

## THE ANAS<sup>1</sup>

1791-1806

---

Explanations of the 3. volumes bound in marbled paper.

In these 3 vols will be found copies of the official opinions given in writing by me to Genl. Washington, while I was Secretary of State, with sometimes the documents belonging to the case. Some of these are the rough draughts, some press-copies, some fair ones. In the earlier part of my acting in that office I took no other note of the passing transactions: but, after awhile, I saw the importance of doing it, in aid of my memory. Very often therefore I made memorandums

<sup>1</sup> The so-called *Anas* are the only portion of Jefferson's writings besides his Autobiography, which do not allow of chronological arrangement. Though commencing in 1791 and extending to 1806, with an "Explanation" or preface added in 1818, they were intended by the author to constitute a unit. They are therefore appended to the Autobiography, to which they are practically a continuation, as the most satisfactory position they could be given under the chronological arrangement of this edition. With these "loose scraps" Jefferson (by his above explanation) evidently intended that certain of his official opinions, reports, and cabinet papers should be printed; but in the rebinding of his papers, his arrangement was so changed, that it is no longer possible to print these papers as he intended. The portion here printed is therefore limited to his unofficial notes and memoranda of interviews and meetings, the remainder being placed with other papers of the same nature in their chronological position.

# **Livros Grátis**

<http://www.livrosgratis.com.br>

Milhares de livros grátis para download.

on loose scraps of paper, taken out of my pocket in the moment, and laid by to be copied fair at leisure, which however they hardly ever were.<sup>1</sup> These scraps therefore, ragged, rubbed, & scribbled as they were, I had bound with the others by a binder who came into my cabinet, did it under my own eye, and without the opportunity of reading a single paper. At this day, after the lapse of 25 years, or more, from their dates, I have given to the whole a calm revisal, when the passions of the time are past away, and the reasons of the transactions act alone on the judgment. Some of the informations I had recorded are now cut out from the rest, because I have seen that they were incorrect, or doubtful, or merely personal or private, with which we have nothing to do. I should perhaps have thought the rest not worth preserving, but for their testimony against the only history of that period<sup>2</sup> which pretends to have been compiled from authentic and unpublished documents. Could these documents, all, be laid open to the public eye, they might be compared, contrasted, weighed, & the truth fairly sifted out of them, for we are not to suppose that every thing found among Genl. Washington's papers is to be taken as gospel truth. Facts indeed of his own writing & inditing, must be believed by all who knew him; and opinions, which were his own, merit veneration and respect;

<sup>1</sup> In many cases the several different days and notes are recorded on the same sheet, showing that they were either copied, or written out from memory.

<sup>2</sup> This refers to Marshall's *Life of Washington*, which was a pet *bête noir* of Jefferson's. In Washington's edition (ix., 478) are some notes in answer to it.

for few men have lived whose opinions were more unbiassed and correct. Not that it is pretended he never felt bias. His passions were naturally strong; but his reason, generally, stronger. But the materials from his own pen make probably an almost insensible part of the mass of papers which fill his presses. He possessed the love, the veneration, and confidence of all. With him were deposited suspicions & certainties, rumors & realities, facts & falsehoods, by all those who were, or who wished to be thought, in correspondence with him, and by the many Anonymi who were ashamed to put their names to their slanders. From such a Congeries history may be made to wear any hue, with which the passions of the compiler, royalist or republican, may chuse to tinge it. Had Genl. Washington himself written from these materials a history of the period they embrace, it would have been a conspicuous monument of the integrity of his mind, the soundness of his judgment, and its powers of discernment between truth & falsehood; principles & pretensions. But the party feeling of his biographer, to whom after his death the collection was confided, has culled from it a composition as different from what Genl. Washington would have offered, as was the candor of the two characters during the period of the war. The partiality of this pen is displayed in lavishments of praise on certain military characters, who had done nothing military, but who afterwards, & before he wrote, had become heroes in party, altho' not in war; and in his reserve on the merits of others, who rendered signal services indeed, but did not earn his



praise by apostatising in peace from the republican principles for which they had fought in war. It shews itself too in the cold indifference with which a struggle for the most animating of human objects is narrated. No act of heroism ever kindles in the mind of this writer a single aspiration in favor of the holy cause which inspired the bosom, & nerved the arm of the patriot warrior. No gloom of events, no lowering of prospects ever excites a fear for the issue of a contest which was to change the condition of man over the civilized globe. The sufferings inflicted on endeavors to vindicate the rights of humanity are related with all the frigid insensibility with which a monk would have contemplated the victims of an auto da fé. Let no man believe that Genl. Washington ever intended that his papers should be used for the suicide of the cause, for which he had lived, and for which there never was a moment in which he would not have died. The abuse of these materials is chiefly however manifested in the history of the period immediately following the establishment of the present constitution; and nearly with that my memorandums begin. Were a reader of this period to form his idea of it from this history alone, he would suppose the republican party (who were in truth endeavoring to keep the government within the line of the Constitution, and prevent it's being monarchised in practice) were a mere set of grumblers, and disorganisers, satisfied with no government, without fixed principles of any, and, like a British parliamentary opposition, gaping after loaves and fishes,

and ready to change principles, as well as position, at any time, with their adversaries.

But a short review of facts omitted, or uncandidly stated in this history will shew that the contests of that day were contests of principle, between the advocates of republican, and those of kingly government, and that, had not the former made the efforts they did, our government would have been, even at this early day, a very different thing from what the successful issue of those efforts have made it.

The alliance between the states under the old articles of confederation, for the purpose of joint defence against the aggression of Great Britain, was found insufficient, as treaties of alliance generally are, to enforce compliance with their mutual stipulations: and these, once fulfilled, that bond was to expire of itself, & each state to become sovereign and independant in all things. Yet it could not but occur to every one that these separate independencies, like the petty States of Greece, would be eternally at war with each other, & would become at length the mere partisans & satellites of the leading powers of Europe. All then must have looked forward to some further bond of union, which would ensure internal peace, and a political system of our own, independant of that of Europe. Whether all should be consolidated into a single government, or each remain independant as to internal matters, and the whole form a single nation as to what was foreign only, and whether that national government should be a monarchy or republic, would of course divide opinions

according to the constitutions, the habits, and the circumstances of each individual. Some officers of the army, as it has always been said and believed (and Steuben and Knox have even been named as the leading agents) trained to monarchy by military habits, are understood to have proposed to Genl. Washington to decide this great question by the army before it's disbandment, and to assume himself the crown, on the assurance of their support. The indignation with which he is said to have scouted this parricid proposition, was equally worthy of his virtue and his wisdom. The next effort was (on suggestion of the same individuals, in the moment of their separation) the establishment of an hereditary order, under the name of the Cincinnati, ready prepared, by that distinction, to be engrafted into the future frame of government, & placing Genl. Washington still at their head. The General <sup>1</sup> wrote to me on this subject, while I was in Congress at Annapolis, and an extract from my answer is inserted in 5. Marshall's hist. pa. 28. He afterwards called on me at that place, on his way to a meeting of the society, and after a whole evening of consultation he left that place fully determined to use all his endeavors for it's total suppression. But he found it so firmly riveted in the affections of the members that, strengthened as they happened to be by an adventitious occurrence of the moment, he could effect no more than the abolition of it's hereditary principle.<sup>2</sup> He called

<sup>1</sup> See his lre., Apr. 8, 84. T. J.

<sup>2</sup> This is an error. The abolition of the hereditary principle was proposed, but never adopted.

again on his return,<sup>1</sup> & explained to me fully the opposition which had been made, the effect of the occurrence from France, and the difficulty with which it's duration had been limited to the lives of the present members. Further details will be found among my papers, in his and my letters, and some in the *Encyclop. Method. Dictionnaire d'Econ. politique*, communicated by myself to M. Meusnier,<sup>2</sup> it's author, who had made the establishment of this society the ground, in that work, of a libel on our country. The want of some authority which should procure justice to the public creditors, and an observance of treaties with foreign nations, produced, some time after, the call of a convention of the States at Annapolis. Altho' at this meeting a difference of opinion was evident on the question of a republican or kingly government, yet, so general thro' the states, was the sentiment in favor of the former, that the friends of the latter confined themselves to a course of obstruction only, and delay, to every thing proposed. They hoped that, nothing being done, and all things going from bad to worse, a kingly government might be usurped, and submitted to by the people, as better than anarchy, & wars internal and external the certain consequences of the present want of a general government.<sup>3</sup> The effect of their manœuvres, with

<sup>1</sup> This cannot be so, as Washington did not leave Philadelphia till after May 16th, and Jefferson left Annapolis for France on May 11th.

<sup>2</sup> Printed *post* under 1786.

<sup>3</sup> No evidence whatever has been found to confirm Jefferson's account of this convention. And as it assembled to consider the commercial condition of the States, and the delegates (excepting those from New Jersey) were strictly limited to that question by their commissions, it

the defective attendance of deputies from the states, resulted in the measure of calling a more general convention, to be held at Philadelphia. At this the same party exhibited the same practices, and with the same views of preventing a government of concord, which they foresaw would be republican, and of forcing, thro' anarchy, their way to monarchy. But the mass of that convention was too honest, too wise, and too steady to be baffled or misled by their manœuvres. One of these was, a form of government proposed by Colo. Hamilton, which would have been in fact a compromise between the two parties of royalism & republicanism. According to this, the Executive & one branch of the legislature were to be during good behavior, i. e. for life, and the Governors of the states were to be named by these two permanent organs. This however was rejected, on which Hamilton left the Convention, as desperate, & never returned again until near it's final conclusion.<sup>1</sup> These opinions & efforts, secret or avowed, of the advocates for monarchy, had begotten great jealousy thro' the states generally; and this jealousy it was which excited the strong opposition to the conventional constitution; a jealousy which yielded at last only to a general determination to establish certain amendments as barriers against a government either

is hardly likely that their discussions extended to the "question of a republican or kingly government."

<sup>1</sup> It is hardly necessary to state that Hamilton left the convention, because by the secession of his two colleagues from New York, his State was no longer able to vote. His return, and signing of the Constitution, as an individual act, met with the gravest criticism within his own State.

monarchical or consolidated. In what passed thro' the whole period of these conventions, I have gone on the information of those who were members of them, being absent myself on my mission to France.

I returned from that mission in the 1st. year of the new government, having landed in Virginia in Dec. 89. & proceeded to N. York in March 90. to enter on the office of Secretary of State. Here certainly I found a state of things which, of all I had ever contemplated, I the least expected. I had left France in the first year of its revolution, in the fervor of natural rights, and zeal for reformation. My conscientious devotion to these rights could not be heightened, but it had been aroused and excited by daily exercise. The President received me cordially, and my Colleagues & the circle of principal citizens, apparently, with welcome. The courtesies of dinner parties given me as a stranger newly arrived among them, placed me at once in their familiar society. But I cannot describe the wonder and mortification with which the table conversations filled me. Politics were the chief topic, and a preference of kingly, over republican, government, was evidently the favorite sentiment. An apostate I could not be; nor yet a hypocrite: and I found myself, for the most part, the only advocate on the republican side of the question, unless, among the guests, there chanced to be some member of that party from the legislative Houses. Hamilton's financial system had then past. It had two objects. 1st as a puzzle, to exclude popular understanding & inquiry. 2dly, as a machine for the corruption of the legislature; for he avowed the

opinion that man could be governed by one of two motives only, force or interest: force he observed, in this country, was out of the question; and the interests therefore of the members must be laid hold of, to keep the legislature in unison with the Executive. And with grief and shame it must be acknowledged that his machine was not without effect. That even in this, the birth of our government, some members were found sordid enough to bend their duty to their interests, and to look after personal, rather than public good. It is well known that, during the war, the greatest difficulty we encountered was the want of money or means, to pay our souldiers who fought, or our farmers, manufacturers & merchants who furnished the necessary supplies of food & clothing for them. After the expedient of paper money had exhausted itself, certificates of debt were given to the individual creditors, with assurance of payment, so soon as the U. S. should be able. But the distresses of these people often obliged them to part with these for the half, the fifth, and even a tenth of their value; and Speculators had made a trade of cozening them from the holders, by the most fraudulent practices and persuasions that they would never be paid. In the bill for funding & paying these, Hamilton made no difference between the original holders, & the fraudulent purchasers of this paper. Great & just repugnance arose at putting these two classes of creditors on the same footing, and great exertions were used to pay to the former the full value, and to the latter the price only which he had paid, with interest. But this would have prevented the game

which was to be played, & for which the minds of greedy members were already tutored and prepared. When the trial of strength on these several efforts had indicated the form in which the bill would finally pass, this being known within doors sooner than without, and especially than to those who were in distant parts of the Union, the base scramble began. Couriers & relay horses by land, and swift sailing pilot boats by sea, were flying in all directions.<sup>1</sup> Active part[n]ers & agents were associated & employed in every state, town and country neighborhood, and this paper was bought up at 5/ and even as low as 2/ in the pound, before the holder knew that Congress had already provided for it's redemption at par. Immense sums were thus filched from the poor & ignorant, and fortunes accumulated by those who had themselves been poor enough before. Men thus enriched by the dexterity of a leader, would follow of course the chief who was leading them to fortune, and become the zealous instruments of all his enterprises. This game was over, and another

<sup>1</sup> According to Maclay's *Journal* (179) and to Jackson's speech (*Annals*, 1, 1163) these expresses and vessels were despatched, immediately after the presentation of Hamilton's Report (Jan 14th), and long before his recommendations were embodied in a bill. A résumé of his report was printed in *Fenno's Gazette* for Jan. 20th, and in full in the issue for Jan. 27th, and these were extensively copied in the country press. It was therefore in the period gained by these expresses over the regular mail that the certificates were "filched"; but it should be borne in mind that from the Memorials of the public creditors of Pennsylvania and New Jersey, the resolution of the House of Representatives and the Address of Washington, (all of which had had extensive circulation), the public were already aware of the probable payment of these certificates, which is further shown by the steady rise in their value, even before Hamilton's Report was presented.



was on the carpet at the moment of my arrival;<sup>1</sup> and to this I was most ignorantly & innocently made to hold the candle. This fiscal manœuvre is well known by the name of the Assumption. Independantly of the debts of Congress, the states had, during the war, contracted separate and heavy debts; and Massachusetts particularly in an absurd attempt, absurdly conducted, on the British post of Penobscot: and the more debt Hamilton could rake up, the more plunder for his mercenaries. This money, whether wisely or foolishly spent, was pretended to have been spent for general purposes, and ought therefore to be paid from the general purse. But it was objected that nobody knew what these debts were, what their amount, or what their proofs. No matter; we will guess them to be 20. millions. But of these 20. millions we do not know how much should be reimbursed to one state, nor how much to another. No matter; we will guess. And so another scramble was set on foot among the several states, and some got much, some little, some nothing. But the main object was obtained, the phalanx of the treasury was reinforced by additional recruits. This measure produced the most bitter & angry contests ever known in Congress, before or since the union of the states. I arrived in the midst of it. But a stranger

<sup>1</sup> Jefferson has here made the curious errors of separating the funding and assumption act, and of supposing the latter "was over" before he reached New York. Hamilton's Report was debated in the House of Representatives from February to April, and it was not till May 6th that the funding bill was presented, the section relating to assumption having been negatived in committee. This bill passed the House on June 2d, and in the Senate had the assumption section restored. Not till Aug. 4th did the bill so altered become a law.

to the ground, a stranger to the actors on it, so long absent as to have lost all familiarity with the subject, and as yet unaware of it's object, I took no concern in it. The great and trying question however was lost in the H. of Representatives. So high were the feuds excited by this subject, that on it's rejection, business was suspended. Congress met and adjourned from day to day without doing any thing, the parties being too much out of temper to do business together. The Eastern members particularly, who, with Smith from South Carolina,<sup>1</sup> were the principal gamblers in these scenes, threatened a secession and dissolution. Hamilton was in despair. As I was going to the President's one day, I met him in the street. He walked me backwards & forwards before the President's door for half an hour. He painted pathetically the temper into which the legislature had been wrought, the disgust of those who were called the Creditor states, the danger of the secession of their members, and the separation of the states. He observed that the members of the administration ought to act in concert, that tho' this question was not of my department, yet a common duty should make it a common concern; that the President was the center on which all administrative questions ultimately rested, and that all of us should rally around him, and support with joint efforts measures approved by him; and that the question having been lost by a small majority only, it was

<sup>1</sup> In the margin Jefferson has written, and then struck out, the following: "I do not know that any member from S. Carolina engaged in this infamous business, except William Smith, whom I think it a duty to name therefore, to relieve the others from imputation."

probable that an appeal from me to the judgment and discretion of some of my friends might effect a change in the vote, and the machine of government, now suspended, might be again set into motion. I told him that I was really a stranger to the whole subject; not having yet informed myself of the system of finances adopted, I knew not how far this was a necessary sequence; that undoubtedly if its rejection endangered a dissolution of our union at this incipient stage, I should deem that the most unfortunate of all consequences, to avert which all partial and temporary evils should be yielded. I proposed to him however to dine with me the next day, and I would invite another friend or two, bring them into conference together, and I thought it impossible that reasonable men, consulting together coolly, could fail, by some mutual sacrifices of opinion, to form a compromise which was to save the union. The discussion took place. I could take no part in it, but an exhortatory one, because I was a stranger to the circumstances which should govern it. But it was finally agreed that, whatever importance had been attached to the rejection of this proposition, the preservation of the union, & of concord among the states was more important, and that therefore it would be better that the vote of rejection should be rescinded, to effect which some members should change their votes. But it was observed that this pill would be peculiarly bitter to the Southern States, and that some concomitant measure should be adopted to sweeten it a little to them. There had before been propositions to fix the seat of govern-

ment either at Philadelphia, or at Georgetown on the Potomac; and it was thought that by giving it to Philadelphia for ten years, and to Georgetown permanently afterwards, this might, as an anodyne, calm in some degree the ferment which might be excited by the other measure alone. So two of the Potomac members (White & Lee,<sup>1</sup> but White with a revulsion of stomach almost convulsive) agreed to change their votes, & Hamilton undertook to carry the other point. In doing this the influence he had established over the Eastern members, with the agency of Robert Morris with those of the middle states, effected his side of the engagement, and so the assumption was passed, and 20. millions of stock divided among favored states, and thrown in as pabulum to the stock-jobbing herd. This added to the number of votaries to the treasury and made its Chief the master of every vote in the legislature which might give to the government the direction suited to his political views. I know well, and so must be understood, that nothing like a majority in Congress had yielded to this corruption. Far from it. But a division, not very unequal, had already taken place in the honest part of that body, between the parties styled republican and federal. The latter being monarchists in principle, adhered to Hamilton of course, as their leader in that principle, and this mercenary phalanx added to them ensured him always a majority in both houses: so that the whole action of the legislature was now under the direction of the

<sup>1</sup> Alexander White and Richard Bland Lee, Congressmen from Virginia. Daniel Carroll, of Md., also changed his vote.

treasury. Still the machine was not compleat. The effect of the funding system, & of the assumption, would be temporary. It would be lost with the loss of the individual members whom it had enriched, and some engine of influence more permanent must be contrived, while these myrmidons were yet in place to carry it thro' all opposition. This engine was the Bank of the U. S. All that history is known; so I shall say nothing about it. While the government remained at Philadelphia, a selection of members of both houses were constantly kept as Directors, who, on every question interesting to that institution, or to the views of the federal head, voted at the will of that head; and, together with the stockholding members, could always make the federal vote that of the majority. By this combination, legislative expositions were given to the constitution, and all the administrative laws were shaped on the model of England, & so passed. And from this influence we were not relieved until the removal from the precincts of the bank, to Washington. Here then was the real ground of the opposition which was made to the course of administration. It's object was to preserve the legislature pure and independant of the Executive, to restrain the administration to republican forms and principles, and not permit the constitution to be construed into a monarchy, and to be warped in practice into all the principles and pollutions of their favorite English model. Nor was this an opposition to Genl. Washington. He was true to the republican charge confided to him; & has solemnly and repeatedly protested to me, in our

private conversations, that he would lose the last drop of his blood in support of it, and he did this the oftener, and with the more earnestness, because he knew my suspicions of Hamilton's designs against it; & wished to quiet them. For he was not aware of the drift, or of the effect of Hamilton's schemes. Unversed in financial projects & calculations, & budgets, his approbation of them was bottomed on his confidence in the man. But Hamilton was not only a monarchist, but for a monarchy bottomed on corruption. In proof of this I will relate an anecdote, for the truth of which I attest the God who made me. Before the President set out on his Southern tour in April 1791. he addressed a letter of the 4th. of that month, from Mt. Vernon to the Secretaries of State, Treasury & War, desiring that, if any serious and important cases should arise during his absence, they would consult & act on them, and he requested that the Vice-president should also be consulted. This was the only occasion on which that officer was ever requested to take part in a cabinet question. Some occasion for consultation arising, I invited those gentlemen (and the Attorney genl. as well as I remember) to dine with me in order to confer on the subject. After the cloth was removed, and our question agreed & dismissed, conversation began on other matters and, by some circumstance, was led to the British constitution, on which Mr. Adams observed "purge that constitution of it's corruption, and give to it's popular branch equality of representation, and it would be the most perfect constitution ever devised by the wit of man." Hamilton paused and

said, "purge it of it's corruption, and give to it's popular branch equality of representation, & it would become an *impracticable* government: as it stands at present, with all it's supposed defects, it is the most perfect government which ever existed." And this was assuredly the exact line which separated the political creeds of these two gentlemen. The one was for two hereditary branches and an honest elective one: the other for a hereditary king with a house of lords & commons, corrupted to his will, and standing between him and the people. Hamilton was indeed a singular character. Of acute understanding, disinterested, honest, and honorable in all private transactions, amiable in society, and duly valuing virtue in private life, yet so bewitched & perverted by the British example, as to be under thoro' conviction that corruption was essential to the government of a nation. Mr. Adams had originally been a republican. The glare of royalty and nobility, during his mission to England, had made him believe their fascination a necessary ingredient in government, and Shay's rebellion, not sufficiently understood where he then was, seemed to prove that the absence of want and oppression was not a sufficient guarantee of order. His book on the American constitutions having made known his political bias, he was taken up by the monarchical federalists, in his absence, and on his return to the U. S. he was by them made to believe that the general disposition of our citizens was favorable to monarchy. He here wrote his *Davila*, as a supplement to the former work, and his election to the

Presidency confirmed his errors. Innumerable addresses too, artfully and industriously poured in upon him, deceived him into a confidence that he was on the pinnacle of popularity, when the gulph was yawning at his feet which was to swallow up him and his deceivers. For, when Genl Washington was withdrawn, these energumens of royalism, kept in check hitherto by the dread of his honesty, his firmness, his patriotism, and the authority of his name now, mounted on the Car of State & free from controul, like Phæton on that of the sun, drove headlong & wild, looking neither to right nor left, nor regarding anything but the objects they were driving at; until, displaying these fully, the eyes of the nation were opened, and a general disbandment of them from the public councils took place. Mr. Adams, I am sure, has been long since convinced of the treacheries with which he was surrounded during his administration. He has since thoroughly seen that his constituents were devoted to republican government, and whether his judgment is re-settled on it's ancient basis, or not, he is conformed as a good citizen to the will of the majority, and would now, I am persuaded, maintain it's republican structure with the zeal and fidelity belonging to his character. For even an enemy has said "he is always an honest man, & often a great one." But in the fervor of the fury and follies of those who made him their stalking horse, no man who did not witness it, can form an idea of their unbridled madness, and the terrorism with which they surrounded themselves. The horrors of the French revolution, then raging,



aided them mainly, and using that as a raw head and bloody bones they were enabled by their stratagems of X. Y. Z. in which this historian was a leading mountebank, their tales of tub-plots, Ocean massacres, bloody buoys, and pulpit lyings, and slanderings, and maniacal ravings of their Gardiners, their Osgoods and Parishes, to spread alarm into all but the firmest breasts. Their Attorney General had the impudence to say to a republican member that deportation must be resorted to, of which, said he, "you republicans have set the example," thus daring to identify us with the murderous Jacobins of France. These transactions, now recollected but as dreams of the night, were then sad realities; and nothing rescued us from their liberticide effect but the unyielding opposition of those firm spirits who sternly maintained their post, in defiance of terror, until their fellow citizens could be aroused to their own danger, and rally, and rescue the standard of the constitution. This has been happily done. Federalism & monarchism have languished from that moment, until their treasonable combinations with the enemies of their country during the late war, their plots of dismembering the Union & their Hartford convention, has consigned them to the tomb of the dead: and I fondly hope we may now truly say "we are all republicans, all federalists," and that the motto of the standard to which our country will forever rally, will be "federal union, and republican government;" and sure I am we may say that we are indebted, for the preservation of this point of ralliance, to that opposition of which so injurious

an idea is so artfully insinuated & excited in this history.

Much of this relation is notorious to the world, & many intimate proofs of it will be found in these notes. From the moment, where they end, of my retiring from the administration, the federalists<sup>1</sup> got unchecked hold of Genl. Washington. His memory was already sensibly impaired by age, the firm tone of mind for which he had been remarkable, was beginning to relax, it's energy was abated; a listlessness of labor, a desire for tranquillity had crept on him, and a willingness to let others act and even think for him. Like the rest of mankind, he was disgusted with atrocities of the French revolution, and was not sufficiently aware of the difference between the rabble who were used as instruments of their perpetration, and the steady & rational character of the American people, in which he had not sufficient confidence. The opposition too of the republicans to the British treaty, and zealous support of the federalists in that unpopular, but favorite measure of theirs, had made him all their own. Understanding moreover that I disapproved of that treaty, & copiously nourished with falsehoods by a malignant neighbor<sup>2</sup> of mine, who ambitioned to be his correspondent, he had become alienated from myself personally, as from the republican body generally of his fellow citizens; & he wrote the letters to Mr. Adams, and Mr. Carroll, over which, in devotion to his imperishable

<sup>1</sup> See note of Oct 1, 1792. T. J.

<sup>2</sup> Henry Lee, better known as Light-horse Harry.

fame, we must forever weep as monuments of mortal decay.

TH. JEFFERSON.

Feb. 4, 1818.

---

Aug. 13. 1791. Notes of a conversn between A. Hamilton and Th J[efferson]. Th: J. mentioned to him a Ire. recd from J[ohn] A[dam]s, disavowing Publicola,<sup>1</sup> & denying that he ever entertd. a wish to bring this country under a hereditary executive, or introduce an hereditary branch of legislature &c. See his Ire. A. H. condemning Mr. A's writings & most particularly *Davila*,<sup>2</sup> as having a tendency to weaken the present gov'm't declared in substance as follows. "I own it is my own opn, tho' I do not publish it in Dan & Bersheba, that the present gov'mt is not that which will answer the ends of society, by giving stability & protection to it's rights, and that it will probably be found expedient to go into the British form. However, since we have undertaken the experiment, I am for giving it a fair course, whatever my expectns. The success indeed so far, is greater than I had expected, & therefore at present success seems more possible than it had done heretofore, & there are still other & other stages of improvemt which, if the present does not succeed, may be tried, & ought to be tried before we give up the republican form altogether, for that mind must be really depraved which would not prefer the

<sup>1</sup> A series of newspaper essays in the *Massachusetts Sentinel*, written by John Quincy Adams.

<sup>2</sup> A series of essays published in the *Gazette of the United States*.

equality of political rights which is the foundation of pure republicanism, if it can be obtained consistently with order. Therefore whoever by his writings disturbs the present order of things, is really blameable, however pure his intentions may be, & he was sure Mr. Adams' were pure." This is the substance of a declaration made in much more lengthy terms, & which seemed to be more formal than usual for a private conversation between two, & as if intended to qualify some less guarded expressions which had been dropped on former occasions. Th: J. has committed it to writing in the moment of A. H.'s leaving the room.

Dec. 25. 1791. Colo Gunn (of Georgia) dining the other day with Colo Hamilton said to him, with that plain freedom he is known to use, "I wish Sir you would advise your friend King, to observe some kind of consistency in his votes. There has been scarcely a question before Senate on which he has not voted both ways. On the Representation bill, for instance, he first voted for the proposition of the Representatives, and ultimately voted against it." "Why," says Colo H. "I 'll tell you as to that Colo Gunn, that it never was intended that bill should pass." Gunn told this to Butler, who told it to Th: J.<sup>1</sup>

Memorandum of communications made to a committee of the Senate on the subject of the

<sup>1</sup> This refers to the apportionment bill. The Senate amended it and returned it to the House. They refused to concur, and sent it back as originally drawn. On the motion to recede from the Senate's amendment (Dec. 15th) King voted yea, but five days later, on a motion to adhere to the Senate amendment, he again voted yea.

diplomatic nominations to Paris, London, and the Hague. January 4th, 1792.

The Secretary of State having yesterday received a Note from Mr. Strong as Chairman of a Committee of the Senate, asking a conference with him on the subject of the late diplomatic nominations to Paris, London and the Hague, he met them in the Senate chamber in the evening of the same day, and stated to them in substance what follows.—

That he should on all occasions be ready to give to the Senate, or to any other Branch of the Government, whatever information might properly be communicated, and might be necessary to enable them to proceed in the line of their respective offices: That on the present occasion particularly, *as the Senate had to decide on the fitness of certain persons to act for the United States at certain Courts, they would be the better enabled to decide, if they were informed of the state of our affairs at those courts, and what we had to do there:* That when the Bill for providing the means of intercourse with foreign nations was before the Legislature, he had met the committees of each House, and had given them the ideas of the Executive as to the courts with which we should keep diplomatic characters, and the grades we should employ: That there were two principles which decided on the Courts, viz. 1. *vicinage*, and 2. *commerce*: That the first operated in the cases of London and Madrid, and the second in the same cases, and also in those of France and Portugal; perhaps too of Holland: That as to all other countries our commerce and connections were too unim-

portant to call for the exchange of diplomatic residents: That he thought we should adopt the lowest grades admissible, to wit, at Paris that of minister plenipotentiary, because that grade was already established there; the same at London, because the pride of that court, and perhaps the sense of our country and it's interests, would require a sort of equality of treatment to be observed towards them: and for Spain and Lisbon, that of Chargé des affaires only; the Hague uncertain: That at the moment of this Bill there was a complete vacancy of appointment between us and France and England, by the accidental translations of the Ministers of France and the United States to other offices, and none as yet appointed to, or from England: That in this state of things the Legislature had provided for the grade of Minister plenipotentiary, as one that was to be continued, & shewed they had their eye on that grade only, and that of Chargé des affaires; & that by the sum allowed they approved of the views then communicated: That circumstances had obliged us to change the grade at Lisbon to Minister resident, and this of course would force a change at Madrid and the Hague, as had been communicated at the time to the Senate; but that no change was made in the salary, that of Resident being made the same as had been established for a Chargé des affaires.

He then added the new circumstances which had supervened on those general ones in favour of these establishments, to wit with Paris, the proposal on their part to make a liberal Treaty, the present

situation of their colonies which might lead to a freer commerce with them, and the arrival of a Minister plenipotentiary here; with London, their sending a Minister here in consequence of notorious and repeated applications from us, the powers given him to arrange the differences which had arisen about the execution of the Treaty, to wit; the Posts, Negroes, &c. which was now in train, and perhaps some authority to talk on the subject of arrangements of commerce, and also the circumstances which had induced that Minister to produce his commission; with Madrid, the communication from the King that he was ready to resume the negotiations on the navigation of the Mississippi, and to arrange that, and a port of deposit on the most friendly footing, if we would send a proper person to Madrid for that purpose: he explained the idea of joining one of the Ministers in Europe to Mr. Carmichael for that purpose; with Lisbon, that we had to try to obtain a right of sending flour there, and mentioned Del Pinto's former favourable opinion on that subject: he stated also the interesting situation of Brazil, and the dispositions of the Court of Portugal with respect to our warfare with the Algerines; with Holland, the negotiating loans for the transfer of the whole French debt there, an operation which must be of some years, because there is but a given sum of new money there every year, and only a given proportion of that will be lent to any one Nation. He then particularly recapitulated the circumstances which justified the President's having continued the grade of Minister plenipotentiary;

but added that whenever the biennial bill should come on, each House would have a constitutional right to review the establishment again, and whenever it should appear that either House thought any part of it might be reduced, on giving to the Executive time to avail themselves of the first convenient occasion to reduce it, the Executive could not but do it; but that it would be extremely injurious now, or at any other time, to do it so abruptly as to occasion the recall of Ministers, or unfriendly sensations in any of those countries with which our commerce is interesting.—

That a circumstance recalled to the recollection of the Secretary of State this morning induced him immediately to add to the preceding verbal communication, a letter addressed to Mr. Strong in the following words.—

“PHILADELPHIA, January 4th, 1792.

“SIR—

“I am just now made to recollect a mistake in one of the answers I gave last night in the Committee of the Senate, and which therefore I beg leave to correct. After calling to their minds the footing on which Mr. Morris had left matters at the Court of London, and informing them of what had passed between the British minister here & myself, I was asked whether this was all that had taken place? Whether there had been no other or further engagement? I paused, you may remember to recollect: I knew nothing more had passed on the other side the water, because Mr. Morris's powers there had



been determined, and I endeavoured to recollect whether anything else had passed with Mr. Hammond and myself. I answered that this was all, and added in proof, that I was sure nothing had passed between the President & Mr. Hammond personally, and so I might safely say this was all. It escaped me that there had been an informal agent here (Col: Beckwith) and so informal that it was thought proper that I should never speak on business with him, and that on a particular occasion, the question having been asked whether if a British minister should be sent here, we would send one in exchange? It was said, through another channel, that one would doubtless be sent. Having only been present when it was concluded to give the answer, and not having been myself the person who communicated it, nor having otherwise had any conversation with Col: Beckwith on the subject, it absolutely escaped my recollection at the moment the Committee put the question, and I now correct the error I committed in my answer, with the same good faith with which I committed the error in the first moment. Permit me to ask the favour of you, sir, to communicate this to the other members of the Committee, and to consider this as a part of the information I have had the honor of giving the Committee on the subject.

“I am with the most perfect esteem, sir, Your most obt & most h'ble servant.

“TH: JEFFERSON.

“MR. STRONG.”

Which letter with the preceding statement, con-

tains the substance of what the Secretary of State has communicated to the Committee, as far as his memory enables him to recollect.

TH: JEFFERSON.

January 4th, 1792.

Feb. 12. 1792. Colo. Beckwith called on me and informed me that tho' not publicly commissioned he had been sent here on the part of his government, that arriving before I came into office he had been put into the hands of another department, not indeed by the Chief Magistrate directly, as he had never had any direct communications, but informally & had never been transferred to my department: that on commencing his correspondence with the Secretary of State of Gr. Britain, he had thought it his duty to make that circumstance known to us: that Mr. Hammond's arrival had now rendered his longer continuance here unnecessary, as his residence hitherto had been only preparatory to Mr. Hammond's reception, that he had received orders by the last packet from the Secretary of State to return to England by the next, and that he should accdly do so. He acknowledged the personal civility with which he had been treated generally, & his entire satisfaction. [Note this was the first conversation I ever had with him, but merely as a private gentleman. I note its purport, because he was sent here by L'd Dorchester from Quebeck, which consequently authorizes us to send such a character to Quebec.

T. J.

## CONVERSATIONS WITH THE PRESIDENT.

1792. Feb. 28. I was to have been with him long enough before 3. o clock (which was the hour & day he received visits) to have opened to him a proposition for doubling the velocity of the post riders, who now travel about 50. miles a day, & might without difficulty go 100. and for taking measures (by way-bills) to know where the delay is, when there is any. I was delayed by business, so as to have scarcely time to give him the outlines. I run over them rapidly, & observed afterwards that I had hitherto never spoke to him on the subject of the post office, not knowing whether it was considered as a revenue law, or a law for the general accommodation of the citizens; that the law just passed seemed to have removed the doubt, by declaring that the whole profits of the office should be applied to extending the posts & that even the past profits should be refunded by the treasury for the same purpose: that I therefore conceived it was now in the department of the Secretary of State: that I thought it would be advantageous so to declare it for another reason, to wit, that the department of treasury possessed already such an influence as to swallow up the whole Executive powers, and that even the future Presidents (not supported by the weight of character which himself possessed) would not be able to make head against this department. That in urging this measure I had certainly no personal interest, since, if I was supposed to have any appetite for power, yet as my career would certainly be exactly as short

as his own, the intervening time was too short to be an object. My real wish was to avail the public of every occasion during the residue of the President's period, to place things on a safe footing.—He was now called on to attend his company, & he desired me to come and breakfast with him the next morning.

Feb. 29. I did so, & after breakfast we retired to his room, & I unfolded my plan for the post-office, and after such an approbation of it as he usually permitted himself on the first presentment of any idea, and desiring me to commit it to writing, he, during that pause of conversation which follows a business closed, said in an affectionate tone, that he had felt much concern at an expression which dropt from me yesterday, & which marked my intention of retiring when he should. That as to himself, many motives obliged him to it. He had through the whole course of the war, and most particularly at the close of it uniformly declared his resolution to retire from public affairs, & never to act in any public office; that he had retired under that firm resolution, that the government however which had been formed being found evidently too inefficacious, and it being supposed that his aid was of some consequence towards bringing the people to consent to one of sufficient efficacy for their own good, he consented to come into the convention, & on the same motive, after much pressing, to take a part in the new government and get it under way. That were he to continue longer, it might give room to say, that having tasted the sweets of office he could not do

without them: that he really felt himself growing old, his bodily health less firm, his memory, always bad, becoming worse, and perhaps the other faculties of his mind showing a decay to others of which he was insensible himself, that this apprehension particularly oppressed him, that he found moreover his activity lessened, business therefore more irksome, and tranquility & retirement become an irresistible passion. That however he felt himself obliged for these reasons to retire from the government, yet he should consider it as unfortunate if that should bring on the retirement of the great officers of the government, and that this might produce a shock on the public mind of dangerous consequence. I told him that no man had ever had less desire of entering into public offices than myself; that the circumstance of a perilous war, which brought every thing into danger, & called for all the services which every citizen could render, had induced me to undertake the administration of the government of Virginia, that I had both before & after refused repeated appointments of Congress to go abroad in that sort of office, which if I had consulted my own gratification, would always have been the most agreeable to me, that at the end of two years, I resigned the government of Virginia, & retired with a firm resolution never more to appear in public life, that a domestic loss however happened, and made me fancy that absence, & a change of scene for a time might be expedient for me, that I therefore accepted a foreign appointment limited to two years, that at the close of that, Dr. Franklin having left France, I was appointed to supply his

place, which I had accepted, & tho' I continued in it three or four years, it was under the constant idea of remaining only a year or two longer; that the revolution in France coming on, I had so interested myself in the event of that, that when obliged to bring my family home, I had still an idea of returning & awaiting the close of that, to fix the æra of my final retirement; that on my arrival here I found he had appointed me to my present office, that he knew I had not come into it without some reluctance, that it was on my part a sacrifice of inclination to the opinion that I might be more serviceable here than in France, & with a firm resolution in my mind to indulge my constant wish for retirement at no very distant day: that when therefore I received his letter written from Mount Vernon, on his way to Carolina & Georgia, (Apr. 1. 1791) and discovered from an expression in that that he meant to retire from the government ere long, & as to the precise epoch there could be no doubt, my mind was immediately made up to make that the epoch of my own retirement from those labors, of which I was heartily tired. That however I did not believe there was any idea in either of my brethren in the administration of retiring, that on the contrary I had perceived at a late meeting of the trustees of the sinking fund that the Secretary of the Treasury had developed the plan he intended to pursue, & that it embraced years in it's view.—He said that he considered the Treasury department as a much more limited one going only to the single object of revenue, while that of the Secretary of State embracing nearly all the objects of

administration, was much more important, & the retirement of the officer therefore would be more noticed: that tho' the government had set out with a pretty general good will of the public, yet that symptoms of dissatisfaction had lately shewn themselves far beyond what he could have expected, and to what height these might arise in case of too great a change in the administration, could not be foreseen.—

I told him that in my opinion there was only a single source of these discontents. Tho' they had indeed appear [*sic*] to spread themselves over the war department also, yet I considered that as an overflowing only from their real channel which would never have taken place if they had not first been generated in another department, to wit that of the treasury. That a system had there been contrived for deluging the states with paper money instead of gold & silver, for withdrawing our citizens from the pursuits of commerce, manufactures, buildings, & other branches of useful industry, to occupy themselves & their capitals in a species of gambling, destructive of morality, & which had introduced it's poison into the government itself. That it was a fact, as certainly known as that he & I were then conversing, that particular members of the legislature, while those laws were on the carpet, had feathered their nests with paper, had then voted for the laws, and constantly since lent all the energy of their talents, & instrumentality of their offices to the establishment and enlargement of this system: that they had chained it about our necks for a great length of time, & in order to keep the game in their

hands had from time to time aided in making such legislative constructions of the constitution as made it a very different thing from what the people thought they had submitted to; that they had now brought forward a proposition, far beyond every one ever yet advanced, & to which the eyes of many were turned as the decision which was to let us know whether we live under a limited or an unlimited government.— He asked me to what proposition I alluded? I answered to that in the Report on manufactures which, under colour of giving *bounties* for the encouragement of particular manufactures, meant to establish the doctrine that the power given by the Constitution to collect taxes to provide for the *general welfare* of the U. S., permitted Congress to take everything under their management which *they* should deem for the *public welfare*, & which is susceptible of the application of money: consequently that the subsequent enumeration of their powers was not the description to which resort must be had, & did not at all constitute the limits of their authority: that this was a very different question from that of the bank, which was thought an incident to an enumerated power: that therefore this decision was expected with great anxiety: that indeed I hoped the proposition would be rejected, believing there was a majority in both houses against it, and that if it should be, it would be considered as a proof that things were returning into their true channel; & that at any rate I looked forward to the broad representation which would shortly take place for keeping the general constitution on it's true ground, & that this



would remove a great deal of the discontent which had shown itself. The conversation ended with this last topic. It is here stated nearly as much at length as it really was, the expressions preserved where I could recollect them, and their substance always faithfully stated.

Th: J. March. 1. 1792.

On the 2d. of January 1792. Messrs. Fitzsimmons & Gerry (among others) dined with me. These two staid with a Mr. Learned of Connecticut after the company was gone. We got on the subject of References by the legislature to the heads of Deptmts, considering their mischief in every direction. Gerry & Fitzsimmons clearly opposed to them.

Two days aftwds (Jan. 4.) Mr. Bourne from Rho. isl.d presentd a memorial from his state, complain- ing of inequality in the assumption & moved to refer it to the Sec. of the Treasury. Fitzsimms, Gerry & others opposed it but it was carried.

Jan. 19. Fitzsimmons moved that the *Pr. of the U. S.* be requested to direct the Sec. of the Treasury to lay before the house informn to enable the legis- lature to judge of the addnl revenue necessary on the encrease of the military establmt. The house on debate struck out the words "Pres. of the U. S."

Mar. 7. The subject resumed. An animated de- bate took place on the tendency of references to the heads of deptmts; and it seemed that a great ma- jority would be against it. the house adjourned. Treasury greatly alarmed, & much industry supposed to be used before next morning when it was brought

1792]

Thomas Jefferson

199

on again & debated thro' the day, & on the question the Treasury carried it by 31. to 27.<sup>1</sup> but deeply wounded, since it was seen that all Pensylva except [Israel] Jacobs voted against the reference, that [Thomas Tudor] Tucker of S. C. voted for it & [Thomas] Sumpter absented himself, debauched for the moment only because of the connection of the question with a further assumption which S. Caroline favored, but that they never were to be counted on among the Treasury votes Some others absented themselves. [Elbridge] Gerry changed sides. On the whole it shewed that treasury influence was tottering.

Committed to writing this 10th of Mar. 92.

1792. Mar. 9. a Consultation at  
present H.[amilton] K.[nox] & J.[efferson]  
1. subject

Kirkland's <sup>2</sup> letter. British idea of a new line from  
Genesee to Ohio. see extract on another paper.

<sup>1</sup> Mr. Madison nevertheless opposed a reference to me to report ways and means for the Western expedition, and combated, on principle, the propriety of such references. He well knew that if he prevailed a certain consequence was my resignation. . . . To accomplish this point an effectual train, as was supposed, was laid. Besides those who ordinarily acted under Mr. Madison's banners, several who had general acted with me, from various motives—vanity, self importance, etc, etc—were enlisted. My overthrow was anticipated as certain, and Mr Madison, laying aside his wonted caution, boldly led his troops, as he imagined, to a certain victory. He was disappointed. Though late, I was apprised of the danger. Measures of counteraction were adopted, and when the question was called, Mr Madison was confounded to find characters voting against him whom he had counted upon as certain."—*Hamilton to Carrington*, May 26, 1792.

<sup>2</sup> Rev. Samuel Kirkland, an Indian missionary, who was on a special mission from the U. S. to N. W. Indians.

Deputn. of 6 nations now on their way here. Their disposns doubtful. [Samuel] Street, a Connecticut man, a great scoundrel, coming with them.  $\frac{1}{4}$  of the nation agt. us. Other  $\frac{3}{4}$  qy.<sup>2</sup>  
 Agreed they should be well treated, but not over-trusted.

[Capt. Peter] Pond's report. Stedman's [*i.e.* William Steedman] report. These two persons hd. bn. to Niagara, where they had much conversn with Colo. [A.] Gordon, commandg. officer. he s[ai]d he had relation of St. Clair's defeat from a sensible Indn. who assured him the Indns. had 50. killed & 150. wounded. They were commanded by Simon Girty, [*i.e.* Girty] a renegado white from Virga. or Pensn. He sd. the Indns. were right, that we shd. find them a powerful enemy, they were improving in war, did you ever before hear, says he, of Indns. being rallied 3. times? (this rallying was nothing more than the returns on the 3 charges with bayonets made by our troops—which produced a correspondent retiremt. of the Indns. but not a flight.) That we should never have peace of the Indns. but thro' the median. of Britain. That Britn. must appt. one Commr., the U. S. one, the Indns. one: a line must be drawn, & Britn. guarantee the line & peace. Pond says the British have a prospect of settling 1000 fam. at the Illinois. That Capt. Stevenson who was here some time ago, & who came over with Govr. Simcoe, was sent here to Hammond to confer about these matters. (Stevenson staid here 5. days & we know was con-

<sup>2</sup> See Brymner's *Report on Canadian Archives*, 1890, 153.

stantly with Hammond.) Colo. Gordon refused to let Pond & Stedman go on. They pretended private business, but in reality had been sent by the President to propose peace to the North Wn. Indns.<sup>1</sup>

H[amilton] doubts Pond's truth & his fidelity, as he talks of a close intimacy with Colo. Gordon.

J[efferson] observes that whether Pond be faithful or false, his facts are probable, because not of a nature to be designedly communicated if false. Besides they are supported in many points from other questions.

It seems that the English exercise jur[is]d[iction] over all the country South of the Genisee, & their idea appears, to have a new line along that river, then along the Allegeny to Fort Pitt, thence due west or perhaps along the Indn. lines to the Missisipi, to give them access to the Missi. H. here mentd. that Hammond in a conversn with him had spoke of settling our incertain boundary from the lake of the wood *due West to the Missi*, by substituting from the lake of the wood *in a straight line to the head of the Missi*.

Agreed in a vote never to admit British median.

H. proposed that a summary statement of all the acts we are possessed of relative to the Aid by the British to the Indns. be made & delivered to Pinkney<sup>2</sup> to form a representn on it to the Ct. of London.

J. observed it wd. be proper to possess Mr. Pinkney of all facts that he mt. at all times be able to meet the Brit Min. in conversn but that whether he shd.

<sup>1</sup> Cf. *post*, page 209.

<sup>2</sup> Thomas Pinckney, Minister at London.

make a respresentn or not, in form, dependd. on Another questn. Whether it is better to keep the negocian here, or transfer it there? for that certainly any proceedg. there wh. slacken those here, & put it in their power gradually to render them the principal. The Pr[esident] was of opn. the negotian shd. be kept here by all means.

Shall anything be said here to Hammond—J. No. There is no doubt but the aids given by subordinate officers are with secret approbn of their court. A feeble compt. to Hammond then will not change their conduct & yet will humiliate us.

Qu. proposd. by Pr. Shall a person be sent to the N. Western Indns. by the way of Fort Pitt & Vincennes to propose peace? K. observed that such a person cd. at this season be at Vincennes in 25. days & recommended one [Capt. Alexander] Trueman, & that he shd. from Ft. Washington take some of the Indn. prisoners as a safeguard.—agreed nem. con. but the person to be further consid. of.

Qu. shall a 2d. deputn be procured from the Indns. now expected here, to go to same place on same object. H. No. It will shew too much earnestness. J. No for same reason, & because 2 deputn, independt. of each other might counterwork each other. Pr. No for the last reason.

J. proposed taking a small post at Presque isle.

1. to cut off communcn betw. 6. Natns. & Westn. Indns. 2. to vindicate our right by possn. 3. to be able to begin a Naval preparn. H. contra. It will certainly be attacked by Eng. & bring on war. We are not in a condn to go to war—K. as usual with H.

—Pr. When ever we take post at Presq-isle it must be by going in great force, so as to establish ourselves completely before an attack can be made, & with workmen & all materials to create a fleet instanter: & he verily believes it will come to that.

[Joseph] Brant says he has resigned his Eng. commn & means to become entirely an Indn. & wishes to herd & unite all the Indns. in a body.

The Pr's answer to St. Clair's lre of resign. considered. It was drawn by Knox. The passage was now omitted to which I objected in my Note to the Pr. of Mar. 2. K. wished to insert something like an approbn of all his conduct by the Pr.—J. said if the Pr. Approvd. all his conduct it wd. be right to say so.—Pr. sd. he hd. always disapprovd. of two things. 1. the want of informn. 2. not keepg. his army in such a position always as to be able to display them in a line behind trees in the Indn. Manner at any Moment.—K. acquiesced, & the lre was Alterd. to avoid touching on anything relative to the action, unless St. Clair shd. chuse to retain a clause acknowlgg his zeal that day.

The future commander talked of.

Pr. went over all the characters.<sup>1</sup> viz.

[Daniel] Morgan. no head. health gone. Speculator.

[Anthony] Wayne. brave & nothing else. deserves credit for Stoney Pt. but on another occn run his head agt a wall where success was both impossible & useless.

<sup>1</sup> Compare this with "Washington's Opinion of his General Officers," in the *Magazine of American History*, iii., 81.

[William] Irwin. does not know him. has formd. a midling opn of him.

H. he never distingd. himself. All that he did during war was to avoid any censure of any kind.

[James] Wilkinson. brave—enterprising to excess. but many unapprovable points in his character.

[Henry] Lee. A better head & more resource than any of them but no economy, & being a junior officer, we shd. lose benefit of good seniors who wd. not serve under him.

[Charles Cotesworth] Pin[c]kney. Sensible. tactician, but immersed in business. has refused other appmts & probably will refuse this or accept with reluctance.

Pickings [*i.e.* Andrew Pickens]. Govr. Pinkney recommends him for Southern command if necessary. sensible, modest, enterprising, & judicious. yet doubtful if he is equal to commd. of 5000 men. wd. be an untried undertaking for him.

J. mentd. Sumpter. [Thomas Sumter] K. intimated he must be commander-in-chief or nothing. incapable of subordination. Nothing concluded.

Qu. proposed. shall we use Indns. agt Indns. & particularly shall we invite the 6. natns. to join us.

K. agreed there were but 36. of them who joined the enemy last year, & that we cd. not count on more than the Cornplanter & 200 to join us.

J. agt. employing Indns.—dishonble policy—he hd rather let 36, take the other side than have 200. on ours.

H. disliked employing them. No depdce—barbarians—treacherous.

K. for employing 500.

Pr. they must be employed with us or they will be against us. Perhaps immaterial as to 6. nations but material as to Southern. He would use them to scour round the army at a distance. No small parties of enemy could approach thro' them to discover our Movements. he wd. nt wstg take same precautions by our own men. for fear of infidelity.—expensive, discontented, insubordinate.

Conclusion. they shall not be invited but to be told that if they cannot restrain their young men from taking one side or the other, we will receive & employ them.

Written this 10th. of Mar. 92.

1792. Mar. 11. Consulted verbally by the President on whom a commee of the Senate (Izard, Morris, & King) are to wait to-morrow morning to know whether he will think it proper to redeem our Algerine captives & make a treaty with the Algerines on the single vote of the Senate without taking that of the Represent.

My opn run on the following heads.

We must go to Algiers with the cash in our hands. Where shall we get it? By loan? By converting money now in the treasury?

Probably a loan mt be obtd on the Presid's authority but as this cd nt be repd without a subseqt act of legislature, the Represent mt refuse it.



So if convert money in treasury, they may refuse to sanction it.

The subseqt approbatn of the Sen being necessary to validate a treaty they expect to be consulted beforehand if the case admits.

So the subseqt act of the Repr. being necessary where money is given, why shd nt they expect to be consulted in like manner when the case admits. A treaty is a law of the land. But prudence will point out this difference to be attended to in making them; viz. where a treaty contains such articles only as will go into ex-n of themselves, or be carried into ex-n by the judges, they may be safely made; but where there are articles which require a law to be passed afterwds by the legislature, great caution is requisite.

e. g. the consular convention with France required a very small legislative reguln. This convention was unanimously ratified by the Senate. Yet the same identical men threw by the law to enforce it at the last session, & the Repr. at this session have placed it among the laws which they may take up or not at their own convenience, as if that was a higher motive than the public faith.

Therefore against hazarding this transaction without the sanction of both houses.

The Pres. concurred. The Senate express the motive for this proposn to be a fear that the Repr would not keep the secret. He has no opinion of the secrecy of the senate. In this very case Mr. Izard made the communication to him setting next to him at table on one hand, while a lady (Mrs. McLane) was on his other hand and the Fr. minister next to

her, and as Mr. Izard got on with his communication, his voice kept rising, & his stutter bolting the words out loudly at intervals, so that the minister might hear if he would. He sd. he hd a great mind at one time to have got up in order to put a stop to Mr. Izard.

Mar. 11. 1792. Mr. [Samuel] Sterret tells me that sitting round a fire the other day with 4 or 5. others of [which?] Mr. [William Loughton] Smith (of S. C.), was one, somebody mentioned that the murderers of Hogeboom sheriff of Columbia county N. York, were acquitted. "Aye, says Smith, this is what comes of your damned *trial by jury*."

Verbal answer proposed to the President to be made to the commee who are to wait on him with the resoln of the 10th. inst. congratulating on the completion & acceptance of the French constn.

That the President will, in his answer, communicate to the King of the French, the sentiments expressed by the H. of representatives in the resolution which the committee has delivered him.

Mar. 12. 1792.

1791. Towards the latter end of Nov. H. had drawn Ternant into a conversation on the subject of the treaty of commerce recommd. by the Natl. assembly of France to be negotiated with us, and as he hd nt recd. instrns on the subject he led him into a proposal that Ternant shd take the thing up as a volunteer with me, that we shd arrange condns, and let them go for confirmn or refusal. H. communi-

cated this to the Presid. who came into it, & proposed it to me. I disapproved of it, observg that such a volunteer project would be binding on us, & not on them, that it would enable them to find out how far we would go, & avail themselves of it. However the Presidt. thot it worth trying & I acquiesced. I prepared a plan of treaty for exchanging the privileges of native subjects and fixing all duties forever as they now stood. He did not like this way of fixing the duties because he said that many articles here would bear to be raised and therefore he would prepare a tariff. He did so raising duties for the French from 25. to 50 per cent. So they were to give us the privileges of native subjects, and we, as a compensation, were to make them pay higher duties. H. havg made his arrangemts with Hammond to pretend that tho' he had no powers to conclude a treaty of commerce yet his genl. commn authorized him to enter into the discussion of one, then proposed to the President at one of our meetings that the business should be taken up with Hammond in the same informal way. I now discovd. the trap which he hd laid by first getting the Presidt into that step with Ternant, I opposed the thing warmly. H. observed if we did it with Ternant we shd also with Hammond. The Presid thot this reasonable. I desired him to recollect I had been agt it with Ternant, & only acquiesced under his opn. So the matter went off as to both. His scheme was evidently to get us engaged first with Ternant, merely that he might have a pretext to engage us on the same ground with Hammond, taking care at the

same time, by an extravagant tariff to render it impossible we should come to any conclusion with Ternant: probably meaning at the same time to propose terms so favorable to Gr. Br. as wd attach us to that country by treaty. On one of those occasions he asserted that our commerce with Gr. Br. & her colonies was put on a much more favorable footing than with France & her colonies. I therefore prepared the tabular comparative view of the footing of our commerce with those nations, which see among my papers. See also my project of a treaty & H.'s tariff.

Committed to writing Mar. 11. 1792.

It was observable that whenever at any of our consultations anything was proposed as to Gr. Br. Hamilton had constantly ready something which Mr. Hammond had communicated to him, which suited the subject, and proved the intimacy of their communications: insomuch that I believe he communicated to Hammond all our views & knew from him in return the views of the British court. Many evidences of this occurred. I will state some.—I delivered to the Presid. my report of Instrns for Carmichl. & Short on the subjects of navign, boundary & commerce; & desired him to submit it to Hamilton. H. made several just criticisms on different parts of it. But where I asserted that the U. S. had no right to alienate an inch of the territory of any state he attacked & denied the doctrine. See my report, his note & my answer.<sup>1</sup> A few days after came to hand.

<sup>1</sup> Cf. *ante*, page 201.

Kirkland's lre informing us that the British at Niagara expected to run a new line between them and us, and the reports of Pond & Stedman, informing us it was understood at Niagara that Capt Stevenson had bn sent here by Simcoe to settle that plan with Hammd. Hence Hamilton's attack of the principle I had laid down, in order to prepare the way for this new line. See minute of Mar. 9. Another proof. At one of our consultns about the last of Dec. I mentd. that I wished to give in my report on commerce, in which I cd nt avoid recommendg. a commercial retaliation agt Gr. B. H. opposed it violently; & among other arguments observed that it was of more importance to us to have the posts than to commence a commercial war, that this & this alone wd free us from the expense of the Indn. wars, that it wd therefore be the height of imprudce in us while treating for the surrender of the posts to engage in anything which wd irritate them, that if we did so, they wd naturally say "these people mean war let us therefore hold what we have in our hands." This argument struck me forcibly, & I said "if there is a hope of obtaining the posts, I agree it wd be imprudent to risk that hope by a commercial retaliation. I will therefore wait till Mr. Hammond gives me in his assignment of breaches, & if that gives a glimmering of hope that they mean to surrender the posts, I will not give in my report till the next session." Now Hammond had recd. my assignment of breaches on the 15th of Dec. and about the 22d. or 23d. had made me an apology, for not having been able to send me his counter assignment of breaches,

but in terms which showed I might expect it in a few days. From the moment it escaped my lips in the presence of Hamilton that I wd nt give in my rept till I shd see Hammond's counter-complaint & judge if there were a hope of the posts, Hammond never said a word to me on any occn. as to the time he should be ready. At length the Presidt got out of patience & insisted I shd jog him. This I did on the 21st. of Feb. at the President's assembly, he immediately promised I should have it in a few days and accdly on the 5th. of Mar. I recd. them. Written Mar. 11. 1792.

Mar. 12. 92. Sent for by the Presidt. & desired to bring the lre he had signed to the K of France.—Went.—He said the H. of Repr had on Saturday taken up the communication he had made of the King's lre to him, and come to a vote in their own name, that he did not expect this when he sent his message & the letter; otherwise he would have sent the message without the letter as I had proposed. That he apprehendd the legislature wd be endeavoring to invade the executive.—I told him I hd understood the house had resolved to request him to join their congratulations to his on the completion & acceptance of the constin. on which part of the vote there were only two dissentients, (Barnwell & Benson) that the vote was 35. to 16. on that part which expressed an approbn of the wisdom of the constn; that in the lre he had signed I had avoided saying a word in approbn of the constn, not knowing whether the King, in his heart, approved it. Why, indeed,

says he, I begin to doubt very much of the affairs of France; there are papers from London as late as the 10th of Jan. which represent them as going into confusion.—He read over the letter he had signed, found there was not a word which could commit his judgment about the constn, & gave it me back again. This is one of many proofs I have had, of his want of confidence in the event of the French revoln. The fact is, that Gouverneur Morris, a high flying monarchyman, shutting his eyes & his faith to every fact against his wishes, & believing everything he desires to be true, has kept the President's mind constantly poisoned with his forebodings. That the President wishes the revoln may be established, I believe from several indications. I remember, when I recd the news of the king's flight & capture, I first told him of it at his assembly. I never saw him so much dejected by any event in my life. He expressed clearly, on this occasion, his disapprobation of the legislature referring things to the heads of departments.

Written Mar. 12.

*Eod. die.* Ten o'clock. A.M. The preceding was about 9 o'clock. The Presid. now sends Lear to me, to ask what answer he shall give the commee, and particularly, whether he shall add to it, that, "in making the communicn, it was not his expectn that the house should give any answer." I told Mr. Lear that I thought the house had a right, independantly of legislation, to express sentiments on other subjects. That when these subjects did not belong to any other branch particularly, they would

publish them by their own authority; that in the present case, which respected a foreign nation, the Pres. being the organ of our nation with other nations, the house would satisfy their duty, if, instead of a direct communication, they shd. pass their sentiments thro the President. That if expressing a sentiment were really an invasion of the Executive power, it was so faint a one, that it would be difficult to demonstrate it to the public, & to a public partial to the French revoln. & not disposed to consider the approbn of it from any quarter as improper. That the Senate indeed had given many indicns of their wish to invade the Executive power. the Represent. had done it in one case which was indeed mischievous and alarming, that of giving orders to the heads of the executive depmts without consulting the Pres., but that the late vote for directing the Sec. of the Treasy to report ways & means, tho' carried, was carried by so small a majority & with the aid of members so notoriously under a local influence on that question, as to give a hope that the practice would be arrested, & the constnl. course be taken up, of asking the Pres. to have informn laid before them.<sup>1</sup> But that in the prest instance, it was so far from being clearly an invasion of the Executive, and wd be so little approved by the genl. voice that I cd not advise the Pres. to express any dissatisfn at the vote of the house. & I gave Lear in writing what I thot should be his answers. See it.

Mar. 31. A meeting at the P's, present Th: J.,

<sup>1</sup> Cf. *ante*, page 198.



A. H., H. K. & E. R[andolph]. The subject was the resoln of the H. of Repr. of Mar. 27. to appt a commee to inquire into the causes of the failure of the late expdn under Maj. Genl. St. Clair with power to call for such persons, papers & records as may be necessary to assist their inquiries. The commee had written to Knox for the original letters, instns, &c. The President he had called us to consult, merely because it was the first example, & he wished that so far as it shd become a precedent, it should be rightly conducted. He neither acknowledged nor denied, nor even doubted the propriety of what the house were doing, for he had not thought upon it, nor was acquainted with subjects of this kind. He could readily conceive there might be papers of so secret a nature as that they ought not to be given up.—We were not prepared & wished time to think & enquire.

Apr. 2. Met again at P's on same subject. We had all considered and were of one mind 1. that the house was an inquest, & therefore might institute inquiries. 2. that they might call for papers generally. 3. that the Executive ought to communicate such papers as the public good would permit, & ought to refuse those the disclosure of which would injure the public. Consequently were to exercise a discretion. 4. that neither the commee nor House had a right to call on the head of a deptmt, who & whose papers were under the Presidt. alone, but that the commee shd instruct their chairman to move the house to address the President. We had principally consulted the proceedings of the commons in

the case of S. Rob. Walpole, 13. Chandler's deb. For 1. point see pages 161. 170. 172 183, 187, 207: for the 2d. pa 153, 173. 207, for the 3d., 81, 173. append pa. 44 for the 4th pa. 246. Note. Hamilt. agrd with us in all these points except as to the powr of the house to call on heads of departmts. He observed that as to his departmt the act constituting it had made it subject to Congress in some points, but he thot himself not so far subject as to be obliged to produce all papers they might call for. They might demand secrets of a very mischievous nature. Here I thot he began to fear they would go to examining how far their own members & other persons in the govmt had been dabbling in stocks, banks, &c., and that he probably would choose in this case to deny their power & in short he endeavd. to place himself subject to the house when the Executive should propose what he did not like, & subject to the Executive, when the house shd propose anything disagreeable. I observed here a difference between the Brit parl & our Congress, that the former was a legislature, an inquest, & a council (S. C. page 91.) for the king. The latter was by the constn a legislature & an inquest but not a council. Finally agreed to speak separation [*sic*] to the members of the commee & bring them by persuasion into the right channel. It was agreed in this case that there was not a paper which might not be properly produced, that copies only should be sent, with an assurance that if they should desire it, a clerk should attend with the originals to be verified by themselves. The commee were Fitzsimons, Steele, Mercer, Clarke, Sedgwick, Giles, Vining.

April 9. 1792. The Presit. hd wished to redeem our captives at Algiers, & to make peace with them on paying an annual tribute. The Senate were willing to approve this, but unwilling to have the lower house applied to previously to furnish the money; they wished the President to take the money from the treasury, or open a loan for it. They thought that to consult the Representatives on one occasion, would give them a handle always to claim it, & would let them into a participation of the power of making treaties, which the constn had given exclusively to the President & Senate. They said too, that if the particular sum was voted by the Represent, it would not be a secret. The President had no confidence in the secrecy of the Senate, & did not chuse to take money from the treasury or to borrow. But he agreed he would enter into provisional treaties with the Algerines, not to be binding on us till ratified here. I prepared questions for consultn with the Senate, & added, that the Senate were to be apprized, that on the return of the provisional treaty, & after they should advise the ratifin, he should not have the seal put to it till the *two* houses should vote the money. He asked me if the treaty stipulating a sum & ratified by him, with the advice of the Senate, would not be good under the constn, & obligatory on the Repres to furnish the money? I answered it certainly would, & that it would be the duty of the representatives to raise the money; but that they might decline to do what was their duty, & I thot it might be incautious to commit himself by a ratifin with a foreign nation, where he might be left in the

lurch in the execution: it was possible too, to conceive a treaty, which it wd nt be their duty to provide for. He said that he did not like throwing too much into democratic hands, that if they would not do what the constn called on them to do, the government would be at an end, & must *then assume another form*. He stopped here; & I kept silence to see whether he would say anything more in the same line, or add any qualifying expression to soften what he had said, but he did neither.

I had observed that wherever the agency of either or both houses would be requisite subsequent to a treaty to carry it into effect, it would be prudent to consult them previously if the occasion admitted. That thus it was we were in the habit of consulting the Senate previously when the occasion permitted, because their subseqt ratifn would be necessary. That there was the same reason for consulting the lower house previously where they were to be called on afterwards, & especially in a case of money, as they held the purse strings & would be jealous of them. However he desired me to strike out the intimation that the seal would not be put till both houses should have voted the money.

Apr. 6. The President called on me before breakfast & first introduced some other matters, then fell on the representn bill which he had now in his possn for the 10th day. I had before given him my opn<sup>s</sup> in writing that the method of apportionmt was

<sup>s</sup> Apr. 4, 1791.

contrary to the constn. He agreed that it was contrary to the common understanding of that instrument, & to what was understood at the time by the makers of it: that yet it would bear the constn which the bill put, & he observed that the vote for & against the bill was perfectly geographical, a northern agt a southern vote, & he feared he should be thought to be taking side with a southern party. I admitted this motive of delicacy, but that it should not induce him to do wrong: urged the dangers to which the scramble for the fractionary members would always lead. He here expressed his fear that there would ere long, be a separation of the union; that the public mind seemed dissatisfied & tending to this. He went home, sent for Randolph the Atty Genl. desired him to get Mr. Madison immediately & come to me, & if we three concurred in opn that he should negative the bill, he desired to hear nothing more about it but that we would draw the instrument for him to sign. They came. Our minds had been before made up. We drew the instrumt. Randolph carried it to him & told him we all concurred in it. He walked with him to the door, and as if he still wished to get off, he said, "& you say you approve of this yourself." "Yes, Sir, says Randolph I do upon my honor." He sent it in to the H. of Representatives instantly. A few of the hottest friends of the bill expressed passion but the majority were satisfied, & both in and out of doors it gave pleasure to have at length an instance of the negative being exercised.

Written this the 9th. of April.

## NOTES OF A CONVERSATION WITH MR. HAMMOND

JUNE 3, 1792

Having recd Mr. Hammond's letter of June 2, informing me that my letter of May 29 should be sent to his court for their instructions, I immediately went to his house. He was not at home. I wrote him a note inviting him to come and dine with me, alone, that we might confer together in a familiar way on the subject of our letters, and consider what was to be done. He was engaged, but said he would call on me any hour the next day. I invited him to take a solo dinner the next day. He accepted and came. After the cloth was taken off & the servants retired I introduced the conversation by adverting to that part of his letter wherein he disavowed any intentional deception if he had been misinformed & had misstated any facts, assuring him that I acquitted him of every suspicion of that kind, that he had been here too short a time to be acquainted with facts himself or to know the best sources for getting at them. That I had found great difficulty myself in the investigation of facts, & with respect to the proceedings of the courts particularly had been indebted to the circumstance of Congress being in session, so that I could apply to the members of the different states for information respecting their states.

I told him that each party having now stated the matters between the two nations in the point of view in which they appeared to each, had hoped that we might by the way of free conversation abridge what

remained. That I expected we were to take for our basis that the treaty was to be fully executed: that on our part we had pronounced our demands explicitly to have the upper posts delivered up, & the negroes paid for. That they objected infractions on our part, which we denied; that we ought to proceed to investigate the facts on which we differed, that this was the country in which they could alone be investigated, and if it should be found we had *unjustifiably* broken the treaty, the case was of a nature to admit of a proper compromise.—He said that he believed the question had never been understood by his court, admitted they had as yet heard only one side of it, & that from a party which entertained strong feelings against us (I think he said the Refugees) that the idea would be quite new to his court of their having committed the first infractions, and of the proceedings on the subject of their debts here being on the ground of retaliation. That this gave to the case a complexion so entirely new and different from what had been contemplated, that he should not be justified in taking a single step: that he should send my letter to the ministers, that they would be able to consider facts & dates, see if they had really been the first infractors, and say what ground they would take on this new state of the case. That the matter was now for the first time carried into mutual discussion, that the close of my letter contained specific propositions, to which they would of course give specific answers adapted to the new statement of things brought forward. I replied that as to the fact of their committing the first infraction

it could not be questioned, confessed that I believe the ministry which signed the treaty meant to execute it, that Ld Shelburne's plan was to produce a new coalescence by a liberal conduct towards us; that the ministry which succeeded thought the treaty too liberal and wished to curtail it's effect in the course of executing it: but that if every move and counter-move was to cross the Atlantic, it would be a long game indeed. He said no. That he thought they could take their ultimate ground at once, on having before them a full view of the facts, and he thought it fortunate that Mr. Bond, from whom he got most of his information, and Ld Dorchester would be on the spot to bring things to rights, & he imagined he could receive his instructions before November.—I told him that I apprehended that Ld Dorchester would not feel a disposition to promote conciliation seeing himself marked personally as an infractor; and mentioned to him the opinions entertained here of the unfriendliness of Mr. Bond's mind towards us.—He justified Mr. Bond. Believed him candid and disposed to conciliate. Besides Mr. Bond, he had received information from their other consuls and the factors of the merchants, who assured him that they could furnish proofs of the facts they communicated to him & which he had advanced on their authority, that he should now write to them to produce their authority. He admitted that the debt to British subjects might be considered as liquidated from the Potowmac northward; that S. Carolina was making a laudable effort to pay hers, and that the only important object now was that of



Virginia, amounting by his list to two millions sterling: that the attention of the British merchants from North to South was turned to the decision of the case of Jones & Walker which he hoped would take place at the present session, & let them see what they had to depend on. I told him that I was sorry to learn that but two judges had arrived in Richmond, and that unless the third arrived they would not take it up. I desired him to observe that the question in that case related only to that description of debts which had been paid into the treasury, that without pretending to know with any accuracy what proportion of the whole debt of Virginia had been paid into the treasury, I believed it was a small one; but the case of Jones & Walker would be a precedent for those debts only: that as to the great residuary mass there were precedents enough as it appeared they were in a full course of recovery, and that there was no obstacle, real or apparent. He did not appear to have adverted to the distinction, and shewed marks of satisfaction on understanding that the question was confined to the other portion of the debts only. He thought that the collection there being once under a hopeful way, would of itself change the ground on which our difference stands. He observed that the treaty was of itself so vague and inconsistent in many of it's parts as to require an explanatory convention. He instanced the two articles, one of which gave them the navigation of the Mississippi, and the other bounded them by a due West line from the lake of the wood, which being now understood to pass beyond the most Northern

sources of the Mississippi intercepted all access to that river: that to reconcile these articles that line should be so run as to give them access to the navigable waters of the Mississippi, and that it would even be for our interest to introduce a third power between us & the Spaniards. He asked my idea of the line from the lake of the woods, and of now settling it. I told him I knew of no objection to the settlement of it, that my idea of it was that if it was an impassable line as proposed in the treaty, it should be rendered passable by as small & unimportant an alteration as might be, which I thought would be to throw in a line running due North from the Northernmost source of the Mississippi till it should strike the Western line from the lake of the woods, that the article giving them a navigation in the Mississippi did not relate at all to this Northern boundary, but to the Southern one, & to the secret article respecting that, that he knew that our Provisional treaty was made seven weeks before that with Spain: that at the date of ours their ministers had still a hope of retaining Florida, in which case they were to come up to the 32d degree, & in which case also the navigation of the Mississippi would have been important; but that they had not been able in event to retain the country to which the navigation was to be an appendage. (It was evident to me that they had it in view to claim a slice on our Northwestern quarter that they may get into the Mississippi, indeed I thought it presented as a sort of make-weight with the Posts to compensate the great losses their citizens had sustained by the infractions charged on us.) I had

hinted that I had not been without a hope that an early possession of the posts might have been given us, as a commencement of full execution of the treaty. He asked me if I had conceived that he was authorized to write to the Governor of Canada to deliver us the posts?—I said I had.—He smiled at that idea and assured me he had by no means any such authority.—I mentioned what I had understood to have passed between him & Genl Dickinson, which was related to me by Mr. Hawkins, to wit that the posts might be delivered upon the assurance of the recovery of their debts in Virginia. He said that if any such thing as that had dropped from him, it must have been merely as a private & unauthorized opinion, for that the opinion of his court was that the retention of the posts was but a short compensation for the losses which their citizens had sustained & would sustain by the delay of their admission into our courts. (Putting together this expression and his frequent declarations that the face of the controversy was now so totally changed from what it was understood to be at his court, that no instructions of his could be applicable to it, I concluded that his court had entertained no thought of ever giving up the posts, and had framed their instructions to him on a totally different hypothesis)—He asked what we understood to be the boundary between us and the Indians?—I told him he would see by recurring to my report on the North Western territory,<sup>1</sup> and by tracing the line there described on Hutchins's

<sup>1</sup>The ordinance of 1784, for the temporary government of the Western territory.

map.—What did I understand to be our right in the Indian soil? 1. A right of preemption of their lands, that is to say, the sole & exclusive right of purchasing from them whenever they should be willing to sell. 2. A right of regulating the commerce between them and the whites.—Did I suppose that the right of preemption prohibited any individual of another nation from purchasing lands which the Indians should be willing to sell? Certainly. We consider it as established by the usage of different nations into a kind of *Jus gentium* for America, that a white nation settling down and declaring that such and such are their limits, makes an invasion of those limits by any other white nation an act of war, but gives no right of soil against the native possessors.—Did I think the right of regulating the commerce went to prohibit the British traders from coming into the Indian territory? That has been the idea. He said this would be hard on the Indians. I observed that whichever way the principle was established, it would work equally on both sides the line. I did not know whether we would gain or lose by mutual admission or exclusion. He said they apprehended our intention was to exterminate the Indians & take the lands. I assured him that, on the contrary, our system was to protect them, even against our own citizens; that we wish to get lines established with all of them, and have no views even of purchasing any more lands from them for a long time. We consider them as a *mare chaussee* or police, for scouring the woods on our borders, and preventing their being a cover for rovers and robbers.

He wished the treaty had established an independent nation between us to keep us apart. He was under great apprehensions that it would become a matter of bidding as it were between the British and us who should have the greatest army there, who should have the greatest force on the lakes. That we holding posts on this side the water, & they on the other souldiers looking constantly at one another, would get into broils; & commit the two nations in war. I told him we might perhaps regulate by agreement the force to be kept on each side.—He asked what was our view in keeping a force there, that he apprehended, if we had these posts, we should be able to hinder vessels from passing. I answered that I did not know whether the position of the present posts was such as that no vessel could pass but within their gun-shot, but that each party must have a plenty of such positions on the opposite sides, exclusively of the present posts. That our view in possessing these posts was to awe the Indians, to participate in the Fur trade, to protect that trade. Protect it against whom? Against the Indians. He asked what I imagined to be their motives for keeping the posts? To influence the Indians, to keep off a rival nation and the appearance of having a rival nation, to monopolize the fur trade. He said he was not afraid of rivals if the traders would have fair play. He thought it would be better that neither party should have any military posts, but only trading houses. I told him that the idea of having no military post on either side was new to me, that it had never been mentioned among the members of the

Executive. That therefore I could only speak for myself & say that, *primâ facie*, it accorded well with two favorite ideas of mine of leaving commerce free, & never keeping an unnecessary souldier, but when he spoke of having no military post on either side there might be difficulty in fixing the distance of the nearest posts. He said that tho' his opinion on this subject was only a private one, & he understood mine to be so also, yet he was much pleased that we two seemed to think nearly alike, as it might lead to something. He said that their principal object in the fur trade was the consumption of the goods they gave in exchange for the furs. I answered that whether the trade was carried on by English or Americans, it would be with English goods, and the route would be, not through Canada, but by the shorter channels of the Hudson or the Potowmac.

It is not pretended that the above is in the exact order, or the exact words of the conversation. This was often desultory, and I can only answer for having given generally the expression, and always the substance of what passed.

TH: JEFFERSON.

June 4. 1792.

July 10. 1792. My lre of —<sup>1</sup> to the President, directed to him at Mt Vernon, had not found him there, but came to him here. He told me of this & that he would take an occasion of speaking with me on the subject. He did so this day. He began by observing that he had put it off from day to day

<sup>1</sup> May 23, 1792.

because the subject was painful, to wit his remaining in office which that letter solicited. He said that the decln he had made when he quitted his military command of never again acting in public was sincere. That however when he was called on to come forward to set the present govmt in motion, it appeared to him that circumstances were so changed as to justify a change in his resolu: he was made to believe that in 2 years all would be well in motion & he might retire. At the end of two years he found some things still to be done. At the end of the 3d year he thought it was not worth while to disturb the course of things as in one year more his office would expire & he was decided then to retire. Now he was told there would still be danger in it. Certainly if he thought so, he would conquer his longing for retirement. But he feared it would be said his former professions of retirement had been mere affectation, & that he was like other men, when once in office he could not quit it. He was sensible too of a decay of his hearing perhaps his other faculties might fall off & he not be sensible of it. That with respect to the existing causes of uneasiness, he thought there were suspicions against a particular party which had been carried a great deal too far, there might be *desires*, but he did not believe there were *designs* to change the form of govmt into a monarchy. That there might be a few who wished it in the higher walks of life, particularly in the great cities but that the main body of the people in the Eastern states were as steadily for republicanism as in the Southern. That the pieces lately published,

& particularly in Freneau's paper seemed to have in view the exciting opposition to the govmt. That this had taken place in Pennsylvé as to the excise law, accdg to informn he had recd from Genl Hand that they tended to produce a separation of the Union, the most dreadful of all calamities, and that whatever tended to produce anarchy, tended of course to produce a resort to monarchical government. He considered those papers as attacking him directly, for he must be a fool indeed to swallow the little sugar plumbs here & there thrown out to him. That in condemning the admn of the govmt they condemned him, for if they thought there were measures pursued contrary to his sentiment, they must conceive him too careless to attend to them or too stupid to understand them. That tho indeed he had signed many acts which he did not approve in all their parts, yet he had never put his name to one which he did not think on the whole was eligible. That as to the bank which had been an act of so much complaint, until there was some infallible criterion of reason, a difference of opinion must be tolerated. He did not believe the discontents extended far from the seat of govmt. He had seen & spoken with many people in Maryld & Virginia in his late journey. He found the people contented & happy. He wished however to be better informed on this head. If the discontent were more extensive than he supposed, it might be that the desire that he should remain in the government was not general.

My observns to him tended principally to enforce the topics of my lre. I will not therefore repeat



them except where they produced observns from him. I said that the two great complaints were that the national debt was unnecessarily increased, & that it had furnished the means of corrupting both branches of the legislature. That he must know & everybody knew there was a considerable squadron in both whose votes were devoted to the paper & stock-jobbing interest, that the names of a weighty number were known & several others suspected on good grounds. That on examining the votes of these men they would be found uniformly for every treasury measure, & that as most of these measures had been carried by small majorities they were carried by these very votes. That therefore it was a cause of just uneasiness when we saw a legislature legislating for their own interests in opposition to those of the people. He said not a word on the corruption of the legislature, but took up the other point, defended the assumption, & argued that it had not increased the debt, for that all of it was honest debt. He justified the excise law, as one of the best laws which could be past, as nobody would pay the tax who did not chuse to do it. With respect to the increase of the debt by the assumption I observed to him that what was meant & objected to was that it increased the debt of the general govmt and carried it beyond the possibility of paiment. That if the balances had been settled & the debtor states directed to pay their deficiencies to the creditor states, they would have done it easily, and by resources of taxation in their power, and acceptable to the people, by a direct tax in the South, & an excise in the

North. Still he said it would be paid by the people. Finding him really approving the treasury system I avoided entering into argument with him on those points.

Gunston hall. Sep. 30. 92. ex relatione G. Mason.

The constn as agreed to till a fortnight before the convention rose was such a one as he wd have set his hand & heart to. 1. The presidt. was to be elected for 7. years. Then ineligible for 7. more. 2. Rotation in the Senate. 3. A vote of  $\frac{2}{3}$  in the legislature on particular subjects, & expressly on that of navign.<sup>1</sup> The 3. New Engld states were constantly with us in all questions (Rho isld not there, & N. York seldom) so that it was these 3. states with the 5. Southern ones against Pennsylva Jersey & Delaware.

With respect to the importn of slaves it was left to Congress.<sup>2</sup> This disturbed the 2 Southernmost states who knew that Congress would immediately suppress the importn of slaves. Those 2 states therefore struck up a bargain with the 3. N. Engld states. If they would join to admit slaves for some years, the 2 Southernmost states wd. join in changing the clause which required  $\frac{2}{3}$  of the legislature in any vote. It was done. These articles were changed accordingly, & from that moment the two S. states and the 3 Northern ones joined Pen. Jers. & Del. & made the majority 8. to 3. against us instead of 8. to 3 for us as

<sup>1</sup> The president was to be ineligible for all time, and the two-thirds vote was for navigation acts only.

<sup>2</sup> This is an error. By the Resolutions of August 6, 1787, Congress was distinctly forbidden to either tax or prohibit the importation of slaves.

it had been thro' the whole convention. Under this coalition the great principles of the constn were changed in the last days of the Convention.

Anecdote. Yates, Lansing & Hamilton represented N Y. Yates & Lansing never voted *in one single instance* with Ham. who was so much mortified at it that he went home. When the season for courts came on, Yates a judge & Lansing a lawyer went to attend their courts. Then Ham. returned.

Anecdote. The constin as agreed at first was that amendments might be proposed either by Congr or the legislatures. A commee was appointed to digest & redraw. Gov Morris & King were of the commee. One mornng Gov. M. moved an instn. for certain alterns (not  $\frac{1}{2}$  the members yet come in). In a hurry & without understanding it was agreed to. The committee reported so that Congr. shd have the exclusive power of proposg. amendmts. G. Mason observd it on the report & opposed it. King denied the constn. Mason demonstrated it, & asked the commee by what authority they had varied what had been agreed. G. Morris then imprudently got up & said by authority of the convention, & produced the blind instruction before mentd. which was unknown by  $\frac{1}{2}$  of the house & not till then understood by the other. They then restored it as it stood originally.<sup>1</sup>

He said he considd Hamilton as having done us

<sup>1</sup> This committee was appointed Sept. 9th. On the following day this clause was discussed at length in convention. On the 11th the convention adjourned as soon as met, and on the 12th the revised constitution was reported, with a clause identical in this particular with that finally adopted. The events here recorded therefore could not have taken place.

more injury than Gr. Britain & all her fleets & armies. That his (Mason's) plan of settling our debt would have been something in this way. He would have laid as much tax as could be paid without oppressing the people. Particularly he would have laid an impost of about the amount of the first laid by Congress, but somewhat different in several of its articles. He would have suspended all application of it one year during which an office should have been open to register unalienated certificates. At the end of the year he would have appropriated his revenue. 1st. To pay the civil list. 2. The interest of these certif. 3. Instalments of the principal. 4. A surplus to buy up the alienated certificates still avoiding to make any other provision for these last. By the time the unalienated certificates should have been all paid, he supposed half the alienated ones would have been bought up at market. He would then have proceeded to redeem the residue of them.

Bladensbg. Oct. 1. This morning at Mt Vernon I had the following conversation with the President. He opened it by expressing his regret at the resolution in which I appeared so fixed in the lre I had written him of retiring from public affairs. He said that he should be extremely sorry that I should do it as long as he was in office, and that he could not see where he should find another character to fill my office. That as yet he was quite undecided whether to retire in March or not. His inclinations led him strongly to do it. Nobody disliked more the ceremonies of his office, and he had not the least taste or

gratification in the execution of it's functions. That he was happy at home alone, and that his presence there was now peculiarly called for by the situation of Majr Washington <sup>1</sup> whom he thought irrecoverable & should he get well he would remove into another part of the country which might better agree with him. That he did not believe his presence necessary: that there were other characters who would do the business as well or better. Still however if his aid was thought necessary to save the cause to which he had devoted his life principally he would make the sacrifice of a longer continuance. That he therefore reserved himself for future decision, as his declaration would be in time if made a month before the day of election. He had desired Mr. Lear to find out from conversation, without appearing to make the inquiry, whether any other person would be desired by any body. He had informed him he judged from conversations that it was the universal desire he should continue, & the expectation that those who expressed a doubt of his continuance did it in the language of apprehension, and not of desire. But this, says he, is only from the north, it may be very different in the South. I thought this meant as an opening to me to say what was the sentiment in the South from which quarter I came. I told him that as far as I knew there was but one voice there which was for his continuance. That as to myself I had ever preferred the pursuits of private life to those of public, which had nothing in them agreeable to me. I explained to him the

<sup>1</sup> George Augustine Washington, overseer of Mount Vernon.

circumstances of the war which had first called me into public life, and those following the war which had called me from a retirement on which I had determd. That I had constantly kept my eye on my own home, and could no longer refrain from returning to it. As to himself his presence was important, that he was the only man in the U. S. who possessed the confidce of the whole, that govmt was founded in opinion & confidence, and that the longer he remained, the stronger would become the habits of the people in submitting to the govmt. & in thinking it a thing to be maintained. That there was no other person who would be thought anything more than the head of a party. He then expressed his concern at the difference which he found to subsist between the Sec. of the Treasury & myself, of which he said he had not been aware. He knew indeed that there was a marked difference in our political sentiments, but he had never suspected it had gone so far in producing a personal difference, and he wished he could be the mediator to put an end to it. That he thought it important to preserve the check of my opinions in the administration in order to keep things in their proper channel & prevent them from going too far. That as to the idea of transforming this govt into a monarchy he did not believe there were ten men in the U. S. whose opinions were worth attention who entertained such a thought. I told him there were many more than he imagined. I recalled to his memory a dispute at his own table a little before we left Philada, between Genl. Schuyler on one side & Pinkney & myself on the other,

wherein the former maintained the position that hereditary descent was as likely to produce good magistrates as election. I told him that tho' the people were sound, there were a numerous sect who had monarchy in contempln. That the Secy of the Treasury was one of these. That I had heard him say that this constitution was a shilly shally thing of mere milk & water, which could not last, & was only good as a step to something better. That when we reflected that he had endeavored in the convention to make an English constn of it, and when failing in that we saw all his measures tending to bring it to the same thing it was natural for us to be jealous: and particular when we saw that these measures had established corruption in the legislature, where there was a squadron devoted to the nod of the treasury, doing whatever he had directed & ready to do what he should direct. That if the equilibrium of the three great bodies Legislative, Executive, & judiciary could be preserved, if the Legislature could be kept independant, I should never fear the result of such a government but that I could not but be uneasy when I saw that the Executive had swallowed up the legislative branch. He said that as to that interested spirit in the legislature, it was what could not be avoided in any government, unless we were to exclude particular descriptions of men, such as the holders of the funds from all office. I told him there was great difference between the little accidental schemes of self interest which would take place in every body of men & influence their votes, and a regular system for forming a corps of interested

persons who should be steadily at the orders of the Treasury. He touched on the merits of the funding system, observed that [there?] was a difference of opinion about it some thinking it very bad, others very good. That experience was the only criterion of right which he knew & this alone would decide which opn was right. That for himself he had seen our affairs desperate & our credit lost, and that this was in a sudden & extraordinary degree raised to the highest pitch. I told him all that was ever necessary to establish our credit, was an efficient govmt & an honest one declaring it would sacredly pay our debts, laying taxes for this purpose & applying them to it. I avoided going further into the subject. He finished by another exhortation to me not to decide too positively on retirement, & here we were called to breakfast.

Oct. 31. 1792. I had sent to the President [Joseph Ignatius de] Viar & [Joseph de] Jaudenes's <sup>1</sup> letter of the 29th. inst whereupon he desired a consultation of Hamilton, Knox, E. R. & myself on these points. 1. What notice was to be taken hereof to Spain? 2. Whether it should make part of the communicn to the legislature? I delivered my opinion that it ought to be communicated to both houses, because the communications intended to be made being to bring on the question whether they would declare

<sup>1</sup> *American State Papers, foreign relations, i., 139.* From the commissioners of Spain relative to Spanish interference in the execution of the treaty between the U. S. and the Creek Indians, and to the boundary between the Spanish and U. S. settlements. It was communicated to Congress Nov. 7, 1792.



war against any & which of the nations or parts of the nations of Indns. to the South, it would be proper this information should be before them, that they might know how far such a declaration would lead them. There might be some who would be for war agt the Indians if it were to stop there, but who would not be for it if it was to lead to a war agt Spain. I thot it should be laid before both houses, because it concerned the question of Declaring war which was the function equally of both houses. I thot a simple acknolegmt of the rect of the lre should be made by me to the Spanish Chargés, expressing that it contained some things very unexpected to us, but that we should refer the whole, as they had proposed to the negotiators at Madrid. This would secure to us a continuation of the suspension of Indian hostilities which the Govr. of N. Orleans said he had brought about till the result of the negociation at Madrid should be known, would not commit us as to running or not running the line, imply any admission of doubt about our territorial right & avoid a rupture with Spain which was much to be desired, while we had similar points to discuss with Gr. Br.

Hamilton declared himself the advocate for peace. War would derange our affairs, greatly, throw us back many years in the march towards prosperity; be difficult for us to pursue, our countrymen not disposed to become souldiers; a part of the Union feeling no interest in the war, would with difficulty be brought to exert itself; and we had no navy. He was for everything which would procrastinate the event. A year, even, was a great gain to a nation

strengthening as we were. It laid open to us, too, the chapter of accidents, which, in the present state of Europe, was a pretty pregnant one. That while, however, he was for delaying the event of war, he had no doubt it was to take place between us for the object in question. That jealousy & perseverance were remarkable features in the character of the Span. govmt, with respect to their American possns that so far from receding as to their claims against us, they had been strengthening themselves in them. He had no doubt the present communication was by authority from the court. Under this impression, he thought we should be looking forward to the day of rupture, & preparing for it. That if we were unequal to the contest ourselves, it behoved us to provide allies for our aid. That in this view, but two nations could be named, France & Eng. France was too intimately connected with Spain in other points, & of too great mutual value ever to separate for us. Her affairs too, were such, that whatever issue they had, she could not be in a situation to make a respectable mediation for us. England alone, then, remained. It would not be easy to effect it with her; however, he was for trying it, and for sounding them on the proposition of a defensive treaty of alliance. The inducements to such a treaty, on their part, might be, 1. The desire of breaking up our former connections, which we knew they had long wished. 2. A continuance of the statu quo in commerce for 10 years, which he believed would be desirable to them. 3. An admission to some navigable part of the Mississippi, by some line

drawn from the lake of the woods to such navigable part. He had not, he said, examined the map to see how such a line might be run so as not to make too great a sacrifice. The navign of the Missis being a joint possn we might then take measures in concert for the joint security of it. He was therefore for immediately sounding them on this subject thro' our Minister at London yet so as to keep ourselves unengaged as long as possible in hopes a favorable issue with Spain might be otherwise effected. But he was for sounding immediately & for not slipping an opportunity of securing our object.

E. R. concurred in general with me. He objected that such an alliance could not be effected with[out?] pecuniary considn probably, which we could not give And what was to be their aid? If men, our citizens would see their armies get foothold in the U. S. with great jealousy. It would be difficult to protect them. Even the French during the distresses of the late war excited some jealous sentiments.

Hamilton said, money was often but not always demanded, & the aid he should propose to stipulate would be in ships.—Knox non dissentiente.

The President said the remedy would be worse than the disease, and stated some of the disagreeable circumstances which would attend our making such overtures.

Knox's indirect hints in favor of this alliance brought to my recollection his conversn of yesterday, & that he wished it.

Nov. 92. Hamilton called on me to speak about

our furnishing supplies to the French colony of St. Domingo.<sup>1</sup> He expressed his opn that we ought to be cautious & not go too far in our application of money to their use, lest it should not be recognized by the mother country. He did not even think that<sup>2</sup> some kinds of govt they might establish would give a sufficient sanction. I observed that the National Convent was now met, & would certainly establish a form of govt; that as we had recognized the former govt because establ'd by authority of the *nation*, so we must recognize any other which should be establ'd by the authority of the nation. He said we had recognized the former, because it contained an important member of the antient, to wit the King, & wore the appearance of his consent; but if, in any future form they should omit the king, he did not

<sup>1</sup> In Nov., 1792, Jean Baptiste Ternant, the French Minister, applied for money to relieve the Island of St. Domingo. Cf. Hamilton's *Works of Hamilton*, iv., 174, 328, and Jefferson's letter to Ternant, Nov. 20, 1792.

<sup>2</sup> There had been a previous consultation at the President's (about the 1st week in Nov.) on the expediency of suspending payments to France under her present situation. I had admitted that the late constitution was dissolved by the dethronement of the king, and the management of affairs surviving to the National assembly only this was not an integral legislature, and therefore not competent to give a legitimate discharge for our payments: that I thought consequently, that none should be made till some legitimate body came into place, & that I should consider the National convention called, but not met as we had yet heard, to be a legitimate body. Hamilton doubted whether it would be a legitimate body, and whether, if the king should be re-established, he might not disallow such payments on good grounds. Knox, for once, dared to differ from Hamilton, and to express, very submissively, an opinion, that a convention named by the whole body of the nation, would be competent to do anything. It ended by agreeing, that I should write to G. Morris to suspend payment generally, till further orders. T. J.

know that we could with safety recognize it, or pay money to it's order.

Nov. 11. 1792. Blodget's calculation of the circulating medium of Philadelphia the Bank of U. S. their whole stock. . . . .  
 $\frac{1}{2}$  of this payable in gold & silver. . . . .  
of which  $\frac{3}{4}$  only are paid. . . . .  
double this amount issued in paper. . . . .  
only  $\frac{1}{3}$  of it here. . . . .  
the bank of N. A. has issued. .

10.	millions
	$2\frac{1}{2}$ m.
	say $1\frac{1}{2}$
	3.
	1.
	2.

Amount of circulating paper of both banks. . .  
add the specie in circulation. . . . .

3. millions

this amounts to 60 D. each (of paper) for every inhabitant.

and the bank of the U. S. draws 10. pr. cent per ann profit from that.

the circulating cash of Gr. Br.

is about . . . . . 20 millns £ sterl.

the circulating paper. . . . . about 30

$50 = 225,000,000$  doll.

which is about 28. doll. a head on the poputn of Gr. Britn.

Nov. 19. 92. Beckley brings me the pamphlet written by Hamilton, before the war, in answer to Common Sense. It is entitled *Plain Truth*.<sup>1</sup> Melancthon Smith sends it to Beckley, & in his letter says, it was not printed in N. York by Loudon, because prevented by a mob, and was printed in Philada, and that he has these facts from Loudon.

Nov. 21. 1792. Mr. Butler tells me, that he dined last winter with Mr. Campbell from Denmark, in company with Hamilton, Lawrence, Dr. Shippen, T. Shippen, and one other person whom he cannot recollect. That after dinner political principles became the subject of conversation; that Hamilton declared openly, that "there was no stability, no security in any kind of government but a monarchy." That Lawrence took him up, & entered the lists of argument against him; that the dispute continued long, and grew warm, remarkably so as between them; that T. Shippen, at length, joined Lawrence in it; & in fine, that it broke up the company. Butler recommended to the company, that the dispute having probably gone farther than was intended it ought to be considered as confined to the company.

1792. Dec. 10. Present: A. H., Genl Knox, E. R. & Th J. at the President's.

It was agreed to reject meeting the Indians at the proposed treaty, rather than to admit a *mediation*

<sup>1</sup> A pamphlet written in 1776 to oppose American Independence. It was certainly not written by Hamilton. Cf. *Pa. Mag. of History and Biography*, xii., 421.

by Gr. Br. but to admit the presence of Govr. Simcoe,<sup>1</sup> not as a *party* if that was insisted on, & that I should make a verbal communication to Mr. Hammond, in substance, as on the back hereof, which I previously read to the President.

Dec. 12. I made the communication to Mr. Hammond. He said the attendance of Govr. Simcoe was a circumstance only mentioned by him, but not desired; that he would decline it without difficulty, declared it to be their most ardent wish that peace should take place, for their fur trade was entirely interrupted; & he urged as decisive proofs of the sincerity of their wish, 1. that they had kept the late Indian council together 6 weeks at a very great expense, waiting for the 6 Nations. 2. that the Indians at that council were so perfectly satisfied of their desire that they should make peace, that they had not so much as mentioned in council the applying to the British for any supplies. I immediately communicated this to the President.

Heads of conversation with Mr. Hammond. [Dec. 12, 1792.]

That I communicated to the President his information of the consent of the Western Indians to hold conferences of peace with us, in the presence of Govr Simcoe.

Took care to apprise him of the informality of the conversn—yt it was accidl—private;—the present

<sup>1</sup> John Graves Simcoe, Governor of Upper Canada.

to be considered equally so:—unnecessary to note to him that nothing like a *Mediation* was suggested.

1. Because so informal a conversn cd not include so formal a thing as a Mediation.

2. Bec. an establd principle of public law among the white nations of America, that while the Indians included within their limits retain all other natl rights, no other white nation can become their patrons, protectors or mediators, nor in any shape intermeddle between them & those within whose limits they are.

That Gr. Br. wd not propose an example wch wd authorize us to cross our boundary, & take under our protection the Indians within her limits.

3. Because should the treaty prove ineffectual, it wd singularly commit the friendship of the two nations.

That the idea of Govr Simcoe's attendance was presented only as a thing desird by the Indians: that the consequences of this had been consid.

It is not necessary in order to effect a peace.

Our views so just so moderate that we have no fear of effecting peace if left to ourselves. If it cannt be effected, it is much better that nobody on the part of Englnd shd hve ben present;—for however our govmt is persuaded of the sincerity of yr assurances yt y' hve not excited the Indians, yet our citizens in general are not so.

It will be impossible to persuade them the negocns were not defeatd by Brit. agents: that therefore tho' we do not pretend to make the exclus of Govr Simcoe a *sine quâ non*, provided he be there as a spectator, not as a *party*



Yet we shd consider his declining to attend either by himself or any other person, as an instance of their frdshp & as an evidence of it particularly calculated to make due impression on the minds of our citizens.

That the place (Aux Glaise) fixed on by the Indians is extremely inconvenent to us, because of the distance and difficulty of transportg provns there.

300,000 rations will probably be requisite if 3000 Indians attend.

That if we had time we would have proposed some other place, *e. g.* the Maumee towns; but there not being time, we shall do our best to make provn. 1. We shall collect & carry as much as possible through the Miami channel. 2. We shall hope for their permission to have purchases made in upper Canada, & brought along the lake.

1792. Dec. 13. The President called on me to see the model & drawings of some mills for sawing stone. After shewing them he in the course of subsequent conversation asked me if there were not some good manufactories of porcelain in Germany, that he was in want of table china & had been speaking to Mr. Shaw who was going to the East Indies to bring him a set, but he found that it would not come till *he should be no longer in a situation to want it.* He took occasion a second time to observe that Shaw said it would be 2. years at least before he could have the china here, before which time he said he should be where he should not need it. I think he asked the question about the manufactories in Germany merely

to have an indirect opportunity of telling me he meant to retire, and within the limits of two years.

Dec. 17. Hammond says the person is here to whom the 6 Nations delivered the invtn for Simcoe to attend, who says they insisted on it & would consider his non-attendance as an evidence that he does not wish for peace. But he says that Simcoe has not the least idea of attending—that this gentleman says he may procure in Upper Canada any quantity of provns which the people will sett up express during winter, & that he will return & carry our request whenever we are ready.

Dec. 17. The affair of Reynolds<sup>1</sup> & his wife.—Clingham Muhlenb's clerk. testifies F. A. Muhl. Monroe Venable.—also Wolcott at Wadsworth.—known to J[ames] M[onroe] E. R [andolph] Beckley & Webr.

Thursday Dec. 27. 92. I waited on the President on some current business. After this was over, he observed to me he thought it was time to endeavor to effect a stricter connection with France, and that G. Morris should be written to on this subject. He went into the circumstances of dissatisfaction between Spain Gr. Brit. & us, & observed there was no nation on whom we could rely at all times but France, and that if we did not prepare in time some support in the event of rupture with Spain & England we might be charged with a criminal negligence.

<sup>1</sup> This relates to the charges against Hamilton, to which he replied in his *Observations on Certain Documents*.

[I was much pleased with the tone of these observations. It was the very doctrine which had been my polar star, and I did not need the successes of the Republican arms in France lately announced to us, to bring me to these sentiments. For it is to be noted that on Saturday last (the 22d) I received Mr. Short's letters of Oct. 9. & 12. with the Leyden gazettes to Oct. 13. giving us the first news of the retreat of the D. of Brunswic, and the capture of Spire & Worms by Custine, and that of Nice by Anselme.] I therefore expressed to the President my cordial approbation of these ideas: told him I had meant on that day (as an opportunity of writing by the British packet would occur immediately) to take his orders for removing the suspension of payments to France which had been imposed by my last lre to G. Morris, but was meant as I supposed only for the interval between the abolition of the late constn by the dethronement of the king and the meeting of some other body; invested by the will of the nation with powers to transact their affairs; that I considered the national convention then assembled as such a body, and that therefore we ought to go on with the payments to them or to any government they should establish. That however I had learned last night that some clause in the bill for providing reimbursement of the loan made by the bank to the U. S. had given rise to a question before the house of representatives yesterday which might affect these payments; a clause in that bill proposing that the money formerly borrowed in Amst'dm to pay the French debt & appropriated by law (1790. August 4. c. 34.

s. 2.) to that purpose, lying dead as was suggested, should be taken to pay the bank, and the Presidt. be authorized to borrow 2. millions of dol. more out of which it should be replaced, and if this should be done the removal of our suspension of payment as I had been about to propose, would be premature. He expressed his disapprobation of the clause above mentioned, thought it highly improper in the legislature to change an appropriation once made, and added that no one could tell in what that would end. I concurred, but observed that on a division of the house the ayes for striking out the clause were 27. the noes 26 whereon the Speaker gave his vote against striking out, which dividing the house; the clause for the disappropriation remained of course. I mentd suspicions that the whole of this was a trick to serve the bank under a great existing embarrassment. That the debt to the bank was to be repd by instalments, that the 1st. instalment was of 200,000 D. only, or rather 160,000 D. (because 40,000 of the 200,000 d. would be the U. States' own dividend of the instalment). Yet here were 2,000,000 to be paid them at once, & to be taken from a purpose of gratitude & honor to which it had been appropriated.

Dec. 30. 92. I took the occasion furnished by Pinckney's letter of Sep. 19. asking instrns how to conduct himself (as to the French revolution), to lay down the Catholic principal of republicanism, to wit- that every people may establish what form of government they please, and change it as they please. The will of the nation being the only thing essential.

I was induced to do this in order to extract the President's opn on the question which divided Hamilton & myself in the conversn of Nov. 92 and the previous one or the first week of Nov. on the suspension of paimts to France. and if favorable to mine, to place the principles of record in the letter books of my office. I therefore wrote the letter of Dec. 30. to Pinckney & sent it to the President, & he returned me his approbation in writing in his note of the same date. Which see.

Feb. 7. 1793. I waited on the President with letters & papers from Lisbon. After going through these I told him that I had for some time suspended speaking with him on the subject of my going out of office because I had understood that the bill for intercourse with foreign nations was likely to be rejected by the Senate in which case the remaining business of the department would be too inconsiderable to make it worth while to keep it up. But that the bill being now passed I was freed from the considerations of propriety which had embarrassed me. That &c. (nearly in the words of a letter to Mr. T. M. Randolph of a few days ago)<sup>1</sup> and that I should be willing, if he had taken no arrangemts. to the contrary to continue somewhat longer, how long I could not say, perhaps till summer, perhaps autumn. He said so far from takeng arrangements on the subject, he had never mentioned to any mortal the design of retiring which I had expressed to him, till yesterday having heard that I had given up my house & that it was rented by another, thereupon he mentd. it to Mr. E.

<sup>1</sup> Jan. 7, 1793.

Randolph & asked him, as he knew my retirement had been talked of, whether he had heard any persons suggested in conversations to succeed me. He expressed his satisfn at my change of purpose, & his apprehensions that my retirement would be a new source of uneasiness to the public. He said Govr. Lee had that day informed of the genl. discontent prevailing in Virga of which he never had had any conception, much less sound informn: That it appeared to him very alarming. He proceeded to express his earnest wish that Hamilton & myself could coalesce in the measures of the govmt, and urged here the general reasons for it which he had done to me on two former conversns. He said he had proposed the same thing to Ham. who expresd his readiness, and he thought our coalition would secure the general acquiescence of the public. I told him my concurrence was of much less importce than he seemed to imagine; that I kept myself aloof from all cabal & correspondence on the subject of the govmt & saw & spoke with as few as I could. That as to a coalition with Mr. Hamilton, if by that was meant that either was to sacrifice his general system to the other, it was impossible. We had both no doubt formed our conclusions after the most mature consideration and principles conscientiously adopted could not be given up on either side. My wish was to see both houses of Congr. cleansed of all persons interested in the bank or public stocks; & that a pure legislature being given us, I should always be ready to acquiesce under their determns even if contrary to my own opns, for that I subscribe to the principle that the will of the

majority honestly expressed should give law. I confirmed him in the fact of the great discontents to the South, that they were grounded on seeing that their judgments & interests were sacrificed to those of the Eastern states on every occn. & their belief that it was the effect of a corrupt squadron of voters in Congress at the command of the Treasury, & they see that if the votes of those members who had an interest distinct from & contrary to the general interest of their constituents had been withdrawn, as in decency & honesty they should have been, the laws would have been the reverse of what they are in all the great questions. I instanced the new assumption carried in the H. of Repr. by the Speaker's votes. On this subject he made no reply. He explained his remaining in office to have been the effect of strong solicitations after he returned here declaring that he had never mentd. his purpose of going out but to the heads of depts & Mr. Madison; he expressed the extreme wretchedness of his existence while in office, and went lengthily into the late attacks on him for levees &c—and explained to me how he had been led into them by the persons he consulted at New York, and that if he could but know what the sense of the public was, he would most cheerfully conform to it.

Feb. 16. 93. E. R. tells J. Mad. & myself a curious fact which he had from Lear. When the President went to N. Y. he resisted for 3 weeks the efforts to introduce *levees*.<sup>1</sup> At length he yielded, & left it to

<sup>1</sup> Washington arrived in New York on April 23d, and immediately after his inauguration, April 30th, announced that he should receive

Humphreys and some others to settle the forms. Accdly an anti-chamber & presence room were provided, & when those who were to pay their court were assembled, the President set out, preceded by Humphreys, after passing thro' the anti-chamber the door of the inner room was thrown in & Humphreys entered first calling out with a loud voice, "the President of the U. S." The President was so much disconcerted with it that he did not recover it the whole time of the levee, and when the company was gone he said to Humphreys "Well, you have taken me in once, but by God you shall never take me in a second time."

There is reason to believe that the rejection of the late additional assumption by the Senate was effected by the President thro' Lear, operating on Langdon. Beckley knows this.

Feb. 20. 1793. Colo. W. S. Smith called on me to communicate intelligence from France. He had left Paris Nov. 9. He says the French Ministers are entirely broken with Gouv. Morris, shut their doors to him & will never receive another communication from him. They wished Smith to be the bearer of a message from the Presidt. to this effect, but he declined & they said in that case they would press it thro' their own minister here. He says they are sending Genet here with full powers to give us all the privileges we can desire in their countries, & particularly in the W. Indies, that they even contemplate

the public on Tuesdays and Fridays, between two and three. The first of these levees was held on May 5th.



to set them free the next summer: that they propose to emancipate S. America, and will send 45. ships of the line there next spring, & Miranda at the head of the expedn: that they desire our debt to be paid them in provns, and have authorized him to negotiate this. In confirmn of this he delivers a letter to the Presidt. from Lebrun min. for forn. affrs, in which Lebrun says that Colo. Smith will communicate plans worthy of his (the Pr's) great mind, & he shall be happy to receive his opn as to the means the most suitable to effect it.

I had 5. or 6. days ago received from Ternant extracts from the lres of his ministers, complaining of both G. Morris & Mr. Short. I sent them this day to the Presidt. with an extract from a private lre of Mr. Short, justifying himself, & I called this eveng on the Presidt. He said he consid. the extracts from Ternant as very serious, in short as decisive: that he saw that G. Morris cd. be no longer contind there consistent with the public good, that the moment was critical in our favor & ot not to be lost: that he was extremely at a loss what arrangement to make. I asked him whether G. Morris & Pinckney mt. not change places. He sd that wd. be a sort of remedy, but not a radical one. That if the French ministry conceived G. M. to be hostile to them, if they hd. bn. jealous merely on his proposing to visit London, they wd. nevr. be satisfd. with us at placing him at London permanently. He then observed that tho' I had unfixed the day on which I had intendd. to resign, yet I appeared fixed in doing it at no great distance of time: that in this case, he cd.

not but wish that I wd. go to Paris, that the moment was important, I possessed the confidence of both sides & might do great good; that he wished I could do it were it only to stay there a year or two. I told him that my mind was so bent on retirement that I could not think of launching forth again in a new business, that I could never again cross the Atlantic; and that as to the opportunity of doing good, this was likely to be the scene of action, as Genet was bringing powers to do the business here, but that I could not think of going abroad. He replied that I had pressed him to continue in the public service & refused to do the same myself. I said the case was very different; he united the confidce. of all America, and was the only person who did so: his services therefore were of the last importance; but for myself my going out would not be noted or known, a thousand others could supply my place to equal advantage therefore I felt myself free: and that as to the mission to France I thought Pinckney perfectly proper. He desired me then to consider maturely what arrangemt shd. be made.

Smith in speaking of Morris said that at his own table in presence of his company & servts. he cursed the French ministers as a set of damned rascals; said the king wd. still be replaced on his throne. He said he knew they had written to have him recalled, & expected to be recalled. He consulted Smith to know whether he cd. bring his furniture here duty free. Smith has mentd. the situatn of G. Morris freely to others here.

Smith said also that the ministers told him they

meant to begin their attack at the mouth of the Missi, and to sweep along the bay of Mexico Southwardly, and that they would have no objns to our incorporating into our govmt the two Floridas.

Feb. 26. 1793. Notes on the proceedings of yesterday. [See the formal opinions given to the President in writing & signed <sup>1</sup>]

1st. Qu. We were all of opinion that the treaty shd. proceed merely to gratify the public opinion, & not from any expectation of success. I expressed myself strongly that the event was so unpromising that I thought the preparations for a campaign should go on without the least relaxation, and that a day should be fixed with the Commrs. for the treaty beyond which they should not permit the treaty to be protracted, by which day orders shd. be given for our forces to enter into action. The President took up the thing instantly after I had said this, and declared he was so much in the opn that the treaty would end in nothing that he then in the presence of us all gave orders to Genl. Knox not to slacken the preparations for the campaign in the least but to exert every nerve in preparing for it. Knox said something about the ultimate day for continuing the negotias. I acknoleged myself not a judge on what day the campaign should begin, but that whatever it was, that day should determine the treaty. Knox said he thought a winter campaign was always the most efficacious against the Indians. I was of opn since Gr. Britain insisted on furnishing provns, that

<sup>1</sup> In relation to the treaty with the northwest Indians.

we should offer to repay. Hamilton that we should not.

2d. Qu. I considered our right of preemption of the Indian lands, not as amounting to any dominion, or jurisdn, or paramountship whatever, but merely in the nature of a remainder after the extingmt of a present right, which gave us no present right whatever but of preventing other nations from taking possession and so defeating our expectancy: that the Indians had the full, undivided & independant sovereignty as long as they chose to keep it & that this might be forever: that as fast as we extended our rights by purchase from them, so fast we extended the limits of our society, & as soon as a new portion became encircled within our line, it became a fixt limit of our society: that the Executive with either or both branches of the legislature could not alien any part of our territory: that by the L. of nations it was settled that the Unity & indivisibility of the society was so fundamental that it could not be dismembered by the Constituted authorities, except 1. where *all power* was delegated to them (as in the case of despotic govmts) or 2. where it was expressly delegated. That neither of these delegations had been made to our general govmt & therefore that it had no right to dismember or alienate any portion of territory once ultimately consolidated with us: and that we could no more cede to the Indians than to the English or Spaniards, as it might according to acknowlegd. principles remain as irrevocably and eternally with the one as the other. But I thought that as we had a right to sell & settle lands once

comprehended within our lines, so we might forbear to exercise that right, retaining the property, till circumstances should be more favorable to the settlement, and this I agreed to do in the present instance if necessary for peace.

Hamilton agreed the doctrine of the law of nations as laid down in Europe, but that it was founded on the universality of settlement there, consequently that no lopping off of territory could be made without a lopping off of citizens, which required their consent: but that the law of nations for us must be adapted to the circumstance of our unsettled country, which he conceived the President & Senate may cede: that the power of treaty was given to them by the constitution, without restraining it to particular objects, consequently that it was given in as plenipotentiary a form as held by any sovereign in any other society.—E. R. was of opinion there was a difference between a cession to Indians & to any others, because it only restored the ceded part to the condition in which it was before we bought it, and consequently that we might buy it again hereafter. Therefore he thought the Executive & Senate could cede it. Knox joined in the main opinion. The President discovered no opinion, but he made some efforts to get us to join in some terms which could unite us all, and he seemed to direct those efforts more towards me: but the thing could not be done.

3d. Qu. We agreed in idea as to the line to be drawn, to wit so as to retain all lands appropriated, or granted or reserved.

4th. Qu. We all thought if the Senate should be

consulted & consequently apprized of our line, it would become known to Hammond, & we should lose all chance of saving anything more at the treaty than our Ultimatum.

Qu. whether we should furnish the 3. millns. of livres desired by France to procure provns? I was of opn we ot to do it, the one part as an arrearage (abt. 318,000) the residue as an advance towards our payments to be made in Paris in Sep. & Nov. next. E. R. was for furnishing the whole sum asked but under such blind terms, that if the present French government should be destroyed & the former one reestablished, it might not be imputed to us as a proof of our taking part with the present, but might be excused under a pretext that we thought we might owe it. Knox of the same opn.

Hamilton saw the combinn of powers agt. France so strong, as to render the issue very doubtful. He therefore was agt. going beyond the 318,000. D. understood to be in arrear.

The Presidt at this meeting mentd the declaration of some person in a paper of Fenno<sup>1</sup> that he would commence an attack on the character of Dr. Franklin; he said the theme was to him excessively disagreeable on other considerations, but most particularly so as the party seemed to do it as a means of defending him (the Presidt) agt the late attacks on him, that such a mode of defence would be peculiarly painful to him, & he wished it could be stopped. Hamilton & E. R. undertook to speak to Fenno to suppress it, without mentiong. it as the President's

<sup>1</sup> *Gazette of the United States*, Feb. 23, 1793.

wish. Both observed that they had heard this declarn mentd. in many companies & that it had excited universal horror & detestation.

The paper in Fenno must lie between two persons, viz, Adams & Izard, because they are the only persons who could know such facts as are there promised to be unfolded. Adams is an enemy to both characters, and might chuse this ground as an effectual position to injure both. Izard hated Franklin with unparalleled bitterness but humbly adores the Presidt. because he is in loco regis. If the paper proceeds, we shall easily discover which of these two gentlemen is the champion. In the meantime the first paper leads our suspicions more towards Izard than Adams from the circumstance of stile, and because he is quite booby enough not to see the injury he would do to the President by such a mode of defence.

Feb. 28. Knox, E. R. and myself met at Knox's where Hamilton was also to have met, to consider the time manner & place of the President's swearing in.<sup>1</sup> Hamilton had been there before & had left his opn with Knox, to wit, that the Presid. shd ask a judge to attend him in his own house to administer the oath, in the presence of the heads of deptmts, which oath should be deposited in the Secy. of state's office. I concurred in this opn. E. R. was for the President's going to the Senate chamber to take the oath, attended by the Marshal of the U. S., who

<sup>1</sup> This refers to the ceremony and oath for Washington's second term. The official opinions are printed in Hamilton's *Works of Alexander Hamilton*, iv., 442.

should then make proclm &c. Knox was for this and for adding the house of Repr. to the presence, as they would not yet be departed. Our individl. opns were written to be communicated to the Presidt. out of which he might form one. In the course of our conversn Knox sticking for parade, got into great warmth and swore that our govmt must either be entirely new modeled or it would be knocked to pieces in less than 10 years, and that as it is at present he would not give a copper for it, that it is the President's character, & not the written constn which keeps it together.

Same day. Conversn with Lear. He expressed the strongest confidence that republicanism was the universal creed of America, except of a very few; that republican adminn. must of necessity immediately overbear the contrary faction, said that he had seen with extreme regret that a number of gentlemen had for a long time been endeavoring to instil into the President that the noise agt. the admn of the govmt was that of a little faction, which wd soon be silent & which was detested by the people, who were contented & prosperous: that this very party however began to see their error and that the sense of America was bursting forth to their conviction.

Mar. 2. 1793. See in the papers of this date, Mr. Giles's resolutions.<sup>1</sup> He & one or two others were sanguine enough to believe that the palpableness of

<sup>1</sup> The resolutions, moved in the House of Representatives on February 28th, against Hamilton. They were negatived by a majority ranging between 40 to 33, to a minority varying from 15 to 7. Cf. note on Jefferson's draft of these resolutions, *post*, under Mar. 2, 1793.



these resols rendered it impossible the house could reject them. Those who knew the composition of the house 1. of bank directors 2. holders of bank stock 3. stock-jobbers. 4. blind devotees, 5. ignorant persons who did not comprehend them 6. lazy & good-humored persons, who comprehended & acknowledged them, yet were too lazy to examine, or unwilling to pronounce censure. The persons who knew these characters foresaw that the 3. first descriptions making  $\frac{1}{3}$  of the house, the 3. latter would make  $\frac{1}{3}$  of the residue, and of course that they would be rejected by a majority of 2. to 1. But they thought that even this rejection would do good, by shewing the public the desperate & abandoned dispositions with which their affairs were entrusted. The resols were proposed, and nothing spared to present them in the fulness of demonstration. There were not more than 3. or 4. who voted otherwise than had been expected.

It is known that [William Vans] Murray of Maryld deals in paper.

Mar. 23. 1793. The following list of paper-men is communicated to me by Mr. Beckley.<sup>1</sup>

[Nathaniel] \* Gilman. S.[tock] H.[older] in U. S. Bank.

[Elbridge] † \* Gerry. S.H.

[Theodore] Sedgewick.

[Fisher] \* Ames. S.H.

<sup>1</sup> Mar. 25. Beckley says he has this day discovered that Benson is a stockholder. Also Borne of R. I. and Key. *T. J.*

\* These are known to Beckley. *T. J.*

† These avowed it in the presence of Th. J. *T. J.*

[Benjamin] * Goodhue. S.H.			
[Benjamin] Bourne of R.I. suspected only.			
[Jonathan] * Trumbul. S.H.			
[Jeremiah] * Wadsworth. S.H.			
[James] * Hillhouse. S.H.			
[Amasa] Learned. S.H.			
[John] Laurence S.H. & Director.			
[James] Gordon.			
[Elias] † Boudinot. S.H.			
[Jonathan] * Dayton S.H.			
[Thomas] * Fitsimmons S.H. & Director.			
D[aniel] * Heister S.H.			
[Samuel] Sterret			
[William Vans] Murray S.H.			
[Hugh] † * Williamson S.H.			
[William L.] Smith S.H. & Director for himself & his proxies his vote is near $\frac{1}{2}$ of the whole			
[George] * Cabot. S.H. & Director			
[Roger] * Sherman. S.H.			
[Oliver] Elsworth. qu	Stockholders	H-REPR	SENATE
[Rufus] *King S.H. & Director.	Other paper	16	5
[Philemon] Dickin- son		3	2
[Robert]*Morris S.H.			
[Samuel] * Johnson		19 -	7 -
[Ralph] *Izard S.H.	Suspected	2 -	4 -

Mar. 30. 93. At our meeting at the Presid's Feb. 25. in discussing the question whether we should furnish to France the 3,000,000 desired, Hamilton in speaking on the subject used this expression "when

Mr. Genet arrives, whether we shall receive him or not, will then be a question for discussion,"<sup>1</sup> which expression I did not recollect till E. R. reminded me of it a few days after. Therefore on the 20th. inst. as the Prest was shortly to set out for M. Vernon, I observed to him that as Genest might arrive in his absence, I wishd. to know beforehand how I should treat him, whether as a person who wd. or wd. not be receivd? He said he could see no ground of doubt but that he ought to be received. On the 24th he asked E. R.'s opn on the subject; saying he had consulted Colo. Hamilton thereon who went into lengthy considns of doubt and difficulty, and viewing it as a very unfortunate thing that the Presidt shd have the decisn. of so critical a point forced on him; but in conclusion said, since he was brot into that situan he did not see but that he must receive Mr. Genest. E. R. told the Presidt. he was clear he shd. be recd & the Presidt said he hd never hd any doubt on the subject in his mind.—Afterwards on the same day he spoke to me again on it, and said Mr. Genest should unquestionably be received, but he thought not with too much warmth or cordiality, so only as to be satisfactory to him.<sup>2</sup> I wondered at first at

<sup>1</sup> "It is likely that if I had landed directly at Philadelphia, I would not have been at once recognised. Everything was in readiness to crush the first outbreak of enthusiasm on the part of the Americans . . . but my journey in the Southern States has made these designs abortive."—*Genet to Minister of Foreign Affairs*, June 19, 1793.

<sup>2</sup> "The friend, the councillor of Lafayette, responded to my open and loyal advances only in a diplomatic language which contained nothing I thought worthy of being transmitted to you. He spoke to me only of the desire that, according to him, the United States had, of living in peace and good harmony with all the Powers, and particularly with France; and he avoided touching upon anything that could have a

this restriction; but when E. R. afterwards communicated to me this conversn of the 24th. I became satisfied it was a small sacrifice to the opn of Hamilton.

Mar. 31. Mr. Beckley tells me that the merchants bonds for duties on 6. mo. credit became due the 1st. inst. to a very great amount. That Hamilton went to the bank on that day and directed the bank to discount for those merchts. all their bonds at 30. days, and that he would have the Collectors credited for the money at the Treasury. Hence the Treasury lumping its receipts by the month in it's printed accts. these sums will be considered by the public as only recd. on the last day, conseqly. the bank makes the month's interest out of it. Beckley had this from a mercht. who hd a bond discounted & who supposes a million of dollars were discounted at the bank here. Mr. Brown got the same informn from another mercht. who supposed only 600.000 D discounted here. But they suppose the same orders went to all the branch banks to a great amount.

*Eod die.* Mr. Brown tells me he has it from a mercht. that during the last winter the Directors of the bank ordd. the freest discounts. Every man could obtain it. Money being so flush, the 6. per cents run up to 21/ & 22/. Then the Directors sold out their private stocks. When the discounted notes were becoming due they stopped discounts, &

relation with either our revolution, or the war we alone wage upon the enemies of the liberty of the people."—*Genet to Minister of Foreign Affairs, Oct. 7, 1793.*

not a dollar was to be had. This reduced 6. per cents to 1813 then the same directors bought in again.

Apr. 7. 93. Mr. Lear called on me & introduced of himself a conversation of the affairs of the U. S. He laughed at the cry of prosperity & the deriving it from the establmt of the treasury: he said that so far from giving into this opn & that we were payg off our national debt he was clear the debt was growing on us: that he had lately expressed this opn to the Presidt who appeared much astonished at it. I told him I had given the same hint to the P. last summer, & lately again had suggested that we were even depending for the daily subsistence of govmt on borrowed money: he said that was certain, & was the only way of accounting for what was become of the money drawn over from Holland to this country.— He regretted that the Pr. was not in the way of hearing full informn, declared he communicated to him everything he could learn himself: that the men who vaunted the present govmt so much on some occasions were the very men who at other times declared it was a poor thing, & such a one as could not stand, & he was sensible they only esteemed it as a stepping stone to something else, and had availed themselves of the first moments of the enthusiasm in favor of it, to pervert it's principles & make of it what they wanted: & that tho' they raised the cry of Anti-federalism against those who censured the mode of admn, yet he was satisfd whenever it should come to be tried that the very men whom they called Anti-

federalists were the men who would save the govmt, & he looked to the next Congress for much rectification.

*Eod die.* Mr. Beckley tells me that a gentleman, heartily a fiscalist, called on him yesterday, told him he had been to N. York. & into the Prison with Duer,<sup>1</sup> with whome he hd. mch. conversn. that Pintard Duer's agent has about 100,000 D. worth of property in his hands & bids defiance: that this embarrasses Duer much, who declares that if *certain Persons* do not relieve him shortly, he will unfold such a scene of villainy as will astonish the world.

Apr 18. The President sends a set of Questions to be considered<sup>2</sup> & calls a meeting. Tho' those sent me were in his own hand writing, yet it was palpable from the style, their ingenious tissu & suite that they were not the President's, that they were raised upon a prepared chain of argument, in short that the language was Hamilton's, and the doubts his alone. They led to a declaration of the Executive that our treaty with France is void. E. R. the next day told me, that the day before the date of these questions, Hamilton went with him thro' the whole chain of reasoning of which these questions are the skeleton, & that he recognized them the moment he saw them.

We met. The 1st. question whether we should receive the French minister Genest was proposed, & we agreed unanimously that he should be received,

<sup>1</sup> William Duer, who had failed for a large amount, lost by speculation and was now in jail.

<sup>2</sup> Printed in Ford's *Writings of Washington*, xii., 280, and Hamilton's *Works of Hamilton*, iv., 359, with the Cabinet opinion on the same.

Hamilton at the same time expressing his great regret that any incident had happd. which should oblige us to recognize the govmt. The next question was whether he shd. be received absolutely, or with qualificns. Here H. took up the whole subject, and went through it in the order in which the questions sketch it. See the chain of his reasoning in my opn of Apr 28. Knox subscribed at once to H's opn that we ought to declare the treaty void,<sup>1</sup> acknoleging at the same time, like a fool that he is, that he knew nothing about it. I was clear it remained valid. E. R. declared himself of the same opn. but on H.'s undertaking to present to him the authority in Vattel (which we had not present) and to prove to him that, if the authority was admitted, the treaty might be declared void, E. R. agreed to take further time to consider. It was adjourned. We determd Unanimly the last qu. that Congress shd nt be called. There havg been an intimation by E. R. that in so great a question he shd chuse to give a written opn, & this being approvd by the Pres. I gave in mine Apr 28. H. gave in his. I believe Knox's was never thought worth offering or asking for. E. R. gave his May 6. concurring with mine. The Presidt. told me the same day he had never had a doubt about the validity of the treaty: but that since a question had been suggested he thought it ot to be considered:

<sup>1</sup> Though the question whether this treaty was not terminated by the French Revolution was discussed in the Cabinet, it was unanimously agreed that it was still in force. Jefferson is therefore in error in stating that Hamilton declared it void, as all he argued for was whether it "ought not to be deemed temporarily and provisionally suspended." Cf. Hamilton's *Works of Hamilton*, iv., 362, 282.

that this being done, I might now issue Passports to sea vessels in the form prescribed by the French treaty. I had for a week past only issd. the Dutch form; to have issd. the French wd have been presupposing the treaty to be in existence. The Presidt. suggested that he thot it wd be as well that nothing should be sd of such a question havg been under considn.

May 6 written.

1793. May 6. The President shews me a draught of a lre from Colo. H.<sup>1</sup> to the Collectors of the customs, desirg them to superintend their neighborhood, watch for all acts of our citizens contrary to laws of neutrality or tending to infringe those laws, & inform him of it; & particularly to see if vessels should be building pierced for guns. I told the Pr. that at a conference a few days before Colo. H. & E. R. had concurred in opn agt. me that for us to build and sell vessels fit for war would be a breach of neutrality, but that I understood them as agreeing that no opn should go from the public on that question as not being now necessary: that as to the 1st part of the letter I did not of a sudden decide it to be improper.—he, on this, returned the [draught?] to Ham. with a desire that he, E. R. & myself would confer on it.

May 7. We met as trustees of the sinkg. fund. For the opn I delivered see my note of May 8. to E. R. & for his see his answer of May 9.—On the

<sup>1</sup> This was Hamilton's Letter of Instructions to Collectors, which was considerably modified before it was issued, Aug. 4, 1793. Cf. Hamilton's *Works of Hamilton*, iii., 574; iv., 392, 394.



business of the sinkg. fund, we had meant to have come to a resoln to ask of the Pres. if there was any money under the loans at our disposal, the occasior of laying it out being favble. But H. producd. a lre just recd. from our bankers informg. him of the impossibility of effecting the new loan which had been ordered (and of which I had not heard before) on this I declared it is my opn that if the money on hand was not sfft to pay our next instllmt to France & also to purchase public debt, (of which I could not be a judge, only knowg. that our next instllmt. wd. be of bettween 6 & 700,000 D. & was approachg.) I should be against failing in the paymt. which was a positive engagemt. whereas the purchase of public debt was voluntary. So nothing was done.

When the question was whether the proclmn of Apr. 22.<sup>1</sup> should be issued, E. R. observed that there should be a letter written by me to the ministers of the belligerent powers to declare that it should not be taken as conclusive evidence against our citizens in foreign courts of admiralty for contraband goods.—Knox suddenly adopted the opn before Hamilton delivered his. Hamilton opposed it pretty strongly. I thought it an indifferent thing but rather approved E. R.'s opn. The President was against it; but observed that *as there were three for it, it should go*. This was the first instance I had seen of an opportunity to decide by a mere majority including his own vote.

May. 12. Lear called on me to-day. Speaking

<sup>1</sup> The proclamation of neutrality.

of the lowness of stocks, (16/) I observed it was a pity we had not money to buy on publick acct. He said yes, & that it was the more provoking as 2 millions had been borrowed for that purpose & drawn over here, & yet were not here. That he had no doubt those would take notice of the circumstance whose duty it was to do so.—I suppose he must mean the President.

May 20. 93.—*Qu*: Shall the Privateer fitted out at Charleston & her prizes be ordered out of the ports of the U. S.? <sup>1</sup>

I. As Punishment.

Explain circumstance wch. drove Genet into the Southern passage induced him to land at Charleston.

Fr. citizens sollicitg commn. to Arm.—Governr. winkg. at it. Words of XXII. art.<sup>2</sup> *shall not* be lawful for enemies of Fr. fit out privateers. Implication yt *shll* be lawful for French.

So understood universally, by every one here—by ourselves at Charleston—by Genet. Still true it is not expressly permitted—may be forbidden. But till forbidden must be slight offence. The Prohibition to be future not Retrospective.

II. Right.

What Right to order away?

XVII makes lawful to enter with prizes and stay.

In whom is the Right to these privateers & prizes?

Fr. citizens retain fidelity in for. country have

<sup>1</sup> Immediately on Genet's landing at Charleston, he began to commission privateers, which captured English ships and brought them into American ports.

<sup>2</sup> A reference to the French treaty.

right to return to defence of country by sea or land, may confer on that, associate, contribute money, may buy vessel with own money—man her themselves on codn commt no hostils. *within limits*. of U. S. as soon as out of limits themselves & vessel free as any other.

Fr. citizens *ante-residents*, on same footing as *new visitants*.

When take a vessel at sea, property, transferrd. by laws of war. This point understood at former confere. for if not transferrd. should be given up. If right transferrd. then XVIIth article authorises entry no half-way act justifiable.

Obj. it is Punishmt for the offence.

Ans. No offence till forbidden.—Looks only to future.

### III. Policy of this Touchiness.

Minister newly arrived.

First from the Republic.

Popularity of French nation & cause.

Proposals he brings.

No call of Guarantee

Free trade to islands } by treaty  
to France

Shall such a mission to recd. with reprimand?

& for whom. For England?

For confederated princes?

Our reward the Cyclops' boon to Ulysses. last devoured Od. i. 369.

Are we playing y' part England plaid? force France to attack us?

Yt we may take side with the confederatg. princes?

The party wishing that is very small.

H. & K. were of opn for giving up the prize, but if that could not be, then to order away the privateer & prize; and if that cd. not be, then to order away the privateer.

T. J. of opn that neither could be given up or ordd. away.

E. R. for ordering away the privateer & nothing more.

The President confirmed the last opinion & it seemed to be his own.<sup>1</sup>

1793. May 23. I had sent to the President yesterday draughts of a letter from him to the Provisory Exec. council of France, and of one from myself to Mr. Ternant, both on the occasion of his recall. I called on him to-day. He said there was a word in one of them which he had never before seen in any of our public communications, to wit "our republic." The letter prepared for him to the Council begun thus "the citizen Ternant has delivered to me the letter wherein you inform me that, yielding &c. you had determined to recall him from his mission as your min. plen. to *our republic*." He had underscored the words *our republic*. He said that certainly ours was a republican government, but yet we had not used that stile in this way; that if any body wanted to change its form into a monarchy he was sure it

<sup>1</sup> "It is Mr. Jefferson, who has signed these complaints, but as he himself avows to me, we should consider him in this transaction only as the passive instrument of the President."—*Genet to Minister of Foreign Affairs*, Oct. 7, 1793.

was only a few individuals, & that no man in the U. S. would set his face against it more than himself; but that this was not what he was afraid of; his fears were from another quarter, that there was more danger of anarchy being introduced. He adverted to a piece in Freneau's paper of yesterday, he said he despised all their attacks on him personally, but that there never had been an act of the government, not meaning in the Executive line only, but in any line which that paper had not abused. He had also marked the word republic thus √ where it was applied to the French republic. (See the original paper) He was evidently sore & warm, and I took his intention to be that I should interpose in some way with Freneau, perhaps withdraw his appointment of translating clerk to my office. But I will not do it. His paper has saved our constitution which was galloping fast into monarchy, & has been checked by no one means so powerfully as by that paper. It is well & universally known that it has been that paper which has checked the career of the Monocrats, & the President, not sensible of the designs of the party, has not with his usual good sense, and sang froid, looked on the efforts and effects of this free press, & seen that tho' some bad things had passed thro' it to the public, yet the good have preponderated immensely.

June 7. 93. Mr. Beckley, who is returned from N. York within a few days, tells me that while he was there S. John Temple, Consul Genl. of the Northern states for Gr. Br. shewed him a letter from Sr.

Gregory Page Turner<sup>1</sup> a member of parliament for a borough in Yorkshire, who he said had been a member for 25 years, and always confidential for the ministers, in which he permitted him to read particular passages of the following purport "that the government were well apprized of the predominancy of the British interest in the U S. that they considered Col. Hamilton, Mr. King & Mr. W. Smith of S. Carolina as the main supports of that interest, that particularly they considered Colo. Hamilton & not Mr. Hammond as their effective minister here, that if the antifederal interest (that was his term) at the head of which they considered Mr. Jefferson to be, should prevail, these gentlemen *had secured* an asylum to themselves in England." Beckley cd. not understand whether they had secured it *themselves*,<sup>2</sup> or whether they were only notified that it was secured to them. So that they understand that they may go on boldly, in their machinations to change the govmt, and if they should be overset & chuse to withdraw, they will be secure of a pension in England as Arnold, Deane &c had. Sr. John read passages of a letter (which he did not put into Beckley's hand as he did the other) from Ld. Grenville saying nearly the same things. This letter mentions to Sr. John that tho' they had divided the Consul-generalship and given the Southern department to Bond, yet he, Sr. John, was to retain his whole salary. [By this it would seem as if,

<sup>1</sup> M. P. for Thirsk, by which he was first elected in 1784. Cf. *Annual Register*, xlvii., 459.

<sup>2</sup> Impossible as to Hamilton; he was far above that. T. J.

wanting to use Bond, they had covered his employment with this cloak.] Mr. Beckley says that Sr. John Temple is a strong republican.—I had a proof of his intimacy with Sr. John in this circumstance. Sr. John received his new Commission of Consul for the Northern department, and instead of sending it thro' Mr. Hammond, got Beckley to enclose it to me for his Exequatur. I wrote to Sr. John that it must come thro' Mr. Hammond, enclosing it back to him. He accordingly then sent it to Mr. Hammond.

In conversation with the President to-day, and speaking about Genl. Greene, he said that he & Genl. Greene had always differed in opn about the manner of using militia. Greene always placed them in his front: himself was of opn they should always be used as a reserve to improve any advantage, for which purpose they were the *finest fellows* in the world. He said he was on the ground of the battle of Guilford with a person who was in the action & who explained the whole of it to him. That general Greene's front was behind a fence at the edge of a large field, thro' which the enemy were obliged to pass to get at them; & that in their passage thro' this they must have been torn all to peices if troops had been posted there who would have stood their ground; & that the retreat from that position was through a thicket, perfectly secure. Instead of this he posted the N. Caroline militia there, who only gave one fire & fell back, so that the whole benefit of their position was lost. He thinks that the regulars with their field pieces would have hardly let a single man get through that field.

*Eod die* (June 7). Beckley tells me that he has the followg fact from Govr. Clinton. That before the proposn. for the present general govmt *i. e.* a little before, Hamilton conceived a plan for establishing a monarchical govmt in the U S. he wrote a draught of a circular letter, which was to be sent to about ——— persons, to bring it about. One of these letters, in Hamilton's handwriting is now in possn. of an old Militia genl. up the North river, who, at that time was thought *orthodox* enough to be entrusted in the execution. This general has given notice to Govr. Clinton that he has this paper, and that he will deliver it into his hands & no one's else. Clinton intends the first interval of leisure to go for it, and he will bring it to Philade. "Beckley is a man of perfect truth as to what he affirms of his own knolege, but too credulous as to what he hears from others." <sup>1</sup>

June 10. 93. Mr. Brown gives me the following specimen of the phrenzy which prevailed at New York on the opening of the new govmt. The first public ball which took place after the President's arrival there, Colo. Humphreys, Colo. W. S. Smith, & Mrs. Knox, were to arrange the ceremonials. These arrangements were as follows. A Sopha at the head of the room raised on several steps whereon the Presidt. & Mrs. Washington were to be seated. The gentlemen were to dance in swords. Each one when going to dance was to lead his partner to the foot of the Sopha, make a low obeisance to the

<sup>1</sup> This is interlined by Jefferson.



Presidt. & his lady, then go & dance, & when done bring his partner again to the foot of the Sopha for new obeisances & then to retire to their chairs. It was to be understood too that gentlemen should be dressed in bags. Mrs. Knox contrived to come with the President & to follow him & Mrs. Washington to their destination, & she had the design of forcing an invitn from the Presidt. to a seat on the Sopha. She mounted up the steps after them, unbidden, but unfortunately the wicked Sopha was so short, that when the Presidt & Mrs. Washington were seated, there was not room for a 3. person; she was obliged therefore to descend in the face of the company & to sit where she could. In other respects the ceremony was conducted rigorously according to the arrangements, & the President made to pass an evening which his good sense rendered a very miserable one to him.<sup>1</sup>

June 12. Beckley tells me that Klingham<sup>2</sup> has been with him to day & relates to him the following fact. A certificate of the old Congress had been offered at the treasury & refused payment & so indorsed in red ink as usual. This certificate came to the hands of Francis (the quondam clerk of the

<sup>1</sup> The first public ball was on May 4, 1789, or some three weeks before Mrs. Washington joined the President in New York; and far from Washington sitting apart on a dias, he was one of the dancers.

<sup>2</sup> Jacob Clingman, who was concerned in the Hamilton-Reynolds affair. Andrew G. Fraunces made the matter of this certificate public in a pamphlet entitled, *An Appeal to the Legislature of the U. S.*, which occasioned a Congressional investigation, which reported that the charge against Hamilton was "wholly illiberal and groundless." Cf. *Journals* for Feb. 19, 1794, *Bibliotheca Hamiltoniana*, 43, and Hamilton's *Observations on Certain Documents*, p. 7.

treasury, who on account of his being dipped in the infamous case of the Baron Glaubec, Hamilton had been obliged to dismiss, to save appearances, but with an assurance of all future service, & he accdly got him establ. in New York) Francis wrote to Hamilton that such a ticket was offered him but he could not buy it unless he would inform him & give him his certificate that it was good. Hamilton wrote him a most friendly letter & sent him the certificate. He bot the paper & came on here, & got it recognized, whereby he made 2500 Dollars. Klingham saw both the letter & certificate.

Irving,<sup>1</sup> a clerk in the treasury, an Irishman, is the author of the pieces now coming out under the signature of Veritas,<sup>2</sup> & attacking the President. I have long suspected this detestable game was playing by the fiscal party, to place the Presidt. on their side.

July 5. 1793. A meeting desired by A. H. at my office. Himself, Knox & myself met accdly. He said that according to what had been agreed on in presence of the President, in conseqce of Mr. Genet's declining to pay the 45,000 D. at his command in

<sup>1</sup> Presumably intended for William Irvine, a clerk in the Controller's Office.

<sup>2</sup> The first number appeared in Freneau's *National Gazette* of June 12, 1793, and was answered in subsequent issues by "A Friend to Peace." Genet was at this time writing to the French Minister of Foreign Affairs: "Jefferson, Secretary of State, appeared to me in the beginning better disposed to second our views. . . . He has published in the newspapers, over the name of *Veritas*, three letters against the system of these gentlemen."

the treasury to the holders of the St. Domingo bills, we had agreed to pay the holders out of other monies to that amount: that he found however that these bills would amount to 90,000 D. and the question was whether he should assume 90,000 to be paid out of the September instalment. This he said wd. enable holders to get discounts at the banks, would, therefore be equal to ready money, & save them from bankruptcy. Unanimously agreed to.

We also agreed to a lre written by Genl. Knox to Govr. Mifflin to have a particular inquiry made whether the *Little Sarah*<sup>1</sup> is arming &c or not.

I read lre from the Presidt. about the *Swallow* lre of marck at N. York. compld. of by the French Consul. Agreed as the case was new, to let it wait for the Presidt.<sup>2</sup>

I read also Govr. Lee's lre abt the Govr. of S. C.'s proclamn. respectg pestilential disease in W. Indies. We are all of opn the evidence is too slight for interference. & doubt the power to interfere. Therefore let it lie.

Mr. Genet called on me and read to me very rapidly instrns he had prepared for Michaud<sup>3</sup> who is going to Kentucky, an address to the inhab. of Louisiana, & another to those of Canada. In these papers it appears that besides encouraging those inhabitants

<sup>1</sup> A vessel then in the Delaware River, which was re-named *Le Petit Democrat*.

<sup>2</sup> It was decided August 5th that there was no ground for an order in this case.

<sup>3</sup> André Michaux, who was appointed by Genet to organize a force to seize Louisiana for the French, on Spain's declaring war against that nation. He apparently never went further in the attempt. Cf. Gayarre's *History of La., Spanish Domination*, 341.

to insurrection, he speaks of two generals at Kentucky who have proposed to him to go & take N. Orleans if he will furnish the exp. about £3,000 sterl. He declines advancing it, but promises that sum ultimately for their expenses, proposes that officers shall be commissd. by himself in Kentucky & Louisiana, that they shall rendezvous *out of the territories of the U. S.* suppose in Louisiana, & there making up a battalion to be called the \_\_\_\_\_ of inhabitants of Louisiana & Kentucky and getting what Indns. they could, to undertake the expedn against N. Orleans, and then Louisiana to be established into an independant state connected in commerce with France and the U. S. That two frigates shall go into the river Mississippi and cooperate against N. Orleans. The address to Canada, was to encourage them to shake off English yoke, to call Indians to their assistance, and to assure them of the friendly disposns of their neighbors of the U. S.

He said he communicated these things to me, not as Secy. of state, but as Mr. Jeff. I told him that his enticing officers & souldiers from Kentucky to go against Spain, was really putting a halter about their necks, for that they would assuredly be hung, if they commd. hostilities agt. a nation at peace with the U S. That leaving out that article I did not care what insurrections should be excited in Louisiana. He had, about a fortnight ago sent me a commn for Michaud as consul of France at Kentucky, & desired an Exequatur. I told him this could not be given, that it was only in the *ports* of the U S. they were entitled to consuls, & that if France shd have a

consul at Kentucky Engld and Spain would soon demand the same, & we shd have all our interior country filled with foreign agents. He acquiesced, & asked me to return the commission & his note, which I did. But he desired I would give Michaud a lre of introduction for Govr. Shelby. I sent him one a day or two after. He now observes to me that in that letter I speak of him only as a person of botanical & natural pursuits, but that he wished the Govr. to view him as something more, as a French citizen possessing his confidence. I took back the letter, & wrote another. See both.

July 10, 1793.<sup>1</sup>

The Secretary of the Treasury having communicated to General Knox and myself, that he had been informed that the *Little Sarah* had much augmented her arms, and was greatly advanced in her preparations, we concurred in opinion, that the governor (of Pennsylvania) should be desired to have a re-examination of the fact. It was done, and a report made, that she had entered the port with only four guns, and now had fourteen. The next day, being Sunday the 7th instant, I received a letter from the governor by express, informing me, that he understood she would sail that day. I went instantly to town. He told me he had received the intelligence the night before, and had sent Mr. Dallas at mid-

<sup>1</sup> Jefferson's rough draft of this paper was retained by him in the *Anas*, but as it is abbreviated to an extent that renders it almost unintelligible I have printed it here from the fair copy given to Washington. Cf. Jefferson's Cabinet opinion, *post*, under July 8, 1793.

night to M. Genet. Mr. Dallas told me, that, on his proposing the subject of detaining the vessel, he flew into a great passion, talked extravagantly, and concluded by refusing to order the vessel to stay.

As the governor had sent for General Knox also, I told him I would in the meantime go to M. Genet, and speak with him on the subject. I went. On his coming into the room I told him I had called on the subject of the *Little Sarah*; that our information was, that she was armed contrary to the decision of the President, which had been communicated to him, and that she would sail that day; and I requested that he would detain her till we could inquire into the fact, and lay it before the President, who would be here on Wednesday.

He took up the subject instantly in a very high tone, and went into an immense field of declamation and complaint. I found it necessary to let him go on, and in fact could do no otherwise; for the few efforts, which I made to take some part in the conversation were quiet ineffectual. It is impossible for me to state the particulars of what he said. Such of the general topics as I can now recollect were these. He charged us with having violated the treaties between the two nations, and so went into the cases which had before been subjects of discussion; complained that we suffered our flag to be insulted and disregarded by the English; that they stopped all our vessels, and took out of them whatever they suspected to be French property; that they had taken all the provisions he had embarked in American vessels for the colonies; that if we were not able to

protect their vessels in our ports, nor their property on the high seas, we ought to permit them to protect it themselves; that they, on the contrary, paid the highest respect to our flag; that, though it was notorious that most of the cargoes sent from America were British property, yet, being in American vessels, or pretended American vessels, they never touched it, and thus had no chance of retaliating on their enemies; that he had been thwarted and opposed in everything he had had to do with the government; that he found himself in so disagreeable a situation, that he sometimes thought of packing up and going away, as he found he could not be useful to his nation in any thing.

He dwelt on the friendly propositions he brought from his nation, on the instructions and dispositions with which he came to do whatever would gratify us; that to such propositions such a return ought not to have been made by the executive, without consulting Congress; and that, on the return of the President, he would certainly press him to convene Congress. He had by this time got into a moderate tone, and I stopped him at the subject of calling Congress, explained our constitution to him, as having divided the functions of government among three different authorities, the executive, legislative, and judiciary, each of which were supreme in all questions belonging to their departments, and independent of the others; that all the questions, which had arisen between him and us, belonged to the executive department, and, if Congress were sitting, could not be carried to them, nor would they take notice of them.

He asked if they were not the sovereign. I told him so, they were sovereign in making laws only, the executive was sovereign in executing them, and the judiciary in construing them where they related to their department. "But," said he, "at least, Congress are bound to see that the treaties are observed." I told him no; there were very few cases indeed arising out of treaties, which they could take notice of; that the President is to see that treaties are observed. "If he decides against the treaty, to whom is a nation to appeal?" I told him the constitution had made the President the last appeal. He made me a bow, and said, that indeed he would not make me his compliments on such a constitution, expressed the utmost astonishment at it, and seemed never before to have had such an idea.

He was now come into perfect good humor and coolness, in which state he may with the greatest freedom be spoken with. I observed to him the impropriety of his conduct in persevering in measures contrary to the will of the government, and that too within its limits, wherein unquestionably they had a right to be obeyed. "But," said he, "I have a right to expound the treaty on our side." "Certainly," said I, "each party has an equal right to expound their treaties. You, as the agent of your nation, have a right to bring forward your exposition, to support it by reasons, to insist on it, to be answered with the reasons for our exposition where it is contrary; and when, after hearing and considering your reasons, the highest authority in the nation has



decided, it is your duty to say you think the decision wrong, that you cannot take upon yourself to admit it, and will represent it to your government to do as they think proper; but in the meantime, you ought to acquiesce in it, and to do nothing within our limits contrary to it."

He was silent as to this, and I thought was sensible it was right. I brought him to the point of the *Little Sarah*, and pressed his detaining of her till the President's return. "Why detain her?" said he. "Because," said I, "she is reported to be armed with guns acquired here." He said the guns were all French property, and surely we did not pretend to control them in the disposal of their own property; that he could name to me the French vessels, from which he had taken every gun. I told him I would be obliged to him for any evidence of that fact, with which he would furnish me, and repeated my request to detain the vessel. He was embarrassed and unwilling. He said he should not be justified in detaining her. I told him it would be considered a very serious offence indeed if she should go away; that the government was determined on that point, and, thinking it was right, would go through with it.

After some hesitation he said he could not make any promise, it would be out of his duty, but that he was very happy in being able to inform me, that the vessel was not in readiness, and therefore could not sail that day. I asked him if I might rely, that she would not be ready to sail before the return of the President. He then spoke of her unreadiness in-

definitely as to time, said she had many things to do yet, and would not be ready for some time, he did not know when. And whenever I tried to fix it to the President's return he gave the same answer, that she would not be ready for some time, but with the look and gesture, which showed he meant I should understand she would not be gone before that time. "But," said he, "she is to change her position and fall down the river to-day; but she will not depart yet." "What," said I, "will she fall down to the lower end of the town?" "I do not exactly know where," said he, "but somewhere there for the convenience of getting ready some things; but let me beseech you not to permit any attempt to put men on board of her. She is filled with high-spirited patriots, and they will unquestionably resist; and there is no occasion, for I tell you she will not be ready to depart for some time."

I told him then I would take it for granted she would not be ready before the President's return, that in the meantime we would have inquiries made into the facts, and would thank him for information on the subject, and that I would take care that the case should be laid before the President the day after his return. He promised to give me a state of facts the next day.

I then returned to the governor, told him what had passed, and that I was satisfied, that, though the vessel was to fall somewhere down the river, she would not sail. He thereupon ordered the militia to be dismissed.

On repeating to him and Mr. Dallas what M. Genet

had said we found it agreed in many particulars with what he had said to Mr. Dallas; but Mr. Dallas mentioned some things which he had not said to me, and particularly his declaration that he would appeal from the President to the people. He did, in some part of his declamation to me, drop the idea of publishing a narrative or statement of transactions; but he did not on that, nor ever did on any other occasion in my presence, use disrespectful expressions of the President. He, from a very early period showed, that he believed there existed here an English party, and ascribed to their misinformations, industry, and manœuvres some of the decisions of the executive. He is not reserved on this subject. He complains of the partiality of the information of the seemployed by government, who never let a single movement of a French vessel pass unnoticed, nor ever inform of an English one arming, or not till it is too late to stop her.

The next day, Monday, I met the secretaries of the treasury and war in the governor's office. They proposed our ordering a battery to be erected on Mud Island immediately, guns to be mounted, to fire on the vessel and even to sink her if she attempted to pass. I refused to concur in the order, for reasons assigned in another paper. The vessel was then at Gloucester Point. Whether any intention of this proposition got out, I do not know, but she very soon after fell down to Chester. On a suggestion, that there were fifteen or twenty Americans on board, we desired Mr. Rawle to take measures to prosecute them.

A recapitulation of questions whereon we have given opinions.<sup>1</sup>

Does the treaty with France leave us free to prohibit her from arming vessels in our ports? Th: J. H. K. & R. unanimous it does.

As the treaty obliges us to prohibit the enemies of France from arming in our ports, & leaves us free to prohibit France, do not the laws of neutrality oblige us to prohibit her. Same persons unan. they do.

How far may a prohibition now declared be retrospective to the vessels armed in Charlestown before the prohibition, to wit the *Citoyen Genet* & *Sans Culottes* & what is to be done with these prizes? Th: J.—It cannot be retrospective at all; they may sell their prizes, & continue to act freely as other armed vessels of France. H. & K.—The prizes ought to be given up to the English, & the privateers suppressed. R.—They are free to sell their prizes & the privateers shd. be ordered away, not to return here till they shall have been to the domns of their own sovereign & thereby purged the illegality of their origin. This last opinion was adopted by the President.

Our citizens who have joined in these hostilities agt nations at peace with the U S. Are they punishable? E. R. gave an official opinion they were. Th: J. H. & K. joined in the opinion. All thought it our duty to have prosecutions instituted against them, that the laws might pronounce on their case. In the 1st. instance two only were prosecuted merely to try

<sup>1</sup> There are two copies, slightly varying, of this paper in the Jefferson MSS. Series 4: I. and III.

the question & to satisfy the complt. of the British min. & because it was thought they might have offended unwittingly. But a subsequent armament of a vessel at New York taking place with full knolege of this prosecution, all the persons engaged in it, citizens & foreigners, were ordd. to be prosecutd.

May the prohibition extend to the means of the party arming, or are they only prohibited from using our means for the annoyance of their enemy. Th: J. of opn they are free to use their own means, *i. e.* to mount their own guns &c. H. & K. of opn they are not to put even their own implements or means into a posture of annoyance. The President has as yet not decided this.

May an armed vessel arriving here be prohibited to employ their own citizens found here, as seamen or mariners? Th: J.—They cannot be prohibited to recruit their own citizens. H. & Knox.—They may & ought to be prohibited. No decision yet by the President.

It appears to me the President wished the *Little Sarah* had been stopped by military coercion, that is by firing on her. Yet I do not believe he would have ordered himself had he been here, tho he would be glad if we had ordered it.

The U S. being a ship building nation may they sell ships prepared for war, to both parties? Th: J.—They may sell such ships in their ports to both parties, or carry them for sale to the domns of both parties. E. R. of opn. they could not sell them here, & that if they attempted to carry them to the domns of the parties for sale, they might be seized by the

way as *contraband*. H. of same opn, except that he did not consider them as seizable for contraband, but as the property of a power, making itself a party in the *war* by an aid of such a nature, & consequently that it would be a breach of neutrality.

H. moves that the govmt of France be desired to recall Mr. Genet. Knox adds & that he be in the meantime suspended from his functions. Th: J. proposes that his correspondence be communicated to his govmt with friendly observns. Presidt silent.<sup>1</sup>

July 15. Th. J. H. & K. met at the President's. Govr. Mifflin had appld to Knox for the loan of 4. cannon to mount at Mud Isld. Informd him he shd station a guard of 35 militia there, & asked what arrangemt for rations the genl. govmt had taken. Knox told him nothing could be done as to rations & he wd. ask the Presidt for the cannon. In the meantime he promd. him to put the cannon on board a boat, ready to send off as soon as permission was obtd. The Presidt. declared his own opn *first* & fully that when the orders were given to the governrs. to stop vessels armg &c in our ports even by military force, he took for granted the govrs. wd use such diligence as to detect those projects in embryo & stop them when no force was requisite or a very small party of militia wd. suffice: that here was a demand from the governr. of Penve. to land 4. cannon under pretext of executing orders of the genl. govmt, that if this was granted we shd. be

<sup>1</sup> This is committed to writing the morning of the 13th of July. *i. e.* the whole page. T. J.

immedly. appld to by every other governor, & that not for one place only, but several, & our cannon wd. be dispersd. all over the U S. that for this reason we hd. refusd. the same request to the govrs. of S. C. Virgi. & R. I. that if they erected batteries, they must establish men for them, & would come on us for this too. He did not think the Executive had a power to establish permanent guards he had never looked to anything permanent when the orders were given to the governors, but only an occasional call on small parties of militia in the moments requirg it. These sentiments were so entirely my own, that I did little more than combat on the same grounds the opns of H. & K. The latter said he would be ready to lend an equal number to every govmt to carry into effect orders of such importance: & H. that he would be ready to lend them in cases where they happened to be as near the place where they were to be mounted.

Hamilton submitted the purchase of a large quantity of salt petre, which would outrun the funds destined to objects of that class by Congress. We were unanimous we ought to venture on it, and to the procuring supplies of military stores in the present circumstances, and take on us the responsibility to Congress, before whom it should be laid. The President was fully of the same opn.

In the above case of the cannon, the President gave no final order while I remained but I saw that he was so impressed with the disagreeableness of taking them out of the boat again, that he would yield. He spoke sharply to Knox for having put

them in that position without consulting him, & declared that, but for that circumstance he would not have hesitated one moment to refuse them.

July 18. 93. At a meetg. at the Presid.'s genl. Knox tells us Govr. Blount (now in town) has informed him that when Mt. florence ws. in France, certn. members of ye execve Council enquired of him what were the disposns of Cumbld. settlemt &c. towds. Spain? Mt. florence. told them unfriendly. They then offd. him a commissn. to embody troops there, to give him a quantity of blank commns to be filled up by him making officers of the republic of France those who shd. command, & undertake to pay the expences. Mt. florence. desired. his name mt. nt. be used. Blount added that Mt. florence. while in France pretendd' to be a great friend to their revoln tho an enemy to it in his heart.

*Eod. die.* Lear calls on me. I told him that Irving, an Irishman, & a writer in the Treasury,<sup>1</sup> who on a former occn hd. given the most decisive proofs of his devotion to his principal, was the author of the pieces signed Veritas: I wished he could get at some of Irving's acquaintances and inform himself of the fact, as the person who told me of it would not permit the name of his informer to be mend. [Note Beckley told me of it, & he had it from Swaine the printer to whom the pieces were delivd.] that I had long before suspected this excessive foul play in that party, of writing themselves in the character of the most exaggerated democrats, &

<sup>1</sup> Cf. with p. 279.



incorporating with it a great deal of abuse on the President to make him believe it was that party who were his enemies, & so throw him entirely into the scale of the monocrats. Lear said he no longer ago than yesterday expressed to the President his suspicions of the artifices of that party to work on him. He mentd. the following fact as a proof of their writing in the character of their adversaries. To wit. the day after the little incident of Richet's toasting "the man of the people" (see the gazettes) Mrs. Washington was at Mrs. Powel's, who mentd. to her that when the toast was given there was a good deal of disapprobation appeared in the audience, & that many put on their hats and went out: on inquiry he had not found the fact true, and yet it was put into ——'s paper, & written under the character of a republican, tho' he is satisfied it is altogether a slander of the monocrats. He mentd. this to the Presidt. but he dd. nt. mentn. to him the followg fact, which he knows, that in N. York the last summer when the parties of Jay and Clinton were running so high, it was an agreed point with the former, that if any circumstances should ever bring it to a question whether to drop Hamilton or the President they had decided to drop the Presidt. He said that lately one of the loudest pretended friends to the govmnt. damned it, & said it was good for nothing that it could not support itself, & it was time to put it down & set up a better, & yet the same person in speakg to the Presidt. puffed of that party as the only friends to the govmnt. He said he really feared that by their artifices & industry they would ag-

gravate the Presidt. so much agt. the Republicans as to separate him from the body of the people. I told him wt the same cabals hd decided to do, if the Presidt. hd refused his assent to the bk bill, also wt. Brockhurst Livingston<sup>r</sup> sd to ———that Hamilton's life was much more precious to the community than the Presid's.

July 21. 93. At Dr. Logan's to-day Genet told us that Colo. Hamilton had never in a single instance addressed a letter to him as the Minister of the *republic of France*, but always as the Minister of France.

July 23. 1793. A meeting at the Pr's of the 3 heads of depmts & E. R.

Genet had told me about a fortnight ago that he had come here with instructions to let all his contracts to the lowest bidder of sufficient ability, that he had been privately admonished however at the same time by some individuals who had been in America that, if he meant to succeed, he must put his contracts into the hands of Rob. Morris &c. who were all-powerful in the government. That he pd little regard to this, and pursuing vigorously the plan of his instns he had failed, as I knew, meeting to every proposition for obtaining money, the decided opposn of the Secy. of the Treasury.—Knowing as I did how decidedly the Sy. of the Tr. hd. been agt. every the smallest *advance* beyond what was actually exigible, & even for a day, I was

<sup>r</sup> Henry Brockholst Livingston.

attentive to him. He continued, that he had now found out that if he would put the contract into the hands of Mr Hamilton's friends he could get money.<sup>1</sup> That he had already been in treaty with Cuninghame & Nesbit, had agreed with them on terms mutually acceptable tho' not as good as in the way pointed out in his instrns, & that Mr. Hamilton had also agreed, tho' it was not yet in writing. I could not help saying "are you sure Colo. H. is agreed. I think it impossible." I am sure says he, and you shall see. Accordingly at this meeting Colo. H. proposes to agree to pay the orders of Mr. Genet to the amount of the instalments of this year that is to day, to note at the treasury those orders as presented, and to say to the persons that such a sum will be pd at the day of the instemt. & he presented a lre ready cut and dry for the purpose. The Presidt. came into it at once, on acct. of the distresses of the refugees from St. Domingo, for whom some of it was to be used. Knox asked no other question than whether it was convent. to the treasury. I agreed to it on my old ground, that I had no objection to an advance. E. R. alone was afraid, & insisted the Secy. of the Try. shd. present a written paper to each holder of a bill letting them see that we would pay for the *govmt of France on such a day* such

<sup>1</sup> "Jefferson, Secretary of State, appeared to me in the beginning better disposed to second our views. He gave me some useful ideas regarding the men in office, and did not conceal from me that Senator Morris and the Secretary of the Treasury Hamilton, attached to the interests of England, exerted the greatest influence on the mind of the President, and it was only with the greatest difficulty that he counteracted their efforts."—*Genet to Minister of Foreign Affairs*, July 31, 1793.

a sum, so that if a counter-revolution shd. take place between this & the day (to wit, some day in Sep. & another in Nov.) in time to be known here, we shd. not be held to pay to the holder but to the new govmt. Hamilt. agreed to arrange this with E. R. which in private he will easily do:

At this meeting (E. R. being called away on business) I proposed an answer to Genet's lre of July 9. on French property taken by the English in American bottoms, which was agreed to in toto.—Also an answer to his letter of June 14. covering protests of consuls about Admiralty courts arresting their prizes. To this it was thought some addns were necessary, & particly. Knox proposed some notice shd. be taken of the expressions towards the Presidt. personally. So it was referred to another day. The Presidt. mentiond. that we must shortly determine what was to be done with Mr. Genet, that in his own opn his whole correspdce shd. be sent to G. Mor' with a temperate but strong representation of his conduct, drawg. a clear line between him & his nation, expressg. our frdship to the latter, but insistg. on the recall of Genet, and in the mean time that we should desire him either to withdraw or cease his functions. Hamilton hereon made a long speech exhorting the Presidt. to firmness, representing that we were now in a crisis whereon the continuance of the govmt or it's overthrow by a faction depended, that we were still in time to give the tone to the public mind by laying the whole proceedings before them, & that this shd. be done in addition to what he had proposed: that as yet the great body of the people cd. be kept on

the right side by proper explanations, but that if we let the incendiaries go on, they would soon have taken side with them.—Knox told some little stories to aggravate the Pr. to wit, that Mr. King had told him, that a lady had told him, that she had heard a gentleman say that the Pr. was as great a tyrant as any of them, & that it would soon be time to chase him out of the city.—That Mr. Stagg lately from N. York had told him that the St. Tammany society now had meetings to the number of 500. persons, & that Consul Hauterive appeared to be very intimate with them.

The President also desired us to reflect on the question of calling Congress.

Hamilton & Knox told the President they had extorted from Beach <sup>1</sup> a confession that Pascal (one of the Secretaries of Genet) sent him the queries inserted in his paper 2 or 3 days ago & to one of which the Visct. Noailles gave the lie in the paper of to-day. He said Talon <sup>2</sup> had never been but twice to his house, which was to public dinners, & that he had dined once with Talon, in a large company.

NOTE GIVEN TO THE PRESIDT. JULY 26, 1793

Mr. Genet's declaration to the President at his reception, that France did not wish to engage the U S in the present war by the clause of guarantee but left her free to pursue her own happiness in peace, has been repeated to myself in conversation, & to others, and even in a public answer, so as to place it beyond question.

<sup>1</sup> Benjamin Franklin Bache, publisher of the *General Advertiser*.

<sup>2</sup> Noailles and Talon were agents from the French royalists.

Some days after the reception of Mr. Genet (which was May 17.) I went to his house on business. The Atty Genl went with me to pay his first visit. After he withdrew, Mr. Genet told me Mr. Ternant had delivered him my letter of May 15. on the 4. memorials of Mr. Hammond: He said something first of the case of the *Grange*, and then of the vessels armed at Charleston. He said that on his arrival there he was surrounded suddenly by Frenchmen full of zeal for their country, pressing for authority to arm with their own means for it's assistance, that they would fit out their own vessels, provide everything, man them, and only ask a commission from him: that he asked the opinion of Govr Moultrie on the subject, who said he knew no law to the contrary, but begged that whatever was to be done, might be done without consulting him, that he must know nothing of it &c. That hereupon he gave commission to the vessels: that he was of opinion that he was justified not only by the opinions at Charleston but by our treaties. I told him the President had taken full advice on the subject, had very maturely considered it, and had come to the decision expressed in my letter. He said he hoped the President had not so absolutely decided it, but that he would hear what was to be said against it. I told him I had no doubt but that the President, out of respect to him & his country, would receive whatever he should have to urge on the subject, and would reconsider it with candour. He said he would make it his business to write me a letter on the subject, that he thought the arming the privateers was justifiable, but that if the President

should finally decide otherwise tho' he could not think it would be right, yet he must submit: for that assuredly his instructions were to do whatever would be agreeable to us. He shewed indeed by his countenance, his manner & words that such an acquiescence would be with reluctance; but I was & am persuaded he then meant it.

Mr. Genet called at my office on Tuesday sennight or fortnight (say July 16 or 9) but I think it was Tuesday sennight, & know it was on a Tuesday because he went from thence to the President's. He was summing up to me the strength of the French naval force now arrived. I took that occasion to observe to him that having such great means in his hands, I thought he ought not to hesitate in abandoning to the orders of the government the little pickeroons which had been armed here unauthorized by them, & which occasioned so much embarrassment & uneasiness, that certainly their good dispositions must be worth more than the trifling services these little vessels could render. He immediately declared that having such a force in his hands he had abandoned every idea of further armament in our ports, that these small objects were now beneath his notice & he had accordingly written to the consuls to stop everything further of that kind: but that as to those which had been fitted out before, their honour would not permit them to give them up, but he wished an oblivion of everything which had passed, and that in future the measure so disagreeable to the government should not be pursued, tho' he thought it clearly justifiable by the treaty. I

told him the government was of a different opinion, that both parties indeed had equal right to construe the treaty, that consequently he had done his duty in remonstrating against our construction, but that since the government remained finally persuaded of the solidity of it's own construction, & had a right to act accordingly within their own limits, it was now his duty as a diplomatic man to state the matter to his government, to ask & await their orders, & in the meantime to acquiesce, & by no means to proceed in opposition within our limits. It was at the same time he informed me that he had sent out the *Little Democrat* July 26 1793 to obtain intelligence of the state of the coast, & whether it was safe for the fleet to proceed round from Norfolk to New York.

July 29. 1793. At a meeting at the President's on acct. of the British letter of marque ship *Fane*, said to have put up waste boards, to have pierced 2 port holes & mounted 2 cannon (which she brought in) on new carriages which she did not bring in, & consequently having 16. instead of 14. guns mounted, it was agreed that a letter of marque, or vessel armé en guerre & en merchandise is not a privateer, & therefore not to be ordered out of our ports. It was agreed by Ham. Kn. & myself that the case of such a vessel does not depend on the treaties, but on the law of nations. E. R. thought as she had a mixed character of merchant vessel & privateer she might be considered under the treaty, but this being over-ruled the following paper was written.



## Rules proposed by Attorney General.

1. That all equipments purely for the accommodation of vessels, as merchantmen, be admitted.
- Agreed.
2. That all equipments, doubtful in their nature, & applicable equally to commerce or war, be admitted, as producig too many minutiaë.
- Agreed.
3. That all equipments, solely adapted to military objects be prohibited.
- Agreed.

## Rules proposed by the Secretary of the Treasury.

1. That the original arming & equipping of vessels for military service offensive or defensive in the ports of the U. S. be considered as prohibited to all.
- Agreed.
2. That vessels which were armed before their coming into our port shall not be permitted to augment these military equipments in the ports of the U. S., but may repair or replace any military equipments which they had when they began their voyage for the U. S., that this however shall be with the exception of privateers of the parties opposed to France, who shall not refit or repair.
- Negatived. the Sec. of the Treasy. only holdg. the opn.
3. That for convenience vessels armed and commissioned before they came into our ports may engage their own citizens, not being inhabitants of the U. S.<sup>1</sup>
- Agreed.

<sup>1</sup> These are the basis of the rules adopted August 3d. Cf. Cabinet opinion of that date, Hamilton's *Works of Hamilton*, iv., p. 457.

I subjoined the following

I concur in the rules proposed by the Atty genl. as far as respects materials or means of annoyance furnished by us, and I should be for an additional rule that as to means or materials brought into this country & belonging to themselves they are free to use them. [Knox agreed to the A. Genl. in toto, consequently, they were establd. by the vote of three. Ham. proposed to put questions on all the proposns separately, & he took the paper and put questions on the 3. of the Atty Genl. which were agreed. He was going on with questions on his own proposns without askg. us distinctly but by a sort of a look & a nod, and noting in the margin. I observed I did not understand that opion, that we had agreed to the Atty Genl., proposns, he said it was to take a question on each distinctly. Knox observed that as we understood these rules to extend only to cases out of the treaty we had better express it. I agreed & proposed to add some such words as these "excepting always where the treaties shall have otherwise provided." Hamilton broke loose at this & pretended it was meant they should go to all cases. All of us bore testimony agt. this & that he himself had shewn that the present case was out of the treaties. He said he would rather specify the exceptions expressly, than leave them on the general terms I proposed; so it was agreed to take till to-morrow to examine the treaties & specify the exceptions if it could be done. While this was passing E. R. took the paper in his hand & read Ham's original notes as above, and seeing that he had written "agreed"

opposite to his own (Ham's) 1st. proposn, he observed to Knox so that I overheard him, that that had not been agreed, which was the truth. To his 3d. proposn we had all agreed in conversn, but it had not been agreed to add it to the rules.—It was pretty evident from Ham's warmth, embarrasmt. eagerness, that he wanted to slip in some thing which might cover cases we had not in contemplation.]<sup>1</sup> A question then arose whether we should expressly say that these articles were meant to extend to cases out of the treaty—it was referred to the next day.

July 30. Met at my office. I proposed to add to the rules a proviso that they should not be understood to contravene, as of right they could not, the provisions of the \_\_\_\_\_ art. of our treaty with France, the \_\_\_\_\_ of that with the U. N. or the \_\_\_\_\_ of that with Prussia. Before Ham. & Kn. came into the room E. R. declared himself for a general reference, or a verbal quotn of the words of the treaties, & against all comments or substitution of new words. When they arrived, Ham. proposed a reference to the articles of the treaty by a description of the cases in shorter terms, which he proposed as equivalent to those of the treaty. E. R. said plumply & without one word of preface that he had been for a general reference to the treaties, but if the special descriptions would give more satisfaction, he would agree to it. So he & Hamilton drew their chairs together and made up the form:

<sup>1</sup> Jefferson struck out the portion here printed in brackets.

but it was agreed to be put off for more mature digestion.

*Th. J.*

Aug. 1. Met at the President's to consider what was to be done with Mr. Genet. All his correspondence with me was read over. The following proposns were made. 1. That a full statement of Mr. Genet's conduct be made in a letter to G. Morris, & be sent with his correspondence, to be communicated to the Exec. Council of France, the letter to be so prepared as to serve for the form of communication to the council. Agreed unan. 2. That in that letter his recall be required. Agreed by all, tho' I expressed a preference of expressing that desire with great delicacy, the others were for peremptory terms. 3. To send him off. This was proposed by Knox, but rejected by every other. 4. To write a letter to Mr. Genet, the same in substance with that written to G. M. and let him know we had applied for his recall. I was against this, because I thot it would render him extremely active in his plans, and endanger confusion. But I was overruled by the other three gent. & the Presidt. 5. That a publication of the whole correspondence, and statement of the proceedgs should be made by way of appeal to the people. Hamilton made a jury speech of  $\frac{3}{4}$  of an hour as inflammatory & declamatory as if he had been speaking to a jury. E. R. opposed it. I chose to leave the contest between them. Adjourned to next day.

Aug 2. Met again. Hamilton spoke again  $\frac{3}{4}$  of

an hour. I answered on these topics. *Object* of the appeal.—The Democratic society—this the great circumstance of alarm; and it wd extd. its connections over the continent, chiefly meant for the local object of the ensuing election of governor. If left alone wd die after that is over. If opposed, if proscribed, wd give it importce & vigor, wd give it a new object, and multitudes wd join it merely to assert the right of voluntary associations. That the measure was calculated to make the Pres. assume the station of the head of a party instead of the head of the nation. *Plan* of the appeal.—To consist of *facts* and the *decisions* of the Pres. As to facts we are agreed. But as to the decisions there has been great differences of opn among us. Sometimes as many opn as persons. This proves there will be ground to attack the decisions. Genet will appeal also, it will become contest between the Pres. & Genet.—Anonymous writers.—Will be same difference of opn in *Public*, as in our Cabinet.—Will be same difference in *Congress*, for it must be laid before them—would therefore work very unpleasantly *at Home*. How would it work *abroad?*—France.—Unkind.—After such proofs of her frdshp, shd rely on that frdshp & her justice. Why appeal to the world? Frdly nations always negotiate little differences in private.—Never appeal to the world, but when they appeal to the sword. Confedcy of Pilnitz was to overthrow the govmt of France. The interference of France to disturb other govmts & excite insurrections was a measure of reprisal. Yet these princes have been able to make it believed to be the system of France.

Col. Ham supposes Mr. Genet's proceedgs here are in pursuance of that system, and we are so to declare it to the world & to add our testimony to this base calumny of the princes. What a triumph to them to be backed by our testimy. What a fatal stroke at the cause of liberty.—*et tu Brute*. We indispose the Fr. govmt, and they will retract their offer of the treaty of commerce. The President manifestly inclined to the appeal to the people.<sup>1</sup> Knox in a foolish incoherent sort of a speech introduced the *Pasquinade* lately printed, called the funeral of George W—n, and James W—n<sup>2</sup>; King & judge &c. where the President was placed on a guillotine. The Presidt was much inflamed, got into one of those passions when he cannot command himself, ran on much on the personal abuse which had been bestowed on him, defied any man on earth to produce one single act of his since he had been in the govmt which was not done on the purest motives, that he had never repented but once the having slipped the moment of resigning his office, & that was every moment since, that *by god* he had rather be in his grave than in his present situation. That he had rather be on his farm than to be made *emperor of the world* and yet that they were charging him with

<sup>1</sup> He said that Mr. Morris, taking a family dinner with him the other day went largely & of his own accord into this subject; advised this appeal and promised if the President adopted it that he would support it himself, & engage for all his connections. The President repeated this twice and with an air of importance. Now Mr. Morris has no family connections. He engaged then for his political friends. This shows that the President has not confidence enough in the virtue & good sense of mankind to confide in a government bottomed on them, and thinks other props necessary. *T. J.*

<sup>2</sup> James Wilson, Associate Justice of the Supreme Court.

wanting to be a king. That that *rascal Freneau* sent him 3 of his papers every day, as if he thought he would become the distributor of his papers, that he could see in this nothing but an impudent design to insult him. He ended in this high tone. There was a pause. Some difficulty in resuming our question—it was however after a little while presented again, & he said there seemed to be no necessity for deciding it now: the proposals before agreed on might be put into a train of execution, & perhaps events would show whether the appeal would be necessary or not. He desired we would meet at my office the next day to consider what should be done with the vessels armed in our ports by Mr. Genet & their prizes.

Aug. 3. We met. The rules being now reduced on one paper I considered them, and not finding any thing against the treaties as far as I could see, they were agreed to & signed by us all.—We proceeded to consider what should be done as to the French privateers arrived in our ports, & their prizes taken since they were ordered away. Randolph recapitulated his old opinion. Hamilton proposed to suppress the privateers by military coercion & deliver the prizes to their owners. I proposed to require from Mr. Genet a delivery of the prizes to their owners, otherwise that, in consequence of the assurances we had given the British Minister, we should be bound to pay for them & must take credit for it with France, and to inform him that we would allow no further asylum in our ports to the sd privateers: [These were the *Citoyen Genet, Sans Culottes, Vain-*

*queur de la Bastille & Petite Democrate.* The two last had been armed subsequent to the prohibition.] My proposn was agreed to with an addition that the governors should be notified that the privateers were no longer permitted to stay in our ports.

The President wrote to take our ops whether Congress should be called. Knox pronounced at once agt it. Randolph was against it. Hamilton said his judgment was against it, but that if any two were for it or against it, he would join them to make a majority. I was for it. We agreed to give separate ops to the Presidt. Knox sd we shd have had fine work if Congress had been sitting these two last months. The fool thus let out the secret. Hamilton endeavored to patch up the indiscretion of this blabber, by saying "he did not know; he rather thought they would have strengthened the Executive arm." It is evident they do not wish to lengthen the session of the *next Congress*, and probably they particularly wish it should not meet till Genet is gone.—At this meeting I received a lre from Mr. Remson at N. Y. informg me of the event of the combat between the *Ambuscade* & the *Boston*. Knox broke out into the most unqualified abuse of Capt. Courtany. Hamilton, with less fury, but with the deepest vexation, loaded him with censures. Both shewed the most unequivocal mortification at the event.

Aug. 6. The President concurs with Ham. & Kn. in notifying Mr. Hammond what we propose to do as to restitution of the prizes made by the *Citoyen Genet* &c. or compensation, because says he if you



notify it to the party to whom it will give displeasure, we should do it to that also which will feel satisfaction from it.

He said he should have been for calling Congress himself, but he found the other gentlemen were against it.

Aug 6. 1793. The President calls on me at my house in the country, and introduces my letter of July 31. announcing that I should resign at the close of the next month. He again expressed his repentance at not having resigned himself, and how much it was increased by seeing that he was to be deserted by those on whose aid he had counted: that he did not know where he should look to find characters to fill up the offices, that mere talents did not suffice for the department of state, but it required a person conversant in foreign affairs, perhaps acquainted with foreign courts, that without this the best talents would be awkward & at a loss. He told me that Colo. Hamilton had 3. or 4. weeks ago written to him, informing him that private as well as public reasons had brought him to the determination to retire, & that he should do it towards the close of the next session. He said he had often before intimated dispositions to resign, but never as decisively before: that he supposed he had fixed on the latter part of next session to give an opportunity to Congress to examine into his conduct; that our going out at times so different increased his difficulty, for if he had both places to fill at one he might consult both the particular talents & geographical situation of our

successors. He expressed great apprehensions at the fermentation which seemed to be working in the mind of the public, that many descriptions of persons, actuated by different causes appeared to be uniting, what it would end in he knew not, a new Congress was to assemble, more numerous, perhaps of a different spirit; the first expressions of their sentiments would be important: if I would only stay to the end of that it would relieve him considerably.

I expressed to him my excessive repugnance to public life, the particular uneasiness of my situation in this place where the laws of society oblige me always to move exactly in the circle which I know to bear me peculiar hatred, that is to say the wealthy aristocrats, the merchants connected closely with England, the new created paper fortunes; that thus surrounded, my words were caught, multiplied, misconstrued, & even fabricated & spread abroad to my injury, that he saw also that there was such an opposition of views between myself & another part of the admn as to render it peculiarly displeasing, and to destroy the necessary harmony. Without knowg the views of what is called the Republican party here, or havg any communication with them, I could undertake to assure him from my intimacy with that party in the late Congress, that there was not a view in the Republican party as spread over the U S. which went to the frame of the government, that I believed the next Congress would attempt nothing material but to render their own body independant, that that party were firm in their dispositions to support the government: that the manœuvres of Mr.

Genet might produce some little embarrassment, but that he would be abandoned by the Republicans the moment they knew the nature of his conduct, and on the whole no crisis existed which threatened anything.

He said he believed the views of the Republican party were perfectly pure, but when men put a machine in to motion it is impossible for them to stop it exactly where they would chuse or to say where it will stop. That the constn we have is an excellent one if we can keep it where it is, that it was indeed supposed there was a party disposed to change it into a monarchical form, but that he could conscientiously declare there was not a man in the U S. who would set his face more decidedly against it than himself. Here I interrupted him by saying "no rational man in the U S. suspects you of any other disposn, but there does not pass a week in which we cannot prove declns dropping from the monarchical party that our governmt is good for nothing, it is a milk & water thing which cannot support itself, we must knock it down & set up something of more energy.— He said if that was the case he thought it a proof of their insanity, for that the republican spirit of the Union was so manifest and so solid that it was astonishg how any one could expect to move them.

He returned to the difficulty of naming my successor, he said Mr. Madison would be his first choice, but that he had always expressed to him such a decision against public office that he could not expect he would undertake it. Mr. Jay would prefer his present office. He sd that Mr. Jay had a great

opinion of the talents of Mr. King, that there was also Mr. Smith of S. Carola: E. Rutledge &c. but he observed that name whom he would some objections would be made, some would be called speculators, some one thing, some another, and he asked me to mention any characters occurrg to me. I asked him if Govr. Johnson of Maryld. had occurred to him? He said he had, that he was a man of great good sense, an honest man, & he believed clear of speculations, but this says he is an instance of what I was observing, with all these qualifications Govr. Johnson, from a want of familiarity with foreign affairs, would be in them like a fish out of water, everything would be new to him, & he awkward in everything. I confessed to him that I had considered Johnson rather as fit for the Treasury department. Yes, says he, for that he would be the fittest appointment that could be made; he is a man acquainted with figures, & having as good a knowledge of the resources of this country as any man. I asked him if Chancr. Livingston had occurred to him? He said yes, but he was from N. York, & to appoint him while Hamilton was in & before it should be known he was going out, would excite a newspaper conflagration, as the ultimate arrangement would not be known. He said McLurg had occurred to him as a man of first rate abilities, but it is said that he is a speculator. He asked me what sort of a man Wolcott was. I told him I knew nothing of him myself; I had heard him characterized as a cunning man. I asked him whether some person could not take my office par interim, till he should make an apptment? as Mr.

Randolph for instance. Yes, says he, but there you would raise the expectation of keeping it, and I do not know that he is fit for it nor what is thought of Mr. Randolph. I avoided noticing the last observation, & he put the question to me directly. I then told him that I went into society so little as to be unable to answer it: I knew that the embarrassments in his private affairs had obliged him to use expedts which had injured him with the merchts & shopkeepers & affected his character of independance; that these embarrassments were serious, & not likely to cease soon. He said if I would only stay in till the end of another quarter (the last of Dec.) it would get us through the difficulties of this year, and he was satisfied that the affairs of Europe would be settled with this campaign; for that either France would be overwhelmed by it, or the confederacy would give up the contest. By that time too Congress will have manifested it's character & view. I told him that I had set my private affairs in motion in a line which had powerfully called for my presence the last spring, & that they had suffered immensely from my not going home; that I had now calculated them to my return in the fall, and to fail in going then would be the loss of another year, & prejudicial beyond measure. I asked him whether he could not name Govr. Johnson to my office, under an express arrangement that at the close of the session he should take that of the treasury. He said that men never chose to descend: that being once in a higher department he would not like to go into a lower one.<sup>1</sup> And he

<sup>1</sup> He asked me whether I could not arrange my affairs by going

concluded by desiring that I would take 2. or 3. days to consider whether I could not stay in till the end of another quarter, for that like a man going to the gallows, he was willing to put it off as long as he could: but if I persisted, he must then look about him & make up his mind to do the best he could: & so he took leave.

Aug. 20. We met at the President's to examine by paragraphs the draught of a letter I had prepared to Gouverneur Morris, on the conduct of Mr. Genet. There was no difference of opinion on any part of it, except on this expression. "An attempt to embroil both, to add still another nation to the enemies of his country, & to draw on both a reproach, which it is hoped will never stain the history of either, that of *liberty warring on herself*." H. moved to strike out these words "that of liberty warring on herself." He urged generally that it would give offence to the combined powers, that it amounted to a declaration that they were warring on liberty, that we were not called on to declare that the cause of France was that of liberty, that he had at first been with them with all his heart, but that he had long since left them, and was not for encouraging the idea here that the cause of France was the cause of liberty in general, or could have either connection or influence in our affairs. Knox accordg to custom jumped plump into all his opinions. The Pr. with a good deal of positiveness declared in favor of the expression, that home. I told him I did not think the public business would admit of it; that there was never a day now in which the absence of the Secretary of state would not be inconvenient to the public.—*T. J.*

he considered the pursuit of France to be that of liberty, however they might sometimes fail of the best means of obtaining it, that he had never at any time entertained a doubt of their ultimate success, if they hung well together, & that as to their dissensions there were such contradictory accts. given that no one could tell what to believe. I observed that it had been supposed among us all along that the present letter might become public; that we had therefore 3. parties to attend to,—1. France, 2. her enemies, 3. the people of the U S. That as to the enemies of France it ought not to offend them, because the passage objected to only spoke of an attempt to make the U S. a *free nation*, war on France, a *free nation*, which would be liberty warring on herself, and therefore a true fact. That as to France, we were taking so harsh a measure (desiring her to recall her minister) that a precedent for it could scarcely be found, that we knew that minister would represent to his government that our Executive was hostile to liberty, leaning to monarchy & would endeavor to parry the charges on himself, by rendering suspicions the source from which they flowed. That therefore it was essential to satisfy France not only of our friendship to her, but our attachment to the general cause of liberty, & to hers in particular. That as to the people of the U S. we knew there were suspicions abroad that the Executive in some of it's parts was tainted with a hankering after monarchy, an indisposition towards liberty & towards the French cause; & that it was important by an explicit declaration to remove these suspicions & restore the confidence of

the people in their govmt. R. opposed the passage on nearly the same ground with H. He added that he thought it had been agreed that this correspondence should contain no expressions which could give offence to either party. I replied that it had been my opinion in the beginng of the correspondence that while we were censuring the conduct of the French minister, we should make the most cordial declarations of friendship to them: that in the first letter or two of the correspondence I had inserted expressions of that kind, but that himself & the other two gentlemen had struck them out; that I thereupon conformed to their opinions in my subseqt. letters, and had carefully avoided the insertion of a single term of friendship to the French nation, and the letters were as dry & husky as if written between the generals of two enemy nations. That on the present occasion how ever it had been agreed that such expressions ought to be inserted in the letter now under considn, & I had accordly charged it pretty well with them. That I had further thought it essential to satisfy the French & our own citizens of the light in which we viewed their cause, and of our fellow feeling for the general cause of liberty, and had ventured only four words on the subject, that there was not from beginning to end of the letter one other expression or word in favor of liberty, & I should think it singular at least if the single passage of that character should be struck out.—The President again spoke. He came into the idea that attention was due to the two parties who had been mentd. France & the U S. That as to the



former, thinking it certain their affairs would issue in a government of some sort, of considerable freedom, it was the only nation with whom our relations could be counted on: that as to the U S. there could be no doubt of their universal attachment to the cause of France, and of the solidity of their republicanism. He declared his strong attachment to the expression, but finally left it to us to accommodate. It was struck out, of course, and the expressions of affection in the context were a good deal taken down.

Aug. 23. 93. In consequence of my note of yesterday to the Presidt. a meeting was called this day at his house to determine what should be done with the proposn of France to treat. The importance of the matter was admitted, and being of so old a date as May 22d. we might be accused of neglecting the interests of the U S. to have left it so long unanswered, & it could not be doubted Mr. Genet would avail himself of this inattention. The Presidt. declared it had not been inattention, that it had been the subject of conversation often at our meetings, and the delay had proceeded from the difficulty of the thing. If the struggles of France should end in the old despotism the formation of such a treaty with the present governmt. would be a matter of offence: if it should end in any kind of free governmt. he should be very unwilling by inattention to their advances to give offence & lose the opportunity of procuring terms so advantageous to our country. He was therefore for writing to Mr. Morris to get the powers of Mr. Genet renewed to his successor. [As he had ex-

pressed this opn to me the afternoon before I had prepared the draught of a letter accordly.] But how to explain the delay? The Secy. of the Treasury observed on the letter of the Natl. Convention, that as it did not seem to require an answer, and the matters it contained would occasion embarrassmt. if ansd he should be agt answering it. That he shd. be for writing to Mr. Morris mentioning our readiness to treat with them & suggesting a renewal of Mr. Genet's powers to his successor, but not in as strong terms as I had done in my draft of the letter, not as a thing anxiously wished for by us, lest it should suggest to them the asking a price; & he was for my writing to Mr. Genet *now* an answer to his letter of May 22. referring to the meeting of the Senate the enterg on the treaty. Knox concurred with him. The Attorney Genl. also, except that he was against suggesting the renewal of Mr. Genet's powers, because that would amount to a declaration that we would treat with that government, would commit us to lay the subject before the Senate, & his principle had ever been to do no act, not unavoidably necessary, which in the event of a counter revolution might offend the future governing powers of that country;—I stated to them that having observed from our conversns that the proposns to treat might not be acceded to immedty. I had endeavored to prepare Mr. Genet for it by taking occasion in conversns to apprize him of the controul over treaties which our consn had given to the Senate, that tho' this was indirectly done (because not having been authorized to say anything official on the subject, I did not

venture to commit myself directly) yet on some subsequent conversn, I found it had struck him exactly as I had wished, for speaking on some other matter, he mentd. incidentally his propositions to treat, and said 'however as I know now that you cannot take up that subject till the meeting of the Senate, I shall say no more about it now,' and so proceeded with his other subject, which I do not now recollect. I said I thought it possible by recalling the substance of these conversations to Mr. Genet in a letter to be written now I might add that the Executive had at length come to a conclusion that on acct. of the importce of the matter, they would await the meeting of the Senate. But I pressed strongly the urging Mr. Morris to procure a renewal of Genet's powers that we might not lose the chance of obtaing so advantageous a treaty. E. R. had argued agt. our acceding to it because it was too advantageous, so much so that they would certainly break it, & it might become the cause of war. I answd that it would be easy in the course of the negociations to cure it of it's inequality by giving some compensation: but I had no fear of their revoking it, that the islanders themselves were too much interested in the concessions ever to suffer them to be revoked, that the best thinkers in France had long been of opn that it would be for the intt. of the mother country to let the colonies obtain subsistence wherever they could cheapest, that I was confident the present struggles in France would end in a free govmnt of some sort, & that such a govmnt would consider itself as growing out of the present one & respect it's treaties. The

Presidt, recurred to the awkwardness of writing a letter now to Mr. Genet in answer to his of May 22. That it would certainly be construed as merely done with a design of exculpation of ourselves, & he would thence inculpate us. The more we reflected on this the more the justice of this observon struck us. H. & myself came into it. Knox still for the letter. R. half for it, half against it, according to custom. It was at length agreed I should state the substance of my verbal observns to Mr. Genet, in a letter to Mr. Morris, and let them be considered as the answer intended, for being from the Secy. of state they might be consid. as official tho' not in writing.

It is evident that taking this ground for their future justification to France & to the U S. they were sensible they had censurably neglected these overtures of treaty. For not only what I had said to Mr. Genet was without authority for them, but was never communicated to them till this day. To rest the justification of delay on answers given it is true in time, but of which they had no knolege till now, is an ostensible justification only.

Sep. 4. 1793. At a meeting held some days ago, some lres from the Govr. of Georgia,<sup>1</sup> were read, with a consultation of officers, & a considble expedn agt the Creeks was proposed.<sup>2</sup> We were all of opon no such expedn. should be undertaken. My reasons were that such a war mt. bring on a Span. and even an English war that for this reason the aggressions

<sup>1</sup> Edward Telfair.

<sup>2</sup> Printed in *American State Papers*, Indian Affairs, ii., 370.  
VOL. I.—21.

of the Creeks had been laid before the last Congress & they had not chosen to declare war, that therefore the Executive shd. not take on itself to do it, and that accdg to the opns of Pickens & Blount it was too late in the season.

I thought however that a temperate and conciliatory lre should be written to the govr. in order that we might retain the disposn of the people of the state to assist in an expedn when undertaken. The other gentlemen thought a strong letter of disapprobation shd. be written. Such a one was this day produced, strong & reprehendatory enough, in which I thought were visible the personal enmities of Kn. & Ham. agt. Telfair, Gun & Jackson, the two last having been of the council of officers. The letter passed without objection, being of the complexion before determd.

Wayne's letter was read, porposg that 600. militia should set out from Fort Pitt to attack certain Miami towns, while he marched agt. the principal towns. The Presidt. disapproved it because of the difficulty of concerted movements at 600. miles distance, because these 600. men might & probably would have the whole force of the Indns. to contend with, & because the object was not worth the risking such a number of men. We all concurred. It appeared to me further that to begin an expedn now from Fort Pitt, the very 1st. order for which is to be given now when we have reason to believe Wayne advanced as far as Fort Jefferson would be either too late for his movements or would retard them very injuriously.—*Note.* The letters from the Com-

mrs. were now read, announcing the refusal of the Indns. to treat unless the Ohio were made the boundary & that they were on their return.

A lre from Govr. Clinton read, informg of his issuing a warrant to arrest Govr. Galbaud,<sup>1</sup> at the request of the French Consul, & that he was led to interfere because the judge of the district lived at Albany. It was proposed to write to the judge of the district that the place of his residence was not adapted to his duties, & to Clinton that Galbaud was not liable to arrest. Ham. said that by the laws of N. Y. the Govr. has the powers of a justice of peace, & had issued the warrant as such. I was against writing lres to judiciary officers. I thought them independt. of the Executive, not subject to its coercion, & therefore not obliged to attend to its admonitions. The other three were for writing the lres. They thot it the duty of the President to see that the laws were exd, & if he found a failure in so important an officer, to communicate it to the legislature for impeachmt. E. R. undertook to write the lres & I am to sign them as if mine.

The Presidt. brot forward the subject of the posts, and thought a new demand of answer should be made to Mr. Hammond. As we had not Mr. Hammond's last answer (of June 20.) on that subject, agreed to let it lie over to Monday.

Ham. proposed that on Monday we shd. take into consideration the fortification of the rivers & ports of the U S. and that tho' the Exec. cd. not undertake

<sup>1</sup> A refugee from the revolution in St. Domingo, who was antagonized by Genet, and eventually fled to Canada.

to do it, preparatory surveys shd be made to be laid before Congr.—to be consid. on Monday.

The lres to Genet coverg a copy of mine to Gov. Mor. [of ——] to the Fr. consuls threateng the revocn of their Exequaturs to Mr. Pinckney on the addnl instrns of Gr. Br. to their navy for shipping our corn, flour, &c. & to Govr. Mor. on the similar ord. of the French Natl. assembly, are to be ready for Monday.

My lre to Mr. Hammond in ansr. to his of Aug. 30. was read & approved. Ham. wished not to narrow the ground of compensation so much as to cases after Aug. 7. Knox joined him, and by several observns showed he did not know what the question was. He could not comprehend that the lre of Aug. 7. which promised compensn (because we had not used all the means in our power for restr) would not be contradicted by a refusal to compensate in cases after Aug. 7. where we should naturally use all the means in our power for restr, & these means should be insufficient. The letter was agreed to on R.'s opon & mine, Ham. acquiescing, Knox opposing.

Nov. 8. 93. At a conference at the President's where I read several letters of Mr. Genet, on finishing one of them, I asked what should be the answer? The Presidt thereupon took occasion to observe that Mr. Genet's conduct contind to be of so extraordy. a nature that he meant to propose to our serious considn Whether he should not have his functions discontd & be ordd. away? He went lengthily into observns on his conduct, to raise against the Execu-

tive 1. the people, 2. the state govmts, 3. the Congress. He showed he felt the venom of Genet's pen, but declared he would not chuse his insolence should be regarded any further than as might be thought to affect the honor of the country. Hamilton & Knox readily & zealously argued for dismissing Mr. Genet. Randolph opposed it with firmness, & pretty lengthily. The Presidt. replied to him lengthily, & concluded by saying he did not wish to have the thing hastily decided but that we should consider of it, and give our opinions on his return from Reading & Lancaster. Accdly Nov. 18. we met at his house. Reed new volumes of Genet's lres recd. since the President's departure, then took up the discussion of the subjects of communic to Congress. 1. The Proclmn. E. R. read the statemt he had prepared. Hamilton did not like it, said much about his own views, that the Presidt. had a right to declare his opn to our citizens & foreign nations. That it was not the interest of this country to join in the war & that we were under no oblign to join in it, that tho' the declr would not legally bind Congress, yet the Presidt. had a right to give his opn of it, & he was agt. any expln in the speech which should yield. That he did not intend that foreign nations shd consider it as a decln of neutrality future as well as present, that he understood it as meant to give them that sort of assurance & satisfaction, & to say otherwise now would be a deception on them. He was for the Pres's using such expressions as should neither affirm his right to make such a decln to foreign nations, nor yield it. R. & myself opposed the right



of the Presidt. to declare anything future on the qu. shall there or shall there not be war? & that no such thing was intended; that H.'s constrn of the effect of the proclmn would have been a deterrn of the question of the *guarantee* which we both denied to have intended, & I had at the time declared the Executive incompetent to. R. said he meant that forn natns. should understand it as an intimation of the Pr.'s opn that neutrality would be our interest. I declared my meaning to have been that forn nations should understand no such thing, that on the contrary I would have chosen them to be doubtful & to come & bid for our neutrality. I admitted the Presidt. havg. recd. the natn. at the close of Congr. in a state of peace, was bound to preserve them in that state till Congr. shd. meet again, & might proclaim anything which went no farther. The Pres. decld. he nevr. had an idea that he could bind Congress agt. declaring war, or that anything containd. in his proclmn could look beyd. the first day of their meeting. His main view was to keep our people in peace, he apologized for the use of the term neutrality in his answers, & justifd. it by having submitted the first of them (that to the merchts wherein it was used) to our considn, & we had not objected to the term. He concluded in the end that Colo. H. should prepare a paragraph on this subject for the speech, & it should then be considered.<sup>1</sup> We were here called to dinner.

After dinner the *renvoi* of Genet was proposed by himself. I opposed it on these topics. France the

<sup>1</sup> See Hamilton's *Works of Hamilton*, iv., 486.

only nation on earth sincerely our friend.—The measure so harsh a one that no precedt. is produc'd. where it has not been followed by war. Our messenger has now been gone 84. days, conseqly. we may hourly expect the return & to be relieved by their revocation of him. Were it now resolved on, it would be 8. or 10. days before the matter on which the order shd. be founded could be selected, arranged, discussed, & forwarded. This wd. bring us within 4 or 5. days of the meeting of Congress. Wd. it not be better to wait & see how the pulse of that body, new as it is, would beat. They are with us now, probably but such a step as this may carry many over to Genet's side. Genet will not obey the order, &c., &c. The Presidt. asked me what I would do if Genet sent the accusn to us to be communicd. to Congr. as he threatd. in the lre to Moultrie? I sd. I wd. not send it to Congr., but eithr. put it in the newsp. or send it back to him to be publ. if he pleased. Other questions & answers were put & returned in a quicker altercation than I ever before saw the President use. Hamilton was for the *renvoi*. Spoke much of the dignity of the nation, that they were now to form their character, that our conduct now would tempt or deter other forn. min. from treatg us in the same manner, touched on the Pr's personal feelings— did not believe Fr. wd. make it a cause of war, if she did we ought to do what was right & meet the consequences &c. Knox on the same side, & said he thot it very possible Mr. Genet would either declare us a departmt. of France, or levy troops here & endeavor to reduce us to obedce. R.

of my opn, & argued chiefly on the resurrection of popularity to Genet which might be prodd. by this measure. That at present he was dead in the public opn if we would but leave him so. The Presidt. lamented there was not unanimity among us; that as it was we had left him exactly where we found him. & so it ended.

Nov. 15. 1793. E. R. tells me, that Ham. in conversn with him yesterday said "Sir, if all the people in America were now assembled, & to call on me to say whether I am a friend to the French revolution, I would declare that *I have it in abhorrence.*"

Nov. 21. We met at the President's. The manner of explaining to Congress the intentions of the Proclmn was the matter of debate. E. R. produced his way of stating it. This expressed it's views to have been 1. to keep our citizens quiet. 2. to intimate to foreign nations that it was the Pr's opn that the interests & disposns of this country were for peace. Hamilton produced his statement in which he declared his intention to be to say nothing which could be laid hold of for any purpose, to leave the proclamation to explain itself. He entered pretty fully into all the argumentation of Pacificus, he justified the right of the Presidt to declare his opinion for a *future neutrality*, & that there existed no circumstances to oblige the U. S. to enter into the war on account of the guarantee, and that in agreeing to the proclmn he meant it to be understood as conveying both those declarations, viz, neutrality, & that

the *casus fœderis* on the guarantee did not exist. Notwithstanding these declns of the Presidt. he admitted the Congress might declare war. In like manner they might declare war in the face of a treaty, & in direct infraction of it. Among other positions laid down by him, this was with great positiveness, that the constn having given power to the Presidt. & Senate to make treaties, they might make a treaty of neutrality which should take from Congress the right to declare war in that particular case, and that under the form of a treaty they might exercise any powers whatever, even those exclusively given by the constn to the H. of representatives. R. opposed this position, & seemed to think that where they undertook to do acts by treaty (as to settle a tariff of duties) which were exclusively given to the legislature, that an act of the legislature would be necessary to confirm them, as happens in England when a treaty interferes with duties establd by law.—I insisted that in givg to the Prest. & Senate a power to make treaties, the constn meant only to authorize them to carry into effect by way of treaty any powers they might constitutionally exercise. I was sensible of the weak points in this position, but there were still weaker in the other hypotheses, and if it be impossible to discover a rational measure of authority to have been given by this clause, I would rather suppose that the cases which my hypothesis would leave unprovided, were not thought of by the Convention, or if thought of, could not be agreed on, or were thought on and deemed unnecessary to be invested in the government. Of this last description

#7

were treaties of neutrality, treaties of offensive & defensive &c. In every event I would rather construe so narrowly as to oblige the nation to amend and thus declare what powers they would agree to yield, than too broadly & indeed so broadly as to enable the Executive and Senate to do things which the constn forbids. On the question Which form of explaining the principles of the proclmn should be adopted? I declared for R.'s, tho' it gave to that instrumt. more objects than I had contemplated. K declared for H's. The Presidt. said he had had but one object, the keeping our people quiet till Congress should meet, that nevertheless to declare he did not mean a decln of neutrality in the technical sense of the phrase might perhaps be crying *peccavi* before he was charged. However he did not decide between the two draughts.

Nov. 23. At the President's. Present K. R. & Th: J. Subject, the heads of the speech. One was, a proposition to Congress to fortify the principal harbors. I opposed the expediency of the general government's undertaking it, & the expediency of the President's proposing it. It was amended by substituting a proposition to adopt means for enforcg respect to the jurisdn of the U S. within its waters. It was proposed to recommend the establishmt of a military academy. I objected that none of the specified powers given by the constn to Congress would authorize this. It was therefore referred for further considn & inquiry. K. was for both propositions. R. agt. the former, but said nothing

as to the latter. The Presidt. acknold. he had doubted of the expediency of undertaking the former, and as to the latter, tho' it would be a good thing, he did not wish to bring on anything which might generate heat & ill humor. It was agreed that Rand. should draw the speech & the messages.

Nov. 28. We met at the President's.

I read over a list of the papers copying, to be communicated to Congress on the subject of Mr. Genet. It was agreed that Genet's lre of Aug. 13. to the President, mine of Aug. 16. and Genet's of Nov. to myself & the atty genl. desiring a prosecution of Jay & King<sup>1</sup> should not be sent to the legislature: on a general opn that the discussion of the fact certified by Jay & King had better be left to the channel of the newspapers, & in the private hands in which it now is than for the Presidt. to meddle in it, or give room to a discussion of it in Congress.

E. R. had prepared a draught of the speech. The clause recommending fortifications was left out, but that for a military academy was inserted. I opposed it, as unauthorized by the consttn. H. & K. approved it without discussion. E. R. was for it, saying that the words of the constn authorizing Congress to lay taxes &c. *for the common defence*, might comprehend it. The President said he would not chuse to recommend anything against the constn,

<sup>1</sup> Jay and King had united in a published statement that Genet had threatened to appeal to the people of the U. S. against the action of the executive. Genet denied this in the newspapers, and wrote to the Attorney-General requesting him to prosecute them, which the latter declined to do.

but if it was *doubtful*, he was so impressed with the necessity of this measure, that he would refer it to Congress, & let them decide for themselves whether the constn authorized it or not. It was therefore left in. I was happy to see that R. had, by accident, used the expression "our republic" in the speech. The President however made no objection to it, and so as much as it had disconcerted him on a former occasion with me, it was now put into his own mouth to be pronounced to the two houses of legislature.

No material alterations were proposed or made in any part of the draught.

After dinner, I produced the draught of messages on the subject of France & England, proposing that that relative to Spain should be subsequent & secret.

H. objected to the draught *in toto*. Said that the contrast drawn between the conduct of France & England amounted to a decln of war. He denied that Fr. had ever done us favors, that it was mean for a nation to acknowledge favors, that the dispositions of the people of this country towards France he considered as a serious calamity, that the Executive ought not by an echo of this language to nourish that disposn in the people. That the offers in commerce made us by France were the offspring of the moment, of circumstances which wd. not last, & it was wrong to receive as permanent, things merely temporary. That he could demonstrate that Gr. Br. shewed us more favors than France. In complaisance to him I whittled down the expressions without opposition, struck out that of "favors antient &

recent'' from France, softened some terms & omitted some sentiments respecting Gr. Br. He still was against the whole, but insisted that at any rate it should be a secret communication, because the matters it stated were still depending. These were 1. the inexecution of the treaty, 2. the restraining our corn commerce to their own ports & those of their friends. Knox joined Hamilton in everything. Randolph was for the communications, that the documents respecting the 1st, should be given in as public, but that those respecting the 2d. should not be given to the legislature at all but kept secret. I began to tremble now for the whole, lest all should be kept secret. I urged especially the duty now incumbent on the Presidt. to lay before the legislature & the public what had passed on the inexecution of the treaty, since Mr. Hammond's answer of this month might be considered as the last we should ever have; that therefore it could no longer be considered as a negotiation pending. I urged that the documents respecting the stopping our corn ought also to go, but insisted that if it should be thot better to withhold them, the restriction should not go to those respecting the treaty: that neither of these subjects was more in a state of *pendency* than the recall of Mr. Genet, on which nevertheless no scruples had been expressed. The Presidt. took up the subject with more vehemence than I have seen him shew, and decided without reserve that not only what had passed on the inexecution of the treaty should go in as public (in which H. & K. had divided in opinion from R. & myself) but also that those respecting the



stopping our corn should go in as public (wherein H. K. & Randolph had been against me) This was the first instance I had seen of his deciding on the opn of one against that of three others, which proved his own to have been very strong.

Dec. 1. 93. Beckly tells me he had the following fact from Lear. Langdon, Cabot, & some others of the Senate, standing in a knot before the fire after the Senate had adjourned, & growling together about some measure which they had just lost, "Ah! said Cabot, things will never go right till you have a President for life and an hereditary Senate." Langdon told this to Lear, who mentioned it to the President. The Presidt. seemed struck with it & declared he had not supposed there was a man in the U S. who could have entertained such an idea.<sup>1</sup>

March the 2d, 1797. I arrived at Philadelphia to qualify as Vice-President, and called instantly on Mr. Adams, who lodged at Francis's, in Fourth street. The next morning he returned my visit at Mr. Madison's, where I lodged. He found me alone in my room, and shutting the door himself, he said he was glad to find me alone, for that he wished a free conversation with me. He entered immediately on an explanation of the situation of our affairs with France, and the danger of rupture with that nation, a rupture which would convulse the attachments of this country; that he was impressed

<sup>1</sup> Jefferson retired from the Cabinet January 1, 1794, and remained in retirement at Monticello till elected Vice-President in 1797.

with the necessity of an immediate mission to the Directory; that it would have been the first wish of his heart to have got me to go there, but that he supposed it was out of the question, as it did not seem justifiable for him to send away the person destined to take his place in case of accident to himself, nor decent to remove from competition one who was a rival in the public favor. That he had, therefore, concluded to send a mission, which, by its dignity, should satisfy France, and by its selection from the three great divisions of the continent, should satisfy all parts of the United States; in short, that he had determined to join Gerry and Madison to Pinckney, and he wished me to consult Mr. Madison for him. I told him that as to myself, I concurred in the opinion of the impropriety of my leaving the post assigned me, and that my inclinations, moreover, would never permit me to cross the Atlantic again; that I would, as he desired, consult Mr. Madison, but I feared it was desperate, as he had refused that mission on my leaving it, in General Washington's time, though it was kept open a twelvemonth for him. He said that if Mr. Madison should refuse, he would still appoint him, and leave the responsibility on him. I consulted Mr. Madison, who declined as I expected. I think it was on Monday the 6th of March, Mr. Adams and myself met at dinner at General Washington's, and we happened, in the evening, to rise from table and come away together. As soon as we got into the street, I told him the event of my negotiation with Mr. Madison. He immediately said, that, on consultation, some objections to that

nomination had been raised which he had not contemplated; and was going on with excuses which evidently embarrassed him, when we came to Fifth street, where our road separated, his being down Market street, mine off along Fifth, and we took leave; and he never after that said one word to me on the subject, or ever consulted me as to any measures of the government. The opinion I formed at the time on this transaction, was, that Mr. Adams, in the first moments of the enthusiasm of the occasion, (his inauguration,) forgot party sentiments, and as he never acted on any system, but was always governed by the feeling of the moment, he thought, for a moment, to steer impartially between the parties; that Monday, the 6th of March, being the first time he had met his cabinet, on expressing ideas of this kind, he had been at once diverted from them, and returned to his former party views.

July, 1797. Murray is rewarded for his services by an appointment to Amsterdam; W. Smith of Charleston, to Lisbon.

August the 24th. About the time of the British treaty, Hamilton and Talleyrand, bishop of Autun, dined together, and Hamilton drank freely. Conversing on the treaty, Talleyrand says, "mais vraiment, Monsieur Hamilton, ce n'est pas *bien honnete*, after making the Senate ratify the treaty, to advise the President to reject it." "The treaty," says Hamilton, "is an execrable one, and Jay was an old woman for making it; but the whole credit of saving

us from it must be given to the President." After circumstances had led to a conclusion that the President also must ratify it, he said to the same Talleyrand, "though the treaty is a most execrable one, yet when once we have come to a determination on it, we must carry it through thick and thin, right or wrong." Talleyrand told this to Volney, who told it to me.

There is a letter now appearing in the papers, from Pickering to Monroe, dated July the 24th, 1797, which I am satisfied is written by Hamilton. He was in Philadelphia at that time.

Oct. 13. 97. Littlepage, who has been on one or two missions from Poland to Spain, told that when Gardoqui returned from America, he settled with his court an account of secret service money of 600,000 dollars. Ex relatione Colo. Munroe.

1797. Dec. 26. Langdon tells me that at the 2d election of Pr. & V. P. of U S. when there was a considerable vote given to Clinton in opposn to Mr. Adams, he took occasion to remark it in conversn in the Senate chamber with Mr. A. who gritting his teeth said "Damn 'em Damn 'em Damn 'em you see that an elective govmt will not do." He also tells me that Mr. A. in a late conversn said "Republicanism must be disgraced, Sir." The Chevr. Yruho <sup>1</sup> called on him at Braintree, and conversing on French affairs, and Yruho expressing his belief of their stability, in opposn to Mr. Adams's, the latter lifting up &

<sup>1</sup> Yrujo, the Spanish Minister.

shaking his finger at him said "I 'll tell you what, the French republic will not last 3. months." This I had from Yruho.

Harper lately in a large company was saying that the best thing the friends of the French could do was to pray for the restoration of their monarch. Then says a bystander "the best thing we could do I suppose would be to pray for the establishmt of a monarch in the U S." "Our people says Harper are not yet ripe for it, but it is the best thing we can come to & we shall come to it." Something like this was said in presence of Findlay.<sup>1</sup>

27. Tenche Coxe tells me that a little before Hamilton went out of office, or just as he was going out, taking with him his last conversn, and among other things, on the subject of their differences, "for my part, says he, I avow myself a Monarchist; I have no objection to a trial being made of this thing of a republic, but &c.

1798. Jan. 5. I receive a very remarkable fact indeed in our history from Baldwin & Skinner. Before the establishment of our present government a very extensive combination had taken place in N. York & the Eastern states among that description of people who were partly monarchical in principle or frightened with Shay's rebellion & the impotence of the old Congress. Delegates in different places had actually had consultations on the subject of seizing on the powers of a government & establishing them

<sup>1</sup> 1798. Mar. He now denies it in the public papers tho it can be proved by several members.—T. J.

by force, had corresponded with one another, and had sent a deputy to Genl. Washington to solicit his co-operation. He calculated too well to join them. The new Convention was in the meantime proposed by Virginia & appointed. These people believed it impossible the states should ever agree on a government, as this must include the impost and all the other powers which the states had a thousand times refused to the general authority. They therefore let the proposed convention go on, not doubting its failure, & confiding that on its failure would be a still more favorable moment for their enterprise. They therefore wished it to fail, & especially when Hamilton their leader brought forward his plan of govmt, failed entirely in carrying it & retired in disgust from the Convention. His associates then took every method to prevent any form of govmt being agreed to. But the well intentioned never ceased trying first one thing then another till they could get something agreed to. The final passage & adoption of the constitution completely defeated the views of the combination, and saved us from an attempt to establish a govmt over us by force. This fact throws a blaze of light on the conduct of several members from N. Y. & the Eastern states in the Convention of Annapolis & the grand convention. At that of Annapolis several Eastern members most vehemently opposed Madison's proposition for a more general convention with more general powers. They wished things to get more & more into confusion to justify the violent measure they proposed. The idea of establishing a govmt by reasoning &

agreemnt they publicly ridiculed as an Utopian project, visionary & unexampld.

One of the Secretaries [says?] that a resolution was formed to give no office to any person who did not approve of the proceedings of the Executive, and that it was determined to recall Monroe whose conduct was not consonant with the views of the Executive. Davy said they expressed very hostile dispositions towards France, and he wished Logan to apprise Adet of it, who he observed was a good kind of man, ought to know it, & to put his government on their guard.

Feb. 6. Mr. Baldwin tells me that in a conversn yesterday with Goodhue, on the state of our affairs, Goodhue said "I 'll tell you what, I have made up my mind on this subject; I would rather the old ship should go down than not;" (meaning the union of the states.) Mr. Hillhouse coming up, well says Mr. Baldwin I 'll tell my old friend Hillhouse what you say," & he told him "well, says Goodhue I repeat that I would rather the old ship should go down, if we are to be always kept pumping so." "Mr. Hillhouse, says Baldwin, you remember when we were learning logic together at school, there was the case *categorical* & the case *hypothetical*. Mr. Goodhue stated it to me first as the case *categorical*. I am glad to see that he now changes it to the case *hypothetical*, by adding 'if we are always to be kept pumping so.' Baldwin went on then to remind Goodhue what an advocate he had been for our tonnage duty (wanting to make it 1 Doll. instead of

50. cents,) and how impatiently he bore the delays of Congress in proceeding to retaliate on Gr. Br. before Mr. Madison's proposns came on; Goodhue acknowledged that his opinions had changed since that.

Feb. 15. 98. I dined this day with Mr. Adams, (the Presidt.) The company was large. After dinner I was sitting next to him, & our conversn was first on the enormous price of labor,<sup>1</sup> house rent, & other things. We both concurred in ascribing it chiefly to the floods of bank paper now afloat, and in condemning those institns. We then got on the constittn & in the course of our conversn he said, that no republic could ever last which had not a Senate, & a Senate deeply & strongly rooted, strong enough to bear up against all popular storms & passions. That he thought our Senate as well constituted as it could have been, being chosen by the legislatures, for if these could not support them he did not know That could do it, that perhaps it might have been as well for them to be chosen by the state at large, as that would insure a choice of distinguished men, since none but such could be known to a whole people; that the only fault in our Senate was that it was not durable enough, that hitherto it had behaved very well, however he was afraid they would give way in the end. That as to trusting to a popular assembly for the preservn of our liberties it was the merest chimera imaginable, they never had any rule of

<sup>1</sup> He observed, that 8. or 10. years ago he gave only 50 D. to a common labourer for his farm, finding him food & lodging. Now he gives 150 D. and even 200 D. to one.—*T. J.*



decision but their own will, that he would 'as lieve be again in the hands of our old committees of safety who made the law & executed it at the same time, that it had been observed by some writer (I forget whom he named) that anarchy did more mischief in one night than tyranny in an age, and that in modern times we might say with truth that in France, anarchy had done more harm in one night than all the despotism of their kings had ever done in 20. or 30. years'. The point in which he views our Senate, as the Colossus of the constitn serves as a key to the politics of the Senate, who are two thirds of them in his sentiments, and accounts for the bold line of conduct they pursue.

Mar. 1. Mr. Tazewell tells me that when the appropriations for the British treaty were on the carpet and very uncertain in the lower house, there being at that time a number of bills in the hands of Commees of the Senate, none reported, & the Senate idle for want of them, he, in his place, called on the commees to report, and particularly on Mr. King, who was of most of them. King said that it was true the commes kept back their reports waiting the event of the question about appropriation: that if that was not carried, they considered legislation as at an end, that they might as well break up & consider the Union as dissolved. Tazewell expressed his astonmt at these ideas & called on King to know if he had misapprehended him. King rose again & repeated the same words. The next day Cabot took an occasion in debate, & so awkward a one as to shew

it was a thing agreed to be done, to repeat the same sentiments in stronger terms, and carried further by declaring a determination on their side to break up and dissolve the govmt.

Mar. 11. In conversn with Baldwin & Brown of Kentucky, Brown says that in a private company once consisting of Hamilton, King, Madison, himself & some one else making a fifth, speaking of the "*federal government*" "Oh! says Hamilton "say the *federal monarchy*; let us call things by their right names, for a monarchy it is."

Baldwin mentions at table the following fact. When the bank bill was under discussion in the H. of R. judge Wilson came in, & was standing by Baldwin. Baldwin reminded him of the following fact which passed in the grand convention. Among the enumerated powers given to Congress was one to erect corpsns. It was on debate struck out. Several particular powers were then proposed. Among others Rob. Morris proposed to give Congress a power to establish a National bank. Gouvernr. Morris opposed it, observing that it was extremely doubtful whether the constn they were framing could ever be passed at all by the people of America, that to give it its best chance however, they should make it as palatable as possible, & put nothing into it not very essential which might raise up enemies. That his colleague (Rob. Morris) well knew that "a bank" was in their state (Pensve) the very watch word of party. That a *bank* had been the great bone of contention between the two parties of the state

from the establmt of their constn, having been erected, put down & erected again as either party preponderated; that therefore to insert this power, would instantly enlist against the whole instrument the whole of the anti-bank party in Pensve, whereupon it was rejected, as was every other special power except that of giving copy-rights to authors & patents to inventors. the general power of incorporating being whittled down to this shred. Wilson agreed to the fact.

Mr. Hunter of S. Carola who lodges with Rutledge tells me that Rutledge (J. Rutledge junr.) was explaining to him the plan they proposed to pursue as to war measures when Otis came in. Rutledge addressed Otis. Now sir says he you must come forward with something liberal for the Southern states, fortify their harbours & build gallies, in order to obtain their concurrence. Otis said we insist on convoys for our European trade, & *guarda costas*, on which condn alone we will give them gallies & fortificns. Rutledge observed that in the event of war McHenry & Pickering must go out, Wolcott he thought might remain, but the others were incapable of conducting a war. Otis said the Eastern people would never abandon Pickering, he must be retained, McHenry might go. They considered together whether Genl. Pinckney wd. accept the office of Secy. of war. They apprehended he would not. It was agreed in this conversn that Sewall had more the ear of the President than any other person.

Mar. 12. When the bill for appropriations was

before the Senate, Anderson moved to strike out a clause recognizing (by way of appropriation) the appmt of a commee by the H. of R. to sit during their recess to collect evidence on Blount's case, denying they had power, but by a law, to authorize a commee to sit during recess. Tracy advocated the motion & said "we may as well speak out. The commee was appointed by the H. of R. to take care of the Brit. minister, to take care of the Span. min. to take care of the Sec. of state, in short to take care of the Pres. of the U S. They were afraid the Pres. & Secy. of state wd. not perform the office of collecting evidence faithfully, that there would be collusion &c. Therefore the House appointed a commee of their own. We shall have them next sending a commee to Europe to make a treaty &c. Suppose that the H. of R. should resolve that after the adjmt of Congress they should continue to sit as a commee of the whole house during the whole recess." This shows how the appointment of that committee has been viewed by the President's friends.

Apr. 5. Dr. Rush tells me he had it from Mrs. Adams that not a scrip of a pen has passed between the late & present Presidt. since he came into office.

Apr. 13. New instructions of the British govmt to their armed ships now appear which clearly infringe their treaty with us, by authorizing them to take our vessels carrying produce of the French colonies from those colonies to Europe, & to *take* vessels bound to a blockaded port. See them in Brown's paper, of Apr. 18. in due form.

The Presidt, has sent a govmt brig to France, probably to carry despatches. He has chosen as the bearer of these one Humphreys, the son of a ship carpenter ignorant under age, not speaking a word of French, most abusive of that nation whose only merit is the having mobbed & beaten Bache on board the frigate built here, for which he was indicted & punished by fine.

Apr. 25. At a dinner given by the bar to the Federal judges, Chase & Peters, present about 24. lawyers and Wm. Tilghman in the chair, this toast was given "Our *King* in old England." Observe the double *entendre* on the word King. Du Ponceau who was one of the bar, present, told this to Tenche Coxe who told me in presence of H. Tazewell. Dallas was at the dinner; so was Colo. Charles Sims of Alexandria, who is here on a lawsuit *v.* genl. Irving.

May 3. The Presidt. some time ago appd Steele of Virga a Commr. to the Indians, & now Secretary of the Mississippi Territory. Steele was a Counsellor of Virga, and was voted out by the assembly because he turned tory. He then offered for Congress & was rejected by the people. Then offered for the Senate of Virga & was rejected. The Presidt. has also appd. Joseph Hopkinson Commr. to make a treaty with the Oneida Indns. He is a youth of about 22. or 23. and has no other merit than extreme toryism, & the having made a poor song to the tune of the President's March.<sup>1</sup>

<sup>1</sup> This was "Hail Columbia."

1799. Jan. In a conversation with Dr. Ewen, who told the Presidt. one of his sons was an aristocrat the other a Democrat. The P. asked if it was not the youngest who was the Democrat. "Yes," said Ewen. Well said the Presidt. a boy of 15. who is not a democrat is good for nothing, & he is no better who is a democrat at 20. Ewen told Hurt, and Hurt told me.

Jan. 14. Logan tells me that in his conversation with Pickering on his arrival, the latter abused Gerry very much, said he was a traitor to his country & had deserted the post to which he was appointed; that the French temporized at first with Pinckney but found him too much of a man for their purpose. Logan observing that notwithstanding the pacific declarns of France, it might still be well to keep up the military ardor of our citizens & to have the militia in good order, "the militia," said P. "the militia never did any good to this country except in the single affair of Bunker hill; that we must have a standing army of 50.000 men, which being stationed in different parts of the continent might serve as rallying points for the militia, & so render them of some service."—In his conversation with Mr. Adams, Logan mentioned the willingness of the French to treat with Gerry, "and do you know why," said Mr. A. "Why, sir?" said L. "Because said Mr. A. they know him to have been an Anti-federalist against the constn."

1800. Jan. 2. Information from Tenche Coxe. Mr. Liston had sent 2. letters to the Govr. of Canada

by one Sweezy. He had sent copies of them together with a third (original) by one Cribs. Sweezy was arrested (being an old horse thief) and his papers examd. T. Coxe had a sight of them. As soon as a rumor got out that there were letters of Mr. Liston disclosed, but no particulars yet mentioned, Mr. Liston, suspecting that *Cribs* had betrayed him, thought it best to bring all his *three* letters & lay them before Pickering, Secy. of state. Pickering thot them all very innocent. In his office they were seen by a Mr. Hodgden of N. Jersey, Commissy. of military stores, and the intimate friend of Pickering. It happens that there is some land partnership between Pickering, Hodgden & Coxe, so that the latter is freely & intimately visited by Hodgden, who moreover speaks freely with him on Political subjects. They were talking the news of the day, when Mr. Coxe observd. that these intercepted lres of Liston were serious things (nothing being yet out but a general rumor). Hodgden asked which he thought the most serious. Coxe said the 2d. (for he knew yet of no other) H. said he thot little of any of them, but that the 3d. was the most exceptionable. This struck Coxe who not betraying his ignorance of a 3d. lre, asked generally what part of that he alluded to. Hodgden said to that wherein he *assured the Govr. of Canada that if the French invaded Canada, an army would be marched from these states to his assistance.* After this it became known that it was Sweezy who was arrested & not Cribs; so that Mr. Liston had made an unnecessary disclosure of his 3d. letter to Mr. Pickering, who however keeps his

secret for him. In the beginning of the conversn between Hodgden & Coxe, Coxe happened to name *Sweezy* as the bearer of the letters. "That 's not his name, says Hodgden (for he did not know that 2. of the lres had been sent by Sweezy also) "his name is Cribbs." This put Coxe on his guard and set him to fishing for the new matter.

Jan. 10. Dr. Rush tells me that he had it from Saml. Lyman that during the X Y Z Congress the Federal members held the largest caucus they have ever had, at which he was present, & the question was proposed & debated whether they should declare war against France, & determined in the negative. Lyman was against it.

He tells me that Mr. Adams told him that when he came on in the fall to Trenton, he was there surrounded constantly by the opponents of the late mission to France. That Hamilton pressing him to delay it, said "why, sir, by Christmas Louis the XVIII. will be seated on his throne"—Mr. A. By whom? H. By the coalition. Mr. A. Ah! then farewell to the independce of Europe. If a coalition moved by the finger of England is to give a government to France, there is an end to the independance of every country.

12. Genl. Sam. Smith says that Pickering, Wolcott & McHenry wrote a joint letter from Trenton to the President then at Braintree, dissuading him from the mission to France. Stoddard refused to join in it. Stoddard says the instructions are such that if



the Directory have any disposition to reconciliation, a treaty will be made. He observed to him also that Ellsworth looks beyond this mission to the Presidential chair. That with this view he will endeavor to make a treaty & a good one. That Davie has the same vanity & views. All this communicated by Stoddard to S. Smith.

13. Baer & Harrison G. Otis told J. Nicholas that in the caucus mentioned ante 10th. there wanted but 5. votes to produce a declaration of war. Baer was against it.

19. W. C. Nicholas tells me that in a conversn with Dexter 3. or 4. days ago, he asked Dexter whether it would not be practicable for the states to agree on some uniform mode of chusing electors of a President. Dexter says "I suppose you would prefer an election by districts." "Yes, said N. I think it would be best, but would nevertheless agree to any other consistent with the Constn." Dexter said he did not know what might be the opn of his state, but his own was that no mode of *election* would answer any good purpose; that he should prefer one *for life*. "On that reasoning said N. you should prefer an hereditary one." No, he said, we are not ripe for that yet. I suppose added he this doctrine is not very popular with you. No, said N. it would effectually damn any man in my state. So it would in mine said D. but I am under no inducement to bely my sentiment, I have nothing to ask from anybody; I had rather be at home than here; therefore

I speak my sentiments freely. Mr. Nicholas a little before or after this, made the same proposition of a uniform election to Ross, who replied that he saw no good in any kind of election.

Perhaps, says he, the present one may last awhile. On the whole Mr. N. thinks he perceives in that party a willingness & a wish to let everything go from bad to worse, to amend nothing, in hopes it may bring on confusion and open a door to the kind of govrnt. they wish.—In a conversn with Gunn, who goes with them, but thinks in some degree with us, Gunn told him that the very game which the minority of Pennve is now playing with McKean (see substitute of minority in lower house & address of Senate in upper) was meditated by the same party in the Federal govmt in case of the election of a republican President; & that the Eastern states wd. in that case throw things into confusion & break the union. That they have in a great degree got rid of their paper, so as no longer to be creditors, & the moment they cease to enjoy the plunder of the immense appropriations now exclusively theirs, they would aim at some other order of things.

Jan. 24. Mr. Smith, a merchant of Hamburg gives me the following informn. The St. Andrews club of N. York (all of Scotch tories) gave a public dinner lately. Among other guests A. Hamilton was one. After dinner the 1st. toast was the Pres. of the U. S. It was drank without any particular approbation. The next was George the III. Hamilton started up on his feet, & insisted on a bumper &

3. cheers. The whole company accordly rose & gave the cheers. One of them, tho' a federalist was so disgusted at the partiality shown by H, to a foreign sovereign over his own President, that he mentioned it to a Mr. Schwarthouse an American mercht. of N. York, who mentioned it to Smith.

Mr. Smith also tells me that calling one evening on Mr. Evans, then Speaker of the H. of Rep. of Pensylve, & asking the news, Evans said Harper had been just there, & speaking of the President's setting out to Braintree said "he prayed to God that his horses might run away with him or some other accident happen to break his neck before he reached Braintree." This was indignation at his having named Murray &c. to negotiate with France. Evans approved of the wish.

Feb. 1. Dr. Rush tells me that he had it from Asa Green that when the clergy addressed Genl. Washington on his departure from the govmt, it was observed in their consultation that he had never on any occasion said a word to the public which showed a belief in the Xn religion and they thot they should so pen their address as to force him at length to declare publicly whether he was a Christian or not. They did so. However he observed the old fox was too cunning for them. He answered every article of their address particularly except that, which he passed over without notice. Rush observes he never did say a word on the subject in any of his public papers except in his valedictory letter to the Governors of the states when he resigned his commission in the army,

wherein he speaks of the benign influence of the Christian religion.

I know that Gouverneur Morris, who pretended to be in his secrets & believed himself to be so, has often told me that Genl. Washington believed no more of that system than he himself did.

1800. March. Heretical doctrines maintained in Senate. On the motion against the *Aurora*. That there is in every legal body of men a right of self preservation authorizing them to do whatever is necessary for that purpose. By Tracy, Read & Lawrence.

That the common law authorizes the proceeding proposed agt. the *Aurora*, & is in force here. By Read.

That the privileges of Congress are and ought to be indefinite. By Read.

Tracy sais he would not say exactly that the common law of England in all it's extent is in force here: but common sense, reason, & morality, which are the foundations of the common law, are in force here and establish a common law. He held himself so nearly half way between the common law of England and what everybody else has called natural law, & not common law, that he could hold to either the one or the other, as he should find expedient.

Mar. 11. Conversing with Mrs. Adams on the subject of the writers in the newspapers, I took occasion to mention that I never in my life had directly or indirectly written one sentence for a newspaper,

which is an absolute truth. She said that Mr. Adams she believed had pretty well ceased to meddle in the newspapers since he closed the pieces on *Davila*. This is the first direct avowal of that work to be his, tho' long & universally understood to be so.

Mr. Douse of Dedham in Massachusetts, of which town Fisher Ames is, corrects information I had formerly received of the very great fortune made by Ames by speculating in the funds. He believes he did a great deal for his friends Gore & Mason; but that his own capital was so small that he could not do much for himself. He supposes him worth at present about 30,000 Doll. some of which, he doubts not, was made while in the legislature, by speculation; but that he has a practice at the bar worth about 1000.£. a year lawful, & living frugally he lays by some of that. A great deal of his capital has been absorbed by building a very elegant house. He says he is a man of the most irritable & furious temper in the world; a strong monarchist.

Mar. 11. The jury bill before the Senate. Mr. Read says that if from any circumstances of inaptitude the marshall cannot appoint a jury analogously with the state juries, the common law steps in & he may name them according to that. And Mar. 12. Same bill. Mr. Chipman speaking of the case of Vermont where a particular mode of naming jurors was in force under a former law of that State, when the law of the U S. passed declaring that juries shall be appointed in their courts in the several states in the mode "now" in use in the same state. Ver-

mont has since altered their mode of naming them. Mr. Chipman admits the federal courts cannot adopt the new mode, but in that case he says their marshal may name them according to the rules of the common law. Now observe that that is a part of the common law which Vermont had never adopted, but on the contrary had made a law of their own, better suited to their circumstances.

Mar. 14. Freneau in Charleston had the printing of the laws in his paper. He printed a pamphlet of Pinckney's lres on Robbins' case. Pickering has given the printing of the laws to the tory paper of that place, tho' not of half the circulation. The printing amounted to about 100. D. a year.

Mar. 19. Same subject. Dexter maintained that the com. law as to crimes is in force in the courts of the U S.

Chipman says that the principles of com. right are common law. And he says the com. l. of England is in force here. There being no law in Vermont for appointing juries which the marshal can follow, he sais he may appoint them as provided by the com. l. of England tho' that part of the com. l. was never adopted in Vermont.

Mar. 21. Mr. John Marshall has said here that had he not been appointed minister to France he was desperate in his affairs, and must have sold his estate & that immediately. That that appointment was the greatest God-send that could ever have befallen a man. I have this from J. Brown & S. T. Mason.

Mar. 24. Mr. Perez Morton of Mass. tells me that Thatcher, on his return from the war-Congress, declared to him he had been for a decln of war against France, & many others also; but that on counting noses they found they could not carry it, & therefore did not attempt it.

Mar. 27. Judge Breckenridge gives me the following informn. He and Mr. Ross were originally very intimate; indeed he says he found him keeping a little Latin school, and advised & aided him in the study of law & brought him forward. After Ross became a Senator and particularly at the time of the Western insurrection they still were in concert. After the British treaty, Ross, on his return, informed him there was a party in the U S. who wanted to overturn the govmt, who were in league with France, that France, by a secret article of treaty with Spain was to have Louisiana; and that Gr. Brit. was likely to be our best friend & dependce. On this informn he Breckenridge was induced to become an advocate for the British treaty. During this intimacy with Ross he says that Genl. Collot in his journey to the Western country called on him, & frequently that he led Breckenridge into conversns on their grievances under the govmt & particularly the Western expedn, that he spoke to him of the advges that country would have in joining France when she should hold Louisiana, showed him a map he had drawn of that part of the country, pointed out the passes in the mountain & the facility with which they might hold them against the U S. & with

which France could support them from N. Orleans. He says that in these conversns Collot let himself out without common prudence. He says Michaud (to whom I at the request of Genet, had given a letter of introduction to the Govr. of Kentucky as a botanist, which was his real profession) called on him; that Michaud had a commissary's commission for the expedn which Genet had planned from that quarter against the Spaniards; that — the late Spanish commandant of St. Genevieve with one Powers an Englishman called on him. That from all these circumstances together with Ross's stories he did believe that there was a conspiracy to deliver our country or some part of it at least to the French, that he made notes of what passed between himself & Collot and the others, and lent them to Mr. Ross, who gave them to the President by whom they were deposited in the office of the board of war. That when he complained to Ross of this breach of confidence, he endeavored to get off by compliments on the utility & importance of his notes. They now cooled towards each other, & his opposn, to Ross's election as governor has separated them in truth tho' not entirely to appearance.

Dr. Rush tells me that within a few days he has heard a member of Congress lament our separation from Gr. Brit. & express his sincere wishes that we were again dependant on her.

1800. Apr. 29. Jury bill under considn.

Mr. Dexter & Hillhouse & Mr. Read insisted in the fullest and most explicit terms that the common law



of England is in force in these states and may be the rule of adjudication in all cases where the laws of the U S. have made no provision.

Mr. Livermore seemed to urge the same, tho' he seemed to think that in *criminal* cases it might be necessary to adopt by an express law.

Mr. Tracy was more reserved on this occasion. He only said that Congress might by a law adopt the provisions of the common law on any subject, by a reference to that, without detailing the particulars; as in this bill it was proposed that the marshals should summon juries "accdg to the practice of the Common law."

1800, Dec. 23.—Majr. Wm. Munson, bearer of the Connecticut votes, recommd. by Pierre. Edwards as a good Whig, he is surveyor of the of New haven, was a good officer in the revolutionary war.

He says that about a twelvemonth ago the Marshal of that state turned out his deputy Marshal because he summoned some republicans on the grand Jury. It seems the Marshal summons the juries for the Fedl. courts.

See a lre from Govr. McKean on the conduct of Genl. Hand, Robert Coleman, & Henry Miller supervisors for Pensylve while their legislature were on the appointmt of Electors.

Doctr. Jarvis of Boston is a man of abilities, a firm Whig, but passionate, hot-headed obstinate & impliant.

Doctr. Eustace <sup>1</sup> is of equal abilities, amiable &

<sup>1</sup> Eustis.

almost too accomodating was once rather a trimmer, & was forced by the Feds. to become decided against them. Ex relat. Baldwin.

Colo. Hitchburn's acct is different, that Eustis is superficial & Jarvis compleatly profound.

N. Hampsh. Sherburne an able lawyer republican & honest.

S. Carola. There is a Ramsay, son of Dr. Ramsay, a judge of a state court, a good lawyer, of excellent private character, eminent abilities, much esteemed & *republican*. His character from Genl. Sumpter. The father is also a republican,

*Hamilton* & Doyley of S. Carola, attached to the state treasury, good republicans.

*Brockhurst* Livingston, very able, but ill-tempered, selfish, unpopular.

Dewitt Clinton, very able, good, rich and lazy very firm, does not follow any profession. Married Osgood's daughter in law.

Thos. Sumter, son of Genl. Sumter, S. Caroline. A man of solid understanding. Writes correctly. Seems discreet & virtuous, follows no profession.

Harrison, of Carlisle. Genl. Hanna tells me he is as able a lawyer as any in Pensva, & a zealous republican.

Mar. 10. Woodbury Langdon proposes the following changes.

Lylley (?) The present Marshal to be removed a violent, inveterate tory, appointed by the influence of Rogers, former Marshal, has lately appointed a high toned federalist for his deputy.

William Simmonds recommended in his place by John & Woodb. Langdon.

Rogers the Supervisor to be removed, he was a violent Revolutionary tory, he was the ringleader of the 16 towns on Connecticut river who were prevailed on to join Vermont in going over to the British, he has spent half of his time in electioneering activity. Still mounts & glories in an enornas cockade

Nathanl. Folsome to be naval officer vice Edwd. St. Loe. Livermore.

1800. Dec. 25. Colo. Hitchburn thinks Dr. Eustis' talents specious and pleasing, but not profound. He thinks Jarvis more solid. He tells me what Colo. Monroe had before told me of, as coming from Hitchburn. He was giving me the characters of persons in Massachusetts. Speaking of Lowell,<sup>1</sup> he said he was in the beginning of the revolution a timid whig, but, as soon as he found we were likely to prevail he became a great office hunter. And in the very breath of speaking of Lowell, he stopped, says he I will give you a piece of informn which I do not venture to speak of to others. There was a Mr. Hale in Mass. A reputable worthy man who becoming a little embarrassed in his affairs, I aided him, which made him very friendly to me. He went to Canada on some business. The governor there took great notice of him. On his return he took occasion to mention to me that he was authorized by the gov. of Canada to give from 3 to

<sup>1</sup> John.

5,000 guineas each to himself & some others, to induce them, not to do anything to the injury of their country, but to befriend a good connection between England & it. Hitchburn said he would think of it, and asked Hale to come & dine with him to-morrow. After dinner he drew Hale fully out; he told him he had his doubts, but particularly that he should not like to be alone in such a business. On that Hale named to him 4. others who were to be engaged, two of whom said Hitchburn are now dead and two living. Hitchburn, when he had got all he wanted out of Hale, declined in a friendly way. But he observed those 4. men from that moment to espouse the interests of Engld. in every point & on every occasion. Tho' he did not name the men to me, yet as the speaking of Lowell was what brought into his head to tell me this anecdote, I concluded he was one. From other circumstances respecting Stephen Higginson of whom he spoke, I conjectured him to be the other living one.

Dec. 26. In another conversn I mentioned to Colo. Hitchburn that tho' he had not named names, I had strongly suspected Higginson to be one of Hale's men. He smiled & said if I had strongly suspected any man wrongfully from his information he would undeceive me; that there were no persons he thought more strongly to be suspected himself than Higginson & Lowell. I considered this as saying they were the men. Higginson is employed in an important business about our navy.

1801. Feb. 12. Edwd. Livingston tells me that

Bayard applied to day or last night to Genl. Saml. Smith & represented to him the expediency of his coming over to the states who vote for Burr, that there was nothing in the way of appointmt. which he might not command, & particularly mentioned the Secretaryship of the navy. Smith asked him if he was authorized to make the offer. He said he was authorized. Smith told this to Livingston & to W. C. Nicholas who confirms it to me. Bayard in like manner tempted Livingston, not by offering any particular office, but by representing to him his L.'s intimacy & connection with Burr, that from him he had everything to expect if he would come over to him. To Dr. Linn of N. Jersey they have offered the government of N. Jersey. See a paragraph in Martin's Baltimore paper of Feb. 10 signed a LOOKER ON, stating an intimacy of views between Harper & Burr.

Feb. 14. Genl. Armstrong tells me that Gouvernr. Morris in conversation with him to-day on the scene which is passing expressd himself thus. How comes it, sais he, that Burr who is 400. miles off (at Albany) has agents here at work with great activity, while Mr. Jefferson, who is on the spot, does nothing? This explains the ambiguous conduct of himself & his nephew Lewis Morris, and that they were holding themselves free for a prize; *i. e.* some office, either to the uncle or nephew.

Feb. 16. See in the Wilmington Mirtor of Feb. 14. Mr. Bayard's elaborate argument to prove that the common law, as modified by the laws of the respec-

tive states at the epoch of the ratificn of the constn, attached to the courts of the U S.

Mar. 8, 1801.

N. H. Restore Whipple & Gardner, Collector, & commr. of loans.

Change no other except the recent. Livermore, Naval Officer, to be removd. by & by, & George Wentworth to be put in his place.

Mass. Change only the new District Atty. viz George Blake for Otis.

Maine. Parker, Marshal, to be removed by & by, a very violent & influential & industrious fed. put in not very fairly.

Davis the Atty is expected to resign, & Silas Lee must be put in his place.

John Lee, Collector of Penobscot, bror of Silas, a refugee, a royalist, & very violent.

To be removed when we appoint his brother Atty.

Conn. Mr. Lincoln to consult Edwards Jr. as to removing Goodrich.<sup>1</sup>

Vermont.—Marshal & atty to be removd. immedly.

John Williard of Addison County to be Marshal.

Fay rather approvd. for Atty.

New York.—Postponed

Jersey.—Propose to Linn to accept Atty's. place Vice Frelinghuysen. Mr Gallatin will write.

Oliver Barnet to be Marshal when Lowry resigns.

Turn out the tory collector, an atrocious appointment.

<sup>1</sup> This was the removal which led to such criticism.

Pensve. Hall to be removd. Shee to be appointed.  
No. see Bukley. George Reinhart to be keeper of  
public stores vice Harris.

Genl. William Irvine to be superintendt Military  
stores vice Hodgson.

Peter Muhlenbg supervisor vice Genl. Henry  
Miller, but not till after May.

Dallas Atty of E. distr.

Hamilton do. of W. distr.

Presley Carr Lane Marsh. W. distr. vice Barclay  
new appoint.

Delaware.—The Collector Mclane to be retained.  
Enquire as to Marshal & collector.

Maryland.—Hopkins, Marshal to be removd. &  
Reuben Etting to be appd.

Also Zeb. Hollingsworth, & John Scott to be appd.  
Virginia. D. Randolph to be removd. Scott to  
be appd.

S. C. Adopt. C. Pinckney's nominations, but take  
time till after session Congress 1801-2.

Georgia.—Only the collector to be questd. Supposed.  
a delinquent. Richard Wyley to be in his place,  
he is now loan officer.

Kentucky. Colo. Joseph Crocket vice McDowell as  
Marshal, but wait proofs of extortion.

General rule. Remove no collectors till called on  
for acct. that as many may be removed as de-  
faulters as are such.

Present Gallatin Dearborn, Lincoln.

Mar. 8—On application from an old Col. Wafford  
presented by Mr. Baldwin, he was settled near the

Cherokee line, but supposed on our side, on running it however he was left on their side, some other families in the same situation: approved of Genl. Dearborn's writing to Hawkins to negotiate for their quiet, and that we will within 2. or 3. months take up the subject & give him final instrns.

[Mar.] 9.—Prosecutions under Sedition law. Remit the fines & enter Nolle prosequere in the prosecution depending under that law, to wit Callendar & Brown are in exn. Duane & \_\_\_\_\_ under prosecr.

Present as before.

Mr. Lincoln to consult Edwd. Granger Kirby Walcott as to Goodrich's commn.

Dawson to have 6 Dol. a day.

2 frigates to cruise in W. Indies, 2 in Mediterreann. 2 at Isle of Boubon.

Sign the duty proposd. by Commrs. of Washn. continuing permission to build houses in certain forms.

May 15, 1801. Shall the squadron now at Norfolk be ordered to cruise in the Mediterranean. What shall be the object of the cruise.

Lincoln. Our men of war may repel an attack on individual vessels, but after the repulse, may not proceed to destroy the enemy's vessels generally  
Gallatin. To declare war & to make war is synonymous. The exve can not put \_\_\_\_\_ us in a state of war, but if we be put into that state either by the decree of Congress or of the other nation,



the command & direction of the public force then belongs to the exve.

Smith. If a nation commences war, the exve. is bound to apply the public force to defend the country.

Dearborne. The expedition should go forward openly to protect our commerce against the threatened hostilities of Tripoli.

Madison.—That the cruise ot to be undertaken, & the object openly declared to every nation. All concur in the expediency of cruise.

Whether the Captains may be authorized, if war exists, to search for and destroy the enemy's vessels wherever they can find them? all except Mr. L. agree they should; M. G. & S. think they may *pursue* into the harbours, but M. that they may not *enter* but in pursuit.

A letter to the Bey of Tripoli by the President *send a years* tribute in form of stores by a ship. Send 30,000 D. by frigats on the idea that the com-mutn of stores to Money has bn. settled.

May 16. Murder commd. by Moorhead & Little, British subjects on a person within the limits of the U. S.

The case of Govr. Pinckney & Queseda is quoted. Also the demand by Mr. Liston of Secretary Pickering contra.

Unanimous not to demand the accessories to the murder.

But the murderers to be demanded.

Govr. Serjeant not to be reappointed—unanimous.

May 17. Treaty proposed with Cherokees. Agreed unanimously.

Object. 1. To obtain the lands between Sumner & Mero district offering as far as an annuity, of 1000. D. and a sum in gross not exceeding 5,000. D.

2. If not obtainable, then buy all the accomodns. on the road between the two districts at such sum in gross as the Commrs. think fit.

To treat with Chickasaws. 1. To buy their lands north of Kentucky boundary.

2. To obtain road & houses of accomodn for travellers from Tennessee towds. Natchez, but if treaties for the lands is offensive to Chickesaws then confine their proposn. to the road. Price discretionary in Commrs.

To treat with Choctaws for road, price discretionary. They also to fix on the 3. trading posts resirved in our former treaties to treat with the Creeks. 1. For the purchase of the Talassee county.

2. For the fork of Oakmulgee & Owney, but all instrn. & further dicesion as to this to be postponed till we take up the Treaty with Georgia, a letter to be written to the Georgia commrs to know if they will cede the Misn. territory in exchange for Talassee & Oakmulgee fork.

Davie, Wilkinson & Hawkins.

Suppress the Missions to the U. Netherlds Portugal & Prussia.

Send none to Denmark.

Removals. All recent to be consid. as mere avenues.

Marshals & Attornies to be removed where federal, except in particular cases.

N. H. The Marshal tho' a federalist ot not to be removed because of his connections.

Sherburne to be atty vice Livermore.

Maine. Davis to be removed as he will not resign.  
He is violent.

Mass. Not change the Marshal tho' federal, he is moderate & prudent & will be republican.

R. I. If Barnes accepts commn of Judge. Mr. Lincoln will enquire & recommd. atty. or Judge.

Conn. Enoch Parsons to be Marshal.

Delaware. Hamilton Marshl. to be removed, enquire for substitute.

Read Atty to be contind.

Maryld. Hollingsworth not to be removed till after September.

He is incapable.

Customs,

The Collector Vice John Lee. Wait for further informn.

Saml. Bishop Collector at New haven.

Alexr. Wolcott Collector at Middletown.

N. J. John Hurd to be collector of the port of Amboy vice Bell.

Excise.

Commt. Kirby Vice John Chester.

June 13. At a meeting with the 4 Secretaries at the Secy. of State's office. Unanimously agreed that Mr. King \* shall be informed that we desire he should conclude the negotiation on the subject of the VIth Article, as he had begun under former orders,

\* Minister to England.

for the sum in gross which he has offered, to wit 506m £ sterl. and no more. Afterwds agrd. to 600,000 because King hd offered it.

1801. June 23. Andrew Ellicot tells me that in a conversn last summer with Majr. William Jackson of Philadelphia, on the subject of our intercourse with Spain, Jackson said we had managed our affairs badly, that he himself was the author of the papers against the Spanish minister signed Americanus, that his object was irritation, that he was anxious, if it could have been brought about to have plunged us into a war with Spain, that the people might have been occupied with that, & not with the conduct of the admn & other things they had no business to meddle with.

Oct. 22. Prest. 4 Secretaries. Captains of navy reduced from 15 to 9, by a vote on each man struck off. Those struck off are Mr. Niel of Boston Decatur of Pennsa. Rogers of Maryld. Tingey of Columbia, S. Barron of Virg.\* Campbell from S. Cara. but a northern man. The retained are Nicholson & Preble of Maryd. Morris & Bainbridge of N. Y. Truxton of Jersey. Barry, Delaware & Murray of Pensve. Jas. Barron of Virge.

A state of the gallies to be called for and be ready for sale at meeting of Congress unless contrary determin.

Spain to be addressed in a firm but friendly tone

\* On the resignation of Truxton, J. Barron is retained, and on that of Preble, Campbell is retained: he is a S. Carolinian by birth.—T. J.

on the depredns at Algiers. Not to order convoys for our vessels agt. Spain.

Nov. 11. Present the 4. Secretaries. Qu. Shall Rogers be removd in N. Y? Unan. to let lie till Congress.

Qu. Whether we shall proclaim the French treaty or wait and lay it before the Senate? Unan. not to proclaim but to say to Pichon we will go on with the exn.

1802. Jan. 18. Prest. the 4. Secretaries and atty Genl. Agreed to offer peace to Tripoli on est. terms to continue tribute to Algiers to send 2. frigates & schooner immediately. If war with Tripoli continues 2 frigates there constantly & one for relief, 400,000. D. to be appropriated for the whole naval business of the year, including navy yards on which little is to be done, & 500,000 to pay contracts due & becomeing due this year.—Exn of French treaty to be retained by Exve.

1802. Oct. 21. Present the 4. Secretaries. 1. What force shall be left through the winter in the Mediterranean?

2. What negociations, What presents shall be proposed to Marocco?

Anns. 1.—The two largest frigates *President* & *Chesapeake*, the time of whose men is out in December, ought to be called home immediately.

The two best frigates, the *N York* and *John Adams*

which are smallest also, & the men engaged till Aug. next to remain through the winter, even if peace be made with Tripoli.

The *Adams* whose times are up in April, to remain thro' the winter, or come away accdg. to appearances with Marocco.

Anns. 2. Forbid Simpson to stipulate any presents or paimts. at fixed periods but allow him to go as far as 20,000. D. to obtain a firm establsnt. of the state of peace with Marocco.

Shall the expenses of transporting our abandoned seamen home, by the Consul [?] Lee be paid by us and out of what fund?

Unanimously that it must be paid and out of the Contingent fund of 20,000. D.

1803—Apr. 8. Present 4 Secretaries & Atty Genl.  
1.—Is there sufficient ground to recall Morris <sup>1</sup> & institute inquiry into his conduct, unanim. not.

2.—Shall Morris be ordd. home in the returng. vessel & leave some other officer to command? Unanim not.

3.—Shall the return of the *Chesapeake* & *Adams* be countermanded till the 4 small vessels arrive? unanim. not, will be too late.

4.—Shall we buy peace of Tripoli? unan. Yes.

5.—By a sum in gross or a tribute?

Gall. Dearb. Lincoln for both, Mad. Smith for sum in gross & promise of renewing presents at times.

Dearb. 50 and 8,000, Lincoln 30 & 15,000, Mad.

<sup>1</sup> In command of the Mediterranean fleet.

10 & 5000 with some margin, Gall. 20 & 10, Smith 50 and 10.

Great Britain, if reposs. our rights by France, forces us to overtures to England as an ally, on what conditions?

- |   |   |  |
|---|---|--|
| <p>1.—Not to make a separate peace?</p> <p>2.—To let her take Louisiana?</p> <p>3.—Commercial privileges?</p> | } | <p>All reject the 2d &amp; 3d condns. Dearborne &amp; Lincoln reject the 1st. the others agree to the 1st.</p> |
|---|---|--|

Agreed to instruct our Ministers, as soon as they find that no arrangement can be made with France, to use all possible procrastinations with them and in the meantime enter into conferences with the British Govmt. thro' their ambassador at Paris to fix principles of alliance, and leave us in peace till congress meets, & prevent war till next spring.

May. 7.—Present 4 Secretaries & Atty. Genl.

On the supposition that War between England and France is commenced or whenever it shall commence.

- 1.—Shall we issue a proclamation of neutrality? Unanimously not. It's object as to our citizens is unnecessary, to wit the informg. them that they are to observe the duties of neutrality, because the late instance is so recent as to be in their minds, as to foreign nations, it will be assuring them of our neutrality without price, whereas France may be will-

- ing to give N. Orleans for it, and England to engage a just & respectful conduct.
- 2.—Sea letters to be given even on the present apparent probability of war.
  - 3.—Customhouse officers to attend to the having our Seamen furnishd with certif. of citizenship in bonafide cases.
  - 4.—New Orleans, altho' no specific opinion is asked, because premature till we hear from our Ministers, see the complexion & probable course & duration of the war, yet the opinion seems to be that we must avail ourselves of this war to get it. Whether if negocian. fails we shall take it directly or encourage a decln of independce and then enter into alliance T. We have time enough to consider. We all deprecate Gr. Br's taking possn of it. We all agree we should not commit ourselves by a convention with France, accepting merely our right of deposit, or any improvement of it short of the sovereignty of the island of New Orleans, or a portion sufficient for a town to be located by ourselves.

July 16. Present the 4 Secretaries.

The cession of Louisiana being to be ratified by the 30 Oct. shall Congress be called, or only Senate, & when?

Answer unanimous Congress on the 17th. of October. A Proclamation to issue, a copy to be inclosed to every member in a letter from the Secretary of State mentioning that the call 3. weeks earlier than they had fixed was rendd, necessary by the treaty, and urging a punctual attendance on the 1st. day.



The substance of the treaty to be made public, but not the treaty itself.

The Secretary of State to write to our Consul at N. Orleans, communicating the substance of the treaty and calling his attention to the public property transferred to us, & to archives, papers & documents relative to domain and sovereignty of Louisiana and its dependancies. If an order should come for immediate possession, direct Govr. Claiborne to go & take possn and act as Governor and Intendant under the Spanish laws, having everything to go on as heretofore, only himself performing functions of Govr. & Intendt but making no innovation, nor doing a single act which will bear postponing.

Order down 2 or more companies from Ft. Adams & get the Spanish troops off as soon as possible. Write to Livingston & Monroe, approving their having treated for Louisiana & the price given, and to say we know of no reason to doubt ratification of the whole. Mr. Gallatin disapproves of this last as committing ourselves or the Congress. All the other points unanimous.—

Edward Livingston to be removed from the Office of Attorney for the U. S. in New York for malversation.

Mr. Madison not present at this last determination.

Monroe to be instructed to endeavor to purchase both Floridas if he can, West if he cannot East at the prices before agreed on, but if neither can be procured then to stipulate a plenary right to use all the rivers rising within our limits & passing through theirs. If he should not be gone to Madrid leave it discretionary

in him to go there, or to London or to stay at Paris as circumstances shall appear to him to require. We are more indifferent about pressing the purchase of the Floridas, because of the money we have to provide for Louisiana, & because we think they cannot fail to fall into our hands.

Oct. 4—Present Secretaries of State, Treasury, War.

Will it be advisable for forcible possn of N. Orleans to be taken, if refused, unanimous it will. Should we now prepare force so as to have it ready the moment Congress authorises it? Unan. it will.

What force? 400. regulars from F. Adams, 100 Do. from Chickasaw bluffs & Massac. 500 militia of Mis. tery, boatmen & sailors.

1803. Dec. 13. The revd Mr. Coffin of New England who is now here soliciting donations for a college in Greene county in Tennessee, tells me that when he first determined to engage in this enterprise, he wrote a paper recommendatory of the enterprise, which he meant to get signed by clergymen, and a similar one for persons in a civil character, at the head of which he wished Mr. Adams to put his name, he being then President, & the application going only for his name & not for a donation. Mr. Adams after reading the paper & considering, said "he saw no possibility of continuing the union of the states, that their dissolution must necessarily take place, that he therefore saw no propriety in recommending to New England men to promote a literary institution in the South,

that it was in fact giving strength to those were to be their enemies, & therefore he would have nothing to do with it."

Dec. 31. After dinner to-day the pamphlet on the conduct of Colo. Burr <sup>1</sup> being the subject of conversns Matthew Lyon noticed the insinuations agt. the republicans at Washington pending the Presidential election, & expressed his wish that everything was spoken out which was known: that it would then appear on which side there was a bidding for votes, & he declared that John Brown of Rhode Island, urging him to vote for Colo. Burr used these words. "What is it you want, Colo. Lyon? Is it office, is it money? Only say what you want & you shall have it."

1804. Jan. 2. Col. Hitchburn of Mass. reminding me of a letter he had written me from Philadelphia pending the Presidential election, sais he did not therein give the details. That he was in company at Phila. with Colo. Burr & Genl. Sam. Smith (when the latter took his trip there to meet Burr, & obtained the famous letter from him) that in the course of the conversn on the election, Colo. Burr said "we must have a President, & a constnal one in some way." "How is it to be done, says Hitchburn, Mr. Jefferson's friends will not quit him, & his enemies are not strong enough to carry another" "Why, sais Burr, our friends must join the federalists, and give the president." The next morning at Breakfast Colo. Burr repeated nearly the same, saying "we cannot be

<sup>1</sup> W. P. Van Ness' *Examination of the various charges exhibited against Aaron Burr.*

without a president, our friends must join the federal vote." "But, says Hitchburn, we shall then be without a Vice-president; who is to be our Vice-president?" Colo. Burr answered "Mr. Jefferson."

Jan. 26. Col. Burr the V. P. calls on me in the evening, having previously asked an opportunity of conversing with me. He began by recapitulating summarily that he had come to N. Y. a stranger some years ago, that he found the country in possn of two rich families, (the Livingstons & Clintons) that his pursuits were not political & he meddled not. When the crisis, however of 1800 came on they found their influence worn out, & solicited his aid with the people. He lent it without any views of promotion. That his being named as a candidate for V. P. was unexpected by him. He acceded to it with a view to promote my fame & advancement and from a desire to be with me, whose company and conversation had always been fascinating to him. That since those great families had become hostile to him, and had excited the calumnies which I had seen published. That in this Hamilton had joined and had even written some of the pieces against him. That his attachment to me had been sincere and was still unchanged, altho many little stories had been carried to him, & he supposed to me also, which he despised, but that attachments must be reciprocal or cease to exist, and therefore he asked if any change had taken place in mine towards him: that he had chosen to have this conversn with myself directly & not through any intermediate agent. He reminded me of a letter

written to him about the time of counting the votes (say Feb. 1801) mentioning that his election had left a chasm in my arrangements, that I had lost him from my list in the admn. &c. He observed he believed it would be for the interest of the republican cause for him to retire; that a disadvantageous schism would otherwise take place; but that were he to retire, it would be said he shrunk from the public sentence, which he never would do; that his enemies were using my name to destroy him, and something was necessary from me to prevent and deprive them of that weapon, some mark of favor from me, which would declare to the world that he retired with my confidence. I answered by recapitulating to him what had been my conduct previous to the election of 1800. That I never had interfered directly or indirectly with my friends or any others, to influence the election either for him or myself; that I considered it as my duty to be merely passive, except that, in Virginia I had taken some measures to procure for him the unanimous vote of that state, because I thought any failure there might be imputed to me. That in the election now coming on, I was observing the same conduct, held no councils with anybody respecting it, nor suffered any one to speak to me on the subject, believing it my duty to leave myself to the free discussion of the public; that I do not at this moment know, nor have ever heard who were to be proposed as candidates for the public choice, except so far as could be gathered from the newspapers. That as to the attack excited against him in the newspapers, I had noticed it but as the

passing wind; that I had seen complaints that Cheetham, employed in publishing the laws, should be permitted to eat the public bread & abuse its second officer: that as to this, the publishers of the laws were appd by the Secy, of the state witht. any reference to me; that to make the notice general, it was often given to one republican & one federal printer of the same place, that these federal printers did not in the least intermit their abuse of me, tho' receiving emoluments from the govmts and that I have never thot it proper to interfere for myself, & consequently not in the case of the Vice president. That as to the letter he referred to, I remembered it, and believed he had only mistaken the date at which it was written; that I thought it must have been on the first notice of the event of the election of S. Carolina; and that I had taken that occasion to mention to him that I had intended to have proposed to him one of the great offices, if he had not been elected, but that his election in giving him a higher station had deprived me of his aid in the administration. The letter alluded to was in fact mine to him of Dec. 15, 1800. I now went on to explain to him verbally what I meant by saying I had lost him from my list. That in Genl. Washington's time it had been signified to him that Mr. Adams, the V. President, would be glad of a foreign embassy; that Genl. Washington mentd. it to me, expressed his doubts whether Mr. Adams was a fit character for such an office, & his still greater doubts, indeed his conviction that it would not be justifiable to send away the person who, in case of his death, was provided by the constn to take his place;

that it would moreover appear indecent for him to be disposing of the public trusts in apparently buying off a competitor for the public favor. I concurred with him in the opinion, and, if I recollect rightly, Hamilton, Knox, & Randolph were consulted & gave the same opinions. That when Mr. Adams came to the admn, in his first interview with me he mentioned the necessity of a mission to France, and how desirable it would have been to him if he could have got me to undertake it; but that he conceived it would be wrong in him to send me away, and assigned the same reasons Genl. Washington had done; and therefore he should appoint Mr. Madison &c. That I had myself contemplated his (Colo. Burr's) appointment to one of the great offices; in case he was not elected V. P. but that as soon as that election was known, I saw it could not be done for the good reasons which had led Genl W. & Mr. A. to the same conclusion, and therefore in my first letter to Colo. Burr after the issue was known, I had mentioned to him that a chasm in my arrangements had been produced by this event. I was thus particular in rectifying the date of this letter, because it gave me an opportunity of explaining the grounds on which it was written which were indirectly an answer to his present hints. He left the matter with me for consideration & the conversation was turned to indifferent subjects. I should here notice that Colo. Burr must have thot that I could swallow strong things in my own favor, when he founded his acquiescence in the nominn as V. P. to his desire of promoting my honor, the being with me whose company & conversn had always been

fascinating to him &c. I had never seen Colo. Burr till he came as a member of Senate. His conduct very soon inspired me with distrust. I habitually cautioned Mr. Madison against trusting him too much. I saw afterwards that under Genl W.'s and Mr. A.'s admns, whenever a great military appmt or a diplomatic one was to be made, he came post to Philada to shew himself & in fact that he was always at market, if they had wanted him. He was indeed told by Dayton in 1800 he might be Secy. at war; but this bid was too late. His election as V. P. was then foreseen. With these impressions of Colo. Burr there never had been an intimacy between us, and but little association. When I destined him for a high appmt, it was out of respect for the favor he had obtained with the republican party by his extraordinary exertions and successes in the N. Y. election in 1800.

1804. Feb. 18.—Present the 4. Sec' & Atty. Genl.

It is agreed we shall consider the settlement on the Mining from Iberville up to our line, as our territory as to importations and exportations thro' the Missip. making Baton rouge a port of delivery. So also as to what shall come thro' Ponchartrain that the Militic of Colour shall be confirmed in their ports and treated favorably till a better settled state of things shall permit us to let them neglect themselves.

That an intimation shall be given by Claiborne to Morales † that his continuance in that territory is not approved by the Government.

† Mirales.



That the remaining Span. troops shall be desired to withdraw.

That Fort Stoddart shall be a port of entry. That Monroe shall be instructed to negotiate as to our lines with Spain, & the extension of territory.

Eastwd. viz—1—To the Perdido—2—To Apalachicola. 3. All E. Florida. That according to the greater or less extent he may give of the following equivalents. 1. Relinquish our right from the Rio Bravo, Eastwardly towards the Mexican river. 2. Stipulate that a band of country of given breadth shall be established between our white settlements to be unsettled by either party for a term of years. 3. 1,000,000 Dollars. As to Stevens' accounts opinions seem not to be satisfactorily formed except by Mr. Gallatin that there is no fund applicable, & Mr. Madison that the foreign intercourse fund is applicable; with this last I concur.

May 26.

Present the Secretaries and Atty. Genl. What terms of peace with Tripoli shall be agreed to? If successful, insist on their deliverg. up men without ransom, and reestablishing old treaty without paying anything. If unsuccessful, rather than have to continue the war, agree to give 500. D. a man. (having first deducted for the prisoners we have taken) and the sum in gross & tribute before agreed on. Shall anything be furnished to the Ex-Bashaw to engage coöperation? Unanimously 20,000. D. Whether we shall prohibit our merch. vessels from arming to force a trade in St. Domingo as requested by Pichon? Unanimously not.

1804. Oct. 8. Present the 4 Secretaries. Yrujo's and C. Pinckney's communications submitted.

Cevallos's 1st, condn. as to giving time for commencement. of commissn. All agree we may fix a day with Yrujo not exceeding 6 months hence, say nothing which shall weaken our claims under the 6th. article and repeat the explanation of the 4th. & 11th. article of the Act of Congress already given him and communicate the Act of the President defining the district.

A letter to be written to Yrujo on the impropriety of his publishing his letter to the Sec'y. of State.

1805. Jan. 8. Indian affairs.  
Sac murderer. Pardon him.  
Osages. Their mill to be built.

The seceders under Le grande piste: persasñ—not force.

Sioux. Sacs, Ayouas [Iowas]. Receive their visit.  
Commerce forts at Chickago & mouth of Ouisconsin<sup>1</sup> to prevt. interlopers with nations bordering on us; the U. S. to carry it on. With distant nations let individuals.

License none but natives of American territory.  
Permit no liquor.

Chamber's idea as to Choctows of annl. paimt. in lands.  
Little Turtle. Let a joint right to lands be proved & we will pay.

Tripoli.

New instrnts. Not to give a dollar for peace.

If the enterprise in the spring does not produce peace & delivery of prisoners, ransom them.

<sup>1</sup> Ouisconsin, otherwise Wisconsin.

G. Britain—countervail their duty on exports by refusing entry to merchandise which has pd. a greater export duty coming here, than would have been paid going to any other for'n country. Counter-vail their prohb'n to our vessels to carry our produce to their possns by not permittg their vessels to do it after the 21st of May 1805.

Gov. Harrison's lre Dec. 14. Property stolen by Indns.

Arrears to be pd. by public.

Hawkins Do. Dec. 15. Road thro Creeks to N. O.  
Spanish alarm & proposns to Indians.

Feb. 21—Spanish<sup>1</sup> movements. to Adaïs<sup>2</sup> &c. Lanana. S. Antonio. Turner to Claiborne, Cados, Paunies, send factory immedly.

Court them.

Bayou Pierre, Span. settlemt. on Red rivr. 70. mi. above Natchitoches. Lanana, 40. mi. from Mactchitoches.

Spands. have takn. post there—Casa Calvo & his guard to retire.

Louisiana bank.

Mounted infantry to scour disputed country.

Claiborne to have interview with Govr. of Texas.<sup>3</sup>

Casacalvo?

Matta Gordo. 2. Span. regimts. to b' establ'd. there.  
(i. e. Bay of St. Bernard).

<sup>1</sup> These notes refer to the boundaries of Florida and Texas, then in dispute between the United States and Spain.

<sup>2</sup> Neustra Señora de los Adaes, seven leagues from Natchitoches.

<sup>3</sup> Cordero, the Spanish governor.

Cavalry & infantry from Mexico expected at St. Antonio.

A Governr. wth. 3000, men com'g. to Nacogdoches.

The prest. Comandt. of Nacogdoches to take post at Adaïs.

1100. Seminoles invited to Pensacola by Govr.

3. regimts. of 1500 men each expectd. from Havana for Pensaca. Mob.<sup>1</sup> & Plat R. & 200,000 cavelry. Forts to be at Pascagoula & Pearl rivers.

1000. families under the prest. gov. of St. Antonio, to come to Adaïs.

An officer & 100 dragoons have been takg. survey of Rio Guadalupe.

4. regiments ordered for the frontier (Nacogdoches). Chamber's lre. the Span. duties at Mobile to be submd. to till furthr. order.

Choctaws. Nannahubba isld. is ours.

1805—July 8. Present the 4. Secretaries. Privateers are now blockading Charleston, the capes of Chesapeake and Delaware and capturing vessels without the smallest pretext, merely because they are rich.

It is determd. by unanimous consent (except Mr. Gallatin who dissents) that the vessels being some without commns. some with insfft. commns. & some doing what their commns. do not warrt. all of which is within the definition of piracy & the act of Congr. authorizing us to keep 6 frigates in commn. in time of peace with  $\frac{2}{3}$  their ordinary compliment, & having authorized the buildig. equippg. &c 2. brigs without confining them to specific objects, we are author-

<sup>1</sup> Mobile.

ized from this force to take what may be necessary to suppress these pyracies, & accdly. that the *Adams* and the brig *Hornet* building at Baltimore, shall be got ready & sent out, & confined entirely to the suppression of these piracies on our Atlantic coast, chusing prudent officers and giving cautious instructions. There are funds sufficient & regularly appropriated to the fitting out, but for manning the proper funds are already exhausted, consequently we must borrow from other funds, and state the matter to Congress. Our general opinion is that as soundings on our coast cease at the beginning of the gulph stream, we ought to endeavor to assume all the waters within the gulph stream as our waters so far as to exclude privateers from hovering within them.

1805—Nov. 12. Present the 4. Secretaries, subject Spanish Affaires. The extension of the war in Europe leaving us without danger of a sudden peace, depriving us of the chance of an ally, I proposed we shd. address ourselves to France, informg. her it was a last effort at amicable settlement with Spain, and offer to her or through her, 1. a sum of money for the rights of Spain east of Iberville, say the Floridas. 2. to cede the part of Louisiana from the Rio Bravo to the Guadaloupe. 3. Spain to pay within a certain time spoliations under her own flag agreed to by the convention (which we guess to be 100. vessels worth 2. mil:) and those subsequent (worth as much more) & to hypothicate to us for those paimts. the country from Guadaloupe to Rio Bravo. Armstrong to be employed. The 1st was to be the exciting motive

with France to whom Spain is in arrears for subsidies and who will be glad also to secure us from going into the scale of England. The 2d. the soothing motive with Spain which France would press bona fide because she claimed to the Rio Bravo. The 3d. to quiet our merchants—it was agreed to unanimously & the sum to be offered fixed not to exceed 5 millions dollars. Mr. Gallatin did not like purchasing Florida under an apprehension of war, lest we should be thought in fact to purchase peace. We thought this over-weighed by taking advantage of an opportunity which might not occur again of getting a country essential to our peace, & to the security of the commerce of the Missipi.—It was agreed that Yrujo shd. be sounded thro' Dallas whether he is not going away, & if not he should be made to understand that his presence at Washington will not be agreeable and that his departure is expected. Casacalvo, Morales and all the Span. officers at N. O. are to be desired to depart, with a discretion to Claiborne to let any friendly ones remain who will resign & become citizens: as also women receiving pensions to remain if they chuse.

Nov. 19—Present the same.—Since our last meeting we have recd. a letter from Genl. Armstrong containing Talleyrand's propositions, which are equivalent to ours nearly, except as to the sum, he requiring 7. m. D. he advises that we alarm the fears of Spain by a vigorous language & conduct, in order to induce her to join us in appealing to the interference of the Emperor. We now agree to modify our propotns.

so as to accommodate them to his as much as possible. We agree to pay 5. mil. D. for the Floridas as soon as the treaty is ratified by Spain, a vote of credit obtd. from Congress & orders delivd. us for the surrender of the country. We agree to his proposition that the Colorado shall be our western boundary, and a belt of 30. leagues on each side of it kept unsettled. We agree that joint commrs. shall settle all spoliations, & to take paint. from Spain by bills on her colonies. We agree to say nothing about the French spoliations. in Span. ports which broke off the former conventn. We propose to pay the 5. mills. after a simple vote of credit, by stock redeemable in 3. years, within which time we can pay it.

We agree to orders to the commandg. officer at Natchitoches to patrol the country on this side the Sabine & all the red river as being in our possn. except the settlement of Bayou Pierre which he is not to disturb unless they aggress. He is to protect our citizens & repel all invasions of the preceding country by Span. soldiers, to take all offenders without shedding blood unless his orders cannot otherwise be executed.

1806. Mar. 5.—For particular instructions to Armstrong & Bowdoin relative to the purchase of the Floridas from Spain see my letter of this day to Mr. Madison.

14.—Present the 4 heads deptmt. & atty. Gen. Tunis.—A lre. recd. from their ambassador here, rejecting the offer of the return of the cruiser taken—including the blockade of Tripoli, or 4000. D.

making vague demands & threatening war in direct terms. Unanimous opin. that he be answered that we do nothing under threats, & that he must take back them, or end negotiation with him & send either our Consul or Commodore to his sovereign to know if he means war, we further agreed that if he should take back his threats, we might agree to restore him the cruiser taken in as good state as when taken & the 2. prizes which were almost nothing in value, if they were still in our hands, or if not, then a vessel of equal value to be bought, presents are proposed to be made equal in value to those he brought.

Tripoli.—We do not know that the family of the ex-bashaw is yet given up, shall he restore the blockade till it is done? Unanimously no. That would be an act of war to which Congress alone is competent. Let it be given in charge to the Consul who is going to press the surrender of the family with urgency, to let it be plainly understood we will not retire from the fulfilment of that article of the treaty and if it is not done, we may lay it before Congress at the next session when we can better spare gunboats than now.

Spain.—It is understood that if Spain will not sell the Floridas, we may agree to the Sabine & Perdido as the ultimatum of boundary, with all the waters of the Missipi.

England.—Mr. Pinkney of Maryland. is approved as a special missionary to England & also to succeed Monroe. It seems to be the sentiment, tho no question was taken, that we may enter into treaty



with England, the sum of which should be to settle neutral rights, not insisting on the principle of free ships, free goods, and modifying her new principles of the "accustomed trade" so as to give up the direct, & keep the indirect commerce between colonies & their metropols, restraining impressmts. of seamen to her own citizens in her own ports, & giving her in commerce the rights of the most favored nations without entering into details. Endeavor to get a relinquish of her right of commerce with our Indians, or insist on security for our people trading with hers. Endeavour also to exclude hostilities within the gulph stream.

Agreed that Colo. Smith survr. of N. Y. ought to be removed & Peter A. Schenk appod.

That Capt. Rogers ought to return from the Mediterranean so as not to mark him, and James Barron be sent to command there.

Apr. 14.—Present all the heads of departments. The message of this day to both houses respecting Tunis was submitted to them, & approved by all of them except Mr. Gallatin who would rather no communication on the subject should be made. However he suggested several alterations in the message, which were made.

Information being received that the Spaniards prohibit our vessels passing up the Mobbille, I proposed for their considn whether I should communicate it to Congress. We all were against it except Mr. Madison & Genl. Dearborne who rather leaned to a communcion but acquiescd, the reasons against it

were that it would open anew the sluices of invective which had lately been uttered there, the lateness of the period, Congress being to adjourn in 7 days, the impossibility of their administering a remedy in that time & the hope that we might get along till we could hear from Paris.

1806. April 15. About a month ago, Colo. Burr called on me & entered into a conversation in which he [mentioned] that a little before my coming into office I had written to him a letter intimating that I had destined him for a high employ, had he not been placed by the people in a different one; that he had signified his willingness to resign as V. President to give aid to the admn in any other place; that he had never asked an office however; he asked aid of nobody, but could walk on his own legs, & take care of himself; that I had always used him with politeness, but nothing more: that he aided in bringing on the present order of things, that he had supported the admn, & that he could do me much harm: he wished however to be on differt. ground: he was now disengaged from all particular business, willing to engage in something, should be in town some days, if I should have anything to propose to him. I observed to him that I had always been sensible that he possessed talents which might be employed greatly to the advantage of the public, & that as to myself I had a confidence that if he were employed he would use his talents for the public good: but that he must be sensible the public had withdrawn their confidence from him & that in a government like

ours it was necessary to embrace in its admn as great a mass of public confidce as possible, by employing those who had a character with the public, of their own, & not merely a secondary one through the Exve. He observed that if we believed a few newspapers it might be supposed he had lost the public confidence, but that I knew how easy it was to engage newspapers in anything. I observed that I did not refer to that kind of evidence of his having lost the public confidence, but to the late presidential election, when, tho' in possn of the office of V. P. there was not a single voice heard for his retaining it. That as to any harm he could do me, I knew no cause why he should desire it, but at the same time I feared no injury which any man could do me: that I never had done a single act, or been concerned in any transaction, which I feared to have fully laid open, or which could do me any hurt if truly stated: that I had never done a single thing with a view to my personal interest, or that of any friend, or with any other view than that of the greatest public good: that therefore no threat or fear on that head would ever be a motive of action with me. He has continued in town to this time; dined with me this day week & called on me to take leave 2. or 3. days ago. I did not commit these things to writing at the time but I do it now, because in a suit between him & Cheetham, he has had a deposn of Mr. Bayard taken, which seems to have no relation to the suit nor to any other object but to caluminate me. Bayard pretends to have addressed to me, during the pending of the Presidl election in Feb. 1801. through Genl. Saml. Smith, certain

condns on which my election might be obtained, & that Genl. Smith after conversing with me gave answers from me. This is absolutely false. No proposn of any kind was ever made to me on that occasion by Genl. Smith, nor any answer authorized by me. And this fact Genl. Smith affirms at this moment. For some matters connected with this see my notes of Feb. 12. & 14. 1801 made at the moment. But the following transactions took place about the same time, that is to say while the Presidential election was in suspense in Congress, which tho' I did not enter at the time they made such an impression on my mind that they are now as fresh as to their principal circumstances as if they had happened yesterday. Coming out of the Senate chamber one day I found Gouverneur Morris on the steps. He stopped me & begun a conversn on the strange & portentous state of things then existing, and went on to observe that the reasons why the minority of states were so opposed to my being elected were that they apprehended that 1. I should turn all federalists out of office. 2. put down the navy. 3. wipe off the public debt & 4.<sup>1</sup> . . .

That I need only to declare, or authorize my friends to declare, that I would not take these steps, and instantly the event of the election would be fixed. I told him that I should leave the world to judge of the course I meant to pursue by that which I had pursued hitherto; believing it to be my duty to be passive & silent during the present scene; that I should certainly make no terms, should never go

<sup>1</sup> MS. cut out.

into the office of President by capitulation, nor with my hands tied by any conditions which should hinder me from pursuing the measures which I should deem for the public good. It was understood that Gouverneur Morris had entirely the direction of the vote of Lewis Morris of Vermont, who by coming over to M. Lyon would have added another vote & decided the election. About the same time, I met with Mr. Adams walking in the Pensylve avenue. We conversed on the state of things. I observed to him, that a very dangerous experiment was then in contemplation, to defeat the Presidential election by an act of Congress declaring the right of the Senate to naming a President of the Senate, to devolve on him the govmt during any interregnum: that such a measure would probably produce resistance by force & incalculable consequences which it would be in his power to prevent by negating such an act. He seemed to think such an act justifiable & observed it was in my power to fix the election by a word in an instant, by declaring I would not turn out the federal officers, not put down the navy, nor sponge the National debt. Finding his mind made up as to the usurpation of the government by the President of the Senate I urged it no further, observed the world must judge as to myself of the future by the past, and turned the conversation to something else. About the same time Dwight Foster of Massachusetts called on me in my room one night & went into a very long conversation on the state of affairs the drift of which was to let me understand that the fears above-mentioned were the only obstacles to my elec-

tion, to all of which I avoided giving any answer the one way or the other. From this moment he became most bitterly & personally opposed to me, & so has ever continued. I do not recollect that I ever had any particular conversn with Genl. Saml. Smith on this subject. Very possibly I had however, as the general subject & all its parts were the constant themes of conversation in the private *tête à tête* with our friends. But certain I am that neither he, nor any other republican ever uttered the most distant hint to me about submitting to any conditions or giving any assurances to anybody; and still more certainly was neither he nor any other person ever authorized by me to say what I would or would not do. See a very exact statement of Bayard's conduct on that occasion in a piece among my notes of 1801. which was published by G. Granger with some alterations in the papers of the day under the signature of <sup>1</sup>

25.—Present all the members of the Cabinet. All the articles of a treaty in maximo and minimo, were agreed to without a single dissent on any article, the former instrns of Monroe were made the ground work.

It was proposed to consider whether any measures should be taken under the act for detaching 100,000 militia. It was agreed not on the following grounds.

1. It would spread considerable alarm through the country. 2. If N. O. (the only place to which danger is apprehended) be really attacked succor from this act is doubtful, if not desperate. 3. The

<sup>1</sup> Blank in MS. This note is not in the Jefferson MSS.

language of Spain is entirely pacific accordg to the last letters from Irving.<sup>1</sup> 4. Were she disposed to send troops across the Atlantic, she could not do it in the present posture of things on the ocean. 5. At Havana they have scarcely any troops—certainly none to spare, at Pensacola & Mobile abt. 600. Baton rouge 170. 6. In N. Orleans we have 200. & in the vicinities which may be drawn there in a few days 1000 more. The militia of N. O. may be counted on from 500 to 1000. & the seamen about as many more: so that an effective force of about 3000. may be relied on. We conclude therefore to adopt the following measures.

1.—The gunboats (8 in number) up the Ohio not being ready, order the 2. bomb vessels & 2 gunboats built by Com. Preble to proceed immediately to Charleston, there take gunboat No. 1. & go on, the 3. gunboats to L. Pontchartrain & the 2 Bombs to N. O. where the men & stores for them have been some time arrived. The rest of the gun boats from the Meditern. being daily expected at Charleston or Savanna, if they arrive before those from the Ohio come down, order 4. to N. O. because we consider 6. for the Misipi & 3. for the lakes sufficient & when the Ohio boats come down the surplus may be brought off to the Atlantic ports. The gun boats are depended on to guard the passage thro' the lakes from the quarter of Mobile, to guard the entrance of the mouth of the river from the sea, and to guard the crossing of it at the Acadian settlement should troops approach from Nacogdoches & westward across the

<sup>1</sup> George W. Erving, *chargé d'affaires* and acting minister at Madrid.

Chataleya along the road to the Acadian settlement.

2.—Block houses and other defensive works are immediately to be prepared on the neck of land along which the approach lays from Baton rouge & Manchac; at Fort St. Jean, & the most advantageous defiles on the approaches from the Eastward; the troops remaining in the vicinities as at present on account of their health.

3.—The militia of N. O. Tombigbee, & Natchez to be kept in readiness, those of N. O. for its own defense, those of Tombigbee to seize Mobile or Pensacola if their garrisons be drawn off to N. O. or to follow on their rear; & those of Natchez to take Baton rouge, if the garrison be drawn, or to follow & cut off their retreat.

There was no dissent to any article of this plan.

May 1.—Present the 4 heads of departmts. A letter from the Mayor of N. Y. complaining of the murder lately committed, & the trespasses by the *Leander*, *Cambrian* & *Driver*,<sup>1</sup> & asking for a naval force, also the depositions of Pierce & ——. It was considered that the laws had made an establishment of 900 men for the navy in peace, with power to employ them in any vessels we thought proper; that these might man 3 frigates, that if it would have been thought proper with 3 frigates to attack and drive off these 3 British vessels, yet that 2 of the 3 were absent in the Mediterranean, & the 3d. hove down; the latter not to be in readiness under a month, & one of the former not possible to be called home

<sup>1</sup> British cruisers.



under 5. months, that for so distant & uncertain an effect the defence of our commerce in the mediterranean ought not to be abandoned, that our gun boats were not as yet in place to be stationed in N. York & that therefore no force of either of these descriptions were within our power. It was thought proper therefor to recommend a regular prosecution of the murder <sup>1</sup> by the state courts of N. Y. or N. J. if within their jurisdiction, or if out of it then by the distr. court of the U. S. and to issue a proclmn for apprehending Henry? Whitby commander of the *Leander* for the murder, requiring the 3 vessels to depart. & interdicting them & all other vessels commanded by the prest. captains of the *Cambrian* & *Driver* from the harbours & waters of the U. S. and on their failure to depart, or reentering them, to prohibit all intercourse, see the proclmn which was communicated & approved by each of the gentlemen. In all this there was no difference of opin. except that Genl Dearborne thought we might hold out some promise of naval defence to N. York.

On the prosecution of Ogden & Smith for participtn in Miranda's expedn the defs and their friends having contrived to make it a government question, in which they mean to have the admn & the judge tried as the culprits instead of themselves, Swartwout, the marshel to whom, in his duel with Clinton, Smith was second, & his bosom friend, summoned a pannel of jurors, the greater part of which were of the bitterest federalists, his letter too covering to a friend

<sup>1</sup> A shot fired by the *Leander* across the bows of an American ship had killed a man on a sloop.

a copy of Aristides,<sup>1</sup> & affirming that every fact in it was true as holy writ. Determined unanimously that he be removed.

July 11.—Consultation with the Secy. of the Navy, 9 gunboats built in the U. S. and 2 do. bought in the Meditern, with 2 Bombs built in the U. S. & 2 do. bought in the Mediterranean, & 3 of our brigs &c are daily expected to arrive from the Mediterranean, 2 of the brigs to come here, & all the other vessels to Charleston. As everything at N. Orleans is now quiet, & therefore not pressing we conclude to depend on the 8. gun boats built in the Ohio to be in N. O. in time, and to join to these by an immediate order one of Preble's gunboats, & one of his bombs, this will make up the 9 Gunboats agreed on Apr. 25 for the Misipi & Pontchartrain, with the addition of the bomb, 2 of the gunboats at Charleston, 3 shall remain there 3 others of them + No. 1 (not fit for that place) shall go to Norfolk, 6 others of them + the other of Preble's gunboats shall go to N. York, 1 boat only however is to be kept manned at each place, the rest to be hauled up. Preble's other Bomb the 4 do. from the Medn. & all the other brigs &c. from the Medn. to come here to be laid out.

1806.—July 19.—Consultation with the 4 heads of departmts. An armed vessel at Norfolk fitting out by Cooper to cruise as a Spanish or French privateer to be seized & placed under a course of law, she is complained of by Mr. Merry;<sup>2</sup> officer to be in-

<sup>1</sup> Van Ness' pamphlet. See *ante*, p. 376.

<sup>2</sup> The British Minister.

demnified. Yrujo—agreed to do nothing as yet. Mr. Madison seemed of a different opin.<sup>1</sup>

1 gunboat to be kept in service at Charleston & to act against privateers under former instructions, if the appropriation will afford it.

The frigate under Campbell in the Mediterrn. to remain there till next spring.

Here Genl. Dearborne was called away.

Swartwout, if the case v. Ogden & Smith is determined at the present session he is to be removed immedly. if it lies over to another term let him remain to another.

Oct. 22.—Present the 4 heads of departmts. The Spaniards have moved to Bayou Pierre a body of 1000. or 1200. men, mostly militia, mounted, and 300 regulars are expected to join them. Our regular force in the Missipi & Orleans territories is 631 men at Natchitoches & ordered there from Fort Adams, 210. At N. Orleans, 240 new recruits arrived or arriving at Orleans, making in all 1081, besides 130. at Tombigby. 2. gunboats are at N. Orleans (from Ohio) 6. more daily expected from the same quarter. 2. others & 2. bomb vessels from Boston are arriving there about this time, & Genl. Wilkinson asks 500 mounted men to secure his operations if forced to act hostility, the acting Govr. of Missipi offers 250. volunteers for service on the west side of the Missipi, & 500. if employed on the east side, the Govr. of Orleans counts on 500. militia from the western countries of his territories. Agreed unanimously to

<sup>1</sup> Madison desired his recall.

require from those two territories 500. volunteers mounted on their own horses, engaged to serve 6 months, & to be in readiness when called for by the commandg officer of the regulars. This under the law of the last session for calling out a detachment of militia, and further that the marines at N. O. shall do garrison duty there, so that the 210 men at that place may be moved up to Natchitoches, the gunboats to be under the orders of the commanding officer.

During the last session of Congress, Col. Burr who was here, finding no hope of being employed in any department of the govmt. opened himself confidentially to some persons on whom he thought he could rely, on a scheme of separating the western from the Atlantic States, & erecting the former into an independent confederacy, he had before made a tour of those states, which had excited suspicions, as every motion does of such a Catalinarian character, of his having made this proposition here we have information from Genl. Eaton, thro. Mr. Ely & Mr. Granger, he went off this spring to the western country. Of his movements on his way information has come to the Secretary of State & myself from John Nicholson and Mr. Williams of the State of N. J. respecting a Mr. Tyler, Col. Morgan, Nevill & Roberts near Pittsburg. and to other citizens thro' other channels & the newspapers. We are of opinion unanimously that confidential letters be written to the Governors of Ohio, Indiana, Missisipi & Orleans, to the district attorney of Kentucky, — of Tennessee, — of Louisiana, to have him strictly watched and on his

committing any overt act unequivocally, to have him arrested and tried for treason, misdemeanor, or whatever other offence the Act may amount to. And in like manner to arrest and try any of his followers committing acts against the laws. We think it proper also to order some of the gunboats up to Fort Adams to stop by force any passage of suspicious persons going down in force.

Genl. Wilkinson being expressly declared by Burr to Eaton to be engaged with him in this design as his Lieutenant or first in command, and suspicions of infidelity in Wilkinson being now become very general, a question is proposed what is proper to be done as to him on this account as well as for his disobedience of orders received by him June 11. at St. Louis to descend with all practicable despatch to N. O. to mark out the site of certain defensive works there, and then repair to take command at Natchitoches, on which business he did not leave St. Louis till Sep. — Consideration adjourned.

Oct. 24—It is agreed unanimously to call for Captain Preble & Decatur to repair to N. Orleans by land or sea as they please, there to take command of the force on the water, & that the *Argus*, & 2. gunboats from N. Y. 3 from Norfolk & 2 from Charleston shall be ordered there, if on a consultation between Mr. Gallatin & Mr. Smith the appropriations shall be found to enable us. That Preble shall, on consuln with Govr. Claiborne have great discretionary powers. That Graham shall be sent thro' Kentucky on Burr's trail, with discretionary powers to consult

confidentially with the Governors, & to arrest Burr if he has made himself liable. He is to have a commission of Govr. of Louisiana, and Doctr. Browne is to be removed, letters are to be written by post to Govr. Claiborne, the Govr. of Misipi and Colo. Freeman to be on their guard against any surprise of our ports or vessels by him. The question as to Genl. Wilkinson postponed till Preble's departure, for further information.

25—A mail arrived yesterday from the Westward, and not one word is heard from that quarter of any movements by Colo. Burr. This total silence of the officers of the govmt., of the members of Congress, of the newspapers, proves he is committing no overt act against law. We therefore rescind the determination to send Preble, Decatur, the *Argus* or the gunboats, & instead of them send off the marines, which are here to reinforce or take the place of the garrison at N. O. with a view to Spanish operns. & instead of writing to the Govrs. &c. we send Graham on that rout with confidential authority to enquire into Burr's movements, put the Govrs. &c. on their guard, to provide for his arrest if necessary, & to take on himself the govmt of Louisiana. Letters are still to be written to Claiborne, Freeman, & the Govr. of Misipi to be on their guard.

Nov. 8.—Present the 4 heads of department agreed on instructions to Genl. Wilkinson, which see.

25.—Present at first the 4 heads of depmt. but after a while Genl. Dearborne withdrew, unwell.

Dispatches from Genl. Wilkinson to myself of Oct. 21. by a confidential officer (Lt. Smith) shew that overtures have been made to him which decide that the present object of the combination <sup>1</sup> is an expedition by sea against Vera Cruz: and by comparing the contents of a letter from Cowles Meade to the Sec'y of State, with the information from Lt. Smith that a Mr. Swartwout from N. York, brother of the late Marshal had been at Gen'l Wilkinson's camp, we are satisfied that Swartwout has been the agent through whom overtures have been made to Wilkinson. We came to the following determination: that a proclamation be issued (see it) and that orders go as follows to Pittsburg, if we have a military officer there, write to him to be vigilant in order to discover whether there are any preparans making, or boats or arms or other military stores or means providing by any persons against whom there is reasonable ground to suspect that they have in contemplation a military enterprise against any of the territories of Spain (contrary to the Stat. June 5, 94. c. 50), and to stop all bodies of armed men who may be assembled to descend the Ohio under circumstances and appearances so different from those of common emigrants as to induce a reasonable suspicion that they are a part of a combination of persons believed to have such an enterprise in view, to have them bound to the observance of the peace & good behavior, or put in a course of legal prosecution, according to the strength of the evidence; & for this purpose to call in the aid of the militia;—if we have no officer there,

<sup>1</sup> Burr's Conspiracy.

then write to Genl. Nevill.—Marietta. Mr. Gallatin is to write to the Collector to proceed to sieze the gunboats building in that neighborhood & suspected to be destined for this enterprise, & to call in the aid of the militia. Genl. Dearborne to write to Govr. Tiffin to furnish a guard of militia, sufficient for the detention of the boats, & to write to Genl. Jackson, supposed to be the Genl. of the Brigade on the Virginia side of the river, to furnish any aid of militia which may be necessary from the left bank of the river.—Louisville. Genl. Dearborne to write to the Govr of Kentucky of the same tenor as to the officer at Pittsburg.—Massac. Genl. Dearborne to give orders to Capt. Bissell of the same tenor, & particularly to stop armed vessels suspected on good grounds to be proceeding on this enterprise & for this purpose to have in readiness any boats he can procure, fitted for enabling him to arrest their passage.—Chickasaw bluffs. Give same orders as to Bissell.—Fort Adams. do.—New Orleans. Genl. Wilkinson to direct the stations of the armed vessels, & if the arrangements with the Spaniards will permit him to withdraw, let him dispose of his force as he thinks best to prevent any such expedition, or any attempt on N. O. or any of the posts or military stores of the U. S. (He is also to arrest persons coming to his camp & proposing a concurrence in any such enterprise, or suspected of being in camp with a view to propogate such propositions, this addition is made by Genl. Dearborne with my approbn.

Dec. 15.—See a message agreed on unanimously



to furnish money for distressed French—Not sent; Turreau withdrawing request.

Dec. 16.—Present the 4 heads of Department, being informed that the *Cambrian*, one of the vessels proscribed by the proclamation of May last, is in Hampton road, we agreed to issue the proclamation, which see, dated Dec. 20. to write to Generals Matthews & Wells to furnish Militia for cutting off supplies, & to order the revenue cutters & boats, & the gunboats at Norfolk under Capt. Decatur to attend to the same: but first to inform Mr. Erskine<sup>1</sup> of what is to be done, & detain our orders some days to give time for the effect of his interference. The papers were to have gone off on the 20th but that morning he informed Mr. Madison the *Cambrian* was gone, so our orders and proclamn were suppressed, see the draught of the proclamation.

Dec. 19.—Present the heads of departmts. (except Mr. Gallatin.) see an unfinished letter of Dec. 20. to Govr. Claiborne, containing the sum of the orders agreed to be sent.

1807.—Feb. 2. Present the heads of deptmts. & Atty Genl. letters having been recd. from our Ministers in Lond. of Nov. 11. informg. that they were likely to settle satisfactorily the great points of colonial commerce (indirect) blockade, jurisdn, commerce on footing gentis amicissimæ. E. India do. on that of Jay's treaty, but that the right of taking their seamen out of our vessels at sea (which in its

<sup>1</sup> The British Minister.

exercise took ours also) would not be given up by treaty tho' moderated in practice, & that our com-mrs. meant to conclude such an one, I proposed these questions.

- 1.—Shall we agree to any treaty yielding the principle of our non-importn act, and not securing us agt. impressments? Unanimously not. Because it would be yielding the only peaceable instrument for coercing all our rights. The points they yield are all matters of right. They are points which Bonaparte & Alexander will concur in settling at the treaty of peace, & probably in more latitude than Gr. Br. would now yield them to us, & our treaty wd. place on worse ground as to them than will be settled for Europe. The moment is favorable for making a stand & they will probably yield & the more probably as their negociators had agreed to an article that they would not impress on the high seas, or in other than their own ports; which had once before been agreed to with Mr. King, but retracted in both cases. We had better have no treaty than a bad one. It will not restore friendship, but keep us in a state of constant irritation.
2. Shall we draw off in hostile attitude, or agree informally that there shall be an understanding between us that we will act in practice on the very principles proposed by the treaty, (except as to the E. India Commerce) they defining what breaks the continuity of a voyage, blockades, jurisdiction &c. & we agreeing to recommend to Congress to

continue the supervision of the non importn—the last mode decided unanimous.

Art. 3. Shall we consult the Senate? unanimously not, had the 1st qu. been decided affirmatively their advice should have been asked. Mr. Madison was not satisfied whether we ought not to propose giving up the right of employing their seamen at all in our vessels, & making it penal on our commanders, as an inducement to them to give up impressment and trust to the effect of such a law for securing to them the use of all their seamen, our Commrs. are to be immedly instructed to adhere to their original instructions which made the impressmt a *sine quâ non*.

Feb. 27. Present Mad. Dearb. Smith, Rodney, agreed to discharge all the militia at the stations from the mouth of the Cumberland upwards, to give up all boats & provisions seized (except Blannerhasset's) or pay the value, applying them in that case to public use; to institute an inquiry into the proceedings of Burr & his adherents from N. Y. to N. Orleans, & particularly to appoint good men at the following points. Pittsburg, Marietta, Wood County, Cincinnati, Louisville, Nashville, Vincennes, St. Louis, Natchez, New Orleans, Statesburg, city of Washington, Philadelphia, N. York, & other points in that state, to take affidavits. The Atty. Genl. to prepare interrogatories, the vessels in the Mediterranean to be relieved, the Act for 30,000. volunteers to be committed to Governors of Western States for execution.

The Arkansa to be explored.

Mar. 17.—Present all. British treaty—agreed that the article agt. impressmt shall be a *sine quâ non* accding to our instrm of Feb. 3. So also the withdrawing the declaration respecting the French decree of blockade or the modifying it so as not to effect the treaty, and as the treaty is opened for these purposes, endeavor to alter the following articles, 1. E. India trade, restore Jay's articles. 2. Keep the one now in. 3. Expunge it, but on this head we are to enquire of merchts before we send the instrm. Art. 8. Avoid if possible the express abandonmt of free ships free goods. Art. 10. Have blockade defined according to the British note formerly received. Art. 17. Expunge, stipulation to receive their vessels of war, & especially the humiliating stipuln to treat their officers with respect, reserve the right to indemnificns.—absolutely forbid the proposed Convention for giving them a right to trade with the Indians of Louisiana. Art. 5. Tonnage &c. consult with merchts.

A circular letter to the Govrs, &c. for carrying the volunteer act in exn was agreed on.

Persons were named for conducting enquiries into Burr's treasons &c. & his associates. and Newark & Trenton in Jersey & Newport in Kenty. were added.

It was agreed that the seamen employed at N. Orleans were to be considered & paid as Militia at Militia prices, and that the surplus pay stipulated to them should be paid out of the Navy funds.

Apr. 3.—Prest. the 4. heads of deptmts. Agreed to propose to Gr. Br. not to employ any of her seamen

on her stipulating not to impress from our ships, to endeavor to make the Article for indirect colonial commerce coextensive in time with the duration of the treaty, agreed also to admit them under the former treaty to pay no more duty on Indian goods imported by the lakes than we take from our own people, on obtaining from them an acknowledgement of our right to extend the regulation, of Indn. Commerce within our limits to their traders as well as our own, as is the case with commerce in general in Atlantic States.

The enquiry into Burr's conspiracy to be begun by the Atty Genl. immediately.

1807. July 2. Prest. all the heads of depmt & Atty Genl. The Proclamation of this day unanimously agreed to.<sup>1</sup>

A copy of the proclamn to be inclosed to the Governors.

Recall all our vessels from the Mediterranean, by a vessel to be sent express.

Send the *Revenge* to England, with dispatches to our Minister, demanding satisfaction for the attack on the *Chesapeake*, in which must be included. 1. A disavowal of the Act & of the principle of searching a public armed vessel. 2. A restoration of the men taken. 3. A recall of Admiral Barclay. Communicate the incident which has happened to Russia. Orders had been already issued for a court of inquiry on Barron. The vessels recalled from the Mediterranean are to come to Boston. When may be further orders.

<sup>1</sup> For all armed English vessels to leave the ports of the United States, occasioned by the *Chesapeake-Leopard* incident.

[July] 4.—Present the same. Agreed that a call of Congress shall issue the 4th Monday of Aug. (24th) to meet the 4th Monday in Octob (26th) unless new occurrences should render an earlier call necessary. Mr. Smith wished an earlier call.

[July] 5. Present the same. It was agreed to call on the governors of the *States* to have their quotas of 100,000. Militia in readiness. The object is to have the portions on the sea-coast ready for any emergency, and for those in the North we may look to a winter expedn against Canada.

[July] 7. Prest. the Secretaries of State & Navy & Atty Genl. Agreed to desire Govr. of Virga to order such portion of Militia into actual service as may be necessary for defence of Norfolk, & of the gun-boats at Hampton and in Matthews County.

July 26.—Norfolk. Agreed that all the Militia at this place, & on both sides of James river be dismissed except. 1. An artillery Company to serve the spare guns at Norfolk, and to be trained to their management. 2. A troop of cavalry to patrol the Country in the vicinity of the squadron, as well to cut off their supplies as to give notice of any sudden danger: to meet which the militia of the borough & neighboring counties must hold themselves in readiness to march at a moment's warning, a Major to Command the 2 companies of artillery & cavalry. Offensive measures.

Prepare all necessaries for an attack of Upper Canada & the upper part of Lower Canada, as far as the mouth of Richlieu river.

Prepare also to take possession of the islands of Campobello &c. in the bay of Passamaquoddy.

The points of attack in Canada to be—1 Detroit,  
2. Niagara. 3. Kingston, 4. Montreal.

1. Detroit. 300. Militia of Michigan.  
1000. Do. from the State of Ohio.  
100. regulars from forts Detroit  
Fort Wayne.

1400

2. Niagara. 1500 militia from Pennsylvania &  
Genesee.  
One Artillery company of  
regulars from Niagara.

1500

3. Kingston. 1500. militia from New York.

1500

4. Montreal. 1500 militia from New York.  
2000 " Vermont.  
1000 " Massachusetts.  
1000 " New Hampshire.

5500

5. Campobello. 500 militia from Maine.

10,400 militia

General Officers for the attack on

Detroit, Genl. Hull.

Niagara,

Kingston, Gansevoort.

Montreal,

Campobello, Colo. Trescott or Brigadr. Genl.  
Chandler.

It is understood that everything which is not already in the neighborhood of the places can be got & carried as fast as the men can be collected & marched, except provns to Detroit.

Half tents & travelling carriages for artillery to be made.

Measures to be taken for obtaining information from Detroit through Genl. Hull.

Niagara Erastus Granger.

Kingston.

Montreal Saillée.

Quebec.

Halifax—some person to be covered under a commission of agency for.

Some Merchant who may have a vessel there under adjudication.

The Secretary at War to recommend to the Governors to press for 12. Month *volunteers under the last act*, rather than 6. months.

Do. under the former.

July 27. Defensive Measures.

The places needing defence divided into 3 classes.

- 1.—Where batteries only need be provided to be guarded in common by a few men only & to be manned, when necessary, by Militia.
- 2.—Places which from their importance, require some stronger defence, but which from the forts already built, the difficulty of access and the strength of their adjacent population need only repairs, some inconsiderable additions to their works and garrisons.



3.—Places which from their importance, & ease of access by land or Water may be objects of attack & which from the weakness of their population, difficulties of defence &c. will need particular attention and provision, in distributing the sea ports into these classes their importance so far as depends on their tonnage, collection of import, exports domestic & foreign may be obtained from a table prepared by the Sec'y of the Treas'y which see.

1st class may be taken from that table readily—perhaps some places not in that may require some defence.

2d Class.

Portsmouth, N. H.  
 Newburyport  
 Salem  
 Boston  
 Providence  
 New London  
 Saybrook  
 New Haven  
 Philadelphia  
 Wilmington, Del.  
 Baltimore  
 James River  
 Ocracoke  
 Wilmington, N. C.  
 Charleston

} On each of these we conferred, successively, and came so far to a general understanding of the nature and extent of the works, and number of gunboats necessary for their defence, as might enable the Secretary at War to make out a detailed statement for each, for future Consideration, estimating the expense of works, number of men, & number of gunboats necessary for each.

## 3d Class.

Portland  
Newport  
New York  
Alexandria &  
Washington  
Norfolk  
Savanna  
New Orleans

} On these also successively,  
conferences took place so  
as to enable the Secretary  
at war to make a similar  
statement as to them.

July 28.—The existing appropriations for fortifications being not more than sufficient for New York, Charleston, and New Orleans, it is thought best to employ them entirely on those places, and leave the others till further appropriations.

It is thought that the Secretary of the Navy should purchase on credit timber & other materials for a great number of gunboats, suppose 100, but that they should chiefly be of those kinds which may be useful for the navy should Congress not authorize the building gunboats.

Also that he should purchase on credit 500. tons of saltpetre & 100 tons of sulphur on the presumption that Congress will sanction it.

Our stock of swords, pistols & mortars being not sufficient, the Secretary at war will take measures for procuring a supply of the two former articles and will keep Troxall constantly employed in making mortars until a sufficient stock be provided.

The Secretary of the Navy will take immediate measures for procuring from London 100 telescopes

of about 10 guinea price for the establishment of Telegraphs.

It is agreed that about 15,000 regular troops will be requisite for garrisons and about as many more as a disposable force, making in the whole 30,000 regulars.

It is also recommended to the Secretary of the Navy to recruit the whole number of marines allowed by law, to wit, about 1100, principally for the service of the gunboats. On the question, Under what circumstances I may order Decatur to attack the British vessels in our waters it is the opinion that if they should blockade any place, preventing vessels from entering or going out or proceed systematically in taking our vessels within our waters, that the Gunboats should attack them if they can do it with a good prospect of success. But Decatur is not to do this without orders from me. Should they attack Norfolk or enter Elizabeth river Decatur may attack them without waiting orders.

In endeavoring to obtain information of the state of the British posts to be attacked the following will be proper objects of enquiry.

1. The regular force. 2. The force of the Militia they may command & the temper & disposition of the people, and whether Armed.
3. The Character of the Commanding officer.
4. The situation of the fort, whether in good repair —if requiring regular approaches—the situation of their Magazines, &c.
5. Plans of the works, Maps of the roads, what are the obstacles to the March of troops &c.

It is agreed that Congress shall be called to meet on

Monday the 26th of October & that we will assemble here on Monday the 5th of October, the proclamation to issue immediately.

Mr. Gallatin's estimate.	D	D
30,000 men employed ashore & in gunboats.....@ 300—		9,000,000
Navy.....	1,500,000	
Occasional Militia....	1,000,000	
Ordnance, transports, fortifications.....	1,500,000	4,000,000
Interest on public debt.....		3,500,000
All civil expences.....		1,500,000
		<u>18,000,000</u>

#### Ways & Means.

Present impost reduced by war to.....	8,000,000	
Additional duties & taxes....	2,500,000	
Sales of land.....	500,000	
Deficiency to be supplied by annual loan.....	7,000,000	18,000,000

Besides which we must borrow annually the instalments of public debt becoming due that year.

Oct. 10. Prest. the 4. Secretaries. Agreed unan. that in consideration of information recd. as to the strength of the British posts in Canada, 3000. men (instead of 1500) must be ordered agt. Niagara, &

500. only, instead of 1500 agt. Kingston. That in the message at the opening of Congress the treaty and negotiations should not be laid before them, because still depending.

Oct. 22. Present all. The *Constitution* is to remain at Boston, having her men discharged: the *Wasp* is to come to N. York; the *Chesapeak* is to remain at Norfolk; and the sending the U. S. frigate to N. Y. is reserved for further consideration, enquiring in the meantime how early she could be ready to go—it is considered that in case of war, these frigates would serve as receptacles for enlisting Seamen to fill the Gunboats occasionally.

After agreeing as above, proceeding to consider how the crew of the *Constitution* should be paid off (the Navy funds being exhausted) before the meeting of Congress, it was concluded that in order to gain time till their meeting, the *Constitution* should be brought round to N. York, & the *United States* be destined for Boston.

[Oct.] 31.—Gunboats to be stationed at N. York, 17. at Norfolk, 3. at Charleston, 15. at N. Orleans & 8. building in Western country. They are to have 8. men for the guns, 3. sailors for the sails, & to depend on militia of the place for the rest, a captain for each flotilla.

26.—Present all the members.

27.—Do. except  
the Atty Genl.

28.—Present all  
the members

} See a paper containing minutes of the proceedings of these days, in which there was no dissentient voice.

Nov. 27.—Present all. Govr. Hull writes from Detroit Nov. 8, that he has called on the Govr. of Ohio for 500. Militia infantry & a Co. of horse, in consequence of a collection of Indns, kept at Amherstbg & other indications of war. Genl. Dearborne having before directed Hull to strengthen his garrison (of 50. regulars) by calling into service 3. Cos. of Militia of the place, thot it wd. be sfft. if we ordered 3. or 4. cos. more from Ohio. The other gentlemen thot we had better let Hull's call take it's course, being attentive the moment we receive intelligence from England to Modify it accordly.

Agreed that an order shall be enclosed to Govr. Claiborne to remove by Military force intruders on the Batture <sup>1</sup> under the act of the last session of Congress.

Information being received that great numbers of intruders have set down on the lands lately obtained from the Chickasaws & Cherokees, & particularly within the Yazoo tract & some also within the Cherokee lines, the Secretary at War is to give immediate orders for removing them by Military force.

Jan. 25.—1808—Mr. Dawson called on me & informed me that yesterday he was called on by a Mr. Hall, a native of the U. S. but a British subject engaged in Commerce here who told him he had had a vessel condemned at Halifax and was going to England to prosecute the appeal. That being acquainted with Mr. Erskine. & known also to Mr. Rose since his arrival, he had informed them, & they had desired him to be the bearer of their dispatches which would be

<sup>1</sup> The disputed levee at New Orleans.

ready on the 27th. These dispatches he said would be delivered to him in a box, would contain all their communions to their Govmt. consequently their operations here intrigues, spies, friends, information, their own views, prospects & designs. That he believed his appeal would cost him as much as he should recover, that he was now a ruined man, had been cruelly treated by England therefore wished to quit that Country & become an American. That for a proper reward (he did not say what) he would take the papers out of the box which should be delivered him, deliver them to us, fill the box with blank papers, return to N. York & making some excuse for not going he would send the box to it's address. He said we should be on our guard for that those Ministers had many spies in Washington and one in the President's house who informed them of everything passing. This man is known to have been much attended to by Erskine, to have been at his parties, at those of Taylor &c.

My answer to Mr. Dawson was that the Govm't would never be concerned in any transaction of that character; that moral duties were as obligatory on nations as on individuals, that even in point of interest a character of good faith was of as much value to a nation as an individual and was that by which it would gain most in the long run. That however, he might assure Hall that we would keep his secret. Mr. Dawson had consulted with Mr. Nicholas on this communication, and after I had given him the above answer I mentioned it to Mr. Madison who approved of it.

Apr. 5. 08.—Present the 4 Secretaries. Having now 100. gunboats building and about 70 in service, we agreed that 20 should be stationed at N. Orleans with 20 men in each, about half a dozen be kept in different places for enforcing the embargo with 8 or 10 men each. Of the residue, keep on the stocks as many as we can by agreement, for preservn, and to all the rest allow 2. men each. Let the frigates & sloop remain where they are with about 20 or 30 men each to keep them clean. Which will reduce the number of seamen to less than 900. The original establishment, as the law on which the proclamation is founded expires with the end of this session, it is rather believed that it's renewal would not renew the proclamn; and as it would be disagreeable either to renew or revoke it, we conclude to let it go off in that doubtful way which may afford a reason for not proceeding to actual hostilities agt. Brit. armed vessels entering our waters. We agree to renew the call for the 100,000 Militia and Volunteers.

June 30. 08.—Present the 4 Secretaries & atty Genl. 96. applications for permission to send vessels out for property. Agreed as general rules 1. That no permission shall be granted after the  
of . 2. None to Europe, because of the danger of the capture or detention of the vessels & money can be drawn thence so easily by bills, & to such advantage by the favble exchange. 3. None to Asia, or the Continent of Africa, except Mogadore. 4. None to S. America beyond the line. From such distances, vessels could not return before war may



take place. Agreed to continue the reguln of Mr. Gallatin's circular of May 20. except that it may be relaxed as to vessels usually employed in the coasting trade. This has a special view to the relief of N. C. that her corn & lumber may be sent coastwise. The *Chesapeake* being manned may be sent on a cruise from St. Mary's to Passamaquoddy. 2. gunboats are to be built on L. Champlain, and 1. on L. Ontario—as many as convenient of the troops now raising are to be rendezvoused along L. Ontario & the St. Lawrence, a copy of the Atty. Gen's opin on the Mandamus issued to Theus in S. C. to be sent to the dists Atty. with instrns to oppose all future attempts of the kind, and Theus to be reprimanded for his countenance to the procedure.—We are agreed that a mission to St. Petersburg is expedient; the time not now decided.

July 6, 08. Present the 4. Secretaries and Atty. Genl. 1. England revokes her orders of Nov. & Jan. Shall we suspend the embargo laws as to her? Answ. unanimously, we shall. 2. If she revokes the ord. of Nov. alone? Answ. we shall suspend, the Atty Govt. alone dissenting. 3. If she revokes the ord. of Nov. as to our own produce only? Answ. unan. not to suspend, but in that case to call Congress at an earlier day? if France repeals her Berlin & Milan decrees, and restores the property sequestered, shall we suspend the embargo laws as to her? Answ. Call Congress and declare the embargo laws as to France suspended in 14 days. Mr. Madison is strongly opposed to this latter part; the suspension, because it

lets our vessels fall into the hands of England & so pre-determines the question of war. If the embargo is suspended as to one of the powers, it must be so as to the whole world except the other power and all other nations having similar decrees or orders existing against us.

Oct. 22. Present the 4 Secretaries. Intruders on the new purchase South of Tennessee, 2. on the Indian lands (Choctaw & Cherokee) on each side of that purchase, 3. on the N. side of Red river. Agreed unanimously as to the first to appoint a Register & he to give notice to all the intruders to come in and make a declarn that they have no claim to the lands, & that a Military be sent in the spring to remove all who do not. There is a Colo. Harrison claiming & surveying under Coxe, who probably will not disclaim right, & will therefore be removeable without disturbing the others, who are said to be industrious men of property & disposed to obey the laws. The land office can be opened in the spring which will settle everything.

2.—As to intruders on the Indn. lands, give notice to depart, & if they do not, remove them in the spring by military force, except from Doubleheads land. 3. As to those on Red river, let them alone & get Congress to extend the land law to them, as they are conveniently situated to support N. Orleans. Unanimously agreed to. Order the detachment of 100,000 men under the law of last session, to be ready early in the spring that we may be prepared for any change in our foreign relations.

Unanimously agreed in the sentiments which should be unauthoritavely expressed by our agents to influential persons in Cuba & Mexico, to wit "if you remain under the dominion of the kingdom and family of Spain, we are contented; but we should be extremely unwilling to see you pass under the dominion or ascendancy of France or England. In the latter cases should you chuse to declare independence we cannot now commit ourselves by saying we would make commmon cause with you but must reserve ourselves to act accdng to the then existing circumstances, but in our proceedings we shall be influenced by friendship to you, by a firm belief that our interests are intimately connected, and by the strongest repugnance to see you under subordination to either France or England, either politically or commercially? Anderson, our consul going to Havana is to be instructed accordingly; so is Hughes who is going to Mexico in quest of Pike's men<sup>1</sup> & Burling is to be sent to the city of Mexico under pretext of searching for Pike's men also, but in truth to communicate these sentiments to proper characters. Claiborne is to be intrusted with them also, to communicate accding to the occasions he may find.

Nov. 9, 08.—Conversn. with Mr. Erskine. He was much alarmed at the conversn out of doors looking like a decln of war with Gr. Br.

He spoke (declaring that if he was an American he would so view the thing) as the most rational for us

<sup>1</sup> The exploring expedition, sent out by the government under the command of Capt. Zebulon Pike.

to let our commerce go out & take its chance & that we should defend it against all equally, indeed he seemed to think it best we should declare against all. He said this would be viewed as so equal that no rancorous war would be waged by either & peace would be easy at any time. I told him that there were but 3 alternatives, 1. war, 2. embargo, 3. submission, and that no American would look a moment at the last, he agreed it.

I told him I thot it possible France mt. repeal her decrees as to us, yet I did not understand from Mr. Pinckney's communicns that Engld. would even then revoke her decree; he declared in the most explicit terms she would. I then explain'd that the French repeal mt. only go to the high sea. He observed that he did not know that that cd. produce a repeal from Engld. because the exclusion of her merchandise wd. remain.

I observed to him that I thot Engld. operated on much by misrepresentns&from the errors of strangers who associated with but one party. He cleared himself of that by saying he mixed much with both, & cd. not be supposed to have any interest but in coming at the truth & communicating it.

I noted to him the tone in the conversn of Mr. Canning in the Month of June when Mr. P. inferred the orders wd. be revoked & the Month of July when he was totally off. I intimated to him my suspicions that the Halifx endpedn was intended to support a hoped insurrection in Boston.<sup>2</sup> He protested at once decidedly agt. the error of that suspicion, that his

<sup>2</sup> See note of Dec. 1, 1808, *post*.

govmt, could not be so uninformed as to think of countenancing the taking adverse possn. of a place they could not hold many days: & that assuredly they had not a single hostile view towards this Country, & that the people of England were equally averse to a rupture with us. He spoke of the situation of Spain & that Bonaparte would soon be ousted there. Lamented the state of the world & I joined him in that & said, that if either Bonaparte or his king were to die we should have peace. He said the Pr. of Wales was as much an Anti-Bonapartian as anybody. That he was persuaded there could be no safety in a peace with him which would let their navy go down & Bonaparte's get up. I observed that went to a principle of eternal war. He sd. no; that that danger would be lessened by Bonap's. death, or by such a spirit of insurrection in the North as had appeared in Spain.

I told him I was going out of the admn. & therefore might say to him things which I would not do were I to remain in. I wished to correct an error which I at first thot his Govrnt above being led into from newspapers, but I apprehended they had adopted it, this was the supposed partiality of the admn & particularly myself in favr. of France & agt. England. I observed that when I came into the admn there was nothing I so much desired as to be on a footing of intimate frdshp with England, that I knew as long as she was our friend no enemy could hurt: that I would have sacrificed much to have effected it & therefore wished Mr. King to have continued there as a favorable instrument. That if there had been

an equal disposn on their part I thot it might have been effected; for altho' the question of impressmts was difficult on their side & insuperable with us, yet had that been the sole question, we might have shoved along, in the hope of some compromise, that indeed there was a ground of accomodn which his ministry had on two occns yielded to for a short time, but retracted, that during the admn of Mr. Addington and the short one of Mr. Fox. I had hoped such a frdshp practicable, but that during all other admns I had seen a spirit so adverse to us that I now despaired of any charge. That he might judge from the communicns now before Congress whether there had been any partiality to France to whom he wd. see we had never made the proposition to revoke the embargo immedly which we did to England and again that we had remonstrated strongly to them on the style of Mr. Champagny's letter, but had not to England on that of Canning equally offensive. That the letter of Canning now reading to Congress was written in the high ropes & would be stinging to every American breast.

He admitted Mr. Canning wrote strongly, & spoke strongly, always taking the highest ground. I told him it was an unhappy talent, that nothing enabled a man to get along in business so well as a smooth temper & smooth style. I observed that if we wished war with England as the Federalists charged us, & I feared his Govmt. might believe, nothing would have been so easy when the *Chesapeake* was attacked, & when even the feds. themselves would have concurred, but on the contrary that our en-

deavors had been to cool down our countrymen & carry it before their Govrmt. He said it would have been very unjust to have made an individual act the ground of war, which his govrrnt might & did disavow. I agreed to that, but added that the same class of men had committed & were in the habit of committing so many atrocious insults on us, that it was impossible not to feel them deeply. That I did not charge his Govrmt with approving all this, because I believed that they could not controul them, that the officers were allied to the highest families in the kingdom were supported by such an aristocracy as that no Minister dare move against one, unless he had acted as a coward & then the nation would support the Minister in shooting him. He said I was much mistaken in supposing the govrrnt could not controul the officers of the navy; that there was such a multitude of applicants to enter the navy as placed the whole very much under the power of the govrrnt & besides that they had such a number of officers beyond what they could employ as made it easy for a minister to leave any one unemployed.

I told him in the course of the conversn that this country would never return to an intercourse with Englnd while those orders of council were in force, in some part of it also I told him that Mr. Madison (who it was now pretty well seen wd. be my successor, to which he assented) had entertained the same cordial wishes as myself to be on a friendly footing with England.

I committed all this to writing the moment Mr. Erskine left me. I have always expressed the sub-

stance & very often the very words & phrases expressed. They were however much more dilated than is here exprest on paper.

1808. Dec. 1.—Present the 4 Secretaries. The expedition prepared at Halifax, consisting of 4000 men, is believed to be kept in readiness, in case war is declared by us, or obviously imminent, it is to go off instantly. Abandoning Upper Canada, to us, and take possession of N. Orleans, we therefore determine unanimously that all the new recruits from Pensylva inclusively Southwardly and Westwardly shall be sent off immediately (being about 2000. men) those in the Atlantic states by sea, the Western down the Ohio & Misipi & provns to be sent down the Misipi with the men, if the State of the river permits them to go, besides these there are 1000. of the old troops which can be rapidly brought to N. Orleans; that we may count on 1000. good Militia of Orleans, & 1000 of Misipi to be instantly commanded, making a force of 5000, men. That 30 gunboats shall be immediately sent into Lak Pontchartrain, and we are to ask 3525 seamen for the next season, to 15. for 17 gun boats, & the residue to fill the 11. small vessels we have from the *John Adams*, now a corvette, down. These 11. small vessels to be sent immediately to the Eastern ports to enforce the embargo. We are to undertake to make the Canal at N. Orleans, cost it what it will.

1809, Feb. 1.—Present all. On the execution of the act for employing an addnal Naval force. Agreed.



1. To raise men to man the 30. gunboats to proceed to N. Orleans. 2. As many as will man 30 more to be sent to different ports to support the embargo. 3. To man the small vessels below the size of a frigate. 4.—To man the *Constn.* By the time these are raised we shall know whether the embargo, war, or what else is to be the state of things. The *Chesapeake* is to proceed instantly to Boston.

Feb. 25.—Prest. Sect. State, Treas'y, Navy, Atty Genl. What orders shall be given as to English & Spanish ships attempting to pass N. Orleans for Baton rouge? Ans. English ships have been hitherto prohibited, that being the highest port of entry. Spanish ships have been permitted to go up, except when having slaves on board.

Let things continue so till Congress rises, when their proceedings will decide what should be done.

Agreed that orders shall be given to the military to remove squatters from the lands of the Chickasaws, Cherokees & Choctaws, except Doublehead's reserve & Wafford's settlement.

# Livros Grátis

( <http://www.livrosgratis.com.br> )

Milhares de Livros para Download:

[Baixar livros de Administração](#)

[Baixar livros de Agronomia](#)

[Baixar livros de Arquitetura](#)

[Baixar livros de Artes](#)

[Baixar livros de Astronomia](#)

[Baixar livros de Biologia Geral](#)

[Baixar livros de Ciência da Computação](#)

[Baixar livros de Ciência da Informação](#)

[Baixar livros de Ciência Política](#)

[Baixar livros de Ciências da Saúde](#)

[Baixar livros de Comunicação](#)

[Baixar livros do Conselho Nacional de Educação - CNE](#)

[Baixar livros de Defesa civil](#)

[Baixar livros de Direito](#)

[Baixar livros de Direitos humanos](#)

[Baixar livros de Economia](#)

[Baixar livros de Economia Doméstica](#)

[Baixar livros de Educação](#)

[Baixar livros de Educação - Trânsito](#)

[Baixar livros de Educação Física](#)

[Baixar livros de Engenharia Aeroespacial](#)

[Baixar livros de Farmácia](#)

[Baixar livros de Filosofia](#)

[Baixar livros de Física](#)

[Baixar livros de Geociências](#)

[Baixar livros de Geografia](#)

[Baixar livros de História](#)

[Baixar livros de Línguas](#)

[Baixar livros de Literatura](#)  
[Baixar livros de Literatura de Cordel](#)  
[Baixar livros de Literatura Infantil](#)  
[Baixar livros de Matemática](#)  
[Baixar livros de Medicina](#)  
[Baixar livros de Medicina Veterinária](#)  
[Baixar livros de Meio Ambiente](#)  
[Baixar livros de Meteorologia](#)  
[Baixar Monografias e TCC](#)  
[Baixar livros Multidisciplinar](#)  
[Baixar livros de Música](#)  
[Baixar livros de Psicologia](#)  
[Baixar livros de Química](#)  
[Baixar livros de Saúde Coletiva](#)  
[Baixar livros de Serviço Social](#)  
[Baixar livros de Sociologia](#)  
[Baixar livros de Teologia](#)  
[Baixar livros de Trabalho](#)  
[Baixar livros de Turismo](#)