If the defendant alleges that there was any particular order, which, as a cause, produced any particular act on his part, then he must know what this order was, can specify it, and a prompt answer can be given. If the *object* had been specified, we might then have some guide for our conjectures, as to what part of the executive records might be useful to him; but, with a perfect willingness to do what is right, we are without the indications which may enable us to do it. If the researches of the Secretary at War should produce anything proper for communication, and pertinent to any point we can conceive in the defence before the court, it shall be forwarded to you.

I salute you with respect and esteem.

# TO GEORGE HAY

*Washington, June 17, 1807.*

Sir,—In answering your letter of the 9th, which desired a communication of one to me from General Wilkinson, specified by its date, I informed you in mine of the 12th that I had delivered it, with all other papers respecting the charges against Aaron Burr, to the Attorney General, when he went to Richmond; that I had supposed he had left them in your possession, but would immediately write to him, if he had not, to forward that particular letter without delay. I wrote to him accordingly on the same day, but having no answer, I know not whether he has forwarded the letter. I stated in the same letter, that I had desired the Secretary at War to examine his office, in order to comply with your further request, to furnish copies of the orders which had been given respecting Aaron Burr and his property; and in a subsequent letter of the same day, I forwarded to you copies of two letters from the Secretary at War, which appeared to be within the description expressed in your letter. The order from the Secretary of the Navy, you said, you were in possession of. The receipt of these papers had, I presume, so far anticipated, and others this day forwarded will have substantially fulfilled the object of a subpoena from the District Court of Richmond, requiring that those officers and myself should attend

the Court in Richmond, with the letter of General Wilkinson, the answer to that letter, and the orders of the departments of War and the Navy, therein generally described. No answer to General Wilkinson's letter, other than a mere acknowledgment of its receipt, in a letter written for a different purpose, was ever written by myself or any other. To these communications of papers, I will add, that if the defendant supposes there are any facts within the knowledge of the Heads of departments, or of myself, which can be useful for his defence, from a desire of doing anything our situation will permit in furtherance of justice, we shall be ready to give him the benefit of it, by way of deposition, through any persons whom the Court shall authorize to take our testimony at this place. I know, indeed, that this cannot be done but by consent of parties; and I therefore authorize you to give consent on the part of the United States. Mr. Burr's consent will be given of course, if he supposes the testimony useful.

As to our personal attendance at Richmond, I am persuaded the Court is sensible, that paramount duties to the nation at large control the obligation of compliance with their summons in this case; as they would, should we receive a similar one, to attend the trials of Blannerhassett and others, in the Mississippi territory, those instituted at St. Louis and other places on the western waters, or at any place, other than the seat of government. To comply with such calls would leave the nation without an executive branch, whose agency, nevertheless, is understood to

be so constantly necessary, that it is the sole branch which the constitution requires to be always in function. It could not then mean that it should be withdrawn from its station by any co-ordinate authority.

With respect to papers, there is certainly a public and a private side to our offices. To the former belong grants of land, patents for inventions, certain commissions, proclamations, and other papers patent in their nature. To the other belong mere executive proceedings. All nations have found it necessary, that for the advantageous conduct of their affairs, some of these proceedings, at least, should remain known to their executive functionary only. He, of course, from the nature of the case, must be the sole judge of which of them the public interests will permit publication. Hence, under our Constitution, in requests of papers from the legislative to the executive branch, an exception is carefully expressed, as to those which he may deem the public welfare may require not to be disclosed; as you will see in the enclosed resolution of the House of Representatives, which produced the message of January 22d, respecting this case. The respect mutually due between the constituted authorities, in their official intercourse, as well as sincere dispositions to do for every one what is just, will always insure from the executive, in exercising the duty of discrimination confided to him, the same candor and integrity to which the nation has in like manner trusted in the disposal of its judiciary authorities. Considering you as the organ for communicating these sentiments to the Court, I address them

to you for that purpose, and salute you with esteem and respect.

# TO GEORGE HAY

*Washington, June 19, 1807.*

Dear Sir,—Yours of the 17th was received last night. Three blank pardons had been (as I expect) made up and forwarded by the mail of yesterday, and I have desired three others to go by that of this evening. You ask what is to be done if Bollman finally rejects his pardon, and the Judge decides it to have no effect? Move to commit him immediately for treason or misdemeanor, as you think the evidence will support; let the Court decide where he shall be sent for trial; and on application, I will have the marshall aided in his transportation, with the executive means. And we think it proper, further, that when Burr shall have been convicted of either treason or misdemeanor, you should immediately have committed all those persons against whom you should find evidence sufficient, whose agency has been so prominent as to mark them as proper objects of punishment, and especially where their boldness has betrayed an inveteracy of criminal disposition. As to obscure offenders and repenting ones, let them lie for consideration.

I enclose you the copy of a letter received last night, and giving singular information. I have inquired into the character of Graybell. He was an old revolutionary captain, is now a flour merchant in Baltimore, of the most respectable character,

and whose word would be taken as implicitly as any man's for whatever he affirms. The letter writer, also, is a man of entire respectability. I am well informed, that for more than a twelvemonth it has been believed in Baltimore, generally, that Burr was engaged in some criminal enterprise, and that Luther Martin knew all about it. We think you should immediately despatch a subpoena for Graybell; and while that is on the road, you will have time to consider in what form you will use his testimony; *e. g.* shall Luther Martin be summoned as a witness against Burr, and Graybell held ready to confront him? It may be doubted whether we could examine a witness to discredit our own witness. Besides, the lawyers say that they are privileged from being forced to breaches of confidence, and that no others are. Shall we move to commit Luther Martin, as *particeps criminis* with Burr? Graybell will fix upon him misprison of treason at least. And at any rate, his evidence will put down this unprincipled and impudent federal bull-dog, and add another proof that the most clamorous defenders of Burr are all his accomplices. It will explain why Luther Martin flew so hastily to the "aid of his honorable friend," abandoning his clients and their property during a session of a principal court in Maryland, now filled, as I am told, with the clamors and ruin of his clients. I believe we shall send on Latrobe as a witness. He will prove that Aaron Burr endeavored to get him to engage several thousand men, chiefly Irish emigrants, whom he had been in the habit of employing in the works he directs, under pretence of a

canal opposite Louisville, or of the Washita, in which, had he succeeded, he could with that force alone have carried everything before him, and would not have been where he now is. He knows, too, of certain meetings of Burr, Bollman, Yrujo, and one other whom we have never named yet, but have him not the less in our view.

I salute you with friendship and respect.

P. S. Will you send us half a dozen blank subpoena's?

Since writing the within I have had a conversation with Latrobe. He says it was five hundred men he was desired to engage. The pretexts were, to work on the Ohio canal, and be paid in Washita lands. Your witnesses will some of them prove that Burr had no interest in the Ohio canal, and that consequently this was a mere pretext to cover the real object from the men themselves, and all others. Latrobe will set out in the stage of to-morrow evening, and be with you Monday evening.

# TO GOVERNOR SULLIVAN

*Washington, June 19, 1807.*

Dear Sir,—In acknowledging the receipt of your favor of the 3d instant, I avail myself of the occasion it offers of tendering to yourself, to Mr. Lincoln and to your State, my sincere congratulations on the late happy event of the election of a republican executive to preside over its councils. The harmony it has introduced between the legislative and executive branches, between the people and both of them, and between all and the General Government, are so many steps towards securing that union of action and effort in all its parts, without which no nation can be happy or safe. The just respect with which all the States have ever looked to Massachusetts, could leave none of them without anxiety, while she was in a state of alienation from her family and friends. Your opinion of the propriety and advantage of a more intimate correspondence between the executives of the several States, and that of the Union, as a central point, is precisely that which I have ever entertained; and on coming into office I felt the advantages which would result from that harmony. I had it even in contemplation, after the annual recommendation to Congress of those measures called for by the times, which the Constitution had placed under their power, to make communications in like manner

to the executives of the States, as to any parts of them to which the legislatures might be alone competent. For many are the exercises of power reserved to the States, wherein an uniformity of proceeding would be advantageous to all. Such are quarantines, health laws, regulations of the press, banking institutions, training militia, &c., &c. But you know what was the state of the several governments when I came into office. That a great proportion of them were federal, and would have been delighted with such opportunities of proclaiming their contempt, and of opposing republican men and measures. Opportunities so furnished and used by some of the State Governments, would have produced an ill effect, and would have insured the failure of the object of uniform proceeding. If it could be ventured even now (Connecticut and Delaware being still hostile) it must be on some greater occasion than is likely to arise within my time. I look to it, therefore, as a course which will probably be left to the consideration of my successor.

I consider, with you, the federalists as completely vanquished, and never more to take the field under their own banners. They will now reserve themselves to profit by the schisms among republicans, and to earn favors from minorities, whom they will enable to triumph over their more numerous antagonists. So long as republican minorities barely accept their votes, no great harm will be done; because it will only place in power one shade of republicanism, instead of another. But when they purchase the votes of the federalists, by giving them a participation of office,

trust and power, it is a proof that anti-monarchism is not their strongest passion. I do not think that the republican minority in Pennsylvania has fallen into this heresy, nor that there are in your State materials of which a minority can be made who will fall into it.

With respect to the tour my friends to the north have proposed that I should make in that quarter, I have not made up a final opinion. The course of life which General Washington had run, civil and military, the services he had rendered, and the space he therefore occupied in the affections of his fellow citizens, take from his examples the weight of precedents for others, because no others can arrogate to themselves the claims which he had on the public homage. To myself, therefore, it comes as a new question, to be viewed under all the phases it may present. I confess that I am not reconciled to the idea of a chief magistrate parading himself through the several States, as an object of public gaze, and in quest of an applause which, to be valuable, should be purely voluntary. I had rather acquire silent good will by a faithful discharge of my duties, than owe expressions of it to my putting myself in the way of receiving them. Were I to make such a tour to Portsmouth or Portland, I must do it to Savannah, perhaps to Orleans and Frankfort. As I have never yet seen the time when the public business would have permitted me to be so long in a situation in which I could not carry it on, so I have no reason to expect that such a time will come while I remain in office. A journey to Boston or Portsmouth, after I shall be a private citizen,

would much better harmonize with my feelings, as well as duties; and, founded in curiosity, would give no claims to an extension of it. I should see my friends too more at our mutual ease, and be left more exclusively to their society. However, I end as I began, by declaring I have made up no opinion on the subject, and that I reserve it as a question for future consideration and advice.

In the meantime, and at all times, I salute you with great respect and esteem.

# TO GEORGE HAY

*Washington, June 20, 1807.*

Dear Sir,—Mr. Latrobe now comes on as a witness against Burr. His presence here is with great inconvenience dispensed with, as one hundred and fifty workmen require his constant directions on various public works of pressing importance. I hope you will permit him to come away as soon as possible. How far his testimony will be important as to the prisoner, I know not; but I am desirous that those meetings of Yrujo with Burr and his principal accomplices, should come fully out, and judicially, as they will establish the just complaints we have against his nation.

I did not see till last night the opinion of the Judge on the *subpœna duces tecum* against the President. Considering the question there as *coram non iudice*, I did not read his argument with much attention. Yet I saw readily enough, that, as is usual where an opinion is to be supported, right or wrong, he dwells much on smaller objections, and passes over those which are solid. Laying down the position generally, that all persons owe obedience to subpœnas, he admits no exception unless it can be produced in his law books. But if the Constitution enjoins on a particular officer to be always engaged in a particular set of duties imposed on him, does not this supersede the general law, subjecting him to minor duties inconsistent with these? The

Constitution enjoins his constant agency in the concerns of six millions of people. Is the law paramount to this, which calls on him on behalf of a single one? Let us apply the Judge's own doctrine to the case of himself and his brethren. The sheriff of Henrico summons him from the bench, to quell a riot somewhere in his county. The federal judge is, by the general law, a part of the *posse* of the State sheriff. Would the Judge abandon major duties to perform lesser ones? Again; the court of Orleans or Maine commands, by subpœnas, the attendance of all the judges of the Supreme Court. Would they abandon their posts as judges, and the interests of millions committed to them, to serve the purposes of a single individual? The leading principle of our Constitution is the independence of the Legislature, executive and judiciary of each other, and none are more jealous of this than the judiciary. But would the executive be independent of the judiciary, if he were subject to the *commands* of the latter, and to imprisonment for disobedience; if the several courts could bandy him from pillar to post, keep him constantly trudging from north to south and east to west, and withdraw him entirely from his constitutional duties? The intention of the Constitution, that each branch should be independent of the others, is further manifested by the means it has furnished to each, to protect itself from enterprises of force attempted on them by the others, and to none has it given more effectual or diversified means than to the executive. Again; because ministers can go into a court in London as witnesses, without interruption to their executive

duties, it is inferred that they would go to a court one thousand or one thousand five hundred miles off, and that ours are to be dragged from Maine to Orleans by every criminal who will swear that their testimony "may be of use to him." The Judge says, "*it is apparent* that the President's duties as chief magistrate do not demand his whole time, and are not unremitting." If he alludes to our annual retirement from the seat of government, during the sickly season, he should be told that such arrangements are made for carrying on the public business, at and between the several stations we take, that it goes on as unremittingly there, as if we were at the seat of government. I pass more hours in public business at Monticello than I do here, every day; and it is much more laborious, because all must be done in writing. Our stations being known, all communications come to them regularly, as to fixed points. It would be very different were we always on the road, or placed in the noisy and crowded taverns where courts are held. Mr. Rodney is expected here every hour, having been kept away by a sick child.

I salute you with friendship and respect.

# TO DOCTOR WISTAR

*Washington, June 21, 1807.*

Dear Sir,—I have a grandson, the son of Mr. Randolph, now about fifteen years of age, in whose education I take a lively interest. \* \* \* \* \* I am not a friend to placing young men in populous cities, because they acquire there habits and partialities which do not contribute to the happiness of their after life. But there are particular branches of science, which are not so advantageously taught anywhere else in the United States as in Philadelphia. The garden at the Woodlands for Botany, Mr. Peale's Museum for Natural History, your Medical school for Anatomy, and the able professors in all of them, give advantages not to be found elsewhere. We propose, therefore, to send him to Philadelphia to attend the schools of Botany, Natural History, Anatomy, and perhaps Surgery; but not of Medicine. And why not of Medicine, you will ask? Being led to the subject, I will avail myself of the occasion to express my opinions on that science, and the extent of my medical creed. But, to finish first with respect to my grandson, I will state the favor I ask of you, and which is the object of this letter.

\* \* \* \* \*

This subject dismissed, I may now take up that which it led to, and further tax your patience with unlearned views of medicine; which, as in most cases, are, perhaps, the more confident in proportion as they are less enlightened.

We know, from what we see and feel, that the animal body is in its organs and functions subject to derangement, inducing pain, and tending to its destruction. In this disordered state, we observe nature providing for the re-establishment of order, by exciting some salutary evacuation of the morbid matter, or by some other operation which escapes our imperfect senses and researches. She brings on a crisis, by stools, vomiting, sweat, urine, expectoration, bleeding, &c., which, for the most part, ends in the restoration of healthy action. Experience has taught us, also, that there are certain substances, by which, applied to the living body, internally or externally, we can at will produce these same evacuations, and thus do, in a short time, what nature would do but slowly, and do effectually, what perhaps she would not have strength to accomplish. Where, then, we have seen a disease, characterized by specific signs or phenomena, and relieved by a certain natural evacuation or process, whenever that disease recurs under the same appearances, we may reasonably count on producing a solution of it, by the use of such substances as we have found produce the same evacuation or

movement. Thus, fulness of the stomach we can relieve by emetics; diseases of the bowels, by purgatives; inflammatory cases, by bleeding; intermittents, by the Peruvian bark; syphilis, by mercury; watchfulness, by opium; &c. So far, I bow to the utility of medicine. It goes to the well-defined forms of disease, and happily, to those the most frequent. But the disorders of the animal body, and the symptoms indicating them, are as various as the elements of which the body is composed. The combinations, too, of these symptoms are so infinitely diversified, that many associations of them appear too rarely to establish a definite disease; and to an unknown disease, there cannot be a known remedy. Here then, the judicious, the moral, the humane physician should stop. Having been so often a witness to the salutary efforts which nature makes to re-establish the disordered functions, he should rather trust to their action, than hazard the interruption of that, and a greater derangement of the system, by conjectural experiments on a machine so complicated and so unknown as the human body, and a subject so sacred as human life. Or, if the appearance of doing something be necessary to keep alive the hope and spirits of the patient, it should be of the most innocent character. One of the most successful physicians I have ever known, has assured me, that he used more bread pills, drops of colored water, and powders of hickory ashes, than of all other medicines put together. It was certainly a pious fraud. But the adventurous physician goes on, and substitutes presumption for knowledge. From the

scanty field of what is known, he launches into the boundless region of what is unknown. He establishes for his guide some fanciful theory of corpuscular attraction, of chemical agency, of mechanical powers, of stimuli, of irritability accumulated or exhausted, of depletion by the lancet and repletion by mercury, or some other ingenious dream, which lets him into all nature's secrets at short hand. On the principle which he thus assumes, he forms his table of nosology, arrays his diseases into families, and extends his curative treatment, by analogy, to all the cases he has thus arbitrarily marshalled together. I have lived myself to see the disciples of Hoffman, Boerhaave, Stahl, Cullen, Brown, succeed one another like the shifting figures of a magic lantern, and their fancies, like the dresses of the annual doll-babies from Paris, becoming, from their novelty, the vogue of the day, and yielding to the next novelty their ephemeral favor. The patient, treated on the fashionable theory, sometimes gets well in spite of the medicine. The medicine therefore restored him, and the young doctor receives new courage to proceed in his bold experiments on the lives of his fellow creatures. I believe we may safely affirm, that the inexperienced and presumptuous band of medical tyros let loose upon the world, destroys more of human life in one year, than all the Robinhoods, Cartouches, and Macheaths do in a century. It is in this part of medicine that I wish to see a reform, an abandonment of hypothesis for sober facts, the first degree of value set on clinical observation, and the lowest on visionary theories. I would wish the young

practitioner, especially, to have deeply impressed on his mind, the real limits of his art, and that when the state of his patient gets beyond these, his office is to be a watchful, but quiet spectator of the operations of nature, giving them fair play by a well-regulated regimen, and by all the aid they can derive from the excitement of good spirits and hope in the patient. I have no doubt, that some diseases not yet understood may in time be transferred to the table of those known. But, were I a physician, I would rather leave the transfer to the slow hand of accident, than hasten it by guilty experiments on those who put their lives into my hands. The only sure foundations of medicine are, an intimate knowledge of the human body, and observation on the effects of medicinal substances on that. The anatomical and clinical schools, therefore, are those in which the young physician should be formed. If he enters with innocence that of the theory of medicine, it is scarcely possible he should come out untainted with error. His mind must be strong indeed, if, rising above juvenile credulity, it can maintain a wise infidelity against the authority of his instructors, and the bewitching delusions of their theories. You see that I estimate justly that portion of instruction which our medical students derive from your labors; and, associating with it one of the chairs which my old and able friend, Doctor Rush, so honorably fills, I consider them as the two fundamental pillars of the edifice. Indeed, I have such an opinion of the talents of the professors in the other branches which constitute the school of medicine with you, as to hope and

believe, that it is from this side of the Atlantic, that Europe, which has taught us so many other things, will at length be led into sound principles in this branch of science, the most important of all others, being that to which we commit the care of health and life.

I dare say, that by this time, you are sufficiently sensible that old heads as well as young, may sometimes be charged with ignorance and presumption. The natural course of the human mind is certainly from credulity to scepticism; and this is perhaps the most favorable apology I can make for venturing so far out of my depth, and to one too, to whom the strong as well as the weak points of this science are so familiar. But having stumbled on the subject in my way, I wished to give a confession of my faith to a friend; and the rather, as I had perhaps, at times, to him as well as others, expressed my scepticism in medicine, without defining its extent or foundation. At any rate, it has permitted me, for a moment, to abstract myself from the dry and dreary waste of politics, into which I have been impressed by the times on which I happened, and to indulge in the rich fields of nature, where alone I should have served as a volunteer, if left to my natural inclinations and partialities.

I salute you at all times with affection and respect.

# TO GENERAL WILKINSON

*Washington, June 21, 1807.*

Dear Sir,—I received last night yours of the 16th, and sincerely congratulate you on your safe arrival at Richmond, against the impudent surmises and hopes of the band of conspirators, who, because they are as yet permitted to walk abroad, and even to be in the character of witnesses until such a measure of evidence shall be collected as will place them securely at the bar of justice, attempt to cover their crimes under noise and insolence. You have indeed had a fiery trial at New Orleans, but it was soon apparent that the clamorous were only the criminal, endeavoring to turn the public attention from themselves and their leader upon any other object.

Having delivered to the Attorney General all the papers I possessed, respecting Burr and his accomplices, when he went to Richmond, I could only write to him (without knowing whether he was at Philadelphia, Wilmington, or Delaware) for your letter of October 21st, desired by the court. If you have a copy of it, and choose to give it in, it will, I think, have a good effect; for it was my intention, if I should receive it from Mr. Rodney, not to communicate it without your consent, after I learnt your arrival. Mr. Rodney will certainly either bring or send it within the course of a day or two, and it will be instantly forwarded to

Mr. Hay. For the same reason, I cannot send the letter of J. P. D., as you propose, to Mr. Hay. I do not recollect what name these initials indicate, but the paper, whatever it is, must be in the hands of Mr. Rodney. Not so as to your letter to Dayton; for as that could be of no use in the prosecution, and was reserved to be forwarded or not, according to circumstances, I retained it in my own hands, and now return it to you. If you think Dayton's son should be summoned, it can only be done from Richmond. We have no subpoenas here. Within about a month we shall leave this to place ourselves in healthier stations. Before that I trust you will be liberated from your present attendance. It would have been of great importance to have had you here with the Secretary at War, because I am very anxious to begin such works as will render Plaquemine impregnable, and an insuperable barrier to the passage of any force up or down the river. But the Secretary at War sets out on Wednesday, to meet with some other persons at New York, and determine on the works necessary to be undertaken to put that place *hors d'insulte*, and thence he will have to proceed northwardly, I believe. I must ask you, at your leisure, to state to me in writing what you think will answer our views at Plaquemine, within the limits of expense which we can contemplate, and of which you can form a pretty good idea.

Your enemies have filled the public ear with slanders, and your mind with trouble on that account. The establishment of their guilt will let the world see what they ought to think of their clamors; it will dissipate the doubts of those who doubted for

want of knowledge, and will place you on higher ground in the public estimate and public confidence. No one is more sensible than myself of the injustice which has been aimed at you. Accept, I pray you, my salutations, and assurances of respect and esteem.

# TO THE SECRETARY OF WAR

*June 22, 1807.*

I suggest to you the following, as some of the ideas which might be expressed by General Wilkinson, in answering Governor Saludo's letter. The introductory and concluding sentiments will best flow from the General's own feelings of the personal standing between him and Governor Saludo:

"On the transfer of Louisiana by France to the United States, according to its boundaries when possessed by France, the government of the United States considered itself entitled as far west as the Rio Norte; but understanding soon after that Spain, on the contrary, claimed eastwardly to the river Sabine, it has carefully abstained from doing any act in the intermediate country, which might disturb the existing state of things, until these opposing claims should be explained and accommodated amicably. But that the Red river and all its waters belonged to France, that she made several settlements on that river, and held them as a part of Louisiana until she delivered that country to Spain, and that Spain, on the contrary, had never made a single settlement on the river, are circumstances so well known, and so susceptible of proof, that it was not supposed that Spain would seriously contest the facts, or the right established by them. Hence our government took measures for exploring that

river, as it did that of the Missouri, by sending Mr. Freeman to proceed from the mouth upwards, and Lieutenant Pike from the source downwards, merely to acquire its geography, and so far enlarge the boundaries of science. For the day must be very distant when it will be either the interest or the wish of the United States to extend settlements into the interior of that country. Lieutenant Pike's orders were accordingly strictly confined to the waters of the Red river, and, from his known observance of orders, I am persuaded that it must have been, as he himself declares, by missing his way that he got on the waters of the Rio Norte, instead of those of the Red river. That your Excellency should excuse this involuntary error, and indeed misfortune, was expected from the liberality of your character; and the kindnesses you have shown him are an honorable example of those offices of good neighborhood on your part, which it will be so agreeable to us to cultivate. Accept my thanks for them, and be assured they shall on all occasions meet a like return. To the same liberal sentiment Lieutenant Pike must appeal for the restoration of his papers. You must have seen in them no trace of unfriendly views towards your nation, no symptoms of any other design than of extending geographical knowledge; and it is not in the nineteenth century, nor through the agency of your Excellency, that science expects to encounter obstacles. The field of knowledge is the common property of all mankind, and any discoveries we can make in it will be for the benefit of yours and of every other nation, as well as our own."

# TO MR. HAY

*Washington, June 23, 1807.*

Dear Sir,—In mine of the 12th I informed you I would write to the Attorney General to send on the letter of General Wilkinson of October 21st, referred to in my message of January 22d. He accordingly sent me a letter of that date, but I immediately saw that it was not the one desired, because it had no relation to the facts stated under that reference. I immediately, by letter, apprized him of this circumstance, and being since returned to this place, he yesterday called on me with the whole of the papers remaining in his possession, and he assured me he had examined carefully the whole of them, and that the one referred to in the message was not among them, nor did he know where it would be found. These papers have been recurred to so often, on so many occasions, and some of them delivered out for particular purposes, that we find several missing, without being able to recollect what has been done with them. Some of them were delivered to the Attorney of this district, to be used on the occasions which arose in the District Court, and a part of them were filed, as is said, in their office. The Attorney General will examine their office to day, and has written to the District Attorney to know whether he retained any of them. No researches shall be spared to recover this letter, and if

recovered, it shall immediately be sent on to you. Compiling the message from a great mass of papers, and pressed in time, the date of a particular paper may have been mistaken, but we all perfectly remember the one referred to in the message, and that its substance is there correctly stated. General Wilkinson probably has copies of all the letters he wrote me, and having expressed a willingness to furnish the one desired by the Court, the defendant can still have the benefit of it. Or should he not have the particular one on which that passage in the message is founded, I trust that his memory would enable him to affirm that it is substantially correct. I salute you with friendship and respect.

# TO GEORGE BLAKE, ESQ

*Washington, June 24, 1807.*

Sir,—I enclose you a petition of John Partridge, which I perceive to have been in your hands before, by a certificate endorsed on it. The petitioner says the term of labor to which he was sentenced expired on the 14th instant; that he is unable to pay the costs of prosecution, and therefore prays to be discharged. But in such cases it is usual to substitute an additional term of confinement equivalent to that portion of the sentence which cannot be complied with. Pardons too for counterfeiting bank paper are yielded with much less facility than others. However, in all cases I have referred these petitions to the judges and prosecuting attorney, who having heard all the circumstances of the case, are the best judges whether any of them were of such a nature as ought to obtain for the criminal a remission or abridgement of the punishment. I now enclose the papers, and ask the favor of you to take the opinion of the judges on that subject, and to favor me with your own, which will govern me in what I do, and be my voucher for it. I salute you with esteem and respect.

# TO GENERAL DEARBORNE

*Washington, June 25, 1807. 5.30 P. M.*

Dear Sir,—I am sincerely sorry that I am obliged to ask your attendance here without a moment's avoidable delay. The capture of the Chesapeake by a British ship of war renders it necessary to have all our Council together. I do not suppose it will detain you long from rejoining Mrs. Dearborne. The mail is closing. Affectionate salutations.

# TO MR. GALLATIN

*Washington, June 25, 1807. 5.30 P. M.*

Dear Sir,—I am sorry to be obliged to hasten your return to this place, and pray that it maybe without a moment's avoidable delay. The capture of the Chesapeake by a British ship of war renders it necessary to have all our Council together. The mail is closing. Affectionate salutations.

# TO GOVERNOR CABELL

*Washington, June 29, 1807.*

Sir,—Your favor by express was safely received on Saturday night, and I am thankful to you for the attention of which it is a proof. Considering the General and State governments as co-operators in the same holy concerns, the interest and happiness of our country, the interchange of mutual aid is among the most pleasing of the exercises of our duty. Captain Gordon, the second in command of the Chesapeake, has arrived here with the details of that affair. Yet as the precaution you took of securing us against the accident of wanting information, was entirely proper, and the expense of the express justly a national one, I have directed him to be paid here, so that he is enabled to refund any money you may have advanced him. Mr. Gallatin and General Dearborne happening to be absent, I have asked their immediate attendance here, and I expect them this day. We shall then determine on the course which the exigency and our constitutional powers call for. Whether the outrage is a proper cause of war, belonging exclusively to Congress, it is our duty not to commit them by doing anything which would be to be retracted. We may, however, exercise the powers entrusted to us for preventing future insults within our harbors, and claim firmly satisfaction for the past. This will leave Congress free to decide

whether war is the most efficacious mode of redress in our case, or whether, having taught so many other useful lessons to Europe, we may not add that of showing them that there are peaceable means of repressing injustice, by making it the interest of the aggressor to do what is just, and abstain from future wrong. It is probable you will hear from us in the course of the week. I salute you with great esteem and respect.

# TO MR. GALLATIN

*July 4, 1807.*

If I understand the claim of the Creeks, it is that they shall have a right of transit across our territories, but especially along our rivers from the Spanish territories to their own, for goods *for their own use*, without paying us a duty. I think they are in the right. This is exactly what we are claiming of Spain, as to this very river, the Mobile. Our doctrine is that different nations inhabiting the same river have all a natural right to an innocent passage along it, just as individuals of the same nation have of a river wholly within the territory of that nation. I do not know whether our revenue law, justly construed, opposes this; but if it does not, we ought to take the case into consideration, and do what is right. It is here that the manner in which this right has been asserted by Captain Isaac, is not agreeable. But can we blame it? and ought not those who are in the wrong to put themselves in the right, without listening to false pride?

Affectionate salutations.

# TO THE VICE-PRESIDENT OF THE UNITED STATES

*Washington, July 6, 1807.*

Dear Sir,—I congratulate you on your safe arrival with Miss Clinton at New York, and especially on your escape from British violence. This aggression is of a character so distinct from that on the Chesapeake, and of so aggravated a nature, that I consider it as a very material one to be presented with that to the British Government. I pray you, therefore, to write me a letter, stating the transaction, and in such a form as that it may go to that Government. At the same time, I must request you to instruct Mr. Gelston, from me, to take the affidavits of the Captain of the revenue cutter, and of such other persons as you shall direct, stating the same affair, and to be forwarded, in like manner, to our Minister in London.

You will have seen by the proclamation, the measures adopted. We act on these principles, 1. That the usage of nations requires that we shall give the offender an opportunity of making reparation and avoiding war. 2. That we should give time to our merchants to get in their property and vessels and our seamen now afloat. And 3. That the power of declaring war being with the Legislature, the executive should do nothing, necessarily committing them to decide for war in preference of

non-intercourse, which will be preferred by a great many. They will be called in time to receive the answer from Great Britain, unless new occurrences should render it necessary to call them sooner.

I salute you with friendship and respect.

# TO COLONEL TATHAM

*Washington, July 6, 1807.*

Sir,—Your favor of the 1st instant has been received, and I thank you for the communication. Considering the mass of false reports in circulation, and the importance of being truly informed of the proceedings of the British armed vessels in the Chesapeake and its vicinities, I should be very glad, as you are on the spot, provided with a proper vessel and men, if you could continue watching their motions constantly, and giving me information of them. In that case it would be necessary you should journalize everything respecting them which should fall within your observation, and enclose daily to me a copy of the observations of the day, forwarding them to the post-office of Norfolk, by every opportunity occurring. Your allowance should be exactly on the same footing as when you were surveying the coast, and for current expenses you may draw on Mr. Bedinger, Navy Agent, at Norfolk, only accompanying each draught with a letter explaining generally the purpose of it, which is a constant and indispensable rule in all our departments. It will be necessary for me to ask the continuance of this service from you only until I can ascertain the course these officers mean to pursue.

I salute you with esteem and respect.

# TO THE SECRETARY AT WAR

*Washington, July 7, 1807.*

Dear Sir,—I enclose you copies of two letters sent by express from Captain Decatur. By these you will perceive that the British commanders have their foot on the threshold of war. They have begun the blockade of Norfolk; have sounded the passage to the town, which appears practicable for three of their vessels, and menace an attack on the Chesapeake and Cybele. These, with four gun-boats, form the present defence, and there are four more gun-boats in Norfolk nearly ready. The four gun-boats at Hampton are hauled up, and in danger, four in Mopjack bay are on the stocks. Blows may be hourly possible. In this state of things I am sure your own feelings will anticipate the public judgment, that your presence here cannot be dispensed with. There is nobody here who can supply your knowledge of the resources for land co-operation, and the means for bringing them into activity. Still, I would wish you would stay long enough at New York to settle with the V. P. and Colonel Williams, the plan of defence for that place; and I am in hopes you will also see Fulton's experiments tried, and see how far his means may enter into your plan. But as soon as that is done, should matters remain in their present critical state, I think the public interest and safety would suffer by your absence from us. Indeed, if the present state

of things continues, I begin to fear we shall not be justifiable in separating this autumn, and that even an earlier meeting of Congress than we had contemplated, may be requisite. I salute you affectionately.

# **TO THE MASTERS AND OTHER OFFICERS SAILING TO AND FROM THE PORTS OF NORFOLK AND PORTSMOUTH**

*Washington, July 8, 1807.*

The tender of your services for the erection and reparation of Fort Norfolk and works on Craney Island, and for manning the gun-boats and other vessels for the waters of Elizabeth and James rivers, are received with great satisfaction. They are the more important, in proportion as we have much to do in the least time possible. Knowing their peculiar value for manning and managing the gun-boats and other vessels, it is in that direction I am in hopes they will have been applied, and that the necessary aid for erecting or repairing works on the land will have been found in the zeal of other citizens, less qualified to be useful in the employments on the water. I return, for your country, the thanks you so justly deserve.

# TO GOVERNOR CABELL

*Washington, July 8, 1807.*

Sir,—You will have received from the Secretary at War a letter, requesting that the quota of the State of Virginia of 100,000 militia be immediately organized and put in readiness for service at the shortest warning, but that they be not actually called out until further requisition. The menacing attitudes which the British ships of war have taken in Hampton Road, the actual blockade of Norfolk, and their having sounded the entrance, as if with a view to pass up to the city, render it necessary that we should be as well prepared there as circumstances will permit. The Secretary at War being gone to New York to arrange a plan of defence for that city, it devolves on me to request that, according to the applications you may receive from the officers charged with the protection of the place, and the information which you are more at hand to obtain than we are here, you will order such portions of the militia as you shall think necessary and most convenient to enter immediately on duty, for the defence of the place and protection of the country, at the expense of the United States. We have, moreover, four gun-boats hauled up at Hampton, and four others on the stocks in Matthews county, under the care of Commodore Samuel Barron, which we consider as in danger. I must request you also to order such aids

of militia, on the application of that officer, as you shall think adequate to their safety. Any arms which it may be necessary to furnish to the militia for the present objects, if not identically restored to the State, shall be returned in kind or in value by the United States. I have thought I could not more effectually provide for the safety of the places menaced, than by committing it to your hands, as you are nearer the scene of action, have the necessary powers over the militia, can receive information, and give aid so much more promptly than can be done from this place. I will ask communications from time to time of your proceedings under this charge. I salute you with great esteem and respect.

# TO CAPTAIN J. SAUNDERS, FORT NELSON

*Washington, July 8, 1807.*

Sir,—The Secretary at War having proceeded to New York to make arrangements for the defence of that place, your letter to him of July 4th has been put into my hands. I see with satisfaction the promptitude with which you have proceeded in mounting the guns of your fort, and I will count on your continuing your utmost exertions for putting yourself in the best condition of defence possible. With respect to the instructions you ask for, you will consider the proclamation of July 2d as your general instructions, but especially you are to contribute all the means in your power towards the defence of the country, its citizens, and property, against any aggressions which may be attempted by the British armed vessels or any other armed force. I salute you with respect.

# TO GENERAL MATTHEWS

*Washington, July 8, 1807.*

Sir,—The Secretary at War having gone on to New York for the purpose of having that place put into a state of defence, your letter of July 4th to him has been put into my hands. I see with satisfaction that in an emergency too sudden to have been provided for by orders from hence, you have, under the guidance of your own judgment and patriotism, taken the measures within your power towards supporting the rights of your country. I will pray you to consider the proclamation of July 2d as laying down the rule of action for all our citizens, in their several authorities and stations; but that it is further desired of you to employ the means under your command, for defence of the country, its citizens, and property, against all aggressions attempted by the British armed vessels or other force. The Governor of Virginia being in a situation to act with more promptitude on any emergency which may arise, so far as respects the militia of the State, I have authorized and requested him to order into service such portions of the militia as he shall think necessary, on application from any of the persons charged with the defence of Norfolk or other places menaced. With him I recommend to you to communicate as to the militia to be employed, approving most myself whatever shall be most effectual for repelling aggression

on our peace, and maintaining the authority of the laws. Accept my salutations, and assurances of great respect.

# TO THE HONORABLE THOMAS COOPER

*Washington, July 9, 1807.*

Dear Sir,—Your favor of June 23d is received. I had not before learned that a life of Dr. Priestley had been published, or I should certainly have procured it; for no man living had a more affectionate respect for him. In religion, in politics, in physics, no man has rendered more service.

I had always expected that when the republicans should have put down all things under their feet, they would schismatize among themselves. I always expected, too, that whatever names the parties might bear, the real division would be into moderate and ardent republicanism. In this division there is no great evil,—not even if the minority obtain the ascendancy by the accession of federal votes to their candidate; because this gives us one shade only, instead of another, of republicanism. It is to be considered as apostasy only when they purchase the votes of federalists, with a participation in honor and power. The gross insult lately received from the English has forced the latter into a momentary coalition with the mass of republicans; but the moment we begin to act in the very line they have joined in approving, all will be wrong, and every act the reverse of what it should have been. Still, it is better to admit their coalescence, and leave to

themselves their short-lived existence. Both reason and the usage of nations required we should give Great Britain an opportunity of disavowing and repairing the insult of their officers. It gives us at the same time an opportunity of getting home our vessels, our property, and our seamen,—the only means of carrying on the kind of war we should attempt. The only difference, I believe, between your opinion and mine, as to the protection of commerce, is the forcing the nation to take the best road, and the letting them take the worse, if such is their will. I salute you with great esteem and respect.

# TO THE SECRETARY AT WAR

*Washington, July 9, 1807.*

Dear Sir,—Considering that gun-boats will enter very materially into the system of defence for New York, I have thought that Commodore Rogers, (who is proceeding to that place on other business,) from his peculiar acquaintance with their operation and effect, might be useful as an associate in your examinations of the place, and the determinations to be formed. His opinions on that part of the subject will add weight to whatever shall be concluded. I have therefore desired him to take a part with yourself, the Vice-President, and Colonel Williams, in the examinations and consultations.

I have just received a deputation from the Alexandrians, who are under uneasiness for their own unprotected situation, and asking the loan of a large number of muskets and cannon. I have convinced them that a very small force at Digges' Point will defend them more effectually than a very great one at their city, and that on your return we will have the place examined, a battery established, and have small arms in readiness to be given out to them in the moment they shall be wanted to support the battery. Indeed I think a position to be taken there is indispensable for the safety of the Navy Yard and its contents: say a battery and block-house. Who can we get to examine the place, and give a proper

plan? This we must determine on your return. Nothing new from Norfolk. Mr. Erskine has written pressingly to Commodore Douglass. Affectionate salutations.

# TO MR. GALLATIN

*July 10, 1807.*

Something now occurs almost every day on which it is desirable to have the opinions of the heads of departments, yet to have a formal meeting every day would consume so much of their time as to seriously obstruct their regular business. I have proposed to them, as most convenient for them, and wasting less of their time, to call on me at any moment of the day which suits their separate convenience, when, besides any other business they may have to do, I can learn their opinions separately on any matter which has occurred, also communicate the information received daily. Perhaps you could find it more convenient, sometimes, to make your call at the hour of dinner, instead of going so much further to dine alone. You will always find a plate and a sincere welcome. In this way, that is, successively, I have today consulted the other gentlemen on the question whether letters of Marque were to be considered as written within our interdict. We are unanimously of opinion they are not. We consider them as essentially *merchant vessels*; that commerce is their main object, and arms merely incidental and defensive. Affectionate salutations

# TO MR. BOWDOIN

*Washington, July 10, 1807.*

Dear Sir,—I wrote you on the 10th of July, 1806, but supposing, from your not acknowledging the receipt of the letter, that it had miscarried, I sent a duplicate with my subsequent one of April the 2d. These having gone by the Wasp, you will doubtless have received them. Since that, yours of May the 1st has come to hand. You will see by the despatches from the department of State, earned by the armed vessel the Revenge, into what a critical state our peace with Great Britain is suddenly brought, by their armed vessels in our waters. Four vessels of war (three of them two deckers) closely blockade Norfolk at this instant. Of the authority under which this aggression is committed, their minister here is unapprized. You will see by the proclamation of July the 2d, that (while we are not omitting such measures of force as are immediately necessary) we propose to give Great Britain an opportunity of disavowal and reparation, and to leave the question of war, non-intercourse, or other measures, uncommitted, to the Legislature. This country has never been in such a state of excitement since the battle of Lexington. In this state of things, cordial friendship with France, and peace at least with Spain, become more interesting. You know the circumstances respecting this last power, which have

rendered it ineligible that you should have proceeded heretofore to your destination. But this obstacle is now removed by their recall of Yrujo, and appointment of another minister, and in the meantime, of a chargé des affaires, who has been received. The way now being open for taking your station at Madrid, it is certainly our wish you should do so, and that this may be more agreeable to you than your return home, as is solicited in yours of May the 1st. It is with real unwillingness we should relinquish the benefit of your services. Nevertheless, if your mind is decidedly bent on that, we shall regret, but not oppose your return. The choice, therefore, remains with yourself. In the meantime, your place in the joint commission being vacated by either event, we shall take the measures rendered necessary by that. We have seen, with real grief, the misunderstanding which has taken place between yourself and General Armstrong. We are neither qualified nor disposed to form an opinion between you. We regret the pain which must have been felt by persons, both of whom hold so high a place in our esteem, and we have not been without fear that the public interest might suffer by it. It has seemed, however, that the state of Europe has been such as to admit little to be done, in matters so distant from them.

The present alarm has had the effect of suspending our foreign commerce. No merchant ventures to send out a single vessel; and I think it probable this will continue very much the case till we get an answer from England. Our crops are uncommonly plentiful. That of small grain is now secured south of this, and the harvest

is advancing here.

Accept my salutations, and assurances of affectionate esteem and respect.

# TO CAPTAIN BEATTY, FOR HIMSELF, THE OTHER OFFICERS AND PRIVATES OF THE LIGHT INFANTRY COMPANY OF GEORGETOWN

*Washington, July 11, 1807.*

Sir,—I have received your letter of yesterday, mentioning that you had, on the 4th of July, made a tender of the services of the Light Infantry Company of Georgetown. The circumstances of the day must apologize for its having escaped my recollection. This tender of service in support of the rights of our country merits and meets the highest praise; and whenever the moment arrives in which these rights must appeal to the public arm for support, the spirit from which your offer flows, that which animates our nation, will be their sufficient safeguard.

To the Legislature will be rendered a faithful account of the events which have so justly excited the sensibilities of our country, of the measures taken to obtain reparation, and of their result; and to their wisdom will belong the course to be ultimately pursued.

In the meantime it is our duty to pursue that prescribed by the

existing laws, towards which, should your services be requisite, this offer of them will be remembered.

I tender for your country the thanks so justly due to yourself, the other officers and privates of the company.

# TO MR. BIDWELL

*Washington, July 11, 1807.*

Dear Sir,—Yours of June 27th has been duly received, and although wishing your happiness always, I cannot be altogether displeas'd with a transfer of your services to a department more pleasing to yourself, yet I cannot but lament your loss in Congress. You know that talents cannot be more useful anywhere than there; and the times seem to portend that we may have occasion there for all we possess. You have long ago learnt the atrocious acts committed by the British armed vessels in the Chesapeake and its neighborhood. They cannot be easily accommodated, although it is believed that they cannot be justified by orders from their government. We have acted on these principles; 1, to give that government an opportunity to disavow and make reparation; 2, to give ourselves time to get in the vessels, property and seamen, now spread over the ocean; 3, to do no act which might compromit Congress in their choice between war, non-intercourse, or any other measure. We shall probably call them some time in October, having regard to the return of the healthy season, and to the receipt of an answer from Great Britain, before which they could only act in the dark. In the meantime we shall make all the preparations which time will permit, so as to be ready for any alternative.

The officers of the British ships, in a conference with a gentleman sent to them by the Mayor of Norfolk, have solemnly protested they mean no further proceeding without further orders. But the question is whether they will obey the proclamation? If they do not, acts of force will probably ensue; still these may lead to nothing further, if their government is just. I salute you with great affection.

# TO THE SECRETARY AT WAR

*Washington, July 13, 1807.*

Dear Sir,—I wrote you on the 7th; since that we learn that the Bellone and Leopard remaining in Hampton Road, the other two vessels have returned to the Capes of Chesapeake, where they have been reinforced by another frigate and a sloop of war, we know not from whence. This induces us to suppose they do not mean an immediate attack on Norfolk, but to retain their present position till further orders from their Admiral. I am inclined to think that the body of militia now in the field in Virginia would need to be regulated according to these views. They are in great want of artillery, the State possessing none. Their subsistence also, and other necessary expenses, require immediate attention from us, the finances of the State not being at all in a condition to meet these cases. We have some applications for the loan of field-pieces. The transportation of heavy cannon to Norfolk and Hampton, is rendered difficult by the blockade of those ports. These things are of necessity reserved for your direction on your return, as nobody here is qualified to act in them. It gives me sincere concern that events should thus have thwarted your wishes. Should the Bellone and Leopard retire, and a disposition be shown by the British commanders to restore things to a state of peace until they hear from their government, we may go

into summer quarters without injury to the public safety, having previously made all necessary arrangements. But if the present hostile conduct is pursued, I fear we shall be obliged to keep together, or at least within consulting distance. I salute you with sincere affection and respect.

# TO M. DUPONT DE NEMOURS

*Washington, July 14, 1807.*

My Dear Sir,—I received last night your letter of May 6th, and a vessel being just now sailing from Baltimore, affords me an opportunity of hastily acknowledging it. Your exhortation to make a provision of arms is undoubtedly wise, and we have not been inattentive to it. Our internal resources for cannon are great, and those for small arms considerable, and in full employment. We shall not suffer from that want, should we have war; and of the possibility of that you will judge by the enclosed proclamation, and by what you know of the character of the English government. Never since the battle of Lexington have I seen this country in such a state of exasperation as at present, and even that did not produce such unanimity. The federalists themselves coalesce with us as to the object, though they will return to their trade of censuring every measure taken to obtain it. "Reparation for the past, and security for the future," is our motto; but whether they will yield it freely, or will require resort to non-intercourse, or to war, is yet to be seen. We prepare for the last. We have actually 2,000 men in the field, employed chiefly in covering the exposed coast, and cutting off all supply to the British vessels. We think our gun-boats at New York, (thirty-two,) with heavy batteries along shore, and bombs, will put that

city *hors de insulte*. If you could procure, and send me a good description and drawing of one of your Prames, you would do me a most acceptable service. I suppose them to be in fact a floating battery, rendered very manageable by oars.

Burr's conspiracy has been one of the most flagitious of which history will ever furnish an example. He had combined the objects of separating the western States from us, of adding Mexico to them, and of placing himself at their head. But he who could expect to effect such objects by the aid of American citizens, must be perfectly ripe for Bedlam. Yet although there is not a man in the United States who is not satisfied of the depth of his guilt, such are the jealous provisions of our laws in favor of the accused, and against the accuser, that I question if he can be convicted. Out of the forty-eight jurors who are to be summoned, he has a right to choose the twelve who are to try him, and if any one of the twelve refuses to concur in finding him guilty, he escapes. This affair has been a great confirmation in my mind of the innate strength of the form of our government. He had probably induced near a thousand men to engage with him, by making them believe the government connived at it. A proclamation alone, by undeceiving them, so completely disarmed him, that he had not above thirty men left, ready to go all lengths with him. The first enterprise was to have been the seizure of New Orleans, which he supposed would powerfully bridle the country above, and place him at the door of Mexico. It has given me infinite satisfaction that not a single

native Creole of Louisiana, and but one American, settled there before the delivery of the country to us, were in his interest. His partisans there were made up of fugitives from justice, or from their debts, who had flocked there from other parts of the United States, after the delivery of the country, and of adventurers and speculators of all descriptions. I thank you for the volume of Memoirs you have sent me, and I will immediately deliver that for the Phil. Society. I feel a great interest in the publication of Turfot's works, but quite as much in your return here. Your Eleutherian son is very valuable to us, and will daily become more so. I hope there will be a reaction of good offices on him. We have heard of a great improvement in France of the furnace for heating cannon-balls, but we can get no description of it.

I salute you with sincere affection, and add assurances of the highest respect.

# TO THE MARQUIS DE LA FAYETTE

*Washington, July 14, 1807.*

My Dear Friend,—I received last night your letters of February the 20th and April 29th, and a vessel just sailing from Baltimore enables me hastily to acknowledge them; to assure you of the welcome with which I receive whatever comes from you, and the continuance of my affectionate esteem for yourself and family. I learn with much concern, indeed, the state of Madame de La Fayette's health. I hope I have the pleasure yet to come of learning its entire re-establishment. She is too young not to give great confidence to that hope.

Measuring happiness by the American scale, and sincerely wishing that of yourself and family, we had been anxious to see them established this side of the great water. But I am not certain that any equivalent can be found for the loss of that species of society, to which our habits have been formed from infancy. Certainly, had you been, as I wished, at the head of the government of Orleans, Burr would never have given me one moment's uneasiness. His conspiracy has been one of the most flagitious of which history will ever furnish an example. He meant to separate the western States from us, to add Mexico to them, place himself at their head, establish what he would

deem an energetic government, and thus provide an example and an instrument for the subversion of our freedom. The man who could expect to effect this, with American materials, must be a fit subject for Bedlam. The seriousness of the crime, however, demands more serious punishment. Yet, although there is not a man in the United States who doubts his guilt, such are the jealous provisions of our laws in favor of the accused against the accuser, that I question if he is convicted. Out of forty-eight jurors to be summoned, he is to select the twelve who are to try him, and if there be any one who will not concur in finding him guilty, he is discharged of course. I am sorry to tell you that Bollman was Burr's right hand man in all his guilty schemes. On being brought to prison here, he communicated to Mr. Madison and myself the whole of the plans, always, however, apologetically for Burr, as far as they would bear. But his subsequent tergiversations have proved him conspicuously base. I gave him a pardon, however, which covers him from everything but infamy. I was the more astonished at his engaging in this business, from the peculiar motives he should have felt for fidelity. When I came into the government, I sought him out on account of the services he had rendered you, cherished him, offered him two different appointments of value, which, after keeping them long under consideration, he declined for commercial views, and would have given him anything for which he was fit. Be assured he is unworthy of ever occupying again the care of any honest man. Nothing has ever so strongly proved

the innate force of our form of government, as this conspiracy. Burr had probably engaged one thousand men to follow his fortunes, without letting them know his projects, otherwise than by assuring them the government approved of them. The moment a proclamation was issued, undeceiving them, he found himself left with about thirty desperadoes only. The people rose in mass wherever he was, or was suspected to be, and by their own energy the thing was crushed in one instant, without its having been necessary to employ a man of the military but to take care of their respective stations. His first enterprise was to have been to seize New Orleans, which he supposed would powerfully bridle the upper country, and place him at the door of Mexico. It is with pleasure I inform you that not a single native Creole, and but one American of those settled there before we received the place, took any part with him. His partisans were the new emigrants from the United States and elsewhere, fugitives from justice or debt, and adventurers and speculators of all descriptions.

I enclose you a proclamation, which will show you the critical footing on which we stand at present with England. Never, since the battle of Lexington, have I seen this country in such a state of exasperation as at present. And even that did not produce such unanimity. The federalists themselves coalesce with us as to the object, although they will return to their old trade of condemning every step we take towards obtaining it. "Reparation for the past, and security for the future," is our motto. Whether these will be yielded freely, or will require resort to non-intercourse, or to war,

is yet to be seen. We have actually near two thousand men in the field, covering the exposed parts of the coast, and cutting off supplies from the British vessels.

I am afraid I have been very unsuccessful in my endeavors to serve Madame de Tessé in her taste for planting. A box of seeds, &c., which I sent her in the close of 1805, was carried with the vessel into England, and discharged so late that I fear she lost their benefit for that season. Another box, which I prepared in the autumn of 1806, has, I fear, been equally delayed from other accidents. However, I will persevere in my endeavors.

Present me respectfully to her, M. de Tessé, Madam de La Fayette and your family, and accept my affectionate salutations, and assurances of constant esteem and respect.

# TO GOVERNOR CABELL

*Washington, July 16, 1807.*

Dear Sir,—Your letter of the 10th has been received, and I note what is said on the provision which ought to be made by us, for the militia in the field. An arrangement by the Secretary at War to meet certain other persons at New York, to concert a plan of defence for that city, has occasioned necessarily his temporary absence from this place, and there is no person sufficiently informed to take the necessary measures until his return, which will be on Tuesday or Wednesday next. I hope no great inconvenience may be experienced if it lies till then. It has been suggested to me that if the British vessels should be disposed to leave our waters, they might not be able to do it without some supplies, especially of water; and it is asked whether supplies to carry them away may be admitted? It has been answered that, on their giving assurance of immediate departure from our waters, they may have the supplies necessary to carry them to Halifax or the West Indies. I must pray you to instruct Gen. Matthews to permit it, if he be applied to. But it is best that nothing be said on this subject until an application is actually made by them. Their retirement would prevent the necessity of a resort to force, and give us time to get in our ships, our property, and our seamen, now under the grasp of our

adversary; probably not less than 20,000 of the latter are now exposed on the ocean, whose loss would cripple us in the outset more than the loss of several battles. However pleasing the ardor of our countrymen, as a pledge of their support, if war is to ensue, as is very possible, we, to whom they trust for conducting their affairs to the best advantage, should take care that it be not precipitated, while every day is restoring to us our best means for carrying it on. I salute you with friendship and respect.

# TO MADAME DE STAEL DE HOLSTEIN

*Washington, July 16, 1807.*

I have received, madam, the letter which you have done me the favor to write from Paris on the 24th of April, and M. le Ray de Chaumont informs me that the book you were so kind as to confide to him, not having reached Nantes when he sailed, will come by the first vessel from that port to this country. I shall read with great pleasure whatever comes from your pen, having known its powers when I was in a situation to judge, nearer at hand, the talents which directed it.

Since then, madam, wonderful are the scenes which have passed! Whether for the happiness of posterity, must be left to their judgment. Even of their effect on those now living, we, at this distance, undertake not to decide. Unmeddling with the affairs of other nations, we presume not to prescribe or censure their course. Happy, could we be permitted to pursue our own in peace, and to employ all our means in improving the condition of our citizens. Whether this will be permitted, is more doubtful now than at any preceding time. We have borne patiently a great deal of wrong, on the consideration that if nations go to war for every degree of injury, there would never be peace on earth. But when patience has begotten false estimates of its motives, when

wrongs are pressed because it is believed they will be borne, resistance becomes morality.

The grandson of Mr. Neckar cannot fail of a hearty welcome in a country which so much respected him. To myself, who loved the virtues and honored the great talents of the grandfather, the attentions I received in his natal house, and particular esteem for yourself, are additional titles to whatever service I can render him. In our cities he will find distant imitations of the cities of Europe. But if he wishes to know the nation, its occupations, manners, and principles, they reside not in the cities; he must travel through the country, accept the hospitalities of the country gentlemen, and visit with them the school of the people. One year after the present will complete for me the *quadragena stipendia*, and will place me among those to whose hospitality I recommend the attentions of your son. He will find a sincere welcome at Monticello, where I shall then be in the bosom of my family, occupied with my books and my farms, and enjoying, under the government of a successor, the freedom and tranquillity I have endeavored to secure for others.

Accept the homage of my respectful salutations, and assurances of great esteem and consideration.

# TO GENERAL ARMSTRONG

*Washington, July 17, 1807.*

Dear Sir,—I take the liberty of enclosing to your care some letters to friends who, whether they are in Paris or not I do not know. If they are not, I will pray you to procure them a safe delivery.

You will receive, through the department of State, information of the critical situation in which we are with England. An outrage not to be borne has obliged us to fly to arms, and has produced such a state of exasperation, and that so unanimous, as never has been seen in this country since the battle of Lexington. We have between two and three thousand men on the shores of the Chesapeake, patrolling them for the protection of the country, and for preventing supplies of any kind being furnished to the British; and the moment our gun-boats are ready we shall endeavor by force to expel them from our waters. We now send a vessel to call upon the British government for reparation for the past outrage, and security for the future, nor will anything be deemed security but a renunciation of the practice of taking persons out of our vessels, under the pretence of their being English. Congress will be called some time in October, by which time we may have an answer from England. In the meantime we are preparing for a state of things which will take that course,

which either the pride or the justice of England shall give it. This will occasion a modification of your instructions, as you will learn from the Secretary of State. England will immediately seize on the Floridas as a point d'appui to annoy us. What are we to do in that case? I think she will find that there is no nation on the globe which can gall her so much as we can. I salute you with great affection and respect.

# TO THE SECRETARY AT WAR

*Washington, July 17, 1807.*

My Dear Sir,—I have this moment received certain information that the British vessels have retired from Hampton Road. Whether they will only join their companions in the bay, and remain there or go off, is yet to be seen. It gives me real pain to believe that circumstances still require your presence here. I have had a consultation this day with our colleagues on that subject, and we have all but one opinion on that point. Indeed, if I regarded yourself alone, I should deem it necessary to satisfy public opinion, that you should not be out of place at such a moment. The arrangements for the militia, now much called for, can be properly made only by yourself. Several other details are also at a stand. I shall therefore hope to see you in a very few days. An important question will be to be decided on the arrival of Decatur here, about this day se'nnight, whether, as the retirement of the British ships from Hampton Road enables us to get our sixteen gun-boats together, we shall authorize them to use actual force against the British vessels. Present to Mrs. Dearborne, and accept yourself, my affectionate and respectful salutations.

# TO JOHN PAGE

*Washington, July 17, 1807.*

My Dear Friend,—Yours of the 11th is received. In appointments to public offices of mere profit, I have ever considered faithful service in either our first or second revolution as giving preference of claim, and that appointments on that principle would gratify the public, and strengthen that confidence so necessary to enable the executive to direct the whole public force to the best advantage of the nation. Of Mr. Bolling Robertson's talents and integrity I have long been apprized, and would gladly use them where talents and integrity are wanting. I had thought of him for the vacant place of secretary of the Orleans territory, but supposing the salary of two thousand dollars not more than he makes by his profession, and while remaining with his friends, I have, in despair, not proposed it to him. If he would accept it, I should name him instantly with the greatest satisfaction. Perhaps you could inform me on this point.

With respect to Major Gibbons, I do indeed recollect, that in some casual conversation, it was said, that the most conspicuous accomplices of Burr were at home at his house; but it made so little impression on me, that neither the occasion nor the person is now recollected. On this subject, I have often expressed the principles on which I act, with a wish they might be understood

by the federalists in office. I have never removed a man merely because he was a federalist: I have never wished them to give a vote at an election, but according to their own wishes. But as no government could discharge its duties to the best advantage of its citizens, if its agents were in a regular course of thwarting instead of executing all its measures, and were employing the patronage and influence of their offices against the government and its measures, I have only requested they would be quiet, and they should be safe; that if their conscience urges them to take an active and zealous part in opposition, it ought also to urge them to retire from a post which they could not conscientiously conduct with fidelity to the trust reposed in them; and on failure to retire, I have removed them; that is to say, those who maintained an active and zealous opposition to the government. Nothing which I have yet heard of Major Gibbons places him in danger from these principles.

I am much pleased with the ardor displayed by our countrymen on the late British outrage. It gives us the more confidence of support in the demand of *reparation* for the past, and *security* for the future, that is to say, an end of impressments. If motives of either justice or interest should produce this from Great Britain, it will save a war; but if they are refused, we shall have gained time for getting in our ships and property, and at least twenty thousand seamen now afloat on the ocean, and who may man two hundred and fifty privateers. The loss of these to us would be worth to Great Britain many victories of the Nile

and Trafalgar. The meantime may also be importantly employed in preparations to enable us to give quick and deep blows.

Present to Mrs. Page, and receive yourself my affectionate and respectful salutations.

# TO BENJAMIN MORGAN, ESQ

*Washington, July 18, 1807.*

Sir,—We learn through the channel of the newspapers that Governor Claiborne having engaged in a duel, has been dangerously wounded, and the Secretary having resigned his office, the territory will in that event be left without any executive head. It is not in my power immediately to make provision for this unfortunate and extraordinary state to which the territory may thus have been reduced, otherwise than by beseeching you to undertake the office of Secretary for a short time, until I can fill up the appointment. I well know that immersed in other business, as you are, this will greatly embarrass you; but I will not desire you to do anything more than absolute necessity shall require, and even from that you shall be shortly relieved by the appointment of a successor. This request is made in the event of Governor Claiborne's wound having proved mortal. If he is alive, the commission need not be used. I shall be anxious to hear from you. In the meantime accept my friendly and respectful salutations.

# TO GOVERNOR CABELL

*Washington, July 19, 1807.*

Sir,—Your letter of the 15th was received yesterday, and the opinion you have given to General Matthews against allowing any intercourse between the British Consul and the ships of his nation remaining in our waters, in defiance of our authority, is entirely approved. Certainly while they are conducting themselves as enemies *de facto*, intercourse should be permitted only as between enemies, by flags under the permission of the commanding officers, and with their passports. My letter of the 16th mentioned a case in which a communication from the British officers should be received if offered. A day or two ago, we permitted a parent to go on board the *Bellone* with letters from the British minister, to demand a son impressed; and others equally necessary will occur, but they should be under the permission of some officer having command in the vicinity.

With respect to the disbanding some portion of the troops, although I consider Norfolk as rendered safe by the batteries, the two frigates, the eight gun-boats present, and nine others and a bomb-vessel which will be there immediately, and consequently that a considerable proportion of the militia may be spared, yet I will pray you to let that question lie a few days, as in the course of this week we shall be better able to decide it. I am anxious

for their discharge the first moment it can be done with safety, because I know the dangers to which their health will be exposed in that quarter in the season now commencing. By a letter of the 14th from Col. Tatham, stationed at the vicinities of Lynhaven Bay to give us daily information of what passes, I learn that the British officers and men often go ashore there, that on the day preceding, 100 had been at the pleasure-house in quest of fresh provisions and water, that negroes had begun to go off to them. As long as they remain there, we shall find it necessary to keep patrols of militia in the neighborhood sufficiently strong to prevent them from taking or receiving supplies. I presume it would be thought best to assign the tour for the three months to come, to those particular corps who being habituated to the climate of that part of the country, will be least likely to suffer in their health; at the end of which time others from other parts of the country may relieve them, if still necessary. In the meantime our gun-boats may all be in readiness, and some preparations may be made on the shore, which may render their remaining with us not eligible to themselves. These things are suggested merely for consideration for the present, as by the close of the week I shall be able to advise you of the measures ultimately decided on. I salute you with friendship and respect.

# TO WILLIAM DUANE

*Washington, July 20, 1807.*

Sir,—Although I cannot always acknowledge the receipt of communications, yet I merit their continuance by making all the use of them of which they are susceptible. Some of your suggestions had occurred, and others will be considered. The time is coming when our friends must enable us to hear everything, and expect us to say nothing; when we shall need all their confidence that everything is doing which can be done, and when our greatest praise shall be, that we *appear* to be doing nothing. The law for detaching one hundred thousand militia, and the appropriation for it, and that for fortifications, enable us to do everything for land service, as well as if Congress were here; and as to naval matters, their opinion is known. The course we have pursued, has gained for our merchants a precious interval to call in their property and our seamen, and the postponing the summons of Congress will aid in avoiding to give too quick an alarm to the adversary. They will be called, however, in good time. Although we demand of England what is merely of right, reparation for the past, security for the future, yet as their pride will possibly, nay probably, prevent their yielding them to the extent we shall require, my opinion is, that the public mind, which I believe is made up for war, should maintain itself at that

point. They have often enough, God knows, given us cause of war before; but it has been on points which would not have united the nation. But now they have touched a chord which vibrates in every heart. Now then is the time to settle the old and the new.

I have often wished for an occasion of saying a word to you on the subject of the Emperor of Russia, of whose character and value to us, I suspect you are not apprized correctly. A more virtuous man, I believe, does not exist, nor one who is more enthusiastically devoted to better the condition of mankind. He will probably, one day, fall a victim to it, as a monarch of that principle does not suit a Russian noblesse. He is not of the very first order of understanding, but he is of a high one. He has taken a peculiar affection to this country and its government, of which he has given me public as well as personal proofs. Our nation being, like his, habitually neutral, our interests as to neutral rights, and our sentiments agree. And whenever conferences for peace shall take place, we are assured of a friend in him. In fact, although in questions of restitution he will be with England, in those of neutral rights he will be with Bonaparte and with every other power in the world, except England; and I do presume that England will never have peace until she subscribes to a just code of marine law. I have gone into this subject, because I am confident that Russia (while her present monarch lives) is the most cordially friendly to us of any power on earth, will go furthest to serve us, and is most worthy of conciliation. And although the source of this information must be a matter of

confidence with you, yet it is desirable that the sentiments should become those of the nation. I salute you with esteem and respect.

# TO MR. GAINES

*Washington, July 23, 1807.*

Thomas Jefferson has re-examined the complaints in the memorial from Tombigbee, and Mr. Gaines' explanation. The complaints are:

1. That Mr. Gaines stopped a vessel having a legal permit.
2. That he arrested Col. Burr militarily.
3. That Mr. Small gave evidence against Col. Burr.
4. That he, Mr. Small, refused a passport to a Mr. Feu.
5. That he levies duties on Indian goods.
6. That the people of that settlement have not the free use of the Mobile.

2. That the arrest of Col. Burr was military has been disproved; but had it been so, every honest man and good citizen is bound, by any means in his power, to arrest the author of projects so daring and dangerous.

3. This complaint, as well as the preceding one, would imply a partiality for Col. Burr, of which he hopes the petitioners were not guilty.

5. The levy of duty on Indian goods is required by the laws of Congress.

6. There has been a constant hope of obtaining the navigation by negotiation, and no endeavors has been spared. Congress has

not thought it expedient as yet to plunge the nation into a war against Spain and France, or to obtain an exemption from the duty levied on the use of that river.

1. On the subject of the first complaint, Mr. Gaines was giving a verbal explanation, which Thomas Jefferson asks the favor of him to repeat.

4. On this subject, also, he asks any information Mr. Gaines can give; for though it is a matter of discretion, it should be exercised without partiality or passion. He salutes Mr. Gaines with esteem and respect.

# TO GOVERNOR CABELL

*Washington, July 24, 1807.*

Sir,—Yours of the 20th has been duly received. The relation in which we stand with the British naval force within our waters is so new, that differences of opinion are not to be wondered at respecting the captives, who are the subject of your letter. Are they insurgents against the authority of the laws? Are they public enemies, acting under the orders of their sovereign? or will it be more correct to take their character from the act of Congress for the preservation of peace in our harbors, which authorizes a qualified war against persons of their demeanor, defining its objects, and limiting its extent? Considering this act as constituting the state of things between us and them, the captives may certainly be held as prisoners of war. If we restore them it will be an act of favor, and not of any right they can urge. Whether Great Britain will give us that reparation for the past and security for the future, which we have categorically demanded, cannot as yet be foreseen; but we have believed we should afford an opportunity of doing it, as well from justice and the usage of nations, as a respect to the opinion of an impartial world, whose approbation and esteem are always of value. This measure was requisite, also, to produce unanimity among ourselves; for however those nearest the scenes of aggression and irritation

may have been kindled into a desire for war at short hand, the more distant parts of the Union have generally rallied to the point of previous demand of satisfaction and war, if denied. It was necessary, too, for our own interests afloat on the ocean, and under the grasp of our adversary; and, added to all this, Great Britain was ready armed and on our lines, while we were taken by surprise, in all the confidence of a state of peace, and needing time to get our means into activity. These considerations render it still useful that we should avoid every act which may precipitate immediate and general war, or in any way shorten the interval so necessary for our own purposes; and they render it advisable that the captives, in the present instance, should be permitted to return, with their boat, arms, &c., to their ships. Whether we shall do this a second, a third, or a fourth time, must still depend on circumstances. But it is by no means intended to retire from the ground taken in the proclamation. That is to be strictly adhered to. And we wish the military to understand that while, for special reasons, we restore the captives in this first instance, we applaud the vigilance and activity which, by taking them, have frustrated the object of their enterprise, and urge a continuance of them, to intercept all intercourse with the vessels, their officers and crews, and to prevent them from taking or receiving supplies of any kind; and for this purpose, should the use of force be necessary, they are unequivocally to understand that force is to be employed without reserve or hesitation. I salute you with great esteem and respect.

# TO GOVERNOR CABELL

*Washington, July 27, 1807.*

Sir,—The Secretary at War having returned from New York, we have immediately taken up the question respecting the discharge of the militia, which was the subject of your two last letters, and which I had wished might remain undecided a few days. From what we have learnt of the conduct of the British squadron in the Chesapeake, since they have retired from Hampton Roads, we suppose that, until orders from England, they do not contemplate any further acts of hostility, other than those they are daily exercising, by remaining in our waters in defiance of the national authority, and bringing to vessels within our jurisdiction. Were they even disposed to make an attempt on Norfolk, it is believed to be sufficiently secured by the two frigates *Cybele* and *Chesapeake*, by the twelve gun-boats now there, and four more from Matthews county expected,—by the works of Fort Nelson; to all of which we would wish a company of artillery, of the militia of the place, to be retained and trained, putting into their hands the guns used at Fort Norfolk and Cape Henry, to cut off from these vessels all supplies, according to the injunctions of the proclamation, and to give immediate notice to Norfolk should any symptoms of danger appear,—to oppose which the militia of the borough and the neighboring

counties should be warned to be in constant readiness to march at a moment's warning. Considering these provisions as quite sufficient for the safety of Norfolk, we are of opinion that it will be better immediately to discharge the body of militia now in service, both on that and the other side of James river. This is rendered expedient, not only that we may husband from the beginning those resources which will probably be put to a long trial, but from a regard to the health of those in service, which cannot fail to be greatly endangered during the sickly season now commencing, and the discouragement, which would thence arise, to that ardor of public spirit now prevailing. As to the details necessary on winding up this service, the Secretary at War will write fully, as he will, also, relative to the force retained in service, and whatever may hereafter concern them or their operations, which he possesses so much more familiarly than I do, and have been gone into by myself immediately, only on account of his absence on another service.

The diseases of the season incident to most situations on the tide-waters, now beginning to show themselves here, and to threaten some of our members, together with the probability of a uniform course of things in the Chesapeake, induce us to prepare for leaving this place during the two sickly months, as well for the purposes of health as to bestow some little attention to our private affairs, which is necessary at some time of every year. Our respective stations will be fixed and known, so that everything will find us at them, with the same certainty as if we

were here; and such measures of intercourse will be established as that the public business will be carried on at them, with all the regularity and dispatch necessary. The present arrangements of the post office admit an interchange of letters between Richmond and Monticello twice a week, if necessary, and I propose that a third shall be established during the two ensuing months, of which you shall be informed. My present expectation is to leave this place for Monticello, about the close of this or the beginning of the next week. The Secretary at War will continue in this neighborhood until we shall further see that the course of things in the Chesapeake will admit of his taking some respite. I salute you with great esteem and respect.

# TO COLONEL TATHAM

*Washington, July 28, 1807.*

Sir,—Your several letters from the 10th to the 23d, inclusive, have been duly received, and have served to regulate our belief of the state of things in Lynhaven, amidst the variety of uncertain reports which were afloat. In mine of the 6th, I mentioned that it would be necessary for me to ask the continuance of this service from you only until I could ascertain the course the squadron of Commodore Douglass meant to pursue. We are now tolerably satisfied as to that course. From everything we have seen, we conclude that it is not their intention to go into a state of general war, or to commit further hostilities than remaining in our waters in defiance, and bring-to vessels within them, until they get their orders from England. We have therefore determined to keep up only a troop of cavalry for patrolling the coast opposite them, and preventing their getting supplies, and the naval and artillery force, now in Norfolk, for its defence. In this state of things, and in consideration of the unhealthy season now approaching at this as other places on the tide-waters, and which we have always retired from about this time, the members of the administration, as well as myself, shall leave this place in three or four days, not to return till the sickly term is over, unless something extraordinary should re-assemble us. It is therefore unnecessary for me to ask

any longer the continuance of your labors. You will be so good as to make the proper disposition of whatever articles you may have found it necessary to procure on public account, to make up the accounts for your services according to the principles stated in my letter of the 6th, and to send them either to myself for the Navy department, or to the head of that department directly. They would find me at Monticello. With my thanks for the diligence with which you have executed this trust, accept my salutations and assurances of esteem and respect.

# TO GENERAL SMITH

*Washington, July 30, 1807.*

Dear Sir,—I kept up your letter of the 23d till the return of General Dearborne enabled us to give to the question of lending arms, a serious consideration. We find that both law and expediency draw a line for our guide. In general, our magazines are open for troops, militia, or others, when they take the field for actual service. Besides this, a law has expressly permitted loans for training volunteers who have engaged themselves for immediate service. The inference is, that we are not to lend to any others. And indeed, were we to lend for training the militia, our whole stock would not suffice, and not an arm would be left for real service. You are sensible, I am sure, that however desirous we might be of gratifying the particular request you have made, yet as what we do for one we must do for another, we could not afterwards stop.

Of the measures suggested in your preceding letter, one only did not exactly meet our ideas. We thought it better not to convene Congress till the 26th of October. Within a fortnight after that we may expect our vessel with the answer of England. Until that arrives there would be no ground sufficiently certain for Congress to act on. In the meanwhile we are making every preparation which could be made were they in session. The

detachment act and its appropriation authorizes this. Congress could not declare war without a demand of satisfaction, nor should they lay an embargo while we have so much under the grasp of our adversary. They might, indeed, authorize the building more gun-boats; but having so lately negatived that proposition, it would not be respectful in me even to suggest it again, much less to make it the ground of convening them. If they should change their minds, and authorize the building more, (and indeed I think two hundred more, at least, are necessary, in aid of other works, to secure our harbors,) the winter will suffice for building them, and the winter will also enable us to do much towards batteries and fortifications, if the appropriation be made early. We find that we cannot man our gun-boats now at Norfolk. I think it will be necessary to erect our sea-faring men into a naval militia, and subject them to tours of duty in whatever port they may be.

We have been for some time under dread from the bilious season, now commencing. Mr. Madison and Mr. Gallatin have had symptoms of indisposition. We have nearly everything so arranged as that we can carry on the public affairs at our separate stations. I shall therefore leave this on the 1st of August, for that and the ensuing month. We shall avoid, as far as we honorably can, every act which would precipitate general hostilities, and shorten the interval so necessary for our merchants to get in their property and our seamen. Accept my salutations, and assurances of great esteem and respect.

# TO THE MASTERS OF VESSELS IN THE PORT OF CHARLESTON, S. C

*Washington, July 30, 1807.*

The offer of your professional services in any way most useful to your country, merits and meets the highest praise. Should the outrages lately committed by the agents of a foreign power, in the Chesapeake and its neighborhood, extend themselves to your port, your services will be valuable towards its security; and if a general appeal is to be made to the public arm for the support of our rights, the spirit from which your offer flows, that which animates our nation, will, I trust, be their sufficient safeguard.

I tender for your country the thanks you so justly deserve.

# TO GOVERNOR CABELL

*Washington, July 31, 1807.*

Dear Sir,—I shall to-morrow set out for Monticello. Considering the critical state of things, it has been thought better, during my stay there, to establish a *daily* conveyance of a mail from Fredericksburg to Monticello. This enables me to hear both from the north and south every day. Should you have occasion then to communicate with me, your letters can come to me daily by being put into the Fredericksburg mail, every day except that on which the mail stage leaves Richmond for Milton, by which letters of that day will come to me directly.

The course which things are likely to hold for some time has induced me to discontinue the establishment at Lynhaven for obtaining daily information of the movements of the squadron in that neighborhood. But still as it is expected that a troop of cavalry will patrol that coast constantly, I think it would be advisable if your Excellency would be so good as to instruct the commanding officer of the troop to inform you daily of the occurrences of the day, sending off his letter in time to get to Norfolk before the post hour. This letter, after perusal for your own information, I would ask the favor of you to forward by the post of the day, under cover to me. I think a post comes one day from Norfolk by the way of Petersburg, and the next by the way

of Hampton. If so, the letters may come every day. I salute you with great and sincere esteem and respect.

# TO COLONEL JOHN TAYLOR

*Washington, August 1, 1807.*

Dear Sir,—I received two days ago your letter recommendatory of Mr. Woodford. I knew his father well, and can readily believe that his merits are descended on the son, and especially after what you say of him. If we could always have as good grounds to go upon, it would greatly relieve the terrible business of nominations. But lest you should not have attended to it, I have taken up my pen in the moment of setting out for Monticello, to remind you that whether we receive the militia or volunteers from the States, the appointment of officers will be with them. There therefore should be Mr. Woodford's application. Should we have war with England, regular troops will be necessary; and though in the first moments of the outrage on the Chesapeake I did not suppose it was by authority from their government, I now more and more suspect it, and of course, that they will not give the reparation for the past and security for the future, which alone may prevent war. The new depredations committing on us, with this attack on the Chesapeake, and their calling on Portugal to declare on the one side or the other, if true, prove they have coolly calculated it will be to their benefit to have everything on the ocean fair prize, and to support their navy by plundering all mankind. This is the doctrine of "war in disguise,"

and I expect they are going to adopt it. It is really mortifying that we should be forced to wish success to Bonaparte, and to look to his victories as our salvation. We expect the return of the Revenge the second week in November, with their answer, or no answer, which will enable Congress to take their course. In the meantime, we will have everything as ready as possible for any course they may prefer. I salute you with friendship and respect.

# TO GENERAL DEARBORNE

*Monticello, August 7, 1807.*

I dare say that Purcell's map must be of value, and it would be well if his representatives would publish it, but whether worth your purchase, and at what price, General Wilkinson might perhaps satisfy you. I shall write to Marentille that if you think it worth while to give him fifty thousand dollars for his project, you will inform him. In the contrary case, it may be put away in your pigeon hole of projects. Governor Cabell, after informing me of the orders for the discharge of the militia, except a company of artillery, and one of cavalry, as we directed, adds: "I have, however, in pursuance of the advice of council, done what your letter did not expressly authorize. But when I state to you the reasons which influenced the measure, I hope you will approve it. You relied entirely on the troop of horse for cutting off the supplies. But we have received the most satisfactory information of the insufficiency of cavalry to perform that service, in consequence of the particular nature of the country in which they have to act. It is covered with sandbanks and hills, which, in many places (where supplies are most easily procured), render cavalry incapable of action. So severe has this service been, that it has already almost knocked up as fine a battalion of cavalry as any in the United States, perhaps as any in the

world. Influenced by these considerations, which we believe had not presented themselves to your mind, because you had not received the necessary information as to facts, the executive have called into service a company of infantry from the county of Princess Anne, to co-operate with the cavalry in cutting off the supplies. Since giving these orders, I understand that General Mathews has anticipated us by calling into actual service the very force we contemplated." Our object was certainly to prevent supplies, and if the means we thought of are not adequate, we should, had we known all circumstances, have provided what would have been effectual; for I think the point of honor requires we should enforce the proclamation in those points in which we have force sufficient. I shall await your opinion, however, before I answer the Governor's letter. Information as late as August 3d, shows that the squadron was quiet in and near the Bay, and General Thomas Hardy, to whom Tazewell delivered the five men, declared to him that his objection to intercourse by flag, was that the two nations were not in a state of war, which alone required it. He said he expected Barclay, or General Robert Lowrie, in a week to take the command. I salute you with sincere affection and respect.

# TO HIS EXCELLENCY GOVERNOR CABELL

*Monticello, August 7, 1807.*

Dear Sir,—Your letters of July 31st and August 5th were received yesterday. The ground taken in conformity with the Act of Congress, of considering as public enemies British armed vessels in or entering our waters, gives us the benefit of a system of rules, sanctioned by the practice of nations in a state of war, and consequently enabling us with certainty and satisfaction to solve the different cases which may occur in the present state of things. With these rules most officers are acquainted, and especially those old enough to have borne a part in the revolutionary war.

1. As to the enemy within our waters, intercourse, according to the usages of war, can only be by flag; and the ceremonies respecting that are usually a matter of arrangement between the adverse officers commanding in the neighborhood of each other. If no arrangement is agreed on, still the right of sending a flag is inherent in each party, whose discretion will direct him to address it to the proper adverse authority; as otherwise it would be subject to delay or rejection. Letters addressed by flag to persons in authority with the adverse power, may be sent sealed, and should be delivered. But, if to others, or to their

own friends happening to be within the limits of the adversary, they must be open. If innocent in the judgment of the receiving officer, courtesy requires their delivery; if otherwise, they may be destroyed or returned by him; but in a case of only suspended amity, as ours, they should be returned. Letters sent from the interdicted vessels to their consul in Norfolk must be open; and the propriety of delivering them judged of by our officer, tempering his judgment however with liberality and urbanity. Those to their minister plenipotentiary here, sealed or unsealed, should be sent to the Secretary of State without any delay. As to the demand of fugitive slaves, it was the custom during the late war, for the owner to apply to our commander for a flag, and to go himself with that, to exhibit his claim and receive the fugitive. And with respect to Americans detained on board their ships, the application should be still, as heretofore, made through the Secretary of State, to whose proper documents are to be furnished. But without waiting for his application, the British officer, knowing them to be Americans and freemen, cannot but feel it a duty to restore them to their liberty on their own demand.

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