

THE WRITINGS
OF
JAMES MADISON

VOLUME VIII.

1808-1819

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THE WRITINGS

OF

JAMES MADISON

COMPRISING HIS PUBLIC PAPERS AND HIS PRIVATE COR-
RESPONDENCE, INCLUDING NUMEROUS LETTERS AND
DOCUMENTS NOW FOR THE FIRST TIME PRINTED

EDITED BY

GAILLARD HUNT

VOLUME VIII.

1808-1819

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CONTENTS OF VOLUME VIII.

	PAGE
Chronology	xvii
1808.	
Negotiations with Mr. Rose, February 1st	1
To William Pinkney, February 19th	17
Official instruction.	
To William Pinkey, March 8th	19
Official instruction.	
To William Pinkney, April 4th	21
Official instruction.	
To William Pinkney, April 30th	24
Official instruction.	
To John Armstrong, May 2d	27
Official instruction.	
To William Pinkney, July 18th	31
Official instruction.	
To John Armstrong, July 22nd	36
Official instruction.	
1809.	
To William Pinkney, January 3d	40
Official instruction.	
To William Pinkney, February 10th	42
Official instruction.	
Inaugural Address, March 4th	47
Proclamation, April 19th	50
Renewing trade with Great Britain.	

	PAGE
To Thomas Jefferson, April 24th Prospects with France.	52
To Thomas Jefferson, May 1st Prospects with France—Temper of England.	54
To Marquis de Lafayette, May 1st Locations of lands—Arrangement with Great Britain	55
Message to Special Session of Congress, May 23d	56
To Thomas Jefferson, May 30th New-fangled policy of Federalists—No foreign news.	60
To Thomas Jefferson, June 20th Complications in Erskine's agreement	62
To Thomas Jefferson, August 3d No adjustment with England	63
To Mrs. Madison, August Personal movements	66
To Thomas Jefferson, August 16th Right to issue proclamation—Erskine's situation	67
To Thomas Jefferson, September 11th Arrival of Jackson—Distrust of his views	70
To Robert Smith, September 15th Jackson's attitude—Personal movements	73
To Mrs. Madison ——— Concerning her health—Spain and England—Health of friends	76
To Thomas Jefferson, November 6th Attitude of France	77
First Annual Message, November 29th	79
1810.	
Special Message to Congress, January 3d Recommending military arrangements	84
To George Joy, January 17th Foreign complications—Erskine's disavowal—Condi- tions for cordial relations with Great Britain—Causes of rejection of Monroe and Pinkney treaty.	85

	PAGE
To William Pinkney, January 20th	90
Dr. Logan's departure—Macon's bill—Giles's res- olutions.	
To Thomas Jefferson, April 23d	95
Foreign news rather promising	
To William Pinkney, May 23d	96
Executive supported in elections—Termination of mission—Relations with belligerent powers—Distrust of French government	
To Thomas Jefferson, May 25th	101
Merino sheep—Relations with France—Favorable re- cent elections	
To Thomas Jefferson, June 22d	103
Merino sheep—Indignation with France and England —Cooper's opinion	
To Thomas Jefferson, July 17th	104
Hamilton's plan—Personal health	
To Robert Smith, July 17th	105
Occurrences in West Florida—Lowry's mission	
To Robert Smith, July 26th	106
Lowry's mission—British insult to flag	
To John Quincy Adams, October 16th	107
Adams's mission.	
To Thomas Jefferson, October 19th	109
Approaching contest—Crisis in West Florida—Va- cancy in the judiciary—Algerine sheep	
Proclamation, October 27th	112
Taking possession of West Florida	
To John Armstrong, October 29th	114
French decrees—Crisis in West Florida—Separation of South America from Spain.	
To William Pinkney, October 30th	117
English mission to U S.—Return of Pinkney— <i>Chesa- peake</i> and impressments—Crisis in West Florida— Elections.	
Second Annual Message, December 5th	123

	PAGE
1811.	
Special Message to Congress, January 3d	130
Crisis in West Florida.	
Veto Message, February 21st	132
Returning an act to incorporate the Episcopal church in Alexandria.	
Veto Message, February 28th	133
Returning an act reserving land for Baptist church.	
To Thomas Jefferson, March 18th	133
British cabinet—Probable change in policy towards this country—Appointment of Warden.	
To James Monroe, March 31st	135
Monroe's appointment as Secretary of State.	
Memorandum as to Robert Smith, April —	137
To Thomas Jefferson, May 3d	150
Attacks on Gallatin—Smith's proceedings—Duane's attitude.	
To the Inhabitants of New Haven, May 24th	151
Defends non-intercourse policy.	
To Thomas Jefferson, June 7th	156
Duane's attitude—Affair of the <i>Little Belt</i> —Dissat- isfaction in New England.	
Third Annual Message, November 5th	158
To J. Q. Adams, November 15th	165
Adams's personal movements— <i>Chesapeake</i> affair ad- justed.	
To Joel Barlow, November 17th	168
British contentions—Course of France—Independence of Spanish America—British attitude on the subject.	
Special Message to Congress, December 23rd. . . .	172
Relative to canal from Great Lakes to Hudson River.	
1812.	
To the House of Representatives of South Carolina, January 8th	173
Acquiescence in British position impossible—Thanks for their address.	

	PAGE
To Thomas Jefferson, February 7th	175
Prospects of war—Case of Wilkinson.	
To Joel Barlow, February 24th	177
Proposed commercial treaty with France—System of licenses—Adverse feeling towards France.	
To Thomas Jefferson, March 6th	182
Proceedings of Congress.	
Special Message to Congress, March 9th	183
Transmitting Henry correspondence	
To Jonathan Dayton, March 17th	183
Project for severing the Union.	
To Thomas Jefferson, April 3d	185
Memoir on the Batture—War with U. S. preferred by England—Embargo ordered—No news from France.	
To Thomas Jefferson, April 24th	187
Embargo extended—Question of hostilities—Barlow's course—East Florida.	
To Thomas Jefferson, May 25th	190
French decrees—Question of a triangular war.	
Special Message to Congress, June 1st	192
Recommending war.	
Proclamation, June 10th	200
Announcing war	
Instructions for Privateers	201
To ———, July 25th	203
Defends the war.	
To Henry Dearborn, August 9th	205
Hopes of the campaign.	
To Joel Barlow, August 11th	208
Conduct of France—English decrees to be revoked— Feeling against France.	
To Thomas Jefferson, August 17th	210
Seditious opposition in Massachusetts and Connecticut —Military proceedings—British decrees.	
To S. Spring, September 6th	214
Opposition to the war.	

	PAGE
To William Dearborn, October 7th	216
Military proceedings	
To Thomas Jefferson, October 14th	219
Military crisis—Republican prospects	
Fourth Annual Message, November 4th	221
To Jonas Galusha, November 30th	231
Loyalty of Vermont	
To William Eustis, December 4th	232
Regrets his resignation.	
To Paul Hamilton, December 31st	233
Value of his services	
1813.	
Special Message to Congress, February 24th	234
Trade under special licenses	
Second Inaugural Address, March 4th	235
To David Humphreys, March 23d	239
Supposed alliance with France—Commercial policy— Union in no danger	
To John Nicholas, April 2d	242
Opinions on the war—Mediation of Russia	
Message to Special Session of Congress, May 25th	244
Message to the Senate, July 6th	250
Declines to confer with committee on subject of Russell's appointment.	
To Albert Gallatin, August 2d	252
Concerning his mission and appointment	
To Henry Dearborn, August 8th	256
Concerning his retirement	
To Isaac Shelby, August 12th	257
Bravery of citizens of Kentucky	
To John Graham, August 28th	258
Turreau's letter to Smith.	
To William Wirt, September 30th	261
Discontent with the war—Plans for the war—Cause of disasters	

CONTENTS OF VOLUME VIII.

xi

	PAGE
Fifth Annual Message, December 7th	265
Special Message to Congress, December 9th	275
Recommends embargo.	

1814.

To George W. Campbell, May 7th	276
Terms of the loan	
To George W. Campbell, May 25th	278
Terms of the loan—Jackson and the treaty with the Creeks—Attitude of Europe.	
Cabinet Memorandum, June 7th	279
Military arrangements	
Cabinet Memorandum, June 23d, 24th, and 27th	280
Terms of treaty of peace.	
To John Armstrong, July 2d	281
Defence of cities	
To C. J. Ingersoll, July 28th	282
Armed neutrality in 1780—American doctrine— Purification of maritime code.	
To John Armstrong, August 13th	286
Relations of the War Department to the President	
To James Monroe, August 21st	291
Military proceedings	
To James Monroe, August 22d	291
Military proceedings	
To Mrs. Madison, August 23d	293
Enemy's movements	
Memorandum, August 24th	294
Proceedings before and during battle of Bladensburg	
To James Monroe, August 26th	298
Personal movements	
To Mrs. Madison, August 27th	300
Personal movements	
Memorandum, August 29th	300
Interview with Armstrong.	

	PAGE
Proclamation, September 1st	304
Announcing invasion of Washington.	
Sixth Annual Message, September 20th	306
To Daniel D. Tompkins, September 28th	312
Offers him post of Secretary of War.	
To Thomas Jefferson, October 10th	313
Purchase of Jefferson's Library—Loans and currency —Despatches from Ghent.	
To George W. Campbell, November 22d	317
Relations with Armstrong.	
To Wilson Cary Nicholas, November 26th	318
Conduct of Eastern States—Support of Virginia	
To Benjamin W. Crowninshield, December 15th	320
Offers him post of Secretary of the Navy.	
To John Adams, December 17th	321
Fisheries negotiations—Mission at Ghent	
1815.	
Special Message to Congress, February 18th	324
Lays treaty of peace before Congress	
Special Message to Congress, February 25th	326
Recommends that only Americans be employed on American vessels.	
Veto Message, January 30th	327
Returning Bank bill.	
To Henry Dearborn, March 4th	331
Nomination of Dearborn as Secretary of War	
To Thomas Jefferson, March 12th	332
Exposition of the war—European affairs—Trans- portation of Jefferson's Library.	
Seventh Annual Message, December 5th	335
1816.	
To John Graham, June 1st	344
Negotiations with Bagot.	

CONTENTS OF VOLUME VIII.

xiii

	PAGE
To James Monroe, June 14th	346
Cotton twist exported	
To Alexander J. Dallas, July 4th	347
Financial arrangements.	
To James Monroe, July 13th	349
Seizures by Spain.	
To James Monroe, July 26th	352
Enlistments of negroes by England	
To James Monroe, August 4th	353
Fisheries question.	
To John Graham, August 5th	355
Hostile purposes of Indians.	
To James Monroe, August 6th	356
Adams's views.	
To James Monroe, August 13th	358
Bagot's offer relative to fisheries—Armaments on the Lakes—Poinsett's mission.	
To Alexander J. Dallas, August 25th	359
Financial measures	
To James Monroe, August 28th	362
De Neuville's letter—Dashkoff's letter.	
To James Monroe, September 6th	365
De Neuville's letter.	
To William H. Crawford, September 23d	366
Spanish invasion	
To William H. Crawford, September 23d	367
Tenure of civil offices.	
To William H. Crawford, September 30th	369
Col. Jesup's communication—Destruction of negro fort—Declination of Clay—Tender to Lowndes.	
To Wilson Cary Nicholas, October 5th	372
Appointment to clerkship—Financial arrangements.	
To John Adams, October 12th	374
Dr Freeman's visit—Letter of Mr. Steel.	
Eighth Annual Message, December 3d	375

	PAGE
1817.	
To William H. Crawford, February 4th Arrangement of bank.	385
Veto Message, March 3d Returning bill for internal improvements	386
To James Monroe, March 5th Recommending John Graham	388
To John Adams, May 22d Government "in one centre"—Checks and balances	390
To D. Lynch, Jr., June 27th Accepts membership in American Society for Encouragement of Manufactures	392
To Richard Rush, June 27th Correa's errors—Doctrine of blockades—Struggle in South America	394
To James Monroe, November 29th Expediency of internal improvements—Federal university—Whiskey tax	397
To James Monroe, December 9th Monroe's message—Amelia Island—The judiciary	399
To J. Q. Adams, December 23d Dealings with Bentham—Journal of the Constitutional Convention.	399
To Henry St. George Tucker, December 23d Tucker's report on roads and canals.	402
To James Monroe, December 27th Amelia Island expedition—Cumberland road—Bank case—Danger to the Constitution—Powers of judiciary	403
1818.	
To Charles J. Ingersoll, January 4th History of the war—Madison's private papers	407
To Jacob Gideon, January 28th Sends <i>Federalist</i> with names of authors.	408, n.
To Jacob Gideon, February 20th Revised edition of <i>Federalist</i>	408, n.

CONTENTS OF VOLUME VIII.

XV

	PAGE
To James K. Paulding, July 23d Authorship of <i>Federalist</i> .	410
To Jacob Gideon, August 20th New edition of <i>Federalist</i> .	411, n.
To Mordecai M. Noah, May 15th Discourse at the synagogue—Noah's mission	412
To John Adams, August 7th Origin of independence.	413
To James Monroe, October 2d Commercial convention with England	414
To J. Q. Adams, November 2d Sends notes of convention	416
To James Monroe, November 28th Shipping trade with Great Britain—Question of im- pressment—Position of Canada	417
1819.	
To James Monroe, February 13th Death of General Mason—Affairs with Spain—Jack- son's position.	420
To James Monroe, February 18th Struggle in South America—McGregor's affair	421
To Richard Peters, February 22d "Pattern farm"—Rawle's address—Emigration	423
To Robert Walsh, March 2d Negro slavery.	425
To Richard Rush, May 10th Watson and Walpole—Questions with Great Britain —Industrial conditions—Banks—British commercial policy—French policy.	433
To J. Q. Adams, June 7th Hamilton's speech in the convention	438

	PAGE
To Robert J. Evans, June 15th	439
Views on emancipation.	
To Spencer Roane, September 2d	447
Supreme court decision in <i>McCulloch vs. Maryland</i> .	
To Edward Coles, September 3d	453
Congratulations—Coles's scheme of emancipation.	



CHRONOLOGY OF JAMES MADISON.

1808-1819.

- 1808.** Secretary of State.
- Feb. 1-14.** Negotiating with Rose.
- To December.** Negotiating with England, France and Spain.
- 1809.**
- March 4.** Inaugurated as President.
- April 19.** Issues proclamation restoring intercourse with Great Britain.
- May 23.** Announces to Congress repeal of British orders.
- July.** Goes to Montpelier.
- July 31.** Receives news of disapproval of Erskine's agreement.
- August.** Returns to Washington.
- Aug. 9.** Issues proclamation renewing embargo.
- Aug. 12.** Returns to Montpelier.
- Oct. 1.** Meets Jackson, Erskine's successor.
- Nov. 8.** Dismisses Jackson.
- Nov. 29.** Sends first annual message to Congress.
- 1810.**
- President.
- Jan. 3.** Recommends increase of armament.
- May 1.** Approves bill repealing non-intercourse act.
- July.** At Montpelier.
- Oct.** Returns to Washington.
- Oct. 27.** Issues proclamation taking possession of West Florida.
- Nov. 2.** Issues proclamation renewing intercourse with France.

- Dec. 5.** Sends second annual message to Congress.
1811. President.
- Jan. 3.** Announces taking of West Florida to Congress.
- Feb. 21.** Vetoes bill to incorporate Episcopal church in Alexandria.
- Feb. 28.** Vetoes bill to set aside land for Baptist church.
- March.** Dismisses Robert Smith as Secretary of State.
- Nov. 5.** Sends third annual message to Congress.
- Dec. 23.** Sends special message to Congress concerning Erie Canal
1812. President.
- March 9.** Sends Henry correspondence to Congress.
- April 1.** Recommends general embargo.
- May 18.** Renominated for the Presidency.
- June 1.** Sends war message to Congress.
- June 19.** Issues proclamation of war.
- Nov. 4.** Fourth annual message to Congress.
1813. President.
- Feb. 24.** Recommends prohibition of all trade in foreign bottoms.
- March 4.** Inaugurated as President.
- May 23.** Sends special message to Congress relative to Russian mediation.
- Aug. 9.** Goes to Montpelier.
- Dec. 9.** Sends fifth annual message to Congress.
1814. President.
- May.** At Montpelier.
- June 23-24.** Consults cabinet about terms of peace.
- July 1.** Cabinet decides on defences for Washington.
- Aug. 22.** Receives word of advance of enemy on Washington.
- Aug. 23-24.** With the troops.
- Aug. 24.** Flees from Washington.

- Aug. 26. At Brookville, Md.
- Aug. 27. Returns to Washington.
- Aug. 29. Dismisses Armstrong.
- Sept. 1. Issues proclamation concerning capture of Washington.
- Sept. 29. Sixth annual message to Congress.
- Oct. 17. Announces that he favors United States Bank.
1815.
- President.
- Jan. 30. Vetoes bank bill.
- Feb. 18. Sends treaty of peace to Congress.
- Dec. 5. Seventh annual message to Congress.
1816.
- President.
- April 10. Signs bank bill.
- June-Oct. At Montpelier.
- Dec. 3. Eighth annual message to Congress.
1817.
- Mar. 3. Vetoes bill for internal improvement.
- March 4. Retires from Presidency.
- Mar.-Dec. In retirement at Montpelier.
- June 27. Accepts membership in Society for Encouragement
of Domestic Manufactures.
1818.
- Jan.-Dec. In retirement at Montpelier.
- Jan. 28. Gives names of authors of numbers of the *Federalist*.
- May 12. Delivers address on agriculture.
1819.
- Jan.-Dec. In retirement at Montpelier.
- June 15. Outlines plan for emancipation.
- Sept. 21. Discusses powers of general government and
Supreme Court decision.



THE WRITINGS OF
JAMES MADISON.

NEGOTIATIONS WITH MR. ROSE. MAD. MSS.¹

Friday, 1st Feb^y, 1808.

General object of interview.

Explain causes of Proclamation— continuation of attack—by seamen detained—officers recalled—Ships in Harbors doing illegal things.

Grounds of prelim^y. 1. Disavowal by L^d G. due to G. B. even if war—2. General assurance and personal conviction.

Impossible for means of judging for ourselves see Mr. E. Object of proclⁿ—precaution—not merely as to the Chesapeake.

2. Errors. 1. In supposing reparation object—which an item then only—2. Precaution vs. Chesapeake.

Disavowal—due to G. B.—even if war meant—honor, interest, principle so much against her—disavowed by L^d Grenville—disavowal no reparation—shews a disposition only to repair—project of explⁿ—particulars and contemporary acts.

Mr. Rose—suggests idea of his friendly return with rep^t of the diff^y.

J. M. reports this to P., who, on consultation on Monday,

¹ The MS. of the Memorandum up to Feb. 22 is missing from the Mad MSS. and is given here from the Works of Madison (Congressional Edition).

decides vs. this idea, and prefers informal disclosure by R. of atonement and repeal of proclⁿ to be contemporary acts.

Tuesday, Feb^r.

J. M. states to Mr. R. objection to adjournment of subject to G. B., which Mr. Rose admits—and in conversation as *between two private* Gentⁿ enquires whether U. S. will agree to a mutual discharge from *public ships* of all *natural-born* subjects and Citizens, it appearing to be implied that this might contribute to diminish difficulties and prepare way for something further—willing to *wait* for answer.

Wednesday, Feb^r 3.

Idea of Cabinet that the mutual discharge not inadmissible, if extended to Merchant Vessels; considering the advantage to naturalized subjects, of being kept out of danger from being taken into the jurisdiction of their former Sovereign; and that Mr. R. be sounded as to his powers and dispositions.

Thursday, Feb^r 4.

Conversation of J. M. with Mr. Rose—explained himself on the subject of Tuesday's conversation, by signifying that his suggestion was a hasty thought, and that it was most consonant to his situation to limit the enquiry to the case of deserting subjects natural born. He was told this was already provided for by the rules prescribed to our Naval Commanders. Occasion was taken to express the desire of the U. States to remove all causes of danger to the harmony, &c., as well as that exemplified in affair of Chesapeake, which was evidently of a nature not likely to recur after disavowal, &c. He did not open himself as to any thing beyond the limit to which he reduced the enquiry, acquiescing generally in the desirableness of a general adjustment, &c. The objections to the delay of seeking further instructions, &c., was dwelt on by both, and ended in a frank and direct suggestion by

J. M. to let the satisfaction, acceptance, and recall of proclamation, be executed on same day, and so as not to shew on the face of the proceeding a priority, leaving this to be assumed respectively, as might be agreeable. He, Mr. Rose, would take into consideration with best wishes, but was not sure that his instructions could bend to it. He held out the idea of exhibiting without editing the revoking proclamation, as an expedient to save him. He was told nothing would be admitted that would expose the Executive to appearance of having yielded to his preliminary; and it was remarked that Mr. Canning, if he had not supposed the Proclamation to be a retaliation, and that the aggression had been *discontinued*, which could not be during the detention of the men, would have approved this course at least. Mr. Rose glanced at idea of disclosing his terms, &c., through Mr. Erskine and Mr. Rob^t Smith. He went away under an arrangement for another interview to-morrow, 12 o'clock.

Febr 5th.

Conversation.

Mr. Rose appeared to have taken a view of the proposed contemporary signing and adjustment of the Proclamation, which required him to decline it definitely. On my restating it, he resumed the conversation, and agreed to see me in the evening at my house, in order to hold frank and informal communications and explanations.

Evening of Febr 5.

He brought Mr. Erskine with him. The conversation was free. The tenor of a suitable proclamation disclosed, and the terms he meant to offer, viz: recall of Admiral Berkley, restoration of [the?] three men; and provision for families of the killed and wounded. The idea of restoration to the *same ship* was stated to him, which he seemed willing to favor; also punishment of Berkley, which he said would be difficult by his co-

officers, and be in the result, perhaps, an obstacle to a permanent exclusion from actual employment. Agreed to see one another at 1 o'clock to-morrow, at office of State.

Friday, Feb^y 6.

Conversation.

Mr. Rose starts the idea of a disavowal on our part of conduct of Agents, &c., in encouraging and not discharging deserters—*natural-born* subjects. This was combated as going out of the case of the Chesapeake and leading to other subjects of complaint; and particularly as justifying a demand of British disavowal of—&c., &c. The difficulty, also, as to natural born, was stated, in cases of naturalization. He was reminded, too, that orders had been issued and circulated to officers against recruiting deserters, &c., which was amply sufficient. He retired under doubts as to the possibility of his satisfying his instructions without obtaining this point.

Monday, Feb^y 8th, appointed to meet again.

Monday, Feb^y 8.

Instead of the expected matter, Mr. Rose very soon introduced, as a point enjoined in his instructions, the necessity of some disavowal on the part of the U. States as to the conduct of their agents in encouraging, harbouring, and retaining, deserters, *natural-born* subjects of H. B. M.; as what had preceded the affair of the Chesapeake, and was but a reasonable satisfaction to his Majesty preparatory to the adjustment intended by him.

As this was a new and unlooked-for preliminary ultimatum, though it had been glanced at in a former conversation, when it was supposed to have been answered in a way putting it entirely aside, it was proposed to him to reduce it to paper, so that there might be no possible misconception, with a general intimation only that it would not be admitted into the adjustment, and that it would be impossible for the U. States to view

natural-born subjects of G. Britain, who had been naturalized here, in any other light than as American Citizens whilst within American jurisdiction. Mr. Rose agreed to see me the next day, (Tuesday, Feb^y 9,) with his idea put into writing, to be informally read to me.

Tuesday, Feb^y 9, 1808.

Mr. Rose read from his paper, in substance, that with a view to remove impressions made by recent events on the mind of H. B. M., the U. States should disavow the conduct of their Agents in encouraging, harbouring, and *not discharging* natural-born deserters—a case different from not *surrendering*, which was not claimed.

He was reminded of the difficulty as to natural-born subjects naturalized by the U. States; that if impressions were to be removed on one side, so on the other, where they were much greater, from the course of indignities offered by British Ships in our harbours and on our coasts; that the proposal was not reciprocal in itself—a thing essential to the honor of the U. States, [here he remarked that this had not escaped him, reading a reservation to the U. States of their right to claim from G. Britain a like disavowal; to which the reply was, that there was no reciprocity between an actual disavowal and a right to ask a disavowal;] and, finally, that it could not enter into the Chesapeake business, unless other things as much connected with it were also to be admitted.

Being myself much indisposed, the conversation was soon ended, with an understanding that I would take the orders of the President, and see him as soon as convenient.

Sunday, Feb^y 14.

This was the earliest that I had health enough to see Mr. Rose, who was invited to call at my house for the purpose. I preferred the irregularity, both as to time and place, to a delay, which was becoming very disagreeable on all sides,

and was rendered to him, as he had indicated, peculiarly distressing, by his having two British Packets detained till he could say something on the subject of his mission.

Having previously obtained the sanction of the President, I repeated the insuperable objections to his proposal, (adding, in fact, that there had been no refusal to discharge deserters, the demand being always to surrender,) and, in place, suggested a mutual disavowal—1. As to receiving deserters into naval service. 2^d. As to claiming a surrender of them. This would agree with the principles now maintained on both sides, would be reciprocal, and might be useful. He admitted that the surrender was not claimed, but that his instructions did not authorise any such general or separate arrangements being restricted to the case of the Chesapeake.

It was observed that this was at least as much connected with that as the case of the discharge; and it was signified that a mutual, general, and separate disavowal of this case alone would not be inadmissible, with a saving, by the form of expression, of the principle as to naturalized Citizens. This also was declined, as not within his instructions.

He was finally told, as had been on former occasions intimated, that it would be easy to write a letter on some pretext to Mr. Erskine, explaining the principles of the U. States as to Deserters; that if mere assurance of these principles was the object of his Government, that object would thus be attained as well as in his mode; if not that, but an expiatory act on the part of the U. States was the object, it was absolutely inadmissible.

He dwelt with expressions of great regret on the situation in which he found himself, tied down, as he was, by his instructions, and knowing, as he did, the impressions of his Government. To all which it was simply remarked that the attack on the Chesapeake was a detached, flagrant insult to the flag and Sovereignty of the U. States on the high seas, in face of the world; that the plain course was to repair that, according to usage public and private, and to the examples of his own Gov-

ernment; that reparation made, the way was open to any demands of redress on other points, if any existed, where it might be due to the redressing party, and a general example was the best mode of securing liberal satisfaction.

In course of this conversation, he mentioned, with an apology for omitting it before when he intended to do it, that a disavowal of Commodore Barron's denial that he had such men on board as were required made a part of his instructions.

After remarking that it was impossible in any view that that circumstance could be admitted, and that it was merely noticed for the sake of truth, which could never do harm where the manner did not imply something improper, I told him that Barron was responsible to his Government for his conduct in that instance; that his reply was wholly unbecoming his station; that it was probable, however, that he said what he believed to be true; and, indeed, was true, the demand of Humphreys being for deserters from other ships than that to which the men taken from the Chesapeake belonged. This he admitted, except as to one Jenkins Radford, stated to be a deserter from the Halifax. I told him that, even as to him, we had the authority of the British Consul at Norfolk that he was a deserter from a Merchantman. This he seemed not to be aware of, and said that if the fact was wrong, he could not found a proceeding on it. He retired with an intimation that he would revolve the subject and his instructions still further, and see me when I pleased to intimate, which was promised as soon as health permitted. His manner and concluding remarks left it uncertain what determination he would bring to the interview.

Tuesday, Feb^r 16.

Conversation.

Mr. Rose, in consequence of an offer to see him to-day, called about 2 o'clock. It appeared that he did not consider himself authorized to accede to either proposal for getting over the difficulty respecting the disavowal required from the

U. States of the conduct of our agents in harbouring, encouraging, and not discharging deserters. He was reminded that this disavowal, as stated by him, was as much a departure from the specific case of the Chesapeake as the mutual disavowals proposed by me, being general as to deserters, and not restricted to those entering on board the Chesapeake. He seemed sensible of this, and manifested a disposition to make it rather more limited; but proposed nothing; nor did he revive the subject of disavowing Barron's answer; seeming to be prepared for abandoning further informal conversations, and leaving me to answer in form his note of the 26th ult. This was promised as soon as my health, and some urgent business, [meaning the despatch of the vessel waiting at New York to carry letters, &c., to France and G. Britain,] would permit; it being remarked to him that the hopes that an answer would have been rendered unnecessary had prevented me from particularly revolving even a suitable answer.

Monday, Feb^r 22.

Mr. Rose having signified by a note last evening, a wish for an interview to-day, 2 oc. was named when he called for the purpose.

His object appeared to be to express his hopes that a failure of our negotiations, might be still consistent with a future adjustment, either here or in Eng^d and to speak of the difficulty under which he should find himself in making known to his Gov^t the points on which the failure w^d have taken place; as he could not give this explanation, after a refusal of his preliminary, with^t showing that he had departed from his instructions. With these remarks he mingled expressions of much solicitude that no unfavorable inferences might be drawn from the obstacles arising from his instructions, and that he might be instrumental in promoting a removal of them, which he thought he could best do by personal communications at London.

It was observed to him, that without meaning to express

more than an abstract opinion, it w^d seem not difficult to let his Gov^t understand the points on which the business failed, by intimating that there were sufficient indications that if the preliminary had been complied with or got over, the views entertained by the Gov^t on those points w^d have necessarily produced a failure. It was intimated also that the place most proper in itself for adjusting the matter was *here*, not in *G. B.* and that the propriety was strengthened by what had passed. If, in the first instance, London had been proposed, it was with a view to hasten the result.

Mutual observations were made pointing out the inconveniences of referring the subject to a settlement under new instructions: His attention was drawn to the experiments which had been made to avoid delay, and it was repeated to him that there was still a willingness to write a letter detached from & subject to an acceptance of the reparation, in which the principles & practice of the U. S. in the case of Deserters could be stated, with the addition now authorized, that an order had issued for discharging from the *pub.* ships all British subjects. It was remarked that could not be mentioned but in a certain way, such as such a letter w^d admit, because the order was not the result of either legal obligation or of example; his Gov^t instantly refusing to discharge Americans voluntarily accepting a bounty.

He manifested satisfaction at this course, & signified that it could not fail to make agreeable impressions & promote salutary objects. He was reminded that this was more than his instructions aimed at: and it was for him to decide how far it w^d balance the objections to a departure from the letter of them.

He professed to be gratified with the spirit of the conversation but without any apparent change in the course he was to pursue, and retired with an understanding, that I w^d see him at any time he might wish to resume it.

Feb, 25.

M^r Rose having yesterday asked an interview was afforded

one to-day. He seemed to have in view to prevent any expectation that he would instead of the disavowal required as to deserters, accept the information proposed to be given of the principles & policy of this Gov^t on that subject, by suggesting, that as this course would be inconsistent with his powers, he should not act with candor towards us in so doing. He re-iterated his regret that his powers were so limited, and his belief that the orders issued to discharge all British subjects from our public ships, would make great impression on his Gov^t. Little was said in reply, further than repeating the inconveniences resulting from such an issue to his mission, and remarking on our disappo^t at the tenor of his instructions, and the length we had prevailed on ourselves to go in order to surmount the difficulties they occasioned. It was intimated as one of the inconvenient effects of the actual posture of the business, that the President was sending a message to Cong^s recommending an extension of precautionary measures necessarily attended with expence &c.

Points for Mr. Rose. Wednesday, [Feb^r 24.]

Evils of degradation mutually to be shunned after acceding to ye mode of separating cases of impressment & of the Chesapeake, the demand of such preliminary the less looked for, so categorical & precise.

The recall of Proclⁿ founded on disavowal &c &c.

What is disavowed?—An act of unauthorised officer—and principle of d^o, an avowal never presumed—but the contrary.

What to be recalled? Act of Gov^t itself, an act not of aggression or of reparation; but of precaution—and referring to wrongs prior to & wholly distinct from the affair of Chesapeake.

To revoke the proclamation in face of the world, und^r such circumstances, would acknowledge it to be aggressive & w^d originate a reparation on our part instead of receiving one—

A degradation in fact the worst of all evils, and which a

nation determined never to be degraded, could never suffer to be imposed on it.

Do not wish to require cannot therefore perform, degrading conditions.

Unless therefore some new turn to the subject must proceed from oral to written communications. If a precise & categorical preliminary shuts the door agst all chance and prospect, delay is fruitless.

But if door not shut, it will be agreeable to find that the consequences of a failure, are not suspended on an ultimatum of such a character.

The revocation of the Proclⁿ impossible, with^t extending the disavowal, and assurances, to the several cases which led to it and referred to in it, & many of them long lying before your Gov^t without notice or promise of future security to the U. S.¹

Tho' the time unexpected by the P—, no purpose, by hasty issue on a particular point not perfectly understood, to preclude amicable explanations, and which might possibly lead to a favorable result.

General and mutual reasons vs. war—interest, harmony &c., &c.

With this view, U. S. desired to settle everything.

Union of Impressments and Chesapeake favorable thereto, and facilitates latter.

Separation yielded, to the views taken of the subject by G. B. and to his Mission.

Surprize at; at splitting the case of Chesapeake—entirely statu quo. Talk Proclamation—precaution vs. other wrongs—Bradly—Whitby—Love—French ship burnt—Doug^l seiz. of Norfk—Continental disobedience to Proclⁿ.

¹ The MS. ends here; the balance is from the works of Madison (Congressional Edition).

TO JOHN ARMSTRONG.

D. OF S. MSS. INSTR.
DEPARTMENT OF STATE, February 8th, 1808.

SIR,

Your letters and communications by Dr. Bullus were duly delivered on the day of . The same conveyance brought a copy of the sentence pronounced by the French prize Court in the case of the *Horizon*, giving a judicial effect to the Decree of Nov. 21, 1806, as expounded in the answer of Mr. Champagny to your letter of the .

Whilst the French Government did not avow or enforce a meaning of the Decree of Nov. 1806, in relation to the United States, extending its purview beyond the municipal limits, it could not in strictness be regarded as an infraction either of our neutral or conventional rights; and consequently did not authorize more than a demand of seasonable explanations of its doubtful import, or friendly expostulations with respect to the rigor and suddenness of its innovations.

The case is now essentially changed. A construction of the Decree is avowed and executed which violates as well the positive stipulations of the Convention of Sep. 30, 1800, as the incontestable principles of public law. And the President charges you to superadd, to whatever representations you may have previously made, a formal remonstrance in such terms as may be best calculated either to obtain a recall of the illegal measure, so far as it relates to the United States, or to have the effect of leaving in full force all the rights accruing to them from a failure to do so.

That the execution of local laws against foreign Nations on the high seas is a violation of the rights of the former and the freedom of the latter, will probably not be questioned. A contrary principle would in fact imply the same exclusive dominion over the entire ocean as is enjoyed within the limits of the local sovereignty, and a degradation of every other Nation from its common rights and equal rank.

If it be contended that the Decree, as a retaliation on the other belligerent, at the expense of neutral nations; is justified

by a culpable acquiescence in the prior measures of that belligerent operating thro' neutrals, you will be able to deny such acquiescence, and to urge moreover that, on every supposition, the retaliating measure could not be justly enforced in relation to neutrals without allowing them at least a reasonable time for chusing between due measures against the prior wrong and an acquiescence in both. The copy of the representations to the British Government thro' its Minister here, on the subject of its orders of Jany. 1807, will at once disprove an acquiescence on the part of the United States, and explain the grounds on which the late extension of the French Decree of Novr. 1806 is an object of just remonstrance.

The conduct of the French Government in giving this extended operation to its decree, and indeed in issuing one with such an apparent or doubtful import against the rights of the sea, is the more extraordinary inasmuch as the inability to enforce it on that element exhibited the measure in the light of an empty menace, at the same time that it afforded pretexts to her enemy for several retaliations for which ample means are found in her naval superiority.

The accumulated dangers to which the illegal proceedings of the belligerent nations have subjected the commerce and navigation of the United States, have at length induced Congress to resort to an Embargo on our own vessels, as a measure best fitted for the crisis, being an effectual security for our mercantile property and mariners now at home and daily arriving, and at the same time neither a measure, nor just cause of war. Copies of this Act were soon after its passage, transmitted to Mr. Pinkney, with an authority to assure the British Government that it was to be viewed in this light; and that it was not meant to be the slightest impediment to amicable negotiations with foreign Governments. He was requested to avail himself of an opportunity of communicating to you and Mr. Erving this view of the subject, and I hope that you will have been thence enabled to present it to the French Government. Not relying however on that indirect oppor-

tunity, I send by this another copy of the Act, with an instruction from the President, that you make it the subject of such explanations as will guard against any misconception of the policy which led to it. It is strictly a measure of precaution required by the dangers incident to external commerce, and being indiscriminate in its terms and operation toward all nations, can give no just offence to any. The duration of the Act is not fixed by itself, and will consequently depend on a continuance or cessation of its causes in a degree sufficient in the judgment of the Legislature to induce or forbid its repeal. It may be hoped that the inconveniences felt from it by the belligerent nations may lead to a change of the conduct which imposed the inconveniences of it on ourselves. France herself will be a sufferer, and some of her allies far more so. It will be very agreeable to find in that consideration, and still more in her sense of justice, a sufficient motive to an early manifestation of the respect due to our commercial rights. The example would be worthy of the professions which she makes to the world on this subject.

February 18th. Since the above was written, I have been under a degree of indisposition which has suspended the proposed continuation of it, and which now will oblige me to be very brief; the more so, as the vessel has been some days detained, which was engaged for the special purpose of conveying public dispatches and private letters to Europe.

The delay has enabled me to inform you that Mr. Erskine a few days ago communicated by instructions from his government its late Decrees of Novr. 11, and those forming a sequel to them. The communication was accompanied with assurances that much regret was felt by his Britannic Majesty at the necessity which the conduct of his enemy had created for measures so embarrassing to neutral commerce, and that His Majesty would readily follow an example of relinquishing such a course, or even of making relaxations *pari passu* with his enemy.

Whether these intimations have any reference to the dis-

inction between such parts of the French decree as operate municipally on shore, and such as operating on the high seas, violate the rights of neutrals, or to a distinction between the former restriction and the late extension of the Decree with respect to the United States, Mr. Erskine did not seem authorized to say. The probability is that neither of these distinctions entered into the views of the British Cabinet. But it is certainly neither less the duty nor the true policy of the Emperor of the French so to vary his decree as to make it consistent with the rights of neutrals and the freedom of the seas, and particularly with his positive stipulations to the United States. This may be the more reasonably expected as nothing can be more clear, as has been already observed, than that the effect of the Decree, as far as it can be carried into effect, would not be sensibly diminished, by abolishing its operation beyond the limits of the territorial Sovereignty.

In remonstrating against the injustice and illegality of the French Decree, I am aware that you may be reminded of antecedent injuries to France and her allies thro' British violations of neutral commerce. The fact cannot be denied, and may be urged with great force, in our remonstrances against the orders to which Great Britain has given a retaliating character; since the French Decree might on the same ground, be pronounced a retaliation on the preceding conduct of Great Britain. But ought the legitimate commerce of neutrals to be thus the victim and the sport of belligerents contesting with each other the priority of their destructive innovations; and without leaving, either of them, to neutrals, even the opportunity or the time for disproving that culpable acquiescence which is made the pretext by both for the wrongs done to them? And I must repeat that apart from all questions of this nature the French Decree, or at least the illegal extensions of it to the United States remain chargeable with all the impolicy which has been pointed out.

I find by accounts from Hamburgh, Bremen, Holland, and Leghorn, that the trade and property of our Citizens have been much vexed by regulations subaltern to those of the Original Decree of Novr. 21st, 1806. How far the complaints are founded on proceedings violating our public rights, or on such as are unfriendly and inequitable towards our Citizens who have placed their property within those jurisdictions, you will be able to decide better than we can do at this distance; and the President refers to your own judgment the kind of representation to the French Government which those and other analagous cases may require.

Mr. Rose charged with a special mission to the United States for adjusting and making the satisfaction required for the outrage on the Chesapeake Frigate, has been about a month here. He opened his mission with a demand, preliminary to the negotiation, which was inadmissible. Much time and pains have been spent in informal experiments to overcome that difficulty at the threshold, and others known to lie within the negotiation itself. These experiments are giving way to formal and direct discussions, which do not under the instructions by which he professes to be restricted, promise any definitive and satisfactory result.

It was my purpose to have given greater extent to this communication, and particularly to have touched some other points in your last letters. But I find my health scarcely equal to the task already performed; and I am unwilling to prolong the detention of the vessel which has been ready for some time to depart with the numerous letters from our merchants to their correspondents, for carrying which she was in great measure employed. As she will return to L'Orient from Falmouth, where she will wait 8 or 10 days only, in order to bring back Lieut. Lewis the bearer of this, I hope you will dispatch him in due time, and that he will bring from you communications equally ample and agreeable.

The inclosed copy of a letter from the Secretary of War to me, together with the papers spoken of in it, will enable you

to reply to the Minister of War in answer to his letter of the 15th Sept. last, a copy of which you sent me.

I have the honor to be &c.

TO WILLIAM PINKNEY.

D. OF S. MSS INSTR.

DEPARTMENT OF STATE, February 19, 1808.

SIR,

A vessel having been engaged to carry from the Port of New York public dispatches and mercantile letters to Europe, I avail myself of the opportunity of forwarding you a series of Gazettes which contain the proceedings of Congress and such current information, as will give you a view of our internal affairs. They will be put, with this letter, into the hands of Mr. Nourse a passenger in the Dispatch vessel, who will deliver them at London; and as the vessel, which will have previously touched at L'Orient, will after waiting 10 or 12 days at Falmouth, return to that port and thence to the United States, you will have an opportunity of sending thither any communications you may wish to make to Paris, as well as of transmitting to your Government such as may follow up your correspondence which at the present period will be the more acceptable, the more it be frequent and full.

My last which was committed to the British packet inclosed a copy of the Act of Embargo, and explained the policy of the measure. Among the considerations which enforced it was the probability of such decrees as were issued by the British Government on the 11th Novr, the language of the British Gazettes with other indications, having left little doubt that such were meditated. The appearance of these decrees, has had much effect in reconciling all descriptions among us to the Embargo, and in fixing in the friends of the measure, their attachment to its provident guardianship of our maritime interests.

Mr. Erskine communicated a few days ago, the several late decrees of his Government with expressions of the regret felt

by His Britannic Majesty at the necessity imposed on him, for such an interference with neutral commerce, and assurances that his Majesty would readily follow the example, in case the Berlin decree should be rescinded, or would proceed *pari passu* with France in relaxing the rigor of their measures. Mr. Erskine was asked whether his Government distinguished between the operation of the French Decree municipally on land, and its operation on the high seas. On this point he was unable to answer; as he also was to an enquiry whether the late British decree had reference to the late extension of the French decree, with respect to the U. States. He seemed also, as is perhaps the case with his Government, to have taken very little into consideration the violations of neutral commerce, and thro' them, the vast injury to France, antecedent to the Berlin decree. It is probable that something further is to pass between us on the subject.

Mr. Rose has now been about a month in this City. He opened his mission with a demand of the repeal of the President's proclamation of July 2d, as an *indispensable preliminary* to the *negotiation* of the adjustment to which his Mission related. The time has hitherto been chiefly spent in informal experiments to overcome this difficulty at the threshold, which have led to a glimpse of other prerequisites to the success of the negotiation as little looked for as they are inadmissible on the part of the United States. At present it would seem that the informal communications are at an end, and that a formal note given in by Mr. Rose sometime ago, stating his preliminary demand, is to receive a formal and written answer. The particular turn which the correspondence may take in its close, I am not yet authorized to state to you.

It was my purpose to have given greater extent to this letter; but I have been till within a day or two for nearly two weeks confined by an indisposition which unfitted me for business of any sort. And even now I sacrifice the consideration of health, to my anxiety to avoid a longer detention

of the dispatch vessel which has been some time waiting for this, and for the communications destined to Genl. Armstrong.

I have the honor to be &c.

TO WILLIAM PINKNEY.

D. OF S. MSS. INSTR.

DEPARTMENT OF STATE, March 8th, 1808.

SIR,

Having just learnt that the present Mail will arrive at New York in time for the British packet, I avail myself of the opportunity of forwarding your Commission and letters of credence, as successor to Mr. Monroe, in the Legation at London.

Since my last which went by Mr. Nourse in a dispatch vessel bound first to L'Orient and then to Falmouth, I have received your communications of the 23d Nov. and of Decr. These with a representation from Genl. Armstrong to the French Government on the subject of the Decree of Berlin as expounded and enforced in the case of the ship *Horizon*, were thought by the President to throw so much light on the course likely to be pursued by Great Britain and France in relation to the United States, that he had the documents confidentially laid before Congress. By an inadvertence, the documents were read in the Senate with unshut doors; and one of the family of Mr. Rose being, as is said, present, it is not improbable that your statement of the conversations with Mr. Canning will be reported to him; and possibly with such errors, as are incident to that mode of obtaining information. I mention this circumstance, that in case you should perceive any misimpression to have been made, you may take occasion to correct them.

The Embargo continues to take deeper root in the public sentiment, and in the measures of Congress. Several supplemental Acts for enforcing it have passed, and another is on its passage, for the same purpose. The modifications of the

British orders, admitting a trade with her enemies in her own behalf, and subjecting neutrals to special licenses and to tribute, prove that retaliation is a cover for usurpation and monopoly and awaken feelings, sometimes stronger than interest itself, in stimulating perseverance in a remedial system.

Mr. Erskine has made a written communication on the subject of the British orders. I shall answer him as soon as the urgent business on hand will permit.

Mr. Rose will probably return in a short time, the Frigate in which he came being kept in waiting for him. His mission has not been successful, except in obtaining a separation of the general subject of impressments from the case of the Chesapeake. The way being opened to him by an acquiescence of the President in the mode of discussing the latter insisted on by the British Government, Mr. Rose disclosed the preliminary categorically required by his instructions, that the proclamation of July should be annulled, as the only condition on which he could "enter upon any negotiation for the adjustment with which he was charged." After various informal conferences and experiments, which did not lessen the apprehension from passages in Mr. Cannings letter to Mr. Monroe (interpreted as the passage relating to the proclamation was interpreted by the preliminary) that if this difficulty at the threshold could have been parried, others of an insuperable nature would have grown out of the negotiation itself, the business has been put into the form of a regular correspondence. My answer to Mr. Rose's first communication was sent to him on the fifth instant. As soon as his reply is received, it is probable that the whole will be laid before Congress. And as Mr. Rose will, it is understood, depart immediately after the correspondence is closed, I shall have an opportunity by him of transmitting to you copies of it. In the mean time I can only observe that the operative impressions to be made on Congress by the correspondence will necessarily depend much on the tenor and tone of Mr.

Rose's concluding letter, which will probably be pacific and even conciliatory.

With sentiments of high respect &c

TO WILLIAM PINKNEY.

D. OF S MSS. INSTR.

DEPARTMENT OF STATE, April 4th, 1808.

SIR,

My last letter was of March 22d and went under the care of Mr. Rose. I now forward printed copies of the correspondence with him on the subject of his Mission, and of the antecedent documents relating to the case of the Chesapeake. As soon as the voluminous residue of the communications made to Congress issues from the press, it shall also be forwarded. You will find that they include certain documents relating to France which were thought proper for the knowledge of Congress at the present Crisis.

To these communications I add copies of Mr. Erskine's letter to me on the subject of the British decrees of Novr. last, and of my answer. And that you may have a view of the ground which has been taken with respect to the French decree of Novr. 1806, and to the judicial exposition in the case of the *Horizon* giving it an illegal operation against the United States, I inclose copies of two letters to Genl. Armstrong on those subjects.

The President made to Congress a few days ago other communications relating to the present crisis with Great Britain and France, among which were Mr. Erskine's letter now inclosed, and a letter from Mr. Champagny to Genl. Armstrong, explaining the course meditated by the French Government with respect to the commerce of the U. States. These being excepted from the confidential character attached to the others have been published, and will be found among the printed inclosures. Your letter of Feby. 26, was included in the communication to Congress but not in the exception.

The conduct of the two great contending nations towards this Country as will now appear to it, and to the world, fully displays their mutual efforts to draw the United States into a war with their adversary. The efforts on both sides, are too little disguised to be worthy the discernment of either, and are addressed moreover, to motives which prove great ignorance of the character of the United States, and indeed of human nature.

From the posture in which Mr. Rose's final reply to the compromise proposed to him, placed the question of adjustment in the case of the Chesapeake, it remains with the British Government to resume it if adjustment be their object. Whether a tender of reparation will be made here, or to you, will also lie on that side. It will certainly be most becoming that Government under all circumstances to make the reparation here and this course might of right be insisted on by this Government. The President nevertheless, in the liberal spirit which always governs him, authorizes you to accept the reparation provided it be tendered spontaneously, be charged with no condition, unless it be that on the receipt of the Act of reparation here the proclamation of July 2nd shall be revoked; and provided the reparation shall add to the disavowal of the attack on the Chesapeake, an express engagement that the seamen retained shall be immediately restored, and that the guilty officer shall experience an exemplary punishment. The reparation will be the more satisfactory, and not exceed a just expectation if the restoration of the seamen be made to the very ship from which they were wrested and if provision be made for the wounded survivors, and for the families of those who lost their lives by the attack.

I must repeat however that it is considered entirely proper that the reparation should be offered here, rather than in London, and it is only in the event of a decided repugnance in the British Government to make it thro' a functionary here, that you are to accept it there.

The answer to Mr. Erskine's letter on the British orders

will furnish the grounds to be taken in your communications. If the Cabinet can be brought to view the orders in their true light a revocation of the whole of them cannot fail to take place, unless they mean to violate every maxim of justice, or are fixed in hostile purposes against the United States. In not regarding the orders indeed as Acts of hostility and in trusting for redress to the motives and means, to which they have appealed, the United States have given the most signal proofs of their love of peace, and of their desire to avoid an interruption of it with the British Nation.

Still, it is to be understood, that whilst the insult offered in the attack on the American frigate remains unexpiated, you are not to pledge or commit your Government to consider a recall of the orders as a ground on which a removal of the existing restrictions on the commerce of the United States with Great Britain, may be justly expected.

The two letters to Genl. Armstrong of 22nd May 1807, and Feby. 8th, 1808, are proofs of the sincerity and impartiality with which the President has proceeded in relation to the belligerent parties, and may perhaps assist you in repressing unjust suspicions imbibed by the British Cabinet. It would be happy for all parties, the belligerent as well as the U. States, if truth could, in this case, be made to prevail; and if the retaliating rivalship of the former against the latter could be converted into an emulation, as politic as it would be magnanimous in both, to take the lead in a fair, lawful, and conciliatory course towards a nation which has done no wrong to either. Should the experiment be made on either side it would probably be followed on the other; and it could never happen that the side first doing justice, would suffer on that account.

In the present state of our relations to Great Britain it would be premature to mark out the course to be pursued with respect to further negotiations on other topics than those above noticed. You are authorized however to continue your interpositions in behalf of our impressed or *detained* seamen,

and in the event of a repeal of the British orders, and satisfactory pledges for repairing the aggression on the Chesapeake, to enter into informal arrangements for abolishing impressments altogether and mutually discontinuing to receive the seamen of each other into either military or merchant service, conformably to the instructions on this point transmitted by Mr. Purviance.

You will find by a passage in Mr. Rose's reply of March 17 that the British Government does not maintain the principle that the obligation of the United States extends beyond the *discharge* of deserters from their public service; and by an order of the Navy Department here, already carried into execution, of which a copy is inclosed, that it has lately been decided that no foreign seamen, whether deserters or not, shall serve on board our ships of war. The principles respectively manifested by these documents, ought to facilitate such an adjustment as is contended for by the United States.

It cannot yet be said how much longer the Session of Congress will be protracted. The two provisions of most importance remaining to be decided on are the augmentation of the Army, and the definition of the case or cases in which a repeal or relaxation of the Embargo, may, during a recess, be committed to the Executive.

I have the honor to be &c

TO WILLIAM PINKNEY.

D. OF S. MSS. INSTR.

DEPARTMENT OF STATE, April 30, 1808

SIR,

My last was of the 4th inst, and went by a British packet from New York. I now forward a copy of it.

Congress ended their Session on the night of the 23 inst. The series of newspapers herewith sent affords a view of their proceedings subsequent to the communications last made to you. Some other points are included which throw light on

the workings of public opinion and the State of public affairs.

You will find that the critical posture of our foreign relations has produced provisions of different kinds for our greater security; and particularly that no pains have been spared to stop every leak by which the effect of the Embargo laws might be diminished. I refer you also to the report made to the Senate, by a committee on the documents relating to the affair of the Chesapeake and on the letters of Mr. Champagny and Mr. Erskine; and indicating the spirit which may be expected to influence the future policy of the Country, if kept under the excitement resulting from the system now pursued against it.

You will observe at the same time, that whilst a determination is sufficiently evinced against a dishonorable acquiescence in the despotic Edicts enforced on the high seas, the United States are ready to resume their export trade as soon as the aggressions on it shall cease, and that in a hope that this might happen during the recess of Congress, the President is authorized, in such an event, to suspend in whole, or in part, the several Embargo laws.

The conditions on which the authority is to be exercised appeal equally to the justice and policy of the two great belligerent powers which are now emulating each other in a violation of both. The President counts on your endeavors to give to this appeal all the effect possible with the British Government. Genl. Armstrong will be doing the same with that of France. The relation in which a revocation of its unjust decrees by either, will place the United States to the other is obvious; and ought to be a motive to the measure, proportioned to the desire which has been manifested by each to produce collision between the United States and its adversary; and which must be equally felt by each, to avoid one with itself.

Should the French Government revoke so much of its decrees as violate our neutral rights, or give explanations and assurances having the like effect, and entitling it there-

fore to a removal of the Embargo as it applies to France, it will be impossible to view a perseverance of Great Britain in her retaliating orders, in any other light than that of war without even the pretext now assumed by her.

In order to entitle the British Government to a discontinuance of the Embargo as it applies to Great Britain, it is evident that all its decrees, as well those of Jany. 1807 as of Nov. 1807, ought to be rescinded as they apply to the United States, and this is the rather to be looked for, from the present administration, as it has so strenuously contended that the decrees of both dates were founded on the same principles and directed to the same object.

Should the British Government take this course you may authorize an expectation that the President will, within a reasonable time, give effect to the authority vested in him on the subject of the Embargo laws. Should the orders be rescinded in part only it must be left to his free judgment to decide on the case. In either event you will lose no time in transmitting the information to this Department and to Genl. Armstrong; and particularly in the event of such a course being taken by the British Government as will render a suspension of the Embargo certain or probable, it will be proper for you to make the communication by a Courier to Genl. Armstrong, to whom a correspondent instruction will be given, and to provide a special conveyance for it hither unless British arrangements shall present an opportunity equally certain and expeditious.

The suspension of the non-importation Act having expired without any renewal of the suspending power to the President, that Act is now and must continue in operation. The Senate proposed during the last days of the Session to revest such a power in the President, as a provision for a state of things which might warrant the exercise of it. In the House of Representatives the Bill was rejected by a large majority. The debate will best explain the grounds of the rejection. Whilst the wrongs which led to that measure continue, it is

probable that the measure will be continued; especially as the idea gains force daily, that we are less unripe for manufacturing establishments than has been supposed, and that we are admonished by experience to lessen our dependence for supplies on foreign nations. There is no longer any ground to apprehend that this Act can be an obstacle to adjustments on other subjects; the right of the United States to make such regulations at any time being admitted, and the justice of them being derived from commercial discriminations actually enforced by Great Britain against the United States.

From the notification of Jany. communicated in your letter of Jany. 8th, it seems that every possible variety of blockade legal and illegal is to be exhausted against our commerce. I beg leave to refer you to my letter of the 3d June 1806 to your predecessor and its inclosure for the kind of answer suitable to such notifications.

Among the documents forwarded, are a few printed copies of the communications made to Congress as stated in my last.

The letters received from you and not yet acknowledged are under dates of the 8th Jany. and 2d February.

I have the honor to be &c.

TO JOHN ARMSTRONG.

D. OF S. MSS. INSTR.

DEPARTMENT OF STATE, May 2nd, 1808.

SIR,

Since my last letter of which Lt. Lewis was the bearer, I have received your several letters of 27 Decr, 22 Jany, 15 & 17 February, with their respective inclosures.

That of the 15th Jany. from Mr. Champagny to you has, as you will see by the papers herewith sent, produced all the sensations here, which the spirit and stile of it were calculated to excite in minds alive to the interests and honor of the nation. To present to the United States the alternative of bending to the views of France against her enemy, or of incurring a confiscation of all the property of their Citizens

carried into the French prize Courts, implied that they were susceptible of impressions by which no independent and honorable nation can be guided; and to prejudice and pronounce for them the effect which the conduct of another nation ought to have on their Councils and course of proceeding, had the air at least of an assumed authority, not less irritating to the public feelings. In these lights the President makes it your duty to present to the French Government the contents of Mr. Champagny's letter; taking care, as your discretion will doubtless suggest, that whilst you make that Government sensible of the offensive tone employed you leave the way open for friendly and respectful explanations if there be a disposition to offer them; and for a decision here on any reply which may be of a different character.

On the subject of your letter of Feby. 15th and its inclosures, the sentiments of the President prescribe that the French Government be assured of the full justice he does to the manner in which the wishes of the Emperor are disclosed for an accession of the U. States to the War against England, as an inducement to which his interposition would be employed with Spain to obtain for them the Floridas. But that the United States having chosen as the basis of their policy a fair and sincere neutrality among the contending powers, they are disposed to adhere to it as long as their essential interests will permit; and are more especially disinclined to become a party to the complicated and general warfare which agitates another quarter of the Globe for the purpose of obtaining a separate and particular object, however interesting to them. It may be intimated at the same time, that in the event of such a crisis as will demand from the United States a precautionary occupation of the Floridas against the hostile designs of Great Britain, it will be recollected with satisfaction that the measure had been contemplated with approbation by His Imperial Majesty.

An immediate seizure of the Floridas, according to your suggestion, would not have his approbation, or perhaps even

acquiescence, as may be inferred from the final explanation of Mr. Champagny, namely that it was in the case of an attack on those provinces by Great Britain, and then for their defence only, that the march of American troops into them would not be disagreeable to the Emperor.

Congress closed their Session on the 25 ult. For a general view of their proceedings, I refer to the series of Newspapers heretofore and now forwarded, and to other prints which are added. Among their Acts of Chief importance is that which vests in the President an authority to suspend in whole or in part the Embargo laws.

The conditions on which the suspending authority is to be exercised will engage your particular attention. They appeal equally to the justice and the policy of the two great belligerent powers now emulating each other in violation of both. The President counts on your best endeavors to give to this appeal all the effect possible with the French Government. Mr. Pinkney will be doing the same with that of Great Britain. The relation in which a recall of its retaliating decrees by either power, will place the United States to the other is obvious; and ought to be a motive to the measure proportioned to the desire which has been manifested by each, to produce collisions between the U. States and its adversary and which must be equally felt by each to avoid one with itself.

Should wiser Councils or increasing distresses induce Great Britain to revoke her impolite [impolitic?] orders against neutral commerce, and thereby prepare the way for a removal of the Embargo as it applies to her, France could not persist in the illegal part of her decrees, if she does not mean to force a contest with the United States. On the other hand should she set the example of revocation Great Britain would be obliged, either by following it, to restore to France the full benefit of neutral trade which she needs, or by persevering in her obnoxious orders after the pretext for them had ceased, to render collisions with the United States inevitable. In

every point of view therefore, it is so clearly the sound policy of France to rescind so much at least of her decrees as trespass on neutral rights, and particularly to be the first in taking the retrograde step, that it cannot be unreasonable to expect that it will be immediately taken.

The repeal of her decrees is the more to be expected, above all if Great Britain should repeal or be likely to repeal hers, as the plan of the original decree at Berlin did not extend to a violation of the freedom of the seas, and was restricted to a municipal operation nearly an entire year, notwithstanding the illegal British orders of Jany, 1807; and as a return of France to that restricted scope of her plan, would so immaterially diminish its operation against the British commerce, that operation being so completely in the power of France on land, and so little in her power on the high seas.

But altho' we cannot of right demand from France more than a repeal of so much of her decrees as violate the freedom of the seas, and a great point will be gained by a repeal of that part of them, yet as it may not have the effect of inducing a repeal of the whole illegal system of the British Government which may seek pretexts; or plead a necessity for counteracting the unprecedented and formidable mode of warfare practiced against her, it will be desirable that as little room as possible should be left for this remaining danger to the tranquil enjoyment of our commercial rights.

In whatever degree the French Government may be led to change its system, you will lose no time in transmitting the information to this Department and to Mr. Pinkney, and by hired conveyances, if necessary. A correspondent instruction is given to Mr. Pinkney.

It is of the greatest importance that you should receive from each other the earliest notice of any relaxations, as each Government is under a pledge to follow such an example by the other. And it is not of less importance that the President or Congress should be acquainted with the facts, that the proceedings here may be accommodated to them.

That you may know the grounds on which the British orders of Novr. have been arraigned by this Government, I inclose a copy of the answer to Mr. Erskine's note communicating them; a copy of the note being also inclosed.

The other documents communicated will put you in full possession of the relations of the U. States with Great Britain, as resulting from the issue of our general negotiations, and from that of the Mission of Mr. Rose.

The letter from the King of Westphalia to the President having passed thro' your hands, the answer is herewith inclosed to be forwarded by you.

I learn from the Treasury that no delay arises in settling your ordinary accounts, but from that in receiving the Bankers accounts connected with them. Mr. Gallatin tells me that the accounts under the Louisiana Convention have not yet been taken up, but will be in a few days.

This dispatch is forwarded by Mr. Baker, who takes his passage from Baltimore, in a vessel engaged as was the Osage which sailed from New York, for the special purpose of public and mercantile correspondences with Europe. She will proceed in the first instance to L'Orient where she will leave Mr. Baker, and thence proceed with dispatches for Mr. Pinkney to Falmouth, where she will remain a few days to receive communications from him. She will then return to L'Orient, in order to bring back Mr. Baker with your communications.

I have the honor to be &c.

TO WILLIAM PINKNEY.

D OF S. MSS. INSTR.

DEPARTMENT OF STATE, July 18, 1808.

SIR,

Your communications by Lt. Lewis were safely delivered on the evening of the 8th inst.

As it had been calculated that the interval between the return of Mr. Rose and the departure of Lt. Lewis would give sufficient time to the British Government to decide on the

course required by the posture in which the affair of the Chesapeake was left, its silence to you on that subject, could not fail to excite the particular attention of the President; and the appearance is rendered the more unfavorable by the like silence, as we learn from Mr. Erskine, of the dispatches brought to him by the Packet which left England and arrived at New York at nearly the same times with the Osage. I have intimated to Mr. Erskine the impressions made by this reserve, without however, concealing our hope that the delay does not imply a final purpose of withholding reparation, and that the next communications from London will be of a different import. They must at least entertain the real views of the British Government on this interesting subject.

There was certainly no just ground for Mr. Canning to expect any particular communications from you on the arrival of the Osage; unless they should have grown out of such accounts from France as would second our demands of justice from Great Britain, particularly the revocation of her orders in Council. And in imparting to him what you did from that quarter, every proof of candor was given which the occasion admitted. If Mr. Canning was disappointed because he did not receive fresh complaints against the orders in Council, he ought to have recollected that you had sufficiently dwelt on their offensive features in the first instance; and that as he had chosen to make the formal communication of them to this Government thro' another channel, it was thro' that channel rather than thro' you that answers to it would be most regularly given. But it cannot be supposed that his disappointment was in the least produced by your reserve on this topic, as indeed is clearly shown by his disinclination to listen to your suggestions with regard to it. It must have proceeded as you seem to have understood from some expectation of proposals having for their basis or their object, arrangements adverse to the enemies of G. Britain, or favorable to herself; an expectation contrary, surely, to all reason and probability under the accumulated injustice which the

United States are suffering from British measures, and forming of itself, an additional insult to their just and honorable feelings. A very little reflection ought to have taught the British Cabinet, that no nation which either respects itself or consults the rule of prudence, will ever purchase redress from one of its aggressors by gratifying his animosity against another aggressor; and least of all when a suspicion is authorized that redress is insidiously withheld lest the example should be followed. The communications and instructions forwarded by Mr. Purviance who was a passenger in the *St. Michael* will enable you to bring the British Government to a fair issue on the subject of its orders. If it has nothing more in view than it is willing to avow, it cannot refuse to concur in an arrangement rescinding on her part the orders in Council, and on ours, the Embargo. If France should concur in a like arrangement, the state of things will be restored which is the alleged object of the orders. If France does not concur the orders will be better enforced by the continuance of the Embargo against her than they are by the British fleet and cruisers, and in the mean time all the benefits of our trade will be thrown into the lap of Great Britain. It will be difficult therefore to conceive any motive in Great Britain to reject the offer which you will have made, other than the hope of inducing on the part of France, a perseverance in her irritating policy towards the United States, and on the part of the latter, hostile resentments against it.

If the British Government should have elected the more wise and more worthy course of meeting the overture of the President in the spirit which dictated it, it is to be hoped that measures will have been taken in concert with you, and thro' its Minister here, for hastening as much as possible the renewal of the intercourse which the orders and the Embargo have suspended; and thereby smoothing the way for other salutary adjustments.

It appears that the British Government not satisfied with the general blockade by her orders of Nov. 11th, has super-

added a particular blockade, or rather a diplomatic notification of an intended one of Copenhagen and *the other ports* in the Island of Zealand; that is to say, a strict and legal blockade of the whole Island. The Island cannot be much less than two hundred miles in its outline, and is described as abounding in inlets. It is not probable, therefore, if it be possible, that a blockade within the true definition should be carried into effect. And as all defective blockades whether so in the disproportion of force to the object, or in the mode of notification, will authorize fair claims of indemnification, it is the more necessary that guarded answers should be given, in such cases as heretofore suggested.

Since the British order of _____ evidently inviting our Citizens to violate the laws of their Country, by patronizing on the high seas their vessels destitute of Registers and other necessary papers, and therefore necessarily smugglers if not pirates, the circular letter of Mr. Huskisson has made its appearance in which the United States are named as alone within the purview of the order. A more disorganizing and dishonorable experiment is perhaps not to be found in the annals of modern transactions. It is aggravated too by every circumstance that could make it reproachful. It is levelled against a nation towards which friendship is professed, as well as against a law the justice and validity of which is not contested; and it sets the odious example, in the face of the world, directly in opposition to all the principles which the British Government has been proclaiming to it. What becomes of the charge against the United States for receiving British subjects who leave their own Country contrary to their allegiance? What would be the charge against them, if they were by proclamation to invite British subjects, those too expressly and particularly prohibited from leaving their Country, to elude the prohibition; or to tempt by interested inducements a smuggling violation or evasion of laws, on which Great Britain founds so material a part of her national policy? In the midst of so many more important topics of dissatisfaction, this

may not be worth a formal representation; but it will not be amiss to let that Government understand the light in which the proceeding is regarded by this. I have already touched on it to Mr. Erskine, with an intimation that I should not omit it in my observations to you.

The French decree, said to have been issued at Bayonne has not yet reached this Country. Such a decree, at such a time, has a serious aspect on the relations of the two Countries, and will form a heavy item in our demands of redress. It is much to be regretted at the same time that any of our vessels by neglecting to return home, and conforming to the arbitrary regulations of one belligerent, should expose themselves to the arbitrary proceedings of another. So strong and general an indignation seems particularly to prevail here against the Americans in Europe who are trading under British licenses, and thereby sacrificing as far as they can the Independence of their Country, as well as frustrating the laws which were intended to guard American vessels and mariners from the dangers incident to foreign Commerce, that their continuance in that career ought to be frowned upon, and their return home promoted in every proper manner. It appears by information from our Consul at Tangier that great numbers of our vessels are engaged in a trade between Great Britain and Spanish ports under licenses from the former, and that the experiment proves as unsuccessful as it is dishonorable; the greater part of them being either arrested in port, or by French & Spanish Cruisers.

For a view of our internal situation I refer you to the information to be collected from the Newspapers and other publications herewith forwarded. They sufficiently explain the spirit and sentiments of the nation with respect to the British and French Edicts, the Embargo, the unexpiated outrage on the Frigate Chesapeake and domestic manufactures; and are little flattering to the hopes, if such have been indulged, that the people of the United States were more ready to sacrifice the national honor and national rights than to

acquiesce in a temporary abridgment of their interests or enjoyments.

As it is extremely important, and the President is particularly anxious that the Communications to Congress on the meeting which takes place the first Monday in Nov. should embrace the fullest and most authentic state of our foreign affairs, I must request your particular exertions to enable the present dispatch vessel to return in due time with all the materials you can contribute for that purpose.

The letters received from you not yet acknowledged are of Feby 22 & 23—March 15, April 24, 25 & 26 & 27th—May 3d, 9, 10 & 12th.

I have the honor to be

With Great respect and Consideration, &c.

TO JOHN ARMSTRONG.

D. OF S. MSS. INSTR.

DEPARTMENT OF STATE, July 22, 1808

SIR,

Your dispatches by Lt. Lewis were delivered on the 8th inst.

It is regretted that the interval between his arrival and the date of your letter to Mr. Champagny, during which I presume some verbal intercommunication must have taken place, had produced no indication of a favorable change in the views of the French Government with respect to its decrees; and still more that instead of an early and favorable answer to your letter, it should have been followed by such a decree as is reported to have been issued on the 22d April at Bayonne. The decree has not yet reached the United States; and therefore its precise import cannot be ascertained. But if it should be, as it is represented, a sweeping stroke at all American vessels on the high seas, it will not only extend our demands of reparation, but is rendered the more ominous with respect to the temper and views of the Emperor towards the United States, by the date of the measure.

The arrival of Mr. Baker with my letter of May 2nd, of which a copy is herewith sent, will have enabled you to resume the subject of the Decrees with the fairest opportunity that could be given to the French Government for a change of the unjust and unwise course which has been pursued; and I assure myself that you will not have failed to turn the communications with which you are furnished to the best account. If France does not wish to throw the United States into the War against her for which it is impossible to find a rational or plausible inducement, she ought not to hesitate a moment, in revoking at least so much of her decrees as violate the rights of the sea, and furnish to her adversary the pretext for his retaliating measures. It would seem as if the Imperial Cabinet had never paid sufficient attention to the smallness of the sacrifice which a repeal of that portion of its system would involve, if an Act of justice is to be called a sacrifice.

The information by the return of the *Osage* from England, is not more satisfactory than that from France. Nothing was said on the subject of the Chesapeake, nor anything done or promised as to the orders in Council. It is probable that further accounts from the United States were waited for, and that the arrival of the *St. Michael* will have led to a manifestation of the real views of that Government, on those and other subjects. In the mean time it cannot be doubted that hopes were cherished there of some events in this Country favorable to the policy of the orders, and particularly that the offensive language and proceedings of France, would bring on a hostile resistance from the United States; in which case the British Government would be able to mould every thing to its satisfaction. There is much reason to believe that if the British Government should not concur in a mutual abolition of the orders and of the Embargo, it will result from an unwillingness to set an example which might be followed, and might consequently put an end to the irritating career of her enemy on which the insidious calculation is built. Might not use

be made of this view of the matter, in those frank and friendly conversations which sometimes best admit topics of a delicate nature, and in which pride and prejudice can be best managed without descending from the necessary level? In every view it is evidently proper, as far as respect to the National honor will allow, to avoid a stile of procedure which might co-operate with the policy of the British Govt, by stimulating the passions of the French.

In an interview which Genl. Turreau asked about a month ago, he complained of the disposition here, as indicated by certain publications, (such as the circular letter of Mr. Burwell and the report of the Committee of the Senate, both of which will be seen by you) to put France *au même ligne* with Great Britain in aggressions on the United States, insisting that the latter must at least be regarded as the prior as well as the greater wrong doer. He dwelt at the same time on the disposition of his Government to cultivate friendship with this, and added that he was particularly charged to receive any communications or explanations it might be disposed to make, which would evince a corresponding disposition; wishing it, however, to be understood, that he had no allusion to any propositions tending even to an alliance, or any positive arrangements between the two Countries. After this preface, he expatiated on the exclusion of England from the continent of Europe, which would soon be completed by the issue of the Swedish War; and the probability, as an effect of that state of things, and of what was passing in Spain, that her attention would be turned to this continent, to South America, as a Commercial substitute for her loss, and to North America, which could so easily give facilities or obstructions to her revolutionary plans.

It was observed to him, that without discussing the priority of the wrongs we had suffered from the belligerents, they were of sufficient amount from both, to justify the complaints made on our part; that it afforded pleasure nevertheless to find by his assurances that his Government was in so friendly a dis-

position towards the United States, and that he might be assured that proofs of theirs would keep a reasonable pace with such as might be found in the conduct of his Government towards them; that with respect to declarations or propositions we had none to make different from the explanations which had been from time to time given of our fair neutrality, and of the justice and redress to which we were entitled, particularly in relation to the French Decrees. His observations with respect to the policy of England, resulting from the State of things in Europe, were allowed their full weight and it was equally admitted that the United States would become peculiarly important to G. Britain, from such a change in her system, but a continuance of their neutrality became for the same reason of the greater importance to France and Spain; the more so, as the disposition of the Spanish provinces to look to the auspices of the United States, was so well understood. He was left under the impression, however, that the principles and policy of the United States would sufficiently restrain them from becoming parties against any nation whose just and friendly conduct should leave them to their pacific cause.

I have no doubt that the language he held with respect to manifestations of our friendship was the version made by his prudence of the propositions contained in your letter by Capt. Haley, and that his remarks on the subject of S^o America grew out of the views given latterly in the Newspapers of the interest G. Britain had in making Spanish America the primary object of her operations. His remarks however shew the light in which the subject strikes a French mind, and it is not improbable, especially if the condition of Spain should second the purpose, that you will be able to turn the co-operation which the United States could afford towards a revolution in South America, into a motive to guard against it by a compliance with their reasonable expectations.

In all the conversations which have been held with the French Legation here it has appeared that much juster views

are taken by it, of the true interest of France in relation to the United States, than have prevailed in the French Government, and I think it probable that their correspondence has imparted those views. Of late much solicitude seems to have been felt by Genl. Turreau to promote a change in the tone of language as well as of measures, employed towards the United States. As the most likely mode of succeeding in it, Mr. Petrie is about to take, if he can find, a passage to France, where he will be able by personal intercourse, to make impressions not otherwise communicable. . . .¹

With great respect, &c.

TO WILLIAM PINKNEY.

D. OF S. MSS INSTR.

DEPARTMENT OF STATE, January 3, 1809

SIR,

Availing myself as heretofore of a British packet from New York, I forward a continuation of the proceedings of Congress, as they will be seen in the prints herewith inclosed, adding at the same time a copy of my last letter which was transmitted thro' the favor of Mr. Erskine along with some of his dispatches by way of New Brunswick.

You will observe that in pursuance of the resolutions of the House of Representatives not to submit to the Foreign Edicts against our commerce, and to provide further for the security of the Country, a Bill is on its passage, for raising immediately a volunteer force of 50,000 men. This added to other preparations, has induced Mr. Erskine to make it the subject of conversation, in which he alluded to his duty of communicating measures of that character to his Government, and the usage of their being accompanied with such explanations as the Government here might think proper to make on the occasion.

¹ The omitted portions relate to finding a successor to Fulwar Skipwith, Consul at Paris, and the state of public opinion in the United States.

He was reminded that we had seen at different times and in different quarters, augmentations of British force in our neighbourhood, without any intimation of its object, or that it had no reference to the United States. But that there was, nevertheless, no hesitation in saying to him, that however desirous the United States might be of preserving peace, the situation in which they found themselves made it their obvious and indispensable duty to be prepared for War; that the perseverance of his Government and that of France in their respective Edicts, especially after the communications which had been made to them and the removal of the very pretexts for such aggressions indicated a spirit of hostility against which it would be the most culpable neglect not to provide; and finally that it would be frankly avowed as was indeed to be inferred from the sentiments expressed by the Legislature, that the time might not be distant when a longer adherence to those Edicts would give them the overt character, as they had long had the real effect of War, and impose on the United States the obligation of vindicating their honor and their rights by other means than had thus far been resorted to. With these observations were mingled explicit assurances of the solicitude of this Country to avoid such an extremity, and of the satisfaction that would be afforded, by any change in the conduct of the belligerent Governments and particularly of his own, which would lay the foundation for amicable adjustment. He signified that it did not lie with him to do more than to give information to his Government leaving to that the inferences and decisions proper to be formed. He expressed, however, his wishes and hopes that any hostile result might be avoided; and alluded, as he had repeatedly done on preceding occasions to the documents explaining what had passed between this Government and France, and to the effect of the proposed non intercourse Act, in sinking the non-importation Act, and the proclamation of July 1807, pointed against G Britain alone, into regulations common to her and her Enemy, as furnishing grounds to which he could not under-

take to say that his Government might not be disposed to give a favorable attention.

I have given you this sketch as at once apprizing you of the communication which will of course be made to Mr. Canning, and assisting you in any conversations with him which may ensue.

The impatience under the Embargo, more particularly in Massachusetts, is becoming extremely acute under the artificial excitements given to it; and a preference of war within a very limited period is every where gaining ground. Were it not for the chance of belligerent relaxations, under the influence of the known dispositions and determinations here, and of events in Europe, it is probable that letters of Marque and reprisal would at once be issued. For the present it seems to be in view, to provide for an extra Session of Congress in the Month of May, with an understanding that War will then be the proper course, if no immediate change abroad shall render it unnecessary. What other measures, provisional or positive, may be connected with or added to this extra call of Congress, I do not venture now to anticipate; the less so as the public mind is in a state too impressible to shew in its present temper, what its bias may become in the progress of the Session. It is not improbable that a time would be immediately fixed, at which hostilities should be commenced against the persevering aggression or aggressions, but for the apprehension that the menacing alternative presented by that course might be an obstacle with pride to relaxations not otherwise inadmissible.

I have the honor to be &c

TO WILLIAM PINKNEY.

D. OF S. MSS. INSTR.
DEPARTMENT OF STATE, February 10th 1809.

SIR,

I forward by the British Packet about to sail from New

York, the printed proceedings of Congress continued from my last communications which bore date on the 3d January.

From these and the antecedent indications, you will deduce the general spirit which actuates the Legislative Councils, under the perplexities incident to the unexampled state of things forced on the United States by the injustice of the belligerent nations.

What particular course may result from the several propositions now depending, cannot with certainty be pronounced; but it may be reasonably presumed that the resolution of the House of Representatives so nearly unanimous, not to submit to the foreign Edicts against our neutral commerce, will be kept in view; and consequently that if our Commercial property be again committed to the ocean, the measure will be accompanied with such regulations as will shew that it is not meant as an acquiescence in those Edicts, but as an appeal to the interest of the aggressors, in a mode less inconvenient to our own interest.

It is equally to be presumed that if the resumed exercise of our rights of navigation on the high seas should be followed by the depredations threatened by an adherence of the belligerents to their respective Edicts, the next resort on the part of the United States will be, to an assertion of those rights by force of Arms, against the persevering aggressor or aggressors.

It may be inferred from the language held by the British Minister here, that an avowal of such a determination in the form even of an Executive opinion, would probably be regarded by his Government as a ground on which it might revoke its orders in Council, consistently with the retaliating principle on which they are alleged to be founded. It must be observed, however, 1st that no authoritative avowal could be made but by the branch of Government charged with the question of War; not to mention that the avowal itself might possibly be construed into a menace, opposing a greater obstacle to a change of policy than the Embargo was represented

to be; and 2d that it appears from the condition originally required by the present Cabinet, and repeated by Mr. Canning in his last letter to you of Novemr. 22, that nothing short of an unequivocal repeal of the French decrees, and consequently no course whatever of this Government, not actually producing that effect, will render a repeal of the British orders consistent with the policy which relates to that subject.

Should a policy so destitute of even a shadow of justice or consideration, be relinquished and an expression of the opinion of the Executive branch of our Government be deemed a ground for revoking the British Orders, you will be free to declare that opinion to be, that in case these orders should be revoked, and the Decrees of France continued in force, hostilities on the part of the United States will ensue against the latter, taking care not to attach to the opinion of the Executive any weight inconsistent with the Constitutional limits of his authority.

Whilst it is thought proper to furnish you with these explanations and observations, I am instructed at the same time, to remind you that in the actual posture of things between the two countries, particularly as resulting from the nature of the answer of Mr. Canning of Sept. 23 to the reasonable, candid and conciliatory proposition conveyed in your letter to him of August , it evidently lies with the British Government to resume discussions on the subject of revoking the Orders in Council. It is hoped that in so plain a case, that obligation will be felt. And it is only on a contrary manifestation, that it will be eligible for you to bring the subject into conversation; in doing which, you will not fail to let it be understood as a new and irresistible proof of the desire of the United States to avoid extremities between the two Nations, and to establish that complete reconciliation, towards which an adjustment of that particular difficulty would be so important a step. It is proper to add, that as the pledge of an Executive opinion in such a case, is of an unusual and very delicate character, it will be a reasonable and indispensable preliminary

to its being stated in writing, that a satisfactory assurance be given that it will not be without the expected effect.

You will notice that among the measures proposed to be combined with a repeal of the Embargo laws, is a non-intercourse with Great Britain and France, and an exclusion of all armed vessels whatever from our waters. The effect of the first will be to continue the Embargo, so far as it prohibits a *direct* exportation to the two principal offenders; and to discontinue the importation now permitted, of the productions and manufactures of those Countries, thereby merging for the time, the existing non-importation Act. An effect of the other will be to merge, in like manner, for the time, the exclusion of British ships of war, as a measure unfavorably distinguished between Great Britain and other belligerents. The latter effect may perhaps facilitate amicable arrangements on some of the points in question with that nation. The former will keep in force an appeal to its interest, against a perseverance in the orders in Council; inasmuch as it subjects the supplies from the United States to the expence and delay of double voyages, shuts our markets against her manufactures, and stimulates and establishes permanent substitutes of our own.

You will notice also the Message of the President communicating for publication, your correspondence with Mr. Canning on the subject of conversations preceding your letter to him of August. The message states the cause of the communication. This foreign appeal thro' the press, to the people against their own Government, has kindled the greatest indignation everywhere; the more so, as the time and place selected, leave no doubt that the object was to foster the discontents breaking out in the State of Massachusetts. But for the difficulty of obtaining from the printer the source from which Mr. Canning's letter was furnished, and an unwillingness to multiply topics of irritation, it is not improbable that the insult would have been taken up by Congress, in some such manner as the case of Palm, the Austrian Ambassador, in the

year 1719¹ was treated by the British Parliament. Much animadversion also has fallen on the outrageous doctrine still maintained by him, that Great Britain has a retaliating right against our commerce, until the French Decrees, altho' a dead letter, be unequivocally abandoned; as well as on the subterfuge which he applies to the charge of stating to the House of Commons, that no remonstrance or communication had been received from this Government against the orders in Council as if it had been possible for a single hearer to suppose, that he did not mean to affirm that no such remonstrance had been received at all, the sole question of any importance; but merely to distinguish between the receipt of it thro' you, and thro' Mr. Erskine, a circumstance of no importance whatever. The resort also to newspaper paragraphs and general rumors as to vessels to be dispatched from this Country with instructions to you, as an explanation of his departure from a regular course of proceeding adopted by himself, is very unworthy the dignity and candor, not to say sincerity, belonging to his station.

The Union is not yet arrived, and has not been heard of since her landing Lt. Gibbon.

I shall write again by the Pacific, a dispatch vessel which will sail from New York in a short time. Before we transmit our communications allotted for that conveyance, it is very desirable that we should receive yours by the Union; and also have the result of the existing deliberations of Congress particularly on the time for repealing the Embargo, and the measures to be connected with the repeal. A vessel, the Mentor, is also engaged at New York, for conveying dispatches to France, and will sail at the same time for L'Orient.

As Congress are to meet again as early as the 4th Monday in May, and with a view to take measures adapted to the then state of things, I need not urge on you the importance

¹ See Belsham Memoirs, Smollet's continuation, vol. 3, p 130; also Journals House of Commons

of hastening to us every information which may be useful to their deliberations.

I have the honor to remain &c.

FIRST INAUGURAL ADDRESS

Unwilling to depart from examples of the most revered authority, I avail myself of the occasion now presented to express the profound impression made on me by the call of my country to the station to the duties of which I am about to pledge myself by the most solemn of sanctions. So distinguished a mark of confidence, proceeding from the deliberate and tranquil suffrage of a free and virtuous nation, would under any circumstances have commanded my gratitude and devotion, as well as filled me with an awful sense of the trust to be assumed. Under the various circumstances which give peculiar solemnity to the existing period, I feel that both the honor and the responsibility allotted to me are inexpressibly enhanced.

The present situation of the world is indeed without a parallel, and that of our own country full of difficulties. The pressure of these, too, is the more severely felt because they have fallen upon us at a moment when the national prosperity being at a height not before attained, the contrast resulting from the change has been rendered the more striking. Under the benign influence of our republican institutions, and the maintenance of peace with all nations whilst so many of them were engaged in bloody and wasteful wars, the fruits of a just policy were enjoyed in an unrivaled growth of our faculties and resources. Proofs of this were seen in the improvements of agriculture, in the successful enterprises of commerce, in the progress of manufactures and useful arts, in the increase of the public revenue and the use made of it in reducing the public debt, and in the valuable works and establishments everywhere multiplying over the face of our land.

It is a precious reflection that the transition from this prosperous condition of our country to the scene which has for some time been distressing us is not chargeable on any unwarrantable views, nor, as I trust, on any involuntary errors in the public councils. Indulging no passions which trespass on the rights or the repose of other nations, it has been the true glory of the United States to cultivate peace by observing justice, and to entitle themselves to the respect of the nations at war by fulfilling their neutral obligations with the most scrupulous impartiality. If there be candor in the world, the truth of these assertions will not be questioned; posterity at least will do justice to them.

This unexceptionable course could not avail against the injustice and violence of the belligerent powers. In their rage against each other, or impelled by more direct motives, principles of retaliation have been introduced equally contrary to universal reason and acknowledged law. How long their arbitrary edicts will be continued in spite of the demonstrations that not even a pretext for them has been given by the United States, and of the fair and liberal attempt to induce a revocation of them, can not be anticipated. Assuring myself that under every vicissitude the determined spirit and united councils of the nation will be safeguards to its honor and its essential interests, I repair to the post assigned me with no other discouragement than what springs from my own inadequacy to its high duties. If I do not sink under the weight of this deep conviction it is because I find some support in a consciousness of the purposes and a confidence in the principles which I bring with me into this arduous service.

To cherish peace and friendly intercourse with all nations having correspondent dispositions; to maintain sincere neutrality toward belligerent nations; to prefer in all cases amicable discussion and reasonable accommodation of differences to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so degrading to all countries and so baneful to free ones; to foster a spirit of

independence too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves and too elevated not to look down upon them in others; to hold the union of the States as the basis of their peace and happiness; to support the Constitution, which is the cement of the Union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the States and to the people as equally incorporated with and essential to the success of the general system; to avoid the slightest interference with the rights of conscience or the functions of religion, so wisely exempted from civil jurisdiction; to preserve in their full energy the other salutary provisions in behalf of private and personal rights, and of the freedom of the press; to observe economy in public expenditures; to liberate the public resources by an honorable discharge of the public debts; to keep within the requisite limits a standing military force, always remembering that an armed and trained militia is the firmest bulwark of republics—that without standing armies their liberty can never be in danger, nor with large ones safe; to promote by authorized means improvements friendly to agriculture, to manufactures, and to external as well as internal commerce; to favor in like manner the advancement of science and the diffusion of information as the best aliment to true liberty; to carry on the benevolent plans which have been so meritoriously applied to the conversion of our aboriginal neighbors from the degradation and wretchedness of savage life to a participation of the improvements of which the human mind and manners are susceptible in a civilized state;—as far as sentiments and intentions such as these can aid the fulfillment of my duty, they will be a resource which can not fail me.

It is my good fortune, moreover, to have the path in which I am to tread lighted by examples of illustrious services successfully rendered in the most trying difficulties by those who have marched before me. Of those of my immediate

predecessor it might least become me here to speak. I may, however, be pardoned for not suppressing the sympathy with which my heart is full in the rich reward he enjoys in the benedictions of a beloved country, gratefully bestowed for exalted talents zealously devoted through a long career to the advancement of its highest interest and happiness.

But the source to which I look for the aids which alone can supply my deficiencies is in the well-*tried* intelligence and virtue of my fellow-citizens, and in the counsels of those representing them in the other departments associated in the care of the national interests. In these my confidence will under every difficulty be best placed, next to that which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising Republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.

MARCH 4, 1809.

PROCLAMATION.

Whereas it is provided by the eleventh section of the act of Congress entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," that "in case either France or Great Britain shall so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States" the President is authorized to declare the same by proclamation, after which the trade suspended by the said act and by an act laying an embargo on all ships and vessels in the ports and harbors of the United States and the several acts supplementary thereto may be renewed with the nation so doing; and

Whereas the Honorable David Montague Erskine, His Britannic Majesty's envoy extraordinary and minister plenipotentiary, has, by the order and in the name of his Sovereign, declared to this Government that the British orders in council of January and November, 1807, will have been withdrawn as respects the United States on the 10th day of June next:¹

¹ Erskine wrote the Secretary of State, Robert Smith, as follows

WASHINGTON, April 18th 1809.

SIR,

I have the Honour of informing you, that His Majesty, having been persuaded that the honourable Reparation which he had caused to be tendered for the unauthorized attack upon the American Frigate Chesapeake, would be accepted by the Government of the United States, in the same Spirit of conciliation, with which it was proposed, has instructed me, to express His Satisfaction, should such a happy Termination of that affair take Place—not only as having removed a painful cause of Difference, but as affording a fair Prospect of a complete and cordial understanding, being reestablished between the two Countries.

The favourable Change in the Relations of His Majesty with the United States, which has been produced by the Act, (usually termed the Non-Intercourse Act,) passed in the last Session of Congress, was also anticipated by His Majesty, and has encouraged a further Hope, that a Reconsideration of the existing Differences may lead to their satisfactory adjustment

On these Grounds and Expectations, I am instructed to communicate to the American Government, His Majesty's Determination of sending to the United States, an Envoy extraordinary invested with full Powers to conclude a treaty on all the Points of the Relations between the two Countries.

In the mean Time, with a View to contribute to the attainment of so desirable an object, His Majesty would be willing to withdraw His orders in Council of January and November, 1807, so far as respects the United States, in the Persuasion, that the President would issue a Proclamation for the Renewal of the Intercourse with Great Britain, and that whatever Differences of Opinion should arise in the Interpretation of the Terms of such an agreement, will be removed in the proposed negotiation.

I have the Honour to be, &c.

Now, therefore, I, James Madison, President of the United States, do hereby proclaim that the orders in council aforesaid will have been withdrawn on the said 10th day of June next, after which day the trade of the United States with Great Britain, as suspended by the act of Congress above mentioned and an act laying an embargo on all ships and vessels in the ports and harbors of the United States and the several acts supplementary thereto, may be renewed.

Given under my hand and the seal of the United States at Washington, the 19th day of April, A.D. 1809, [SEAL] and of the Independence of the United States the thirty-third.

TO THOMAS JEFFERSON.

MAD. MSS.

WASHINGTON, Ap^l 24, 1809.

DEAR SIR,—I have rec^d your favor of the 19th. You will see in the newspapers the result of the advances made by G. B. Attempts were made to give shapes to the arrangement implying inconsistency and blame on our part. They were, however, met in a proper manner, and readily abandoned, leaving these charges in their full force, as they now bear on the other side. The B. Cabinet must have

The next day he wrote again.

WASHINGTON, April 19th 1809.

SIR,

In consequence of the Acceptance by the President, as stated in your Letter, dated the 18th Instant, of the Proposals, made by me on the Part of His Majesty, in my Letter of the same Day, for the Renewal of the Intercourse between the respective Countries, I am authorized to declare, that His Majesty's orders in Council of January and November, 1807, will have been withdrawn as respects the United States on the 10th Day of June next.

I have the honor, &c.—*D. of S. MSS. Notes.*

changed its course under a full conviction that an adjustment with this country had become essential; and it is not improbable that this policy may direct the ensuing negotiation, mingling with it, at the same time, the hope that it may embroil us with France. To this use, it may be expected, the Federalists will endeavor to turn what is already done, at the coming session of Cong^s. The steps deemed proper to give the proceeding a contrary turn will not be omitted. And if France be not bereft of common sense, or be not predetermined on war with us, she will certainly not play into the hand of her enemy. Besides the general motive to follow the example of G. B. she cannot be insensible of the dangerous tendency of prolonging the commercial sufferings of her Allies, particularly Russia, all of them already weary of such a state of things, after the pretext for enforcing it shall have ceased. She must be equally aware of the importance of our relations to Spanish America, which must now become the great object of Napoleon's pride and ambition. Should he repeal his decrees with a view to this object, the most probable source of conflict will be in his extending the principle on which he required a *prohibition* of the Trade with S^t Domingo to the case of the Spanish Colonies. Nor is it improbable that he may couple such a requisition with an offer to cede the Floridas, which would present a dilemma not very pleasant.

Accept my sincerest affection & highest esteem.

TO THOMAS JEFFERSON

MAD MSS.

WASHINGTON, May 1, 1809.

DEAR SIR,—I am just favored with yours of the 27th. Young Gelston is here, preparing to take his passage for France as bearer and expositor of despatches, in the Syren, sloop of war, which is waiting for him at Baltimore. He leaves this to-morrow morning. Mr. Gallatin has had a conversation with Turreau at his residence, near Baltimore. He professes to be confident that his Gov^t will consider England broken down by the example she has given in repealing her orders, and that the F. decrees will be repealed as a matter of course. His communications by the Syren will, if he be sincere, press the policy of an immediate repeal. No official acc^{ts} have been received from the French letters of Marque arrived at Boston. The difficulty most likely to threaten our relations with France lies in the effort she may make to render us in some way subservient to the reduction of Spanh. America; particularly by withholding our commerce. This apprehension is corroborated by the language of Turreau. He alluded to his conversations with you relating to Cuba, on which he builds jealousies which he did not conceal. Cuba will, without doubt, be a cardinal object with Napoleon.

The spirit which England will bring into the ulterior negociations must differ much from that which influenced former Treaties, if it can be moulded to our just views; and we must be prepared to meet it

with a prudent adherence to our essential interests. It is possible, however, that the school of adversity may have taught her the policy of substituting for her arrogant pretensions somewhat of a conciliating moderation towards the U. S. Judging from the tone lately used, a change of that sort would be the less wonderful. If she can be brought to a fair estimate of her real interest, it seems very practicable to surmount the obstacles which have hitherto kept us at variance, and, until surmounted, must continue to do so. The case of impressments, hitherto the great obstacle, seems to admit most easily of an adjustment, on grounds mutually advantageous.

Y^{rs} with affectionate respects.

It is understood that the Election in the State of N. York has issued very favorably.

TO MARQUIS DE LAFAYETTE.¹

WASHINGTON May 1. 1809.

MY DEAR SIR

It is a real mortification to me that another favorable opportunity has occurred without my being able to add a word to what you know on the state of your land affairs in the hands of M^r Duplantier. I have not rec^d a line from him, since He stated the difficulty which had presented itself in the completion of a part of his locations, and the advice of M^r Gallatin relating to it was transmitted to him. I wish he

¹ From the original kindly loaned by John Boyd Thacher, Esq.

may have written to you through some other channel. As soon as I hear from him I shall endeavor to let you hear from me.

I inclose a paper containing the arrangement concluded with G. Britain on the subject of her orders in council. Gen^l Armstrong is supplied with a copy of them, and will expect from France a revocation of her decrees, in conformity with the recitals on which they are founded, as well as with the considerations of justice, of friendship, and as we conceive of her true interest. It will be a source of deep regret if our dispositions to restore commercial intercourse and maintain in every respect the most fair, and friendly relations consistent with our neutral character, should be met by perseverance in a system, which must necessarily place the U. S. in a very obvious & painful dilemma. I indulge a hope that more favorable councils will prevail.

This will be handed to you by M^r Gelston a worthy & respectable young man, son of the collector at the Port of New York, also of respectability & worth. M^r G. was formerly in M^r Monroe's family at Paris. He is now charged with despatches from the Dept. of State to Gen^l Armstrong.

Accept my dear Sir assurances of my sincerest friendship and best wishes.

MESSAGE TO THE SPECIAL SESSION OF CONGRESS.

Fellow-Citizens of the Senate and of the House of Representatives:

On this first occasion of meeting you it affords me much satisfaction to be able to communicate the commencement

of a favorable change in our foreign relations, the critical state of which induced a session of Congress at this early period.

In consequence of the provisions of the act interdicting commercial intercourse with Great Britain and France, our ministers at London and Paris were without delay instructed to let it be understood by the French and British Governments that the authority vested in the Executive to renew commercial intercourse with their respective nations would be exercised in the case specified by that act.

Soon after these instructions were dispatched it was found that the British Government, anticipating from early proceedings of Congress at their last session the state of our laws, which has had the effect of placing the two belligerent powers on a footing of equal restrictions, and relying on the conciliatory disposition of the United States, had transmitted to their legation here provisional instructions not only to offer satisfaction for the attack on the frigate *Chesapeake*, and to make known the determination of His Britannic Majesty to send an envoy extraordinary with powers to conclude a treaty on all the points between the two countries, but, moreover, to signify his willingness in the meantime to withdraw his orders in council, in the persuasion that the intercourse with Great Britain would be renewed on the part of the United States.

These steps of the British Government led to the correspondence and the proclamation now laid before you, by virtue of which the commerce between the two countries will be renewable after the 10th day of June next.

Whilst I take pleasure in doing justice to the councils of His Britannic Majesty, which, no longer adhering to the policy which made an abandonment by France of her decrees a prerequisite to a revocation of the British orders, have substituted the amicable course which has issued thus happily, I can not do less than refer to the proposal heretofore made on the part of the United States, embracing a like restoration

of the suspended commerce, as a proof of the spirit of accommodation which has at no time been intermitted, and to the result which now calls for our congratulations, as corroborating the principles by which the public councils have been guided during a period of the most trying embarrassments.

The discontinuance of the British orders as they respect the United States having been thus arranged, a communication of the event has been forwarded in one of our public vessels to our minister plenipotentiary at Paris, with instructions to avail himself of the important addition thereby made to the considerations which press on the justice of the French Government a revocation of its decrees or such a modification of them as that they shall cease to violate the neutral commerce of the United States.

The revision of our commercial laws proper to adapt them to the arrangement which has taken place with Great Britain will doubtless engage the early attention of Congress. It will be worthy at the same time of their just and provident care to make such further alterations in the laws as will more especially protect and foster the several branches of manufacture which have been recently instituted or extended by the laudable exertions of our citizens.

Under the existing aspect of our affairs I have thought it not inconsistent with a just precaution to have the gunboats, with the exception of those at New Orleans, placed in a situation incurring no expense beyond that requisite for their preservation and conveniency for future service, and to have the crews of those at New Orleans reduced to the number required for their navigation and safety.

I have thought also that our citizens detached in quotas of militia amounting to 100,000 under the act of March, 1808, might not improperly be relieved from the state in which they were held for immediate service. A discharge of them has been accordingly directed.

The progress made in raising and organizing the additional military force, for which provision was made by the act of

April, 1808, together with the disposition of the troops, will appear by a report which the Secretary of War is preparing, and which will be laid before you.

Of the additional frigates required by an act of the last session to be fitted for actual service, two are in readiness, one nearly so, and the fourth is expected to be ready in the month of July. A report which the Secretary of the Navy is preparing on the subject, to be laid before Congress, will shew at the same time the progress made in officering and manning these ships. It will shew also the degree in which the provisions of the act relating to the other public armed ships have been carried into execution.

It will rest with the judgment of Congress to decide how far the change in our external prospects may authorize any modifications of the laws relating to the army and navy establishments.

The works of defence for our seaport towns and harbors have proceeded with as much activity as the season of the year and other circumstances would admit. It is necessary, however, to state that, the appropriations hitherto made being found to be deficient, a further provision will claim the early consideration of Congress.

The whole of the 8 per cent stock remaining due by the United States, amounting to \$5,300,000, had been reimbursed on the last day of the year 1808; and on the 1st day of April last the sum in the Treasury exceeded \$9,500,000. This, together with the receipts of the current year on account of former revenue bonds, will probably be nearly if not altogether sufficient to defray the expenses of the year. But the suspension of exports and the consequent decrease of importations during the last twelve months will necessarily cause a great diminution in the receipts of the year 1810. After that year, should our foreign relations be undisturbed, the revenue will again be more than commensurate to all the expenditures.

Aware of the inconveniences of a protracted session at the

present season of the year, I forbear to call the attention of the Legislature to any matters not particularly urgent. It remains, therefore, only to assure you of the fidelity and alacrity with which I shall cooperate for the welfare and happiness of our country, and to pray that it may experience a continuance of the divine blessings by which it has been so signally favored.

MAY 23, 1809.

TO THOMAS JEFFERSON.

MAD MSS.

WASHINGTON, May 30, 1809.

DEAR SIR,—Your favor of the 22d did not come to hand till the day before yesterday.

It will give me pleasure to take the place of Mr. Barnes in the note to the Bank; the more so as it will, it seems, be a relief to the old gentleman's pecuniary anxieties. I will have an early communication with him on the subject. I wish the original arrangement had taken the shape now proposed, and hope that you will make free use of my services if they can at any time or in any way be made convenient to your arrangements of money, or other matters.

The new-fangled policy of the federal party, you will have noticed, has made a considerable figure in the newspapers. Some of the Editors are resuming the old cant, and the others will doubtless soon follow the example. Nothing could exceed the folly of supposing that the principles and opinions manifested in our foreign discussions were not, in the main at least, common to us; unless it be the folly of supposing that such shallow hypocrisy could deceive

any one. The truth is, the sudden and unlooked-for turn of the B. Cabinet has thrown the party entirely off the centre. They have at present no settled plan. There is reason to believe that the leaders are sound towards England, and much less disposed than heretofore to render our interests subservient to hers. Expressions have been used by one, at least, of the Essex Cabinet, whether sincerely or insidiously may not be absolutely certain, from which it is inferred that a disposition exists in that quarter not even to continue the non-intercourse act agst France. Certain it is, that the desire of war with her is no longer manifested; that the deficiency of the English markets excites a keen appetite for a trade with the Continent; and that a real uneasiness is felt lest the negotiations with G. B. should end in sacrifices on our part, which they have been reproaching the Administration for not being ready to make. As one proof of their present feelings, the federal leaders shew a marked alienation from Erskine. The Elections in Mass^{ts}, as well as in N. H. and N. Y., have issued unfavorably. But the smallness of the majority, and the overstrained exertions it has required, seem to depress rather than flatter the successful party. No confidence is felt in the permanency of the triumph.

Not a line has been received of late from any one of our foreign agents. All that is known is, therefore, to be gathered from the ordinary and fallacious channels.

Accept my sincerest respects & attachment.

TO THOMAS JEFFERSON.

MAD. MSS.

WASHINGTON, June 20, 1809.

DEAR SIR,—Yours of the 16th came to hand yesterday. I hope you have not made any sacrifice of any sort to the scruple which has superseded my arrangement^t with M^r Barnes. The execution of it would have been equally accorded with my disposition and my conveniency.

The Gazette of yesterday contains the mode pursued for reanimating confidence in the pledge of the B. Gov^t given by M^r Erskine in his arrangement with this Gov^t. The puzzle created by the order of April struck every one.¹ E. assures us that his

¹ The order revoked the old orders except so far as a blockade would accomplish their object. The blockade extended from Ems on the north and included the northern ports of Italy, but opened to neutral commerce all ports not actually French. Erskine wrote to Secretary Smith:

"SIR,

"WASHINGTON, June 15, 1809.

"I have the Honor to inclose a Copy of an Order of His Majesty in Council, issued on the 26th of April last.

"In consequence of official Communications sent to me from His Majesty's Government, since the Adoption of that measure, I am enabled to assure you that it has no Connection whatever with the Overtures, which I have been authorized to make to the Government of the United States, and that I am persuaded that the Terms of the Agreement so happily concluded by the recent Negotiation, will be strictly fulfilled on the part of His Majesty.

"The internal Evidence of the Order itself, would fully justify the foregoing Construction and moreover, it will not have escaped your Notice that the Repeal has not thereby been made of the Order of the 7th of January 1807, which according to the Engagement I have entered into, on the part of His Majesty, is to be abrogated with the other Orders, in consequence of the Adjustment of Differences between the two Countries, and the confidence entertained of a further conciliatory understanding.

"I have the Honor," &c.—*D. of S. MSS. Notes.*

Gov^t was under such impressions as to the views of this, that not the slightest expectation existed of our fairly meeting its overtures, and that the last order was considered as a seasonable mitigation of the tendency of a failure of the experiment. This explanation seems as extraordinary as the alternatives it shews. The fresh declarations of Mr. E. seem to have quieted the distrust, which was becoming pretty strong; but has not destroyed the effect of the ill grace stamped on the British retreat, and of the commercial rigor evinced by the new and insidious duties stated in the newspapers. It may be expected, I think, that the B. Gov^t will fulfil what its Minister has stipulated; and that if it means to be trickish, it will frustrate the proposed negotiation, and then say their orders were not permanently repealed, but only withdrawn, *in the mean time*.

The only question likely now to agitate Cong^s will be on the Bill which opens our ports to *French* as well as B. *ships of war*. The Senate have passed it *unanimously*. Whether the Feds were sincere, or wished the debate, &c., to take place in the H. of R, remains to be seen.

Y^{rs} truly

TO THOMAS JEFFERSON.

MAD. MSS.

MONTPELLIER, Aug. 3, 1809.

DEAR SIR,—Herewith you will receive a packet, which being wrapt up in a large one for me, from the

Dep^t of State, was taken out of the mail yesterday, and not observed before the rider had set out.

I find myself under the mortifying necessity of setting out to-morrow morning for Washington. The intricate state of our affairs with England, produced by the mixture of fraud and folly in her late conduct, and the important questions to be decided as to the legal effect of the failure of the arrangement of April on our commercial relations with her, are thought by the Heads of Dep^t to require that I should join them.¹ The main question is, whether the non-

¹ Erskine wrote to Secretary Smith:

"SIR,

"WASHINGTON July 31st, 1809.

"I have the Honor to inclose to you a Copy of an Order, which was passed by His Majesty in Council on the 24th of May last.

"In communicating this Order, it is with the deepest Regret that I have to inform you that His Majesty has not thought proper to confirm the late provisional Agreement which I had entered into with you on the part of our respective Governments.

"Neither the present time, nor the occasion will afford me a favourable Opportunity for explaining to you the Grounds and Reasons upon which I conceived I had conformed to His Majesty's Wishes; and to the Spirit, at least, of my Instructions upon that Subject—nor, indeed, would any vindication of my Conduct, (whatever I may have to offer) be of any Importance further than as it might tend to shew that no Intention existed on my part to practice any Deception towards the Government of the United States.

"I have the Satisfaction, however, to call your Attention to that part of the inclosed Order, which protects the Commerce and Shipping of the United States, from the Injury and Inconveniences, which might have arisen to American Citizens from a reliance on the provisional Agreement beforementioned; and I cannot but cherish a Hope that no further bad Consequences may result from an Arrangement, which I had fully believed would have met with His Majesty's Approbation, and would have led to a complete and cordial Understanding, between the two Countries.

"With Sentiments of the highest Respect and Consideration,

"I have the honor" &c.—*D. of S. MSS Notes.*

intercourse act, as continued at the last session, comes into force agst England, thereby putting her on the same footing with France.

You will see by the instructions to Erskine, as published by Canning, that the latter was as much determined that there should be no adjustment as the former was that there should be one. There must, however, have been other instructions, comprehending the case of the Chesapeake, and other communications from Canning accompanying the British orders of Ap^l 26, as referred to in Erskine's quieting declaration last made to Mr. Smith. I believe, also, that Erskine's letter to Canning, not disclosed by the latter, will not warrant his ascribing to Erskine the statement of conversations with Mr. G[allatin], Mr. S[mith], and myself. Pinkney will also disavow what Canning has put into his mouth.

I presume, from letters which reached me yesterday, that Mr. Smith has communications from Paris as late as the 10 or 12 of June; whether by the return of Mr. Coles or another conveyance is uncertain. The disavowal in England reached Paris the day after the arrival of the arrangem^t transmitted by Mr. Gelston. Our affairs with France had taken no decided turn; owing, as *alleged*, to the absence and occupation of the Emperor. The return of Gelston will probably put us in possession of a final estimate.

Accept my sincerest respect & attach^t.

TO MRS. MADISON

WASHINGTON, August (?), 1809.¹

MY DEAREST,—We reached the end of our journey yesterday at one o'clock, without interruption of any sort on the road. Mr. Coles had been here some time, and one, if not two, of the expected despatch vessels of England had just arrived, and Mr. Gelston, after a short passage from France, entered Washington about the moment I did. You may guess, therefore, the volumes of papers before us. I am but just dipping into them, and have seen no one as yet, except Mrs. Smith for a few minutes last evening. What number of days I may be detained here it is impossible to say. The period, you may be sure, will be shortened as much as possible. Everything around and within reminds me that you are absent, and makes me anxious to quit this solitude. I hope in my next to be able to say when I may have this gratification, perhaps also to say something of the intelligence just brought us. I send the paper of this morning, which has something on the subject, and I hope the communications of Gelston will be found more favorable than is stated. Those from England can scarcely be favorable when such men hold the reins. Mr. and Mrs. Erskine are here. His successor had not sailed on the 20th of June.

God bless you, and be assured of my constant affection.

¹ From *Memoirs and Letters of Dolly Madison* (1886), p. 67. The letter is there dated August 17, which is obviously an error. The correct date must be August 7th.

TO THOMAS JEFFERSON.

MAD MSS.

MONTPELLIER, Aug. 16, 1809.

DEAR SIR,—I got home from my trip to Washington on Saturday last, having remained there three days only.¹ You will have seen in the Proclⁿ issued the result of our consultation on the effect of what has passed on our commercial relation with G. B. The enforcement of the non-intercourse act agst her will probably be criticized by some friends, and generally assailed by our adversaries, on the ground that the power given to the Ex., being special, was exhausted by the first exercise of it; and that the power having put out of force the laws to which it related, could, under no possible construction, restore their operation. In opposition to this reasoning, it was considered that the act of the last session continuing the non-intercourse no otherwise excepted G. B. than by a proviso that it should not affect any trade which had been or might be permitted, in conformity with the section of the original act authorising a proclamation in favor of the nation revoking its Edicts; and that the proclamation in favor of G. B. was not conformable to that section.

¹ While there he issued his proclamation of Aug. 9, withdrawing the proclamation of April 19:

“Whereas it is now officially made known to me that the said orders in council have not been withdrawn agreeably to the communication and declaration aforesaid,

“I do hereby proclaim the same, and, consequently, that the trade renewable on the event of the said orders, being withdrawn, is to be considered as under the operation of the several acts by which such trade was suspended.”

It was not so in substance, because the indispensable pre-requisite, a repeal of the Orders in Council, did not take place. It was not so even in form; the law requiring a past and not a future fact to be proclaimed, and the proclamation, on its face, pointing to a future, not to a past fact. This difficulty was felt at the time of issuing the first proclamation; but it yielded to the impossibility of otherwise obtaining, without great delay, the coveted trade with G. B, and an example that might be followed by France; to the idea that the mode in which the repeal, though future, of the orders and of the law, was coupled by the proclamation, might, on the occurrence of the former, give a constructive validity to the latter; and to the opportunity afforded by an intervening session of Cong^s for curing any defect in the proceeding. In one respect, it would have been clearly proper for Congress to have interposed its authority, as was frequently intimated to members; that is, to provide for the contingency, not so much of a disavowal by G. B, which was never suspected, as of her not receiving the act of her Minister till after the 10th of June. Congress, however, never could be brought to attend to the subject, although it was pressed by several members, I believe, certainly by Gardenier,¹ on the general ground, that the Proclⁿ, however acceptable, was not in a form, nor under the circumstances, contemplated by law. In some of the instructions given by Mr. Gallatin's circular, a liberty has been

¹ Berent Gardenier, of New York, a federalist of the extreme type.

taken having no plea but manifest necessity, and as such will be before Congress.

Erskine is in a ticklish situation with his Gov^t. I suspect he will not be able to defend himself against the charge of exceeding his instructions, notwithstanding the appeal he makes to sundry others not published. But he will make out a strong case agst Canning, and be able to avail himself much of the absurdity and evident inadmissibility of the articles disregarded by him. He can plead, also, that the difference between his arrangem^t and the spontaneous orders of Ap^l 26 is too slight to justify the disavowal of him. This difference seems, indeed, to limit its importance to the case of Holland, and to consist in the direct trade admitted by the arrangement, and an indirect one through the adjoining ports required by the orders. To give importance to this distinction, the Ministry must avow, what, if they were not shameless, they never w^d avow, that their object is not to retaliate injury to an enemy; but to prevent the legitimate trade of the U. S. from interfering with the London smugglers of sugar and coffee.

We are looking out for M^r and M^{rs} Gallatin every day. Untill they arrive, and we learn also the periods of your being at and absent from Home, we do not venture to fix a time for our proposed visit to Monticello.

Accept my most affectionate respects.

Capt: Coles has been with us since Sunday. I refer to him for the state of our foreign affairs, with

which he is especially acquainted, to say more than I cou'd well put on paper.

TO THOMAS JEFFERSON.

MAD. MSS.

MONTPELLIER, Sept^r 11, 1809.

DEAR SIR,—I send herewith a few papers which have come to my hands, along with those addressed to myself.

Jackson, according to a note sent from Annapolis, to M^r. Smith, was to be in Washington on Friday evening last. The letters from M^r. Pinkney, brought by him, were dated June 23, and merely rehearsed a conversation with Canning; from which it would seem that C readily admitted that his second condition (Colonial trade) had no connection with the subject, and that it was not to be expected the U. States would accede to the 3^d, (G. B. to execute our laws.)¹ Why,

¹ Only an extract of Pinkney's chief letter was sent to Congress. It may be seen in *Am. State Papers, For. Affs., III., 303*, and *Annals of Cong., 11th Cong., 2^d Sess., Part 2, p. 2074*, and is indicated in the complete letter which follows by an asterisk at the beginning and end of the extract. The closing sentence of Secretary Smith's letter of April 17th (written by Madison) to Erskine, to which Canning took exception, was as follows:

"But I have it in express charge from the President to state that, while he forbears to insist on a further punishment of the offending officer [Berkeley], he is not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what is due His Britannic Majesty to his own honor."

Pinkney's letter to Smith was as follows.

"LONDON, June 23, 1809.

"SIR,

"I had an Interview yesterday with Mr. Canning, of which I will trouble you with a very brief account.

"As the orders in Council of the 24th of May did not extend to the

then, make them ultimata? or if not ultimata, why reject the arrangement of E. for not including them? For as to the first article, if he does not fly from his language to P., the continuance of the non-intercourse against France cannot be denied to be a substantial fulfilment of it. From this view of the matter, it might be inferred that Jackson comes with a real olive in his hand. But besides the general slipperiness of his superior, some ideas fell from him in his conversation with P. justifying distrust of his views.

Dutch Settlement of Batavia, and as an American Trade with that Settlement was supposed to be affected by the order of the 26th of April, I suggested to Mr Canning the propriety of a supplemental order on that point. His Idea was that the omission of Batavia in the order of the 24th of May must have been an oversight, and that it would be set to rights as I proposed. Of course he could not speak positively on such a Subject.

“ American Vessels, taking Cargoes to Holland, are not allowed by the order of May to clear out from that Country, with Return Cargoes, after the 1st of July. I supposed that the homeward Voyage ought, upon every principle, to have been placed upon the same Footing with the outward, and that both should have been considered as forming one Transaction and equally resting upon the Faith of Mr. Erskine’s arrangement. Mr. Canning did not appear to be convinced that this was a correct View of the Case, but he took a Note of what I said upon it for Consideration. The Importance of this alteration will depend upon the Manner in which our Vessels may be received & treated in Holland. This is still doubtful, but I hope to be able in a few Days to give you precise Information on that point.

“ It seemed to be desirable that, before Mr Jackson’s Departure this Government should determine to avoid the Error of taking formal Exception to your letter of the 17th of April to Mr. Erskine; and, accordingly, I availed myself of this occasion to enter very fully into that subject. I need not state in Detail the Grounds upon which I recommended that Mr. Jackson should not be directed or even permitted to attribute to that Letter in his official Discussions with you any thing of that Harshness which had at first been supposed to belong to it. I ought to say, however, that I thought myself bound

The bearer of this is M^r Palmer, a young man, respectable I believe, of New York. He is very remarkable as a linguist, and for the most part self-taught. He is perhaps the only American, never out of his own Country, who has dipt as much into the Chinese.

The letter herewith for Capt: Coles, was to have gone by the last mail. If no earlier conveyance sh^d offer I beg the favor of its being sent to the post office in time for the next. Be assured always of my affectionate respects.

As we wish not to be from home, in case any of

to contrast the Spirit and Terms of your Letter with the strong Imputations contained in the introductory part of Mr. Canning's Instructions to Mr. Erskine of the 23 of January, which introductory part, as well as the Body of the Instructions, Mr. Erskine was authorized, without any apparent necessity, to communicate to you, and which has, moreover been lately published to the World, with still less of the Appearance of Necessity, through the House of Commons; and that I dwelt, with the same object upon Mr. Canning's official reply to my Letter of the 23d of August last, and pointed out in as conciliatory a Way as possible but nevertheless with great Explicitness the Course of Recrimination which a Complaint by the British Government of the Temper imputed to your Letter would inevitably produce, and how perniciously it might affect the Relations of the two Countries without any Chance of doing Good.

"It was not necessary, or perhaps proper, that I should make many Comments upon your Letter; and I added, in fact, very little to a confident Denial that it was written in any other than a just and friendly Spirit or that it was liable to the Charge of Harshness. The last Sentence of it has been felt with some Sensibility here; but I am inclined to think that no Stress will now be laid upon it. It would be obviously unjust as well as injudicious to do so and although I am quite sure that you would meet, with that Moderation by which national Dignity is best supported, a Disposition on the part of this Government to press this Punctilio into Notice, it certainly is not to be wished that any thing of the Sort should be attempted.

our friends from Monticello should indulge us with a visit, be so good as to drop us notice of the time.

I have mustered up the weather journals, and w^d send them by the present opp^y but that they w^d encumber too much. The fall of water I find has been noted for not more than 7 or 8 years. The other items much longer.

TO ROBERT SMITH.

D. OF S. MSS. MISCL. LETS.

MONTPELLIER, Sep^r 15, 1809.

DEAR SIR,

I have rec^d yours of the 11th with the papers to which it refers. The determination of Jackson to withhold even informal intimations of his authorized communications previous to the ceremony of his reception, and his apparent patience under the

“ * In conversing upon the first of the conditions, upon the obtaining of which Mr^r Erskine was to promise the Repeal of the British orders in Council and a special Mission, I collected, from what was said by Mr^r Canning, that the Exemption of Holland from the Effect of our Embargo & non-Intercourse would not have been much objected to by the British Government, if the Government of the United States had been willing to concede the first condition subject to that Exemption. Mr^r Canning observed that the Expedient of an actual Blockade of Holland had occurred to them as being capable of meeting that Exemption; but that Mr^r Erskine had obtained no Pledge, express or implied, or in any Form, that we would enforce our non-Intercourse System against *France* and her Dependencies—that our mutual System would, if not re-enacted or continued as to *France*, terminate with the present Session of Congress—that, for aught that appeared to the contrary in your correspondence with Mr^r Erskine or in the President's proclamation, the Embargo and non Intercourse Laws might be suffered without any Breach of Faith to expire, or might even be repealed immediately, notwithstanding the Perseverance of *France* in

delay of this preliminary, are sufficient proofs that the instructions are not of a nature to produce a conciliatory effect, and much less to change the present commercial relations of the two countries. He can have no motive therefore to hasten a disclosure of them, and a very ardent one to suspend unwelcome propositions, which if not changed by his Gov^t may as well be made hereafter; and which if changed under the influence of events, will not, in that case, have betrayed the temporizing policy by which it is governed. If it were not our real desire to bring about a reconciliation on just grounds, it

her Berlin and other Edicts—and that Mr Erskine had in Truth secured nothing more, as the Consideration of the Recall of the orders in Council, than the Renewal of American Intercourse with Great Britain.

“ Upon the second of the Conditions mentioned in Mr Erskine’s Instructions I made several Remarks. I stated that it had no necessary connection with the principal subject—that it had lost its Importance to Great Britain by the Reduction of almost all the Colonies of her Enemies—that Batavia was understood not to be affected by it—that it could not apply to Guadaloupe (the only other unconquered colony) since it was admitted that we were not excluded from a Trade with Guadaloupe in Peace—that I did not know what the Government of the United States would, upon sufficient Inducements, consent to do upon this point; but that it could scarcely be expected to give the implied Sanction, which this Condition called upon it to give, to the Rules of the War of 1756, without any equivalent or reciprocal Stipulation whatsoever.—Mr Canning admitted that the second condition had no necessary connection with the orders in Council, and he intimated that they would have been content to leave the Subject of it to future Discussion and arrangement. He added that this condition was inserted in Mr Erskine’s Instructions because it had appeared from his own Report of Conversations with official persons at Washington that there would be no difficulty in agreeing to it.

“ Upon the third Condition I said a very few Words. I restated what

might not be amiss, to lay him as soon as possible under the necessity of coming out with the explanation of his errand, and thereby turning the pride of his Gov^t more & more agst the course which justice prescribes. But as reconciliation is our real object, it may suit us as well as the other party, to allow some opportunity for re-consideration; altho' I am aware that in so doing, our dispositions may be misinterpreted by the ignorant, and misrepresented by the wicked. Viewing the subject in this light I think it will be most becoming, as it will certainly be most convenient to myself, not to change

I had thrown out upon the matter of it in an informal Conversation in January—and expressed my regret that it should have been misapprehended. Mr Canning immediately said that he was himself of opinion that the Idea upon which that condition turns could not well find its way into a stipulation—that he had, nevertheless, believed it to be proper to propose the condition to the United States—that he should have been satisfied with the Rejection of it—and that the Consequence would have been that they should have intercepted the Commerce to which it referred, if any such commerce should be attempted.*

“In conclusion I urged the Importance of sending out Mr Jackson as promptly as possible, with such liberal Instructions as would be likely, if acted upon as they ought to be, to conduct the two countries to peace and Friendship. I was told that Mr. Jackson would probably sail in ten days, and I had much Reason to hope that his orders would not be such as to render adjustment impracticable.

“I shall commit this letter to Mr. Jackson's care. It is rather a prevailing notion here that this Gentleman's conduct will not and cannot be what we all wish, and that a better choice might have been made. I trust, however, that you will find him anxious to reestablish a good understanding with us, and that with some small occasional allowances he will do very well. It must be granted, however, that the Crisis seems to require a minister of mild Deportment, studious to soften asperities, and incapable, from Temperament, of being betrayed into an offensive manner of discharging his Duty.”—*D. of S. MSS. Despatches*

the intended time of my return to Washington. You may therefore, if you think proper, let M^r Erskine understand that I shall probably be in Washington ab^t the first of October; or possibly a few days sooner or later, as circumstances may induce. As Jackson has not manifested any solicitude on this point, & has no personal accomodation at stake, there is the less occasion to add any thing to what you have already signified to him, unless indeed it were in some very incidental way. From the character of the man, and the temper of his superiors, any thing beyond that politeness which explains itself, and is due to ourselves, is more likely to foster insolence than to excite liberality or good will. I return herewith the last letter from Gen^l Turreau. He must know that the request relating to the disposition of the crew of the Cerbeau (?) can not be granted; and that no proceedings with respect to the vessel can take place, but in pursuance of the law of nations, or of the *leges loci*. Accept my affectionate respects.

TO MRS. MADISON.¹

Yours of the 1st instant my dearest gives me much happiness but it cannot be complete till I have you again with me. Let me know the moment you can of the time you will set out that I may make

¹ From the original among the family papers of the late J. Henley Smith, Esq, of Washington. The letter is undated, but was written in 1809.

arrangements for paying the Dr. &c. My tob has been sold in Ricd but unfortunately the bills are not yet come on & are on N. York at 60 days so that some recognition will be necessary. I did not expect you would receive much from your Tenants. Dont forget to do something as to insuring the buildings. Your question as to Spain & England is puzzling, as one gets into ill humor it is possible the other may change her countenance. If a general war takes place in Europe Spain will probably be less disposed to insult us & England less sparing of her insults whether a war will be forced by either is more than can be foreseen. It certainly will not if they consult their interest. The power of deciding questions of war & providing measures that will make or meet it is with Congress & that is always our answer to Newspapers. Madam T[urreau] is here the General not. Your friends are all well except Capt T[ingey] who has been in extreme danger but is mending. Mrs T also has been unwell. I enclose a letter from Payne & one from Mrs R. Miss P. post-script makes my mouth water. Cousin Isaac's would too, if he had ever had the taste which I have had.

Your own

Affec

J. M.

TO THOMAS JEFFERSON.¹

WASHINGTON, Nov^r 6, 1809.

DEAR SIR,—I received your letter from Eppington.

¹ From the *Writings of Madison* (Congressional Edition).

I had not heard that either the Attorney General or the Governor of Illinois meant to resign.

Inclosed are several letters for you, received from France by the return of the Wasp. You will see the propriety of my adding one to myself from M^r Short, to be returned after perusal. Our information from Paris, of the 19th of September, gives no countenance to the rumoured renewal of hostilities in Austria. The delay of peace in form alone keeps alive such rumours. But why should such an event flatter the hopes of G. Britain? According to all the lessons of experience, it would quickly be followed by a more compleat prostration of her Ally. Armstrong had forwarded to the French Court the measure taken here in consequence of the disavowal of Erskine's arrangement, but there had not been time for an answer. The answer to the previous communication had been, let England annul her illegal blockade of France, and the Berlin decree will be revoked; let her then revoke her orders of November, and the Milan decree falls, of course. This state of the question between the two powers would promise some good, if it were ascertained that by the blockade of France previous to the Berlin decree was meant that of May, extending from the Elbe to Brest, or any other specific act. It is to be feared that there is an intentional obscurity, or that an *express* and general renunciation of the British practice is made the condition. From G. Britain we have only newspaper intelligence. The change in the Ministry seems likely to make bad worse, unless

we are to look for some favorable change in the extremity to which things must rapidly proceed under the quackeries and corruptions of an administration headed by such a being as Perceval. Jackson is proving himself a worthy instrument of his patron, Canning. We shall proceed with a circumspect attention to all the circumstances mingled in our affairs, but with a confidence, at the same time, in a just sensibility of the nation to the respect due to it.

FIRST ANNUAL MESSAGE.

November 29, 1809.

Fellow-Citizens of the Senate and of the House of Representatives:

At the period of our last meeting I had the satisfaction of communicating an adjustment with one of the principal belligerent nations, highly important in itself, and still more so as presaging a more extended accommodation. It is with deep concern I am now to inform you that the favorable prospect has been overclouded by a refusal of the British Government to abide by the act of its minister plenipotentiary, and by its ensuing policy toward the United States as seen through the communications of the minister sent to replace him.

Whatever pleas may be urged for a disavowal of engagements formed by diplomatic functionaries in cases where by the terms of the engagements a mutual ratification is reserved, or where notice at the time may have been given of a departure from instructions, or in extraordinary cases essentially violating the principles of equity, a disavowal could not have been apprehended in a case where no such notice or violation existed, where no such ratification was reserved, and more especially where, as is now in proof, an engagement to be executed without any such ratification was contemplated

by the instructions given, and where it had with good faith been carried into immediate execution on the part of the United States.

These considerations not having restrained the British Government from disavowing the arrangement by virtue of which its orders in council were to be revoked, and the event authorizing the renewal of commercial intercourse having thus not taken place, it necessarily became a question of equal urgency and importance whether the act prohibiting that intercourse was not to be considered as remaining in legal force. This question being, after due deliberation, determined in the affirmative, a proclamation to that effect was issued. It could not but happen, however, that a return to this state of things from that which had followed an execution of the arrangement by the United States would involve difficulties. With a view to diminish these as much as possible, the instructions from the Secretary of the Treasury now laid before you were transmitted to the collectors of the several ports. If in permitting British vessels to depart without giving bonds not to proceed to their own ports it should appear that the tenor of legal authority has not been strictly pursued, it is to be ascribed to the anxious desire which was felt that no individuals should be injured by so unforeseen an occurrence; and I rely on the regard of Congress for the equitable interests of our own citizens to adopt whatever further provisions may be found requisite for a general remission of penalties involuntarily incurred.

The recall of the disavowed minister having been followed by the appointment of a successor, hopes were indulged that the new mission would contribute to alleviate the disappointment which had been produced, and to remove the causes which had so long embarrassed the good understanding of the two nations. It could not be doubted that it would at least be charged with conciliatory explanations of the step which had been taken and with proposals to be substituted for the rejected arrangement. Reasonable and universal

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as this expectation was, it also has not been fulfilled. From the first official disclosures of the new minister it was found that he had received no authority to enter into explanations relative to either branch of the arrangement disavowed nor any authority to substitute proposals as to that branch which concerned the British orders in council, and, finally, that his proposals with respect to the other branch, the attack on the frigate *Chesapeake*, were founded on a presumption repeatedly declared to be inadmissible by the United States, that the first step toward adjustment was due from them, the proposals at the same time omitting even a reference to the officer answerable for the murderous aggression, and asserting a claim not less contrary to the British laws and British practice than to the principles and obligations of the United States.

The correspondence between the Department of State and this minister will show how unessentially the features presented in its commencement have been varied in its progress. It will show also that, forgetting the respect due to all governments, he did not refrain from imputations on this, which required that no further communications should be received from him. The necessity of this step will be made known to His Britannic Majesty through the minister plenipotentiary of the United States in London; and it would indicate a want of the confidence due to a Government which so well understands and exacts what becomes foreign ministers near it not to infer that the misconduct of its own representative will be viewed in the same light in which it has been regarded here. The British Government will learn at the same time that a ready attention will be given to communications through any channel which may be substituted. It will be happy if the change in this respect should be accompanied by a favorable revision of the unfriendly policy which has been so long pursued toward the United States.

With France, the other belligerent, whose trespasses on our commercial rights have long been the subject of our just remonstrances, the posture of our relations does not corre-

spond with the measures taken on the part of the United States to effect a favorable change. The result of the several communications made to her Government, in pursuance of the authorities vested by Congress in the Executive, is contained in the correspondence of our minister at Paris now laid before you.

By some of the other belligerents, although professing just and amicable dispositions, injuries materially affecting our commerce have not been duly controlled or repressed. In these cases the interpositions deemed proper on our part have not been omitted. But it well deserves the consideration of the legislature how far both the safety and the honor of the American flag may be consulted, by adequate provisions against that collusive prostitution of it by individuals unworthy of the American name which has so much favored the real or pretended suspicions under which the honest commerce of their fellow-citizens has suffered.

In relation to the powers on the coast of Barbary, nothing has occurred which is not of a nature rather to inspire confidence than distrust as to the continuance of the existing amity. With our Indian neighbors, the just and benevolent system continued toward them has also preserved peace, and is more and more advancing habits favorable to their civilization and happiness.

From a statement which will be made by the Secretary of War it will be seen that the fortifications on our maritime frontier are in many of the ports completed, affording the defense which was contemplated, and that a further time will be required to render complete the works in the harbor of New York and in some other places. By the enlargement of the works and the employment of a greater number of hands at the public armories the supply of small arms of an improving quality appears to be annually increasing at a rate that, with those made on private contract, may be expected to go far toward providing for the public exigency.

The act of Congress providing for the equipment of our

vessels of war having been fully carried into execution, I refer to the statement of the Secretary of the Navy for the information which may be proper on that subject. To that statement is added a view of the transfers of appropriations authorized by the act of the session preceding the last and of the grounds on which the transfers were made.

Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.

The sums which had been previously accumulated in the Treasury, together with the receipts during the year ending on the 30th of September last (and amounting to more than \$9,000,000), have enabled us to fulfill all our engagements and to defray the current expenses of Government without recurring to any loan. But the insecurity of our commerce and the consequent diminution of the public revenue will probably produce a deficiency in the receipts of the ensuing year, for which and for other details I refer to the statements which will be transmitted from the Treasury.

In the state which has been presented of our affairs with the great parties to a disastrous and protracted war, carried on in a mode equally injurious and unjust to the United States as a neutral nation, the wisdom of the National Legislature will be again summoned to the important decision on the alternatives before them. That these will be met in a spirit worthy the councils of a nation conscious both of its rectitude and of its rights, and careful as well of its honor as of its peace, I have an entire confidence; and that the result will be stamped by a unanimity becoming the occasion, and be supported by every portion of our citizens with a patriotism enlightened and invigorated by experience, ought as little to be doubted.

In the midst of the wrongs and vexations experienced from external causes there is much room for congratulation on the prosperity and happiness flowing from our situation at home. The blessing of health has never been more universal. The fruits of the seasons, though in particular articles and districts short of their usual redundancy, are more than sufficient for our wants and our comforts. The face of our country everywhere presents the evidence of laudable enterprise, of extensive capital, and of durable improvement. In a cultivation of the materials and the extension of useful manufactures, more especially in the general application to household fabrics, we behold a rapid diminution of our dependence on foreign supplies. Nor is it unworthy of reflection that this revolution in our pursuits and habits is in no slight degree a consequence of those impolitic and arbitrary edicts by which the contending nations, in endeavoring each of them to obstruct our trade with the other, have so far abridged our means of procuring the productions and manufactures of which our own are now taking the place.

Recollecting always that for every advantage which may contribute to distinguish our lot from that to which others are doomed by the unhappy spirit of the times we are indebted to that Divine Providence whose goodness has been so remarkably extended to this rising nation, it becomes us to cherish a devout gratitude, and to implore from the same omnipotent source a blessing on the consultations and measures about to be undertaken for the welfare of our beloved country.

SPECIAL MESSAGE TO CONGRESS.

January 3, 1810.

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

The act authorizing a detachment of 100,000 men from the militia will expire on the 30th of March next. Its early revival is recommended, in order that timely steps may be taken for arrangements such as the act contemplated.

Without interfering with the modifications rendered necessary by the defects or the inefficacy of the laws restrictive of commerce and navigation, or with the policy of disallowing to foreign armed vessels the use of our waters, it falls within my duty to recommend also that, in addition to the precautionary measure authorized by that act and to the regular troops for completing the legal establishment of which enlistments are renewed, every necessary provision may be made for a volunteer force of 20,000 men, to be enlisted for a short period and held in a state of organization and readiness for actual service at the shortest warning.

I submit to the consideration to Congress, moreover, the expediency of such a classification and organization of the militia as will best insure prompt and successive aids from that source, adequate to emergencies which may call for them.

It will rest with them also to determine how far further provision may be expedient for putting into actual service, if necessary, any part of the naval armament not now employed.

At a period presenting features in the conduct of foreign powers toward the United States which impose on them the necessity of precautionary measures involving expense, it is a happy consideration that such is the solid state of the public credit that reliance may be justly placed on any legal provision that may be made for resorting to it in a convenient form and to an adequate amount.

TO GEORGE JOY.¹

D. OF S. MSS.

WASHINGTON, Jan 17th, 1810

DEAR SIR,—I have rec^d your favor of the 10th.

¹ September 23, 1809, Pinkney wrote to Smith.

"Mr. George Joy has gone to Denmark with the view of being useful, as the agent of the parties, in obtaining the Liberation of the American vessels and cargoes captured by the Cruizers of that nation.

Your anxiety that our Country may be kept out of the vortex of war, is honorable to your judgment as a Patriot, & to your feelings as a man. The same anxiety is, I sincerely believe, felt by the great body of the nation, & by its Public councils; most assuredly by the Executive Branch of them. But the question may be decided for us, by actual hostilities agst: us or by proceedings leaving no choice but between absolute disgrace & resistance by force. May not also, manifestations of patience under injuries & indignities be carried so far as to invite this very dilemma?

I devoutly wish that the same disposition to cultivate peace by means of justice, which exists here, predominated elsewhere, particularly in G. B. But how can this be supposed, whilst she persists in proceedings, which comprize the essence of hostility; whilst she violates towards us rules, which she enforces agst: us in her own favor; more particularly whilst we see her converting the late reconciliation thro one of the Ministers, into a source of fresh difficulties & animosities thro another. For in this light must be viewed her disavowal of Mr. Erskine, and the impressions made thro his successor. Had the disavowal been deemed essential to her interests, a worse plaister could not have been devised for the

He wished Instructions from me, so as to give an official air to his Interposition. I declined giving any Instructions both because I was not authorized and did not think it at all necessary to do so. I wrote him a Letter, however, giving as much countenance to his object as I could, which Letter he is to make as much use of as he thinks fit."—*D. of S. MSS. Despatches.*

wound necessarily inflicted here. But was the disavowal essential to her interests? was it material to them, taking for the test, her own spontaneous change of system, and her own official language? By the former I refer to her orders of April, restricting their original orders agst neutrals, to a trade with France & Holland; by the latter to the conversation of Mr. Canning with Mr. P., in which he abandons as he could not but do, two of the conditions which had been contemplated; & admits that a non-intercourse law here agst Holland was not a sine qua non. So that the arrangement of Mr. E. was disavowed essentially for want of a pledge that our non-intercourse would be continued agst France & her dominions. But why disavow absolutely, why at all, on this account? The law was known to be in force agst France at the time of the arrangement. It was morally certain that if put in force agst F whilst she was pleading the British orders, it would not be withdrawn if she should persist in her Decrees after being deprived of this plea. And there would be no fair ground to suppose, that the condition w^d not be pledged & stipulated, if required, as soon as the Requisite Authorities here should be together. The disavowal is the more extraordinary, as the arrangement was to be respected till the 20th of July, and therefore with the addition of four or five weeks only would have afforded an opportunity of knowing the sense of this Gov^t, and of supplying all that was wanted to satisfy the British Ultimatum. This course was so obvious, and that pursued so opposite,

that we are compelled to look to other motives for an explanation, & to include among these, a disinclination to put an end to differences from which such advantages are extracted by British Commerce & British Cruisers.

Notwithstanding all these grounds of discontent & discouragement, we are ready as the B. Gov^t knows, to join in any new experiment, and thro either our diplomatic channel there or hers here, for a cordial and comprehensive adjustment of matters between the two countries.

Let reparation be made for the acknowledged wrong committed in the case of the Chesapeak, a reparation so cheap to the wrong-doer, yet so material to the honor of the injured party; & let the orders in Council, already repealed as to the avowed object of retaliation; be repealed also as an expedient for substituting an illicit commerce, in place of that to which neutrals have as such, an incontestable right. The way will then be open for negotiation at large; And if the B. Gov^t would bring into it the same temper as she would find in us; and the same disposition to insist on nothing inconsistent with the rule of doing as she would, or rather as she *will* be done by, the result could not fail to be happy for both.

Permit me to remark that you are under a mistake in supposing that the Treaty concluded by Mess^r M. & P. was rejected because it did not provide that free ships should make free goods. It never was required nor expected that such a stipulation should

be inserted. As to deserting Seamen, you will find that G. B. practises agst us the principles we assert agst her, and in fact goes further; that we have always been ready to enter into a convention on that subject founded on reciprocity; and that the documents long since in print shew, that we are willing, on the subject of impressment, to put an end to it, by an arrangement, which most certainly would be better for the British Navy, than that offensive resource; and which might be so managed as to leave both parties at liberty to retain their own ideas of right. Let me add that the acceptance of that Treaty would have very little changed the actual situation of things with G. B. The orders in Council w^d not have been prevented, but rather placed on stronger ground; the case of the Chesapke, the same as it is; so also, the case of impressments, of factitious blockades &c all as at present pregnant sources of contention and ill humour.

From this view of the subject, I cannot but persuade myself that you will concur in opinion, that if unfortunately, the calamity you so benevolently dread should visit this hitherto favored Country, the fault will not lye where you would not wish it to lye.

Accept assurances of my esteem & friendship

TO WILLIAM PINKNEY.¹

Jan, 20, 1810.

DEAR SIR,—I received some days ago a letter of the 10th instant from Doctor Logan, containing observations on the posture and prospect of our foreign relations. Before the answer was out of my hands, I received another dated four days after, in which he merely informed me that he should embark for England in about eight days, with an offer to take charge of any communications for you. As his first letter did not glance at any such intention, it must be presumed to have been very suddenly formed. And as his last is silent as to the object of the trip, this is left to conjecture. From the anxiety expressed in his first letter for the preservation of peace with England, which appeared to him to be in peculiar danger, and from his known benevolence and zeal on the subject, it may reasonably be supposed that his views relate, in some form or other, to a mitigation of the hostile tendencies which distress him; and that his silence may proceed from a wish to give no handle for animadversions of any sort on the step taken by him.

You will receive from the Secretary of State, unless, indeed, opportunity fail through the shortness of the notice, such communications and observations as may be thought useful to you. You will find that the perplexity of our situation is amply displayed by the diversity of opinions and prolixity

¹ From Wheaton's *Life, Writings, and Speeches of William Pinkney*, p. 437.

of discussion in Congress. Few are desirous of war; and few are reconciled to submission; yet the frustration of intermediate courses seems to have left scarce an escape from that dilemma. The fate of Mr. Macon's Bill,¹ as it is called, is not certain. It will probably pass the House of Representatives, and, for aught I know, may be concurred in by the Senate. If retaliated by G. Britain, it will operate as a non-importation act, and throw exports into the circuit of the non-intercourse act. If not retaliated, it may be felt by the British navigation, and, thro' that interest, by the Government, since the execution of the law which relates to the ship,

¹ The bill was introduced in the House Dec. 19, 1809, by Macon from the Committee on Foreign Relations, and prohibited public vessels of France or England or private vessels owned by subjects of either power from entering American ports; forbade the importation of goods from either country or its colonies; and provided that whenever either country should revoke or modify her edicts so that they would cease to violate the neutral commerce of the U. S. the President should issue a proclamation announcing the cessation of the prohibitions of the act towards the revoking power. He afterwards moved an amendment to make the act expire with the present session of Congress, when by its terms it would not go into effect till April 15, his object being to make it useless. It finally passed by the unsatisfactory vote of 73 to 52. The Senate amended it by striking out all but the sections prohibiting British and French public vessels from entering American ports and limiting the act to the next session of Congress. The House refused to recede and the bill was lost. On April 8, 1810, Macon brought in another bill providing that if France or Great Britain should revoke her edicts before March 3 next the President should proclaim the fact, and if within three months thereafter the other nation did not repeal her edicts the non-intercourse regulations should be effective against her. This bill after undergoing various amendments passed the House April 19, by a vote of 61 to 40. It was sent back to the Senate with further amendments and finally passed on the last day of the session, May 1st, being approved on the same day.

and not to the merchandize, cannot be evaded. With respect to the E. Indies, the proposed regulation will have the effect of compelling the admission of a direct and *exclusive* trade for our vessels, or a relinquishment of this market for India goods, farther than they can be smuggled into it. It just appears that a proposition has been made in the House of Representatives to employ our ships of war in convoys, and to permit merchantmen to arm. However plausible the arguments for this experiment, its tendency to hostile collisions is so evident, that I think its success improbable. As a mode of going into war, it does not seem likely to be generally approved, if war was the object. The military preparations which have been recommended, and are under consideration, are what they profess to be, measures of precaution. They are not only justified, but dictated by the uncertainty attending the course which G. Britain may take, or, rather, by the unyielding and unamicable traits in her Cabinet and her countenance. Measures of that sort are also the more adapted to our situation, as, in the event of accommodation with G. Britain, they may possibly be wanted in another quarter. The long debates on the Resolution of Mr. Giles,¹ on the subject of Mr. Jackson, have terminated in affirmative votes, by large majorities. This, with the refusal of the Executive to hold communication with him, it is supposed, will produce a crisis in the British

¹ In the Senate, approving the President's course towards Jackson.

policy towards the United States; to which the representations of the angry Minister will doubtless be calculated to give an unfavorable turn. Should this happen, our precautionary views will have been the more seasonable. It is most probable, however, that instead of expressing resentment by open war, it will appear in more extended depredations on our commerce; in declining to replace Mr. Jackson; and, perhaps, in the course observed with respect to you, in meeting which your own judgment will be the best guide. Should a change in the composition or calculations of the Cabinet give a favorable turn to its policy towards this country, it is desirable that no time may be lost in allowing it its effect. With this view, you will be reminded of the *several* authorities you retain to meet in negotiation, and of the instructions by which they are to be exercised; it being always understood, that with the exception of some arrangement touching the orders in Council, reparation for the insult on the Chesapeake must precede a general negotiation on the questions between the two countries. At present, nothing precise can be said as to the condition on our part for the repeal of the orders in Council; the existing authority in the Executive to pledge one being expirable with the non-intercourse act, and no other pledge being provided for. As it is our anxious desire, however, if the British Government should adopt just and conciliatory views, that nothing may be omitted that can shew our readiness to second them, you may offer a general assurance that, as in the case of the

Embargo and the non-intercourse acts, any similar power with which the Executive may be clothed will be exercised in the same spirit. You will doubtless be somewhat surprised to find among the communications to Congress, and in print, too, the confidential conversations with Mr. Canning, reserved from such a use by your own request.¹ It was, in fact, impossible to resist the pointed call for them, without giving umbrage to some, and opportunity for injurious inferences to others. The difficulty was increased by the connection between those and other communications necessarily falling within the scope of the rule of compliance in such cases. Finally, there did not appear to be any thing in the conversations which could warrant British complaint of their disclosure, or widen the space between you and the British Ministry.

As it may not be amiss that you should know the sentiments which I had expressed to Doctor Logan, and which, though an answer to his letter written previous to the notification of his intended trip, he will of course carry with him, I enclose a copy of the answer.

The file of newspapers from the Department of State will give you the debates on the case of Jackson. I enclose, however, a speech I have just looked over, in a pamphlet form. Although liable to very obvious criticisms of several sorts, it has presented a better analysis of some parts of the subject than I have observed in any of the speeches.

¹ See *ante*, p. 70, n.

TO THOMAS JEFFERSON

MAD. MSS.

WASHINGTON, Ap^l 23, 1810.

DEAR SIR Yours of the 16th, has been rec^d. It is not improbable that there will be an early occasion to send for public purposes, a ship to G. B. & France: & that Norfolk will be the port of Departure. I recommend therefore that your plow be lodged there as soon as may be, with the proper instructions to your Agent. It may not be amiss to include in those a discretion to forward the plow to any other port if he sh^d learn in time, that another is substituted for Norfolk. Cong^s remain in the unhinged state which has latterly marked their proceedings; with the exception only that a majority in the H. of R. have stuck together so far as to pass a Bill providing for a conditional repeal by either of the Bellig^{ts} of their Edicts; laying in the mean time, an addition 50 Per C^t to the present duties on imports from G. B. and France. What the Senate will do with the Bill is rendered utterly uncertain by the policy which seems to prevail in that Branch. Our last authentic information from G. B. is of the 28, Feb^y, & from France of the 2d of Feb^y. The information in both cases, has an aspect rather promising; but far from being definite; and subsequent acc^{ts}, thro. the ordinary channels, do not favor a reliance on general professions or appearances. Bonaparte, seems not to have yet attended to the distinction between the external & internal character of his Decrees; and to be bending his augmented faculties for anni-

hilating British Commerce with the Cont^t with which our corrupt traders have confounded the Amⁿ flag. And it will be a hard matter for Wellesley, sh^d he be well disposed, to drag his Anti-American Colleagues into a change of policy; supported as they will be by the speeches and proceedings of Cong^s. From those the inference will be that one party prefers submission of our trade to British regulation, and the other confesses the impossi^{by} of resisting it. Without a change of Ministry, of which there is some prospect, it w^d be imprudent to count on any radical change of policy. For the moment, I understand that the Merch^{ts} will not avail themselves of the unshackled trade they have been contending for; a voluntary Embargo being produced by the certainty of a glutted Market in England, and the apprehension of Brit Blockades and French confiscations. The experiment about to be made will probably open too late the eyes of the people, to the expediency & efficacy of the means which they have suffered to be taken out of the hands of the Gov^t, and to be incapacitated for future use. The Merinos are not yet heard of. Be assured of my constant & aff^e respects.

TO WILLIAM PINKNEY.¹

WASHINGTON, May 23d, 1810.

DEAR SIR,—You will learn from the Department

¹ From Wheaton's *Life, Writings, and Speeches of William Pinkney*, p. 441.

of State, as you must have anticipated, our surprise that the answer of Lord Wellesley to your very just and able view of the case of Jackson corresponded so little with the impressions of that Minister manifested in your first interviews with him. The date of the answer best explains the change; as it shows that time was taken for obtaining intelligence from this Country, and adapting the policy of the answer to the position taken by the advocates of Jackson. And it must have happened that the intelligence prevailing at that date was of the sort most likely to mislead. The elections which have since taken place in the Eastern States, and which have been materially influenced by the affair of Jackson, and the spirit of party connected with it, are the strongest of proofs that the measure of the Executive coincided with the feelings of the Nation. In every point of view, the answer is unworthy of the source from which it comes.

From the manner in which the vacancy left by Jackson is provided for, it is inferred that a sacrifice is meant of the respect belonging to this Government, either to the pride of the British Government, or to the feelings of those who have taken side with it against their own. On either supposition, it is necessary to counteract the ignoble purpose. You will accordingly find that on ascertaining the substitution of a Chargé to be an intentional degradation of the diplomatic intercourse on the part of Great Britain, it is deemed proper that no higher functionary should represent the United States at London.

I sincerely wish, on every account, that the views of the British Government, in this instance, may not be such as are denoted by appearances, or that, on finding the tendency of them, they may be changed. However the fact may turn out, you will, of course, not lose sight of the expediency of mingling in every step you take as much of moderation, and even of conciliation, as can be justifiable; and will, in particular, if the present despatches should find you in actual negotiation, be governed by the result of it in determining the question of your devolving your trust on a Secretary of Legation.

The act of Congress, transmitted from the Department of State, will inform you of the footing on which our relations to the belligerent powers were finally placed. The experiment now to be made, of a commerce with both, unrestricted by our laws, has resulted from causes which you will collect from the debates and from your own reflections. The new form of appeal to the policy of Great Britain and France, on the subject of the Decrees and Orders, will most engage your attention. However feeble it may appear, it is possible that one or other of those powers may allow it more effect than was produced by the overtures heretofore tried. As far as pride may have influenced the reception of these, it will be the less in the way, as the law in its present form may be regarded by each of the parties, if it so pleases, not as a coercion or a threat to itself, but a promise of attack on the other. Great Britain, indeed, may conceive that she has now a compleat

interest in perpetuating the actual state of things, which gives her the full enjoyment of our trade, and enables her to cut it off with every other part of the world; at the same time that it increases the chance of such resentments in France at the inequality as may lead to hostilities with the United States. But, on the other hand, this very inequality, which France would confirm by a state of hostilities with the United States, may become a motive with her to turn the tables on G. Britain, by compelling her either to revoke her orders, or to lose the commerce of this country. An apprehension that France may take this politic course would be a rational motive with the British Government to get the start of her. Nor is this the only apprehension that merits attention. Among the inducements to the experiment of an unrestricted commerce now made, were two which contributed essentially to the majority of votes in its favor; first, a general hope, favoured by daily accounts from England, that an adjustment of differences there, and thence in France, would render the measure safe and proper; second. a willingness in not a few to teach the advocates for an open trade, under actual circumstances, the folly as well as degradation of their policy. At the next meeting of Congress, it will be found, according to present appearances, that instead of an adjustment with either of the belligerents, there is an increased obstinacy in both; and that the inconveniences of the embargo and non-intercourse have been exchanged for the greater sacrifices, as well as disgrace, resulting from

a submission to the predatory systems in force. It will not be wonderful, therefore, if the passive spirit which marked the late session of Congress should at the next meeting be roused to the opposite point; more especially as the tone of the nation has never been as low as that of its Representatives, and as it is rising already under the losses sustained by our commerce in the Continental ports, and by the fall of prices in our produce at home, under a limitation of the market to G. Britain. Cotton, I perceive, is down at 10 or 11 cents in Georgia. The great mass of Tobacco is in a similar situation. And the effect must soon be general, with the exception of a few articles which do not at present glut the British demand. Whether considerations like these will make any favorable impression on the British Cabinet, you will be the first to know. Whatever confidence I may have in the justness of them, I must forget all that has past before I can indulge very favorable expectations. Every new occasion seems to countenance the belief that there lurks in the British Cabinet a hostile feeling towards this Country, which will never be eradicated during the present reign; nor overruled, whilst it exists, but by some dreadful pressure from external or internal causes.

With respect to the French Government, we are taught by experience to be equally distrustful. It will have, however, the same opportunity presented to it, with the British Government, of comparing the actual state of things with that which would be produced by a repeal of its Decrees, and it is not easy to

find any plausible motive to continue the former, as preferable to the latter. A worse state of things than the actual one could not exist for France, unless her preference be for a state of war. If she be sincere, either in her late propositions relative to a chronological revocation of illegal Edicts against neutrals, or to a pledge from the United States not to submit to those of Great Britain, she ought at once to embrace the arrangement held out by Congress, the renewal of a non-intercourse with Great Britain being the very species of resistance most analogous to her professed views.

I propose to commit this to the care of Mr. Parish, who is about embarking at Philadelphia for England; and finding that I have missed a day in my computation of the opportunity, I must abruptly conclude, with assurances of my great esteem, &c.

TO THOMAS JEFFERSON.¹

WASHINGTON, May 25, 1810

DEAR SIR,—I have duly received your favor of the 13th. The general idea of disposing of the super-numerary Merino Rams for the public benefit had occurred to me. The mode you propose for the purpose seems well calculated for it. But as it will be most proper, as you suggest, to let our views be developed to the public by the execution of them, there will be time for further consideration. When the sheep came into my hands, they were so infected

¹ From the *Works of James Madison* (Congressional Edition).

with the scab that I found it necessary, in order to quicken and ensure their cure, to apply the mercurial ointment. I hope they are already well. One of the ewes has just dropt a ewe lamb, which is also doing well. I expect my overseer every day to conduct them to Orange. As he will have a wagon with him, the trip, I hope, may be so managed as to avoid injury to his charge.

A former National Intelligencer will have given you our last communications from G. Britain. That of this morning exhibits our prospects on the side of France. The late confiscations by Bonaparte comprise robbery, theft, and breach of trust, and exceed in turpitude any of his enormities not wasting human blood. This scene on the continent, and the effect of English monopoly on the value of our produce, are breaking the charm attached to what is called free trade, foolishly by some, and wickedly by others. We are hourly looking for the "John Adams." There is a *possibility* that the negotiations on foot at Paris may vary our prospects there. The chance would be better, perhaps, if the last act of Congress were in the hands of Armstrong; which puts our trade on the worst possible footing for France but, at the same time, puts it in the option of her to revive the non-intercourse against England. There is a *possibility*, also, that the views of the latter may be somewhat affected by the recent elections; it being pretty certain that the change in the tone of Wellesley from that first manifested to Pinkney was, in part, at least, produced by the inter-

mediate intelligence from the United States, which flattered a fallacious reliance on the British party here.

TO THOMAS JEFFERSON.

MAD. MSS.

WASHINGTON June 22, 1810.

DEAR SIR, I enclose an authentication of the blood of our Merinos, as translated from the Original by M^r Graham: also a state of the charges incident to their passage, &c. The half falling to your share, of course, may be left for any convenient occasion of being replaced. You need not trouble yourself to remit it hither.

On the first publication of the despatches by the John Adams,¹ so strong a feeling was produced by Armstrong's picture of the French robbery, that the attitude in which England was placed by the correspondence between P. & Wellesley was overlooked. The public attention is beginning to fix itself on the proof it affords that the original sin agst Neutrals lies with G. B. & that whilst she acknowledges it, she persists in it.

I am preparing for a departure from this place immediately after the 4th July. Having been deprived of the Spring visit to my Farm, I wish to commence the sooner the full recess. Be assured of my highest & most affec^e esteem.

Have you rec^d a copy of Coopers (the Pen^a Judge)

¹ Communicated to Congress November 29, 1809, February 19 and May 1, 1810 *Annals of Cong.*, 11th Cong., 2d Session, p 2124

masterly opinion¹ on the question whether the sentence of a foreign Admiralty Court in a prize Cause be conclusive evidence in a suit here between the Underwriter & Insured? It is a most *thorough*, investigation, and irrefragable disproof of the B. Doctrine on the subject, as adopted by a decision of the Supreme Court of the U. S. If you are without a copy, I will provide & forward one.

TO THOMAS JEFFERSON.

MAD. MSS

MONTPELIER, July 17, 1810

DEAR SIR, Among the papers relating to the Convention of 1787, communicated to you, that copies in your hands might double the security agst destructive casualties, was a delineation of Hamilton's plan of a Constitution in his writing.² On looking for it among the Debates &c, which were returned to me, this particular paper does not appear.³ I conclude therefore that it had not then been copied, or was at the time in some separate situation. I am very sorry to trouble you on such a subject, but being under an engagement to furnish a Copy of that project, I must ask the favor of you to see whether it

¹ Given in the case of *Dempsey, assignee of Brown, v. The Insurance Co. of Pennsylvania*. The case was argued twice, in 1807 and 1808, before the High Court of Errors and Appeals of Pennsylvania, and Judge Cooper's opinion is discussed in *Calhoun v. The Insurance Co. of Pennsylvania* (1 Binney, 293). See also *Maryland Insurance Co. v. Woods*, 6 Cranch, 29. Ch. Justice Marshall rendered the opinion.

² See *ante* Vol. III., 197, n., for the text of the plan.

³ Afterwards found. (Madison's note.)

be not among your papers, & if so, to forward it by the mail.

I reached home on Wednesday last, and have since been somewhat indisposed. My fever has left me and if as I hope, it was the effect of fatigue only, I consider myself as again well. I am not however, without sensations which make me apprehensive that if the bile was not the sole cause, it was a partial one, & that it has not yet been entirely removed. Be assured of my affectionate respects & best wishes

TO ROBERT SMITH.

D OF S. MSS. MISCL. LETS.

MONTPELIER, July 17, 1810

DEAR SIR,

The letter from Gov^r Holmes,¹ with that from M^r Lowry & copy of the answer, which were inclosed to me, are now returned.

I think Gov^r Holmes should be encouraged in keeping a wakeful eye to occurrences & appearances in W. Florida, and in transmitting information concerning them. It will be well for him also to be attentive to the means of having his militia in a state for any service that may be called for. In the event either of foreign interference with W. F. or of internal convulsions, more especially if threatening the neighboring tranquility, it will be proper to take care of the rights & interests of the U. S. by every

¹ David Holmes, appointed Governor of Mississippi Territory in 1809.

measure within the limits of the Ex. authority. Will it not be advisable to apprize Gov^r H. confidentially, of the course adopted as to W. F. and to have his co-operation in diffusing the impressions we wish to be made there?

The anecdote related by M^r L.¹ is interesting in several respects. I take it for granted that the papers to be sent him from the Dep^t of State will be adapted to the unsettled state of things in Caracas; yet I do not recollect to have rec^d for signature any commission varied from the ordinary consular form. Accept my respects & friendly wishes,

TO ROBERT SMITH

D. OF S MSS MISCL. LETS.

MONTPELIER July 26th, 1810

DEAR SIR

I return herewith the letters from Vanderhorst,

¹ Robert K. Lowry, of Maryland, left for La Guayra, Caracas, towards the end of July, but no regular commission was issued to him until Feb. 3, 1812, when he was appointed Consul at that place. From Baltimore, July 10, 1810, he wrote Secretary Smith: "In the course of conversation two days since, Mr. Bolivar informed me that a considerable order for muskets has been received by him for the Govt. of Caraccas

"Mr. De Orca, the other deputy, who sailed for Laguayra this morning, has related to me an interview which took place between him & Mr. Jackson last week in Philad^a Don Onis, the Span. Consul, & Ex Governor of Caraccas being present. The impression left on his mind is that the British govt. will not be so friendly to them as was expected, especially if, as they appeared to anticipate, the revolution ends in the total rejection of the authority of Ferdinand the 7th."—*Dept. of State MSS., Consular Letters.*

& Bernaben. It would have been better if Lowrey had more carefully concealed his destination. The case of the Spanish Goods landed from the French privateer, must be decided by the result of the judicial inquiry into the character of the latter. If equipped from our jurisdiction, the capture gives claim to restitution. If not so equipped, the law as it stands in relation to prize goods brought into the U. S. must decide on the course to be pursued. It would seem proper to transmit the representation of Bernaben, to the collector & the District Attorney, with a request to the latter to do what may be right in the cases.

I find by a letter from the Secretary of the Navy, that another insult to our national Flag, has been offered by a British Commander. I have desired him to communicate to you the circumstances of the case; on which you will please to found whatever instructions to M^r. Pinkney, they may render proper.

Accept my respects & best wishes.

TO JOHN QUINCY ADAMS.

MAD. MSS.

WASHINGTON Oct^r. 16th 1810

DEAR SIR Previous to my return to his City, I received a letter from Mrs. Adams, your highly respectable mother, communicating your anxiety to leave a situation¹ rendered insupportable by the ruinous expences found to be inseparable from it, and

¹ He was then Minister to Russia, having been appointed the year before

taking it for granted that you had written or would write to the Secretary of State to the same effect. The answer to her was, that as it was not the intention of the Executive to expose you to unreasonable sacrifices, it could not withhold a permission to retire from them, and that you would be so informed from the Department of State. You will accordingly receive a letter of leave, and a blank Commission, providing for the care of our affairs, till a successor may be appointed. As no communication of your wishes, however, has yet been received from yourself, I cannot but hope, that the peculiar urgency manifested in the letter of Mrs. Adams was rather hers, than yours; or that you have found the means of reconciling yourself to a continuance in your station. Besides that confidence in the value of your services which led to the call upon them, there are considerations which you will readily appreciate, bearing against a sudden return, from a short mission; the occasion for which has been made the subject of so much lucubration. Among them, is the difficulty of shielding the step against unfavorable conjectures as to its cause in the mind of the Emperor; and the evil might become the greater, from the possibility of a protracted intermission, if not entire discontinuance, of a representation of the U. S. at S^t Petersburg, corresponding with the grade of the Russian Minister here. It will for this reason, be particularly expedient, in case you should make immediate use of the document sent you, to spare no pains, in guarding against a misconstruction of your departure,

and in preparing the Russian Government for a delay in filling the vacancy; which may be unavoidable, notwithstanding the purpose of preventing it. As far as assurances of unabated friendship here, can be of aid to you, they may be given with every emphasis which the sincerity of these sentiments can warrant.

I will add that whilst I do not disguise my wish that the continuance of your valuable services, may be found not inconsistent with your other and undeniable duties; I cannot, on the other hand, wish that the latter should be sacrificed, beyond a reasonable measure; and within that measure, I am entirely persuaded that your patriotism will cheerfully make the sacrifice.

Accept my sincere respects and friendly wishes

TO THOMAS JEFFERSON

MAD. MSS.

WASHINGTON Oct^r 19, 1810.

DEAR SIR I have rec^d your favor of the 15th. All we know of the step taken by France towards a reconciliation with us, is thro the English papers sent by Mr. Pinkney, who had not himself rec^d any information on the subject from Gen^l A. nor held any conversation with the B. Ministry on it, at the date of his last letters. We hope from the step, the advantage at least of having but one contest on our hands at a time. If G. B. repeals her orders, without discontinuing her mock-blockades, we shall be at issue with her on ground strong in law, in the opinion

of the world, and even in her own concessions. And I do not believe that Cong^s will be disposed, or permitted by the Nation, to a tame submission; the less so as it would be not only perfidious to the other belligerent, but irreconcilable with an honorable neutrality. The Crisis in W. Florida, as you will see, has come home to our feelings and our interests. It presents at the same time serious questions, as to the Authority of the Executive, and the adequacy of the existing laws of the U. S. for territorial administration. And the near approach of Cong^s might subject any intermediate interposition of the Ex. to the charge of being premature & disrespectful, if not of being illegal. Still there is great weight in the considerations, that the Country to the Perdido, being our own, may be fairly taken possession of, if it can be done without violence, above all if there be danger of its passing into the hands of a third & dangerous party. The successful party at Baton Rouge have not yet made any communication or invitation to this Gov^t. They certainly will call in either our Aid or that of G. B., whose conduct at the Caraccas gives notice of her propensity to fish in troubled waters. From present appearances, our occupancy of W. F. would be resented by Spain, by England, & by France, and bring on not a triangular, but quadrangular contest. The Vacancy in the Judiciary is not without a puzzle in supplying it. Lincoln,¹ obviously, is the first presented to our

¹ Gideon Granger was Postmaster-General at the time Levi Lincoln was appointed January 7, 1811, but he declined on account of failing

choice, but I believe he will be inflexible in declining it. Granger is *working hard* for it. His talents are as you state, a strong recommendation; but it is unfortunate that the only legal evidence of them known to the public, displays his Yazooism; and on this as well as some other acc^{ts} the more particularly offensive to the Southern half of the Nation. His bodily infirmity with its effect on his mental stability is an unfavorable circumstance also. On the other hand, it may be difficult to find a successor free from objections, of equal force. Neither Morton, nor Bacon, nor Story have yet been brought forward, And I believe Blake will not be a candidate. I have never lost sight of Mr. Jefferson of Richmond. Lee I presume returns Bourdeaux. Jarvis is making a visit to the U. S. but apparently with an intention to return to Lisbon. All the other consulships worthy of him are held by persons who manifest no disposition to part with their berths. My overseer G. Gooch is just setting out with the Algerine

eyesight; on February 22 John Quincy Adams was appointed, but he preferred to remain in Russia, finally, November 18th, Joseph Story was appointed. On the subject of Granger Madison wrote to Jefferson Dec 7, 1810. "Granger has stirred up recommendations throughout the Eastern States. The means by which this has been done are easily conjectured, and outweigh the recommendations themselves. The soundest Republicans of N. England are working hard agst him as infected with Yazooism, and intrigue. They wish for J. Q. Adams as honest, able, independent, & untainted with such objections. There are others however in the view of the Southern Republicans, tho perhaps less formidable to them, than Yazooism on the Supreme Bench. If there be other Candidates they are disqualified either politically, morally or intellectually. Such is the prospect before me which your experience will make you readily understand"—*Mad. MSS.*

Rams, Two of them, I have directed him to forward to Monticello. I beg you to accept whichever of them you may prefer, and let Capt: Isaac Coles have the other. Of the 8 sent from Algiers, one was slaughtered on the passage, and a Wether substituted. Another was not of the large tail family; but a very large handsome sheep with 4 horns. His fleece is heavy, but like the others coarse. I send him to Virg^a with the others, tho' at a loss what to have done with him there. Two of the large tails I have disposed of here, one to Claiborne for the benefit of the Orleans meat Market. I send also by this opp^y six Marino Ewes, two of them rec^d from Jarvis, & the rest purchased here out of his late shipment. I have purchased also the Ewe lamb, which had been destined for Hooe of Alexand^a. Finding that the arrangements necessary for the original pair, would provide for a small flock, I have been tempted to make this addition to them, as a fund of pure Marino blood, worth attending to. The Ewes will stand me in at \$175 a piece.

Accept my affectionate respects

PROCLAMATION.

Whereas the territory south of the Mississippi Territory and eastward of the river Mississippi, and extending to the river Perdido,¹ of which possession was not delivered to the United States in pursuance of the treaty concluded at Paris

¹ February 24, 1804, Congress passed a law extending the customs regulations over Louisiana and authorizing the President, whenever he should deem it expedient to do so, to make the bay and river Mobile

on the 30th April, 1803, has at all times, as is well known, been considered and claimed by them as being within the colony of Louisiana conveyed by the said treaty in the same extent that it had in the hands of Spain and that it had when France originally possessed it; and

Whereas the acquiescence of the United States in the temporary continuance of the said territory under the Spanish authority was not the result of any distrust of their title, as has been particularly evinced by the general tenor of their laws and by the distinction made in the application of those laws between that territory and foreign countries, but was occasioned by their conciliatory views and by a confidence in the justice of their cause and in the success of candid discussion and amicable negotiation with a just and friendly power; and

Whereas a satisfactory adjustment, too long delayed, without the fault of the United States, has for some time been entirely suspended by events over which they had no control; and

Whereas a crisis has at length arrived subversive of the order of things under the Spanish authorities, whereby a failure of the United States to take the said territory into its possession may lead to events ultimately contravening the views of both parties, whilst in the meantime the tranquility and security of our adjoining territories are endangered and new facilities given to violations of our revenue and commercial laws and of those prohibiting the introduction of slaves;

Considering, moreover, that under these peculiar and imperative circumstances a forbearance on the part of the United States to occupy the territory in question, and thereby guard

a separate district. Jefferson deemed it inexpedient to put this part of the law into effect. In the summer of 1810 a revolution broke out among the people of the region and West Florida was declared independent and asked annexation to the United States. As the United States had already asserted the territory to be hers, the opportunity to extend her authority over it was not to be resisted. See *Henry Adams*, v., 306.

against the confusions and contingencies which threaten it, might be construed into a dereliction of their title or an insensibility to the importance of the stake; considering that in the hands of the United States it will not cease to be a subject of fair and friendly negotiation and adjustment; considering, finally, that the acts of Congress, though contemplating a present possession by a foreign authority, have contemplated also an eventual possession of the said territory by the United States, and are accordingly so framed as in that case to extend in their operation to the same:

Now be it known that I, James Madison, President of the United States of America, in pursuance of these weighty and urgent considerations, have deemed it right and requisite that possession should be taken of the said territory in the name and behalf of the United States. William C. C. Claiborne, governor of the Orleans Territory, of which the said Territory is to be taken as part, will accordingly proceed to execute the same and to exercise over the said Territory the authorities and functions legally appertaining to his office; and the good people inhabiting the same are invited and enjoined to pay due respect to him in that character, to be obedient to the laws, to maintain order, to cherish harmony, and in every manner to conduct themselves as peaceable citizens, under full assurance that they will be protected in the enjoyment of their liberty, property, and religion.

In testimony &c., (October 27, 1810.)

TO JOHN ARMSTRONG.¹

(Private.)

WASHINGTON Oct^r 29, 1810.

DEAR SIR

You will learn from the Dept. of State that altho'

¹ The original of this letter is at Rokeby, General Armstrong's country seat on the Hudson River.

no direct authentication of the repeal of the F. decrees has been rec^d from you, a proclamation issues ¹ on the ground furnished by your correspondence with M^r Pinkney. It is to be hoped that France will do what she is understood to be pledged for, & in a measure that will produce no jealousy or embarrassment here. We hope in particular that the sequestred property will have been restored; without which the Ex. may be charged wth violating their own instructions to you on that point. Whether that instruction was not itself a departure from the law, & must not have been set aside in case the repeal of the decrees had arrived, with a knowledge that F. had made no satisfactory provision as to sequestrations, are questions which it w^d be well to have no occasion to decide. The course which G. B. will take, is left by Wellesley's pledge, a matter of conjecture. It is not improbable that the orders in C. will be revoked & the sham blockade be so managed if possible, as to irritate France agst our non-resistance, without irritating this Country to the resisting point. It seems on the whole that we

¹ The proclamation was dated November 2. It recited the terms of the Act of May 1, 1810, and proceeded: "And, Whereas it has been officially made known to this Government that the edicts of France violating the neutral commerce of the United States have been so revoked as to cease to have effect on the 1st of the present month,

"Now, therefore, I, James Madison, President of the United States, do hereby proclaim the said edicts of France have been so revoked as that they ceased on the said 1st day of the present month to violate the neutral commerce of the United States, and that from the date of these presents all the restrictions imposed by the aforesaid act shall cease and be discontinued to France and their dependencies."

shall be at issue with G. B. on the ground of such blockades, and it is for us, a strong ground.

You will see also the step that has been produced by the posture of things in W. Florida. If France is wise she will neither dislike it herself, nor promote resentment of it in any other quarter. She ought in fact, if guided by prudence & good information, to patronize at once, a general separation of S. America from Old Spain. This event is already decided, and the sole question with F. is whether it is to take place under her auspices, or those of G. B. The latter, whether with or without the privity of the expiring authority at Cadiz, is taking her measures with reference to that event; and in the mean time, is extorting commercial privileges as to the recompense of her interposition. In this particular her avarice is defeating her interest. For it not only invites F. to outbid her; but throws in seeds of discord which will take effect, the moment peace or safety is felt by the party of whom the advantage is taken. The contrary policy of the old Fr. Gov^t in its commercial Treaty with the U. S. at the epoch of their Independence, was founded in a far better knowledge of human nature, and of the permanent interest of its nation. It merits the consideration of France also, that in proportion as she discourages, in any way, a free intercourse of the U. S. with their revolutionary neighbours, she favors the exclusive commerce of her rival with them; as she has hitherto favor'd it with Europe, by her decrees agst our intercourse with it. As she seems to be recovering

from the one folly, it may be hoped she will not fall into the other.

The ship sent on this occasion will afford you & your family good accommodations, if you should be decided agst prolonging your important services at Paris, and a Winter passage should not be an insuperable objection.

Accept dear Sir assurances of my great esteem and most friendly wishes.

TO WILLIAM PINKNEY.¹

WASHINGTON, October 30, 1810.

DEAR SIR,—Your letter of August 13 [14] was duly received. Its observations on the letter and conduct of Lord Wellesley are an interesting comment on both. The light in which the letter was seen by many in this Country was doubtless such as gave to its features an exaggerated deformity. But it was the natural effect of its contrast to the general expectation founded on the tenor of your private letter to Mr. Smith, and on the circumstances, which,

¹ From the *Works of Madison* (Congressional Edition). The letter is also printed in part in Wheaton's *Life, Writings, and Speeches of William Pinkney*, 449. Pinkney's letter was dated August 14th. Lord Wellesley's letter to him of July 22d contained but two sentences: "I think it may be difficult to enter upon the subject of your last note, (respecting the diplomatic rank of our minister in America,) in any official form.

"But I have no difficulty in assuring you, that it is my intention immediately to recommend the appointment of an envoy extraordinary and minister plenipotentiary from the king to the United States."
—*American Archives*, iii., *Foreign Affairs*, 363.

in the case of Jackson, seemed to preclude the least delay in repairing the insults committed by him. It is true, also, that the letter, when viewed in its most favorable light, is an unworthy attempt to spare a false pride on one side at the expence of just feelings on the other, and is in every respect infinitely below the elevation of character assumed by the British Government, and even to that ascribed to Lord Wellesley. It betrays the consciousness of a debt, with a wish to discharge it in false coin. Had the letter been of earlier date, and accompanied by the prompt appointment of a successor to Jackson, its aspect would have been much softened. But every thing was rendered as offensive as possible by evasions and delays, which admit no explanation without supposing a double game, by which they were to cheat us into a reliance on fair promises, whilst they were playing into the hands of partizans here, who were turning the delays into a triumph over their own Government. This consideration had its weight in the decision last communicated, with respect to your continuance at London, or return to the United States.

The personal sensibilities which your letter expresses are far greater than I can have merited by manifestations of esteem and confidence which it would have been unjust to withhold. As a proof of your partiality, they ought not, on that account, to excite less of a return. As little ought your readiness to retire from your station, from the honorable motives which govern you, to be viewed in any other

light than as a proof of the value which attaches itself to your qualifications and services. It is not to be denied that a good deal of dissatisfaction has issued through the press against some of your intercourse with the British Government. But this could have the less influence on the Executive mind, as the dissatisfaction, where not the mere indulgence of habitual censure, is evidently the result of an honest misconstruction of some things, and an ignorance of others, neither of which can be lasting. I have little doubt that if your sentiments and conduct could be seen through media not before the public, a very different note would have been heard; and as little, that the exhibitions likely to grow out of the questions and discussions in which you are at present engaged will more than restore the ground taken from you.

The sole question on which your return depends, therefore, is whether the conduct of the Government where you are may not render your longer stay incompatible with the honor of the United States. The last letter of the Secretary of State has so placed the subject for your determination, in which the fullest confidence is felt. Waiving other depending subjects, not of recent date, a review of the course pursued in relation to Jackson and a successor excites a mixture of indignation and contempt, which ought not to be more lightly expressed than by your *immediately* substituting a Secretary of Legation for the grade you hold; unless the step be absolutely forbidden by the weighty consideration which has

been stated to you, and which coincides with the sound policy to which you allude, of putting an adversary compleatly in the wrong. The prevailing opinion here is, that this has been already abundantly done.

Besides the public irritation produced by the persevering insolence of Jackson in his long stay, and his conduct during it, there has been a constant heart-burning on the subject of the Chesapeake, and a deep and settled indignation on the score of impressments, which can never be extinguished without a liberal atonement for the former, and a systematic amendment of the latter.

You have been already informed that the Proclamation would issue giving effect to the late act of Congress, on the ground of the Duke de Cadore's letter to Gen^l Armstrong, which states an *actual* repeal of the French Decrees. The letter of W. to you is a promise only, and that in a very questionable shape; the more so, as G. Britain is known to have founded her retaliating pretensions on the *unprecedented mode* of warfare against her; evidently meaning the exclusion of her trade from the Continent. Even the blockade of May, 1806, rests on the same foundation. These considerations, with the obnoxious exercise of her sham blockades in the moment of our call for their repeal, backed by the example of France, discourage the hope that she contemplates a reconciliation with us. I sincerely wish your next communications may furnish evidence of a more favorable disposition.

It will not escape your notice, and is not undeserving that of the British Government, that the non-intercourse, as now to be revived, will have the effect of giving a monopoly of our exportations to G. Britain to our own vessels, in exclusion of hers; whereas, in its old form, G. Britain obtained a substantial monopoly for hers through the entrepots of N. Scotia, E. Florida, &c. She cannot, therefore, deprive our vessels, which may now carry our exports directly to G. Britain, of this monopoly, without refusing the exports altogether, or forcing them into difficult and expensive channels, with the prospect of a counteracting interposition of Congress, should the latter experiment be resorted to. Nothing would be necessary to defeat this experiment but to prohibit, as was heretofore contemplated, the export of our productions to the neighboring ports belonging to Great Britain or her friends.

The course adopted here towards West Florida will be made known by the Secretary of State. The occupancy of the Territory as far as the Perdido was called for by the crisis there, and is understood to be within the authority of the Executive. East Florida, also, is of great importance to the United States, and it is not probable that Congress will let it pass into any new hands. It is to be hoped G. Britain will not entangle herself with us by seizing it, either with or without the privity of her allies in Cadiz. The position of Cuba gives the United States so deep an interest in the destiny, even, of that Island, that although they might be an inactive,

they could not be a satisfied spectator at its falling under any European Government, which might make a fulcrum of that position against the commerce and security of the United States. With respect to Spanish America generally, you will find that G. Britain is engaged in the most eager, and, if without the concurrence of the Spanish authority at Cadiz, the most reproachful grasp of political influence and commercial preference. In turning a provident attention to the new world, as she loses ground in the old, her wisdom is to be commended, if regulated by justice and good faith; nor is her pursuit of commercial preferences, if not seconded by insidious and slanderous means against our competitions, as are said to be employed, to be tested by any other standard than her own interest. A sound judgment of this does not seem to have been consulted in the specimen given in the Treaty at Caraccas, by which a preference in trade over all other nations is extorted from the temporary fears and necessities of the Revolutionary Spaniards. The policy of the French Government at the epoch of our Independence, in renouncing every stipulation against the equal privileges of all other nations in our trade, was dictated by a much better knowledge of human nature, and of the stable interest of France.

The elections for the next Congress are nearly over. The result is another warning against a reliance on the strength of a British Party, if the British Government be still under a delusion on that subject. Should France effectually adhere to the ground

of a just and conciliatory policy, and G. Britain bring the United States to issue on her paper blockades; so strong is this ground in right of opinion here, and even in the commitment of all the great leaders of her party here, that G. Britain will scarce have an advocate left.

SECOND ANNUAL MESSAGE.

WASHINGTON, December 5, 1810.

Fellow-Citizens of the Senate and of the House of Representatives:

The embarrassments which have prevailed in our foreign relations, and so much employed the deliberations of Congress, make it a primary duty in meeting you to communicate whatever may have occurred in that branch of our national affairs.

The act of the last session of Congress concerning the commercial intercourse between the United States and Great Britain and France and their dependencies having invited in a new form a termination of their edicts against our neutral commerce, copies of the act were immediately forwarded to our ministers at London and Paris, with a view that its object might be within the early attention of the French and British Governments.

By the communication received through our minister at Paris it appeared that a knowledge of the act by the French Government was followed by a declaration that the Berlin and Milan decrees were revoked, and would cease to have effect on the 1st day of November ensuing. These being the only known edicts of France within the description of the act, and the revocation of them being such that they ceased at that date to violate our neutral commerce, the fact, as prescribed by law, was announced by a proclamation bearing date the 2d day of November.

It would have well accorded with the conciliatory views

indicated by this proceeding on the part of France to have extended them to all the grounds of just complaint which now remain unadjusted with the United States. It was particularly anticipated that, as a further evidence of just dispositions toward them, restoration would have been immediately made of the property of our citizens seized under a misapplication of the principle of reprisals combined with a misconstruction of a law of the United States. This expectation has not been fulfilled.

From the British Government no communication on the subject of the act has been received. To a communication from our minister at London of a revocation by the French Government of its Berlin and Milan decrees it was answered that the British system would be relinquished as soon as the repeal of the French decrees should have actually taken effect and the commerce of neutral nations have been restored to the condition in which it stood previously to the promulgation of those decrees. This pledge, although it does not necessarily import, does not exclude the intention of relinquishing, along with the orders in council, the practice of those novel blockades which have a like effect of interrupting our neutral commerce, and this further justice to the United States is the rather to be looked for, inasmuch as the blockades in question, being not more contrary to the established law of nations than inconsistent with the rules of blockade formally recognized by Great Britain herself, could have no alleged basis other than the plea of retaliation alleged as the basis of the orders in council. Under the modification of the original orders of November, 1807, into the orders of April, 1809, there is, indeed, scarcely a nominal distinction between the orders and the blockades. One of those illegitimate blockades, bearing date in May, 1806, having been expressly avowed to be still unrescinded, and to be in effect comprehended in the orders in council, was too distinctly brought within the purview of the act of Congress not to be comprehended in the explanation of the requisites to a compliance

with it. The British Government was accordingly apprised by our minister near it that such was the light in which the subject was to be regarded.

On the other important subjects depending between the United States and that Government no progress has been made from which an early and satisfactory result can be relied on.

In this new posture of our relations with those powers the consideration of Congress will be properly turned to a removal of doubts which may occur in the exposition, and of difficulties in the execution, of the act above cited.

The commerce of the United States with the north of Europe, heretofore much vexed by licentious cruisers, particularly under the Danish flag, has latterly been visited with fresh and extensive depredations. The measures pursued in behalf of our injured citizens not having obtained justice for them, a further and more formal interposition with the Danish Government is contemplated. The principles which have been maintained by that Government in relation to neutral commerce, and the friendly professions of His Danish Majesty toward the United States, are valuable pledges in favor of a successful issue.

Among the events growing out of the state of the Spanish Monarchy, our attention was imperiously attracted to the change developing itself in that portion of West Florida which, though of right appertaining to the United States, had remained in the possession of Spain awaiting the result of negotiations for its actual delivery to them. The Spanish authority was subverted and a situation produced exposing the country to ulterior events which might essentially affect the rights and welfare of the Union. In such a conjuncture I did not delay the interposition required for the occupancy of the territory west of the river Perdido, to which the title of the United States extends, and to which the laws provided for the Territory of Orleans are applicable. With this view, the proclamation of which a copy is laid before you was con-

fided to the governor of that Territory to be carried into effect. The legality and necessity of the course pursued assure me of the favorable light in which it will present itself to the Legislature, and of the promptitude with which they will supply whatever provisions may be due to the essential rights and equitable interests of the people thus brought into the bosom of the American family.

Our amity with the powers of Barbary, with the exception of a recent occurrence at Tunis, of which an explanation is just received, appears to have been uninterrupted and to have become more firmly established.

With the Indian tribes also the peace and friendship of the United States are found to be so eligible that the general disposition to preserve both continues to gain strength.

I feel particular satisfaction in remarking that an interior view of our country presents us with grateful proofs of its substantial and increasing prosperity. To a thriving agriculture and the improvements related to it is added a highly interesting extension of useful manufactures, the combined product of professional occupations and of household industry. Such indeed is the experience of economy as well as of policy in these substitutes for supplies heretofore obtained by foreign commerce that in a national view the change is justly regarded as of itself more than a recompense for those privations and losses resulting from foreign injustice which furnished the general impulse required for its accomplishment. How far it may be expedient to guard the infancy of this improvement in the distribution of labor by regulations of the commercial tariff is a subject which can not fail to suggest itself to your patriotic reflections.

It will rest with the consideration of Congress also whether a provident as well as fair encouragement would not be given to our navigation by such regulations as would place it on a level of competition with foreign vessels, particularly in transporting the important and bulky productions of our own soil. The failure of equality and reciprocity in the existing regu-

lations on this subject operates in our ports as a premium to foreign competitors, and the inconvenience must increase as these may be multiplied under more favorable circumstances by the more than countervailing encouragements now given them by the laws of their respective countries.

Whilst it is universally admitted that a well-instructed people alone can be permanently a free people, and whilst it is evident that the means of diffusing and improving useful knowledge form so small a proportion of the expenditures for national purposes, I can not presume it to be unseasonable to invite your attention to the advantages of superadding to the means of education provided by the several States a seminary of learning instituted by the National Legislature within the limits of their exclusive jurisdiction, the expense of which might be defrayed or reimbursed out of the vacant grounds which have accrued to the nation within those limits.

Such an institution, though local in its legal character, would be universal in its beneficial effects. By enlightening the opinions, by expanding the patriotism, and by assimilating the principles, the sentiments, and the manners of those who might resort to this temple of science, to be redistributed in due time through every part of the community, sources of jealousy and prejudice would be diminished, the features of national character would be multiplied, and greater extent given to social harmony. But, above all, a well-constituted seminary in the center of the nation is recommended by the consideration that the additional instruction emanating from it would contribute not less to strengthen the foundations than to adorn the structure of our free and happy system of government.

Among the commercial abuses still committed under the American flag, and leaving in force my former reference to that subject, it appears that American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in violation of the laws of humanity and in defiance to those of their own country. The same just and benevolent motives

which produced the interdiction in force against this criminal conduct will doubtless be felt by Congress in devising further means of suppressing the evil.

In the midst of uncertainties necessarily connected with the great interests of the United States, prudence requires a continuance of our defensive and precautionary arrangement. The Secretary of War and Secretary of the Navy will submit the statements and estimates which may aid Congress in their ensuing provisions for the land and naval forces. The statements of the latter will include a view of the transfers of appropriations in the naval expenditures and the grounds on which they were made.

The fortifications for the defense of our maritime frontier have been prosecuted according to the plan laid down in 1808. The works, with some exceptions, are completed and furnished with ordnance. Those for the security of the city of New York, though far advanced toward completion, will require a further time and appropriation. This is the case with a few others, either not completed or in need of repairs.

The improvements in quality and quantity made in the manufacture of cannon and small arms, both at the public armories and private factories, warrant additional confidence in the competency of these resources for supplying the public exigencies.

These preparations for arming the militia having thus far provided for one of the objects contemplated by the power vested in Congress with respect to that great bulwark of the public safety, it is for their consideration whether further provisions are not requisite for the other contemplated objects of organization and discipline. To give to this great mass of physical and moral force the efficiency which it merits, and is capable of receiving, it is indispensable that they should be instructed and practiced in the rules by which they are to be governed. Toward an accomplishment of this important work I recommend for the consideration of Congress the expediency of instituting a system which shall in the first

instance call into the field at the public expense and for a given time certain portions of the commissioned and non-commissioned officers. The instruction and discipline thus acquired would gradually diffuse through the entire body of the militia that practical knowledge and promptitude for active service which are the great ends to be pursued. Experience has left no doubt either of the necessity or of the efficacy of competent military skill in those portions of an army in fitting it for the final duties which it may have to perform.

The Corps of Engineers, with the Military Academy, are entitled to the early attention of Congress. The buildings at the seat fixed by law for the present Academy are so far in decay as not to afford the necessary accommodation. But a revision of the law is recommended, principally with a view to a more enlarged cultivation and diffusion of the advantages of such institutions, by providing professorships for all the necessary branches of military instruction, and by the establishment of an additional academy at the seat of Government or elsewhere. The means by which war, as well for defense as for offense, are now carried on render these schools of the more scientific operations an indispensable part of every adequate system. Even among nations whose large standing armies and frequent wars afford every other opportunity of instruction these establishments are found to be indispensable for the due attainment of the branches of military science which require a regular course of study and experiment. In a government happily without the other opportunities seminaries where the elementary principles of the art of war can be taught without actual war, and without the expense of extensive and standing armies, have the precious advantage of uniting an essential preparation against external danger with a scrupulous regard to internal safety. In no other way, probably, can a provision of equal efficacy for the public defence be made at so little expense or more consistently with the public liberty.

The receipts into the Treasury during the year ending on the 30th of September last (and amounting to more than \$8,500,000) have exceeded the current expenses of the Government, including the interest on the public debt. For the purpose of reimbursing at the end of the year \$3,750,000 of the principal, a loan, as authorized by law, had been negotiated to that amount, but has since been reduced to \$2,750,000, the reduction being permitted by the state of the Treasury, in which there will be a balance remaining at the end of the year estimated at \$2,000,000. For the probable receipts of the next year and other details I refer to statements which will be transmitted from the Treasury, and which will enable you to judge what further provisions may be necessary for the ensuing years.

Reserving for future occasions in the course of the session whatever other communications may claim your attention, I close the present by expressing my reliance, under the blessing of Divine Providence, on the judgment and patriotism which will guide your measures at a period particularly calling for united councils and inflexible exertions for the welfare of our country, and by assuring you of the fidelity and alacrity with which my co-operation will be afforded.

SPECIAL MESSAGE TO CONGRESS.

WASHINGTON, January 3, 1811.

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

I communicate to Congress, in confidence, a letter of the 2d of December from Governor Folch, of West Florida, to the Secretary of State, and another of the same date from the same to John McKee.

I communicate in like manner a letter from the British chargé d'affaires to the Secretary of State, with the answer of the latter. Although the letter can not have been written

in consequence of any instruction from the British Government founded on the late order for taking possession of the portion of West Florida well known to be claimed by the United States; although no communication has ever been made by that Government to this of any stipulation with Spain contemplating an interposition which might so materially affect the United States, and although no call can have been made by Spain in the present instance for the fulfillment of any such subsisting engagement, yet the spirit and scope of the document, with the accredited source from which it proceeds, required that it should not be withheld from the consideration of Congress.

Taking into view the tenor of these several communications, the posture of things with which they are connected, the intimate relation of the country adjoining the United States eastward of the river Perdido to their security and tranquillity, and the peculiar interest they otherwise have in its destiny, I recommend to the consideration of Congress the seasonableness of a declaration that the United States could not see without serious inquietude any part of a neighboring territory in which they have in different respects so deep and so just a concern pass from the hands of Spain into those of any other foreign power.

I recommend to their consideration also the expediency of authorizing the Executive to take temporary possession of any part or parts of the said Territory, in pursuance of arrangements which may be desired by the Spanish authorities, and for making provision for the government of the same during such possession.

The wisdom of Congress will at the same time determine how far it may be expedient to provide for the event of a subversion of the Spanish authorities within the Territory in question, and an apprehended occupancy thereof by any other foreign power.

VETO MESSAGES.

February 21, 1811.

To the House of Representatives of the United States:

Having examined and considered the bill entitled "An Act incorporating the Protestant Episcopal Church in the town of Alexandria, in the District of Columbia," I now return the bill to the House of Representatives, in which it originated, with the following objections:

Because the bill exceeds the rightful authority to which governments are limited by the essential distinction between civil and religious functions, and violates in particular the article of the Constitution of the United States which declares that "Congress shall make no law respecting a religious establishment." The bill enacts into and establishes by law sundry rules and proceedings relative purely to the organization and polity of the church incorporated, and comprehending even the election and removal of the minister of the same, so that no change could be made therein by the particular society or by the general church of which it is a member, and whose authority it recognizes. This particular church, therefore, would so far be a religious establishment by law, a legal force and sanction being given to certain articles in its constitution and administration. Nor can it be considered that the articles thus established are to be taken as the descriptive criteria only of the corporate identity of the society, inasmuch as this identity must depend on other characteristics, as the regulations established are generally unessential and alterable according to the principles and canons by which churches of that denomination govern themselves, and as the injunctions and prohibitions contained in the regulations would be enforced by the penal consequences applicable to a violation of them according to the local law.

Because the bill vests in the said incorporated church an authority to provide for the support of the poor and the education of poor children of the same, an authority which, being

altogether superfluous if the provision is to be the result of pious charity, would be a precedent for giving to religious societies as such a legal agency in carrying into effect a public and civil duty.

February 28, 1811.

To the House of Representatives of the United States:

Having examined and considered the bill entitled "An act for the relief of Richard Tervin, William Coleman, Edwin Lewis, Samuel Mims, Joseph Wilson, and the Baptist Church at Salem Meeting House, in the Mississippi Territory," I now return the same to the House of Representatives, in which it originated, with the following objection:

Because the bill in reserving a certain parcel of land of the United States for the use of said Baptist Church comprises a principle and precedent for the appropriation of funds of the United States for the use and support of religious societies, contrary to the article of the Constitution which declares that "Congress shall make no law respecting a religious establishment."

TO THOMAS JEFFERSON.

MAD. MSS.

WASHINGTON, Mar. 18, 1811.

DEAR SIR,—I have rec^d yours inclosing two letters improperly addressed to you.

A sketch, in manuscript was brought by yesterday's mail from N. York, saying that a vessel just arrived, stated that the Prince Regent had appointed his Cabinet; that Lord Holland was prime Minister, Grenville Secretary of State, Moira Commander in Chief &c, and that a new Parliament was to be called. Whether these details be correct or not, it is highly probable that some material change in

the general policy of the Government, in relation to this Country as well as in other respects, will result from the change of the men in power. Nor is it improbable that a repeal of the Orders in Council will be accompanied by a removal in some form or other, of the other condition required by the Act of May last. Still the attachment to maritime usurpations on public law, and the jealousy of our growing commerce, are sources from which serious difficulties must continue to flow, unless controuled by the distress of the Nation, or by a magnanimity not to be expected even from the personification of Fox in Lord Holland. Grenville is known to be very high in his notions of British rights on the Ocean; but he has never contended for more, on the subject of blockades than that cruising squadrons, creating a manifest danger in entering particular ports, was equivalent to a stationary force, having the same effect. His principle however tho' construable into an important restriction of that modern practice, may be expanded so as to cover this abuse. It is, as you remark difficult to understand the meaning of Bonaparte towards us. There is little doubt, that his want of money, and his ignorance of commerce have had a material influence. He has also distrusted the stability & efficacy of our pledge to renew the non-intercourse agst G. B. and has wished to execute his in a manner that would keep pace only with the execution of ours; and at the same time leave no interval for the operation of the British orders, without a counter operation in either his or

our measures. In all this, his folly is obvious. Distrust on one side produces & authorizes it on the other; and must defeat every arrangement between parties at a distance from each other or which is to have a future or a continued execution. On the whole our prospects are far from being very flattering; yet a better chance seems to exist than, with the exception of the adjustment with Erskine, has presented itself, for closing the scene of rivalry in plundering & insulting us, & turning it into a competition for our commerce & friendship.

In the midst of other perplexities, foreign & internal. a source has been opened very near me, and where co-operation agst them was to have been rightfully expected, from personal obligations, as well as public duty. I find also that the appointment of Warden¹ is to draw forth the keenest resentments of Armstrong. I have no doubt however that the ground on which we stand is sufficiently firm to support us with the Nation, agst individual efforts of any sort, or from any quarter.

Be assured always of my highest esteem and sincerest attachment.

TO JAMES MONROE.

CHIC. HIST. SOC. MSS.

March 31, 1811.

DEAR SIR,

I have the pleasure this moment of receiving yours

¹ David Bailie Warden was appointed Consul at Paris, March 3, 1811, and held the office for many years.

of the 29th.¹ I am particularly glad to find that you will be able to set out at so early a day for Washington. To the advantage of preventing an inconvenient chasm in the public business, will be added the opportunity of a provident attention to the accommodations required by your establishment here. The House occupied by Mr. Smith is the best in the place, and I believe is not yet out of reach. He means also to dispose of certain portions of his furniture which might suit your purpose. These considerations taken together recommend strongly that you should not wait for the receipt of your commission, but consider what has passed between us, as sufficient ground for a communication to the council. The actual receipt of the commission cannot be a necessary preliminary. As well as I recollect I did not receive mine, as Secretary of State till it was handed to me on the spot, by Mr. Jefferson. In case of appointments at a great distance, it might be extremely inconvenient for any other course to be observed. It is the more desirable that you should not wait for your commission, as I find that

¹ Madison caused Richard Brent, Senator from Virginia, to write to Monroe and ask him if he would accept the Secretaryship of State. March 18th Monroe replied favorably. (*Writings of Monroe*, v., 178.) Madison wrote to Jefferson April 1: "You will have inferred the change which is taking place in the Dep^t of State. Col. Monroe agrees to succeed Mr. Smith, who declines however the mission to Russia, at first not unfavorably looked at. I was willing, notwithstanding many trying circumstances, to have smoothed the transaction as much as possible, but it will be pretty sure to end in secret hostility, if not open warfare. On account of my great esteem & regard for common friends such a result is truly painful to me. For the rest, I feel myself on firm ground, as well in the public opinion as in my own consciousness."

it will be tuesday morning before its date will be consistent with the understanding & arrangement here, & that your arrival would of consequence be thrown forward till the beginning of the next week. I might indeed, as the law authorizes, provide an interim Functionary, for the current business requiring his signature, & not admitting delay; but there are objections to this resort where it can be avoided. I hope therefore you will find no difficulty in the mode of anticipation recommended; the more especially as your communication to the council may be delayed till tuesday morning the time proposed for your setting out, and at which time your commission will have been formally consummated, & ready to be delivered.

Accept assurances of my sincere esteem & friendship

MEMORANDUM AS TO ROBERT SMITH.¹

MAD. MSS.

(April, 1811).

Having seen in the Aurora of the 5th inst. [April, 1811],

¹ Endorsed by Madison: "(Quere: if necessary to become public?) Memorandum as to R. Smith." It was not made public.

A newspaper controversy arose and Smith's friends became Madison's enemies. Madison wrote to Jefferson from Washington, July 8, 1811: "You will have noticed in the Nat. Intelligencer that the wicked publication of Mr. Smith is not to escape with impunity. It is impossible however that the whole turpitude of his conduct can be understood without disclosures to be made by myself alone, and of course, as he knows, not to be made at all."—*Mad. MSS.*

& since copied into other Gazettes, an explanation which the Editor says he was authorized to make "of the rupture which has taken place between Mr. Madison, and Mr. R. Smith" I have thought it proper, whilst the circumstances are fresh in remembrance, to preserve them in the following memorandum:

On the —— day of March Mr. S. called on me, as was common, on some point of official business. In the conversation, he alluded to the account in the Newspapers of the dismissal of Mr. Pickering by Mr. Adams, as just published for the first time by the former. Altho' the manner of Mr. S. did not denote any purpose beyond the ordinary conversation incident to such a topic, it happened to be the very day on which I meant to have sent for him in order to communicate the necessity of making a change in the head of the Department of State. Dropping therefore the case of Mr. Pickering, and breaking its apparent relation to his own by the interposition of other subjects, I intimated that in coming over, he had anticipated my intention of sending for him, with a view to a conversation, which would be as candid & explicit on my part as it was in some respects delicate and disagreeable in itself. After remarking that I had delayed the execution of my purpose for some time after I had formed it, in order that my communication might have the character of being not the result of any sudden impulse, but of a deliberate regard to public considerations and official duty, I proceeded to state to him, that it had long been felt, and had at length become notorious, that the administration of the Executive Department laboured under a want of the harmony & unity, which were equally essential to its energy and its success; that I did not refer to the evil as infecting our Cabinet consultations, where there had always been an apparent cordiality, even a sufficient concurrence of opinion; but as shewing itself in language and conduct out of doors, counteracting what had been understood within to be the course of the administration, and the interest of the Public; that truth obliged me to add, that this practice, as brought to my view, was ex-

clusively chargeable on him; and that he had not only counteracted what had been the result of consultations apparently approved by himself, but had included myself in representations calculated to diminish confidence in the administration committed to me. He expressed surprise that I should have yielded to such impressions, declared that he had given no cause for them; observing that it was not to be conceived that a motive could be felt by him, to be otherwise than friendly personally, as well as to the credit of my administration. I told him that I had long resisted such impressions, well knowing that my conduct to him had merited a very different return. But that they were the result of facts and circumstances brought to my knowledge from so many sources and with so many corroborations, that it was impossible to shut my mind against them. I assured him that I had struggled agst the belief as long as I could; that it was painful as well as difficult for me to suppose, that conscious as he must be of the friendship he had experienced in my nomination of him to the Department of State, and in the constant aids I had given him, in discharging its duties, he should privately set himself agst me in any respect; but that what had harassed my feelings in a degree equalled by no occurrence in a long political life, was the reflection that there were among those most nearly connected with him, a number of individuals whom I had always felt a gratification in classing among the best of my friends political & personal, & for whom I felt the highest esteem & sincerest affection; and that the idea of distressing them was most severely so to myself. He repeated his solemn denial of unfriendly conduct in any way towards me, or having done any thing tending to obstruct or embarrass the administration; that on the contrary, he had been always personally my friend, and had contributed, as far as he could to the credit & support of the administration: What motive could he have to be otherwise, being himself a member of it, and having neither pretensions nor expectations of any higher sort? What could

have given rise to the unfavorable sentiments I had expressed, he was at a loss even to conjecture. I told him I was aware of the awkwardness of my situation, in being obliged to refer to information and evidence which had come to me in ways not permitting me to name to him the sources; but I could assure him that the sources were such as made it my duty not to disregard them; and that unquestionably, he would himself, in my situation yield to the accumulated statements which had their effect on me. In what instances had he set himself agst me, or against measures espoused by the administration? I reminded him of a conversation with Mr. ——— reported by the latter, in which he had indulged himself in disparaging remarks on my official character, & that of others in the Cabinet; on the general course of my Policy, which he signified he disapproved; and in which he had communicated certain Cabinet proceedings, some of which were of so confidential a nature that the gentleman did not consider himself at liberty to repeat them. I had taken occasion before to drop him a hint that such a conversation had been given out, observing at the time, that I did it not because I lent an ear to it, but that it might suggest circumspection. He slighted then the report as proceeding from a source not likely to be listened to; and now repeated the denial of the conversation, with an allusion to a report from the same source, as to a conversation with another member of the Cabinet, where it appeared, that no interview could have taken place. I admitted that if this had been a solitary case, it would have been entirely dismissed from my recollection; but this was far from being the fact, altho' I could not equally enter into a specification of other cases. For examples in which he had counteracted what he had not himself disapproved in the Cabinet, I referred to the Bills called Macon's bills, and the non-intercourse bill, on the consultations on which he appeared to concur in their expediency; that he well knew the former, in its outline, at least, had originated in the difficulty of finding measures that would prevent what Congress had solemnly protested

agst, to wit, a compleat submission to the belligerent Edicts; that the measure was considered as better than nothing, which seemed to be the alternative, and as part only of whatever else might in the progress of the business be found attainable; and that he neither objected to what was done in the Cabinet, (the time & place for the purpose,) nor offered any thing in the place of it; yet it was well understood that his conversations & conduct out of doors, had been entirely of a counteracting nature; that it was generally believed that he was in an unfriendly disposition personally and officially; and that, altho' in conversations with different individuals he might not hold the same unfavorable language, yet with those of a certain temper, it was no secret that he was very free in the use of it; and had gone so far as to avow a disapprobation of the whole policy of commercial restrictions, from the Embargo throughout. I intimated to him also that it was a complaint among our friends in Cong^s that the Federalists frequently quoted him for communications from our Ministers abroad, which were unknown to others, the disclosures being sometimes such as to be deemed confidential, and to be turned agst the administration. I glanced also at the report of his conversation with Mr. Morier, in which he (Mr. S) had expressed his disapprobation of the whole course of policy observed by the U. States towards G. B. All these facts he repelled by a repetition of what he had before said. With respect to his motives for dissatisfaction, I acknowledged that I had been, for the reasons given by him, much puzzled to divine any natural ones, without looking deeper into human nature than I was willing to do; and it was on this account that I had so long resisted the impression which had at length been made on me; that instead of having any just motives to become an adversary, I knew, and he must be conscious, that in my confidential intercourse with him, in my kindness in general, and, above all, in the labor I had taken upon myself in behalf of his official duties, and for his credit, as well as that of the administration, I ought to have found an opposite

return. On this subject as well as every other, I told him, I meant as I ought to be entirely frank, and must therefore say, that it was an imperious consideration for a change in the Department of State, that whatever talents he might possess, he did not as he must have found by experience, possess those adapted to his station; that this had thrown the business more into my hands than was proper, or consistent with my own duties; that as long as I considered him in the light I once did, I had cheerfully given him my aid, but that it was too much to be expected under actual circumstances, and that moreover, the increase of the public business had put it out of my power to do his share as well as my own; and that indeed throughout it was not done as well as might have been by a mind appropriated thereto. I observed that I could appeal to himself for the fact that the business of the Dep^t had not been conducted in the systematic and punctual manner which was necessary, particularly in the foreign correspondence, and that I had become daily more dissatisfied with it. He did not admit that complaint was well founded; intimating that I had a particular way of thinking on this subject, and that his conduct of the business would fully justify itself on examination. I told him he could not but be in a great error; reminding him of the condition in which his correspondence, more particularly, was brought to me; which was almost always so crude & inadequate, that I was in the more important cases generally obliged to write them anew myself, under the disadvantage sometimes of retaining, thro' delicacy some mixture of his draft; that he must recollect that in the cases of Erskine & Jackson, the correspondence on his part had in a manner, fallen entirely on my hands. I reminded him also of important failures to make seasonable communications to our foreign Agents; particularizing the case of neglecting, tho' repeatedly desired, to make known to our Minister at Paris, as was done to our Minister at London, that in case the letter of the Duke de Cadore of Aug. 5, to Gen^l Armstrong as reaching us through English newspapers, should be officially con-

firmed, it would be the ground of a Proclamation as authorized by the Act of May, 1810, and the case of not keeping Mr. Shaler at the Havanna, duly informed of the state of our foreign relations, in consequence of which, as appeared by Mr. Shaler's letters, he was unable to pursue the object of his mission with advantage. I observed that if he had transmitted at once, in multiplied copies, & thro' different channels, the same information for the French Gov^t as to the B. Gov^t as to the light in which the letter of the D. de Cadore was viewed, it might, by removing uncertainty & distrust as to the course here, have prevented the delay & embarrassment resulting from the course there. The impression made by these remarks was shewn rather by his manner, than his comment which was limited to a general disclaimer of the justness of them; & to allusions to a report that he had expressed to Mr. — Ingersoll lately in Washington, a disapprobation of the Proclamation putting in force the non-importation act agst G. B. which he denied to be fact, & said that he had sought out that gentleman, and had obtained from him a satisfactory explanation.

In this stage of the conversation, but in what particular connection is not recollected, it was noticed as a mark of his disinclination to co-operate in promoting measures for the better fulfilling of the Executive trust, that altho' the Act of Congr^s at the session preceding that just closed, relating to our diplomatic establishment, & of course particularly affecting his dep^t, had been found so very inconvenient, and it had been so often suggested to him; as desirable that some active member of Congress, should be apprized of the expediency of amending or repealing the act, yet no such hint had been ever given, till at length I had availed myself of an opportunity of explaining the matter to a member of the Senate, who readily introduced it to the Senate, but too late in the session to receive an effectual attention. He signified that he had not been in the habit of proceeding in such a way with business belonging to the Legislature, and seemed to

disapprove or doubt the propriety of it. I remarked that where the intention was honest & the object useful, the conveniency of facilitating business in that way was so obvious that it had been practised under every past administration, & w^d be so under every future one; that Executive experience w^d frequently furnish hints & lights for the Legislature; that nothing was more common than for members of Cong^s to apply for them; and that in fact, such communications, in cases not calling for formal messages, were indispensable to the advantageous conduct of the public business. A resort to formal messages on every occasion where executive information might be useful, was liable to obvious objections. He made no particular reply, but did not seem to acquiesce. Returning to the necessity of harmony & unity in the Executive Councils, in providing for which I expressed a disposition to wound feelings any where as little as possible, he said he had himself regretted my situation, in reference to the want of cordiality among members of the Cabinet, declaring, at the same time, that whilst he was aware of intrigues & hostilities carried on agst himself, he had abstained from everything of that sort agst others, disdaining, at all times, to stoop to such practices. I told him it was unnecessary to repeat observations which I had already made; that such was the state of things that a remedy had become essential in the view of the most considerate friends of the administration, and that I wished for the reasons given, to make it as lenient as would answer the purpose. It had occurred to me that he might not be disinclined to serve his Country in a foreign mission, and that St. Petersburg, where there was a vacancy, might be an eligible as it certainly was an important situation. London more so, he remarked quickly. For London, I replied, another arrangement was thought of; adding, with a view to repress miscalculations, that it was a place of discussions & negotiations, calling for appropriate talents & habits of business. He said he had for a considerable time entertained thoughts of retiring from the Department of State, and had looked towards

a vacancy on the Bench of the Supreme Court, likely to be produced ere long, by death in Baltimore (alluding to Judge Chase). I observed that in that event it might be found most proper to seek a successor elsewhere, intimating also that he had been long out of the practice & study of the law, and that the Senate would probably be hard to please in such a case. He made light of that consideration, with an expression of confidence in his standing there, which led me to remark that he was not aware how much room there was for a different estimate, that he had assuredly lost ground extremely with the members of both Houses of Congress, in so much that the prevailing sentiment, as brought to my knowledge in the most direct manner, and from some quarters not unfriendly to himself, called for some arrangement that would at least vary the composition of the Cabinet. He ascribed unfavorable impressions agst him as far as they might exist to intrigues & calumnies; signifying that there was however a body of firm friends personal & political, who would not desert him whatever course things might take. I did not admit that any considerable body of the Republicans, would in any event, take side agst the administration, that on the contrary, many on whom he might perhaps count, had become dissatisfied with the course he had pursued; that it was not so much therefore the consideration alluded to by him, which weighed with me, tho' not without weight especially at the present crisis in Maryland, (the approaching elections of Senatorial Electors,) as the one I had before mentioned namely the personal friends common to both of us, that made me desirous of smoothing the change become necessary, by proposing a Mission to Russia, which I sincerely wished him to accept. I remarked that the services there tho' neither difficult nor laborious, might be important; that the station was respectable, and that it was desirable to find a minister whose political grade here had been such as would satisfy the expectations of the Emperor, and whose private resources would also aid his salary in bearing the expensiveness of that Metropolis &

Court. He admitted an inclination towards a trip to Europe as more eligible than his situation here; and, after a few uninteresting observations, concurred in the measure with a mutual understanding that the appointment would be postponed for some days, till he could wind up the business of his Department, and prepare for his departure from Washington. I observed that as the 1st of April, closed a quarter it might be a convenient epoch, for the date of his Commission, in which he acquiesced. He said he supposed there would be no impropriety in letting it be known that the mission was on foot; none at all. After a short pause, May I say that the appointment is offered to me. I have no objection, it being of course understood that it is to take place on the 1st of April; and that you will let me be at liberty as many days previous as may be convenient, to take overt measures for supplying the vacancy, which he promised. The conversation closed with his proposal that it should be considered as entirely confidential, & my acquiescence in it.

From his conversations & conduct for several days, in his office & elsewhere, it was not doubted that he persisted in his intention to accept the Mission, and was making preparations accordingly. Circumstances soon however began to denote & strengthen doubts, particularly his declining, after accepting my invitation, to dine with a party, including the Russian Legation; and as I did not hear from him as was expected and the 1st of April approached I sent for him.

On his arrival, I told him my object, and that I had, according to the understanding between us, caused a Commission to be made out for him. He said he was himself on the point of coming over to me, with the view of returning into my hands his Commission of Secretary of State, (handing it to me at the same time) and to inform me that he had determined to decline the other which had been proffered to him. However disposed he might have been to accept it under other circumstances, it was impossible he could do so under such as would give it the appearance of a mere expedient to get rid of him

as Secretary of State. He had learned from Baltimore that a removal of him was believed to have been determined on, under the influence of intrigues agst him, and that this intention was known even to federal members of Congress, as was evinced by their language on their return home, that the same impression existed elsewhere; that he had, in fact, rec^d letters from his friends not only in Baltimore, but in Penn^a & N. York, advising him by no means to make himself a party to the transaction by accepting the Russian Mission, which would be regarded as a mere cover for his removal. I told him I could not be answerable for the reports or assertions that might be propagated; that the course I had pursued was the one deemed proper in the circumstances which had resulted from that pursued by him, and had been as delicate and favorable to him as could be reconciled with what I owed to the Public & to myself; that in tendering him the Commission for Russia, I wished him to accept it for the reasons explained to him; that what the Federalists said on the occasion, must have grown out of the conversations which had, as was well known, been frequent & free among the friends of the administration, on the necessity of a change in the Department of State. I availed myself of this turn of the conversation, to allude anew to the reports & complaints, that the Federalists were the first to get from him information of our foreign Affairs; and to its being understood that he had told Mr. Morier that the whole policy of the Government towards G. B. had been contrary to his opinion & advice. This he denied. I assured him there was full evidence that Morier had said so; that this was known to and believed by sundry members of Cong^s, and had contributed, with other causes, to strengthen the current running agst him. I reminded him of the official letter from Mr. Morier to him, complaining of the non-intercourse being enforced against G. B. during the actual conduct of France in which he (M) referred to a conversation in which he (S.) admitted that G. B. had a right to complain; I told him I had been surprised, when he communicated the letter

to me, to find no apparent intention of a formal disavowal of that circumstance till I had pressed it on him as material to himself in case the correspondence should be brought before the public or Congress; and that I did not approve of the course finally taken by him, of getting Morier to withdraw the letter and substitute another omitting the passage; a course less eligible than the one I had suggested, of a written disavowal, as Morier's communications to his Gov^t might correspond with his first letter, and might find their way to the public thro' a Call for papers by the British Parliament, in which case the statement would be without his contradiction. These I observed were disagreeable topics, and I willingly turned from them, to repeat to him, that with a wish to consult the sensibility of common friends, I had been ready to give him in exchange for an office which he professed no longer to relish, a foreign Mission which in itself did not appear to be unacceptable to him; and that it was still in his option, & would remain so for a short time longer, if he wished to deliberate further on the subject. He said he had made up his mind, & meant to be understood as having given his final answer to the proposal. He recurred to the aspect it wore of an indirect removal of him from the department of State, and to the allegation of intrigues agst him, which had been mistaken for a loss of Confidence with the public & with Cong^s; regretted the tendency of what was taking place to injure the Republican cause, observing again that he should be supported by a Body of friends, and that he knew he could stand on good ground in justifying himself to his Country. I assured him that neither my sentiments nor conduct in relation to him were in the least the effect of intrigues, to which I should never listen, but of the facts & considerations I had unfolded to him; that I did not doubt the friendship for him of a number of respectable & weighty characters, but it was not less true, however disagreeable it might be to dwell on the circumstance, that with the Public, as well as among the members of Cong^s in both Houses, the tide was setting strongly & extensively agst him;

that I regretted as much as himself a tendency in any occurrence to impair harmony among the Republicans, more especially at this time & in this State, but that I believed this was not likely to be much the case; conceiving that the administration rested on ground as solid as at any preceding period; & that for myself, I was entirely confident that what I had done in relation to him, could be justified not only to the public, if it should become there necessary, but even to the most partial of his personal friends; that I c^d have no personal objection therefore to any step he might take which would call the public attention to it. He said it was not his wish, however confident he might be of the ground on which he stood, to introduce any public discussion. The conversation being at an end, he took his leave with a cold formality, and I did not see him afterwards.

On reading over the above, I recollect nothing worth mentioning which is omitted; unless it be thought an exception, that in some stage of the conversation I alluded to the pretty general opposition made by his brother in the Senate to the measures proposed or supposed to be approved, by the Executive, and its effect in strengthening the presumption with many of a like spirit in the Secretary of State; explicitly declaring, at the same time, that however I might be sometimes disappointed at the part taken by his brother, or regret it on account of his talents & his weight, I had always considered myself bound to suppose him actuated by a just respect for the independence of his station & his character; and that as he stood in no official connection with the Executive rendering him anywise responsible for his political conduct, I had never permitted myself to complain of it.

J. M.

APRIL, 1811.

TO THOMAS JEFFERSON.

MAD. MSS.

W. May 3, 1811

DEAR SIR I have rec^d yours of the 24 Ap¹ and return the letter inclosed in it; after having made the communication intended for Mr. Gallatin. Your expostulations with Duane could not be improved; but he gives proofs of a want of candor, as well as of temperance, that will probably repel advice, however rational or friendly. The great fulcrum of his attacks on Mr. Gallatin is Erskine's statement of his favorable dispositions toward England; and these attacks he obstinately reiterates and amplifies, notwithstanding the public & solemn denial of Mr. G: whilst Mr. Smith & myself, tho' included in a like statement, under which we have both remained silent, have not been reproached on that account, and Mr. S. is become an object even of favor. A like want of candor is seen in the comments of the Aurora, on the putative explanation of the rupture between Mr. S. & myself. Of the alledged points of difference, the main one, viz: the non-intercourse, it appears as his opinion on my side; yet he takes the other side generally without alluding to the exception; and of late, restricts his comments to Macon's bills, or smothers the "non-intercourse" under an &c, or confounds the measure with the manner of its execution. Again, Whilst he admits occasionally that the non-intercourse, or rather non-importation now in force, is the best and the only adequate resort

¹ See Jefferson's correspondence with and concerning Duane in *Writings of Jefferson* (Ford), ix., 310 *et seq.*

agst the aggressions of G. B. he continues his abuse on the Government, for abandoning the interests & rights of the Nation. I have always regarded Duane, & still regard him as a sincere friend of liberty, and as ready to make every sacrifice to its cause, but that of his passions. Of these he appears to be compleatly a slave.

Our expected frigate is not yet arrived from Europe; nor is there any acc^t of the departure either of Pinkney or Foster from G. B. The last account from P. was of Mar. 13, when he was packing up for his passage in the Frigate. Whether the delays, proceed from the approach of the Equinox, the posture of the Regency, or a wish to learn the result of things in Congress, or from some other cause, is unknown. From the jumble of acc^{ts} from France, it is probable, that the repeal of the Decrees is professedly adhered to; and that an exchange of the productions of the U. S. & F. with an exception of certain articles, is permitted by the Municipal laws, under vexatious precautions agst British forgeries & American collusions; and perhaps under some distrust of the views of this Government.

Accept my high esteem & best affections.

TO THE INHABITANTS OF THE TOWN OF NEW HAVEN.

MAD. MSS.

I have rec^d fellow Citizens, the petition which you have addressed to me, representing the inconveniences experienced from the existing non-importa-

tion law, and soliciting that the National Legislature may be speedily convened.

It is known to all that the Commerce of the U. S. has, for a considerable period, been greatly abridged & annoyed by Edicts of the Belligerent powers; each professing retaliation only on the other; but both violating the clearest rights of the U. S. as a neutral nation. In this extraordinary state of things, the Legislature, willing to avoid a resort to war, more especially during the concurrent aggressions of two great Powers, themselves at war, the one with the other, and determined on the other hand agst an unqualified acquiescence, have endeavored by successive and varied regulations affecting the commerce of the parties, to make it their interest to be just.

In the Act of Congress out of which the existing non-importation has grown, the state of Commerce was no otherwise qualified than by a provision, that in case either of the Belligerents should revoke its unlawful Edicts, and the other should fail to do the same, our ports should be shut to the vessels & Merchandize of the latter. This provision which, like our previous offers, repelled the very pretext set up by each, that its Edicts agst our trade with the other, was required by our acquiescence in like Edicts of the other, was equally presented to the attention of both. In consequence of the communication the French Government declared that its Decrees were revoked. As the British Government had expressed reluctance in issuing its orders, and repeatedly signified a wish to find in the example of its adversary

an occasion for putting an end to them, the expectation was the more confident that the occasion would be promptly embraced. This was not done; and the period allowed for the purpose having elapsed, our ports became shut to British Ships and merchandize. Whether the conduct of the French Government has been, and will be such as to satisfy the authorized expectations of the U. States; or whether the British Government may have opened, or will open the way for the Executive removal of the restrictions on British commerce with the U. States, which it continues in its power to do, by revoking its own unlawful restrictions on our commerce, is to be ascertained by further information, which will be received & employed by the Executive with the strict impartiality, which has been invariably maintained towards the two Belligerents.

Whatever may be the inconveniences resulting in the mean time, from the non-importation Act, it was not to have been supposed, that whilst it falls within the necessary power, and Practice of regulating our commercial intercourse with foreign Countries, according to circumstances, the act would be regarded as not warranted by the Constitution; or that whilst it was a partial restriction only, and had for its object, an entire freedom of our commerce, by a liberation of it from foreign restrictions unlawfully imposed, it could be viewed as destroying commerce; and least of all that a likeness could be seen between a law enacted by the representatives of the Country, with a view to the interest of the Country, and Acts

of a Government in which the Country was not represented, framed with a view to the interest of another Country at the expence of this.

If appeals to the justice of the Belligerents, through their interests, involve privations on our part also, it ought to be recollected that this is an effect inseperable from every resort by which one nation can right itself agst the injustice of others.

If sacrifices made for the sake of the whole, result more to some than to other districts or descriptions of Citizens, this also is an effect which tho' always to be regretted, can never be entirely avoided. Whether the appeal be to the sword, or to interruptions or modifications of customary intercourse, an equal operation on every part of the Community can never happen. Nor would an unqualified acquiescence in belligerent restrictions on our Commerce, if that could be reconciled with what the Nation owes to itself, be less unequal in its effect on different local situations & interests.

In estimating the particular measure which has been adopted by the National Councils, it may be reasonably expected therefore, from the candor of enlightened Citizens, that with the peculiarity of the public situation, they will be impressed also with the difficulty of selecting the course most satisfactory, and best suited to diminish its evils or shorten their duration; that they will keep in mind that a resort to war must involve necessary restrictions on commerce; and that were no measure whatever opposed to the Belligerent Acts against our Commerce, it would not

only remain under the severe restrictions now imposed by foreign hands, but new motives would be given for prolonging and invigorating them.

These observations are not meant to anticipate the policy which the Legislature may henceforward find best adapted to support the honor or promote the interest of the Nation; or to prejudge questions relative to particular changes which may be pointed out by experience, or be called for by the state of our foreign relations. Neither do they imply any predetermination as to the measure of convening the Legislature, which it will be a duty to adopt or decline as our national affairs may appear to require. The view of our situation presented to your patriotic reflections, has been suggested by that contained in your address; And it will have its desired effect, if it recalls your attention to the peculiar embarrassments with which the National Councils have had to contend, and enforces the importance of manifesting that union of all in supporting the measures of the Constituted Authorities whilst actually in force, which is as necessary to their effect at home and abroad, as it is consistent with the right and with the legitimate modes, of seeking a revival of them. In the mode which the Town of New Haven has employed I witness with satisfaction, that in exercising the right of freemen, the obligation of Citizens has not been forgotten; and that it affords a pledge and an example which I am far from undervaluing.

I tender you my respects and my friendly wishes.
WASHINGTON, May 24, 1811.

TO THOMAS JEFFERSON.

MAD. MSS.

WASHINGTON June 7, 1811

DEAR SIR I return the letter from you to Duane, on the subject of Mr. Gallatin he seems to be incorrigible. If I am not misinformed, his eyes are opening to the conduct & character of Mr. S. with respect to both of which he has suffered himself to be misled partly by his own passions, partly by those who took advantage of them. You see the new shapes our foreign relations are taking. The occurrence between Rogers & the British ship of war, not unlikely to bring on repetitions, will probably end in an open rupture, or a better understanding, as the calculations of the B. Gov^t may prompt or dissuade from war.¹ Among the items in these will be the temper here, as reported by its partizans. The state of parties in Mass^{ts} is in this view important, especially as it will attract particular notice by its effects in degrading Pickering, who has made himself so conspicuous in the British service.² On the other hand much impatience is shewing itself in the Eastⁿ States, under the non-importation. The little embarrass-

¹ May 16 Commodore John Rodgers with *The President* engaged the British corvette *Little Belt*.

² The State now had a Republican majority and Timothy Pickering was retired from the Senate, Joseph B. Varnum being elected to succeed him.

ment which occurs in procuring returns for the apples & onions sent from Connecticut to the W. Indies, is generating remonstrances as in the case of the Embargo. I have been obliged to answer one from N. Haven headed by Hillhouse, which they have not yet published. The protracted delay of the Essex still leaves us a prey to the ignorance & interested falsehoods which fill our newspapers. It would seem that G. B. is determined agst repealing her orders, and that Bonaparte is equally so on the destruction of her commerce, to which he readily sacrifices his own commerce with the U. S. As to the blockade of England, (the decree to which alone the Act of Cong^s & the Proclamation have reference) there is no evidence of its being continued in force. All the Official evidence is on the other side. And yet by a confusion of ideas or artifice of language, the appearance is kept up that the ground of the non-importation has failed, and that it is consequently a wrong to G. B. After all, we must remain somewhat in the dark till we hear more on the subject; probably till the return of the vessel that carried to France the Act of Cong^s putting in force the non-importation, for w^{ch} Bonap^e seems to be waiting. After a severe drought, we have had a copious rain. I hope you have shared it & that it will have aided the Wheat-fields in their conflict with the Hessian fly. Be assured of my constant & truest affection.

THIRD ANNUAL MESSAGE.

WASHINGTON, November 5, 1811

Fellow-Citizens of the Senate and of the House of Representatives:

In calling you together sooner than a separation from your homes would otherwise have been required I yielded to considerations drawn from the posture of our foreign affairs, and in fixing the present for the time of your meeting regard was had to the probability of further developments of the policy of the belligerent powers toward this country which might the more unite the national councils in the measures to be pursued.

At the close of the last session of Congress it was hoped that the successive confirmations of the extinction of the French decrees, so far as they violated our neutral commerce, would have induced the Government of Great Britain to repeal its orders in council, and thereby authorize a removal of the existing obstructions to her commerce with the United States.

Instead of this reasonable step toward satisfaction and friendship between the two nations, the orders were, at a moment when least to have been expected, put into more rigorous execution; and it was communicated through the British envoy just arrived that whilst the revocation of the edicts of France, as officially made known to the British Government, was denied to have taken place, it was an indispensable condition of the repeal of the British orders that commerce should be restored to a footing that would admit the productions and manufactures of Great Britain, when owned by neutrals, into markets shut against them by her enemy, the United States being given to understand that in the meantime a continuance of their non-importation act would lead to measures of retaliation.

At a later date it has indeed appeared that a communication

to the British Government of fresh evidence of the repeal of the French decrees against our neutral trade was followed by an intimation that it had been transmitted to the British plenipotentiary here in order that it might receive full consideration in the depending discussions. This communication appears not to have been received; but the transmission of it hither, instead of founding on it an actual repeal of the orders or assurances that the repeal would ensue, will not permit us to rely on any effective change in the British cabinet. To be ready to meet with cordiality satisfactory proofs of such a change, and to proceed in the meantime in adapting our measures to the views which have been disclosed through that minister will best consult our whole duty.

In the unfriendly spirit of those disclosures indemnity and redress for other wrongs have continued to be withheld, and our coasts and the mouths of our harbors have again witnessed scenes not less derogatory to the dearest of our national rights than vexatious to the regular course of our trade.

Among the occurrences produced by the conduct of British ships of war hovering on our coasts was an encounter between one of them and the American frigate commanded by Captain Rodgers, rendered unavoidable on the part of the latter by a fire commenced without cause by the former, whose commander is therefore alone chargeable with the blood unfortunately shed in maintaining the honor of the American flag. The proceedings of a court of inquiry requested by Captain Rodgers are communicated, together with the correspondence relating to the occurrence, between the Secretary of State and His Britannic Majesty's envoy. To these are added the several correspondences which have passed on the subject of the British orders in council, and to both the correspondence relating to the Floridas, in which Congress will be made acquainted with the interposition which the Government of Great Britain has thought proper to make against the proceeding of the United States.

The justice and fairness which have been evinced on the part of the United States toward France, both before and since the revocation of her decrees, authorized an expectation that her Government would have followed up that measure by all such others as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is yet given of an intention to repair the other wrongs done to the United States, and particularly to restore the great amount of American property seized and condemned under edicts which, though not affecting our neutral relations, and therefore not entering into questions between the United States and other belligerents, were nevertheless founded in such unjust principles that the reparation ought to have been prompt and ample.

In addition to this and other demands of strict right on that nation, the United States have much reason to be dissatisfied with the rigorous and unexpected restrictions to which their trade with the French dominion has been subjected, and which, if not discontinued, will require at least corresponding restrictions on importations from France into the United States.

On all those subjects our minister plenipotentiary lately sent to Paris has carried with him the necessary instructions, the result of which will be communicated to you, and, by ascertaining the ulterior policy of the French Government toward the United States, will enable you to adapt to it that of the United States toward France.

Our other foreign relations remain without unfavorable changes. With Russia they are on the best footing of friendship. The ports of Sweden have afforded proofs of friendly dispositions toward our commerce in the councils of that nation also, and the information from our special minister to Denmark shews that the mission had been attended with valuable effects to our citizens, whose property had been so extensively violated and endangered by cruisers under the Danish flag.

Under the ominous indications which commanded attention it became a duty to exert the means committed to the executive department in providing for the general security. The works of defense on our maritime frontier have accordingly been prosecuted with an activity leaving little to be added for the completion of the most important ones, and, as particularly suited for co-operation in emergencies, a portion of the gunboats have in particular harbors been ordered into use. The ships of war before in commission, with the addition of a frigate, have been chiefly employed as a cruising guard to the rights of our coast, and such a disposition has been made of our land forces as was thought to promise the services most appropriate and important. In this disposition is included a force consisting of regulars and militia, embodied in the Indiana Territory and marched toward our north-western frontier. This measure was made requisite by several murders and depredations committed by Indians, but more especially by the menacing preparations and aspect of a combination of them on the Wabash, under the influence and direction of a fanatic of the Shawanese tribe. With these exceptions the Indian tribes retain their peaceable dispositions toward us, and their usual pursuits.

I must now add that the period is arrived which claims from the legislative guardians of the national rights a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts on the part of the United States to substitute for the accumulating dangers to the peace of the two countries all the mutual advantages of re-established friendship and confidence, we have seen that the British cabinet perseveres not only in withholding a remedy for other wrongs, so long and so loudly calling for it, but in the execution, brought home to the threshold of our territory, of measures which under existing circumstances have the character as well as the effect of war on our lawful commerce.

With this evidence of hostile inflexibility in trampling on rights which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.

I recommend, accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services; for detachments as they may be wanted of other portions of the militia, and for such a preparation of the great body as will proportion its usefulness to its intrinsic capacities. Nor can the occasion fail to remind you of the importance of those military seminaries which in every event will form a valuable and frugal part of our military establishment.

The manufacture of cannon and small arms has proceeded with due success, and the stock and resources of all the necessary munitions are adequate to emergencies. It will not be inexpedient, however, for Congress to authorize an enlargement of them.

Your attention will of course be drawn to such provisions on the subject of our naval force as may be required for the services to which it may be best adapted. I submit to Congress the seasonableness also of an authority to augment the stock of such materials as are imperishable in their nature, or may not at once be attainable.

In contemplating the scenes which distinguish this momentous epoch, and estimating their claims to our attention, it is impossible to overlook those developing themselves among the great communities which occupy the southern portion of our own hemisphere and extend into our neighborhood. An enlarged philanthropy and an enlightened forecast concur in imposing on the national councils an obligation to take a deep interest in their destinies, to cherish reciprocal sentiments of good will, to regard the progress of events, and not to be

unprepared for whatever order of things may be ultimately established.

Under another aspect of our situation the early attention of Congress will be due to the expediency of further guards against evasions and infractions of our commercial laws. The practice of smuggling, which is odious everywhere, and particularly criminal in free governments, where, the laws being made by all for the good of all, a fraud is committed on every individual as well as on the state, attains its utmost guilt when it blends with a pursuit of ignominious gain a treacherous subserviency, in the transgressors, to a foreign policy adverse to that of their own country. It is then that the virtuous indignation of the public should be enabled to manifest itself through the regular animadversions of the most competent laws.

To secure greater respect to our mercantile flag, and to the honest interests which it covers, it is expedient also that it be made punishable in our citizens to accept licenses from foreign governments for a trade unlawfully interdicted by them to other American citizens, or to trade under false colors or papers of any sort.

A prohibition is equally called for against the acceptance by our citizens of special licenses to be used in a trade with the United States, and against the admission into particular ports of the United States of vessels from foreign countries authorized to trade with particular ports only.

Although other subjects will press more immediately on your deliberations, a portion of them can not but be well bestowed on the just and sound policy of securing to our manufactures the success they have attained, and are still attaining, in some degree, under the impulse of causes not permanent, and to our navigation, the fair extent of which is at present abridged by the unequal regulations of foreign governments.

Besides the reasonableness of saving our manufacturers from sacrifices which a change of circumstances might bring

on them, the national interest requires that, with respect to such articles at least as belong to our defense and our primary wants, we should not be left in unnecessary dependence on external supplies. And whilst foreign governments adhere to the existing discriminations in their ports against our navigation, and an equality or lesser discrimination is enjoyed by their navigation in our ports, the effect can not be mistaken, because it has been seriously felt by our shipping interests; and in proportion as this takes place the advantages of an independent conveyance of our products to foreign markets and of a growing body of mariners trained by their occupations for the service of their country in times of danger must be diminished.

The receipts into the Treasury during the year ending on the 30th of September last have exceeded \$13,500,000, and have enabled us to defray the current expenses, including the interest on the public debt, and to reimburse more than \$5,000,000 of the principal without recurring to the loan authorized by the act of the last session. The temporary loan obtained in the latter end of the year 1810 has also been reimbursed, and is not included in that amount.

The decrease of revenue arising from the situation of our commerce, and the extraordinary expenses which have and may become necessary, must be taken into view in making commensurate provisions for the ensuing year; and I recommend to your consideration the propriety of insuring a sufficiency of annual revenue at least to defray the ordinary expenses of Government, and to pay the interest on the public debt, including that on new loans which may be authorized.

I cannot close this communication without expressing my deep sense of the crisis in which you are assembled, my confidence in a wise and honorable result to your deliberations, and assurances of the faithful zeal with which my co-operating duties will be discharged, invoking at the same time the blessing of Heaven on our beloved country and on

all the means that may be employed in vindicating its rights and advancing its welfare.

TO J. Q. ADAMS.

MAD. MSS.

(Private.)

WASHINGTON Nov^r 15, 1811

DEAR SIR I have received your several favors of Feb^y 8, Ap^l 19, June 3,¹ and Aug. 17, all of them in triplicates or duplicates.

I need not say how agreeable it would have been to me, and I am persuaded satisfactory to the public, if your inclination & circumstances had favored the new allotment of your services. Being ignorant of the obstacle arising from the particular state of your family, and inferring from considerations known to you, that such an exchange might not be unwelcome, I had proceeded so far in anticipating a decision different from that which took place in your mind, as to hold out the station at St^t Petersburg to another. It has happened that no disappointment of any sort ensued to your contemplated successor. But I ought not to omit, that I did not so far lose sight of the possibility that you might be induced to decline the new appointment, as not to have meditated a provision for that event which w^d have probably de-

¹ John Quincy Adams wrote to Madison June 3, 1811, from St. Petersburg, declining the commission sent him as Associate Justice of the Supreme Court. The study of law had never been congenial to him, and he had formerly declined a similar appointment in Massachusetts. He recommended in his place John Davis, of Massachusetts. —*Chicago Hist. Soc. Mss.*

prived it of its embarrassments. In the present state of things, I have only to wish that your diplomatic situation may continue to be less incommodious than it was at first found; and that opportunities of rendering it useful to your Country may equal her confidence in the fidelity and ability which you will apply to them.

Count Pahlen has just delivered his letter of leave, in pursuance of the order of the Emperor which translates him to Rio Janeiro. His excellent dispositions, and amicable deportment, have justly rendered him so highly & universally agreeable here, that we take for granted that no doubt on that point can have been among the reasons of his sovereign for this change of his destination.

You will receive by this conveyance from the Department of State, the late communications to Congress, including the adjustment of the rusty and corrosive affair of the Chesapeake.¹ The pretension of G. B. which requires us as a neutral nation to assert agst one belligerent an obligation to open its markets to the products of the other, shews a pre-determination to make her orders in Council co-durable with the war, for she cannot be unaware that nothing but a termination of the war if even that, will fulfill the condition annexed to their repeal. The

¹ November 1, the British Minister wrote to Monroe formally disavowing Admiral Berkeley's act and offering to restore the men taken from the *Chesapeake* to that vessel and make compensation for their injuries. The two surviving seamen were accordingly brought from Halifax, where they were in jail, and restored to the deck of the *Chesapeake* in Boston Harbor.—*Henry Adams*, vi., 122.

question to be decided, therefore, by Congress, according to present appearances, simply is, whether all the trade to which the orders are and shall be applied, is to be abandoned, or the hostile operation of them, be hostilely resisted. The apparent disposition is certainly not in favor of the first alternative, though it is more than probable, that if the second should be adopted, the execution of it will be put off till the close of the Session approaches; with the exception perhaps of a licence to our Merchantmen to arm in self-defence, which can scarcely fail to bring on war in its full extent unless such an evidence of the disposition of the U. S. to prefer war to submission should arrest the cause for it. The reparation made for the attack on the American frigate Chesapeake, takes one splinter out of our wounds; but besides the provoking tardiness of the remedy, the moment finally chosen deprives it of much of its effect, by giving it the appearance of a mere anadyne to the excitements in Cong^s & the nation produced by the cotemporary disclosures.

It will afford you pleasure to know that the aggregate of our Crops was never greater than for the present year. The grain part of them is particularly abundant.

I tender you assurances of my great esteem and friendly respects.

TO JOEL BARLOW.¹

MAD. MSS.

(Private.)

WASHINGTON NOV^r 17, 1811

DEAR SIR You will receive by this conveyance the proper communications from the Dep^t of State. You will see in them, the ground now avowed for the B. Orders in Council. It must render them co-durable with the war; for nothing but a termination of it will re-open the continental market to British products. Nor is it probable that peace will do it in its former extent. The pretension which requires the U. S. as a neutral power to assert an obligation on one belligerent, to favor, by its internal regulations, the manufactures of another, is a fitter subject for ridicule than refutation. It accordingly has no countenance here even among the most devoted champions of G. B. Whether some of them, by arming themselves with simulated facts & sophistical distinctions, may not be emboldened to turn out in her defence, will soon be seen. Nothing has yet passed in Cong^s disclosing the sense of that Body, with respect to the moment & manner of meeting the conduct of G. B. in its present hostile shape. A disposition appears to enter at once on preparations, which will probably be put in force or not, as the effect of them on the British Councils, shall be ascertained in the course of the session. In the mean

¹ Joel Barlow was appointed consul at Algiers March 3, 1797, and Minister to France, February 27, 1811, and left for Paris July, 1811, arriving in Paris Sept. 19th.

time it is not improbable that the merchant vessels may be permitted to arm for self-defence. This can scarcely fail to bring on maritime reprisals; and to end in the full extent of war, unless a change in the British system should arrest the career of events. All proceedings however relating to G. Britain, will be much influenced by the conduct of France not only as it relates to a violation of our neutral rights; but of our national ones also, and to justice for the past as well as for the future and that too not only in cases strictly French, but in those in Naples & elsewhere indirectly so. Altho' in our discussions with G. B. we have been justified in viewing the repeal of the French Decrees as sufficiently substantiated to require a fulfilment of the pledge to repeal the orders in Council; yet the manner in which the F. Gov^t has managed the repeal of the decrees, and evaded a correction of other outrages, has mingled with the conciliatory tendency of the repeal, as much of irritation and disgust as possible. And these sentiments are not a little strengthened by the sarcastic comments on that management, with which we are constantly pelted in our discussions with the B. Gov^t and for which the F. Gov^t ought to be ashamed to furnish the occasion. In fact without a systematic change from an appearance of crafty contrivance, and insatiate cupidity, for an open manly, & upright dealing with a nation whose example demands it, it is impossible that good will can exist; and that the ill-will which her policy aims at directing against her enemy, should not, by her folly and iniquity, be

drawn off against herself. The late licentiousness of the F. privateers in the Baltic, the ruinous transmission of their cases to Paris, and the countenance said to be there given to such abuses, are kindling a fresh flame here; And if a remedy be not applied, & our merchantmen should arm, hostile collisions will as readily take place with one nation as the other. Were it not that our frigates would be in danger of rencounters with British ships of superior force in that quarter, there could be no scruple at sending thither some of them, with orders to suppress by force the French and Danish depredations. I am aware that a pretext for these has been sought in the practice of our vessels in accepting British Convoy; but have they not in many instances at least been driven to this irregular step by the greater irregularities practised agst them? We await the return of the Constitution not without a hope of finding the good effect of your remonstrances in a radical change of the French policy towards this Country.

The reparation for the outrage on the Chesapeake frigate, which you will find in the correspondence between Mr. Foster and Mr. Monroe, tho' in a stile & extent sufficiently admissible under actual circumstances, has been so timed as to lose its conciliatory effect, by wearing the appearance of a diplomatic ruse. Those who value it most, do so on the calculation that Mr. F. is authorized to go forward in the road from which he has removed the stumbling-block. In this they allow their wishes to mislead their judgments.

From a late communication of Mr. Russell, to the Secretary of State it appears that the F. Emperor has very wisely made up his mind for the Independence of Spanish America; and for the possession of E. as well as W. Florida by the U. S. It is to be hoped that no unworthy attempt will be made to extract money from the occasion: 1. because it is incompatible with the assumed idea that Sp: Am^a must be independent. 2. because, without our occupancy, that of G. B. would be interposed. 3. & essentially, because the pecuniary value of the territory is due from Spain to the U. S. You ought to know that there is good reason to believe that an agent (Keene) for certain grasping land Jobbers of N. Orleans & possibly elsewhere, has been treating with the Cortes for the vacant lands in E. Florida, and it may be counted on that equal art & avarice will mingle themselves with every opportunity for corrupt speculations.

Hitherto the Continental Colonies of S. America have masked their views of independence, under a nominal adherence to Ferdinand, as the head of the whole empire, in contradistinction to the Cortes governing the European part of it only. Venezuela however has thrown off this mask, has communicated to us its declaration of Independence, and solicits our acknowledging it by receiving a Pub. Minister &c. Mexico, according to our intelligence, w^{ch} is difficult & obscure, is still in the struggle between the revolutionary & royal parties.

In what manner G. B. will proceed in the case of

Venezuela, & other districts following its example does not yet appear. Whilst Ferdinand was acknowledged, it was less difficult to steer between the Cortes and the Colonies. It will require more dexterity to reconcile her political connections with the former, and her commercial views towards the latter. If our information from Cadiz be not very erroneous, she is doing us all the mischief there which her influence can effect. What her conduct may be in the event of our taking possession of E. Florida, cannot yet be said. The game she will play with Cuba, may more readily be conjectured. But like most of her others it may in the end be a losing one.

You will receive from the Dep^t of State a set of Newspapers, & will see the pub. countenance as reflected in that Mirror. I add one or two which happen to be at hand, and to contain some things worth perusal.

Accept my great esteem & most friendly respects.

SPECIAL MESSAGE TO CONGRESS.

WASHINGTON, *December 23, 1811.*

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

I communicate to Congress copies of an act of the legislature of New York relating to a canal from the Great Lakes to Hudson River. In making the communication I consult the respect due to that State, in whose behalf the commissioners appointed by the act have placed it in my hands for the purpose.

The utility of canal navigation is universally admitted. It is no less certain that scarcely any country offers more

extensive opportunities for that branch of improvements than the United States, and none, perhaps, inducements equally persuasive to make the most of them. The particular undertaking contemplated by the State of New York, which marks an honorable spirit of enterprise and comprises objects of national as well as more limited importance, will recall the attention of Congress to the signal advantages to be derived to the United States from a general system of internal communication and conveyance, and suggest to their consideration whatever steps may be proper on their part toward its introduction and accomplishment. As some of those advantages have an intimate connection with the arrangements and exertions for the general security, it is at a period calling for those that the merits of such a system will be seen in the strongest lights.

TO THE HOUSE OF REPRESENTATIVES OF THE STATE
OF SOUTH CAROLINA. MAD. MSS.

I have rec^d fellow Citizens your address, transmitted on the 22 of December, 1811.¹

Under the circumstances which impose on the National Councils, the duty of resorting to other means for obtaining respect to the national rights, than a continuation of the unavailing appeals to the justice of the aggressors, it is an animating consideration that the great body of the Nation appear to be united, in the convictions & feelings which you have expressed.

Our Country faithful to the principles which it professed & studious of the blessings of peace, omitted no pacific effort to engage the Belligerents to abandon their anti-neutral systems; persevering in the authorized expectation that if the

¹ The address was drawn up by Charles Pinckney and an advance copy sent by him to Monroe for the President December 15. It praised Madison and promised him the support of South Carolina.—*D. of S. Mss. Miscellaneous Letters.*

example should be given by either, it would be followed by the other. When the repeal of the French Edicts, therefore, was officially declared, it was reasonably inferred that the occasion would be seized by G. Britain to demonstrate the sincerity of her professions, and to remove the obstructions to our commercial intercourse with her which had resulted from the obstructions of our commerce with her adversary. Far from making good the pledge to proceed even step by step with France, in returning to a respect for our neutral rights, her Government contended for formalities in the French proceeding, not observed even in her own practice; and disputed an evidence of facts, which any other than a reluctant party would have promptly embraced; untill, forced into a distrust of these pretexts for adhering to her orders she has at length made it a condition of their repeal, that the markets shut by her Enemy, shall be opened to her productions and manufactures; a condition, which being equally beyond our right to demand, and our means to effect, involves a continuance of the system levelled against our lawful trade, during a war itself of indefinite duration.

The alternative thus presented to the American Nation is rallying it to a vindication of its violated rights, and it would be injustice to its character to doubt that its energy and perseverance, when rendered necessary, will be proportioned to the justice and moderation, by which that necessity ought to have been prevented.

Acquiescence in the practice and pretensions of the British Gov^t is forbidden by every view that can be taken of the subject. It would be a voluntary surrender of the persons and property of our Citizens sailing under the neutral guaranty of an Independent flag. It would recolonize our commerce by subjecting it to a foreign Authority; with the sole difference that the regulations of it formerly were made by Acts of Parliament and now, by orders in Council. And whatever benefits might be reaped by particular portions of the Community, whose products are favored by contingent demands,

but whose patriotism will not the less make a common cause with every other portion, experience warns us of the fatal tendencies of a commerce unrestricted with G. B., and restricted by her pleasure and policy elsewhere. Whilst the limited Market would continue overcharged with our exports, the disproportionate imports from it, would drain from us the precious metals, endanger our monied Institutions; arrest our internal improvements, and would strangle in the cradle, the manufactures which promise so vigorous a growth. Nor would the evil be confined to our commerce, our agriculture, or our manufactures. The Ship owners & Shipbuilders and mariners must be equally sufferers. Should the regulating power submitted to afford no new preferences to British Navigation, those derived from existing laws & orders would exclude American vessels from the carriage of the products of their own Country, from its own ports. Finally, an acquiescence in the regulation of our Commerce, by the Belligerent having the command of the sea, would be the surest method of perpetuating its destructive Edicts. In a state of things so favorable to its interests, and so flattering to its power, the motives to a change would cease, if a change were otherwise likely to take place.

It is with a just discernment therefore that you have regarded a dereliction of our National rights as not less ruinous than dishonorable; and, with an exemplary patriotism that you have unanimously resolved to co-operate in maintaining them.

WASHINGTON Jan^y. 8th 1812

TO THOMAS JEFFERSON.

MAD. MSS.

WASHINGTON, Feb^y. 7, 1812.

DEAR SIR I have rec^d several letters from you which not requiring special answers, I now beg leave to acknowledge in the lump. I have delayed it in the hope that I might add something on our

public affairs not uninteresting. If there be any thing at present of this character it will be found in the inclosed paper from N. York. We have no late official information from Europe; but all that we see from G. B. indicates an adherence to her mad policy towards the U. S. The Newspapers give you a sufficient insight into the measures of Congress. With a view to enable the Executive to step at once into Canada they have provided after two months delay, for a regular force¹ requiring 12 to raise it, and after 3 months for a volunteer force, on terms not likely to raise it at all for that object. The mixture of good & bad, avowed & disguised motives accounting for these things is curious eno' but not to be explained in the compass of a letter. Among other jobbs on my hands is the case of Wilkinson.²

¹ The act of January 11th provided for raising immediately ten regiments of infantry, two of artillery and one of light dragoons for five years unless sooner discharged. The act of February 6th authorized the President to accept volunteers to the number of 50,000, to do duty whenever he should deem proper and to be bound to remain in the service for twelve months after arriving at a rendezvous. They were to retain their own officers and receive the same pay and allowances as regular troops.—*Annals of Cong.* 12th Cong., Part 2, 2230 *et seq.*

² James Wilkinson was Senior Brigadier-General in the army. He was tried by court-martial September 2d to December 25th on eight charges—being a pensioner of Spain, treasonable projects for the dismemberment of the United States, conspiracy with Aaron Burr, connivance at treasonable designs, conspiracy against a friendly nation, disobedience of orders, neglect of duty, misapplication and waste of public funds. His acquittal was because there was not sufficient evidence to convict. February 14th, Madison approved the finding with this memorandum:

“I have examined and considered the foregoing proceedings of the General Court Martial, held at Fredericktown, for the trial of Brigadier General Wilkinson—and although I have observed in those proceed-

His defence fills 6 or 700 pages of the most colossal paper. The minutes of the Court, oral written & printed testimony, are all in proportion. A month has not yet carried me thro' the whole.

We have had of late a hard winter & much Ice which still lies on the water in view. The reiteration of Earthquakes continues to be reported from various quarters. They have slightly reached the State of N. Y. and been severely felt W. and S. Westwardly. There was one here this morning at 5 or 6 minutes after 4 o'C. It was rather stronger than any preceding one, & lasted several minutes; with sensible tho' very slight repetitions throughout the succeeding hour.

Be assured of my best affections.

TO JOEL BARLOW.

MAD MSS.

WASHINGTON Feby 24, 1812

DEAR SIR,—Mr. Morris delivered yesterday morning the dispatches committed to him, including your letters to me.

The reasons for hastening the departure of the vessel now ordered to France, will not permit the Sec^y of State to do much more than acknowledge the receipt of your communications. The instructions you wish relative to the question of a Commercial

ings, with regret, that there are instances in the conduct of the court as well as of the officer on trial, which are evidently and justly objectionable, his acquittal of the several charges, exhibited against him, is approved and his sword is accordingly ordered to be restored"—*Annals of Congress*, 12th Cong., Part 2, p 2125

Treaty with F. at this time, as well as the requisite terms, should such an one be admissible, will be subjects of due consideration and early communication.

I see with pleasure the auspicious attentions which have distinguished your intercourse with the F. Gov^t, and the convincing views presented, on your part, of the commercial policy which it ought to adopt towards the U. S. From these sources encouragement is drawn. In other respects the prospect suggests distrust rather than expectation. The delay in answering your note, the vagueness of the answer when given; the refusal to sign the contents of the paper presented by you, even in the ordinary & unexceptionable form proposed; and the substitution of a verbal for a written notification of the orders to the Custom Houses, &c &c, by which our merchants were to be invited to the F. Market, are circumstances which necessarily attract serious notice. The reserve manifested on the subject of the paper alluded to is the more remarkable as a written sanction to it would have so little committed them. Beyond a freedom of the French ports to the products of the U. S. under all the existing limitations & incumbrances, it pledged nothing more than a melioration of formalities as to ownership and origin; leaving Colonial produce on the old footing of special licences. The liberation of the remaining Ships & Cargoes could surely have created no difficulty, if any real purpose of friendship or good faith be entertained. It would seem therefore that the objection must have lain against the clause forbidding captures & seizures,

for other cause than forged papers. The recent condemnations in the Baltic cases, and the avowal of the F. Consul in Denmark that all vessels, *whithersoever* bound, with Colonial produce were within the orders to capture, favor this conjecture; and if it be the true one, adjustment is hopeless; and the consequences obvious. I do not forget that your understanding of all these particulars was better than mine can be, and that my constructions may be merely colorable. I wish this may be the case, but we find so little of explicit dealing or substantial redress mingled with the compliments and encouragements which cost nothing because they may mean nothing, that suspicions are unavoidable; and if they be erroneous, the fault does not lie with those who entertain them.

From the scanty attention I can now give to the subject of a commercial Treaty with F. I am at a loss for the necessity of it, or the motives of F. to set it on foot, if it be not meant to gain time, and be guided by events.¹ On our side we have nothing to stipulate, which is not secured to her, as long as she merits it, by our general system which leaves our exports & imports free, without any duties on the former, and with moderate ones on the latter. It is on her side that changes & securities are necessary to a friendly reciprocity; and these will for the present be satisfactory to us in the form of stable regulations fairly executed. Among them a reduced tarif favoring

¹ Nevertheless, Barlow brought the subject before the French government and submitted the full draft of a commercial treaty. Barlow to Monroe, December 31, 1811.—*D. of S. MSS. Despatches.*

all our great Staples, and a transit thro' F. ports to inland markets, are indispensable to a continued admission of F. staples. The system of licences must be abolished, if not by F. by us. The neglect of the subject by Cong^s is remarkable, but the event cannot be doubtful. Such a mode of commerce corrupts one class of Citizens and disgusts all the rest; & when the trade licensed is in foreign, not native articles, the evil preponderates still more over the profit. The F. Gov^t seems to have taken up a radical error with regard to the commercial interests of the two Countries. It overrates our desire of her commodities. The present footing of the commerce is intolerable to the U. S. and it will be prohibited, if no essential change takes place. At all times it will be a barter of food & raw materials for superfluities, in great part; and altogether so (with the temporary exception of colonial re-exports) as long as a balance in money is prevented by the existing policy of France, and a return of useful fabrics by the war. Why might not certificates of origin from F. Consuls, or still better of direct shipments from our ports, take the place of licenses. The advantages of the change are numerous & obvious. Mr. Gallatin promises to say something to Mr. Lee on this head.

I am concerned that the prospect of indemnity for the Rambouillet and other spoliations is so discouraging as to have led to the idea of seeking it thro' King Joseph. Were there no other objection than the effect on the public mind here, this would be an insuperable one. The gratification of the sufferers

by the result would be lost in the general feeling agst the measure. But Joseph is not yet *settled* on the Spanish Throne; When so, defacto, he will be *sovereign* neither de facto, nor de jure, of any Spanish part of this Continent; the whole of which, if it had not on other accounts a right to separate from the peninsula, would derive it from the usurpation of Joseph. So evident is it that he can never be K^g of a Spanish Province, either by conquest or consent, that the Independence of all of them, is avowedly favored by the policy which rules him. Nor would a purchase under Joseph, place us an inch nearer our object. He could give us neither right, nor possession; and we should be obliged to acquire the latter by means which a grant from him would be more likely to embarrass than promote. I hope therefore that the French Government will be brought to feel the obligation & the necessity of repairing the wrongs, the flagrant wrongs in question, either by payments from the Treasury or negotiable substitutes. Without one or other or some fair equivalent there can be neither cordiality nor confidence here; nor any restraint from self redress in any justifiable mode of effecting it; nor any formal Treaty on any subject. With Justice on this subject, formal stipulations on others might be combinable.

As the *Hornet* had reached F. before the sailing of the *Constitution*, and the latter had not a very short passage, we shall soon look for further communications from you. I hope they will correspond equally with your patriotic exertions, and the public

calculations. If they do not exhibit the conduct of the F. Gov^t in better colors than it has yet assumed, there will be but one sentiment in this country, & I need not say what that will be.

Be assured of my affectionate esteem.

TO THOMAS JEFFERSON.

MAD. MSS.

WASHINGTON, Mar. 6, 1812.

DEAR SIR,—I return the letter from Foronda inclosed in yours of the 19th Feb^y. I find I shall not be able to read his lucubrations in print. The letter from Dr. Guantt[?] is in the hands of the Sec^y of war, and will not be unheeded; but the course the nominations have taken makes it doubtful whether the wishes in behalf of his son can be fulfilled. You will see that Cong^s, or rather the H. of R^s, have got down the dose of taxes.¹ It is the strongest proof they could give that they do not mean to flinch from the contest to which the mad conduct of G. B. drives them. Her perseverance in this seems to be sufficiently attested by the language of L^d Liverpoole & Mr. Perceval in their parliamentary comments on the Regent's message. The information from F. is pretty justly described in the paragraph inserted in the Nat^l Intelligencer after the arrival of the Constitution. The prints herewith inclosed are forwarded to you at the request of Thom^s Gimbrede, (of N. York,) the author.

¹ The vote was 56 to 34, passed Mar. 4th.—*Annals of Cong*, 12th Cong, Part 1, p. 1155.

SPECIAL MESSAGE TO CONGRESS

March 9, 1812.

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

I lay before Congress copies of certain documents which remain in the Department of State.¹ They prove that at a recent period, whilst the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality toward Great Britain, and in the midst of amicable professions and negotiations on the part of the British Government, through its public minister here, a secret agent of that Government was employed in certain States, more especially at the seat of government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation, and in intrigues with the disaffected, for the purpose of bringing about resistance to the laws, and eventually, in concert with a British force, of destroying the Union and forming the eastern part thereof into a political connection with Great Britain.

In addition to the effect which the discovery of such a procedure ought to have on the public councils, it will not fail to render more dear to the hearts of all good citizens that happy union of these States which, under Divine Providence, is the guaranty of their liberties, their safety, their tranquillity, and their prosperity.

TO JONATHAN DAYTON. CHIC. HIST. SOC. MSS.
[March 17, 1812.]

In the latter end of the year 1808, and spring of 1809, two anonymous letters were addressed, one

¹ This was the famous Henry correspondence which showed that a secret agent of the British government had been engaged in reporting the extent of the disaffection towards the government in the New England States. The correspondence may be read in the *Annals of Cong.*, 12th Cong., Part 1, p. 1162. For an account of the whole transaction see *Henry Adams*, v., 14 and 86, and vi., 176, *et seq.*

to the Hon Secy. of State, the other to the P. of the U. S.¹ They related to a projected severance of the Union, brought to the knowledge of the writer, which was to be undertaken in case of a rupture with G. B. under the managem^t of men of high standing; but was obviated for the time by the accomodation settled with Mr. Erskine. The writer justly estimating the importance of bringing to pub. view the guilty associates, signified his intention to resume his disclosures, sh^d a future occasion call for them; and to give such evidences of their machinations as w^d be conclusive. Such an occasion is formed by existing circumstances. The British designs agst our Union have been happily detected & exposed: But no evidence is produced, having like effect as to domestic plotters; who in the event of war, may be expected to avail themselves of that advantage, in seizing any favorable moment for renewing their machinations. As the motives to the communications & purposes alluded to are doubtless unchanged & as to the want of name & dates to the letters conveying them, is supplied by the handwriting, & post marks, this note may recall the subject to the writer, at a moment singularly critical. A Com^e of investigation, under the title of Com^e of For relations, having been app^d by the H. of Rep^s any name & proofs, or the sources of them may be either pointed out to

¹ The anonymous letters cannot be found. Jonathan Dayton was a revolutionary veteran, Senator from New Jersey 1799 to 1805, speaker of the House of Representatives 1795 to 1799. He was arrested for alleged conspiracy with Aaron Burr, but never tried.

that body, or otherwise made known as may be thought proper.

TO THOMAS JEFFERSON

MAD. MSS.

WASHINGTON April 3, 1812

DEAR SIR,—I have rec^d your favor of the 26th, and have made to the members of the Cabinet the communication you suggest with respect to your printed Memoir on the Batture. I learn from the Department of State that some books were rec^d for you, and duly forwarded. What they were was not ascertained or remembered. If they do not on their arrival correspond with your expectation, let me know, & further enquiry will be made. Meantime there is in my possession, a very large packet, addressed to you, which is probably a Continuation of Humboldts draughts, or other Maps. It was accompanied by no letter to me, and being unfit for the mail, waits for the patronage of some trusty traveller, bound in the stage towards Monticello. A late arrival from G. B. brings dates subsequent to the maturity of the Prince Regent's authority. It appears that Percival, &c, are to retain their places, and that they prefer war with us, to a repeal of their Orders in Council. We have nothing left therefore, but to make ready for it. As a step to it an embargo for 60 days was recommended to Cong^s on Wednesday, and agreed to in the H. of Rep^s by about 70 to 40.¹ The Bill

¹ On April 1 Madison sent the following message to Congress: "Considering it expedient under existing circumstances and prospects, that

was before the Senate yesterday, who adjourned about 4 or 5 o'Clock without a decision. Whether this result was produced by the rule which arms a single member with a veto agst a decision in one day on a bill, or foretells a rejection of the Bill I have not yet heard. The temper of that body is known to be equivocal. Such a measure, even for a limited and short time, is always liable to adverse as well as favorable considerations; and its operations at this moment, will add fuel to party discontent, and interested clamor. But it is a rational & provident measure, and will be relished by a greater portion of the Nation, than an omission of it. If it could have been taken sooner and for a period of 3 or 4 months, it might have enlisted an alarm of the B. Cabinet, for their Peninsular System on the side of Concessions to us; and w^d have shaken their obstinacy, if to be shaken at all; the successes on that Theatre being evidently their hold on the P. Reg^t and the hold of both on the vanity & prejudices of the Nation. Whether if adopted for 60 days, it may beget apprehensions of a protraction, and thence lead to admissible overtures, before the sword is stained with blood, cannot be foreknown with certainty. Such an effect is not to be counted upon. You will observe that Liverpool was Sec^y for the Foreign Dep^t ad

a general embargo be laid on all vessels now in port, or hereafter arriving, for the period of sixty days, I recommend the immediate passage of a law to that effect." (*Annals of Cong*, 12th Cong., Part 2, p. 1587.) He intended it as a war measure, but the Senate, in altering the period to ninety days, made it rather a measure of negotiation.

interim, & that Castlereagh is the definitive successor of Wellesley. The resignation of this last, who has rec^d no other app^t is a little mysterious. There is some reason for believing that he is at variance with Percival, or that he distrusts the stability of the existing Cabinet, and courts an alliance with the Grenville party, as likely to overset it. If none of that party desert their colours, the calculation cannot be a very bad one; especially in case of war with the U. S., in addition to the distress of Br trade & manufactures, and the inflammation in Ireland; to say nothing of possible reverses in Spain & Portugal, which alone would cut up the Percival ascendancy by the roots. From France we hear nothing. The delay of the *Hornet* is inexplicable, but on the reproachful supposition that the F. Gov^t is waiting for the final turn of things at London, before it takes its course, which justice alone ought to prescribe towards us. If this be found to be its game, it will impair the value of concessions if made, and give to a refusal of them, consequences it may little dream of.

Be assured of my constant and sincerest attachment.

I understand the Embargo will pass the Senate to-day, and possibly with an extension of the period to 75 or 90 days.

TO THOMAS JEFFERSON.

MAD. MSS.

WASHINGTON, Ap^l 24, 1812

DEAR SIR,—I have just rec^d. your favor of the 17th. The same mail brings me the “Proceedings of the

Gov^t of the U. S. relative to the Batture," for which you will accept my thanks.

I had not supposed that so great a proportion of produce, particularly of Wheat & flour, was still in the hands of the farmers. In Penn^a it was known to be the case. In N. Y. almost the whole of the last crop, is in the Country, though chiefly in the hands of the Merchants & Millers. The measure of the Embargo was made a difficult one, both as to its duration & its date, by the conflict of opinions here, and of local interests elsewhere; and to these causes are to be added, that invariable opposition, open with some & covert with others, which have perplexed & impeded the whole course of our public measures. You will have noticed that the Embargo as recommended to Cong^s was limited to 60 days. Its extension to 90 proceeded from the united votes of those who wished to make it a negotiating instead of a war measure, of those who wished to put off the day of war as long as possible, if ultimately to be met, & of those whose mercantile constituents had ships abroad, which would be favored in their chance of getting safely home. Some also who wished & hoped to anticipate the expiration of the terms, calculated on the ostensible postponement of the war question as a ruse agst the Enemy. At present great differences of opinion exist, as to the time & form of entering into hostilities; whether at a very early or later day, or not before the end of the 90 days, and whether by a general declaration, or by a commencement with letters of M. & Reprisal.

The question is also to be brought forward for an adjournment for 15 or 18 days. Whatever may be the decision on all these points, it can scarcely be doubted that patience in the holders of Wheat & flour at least, will secure them good prices; Such is the scarcity all over Europe, and the dependence of the W. Indies on our supplies. Mr. Maury writes me, on the 21st of March, that flour had suddenly risen to 16½ dollars, and a further rise looked for. And it is foreseen, that in a State of War, the Spanish & Portuguese flags & papers real or counterfeit, will afford a neutral cover to our produce as far as wanted, in ports in the favor of G. B. Licences therefore on our part will not be necessary; which tho' in some respects mitigating the evils of war, are so pregnant with abuses of the worst sort, as to be liable in others to strong objections. As managed by the belligerents of Europe they are sources of the most iniquitous & detestable practices.

The Hornet still loiters. A letter from Barlow to Granger, fills us with serious apprehensions, that he is burning his fingers with matters which will work great embarrassment & mischief here; and which his instructions could not have suggested.¹

¹ The allusion is to Barlow's efforts to negotiate a full commercial convention. April 23, Monroe wrote to him: "I will observe generally that the project is thought to be liable to objections which would delay if it did not defeat here, a Treaty corresponding with it. A formal Treaty was not contemplated by your instructions. The objects contemplated by them were 1st, The admission of our productions into France on beneficial terms. 2nd, security for our neutral and national rights on the high seas, and 3^{dly}, provision for the Rambouillet and other spoliations; and these objects it was expected might be obtained by

In E. Florida, Mathews has been playing a strange comedy, in the face of common sense, as well as of his instructions.¹ His extravagances place us in the most distressing dilemma.

Always & affe^y Yrs.

TO THOMAS JEFFERSON

MAD. MSS.

WASHINGTON May 25, 1812

DEAR SIR,—The inclosed letters came under cover to me, by the *Hornet*. France has done nothing towards adjusting our differences with her. It is understood that the B. & M. Decrees are not in force agst the U. S. and no contravention of them can be established agst her. On the contrary positive cases rebut the allegation. Still the manner of the F. Gov^t. betrays the design of leaving G. B. a pretext for enforcing her O. in C. And in all other respects, the grounds of our complaints remain the same. The utmost address has been played off on Mr. Barlow's wishes & hopes; in much that at the Departure of the *Hornet* which had been so long detained for a final answer without its being obtained, he looked to the return of the *Wasp* which had just arrived, without despair of making her the Bearer of some

Decrees or Acts of the French Government adopted separately and independently by itself."—*D. of S. MSS. Instr.*

¹ The instructions were to take possession of East Florida, if the Spanish governor was disposed to surrender it. If a foreign power should attempt to take possession he was to take effective measures for its occupation.—*Annals of Cong.*, 12th Cong., Part 2, p. 1687. Mathews, however, organized a force and took possession of Amelia Island. See *Henry Adams*, vi, 237, *et seq.*

satisfactory arrangement. Our calculations differ widely. In the mean time, the business is become more than ever puzzling. To go to war with Eng^d and not with France arms the federalists with new matter, and divides the Republicans some of whom with the Quids make a display of impartiality. To go to war agst both, presents a thousand difficulties, above all, that of shutting all the ports of the Continent of Europe agst our Cruisers who can do little without the use of them. It is pretty certain also, that it would not gain over the Federalists, who w^d turn all those difficulties agst the Administration.¹ The only consideration of weight in favor of this triangular war as it is called, is that it might hasten thro' a peace with G. B. or F. a termination, for a while at least, of the obstinate questions now depending with both.

But even this advantage is not certain. For a prolongation of such a war might be viewed by both

¹ J. G. Jackson, a Representative from Virginia, a connection by marriage of Madison's, wrote to him from Clarksburg, Va., March 30, 1812, that the hostility of the opposition was inveterate, and that the damning proof of British perfidy submitted in the Henry correspondence had not moved them. "My voice is for war," he added. Elbridge Gerry, Governor of Massachusetts, wrote confidentially April 12, that three division commanders of Massachusetts troops and three brigadiers were friends of the national government. He had been obliged to appoint officers who were federalists because he could not find others, but he thought they would do their duty and the Major-Generals could be depended upon to correct them if they were guilty of misconduct. On May 19, he wrote again to say that the opposition increased with delay and that war would help matters. "By war we shall be purified as by fire," he said.—*Mad. MSS.* These are only examples of many letters to the same effect received by Madison at this time.

Bellig^{ts} as desirable, with as little reason for the opinion, as has prevailed in the past conduct of both.

Affectionate respects

SPECIAL MESSAGE TO CONGRESS.

WASHINGTON, June 1, 1812. ¹

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

I communicate to Congress certain documents, being a continuation of those heretofore laid before them on the subject of our affairs with Great Britain.

Without going back beyond the renewal in 1803 of the war in which Great Britain is engaged, and omitting unrepaired wrongs of inferior magnitude, the conduct of her Government presents a series of acts hostile to the United States as an independent and neutral nation.

British cruisers have been in the continued practice of violating the American flag on the great highway of nations, and of seizing and carrying off persons sailing under it, not in the exercise of a belligerent right founded on the law of nations against an enemy, but of a municipal prerogative over British

¹ "More than six months had passed since Congress met, and the question of actual war was still in suspense. At length, after private conference, a deputation of Members of Congress, with Mr Clay at their head, waited upon the President, and upon the representations of the readiness of a majority of Congress to vote the war if recommended, the Pres^{dent}, on the first Monday in June, transmitted to Congress his message submitting that question to their decision."—Joseph Gale's account, *Am. Hist. Rev.*, xiii, 309. Here is the true account of the visit to Madison, which has been so often represented as the occasion when he was promised a renomination for the Presidency if he would send Congress a war message. See Hildreth, vi., 298; McMaster, iii, 445; Von Holst, i., 230; Gay's *Madison*, 308. The message being referred to the Committee on Foreign Affairs of the House, John C. Calhoun brought in the famous war manifesto June 3, but this paper had really been written by James Monroe. See Joseph Gales on the "War Manifesto of 1812," *Am. Hist. Rev.*, xiii, 303.

subjects. British jurisdiction is thus extended to neutral vessels in a situation where no laws can operate but the law of nations and the laws of the country to which the vessels belong, and a self-redress is assumed which, if British subjects were wrongfully detained and alone concerned, is that substitution of force for a resort to the responsible sovereign which falls within the definition of war. Could the seizure of British subjects in such cases be regarded as within the exercise of a belligerent right, the acknowledged laws of war, which forbid an article of captured property to be adjudged without a regular investigation before a competent tribunal, would imperiously demand the fairest trial where the sacred rights of persons were at issue. In place of such a trial these rights are subjected to the will of every petty commander.

The practice, hence, is so far from affecting British subjects alone that, under the pretext of searching for these, thousands of American citizens, under the safeguard of public law and of their national flag, have been torn from their country and from everything dear to them; have been dragged on board ships of war of a foreign nation and exposed, under the severities of their discipline, to be exiled to the most distant and deadly climes, to risk their lives in the battles of their oppressors, and to be the melancholy instruments of taking away those of their own brethren.

Against this crying enormity, which Great Britain would be so prompt to avenge if committed against herself, the United States have in vain exhausted remonstrances and expostulations, and that no proof might be wanting of their conciliatory dispositions, and no pretext left for a continuance of the practice, the British Government was formally assured of the readiness of the United States to enter into arrangements such as could not be rejected if the recovery of British subjects were the real and the sole object. The communication passed without effect.

British cruisers have been in the practice also of violating the rights and the peace of our coasts. They hover over and

harass our entering and departing commerce. To the most insulting pretensions they have added the most lawless proceedings in our very harbors, and have wantonly spilt American blood within the sanctuary of our territorial jurisdiction. The principles and rules enforced by that nation, when a neutral nation, against armed vessels of belligerents hovering near her coasts and disturbing her commerce are well known. When called on, nevertheless, by the United States to punish the greater offenses committed by her own vessels, her Government has bestowed on their commanders additional marks of honor and confidence.

Under pretended blockades, without the presence of an adequate force and sometimes without the practicability of applying one, our commerce has been plundered in every sea, the great staples of our country have been cut off from their legitimate markets, and a destructive blow aimed at our agricultural and maritime interests. In aggravation of these predatory measures they have been considered as in force from the dates of their notification, a retrospective effect being thus added, as has been done in other important cases, to the unlawfulness of the course pursued. And to render the outrage the more signal these mock blockades have been reiterated and enforced in the face of official communications from the British Government declaring as the true definition of a legal blockade "that particular ports must be actually invested and previous warning given to vessels bound to them not to enter."

Not content with these occasional expedients for laying waste our neutral trade, the cabinet of Britain resorted at length to the sweeping system of blockades, under the name of orders in council, which has been molded and managed as might best suit its political views, its commercial jealousies, or the avidity of British cruisers.

To our remonstrances against the complicated and transcendent injustice of this innovation the first reply was that the orders were reluctantly adopted by Great Britain as a neces-

sary retaliation on decrees of her enemy proclaiming a general blockade of the British Isles at a time when the naval force of that enemy dared not issue from his own ports. She was reminded without effect that her own prior blockades, unsupported by an adequate naval force actually applied and continued, were a bar to this plea; that executed edicts against millions of our property could not be retaliation on edicts confessedly impossible to be executed; that retaliation, to be just, should fall on the party setting the guilty example, not on an innocent party which was not even chargeable with an acquiescence in it.

When deprived of this flimsy veil for a prohibition of our trade with her enemy by the repeal of his prohibition of our trade with Great Britain, her cabinet, instead of a corresponding repeal or a practical discontinuance of its orders, formally avowed a determination to persist in them against the United States until the markets of her enemy should be laid open to British products, thus asserting an obligation on a neutral power to require one belligerent to encourage by its internal regulations the trade of another belligerent, contradicting her own practice toward all nations, in peace as well as in war, and betraying the insincerity of those professions which inculcated a belief that, having resorted to her orders with regret, she was anxious to find an occasion for putting an end to them.

Abandoning still more all respect for the neutral rights of the United States and for its own consistency, the British Government now demands as prerequisites to a repeal of its orders as they relate to the United States that a formality should be observed in the repeal of the French decrees nowise necessary to their termination nor exemplified by British usage, and that the French repeal, besides including that portion of the decrees which operates within a territorial jurisdiction, as well as that which operates on the high seas, against the commerce of the United States should not be a single and special repeal in relation to the United States, but should be extended to whatever other neutral nations unconnected with them

may be affected by those decrees. And as an additional insult, they are called on for a formal disavowal of conditions and pretensions advanced by the French Government for which the United States are so far from having made themselves responsible that, in official explanations which have been published to the world, and in a correspondence of the American minister at London with the British minister for foreign affairs such a responsibility was explicitly and emphatically disclaimed.

It has become, indeed, sufficiently certain that the commerce of the United States is to be sacrificed, not as interfering with the belligerent rights of Great Britain; not as supplying the wants of her enemies, which she herself supplies; but as interfering with the monopoly which she covets for her own commerce and navigation. She carries on a war against the lawful commerce of a friend that she may the better carry on a commerce with an enemy—a commerce polluted by the forgeries and perjuries which are for the most part the only passports by which it can succeed.

Anxious to make every experiment short of the last resort of injured nations, the United States have withheld from Great Britain, under successive modifications, the benefits of a free intercourse with their market, the loss of which could not but outweigh the profits accruing from her restrictions of our commerce with other nations. And to entitle these experiments to the more favorable consideration they were so framed as to enable her to place her adversary under the exclusive operation of them. To these appeals her Government has been equally inflexible, as if willing to make sacrifices of every sort rather than yield to the claims of justice or renounce the errors of a false pride. Nay, so far were the attempts carried to overcome the attachment of the British cabinet to its unjust edicts that it received every encouragement within the competency of the executive branch of our Government to expect that a repeal of them would be followed by a war between the United States and France, unless the French edicts should also be repealed.

Even this communication, although silencing forever the plea of a disposition in the United States to acquiesce in those edicts originally the sole plea for them, received no attention.

If no other proof existed of a predetermination of the British Government against a repeal of its orders, it might be found in the correspondence of the minister plenipotentiary of the United States at London and the British secretary for foreign affairs in 1810, on the question whether the blockade of May, 1806, was considered as in force or as not in force. It had been ascertained that the French Government, which urged this blockade as the ground of its Berlin decree, was willing in the event of its removal, to repeal that decree, which, being followed by alternate repeals of the other offensive edicts, might abolish the whole system on both sides. This inviting opportunity for accomplishing an object so important to the United States, and professed so often to be the desire of both the belligerents, was made known to the British Government. As that Government admits that an actual application of an adequate force is necessary to the existence of a legal blockade, and it was notorious that if such a force had ever been applied its long discontinuance had annulled the blockade in question, there could be no sufficient objection on the part of Great Britain to a formal revocation of it, and no imaginable objection to a declaration of the fact that the blockade did not exist. The declaration would have been consistent with her avowed principles of blockade, and would have enabled the United States to demand from France the pledged repeal of her decrees, either with success, in which case the way would have been opened for a general repeal of the belligerent edicts, or without success, in which case the United States would have been justified in turning their measures exclusively against France. The British Government would, however, neither rescind the blockade nor declare its non-existence, nor permit its non-existence to be inferred and affirmed by the American plenipotentiary. On the contrary, by representing the blockade to be comprehended in the orders in

council, the United States were compelled so to regard it in their subsequent proceedings.

There was a period when a favorable change in the policy of the British cabinet was justly considered as established. The minister plenipotentiary of His Britannic Majesty here proposed an adjustment of the differences more immediately endangering the harmony of the two countries. The proposition was accepted with the promptitude and cordiality corresponding with the invariable professions of this Government. A foundation appeared to be laid for a sincere and lasting reconciliation. The prospect, however, quickly vanished. The whole proceeding was disavowed by the British Government without any explanations which could at that time repress the belief that the disavowal proceeded from a spirit of hostility to the commercial rights and prosperity of the United States; and it has since come into proof that at the very moment when the public minister was holding the language of friendship and inspiring confidence in the sincerity of the negotiation with which he was charged a secret agent of his Government was employed in intrigues having for their object a subversion of our Government and a dismemberment of our happy union.

In reviewing the conduct of Great Britain toward the United States our attention is necessarily drawn to the warfare just renewed by the savages on one of our extensive frontiers—a warfare which is known to spare neither age nor sex and to be distinguished by features peculiarly shocking to humanity. It is difficult to account for the activity and combinations which have for some time been developing themselves among tribes in constant intercourse with British traders and garrisons without connecting their hostility with that influence and without recollecting the authenticated examples of such interpositions heretofore furnished by the officers and agents of that Government.

Such is the spectacle of injuries and indignities which have been heaped on our country, and such the crisis which its un-

exampled forbearance and conciliatory efforts have not been able to avert. It might at least have been expected that an enlightened nation, if less urged by moral obligations or invited by friendly dispositions on the part of the United States, would have found its true interest alone a sufficient motive to respect their rights and their tranquillity on the high seas; that an enlarged policy would have favored that free and general circulation of commerce in which the British nation is at all times interested, and which in times of war is the best alleviation of its calamities to herself as well as to other belligerents; and more especially that the British cabinet would not, for the sake of a precarious and surreptitious intercourse with hostile markets, have persevered in a course of measures which necessarily put at hazard the invaluable market of a great and growing country, disposed to cultivate the mutual advantages of an active commerce.

Other counsels have prevailed. Our moderation and conciliation have had no other effect than to encourage perseverance and to enlarge pretensions. We behold our seafaring citizens still the daily victims of lawless violence, committed on the great common and highway of nations, even within sight of the country which owes them protection. We behold our vessels, freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize courts no longer the organs of public law but the instruments of arbitrary edicts, and their unfortunate crews dispersed and lost, or forced or inveigled in British ports into British fleets, whilst arguments are employed in support of these aggressions which have no foundation but in a principle equally supporting a claim to regulate our external commerce in all cases whatsoever.

We behold, in fine, on the side of Great Britain, a state of war against the United States, and on the side of the United States a state of peace toward Great Britain.

Whether the United States shall continue passive under

these progressive usurpations and these accumulating wrongs, or, opposing force to force in defense of their national rights, shall commit a just cause into the hands of the Almighty Disposer of Events, avoiding all connections which might entangle it in the contest or views of other powers, and preserving a constant readiness to concur in an honorable re-establishment of peace and friendship, is a solemn question which the Constitution wisely confides to the legislative department of the Government. In recommending it to their early deliberations I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, a free, and a powerful nation.

Having presented this view of the relations of the United States with Great Britain and of the solemn alternative growing out of them, I proceed to remark that the communications last made to Congress on the subject of our relations with France will have shewn that since the revocation of her decrees, as they violated the neutral rights of the United States, her Government has authorized illegal captures by its privateers and public ships, and that other outrages have been practised on our vessels and our citizens. It will have been seen also that no indemnity had been provided or satisfactorily pledged for the extensive spoliations committed under the violent and retrospective orders of the French Government against the property of our citizens seized within the jurisdiction of France. I abstain at this time from recommending to the consideration of Congress definitive measures with respect to that nation, in the expectation that the result of unclosed discussions between our minister plenipotentiary at Paris and the French Government will speedily enable Congress to decide with greater advantage on the course due to the rights, the interests, and the honor of our country.

PROCLAMATION.

Whereas the Congress of the United States, by virtue of the

constituted authority vested in them, have declared by their act bearing date the 18th day of the present month that war exists between the United Kingdom of Great Britain and Ireland and the dependencies thereof and the United States of America and their Territories:

Now, therefore, I, James Madison, President of the United States of America, do hereby proclaim the same to all whom it may concern; and I do specially enjoin on all persons holding offices, civil or military, under the authority of the United States that they be vigilant and zealous in discharging the duties respectively incident thereto; and I do moreover exhort all the good people of the United States, as they love their country, as they value the precious heritage derived from the virtue and valor of their fathers, as they feel the wrongs which have forced on them the last resort of injured nations, and as they consult the best means under the blessing of Divine Providence of abridging its calamities, that they exert themselves in preserving order, in promoting concord, in maintaining the authority and efficacy of the laws, and in supporting and invigorating all the measures which may be adopted by the constituted authorities for obtaining a speedy, a just, and an honorable peace.

In testimony, etc.

Done etc. the 19th day of June, 1812, etc.

INSTRUCTIONS FOR PRIVATEERS.¹ D OF S. MSS.

INSTRUCTIONS.

To Capt: — Commander of the private armed — called the — :

For the private armed vessels of the U. States

1. The tenor of your Commission and of the act of Cong^s entitled "An act, &c. &c. a copy of which is hereto annexed,

¹This is endorsed: Instructions for private armed vessels, drawn up by President Madison. It is in Madison's hand and is among the War of 1812 MSS, Letters of Marque.

will be kept constantly in your view. By The high seas referred to in your Commission, you will understand generally, to extend to low water mark; But with the exception of the space within one league or three miles of the shore of countries at peace both with G. B. and with the U. S. you may, nevertheless execute your commission within that distance of the shore of a nation at war with G. B. and even on the waters within the jurisdiction of such nation, if permitted so to do.

2. You are to pay the strictest regard to the rights of neutral powers, & the usages of Civilized nations; and in all your proceedings towards neutral vessels, you are to give them as little molestation or interruption as will consist with the right of ascertaining their neutral character, and of detaining and bringing them in for regular adjudication in the proper cases. You are particularly to avoid even the appearance of using force or seduction with a view to deprive such vessels of their crews, or of their passengers, other than persons in the military service of the enemy.

3. Towards enemy vessels & their crews, you are to proceed, in exercising the rights of war, with all the justice & humanity which characterize the nation of which you are members.

4. The Master & one or more of the principal persons belonging to captured vessels, are to be sent, as soon after the capture as may be, to the Judge or Judges of the proper court in the U. S. to be examined upon oath, touching the interest or property of the captured vessel & her lading; and at the same time are to be delivered to the Judge or Judges, all passes, Charter-parties, bills of lading, invoices, letters & other documents & writings found on board; the s papers to be proved by the affidavit of the Commander of the capturing vessel or some other person present at the capture, to be produced as they were rec^d without fraud, addition, subduction or embezzlement.

TO ———

MAD. MSS.

WASHINGTON July 25, 1812

SIR,—I have rec^d the address from “The Convention of Republican Delegates from the several Counties of the State of New Jersey,” explaining the sentiments entertained, at this crisis, by that portion of my Constituents. The sentiments are worthy the character of Citizens, who know the value of the National rights at stake in the present contest; and who are willing to do justice to the sincere & persevering efforts which have been employed to obtain respect to them without a resort to arms.

The conduct of the nation agst whom this resort has been proclaimed left no choice but between that & the greater evil of a surrender of our Sovereignty on the Element, on which all nations have equal rights, and in the free use of which, the U. S. as a nation whose agriculture & commerce are so closely allied, have an essential interest.

The appeal to force in opposition to the force so long continued against us, had become the more urgent, as every endeavor short of it, had not only been fruitless; but had been followed by fresh usurpations & oppressions. The intolerable outrages committed agst the crews of our vessels which at one time were the result of alledged searches for deserters from British Ships of War, had grown into a like pretension, first as to all British Seamen, and next, as to all British subjects; with the invariable practice of seizing on all neutral seamen of every Nation,

and on all such of our own seamen as British officers interested in the abuse might please to demand.

The blockading orders in Council, commencing on the plea of retaliating injuries indirectly done to G. Britain, through the direct operation of French Decrees agst the trade of the U. S. with her, and on a professed disposition to proceed step by step with France in revoking them, have been since bottomed on pretensions more & more extended and arbitrary; till at length it is openly avowed, as indispensable to a repeal of the Orders as they affect the U. States, that the French Decrees, be repealed as they affect G. Britain directly, and all other neutrals, as well as the U. States. To this extraordinary avowal is superadded abundant evidence that the real object of the orders is, not to restore freedom to the American Commerce with G. B. which could indeed be little interrupted by the decrees of France, but to destroy our lawful commerce, as interfering with her own unlawful commerce with her enemies. The only foundation of this attempt to banish the American flag from the highway of Nations, or to render it wholly subservient to the commercial views of the B. Gov^t is the absurd and exploded doctrine that the ocean not less than the land is susceptible of occupancy & dominion; that this dominion is in the hands of G. Britain; and that her laws, not the law of nations, which is ours as well as hers, are to regulate our maritime intercourse with the rest of the world.

When the U. S. assumed & established their rank

among the Nations of the Earth, they assumed & established a common Sovereignty on the high seas, as well as an exclusive sovereignty within their territorial limits. The one is as essential as the other to their Character as an Independent Nation. However conceding they may have been on controvertible points, or forbearing under casual and limited injuries, they can never submit to wrongs irreparable in their kind, enormous in their amount, and indefinite in their duration; and which are avowed and justified on principles degrading the U. States from the rank of a sovereign & independent Power. In attaining this high rank, and the inestimable blessings attached to it, no part of the American people, had a more meritorious share than the people of N. Jersey. From none therefore may more reasonably be expected a patriotic zeal in maintaining by the sword the unquestionable & unalienable rights acquired by it; and which it is found can no otherwise be maintained.

TO HENRY DEARBORN ¹

MAD. MSS.

WASHINGTON, Aug. 9th 1812

DEAR SIR,—The last of your favors which I have to acknowledge is that of the 3d Ult: from Boston. I am glad to find that you are again at Albany; where your presence will aid much in doing all that can be done for the reputation of the campaign. The lapse

¹He had been appointed Senior Major-General in the army, January 27, and assigned to the command of the northern department.

of time and the unproductiveness of the laws contemplating a regular force, and volunteers for an entire year & under federal commissions, compel us to moderate some of our expectations. It was much to have been desired that simultaneous invasions of Canada at several points, particularly in relation to Malden and Montreal, might have secured the great object of bringing all Upper Canada, and the channels communicating with the Indians, under our command; with ulterior prospects towards Quebec flattering to our arms. This systematic operation having been frustrated, it only remains to pursue the course that will diminish the disappointment as much as possible. Hull,¹ as you will have learnt, is preparing a force for the attack of Malden; and that he may descend towards Niagara, with greater effect and be the more secure agst Indian dangers, a reinforcement of 1,500 men is ordered which will be promptly supplied by the overflowing zeal of the detached militia of Ohio & Kentucky. We hope that your arrangements with Gov^r Tomkins will have provided an effective co-operation for subduing the hostile force opposite ours at Niagara; and preparing the way for taking possession of the Country at the other extremity of Lake Ontario. In these events we shall have in our hand not only all the most valuable parts of the Upper province, but the important command of the Lakes. It appears that Hull was making an effort to overpower the British force on

¹William Hull, appointed to command the northwestern army, surrendered on August 16.

Lake Erie, his success in which will be critically useful in several respects.

In addition to these measures, it is essential, notwithstanding the advance of the season, and the difficulties thrown in our way, that the expedition agst Montreal should be forwarded by all the means in your power. The number of regulars that can be procured for it cannot even yet be ascertained; but it is sufficiently ascertained that an extensive auxiliary force will be wanted; and it is nearly as certain that this will not be furnished by the Volunteer Act of Feb^y unless a sudden ardor overcoming the objections to it, should be inspired by the vicinity of the object and the previous conquests. The last resource therefore on which we are to depend, is that portion of the detached & other Militia which may be within reach, will comply with the call, and voluntarily unite with their officers in rejecting geographical limits to their patriotism. To this resource I hope you will turn your full attention, with a view to the immediate steps proper to be taken to enable it to supply the deficit of regulars & volunteers; with respect to the latter of which as far as they are within a practicable distance, the number known here to be in readiness is very inconsiderable. From the Vermont & New Hampshire Militia favorable expectations are indulged, the State authorities being well disposed to promote the service. As to Mass^{ts} & Connecticut, even, notwithstanding the obstructions created by the Gov^{rs} it is not yet decided that the spirit of some of the detached & other corps may

not give effect to your requisitions. Should an adequate force be attainable from the whole or part of the sources referred to, you will be the best judge how far a demonstration towards Quebec will be proper in aid of the measures agst Montreal, which if we can take by means of any sort we shall find the means of holding. Sh^d it be found impracticable to take it this campaign, will it be possible to occupy any other post that will cut off the intercourse with the Indians thro' the Ottowas river?

You will have noticed the arrival of a Dispatch vessel from the B. Gov^t. Nothing is disclosed from that quarter that ought in the slightest degree to slacken our military exertions.

The Sec^y of State is on a visit to his farm where he will leave his family. On his return, which will take place in a few days, I propose a like respite. I find myself much worn down, and in need of an antidote to the accumulating bile of which I am sensible; and which I have never escaped in August on tide water.

TO JOEL BARLOW.

MAD. MSS.

WASHINGTON August 11, 1812

DEAR SIR,—As I write on short notice and in cypher, I must be very brief.

The conduct of the F. Gov^t, explained in yours of the _____¹ on the subject of the decree of April 1811, will be an everlasting reproach to it. It is the

¹ May 12, which followed his of May 2. They are printed in part in *State Papers, Foreign Relations*, vol. iii., 602.

more shameful, as, departing from the declaration to Gen^l Armstrong, of which the enforcement of the non-importation was the affect, the revoking decree assumes this as the cause, and itself as the effect; and thus transfers to this Gov^t the inconsistency of its author.

The decree of April, may nevertheless be used by G. B. as a pretext for revoking her orders; notwithstanding the contrary language of L^d Castlereagh in Parl^t. An authentic, tho' informal communication has just arrived in a despatch vessel from G. B. importing that the orders were to be revoked on the 1st of Augst, subject to renewal if required by the conduct of F. & the U. S. particularly, if the non-importation act should not be forthwith rescinded on the arrival of the act of revocation. As this pledge was given before the declaration of war was known, it may not be adhered to. It is not improbable however that it was hurried off, as a chance for preventing an apprehended war; and the same dislike to the war may possibly produce advances for terminating it, which if the terms be admissible, will be readily embraced.

In the event of a pacification with G. B. the full tide of indignation with which the public mind here is boiling will be directed agst France, if not obviated by a due reparation of her wrongs. War will be called for by the Nation almost *una voce*. Even without a peace with England, the further refusal or prevarications of F. on the subject of redress may be expected to produce measures of hostility agst

her at the ensuing session of Cong^s. This result is the more probable, as the general exasperation will coincide with the calculations of not a few, that a double war, is the shortest road to peace.

I have been the more disposed to furnish you with these prospects, that you may turn them to account, if possible, in prosecuting your discussions with the F. Gov^t and be not unprepared to retire from them altogether, on a sudden notice so to do. Your return home, may possibly be directed even before the meeting of Cong^s if the intermediate information should continue to present the French conduct in the provoking light in which it has hitherto appeared.

The Sec^y of State is absent. But you will receive from Mr. Graham, the usual supply of current intelligence, to which I refer you. I have not time to write to Gen^l Fayette. With my best regards to him, tell him that Cong^s rose with^t deciding as to the validity of the remaining locations near P^t Coupee.

TO THOMAS JEFFERSON.

MAD. MSS.

WASHINGTON Aug. 17, 1812.

DEAR SIR,—I have rec^d yours of the 10th, and return as you request, the letter of Mr. Higginbotham. He will probably have understood from Col: Monroe that the Consulate of Lisbon is the object of numerous & respectable candidates.

The seditious opposition in Mass & Con^t with the intrigues elsewhere insidiously co-operating with it, have so clogged the wheels of the war that I fear

the campaign will not accomplish the object of it. With the most united efforts, in stimulating volunteers, they would have probably fallen much short of the number required by the deficiency of regular enlistments. But under the discouragements substituted, and the little attraction contained in the volunteer Act, the two classes together, leave us dependent for every primary operation, on militia, either as volunteers or draughts for six months. We are nevertheless doing as well as we can, in securing the maritime frontier, and in providing for an effective penetration into Upper Canada. It would probably have been best, if it had been practicable in time, to have concentrated a force which could have seized on Montreal, & thus at one stroke, have secured the upper Province, and cut off the sap that nourished Indian hostilities. But this could not be attempted, without sacrificing the Western & N. W. Frontier, threatened with an inundation of savages under the influence of the British establishment near Detroit. Another reason for the expedition of Hull was that the unanimity and ardor of Kentucky & Ohio, promised the requisite force at once for that service, whilst it was too distant from the other points to be assailed. We just learn, but from what cause remains to be known, that the important post of Machilimackinac has fallen into the hands of the Enemy. If the reinforcement of about 2000 ordered from the Ohio, and on the way to Hull, should not enable him to take Malden, and awe the savages emboldened by the British success, his situa-

tion will be very ineligible. It is hoped that he will either be strong eno' as he has cannon & mortars, to reduce that Fort, or to leave a force that will justify him in passing on towards the other end of Lake Erie, and place the British troops there, between him, and those embodied under arrangements of Dearborn & Tomkins at Niagara, for the purpose of occupying the central part of Upper Canada. In the mean time the preparations agst Montreal are going on, and perhaps may furnish a feint towards it, that may conspire with the other plan. I find that Kingston at the East End of L. Ontario is an object with Gen^l D. The multiplication of these offensive measures has grown out of the defensive precautions for the Frontiers of N. York.

We have no information from England since the war was known there, or even, seriously suspected, by the public. I think it not improbable that the sudden change in relation to the Orders in Council, first in yielding to a qualified suspension, & then a repeal, was the effect of apprehensions in the Cabinet that the deliberations of Cong^s would have that issue, and that the Ministry could not stand agst the popular torrent agst the Orders in Council, swelled as it would be by the addition of a war with the U. S. to the pressure of the non-importation Act. What course will be taken when the declaration here, shall be known, is uncertain, both in reference to the American shipments instituted under the repeal of the Orders, and to the question between vindictive efforts for pushing the war agst us, and early advances for terminating it. A very informal & as it has

turned out erroneous communication of the intended change in the Orders, was hurried over, evidently with a view to prevent a declaration of war, if it should arrive in time. And the communication was accompanied by a proposal from the *local* authorities at Halifax sanctioned by Foster, to suspend hostilities both at sea & on land. The late message of Prevost to Dearborn, noticed in the Newspapers has this for its object. The insuperable objections to a concurrence of the Executive in the project are obvious. Without alluding to others, drawn from a limited authority, & from the effect on patriotic ardor, The advantage over us in captures w^d be past, before it could take effect. As we do not apprehend invasion by land, and preparations on each side were to be unrestrained, nothing could be gained by us, whilst arrangements & reinforcements adverse to Hull might be decisive; and on every supposition the Indians w^d continue to be active agst our frontiers, the more so in consequence of the fall of Machilimackinac. Nothing but triumphant operations on the Theatre which forms their connection with the Enemy will controul their bloody inroads.

I have been indulging my hopes of getting away from this place, in the course of the present week. It is quite possible however that my stay here may be indispensable. As yet I have less of bilious sensations than I could have expected.

Your two letters to Kosciuzco have been duly attended to.

Affectionately yours,

TO S. SPRING.

MAD. MSS.

MONTPELLIER, Sept. 6th, 1812

REV^d SIR,—I have received your favor of Aug 26. I recollect our Collegiate friendship with the same impressions which it gives me pleasure to find you still retain. Nor have I forgotten the pleasant hours that passed between us, at a much later day under my own roof.

We all feel the weight of the times; and it is to be regretted that all cannot unite in the measures opposed to them. If it were proper for me, it might not be agreeable to you, to discuss the subject, But I will not conceal the surprize and the pain I feel at declarations from any portion of the American people that measures resulting from the National will constitutionally pronounced, and carrying with them the most solemn sanctions, are not to be pursued into effect, without the hazard of civil war. This is surely not the legitimate course. Neither is it the language on other occasions, heard from the same quarter; nor a course consistent with the duration or efficacy of any Government.¹

Permit me to express equal surprise, that this extraordinary opposition to the war declared against Great Britain, is most emphatically rested on an alliance or a connection with France; presumed to

¹ September 4, 1812, Richard Rush wrote to Madison, from Washington, that the effect of Hull's defeat had been disastrous. Would Monroe consent to lead the army? Would Jefferson emerge from his retirement and lend the administration the weight of his counsels?—*Chic. Hist. Soc. MSS.*

exist, or be intended, in the face of demonstrations to the contrary, with which the slightest degree of candor ought to be satisfied.

Without entering into comparisons between different districts of the Union, with respect to the suffering which led to the war, or the objects at stake in it; it is clear that every district felt more or less the evils which produced it, and is more or less deeply interested in the success of it. It is equally certain that the way to make it both short and successful, would be to convince the Enemy that he has to contend with the whole and not a part of the Nation. Can it be doubted that if, under the pressure added by the war to that previously felt by G. B. her Government declines an accommodation on terms dictated by justice and compatible with, or rather conducive to her interest, it will be owing to calculations drawn from our internal divisions. If she be disposed to such an accommodation, it will be evinced in due time, to the most prejudiced and misinformed, that the earliest and fairest opportunities, are not withheld.

I need scarcely remark that this is a letter, altogether *private* and written in confidence that it will be so received.

Mrs M. acknowledges your kind enquiry after her health. Hers and mine are at present both tolerably good. We hope that yours has been entirely reestablished.

Accept our friendly respects

TO WILLIAM DEARBORN.

MAD. MSS.

WASHINGTON October 7, 1812.

DEAR SIR,—I have rec^d your favor of Sep^r 30. I am glad to find that you have succeeded in producing such apprehensions at Montreal as to prevent reinforcements from that quarter to the posts above. It would have been fortunate if you could have derived such Militia & Volunteer aids from Vermont & Eastward of it, as might have substantially have a like controul on Prevost, and thereby have augmented the regular force ordered to Niagara. Appearances denote a better spirit or rather perhaps a better use of it, in the Eastern Quarter; but it may be too late & too distant to answer immediate purposes; unless indeed the Volunteers of Maine, and the Militia Volunteers of N. H. should be, in sufficient numbers and forwardness to prevent descents on our maritime frontier by a show towards Nova Scotia which would excite defensive attention at Halifax. The advance of the season, would I presume, render a measure of that sort unavailing at Quebec. Yet *there* is undubitably the Sensorium, to which projects of alarm may be most successfully addressed, when not too palpably chimerical. You will receive from the War Office, the last information from Harrison. He has a prospect of doing something towards retrieving the campaign. The promptitude and numbers of the force under his command, will at least save the military character of that part of the nation; will satisfy G. B. that the tendency of defeat is to rouse not depress the Amer-

ican Spirit, & will stamp deep on the Indian mind, the little security they have in British protection. As Harrison seems to be making sure of food for his army, & the measures taken promise seasonable supplies of other necessaries, I see nothing to prevent his reaching Detroit early in this month. And if the great exertions on foot to give him cannon should not fail, it may be hoped he will not only be in possession of that place, but of Malden also; and proceed towards a still more effectual co-operation with the forces at Niagara. Nor do we despair of his success, should the cannon not reach him in time, if the B. Garrisons be such as are represented & he can carry with him the force he has in view; since he will be able to proceed with a very impressive portion, & leave sufficient investments & precautions behind. The artillery sent from this place had travelled nearly to Pittsburg at a rate which promised a good chance for its reaching Detroit before November, if not by the 20th of this month. As Hull's army was lost, it is to be regretted that the misfortune did not take place a little earlier; and allow more time, of course, for repairing it, within the present season. This regret is particularly applicable to the Great Lakes. What is now doing for the command of them proves what may be done. And the same means would have been used in the 1st instance if the easy conquest of them by land held out to us, had not misled our calculation. The command of y^e Lakes, by a superior force on the Water, ought to have been a fundamental point in the national policy from the

moment the peace took place. Whatever may be the future situation of Canada, it ought to be maintained, without regard to expence. We have more means for the purpose & can better afford the expence than G. B. Without the ascendancy over those waters we can never have it over the savages, nor be able to secure such posts as Makinaw. With this ascendancy we command the Indians, can controul the companies trading with them; and hold Canada, whilst in Foreign hands, as a hostage for peace & justice.

I do not wonder you are oppressed with labor, as well from the extent of your command rendered necessary by the mutual relations between its objects, As from the deficiency of General Officers; and particularly the difficulty and delay in bringing the Staff Department even into its present state. The effect of these circumstances in burdening you with details, has been severely felt here, in throwing them where they as little belonged. To carry on the war with due advantage; more effectual inducements at least must be put into the hands of recruiting Officers. The volunteer system must be essentially improved; the use of the Militia secured to the constitutional authority; and an addition made to the Gen^l Officers both Divisions & Brigades. It will be equally essential, to discriminate better the functions of the several Staff Departments, and to have heads of them in immediate contact with the war department. Experience enforces these truths; and nothing but that will ever sufficiently inculcate them.

We have nothing important from abroad but what is in the Newspapers.

Health & success with friendly respects

TO THOMAS JEFFERSON.

MAD MSS.

WASHINGTON Oct^r 14, 1812.

DEAR SIR I rec^d your favor of the 2d, inclosing the letter from Mr. Meigs. The place he wishes has been long allotted to Mr. Mansfield, who preferred it to that of the Surveyorship held by him, and who has just obtained the exchange; and a Commission for the place vacated, has just been sent to Mr. Meigs, who was long ago recommended for it; and who it was understood wished it. It is the more probable that it will be acceptable to him, as he has connections in the W. Country, particularly the Gov^r of Ohio.

I see so little chance of being able to peruse the lucubrations of Faronde you were so good as to send me, that I replace them, for the present at least in your hands.

The last intelligence from the Westward left a military crisis near Fort Defiance. Winchester with about half the army, was encamped within 3 miles of the encampment of about 300 British troops with some field pieces & a body of Indians stated at 2000 or 2500. It is probable they were destined agst Fort Wayne, with the general view of finding employment for our forces on their way to Detroit, until the Season should be spent, or Brock could send troops from

below. Of our affairs at Niagara & the neighbourhood of Montreal, it is difficult to judge, the force of the Enemy being imperfectly known, & that under General Dearborn, depending so much on circumstances. Our best hopes for the campaign rest on Harrison; and if no disaster, always to be feared from Indian combats, befall him, there is a probability that he will regain Detroit, and perhaps do more. He has a force of 8 or 10,000 men at least, enthusiastically confiding in him, and a prospect of adequate supplies of every sort, unless it be Cannon, which tho' on the way, may possibly encounter fatal delays. This article however he appears not to make a sine qua non; nor will it be wanted for Detroit, if it be true as is reported that every piece has been withdrawn by the British.

The latest acc^{ts} from Europe are in the Newspapers. The ideas of which Foster & Russel are put in possession will soon draw from the B. Gov^t some evidence of their views as to peace. From France we hear nothing; and shall probably meet Cong^s under the perplexity of that situation.

The current Elections bring the popularity of the War or of the Administration, or both, to the Experimentum crucis. In this State the issue is not favorable, tho' less otherwise than would appear. In the Congressional Districts the Republicans I believe, have not lost ground at all, notwithstanding the auxiliaries to federalism. In the State Legislature, they will be in a minority on a joint vote. Penn^a, altho' admitted to be shaken, is represented to be

safe. New Jersey is doubtful at least. The same is the case with New Hampshire. North Carolina also is reported to be in considerable vibration. The other States remain pretty decided on one hand or on the other.

You will be amused with the little work of the Author of several humorous publications, Irvine¹ of N. York. It sinks occasionally into low & local phrases, and some times forgets Allegorical character. But is in general good painting on substantial Canvas.

Affec^e respects.

FOURTH ANNUAL MESSAGE.

WASHINGTON, November 4, 1812

Fellow-Citizens of the Senate and of the House of Representatives:

On our present meeting it is my first duty to invite your attention to the providential favors which our country has experienced in the unusual degree of health dispensed to its inhabitants, and in the rich abundance with which the earth has rewarded the labors bestowed on it. In the successful cultivation of other branches of industry, and in the progress of general improvement favorable to the national prosperity, there is just occasion also for our mutual congratulations and thankfulness.

With these blessings are necessarily mingled the pressures and vicissitudes incident to the state of war into which the United States have been forced by the perseverance of a foreign power in its system of injustice and aggression.

¹The *Diverting History of John Bull and Brother Jonathan*, New York, 1812, is referred to. It was by James Kirke Paulding, not by Washington Irving; but Paulding and Irving had been collaborating in their *Salmagundi* and the mistake was a natural one.

Previous to its declaration it was deemed proper, as a measure of precaution and forecast, that a considerable force should be placed in the Michigan Territory with a general view to its security, and, in the event of war, to such operations in the uppermost Canada as would intercept the hostile influence of Great Britain over the savages, obtain the command of the lake on which that part of Canada borders, and maintain coöperating relations with such forces as might be most conveniently employed against other parts. Brigadier-General Hull was charged with this provisional service, having under his command a body of troops composed of regulars and of volunteers from the State of Ohio. Having reached his destination after his knowledge of the war, and possessing discretionary authority to act offensively, he passed into the neighboring territory of the enemy with a prospect of easy and victorious progress. The expedition, nevertheless, terminated unfortunately, not only in a retreat to the town and fort of Detroit, but in the surrender of both and of the gallant corps commanded by that officer. The causes of this painful reverse will be investigated by a military tribunal.

A distinguishing feature in the operations which preceded and followed this adverse event is the use made by the enemy of the merciless savages under their influence. Whilst the benevolent policy of the United States invariably recommended peace and promoted civilization among that wretched portion of the human race, and was making exertions to dissuade them from taking either side in the war, the enemy has not scrupled to call to his aid their ruthless ferocity, armed with the horror of those instruments of carnage and torture which are known to spare neither age nor sex. In this outrage against the laws of honorable war and against the feelings sacred to humanity the British commanders can not resort to a plea of retaliation, for it is committed in the face of our example. They can not mitigate it by calling it a self-defense against men in arms, for it embraces the most shocking butcheries of defenseless families. Nor can it be pretended that they are not answerable

for the atrocities perpetrated, since the savages are employed with a knowledge, and even with menaces, that their fury could not be controlled. Such is the spectacle which the deputed authorities of a nation boasting its religion and morality have not been restrained from presenting to an enlightened age.

The misfortune at Detroit was not, however, without a consoling effect. It was followed by signal proofs that the national spirit rises according to the pressure on it. The loss of an important post and of the brave men surrendered with it inspired everywhere new ardor and determination. In the States and districts least remote it was no sooner known than every citizen was ready to fly with his arms at once to protect his brethren against the blood-thirsty savages let loose by the enemy on an extensive frontier, and to convert a partial calamity into a course of invigorated efforts. This patriotic zeal, which it was necessary rather to limit than excite, has embodied an ample force from the States of Kentucky and Ohio and from parts of Pennsylvania and Virginia. It is placed, with the addition of a few regulars, under the command of Brigadier-General Harrison, who possesses the entire confidence of his fellow-soldiers, among whom are citizens, some of them volunteers in the ranks, not less distinguished by their political stations than by their personal merits.

The greater portion of this force is proceeding on its destination toward the Michigan Territory, having succeeded in relieving an important frontier post, and in several incidental operations against hostile tribes of savages, rendered indispensable by the subserviency into which they had been seduced by the enemy—a seduction the more cruel as it could not fail to impose a necessity of precautionary severities against those who yielded to it.

At a recent date an attack was made on a post of the enemy near Niagara by a detachment of the regular and other forces under the command of Major-General Van Rensselaer, of the

militia of the State of New York. The attack, it appears, was ordered in compliance with the ardor of the troops, who executed it with distinguished gallantry, and were for a time victorious; but not receiving the expected support, they were compelled to yield to reinforcements of British regulars and savages. Our loss has been considerable, and is deeply to be lamented. That of the enemy, less ascertained, will be the more felt, as it includes among the killed the commanding general, who was also the governor of the Province, and was sustained by veteran troops from unexperienced soldiers, who must daily improve in the duties of the field.

Our expectation of gaining the command of the Lakes by the invasion of Canada from Detroit having been disappointed, measures were instantly taken to provide on them a naval force superior to that of the enemy. From the talents and activity of the officer charged with this object everything that can be done may be expected. Should the present season not admit of complete success, the progress made will insure for the next a naval ascendancy where it is essential to our permanent peace with and control over the savages.

Among the incidents to the measures of the war I am constrained to advert to the refusal of the governors of Massachusetts and Connecticut to furnish the required detachments of militia toward the defense of the maritime frontier. The refusal was founded on a novel and unfortunate exposition of the provisions of the Constitution relating to the militia. The correspondences which will be laid before you contain the requisite information on the subject. It is obvious that if the authority of the United States to call into service and command the militia for the public defense can be thus frustrated, even in a state of declared war and of course under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it, and that the public safety may have no other resource than in those large and permanent military establishments which are forbidden by the principles of our free government, and against the

necessity of which the militia were meant to be a constitutional bulwark.

On the coasts and on the ocean the war has been as successful as circumstances inseparable from its early stages could promise. Our public ships and private cruisers, by their activity, and, where there was occasion, by their intrepidity, have made the enemy sensible of the difference between a reciprocity of captures and the long confinement of them to their side. Our trade, with little exception, has safely reached our ports, having been much favored in it by the course pursued by a squadron of our frigates under the command of Commodore Rodgers, and in the instance in which skill and bravery were more particularly tried with those of the enemy the American flag had an auspicious triumph. The frigate *Constitution*, commanded by Captain Hull, after a close and short engagement completely disabled and captured a British frigate, gaining for that officer and all on board a praise which can not be too liberally bestowed, not merely for the victory actually achieved, but for that prompt and cool exertion of commanding talents which, giving to courage its highest character, and to the force applied its full effect, proved that more could have been done in a contest requiring more.

Anxious to abridge the evils from which a state of war can not be exempt, I lost no time after it was declared in conveying to the British Government the terms on which its progress might be arrested, without awaiting the delays of a formal and final pacification, and our chargé d'affaires at London was at the same time authorized to agree to an armistice founded upon them. These terms required that the orders in council should be repealed as they affected the United States, without a revival of blockades violating acknowledged rules, and that there should be an immediate discharge of American seamen from British ships, and a stop to impressment from American ships, with an understanding that an exclusion of the seamen of each nation from the ships of the other should be stipulated,

and that the armistice should be improved into a definite and comprehensive adjustment of depending controversies. Although a repeal of the orders susceptible of explanations meeting the views of this Government had taken place before this pacific advance was communicated to that of Great Britain, the advance was declined from an avowed repugnance to a suspension of the practice of impressments during the armistice, and without any intimation that the arrangement proposed with respect to seamen would be accepted. Whether the subsequent communications from this Government, affording an occasion for reconsidering the subject on the part of Great Britain, will be viewed in a more favorable light or received in a more accommodating spirit remains to be known. It would be unwise to relax our measures in any respect on a presumption of such a result.

The documents from the Department of State which relate to this subject will give a view also of the propositions for an armistice which have been received here, one of them from the authorities at Halifax and in Canada, the other from the British Government itself through Admiral Warren, and of the grounds on which neither of them could be accepted.

Our affairs with France retain the posture which they held at my last communications to you. Notwithstanding the authorized expectations of an early as well as favorable issue to the discussions on foot, these have been procrastinated to the latest date. The only intervening occurrence meriting attention is the promulgation of a French decree purporting to be a definitive repeal to the Berlin and Milan decrees. This proceeding, although made the ground of the repeal of the British orders in council, is rendered by the time and manner of it liable to many objections.

The final communications from our special minister to Denmark afford further proofs of the good effects of his mission, and of the amicable disposition of the Danish Government. From Russia we have the satisfaction to receive assurances of continued friendship, and that it will not be affected

by the rupture between the United States and Great Britain. Sweden also professes sentiments favorable to the subsisting harmony.

With the Barbary Powers, excepting that of Algiers, our affairs remain on the ordinary footing. The consul-general residing with that Regency has suddenly and without cause been banished, together with all the American citizens found there. Whether this was the transitory effect of capricious despotism or the first act of predetermined hostility is not ascertained. Precautions were taken by the consul on the latter supposition.

The Indian tribes not under foreign instigations remain at peace, and receive the civilizing attentions which have proved so beneficial to them.

With a view to that vigorous prosecution of the war to which our national faculties are adequate, the attention of Congress will be particularly drawn to the insufficiency of existing provisions for filling up the military establishment. Such is the happy condition of our country, arising from the facility of subsistence and the high wages for every species of occupation, that notwithstanding the augmented inducements provided at the last session, a partial success only has attended the recruiting service. The deficiency has been necessarily supplied during the campaign by other than regular troops, with all the inconveniences and expense incident to them. The remedy lies in establishing more favorably for the private soldier the proportion between this recompense and the term of his enlistment, and it is a subject which can not too soon or too seriously be taken into consideration.

The same insufficiency has been experienced in the provisions for volunteers made by an act of the last session. The recompense for the service required in this case is still less attractive than in the other, and although patriotism alone has sent into the field some valuable corps of that description, those alone who can afford the sacrifice can be reasonably expected to yield to that impulse.

It will merit consideration also whether as auxiliary to the security of our frontier corps may not be advantageously organized with a restriction of their services to particular districts convenient to them, and whether the local and occasional services of mariners and others in the seaport towns under a similar organization would not be a provident addition to the means of their defense.

I recommend a provision for an increase of the general officers of the Army, the deficiency of which has been illustrated by the number and distance of separate commands which the course of the war and the advantage of the service have required.

And I cannot press too strongly on the earliest attention of the Legislature the importance of the reorganization of the staff establishment with a view to render more distinct and definite the relations and responsibilities of its several departments. That there is room for improvements which will materially promote both economy and success in what appertains to the Army and the war is equally inculcated by the examples of other countries and by the experience of our own.

A revision of the militia laws for the purpose of rendering them more systematic and better adapting them to emergencies of the war is at this time particularly desirable.

Of the additional ships authorized to be fitted for service, two will be shortly ready to sail, a third is under repair, and delay will be avoided in the repair of the residue. Of the appropriations for the purchase of materials for shipbuilding, the greater part has been applied to that object and the purchase will be continued with the balance.

The enterprising spirit which has characterized our naval force and its success, both in restraining insults and depredations on our coasts and in reprisals on the enemy, will not fail to recommend an enlargement of it.

There being reason to believe that the act prohibiting the acceptance of British licences is not a sufficient guard against

the use of them, for purposes favorable to the interests and views of the enemy, further provisions on that subject are highly important. Nor is it less so that penal enactments should be provided for cases of corrupt and perfidious intercourse with the enemy, not amounting to treason nor yet embraced by any statutory provisions.

A considerable number of American vessels which were in England when the revocation of the orders in council took place were laden with British manufactures under the erroneous impression that the nonimportation act would immediately cease to operate, and have arrived in the United States. It did not appear proper to exercise on unforeseen cases of such magnitude the ordinary powers vested in the Treasury Department to mitigate forfeitures without previously affording to Congress an opportunity of making on the subject such provision as they may think proper. In their decision they will doubtless equally consult what is due to equitable considerations and to the public interest.

The receipts into the Treasury during the year ending on the 30th of September last have exceeded \$16,500,000, which have been sufficient to defray all the demands on the Treasury to that day, including a necessary reimbursement of near three millions of the principal of the public debt. In these receipts is included a sum of near \$5,850,000, received on account of the loans authorized by the acts of the last session; the whole sum actually obtained on loan amounts to \$11,000,000, the residue of which, being receivable subsequent to the 30th of September last, will, together with the current revenue, enable us to defray all the expenses of this year.

The duties on the late unexpected importations of British manufactures will render the revenue of the ensuing year more productive than could have been anticipated.

The situation of our country, fellow-citizens, is not without its difficulties, though it abounds in animating considerations, of which the view here presented of our pecuniary resources is an example. With more than one nation we have serious

and unsettled controversies, and with one, powerful in the means and habits of war, we are at war. The spirit and strength of the nation are nevertheless equal to the support of all its rights, and to carry it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing that the war in which we are actually engaged is a war neither of ambition nor of vainglory; that it is waged not in violation of the rights of others, but in the maintenance of our own; that it was preceded by a patience without example under wrongs accumulating without end, and that it was finally not declared until every hope of averting it was extinguished by the transfer of the British scepter into new hands clinging to former councils, and until declarations were reiterated to the last hour, through the British envoy here, that the hostile edicts against our commercial rights and our maritime independence would not be revoked; nay, that they could not be revoked without violating the obligations of Great Britain to other powers, as well as to her own interests. To have shrunk under such circumstances from manly resistance would have been a degradation blasting our best and proudest hopes; it would have struck us from the high rank where the virtuous struggles of our fathers had placed us, and have betrayed the magnificent legacy which we hold in trust for future generations. It would have acknowledged that on the element which forms three-fourths of the globe we inhabit, and where all independent nations have equal and common rights, the American people were not an independent people, but colonists and vassals. It was at this moment and with such an alternative that war was chosen. The nation felt the necessity of it, and called for it. The appeal was accordingly made, in a just cause, to the Just and All-powerful Being who holds in His hand the chain of events and the destiny of nations. It remains only that, faithful to ourselves, entangled in no connections with the views of other powers, and ever ready to accept peace from the hand of justice,

we prosecute the war with united counsels and with the ample faculties of the nation until peace be so obtained and as the only means under the Divine blessing of speedily obtaining it.

TO JONAS GALUSHA.¹

MAD. MSS.

WASHINGTON, November 30, 1812.

SIR I have rec^d your letter of the 7th instant communicating a Resolution of the General Assembly of Vermont, pledging their co-operation with the General Gov^t & with the Nation, in the present contest with a Foreign Power. Had this Contest originated in causes, appealing with a less indiscriminate force to the common interests & honorable feelings of every portion of our fellow Citizens, that respect for the will of the majority, regularly proclaimed, which is the vital principle of our free Constitution, would have imposed on all, the sacred duty which is thus laudably recognised by the State of Vermont; and the discharge of which is enforced by the powerful consideration, that nothing can more contribute to prolong the contest and embarrass the attainment of its just objects, than the encouragement afforded to the hopes of the Enemy, by appearances of discord & discontent among ourselves.

In doing justice to the patriotism which dictated

¹Governor of Vermont, a Republican, now serving his second term. Vermont was the only New England State which cast its vote for Madison for President at this time. By the following year, however, it became Federalist.

the Resolution transmitted, I take a pleasure in remarking that it is heightened by the particular exposure of Vermont to the pressure which the war necessarily brings with it, and in assuring myself that proportionate exertions of her Citizens will add new lustre to their character. In the war which made us an Independent Nation their valor had a conspicuous share. In a war which maintains the rights and attributes of Independence on the Ocean, where they are not less the gift of nature and of nature's God than on the land, the same zeal & perseverance may be confidently expected from the same pride of liberty & love of Country.

Accept the assurances of my high respect & best wishes.

TO WILLIAM EUSTIS.¹

MAD. MSS.

Dec^r 4, 1812.

DEAR SIR,—I have rec^d your letter of yesterday with the impressions w^{ch} could not but result from your purpose of retiring from an Office so nearly related to that which has been entrusted to me, in which your services have been coeval with mine, & in which I have witnessed the zeal and constancy of your exertions for the public good under difficulties peculiarly arduous & trying. In bearing this testi-

¹ Eustis's retirement as Secretary of War was probably voluntary, he himself recognizing that Congress had no confidence in his ability to cope with the situation. Monroe was appointed Secretary of War *pro tempore* January 1, 1813, and served till February 4.

mony, I indulge my own feelings as well as pay a tribute which is so justly due.

I take the liberty of adding a hope that it will not be inconsistent with your arrangements, to continue your official attentions untill they can be replaced by a successor.

I thank you for the kind wishes you have expressed, and I offer the best of mine for your welfare & happiness.

TO PAUL HAMILTON.¹

MAD. MSS.

December 31, 1812.

DEAR SIR,—I have rec^d your letter of yesterday, signifying your purpose to retire from the Dep^t which has been under your care.

On an occasion which is to terminate the relation in w^{ch} it placed us, I cannot satisfy my own feelings, or the tribute due to your patriotic merits & private virtues, without bearing testimony to the faithful zeal, the uniform exertions, and unimpeachable integrity, with which you have discharged that important trust; and without expressing the value I have always placed on that personal intercourse, the pleasure of which I am now to lose.

With these recollections & impressions I tender you assurances of my affect^e esteem, and of my sincerest wishes for your welfare & happiness.

¹Hamilton's resignation was probably on a hint from Madison. On January 12, 1813, William Jones, of Pennsylvania, succeeded him.

SPECIAL MESSAGE TO CONGRESS.

FEBRUARY 24, 1813.

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

I lay before Congress copies of a proclamation of the British lieutenant-governor of the island of Bermuda,¹ which has appeared under circumstances leaving no doubt of its authenticity. It recites a British order in council of the 26th of October last, providing for the supply of the British West Indies and other colonial possessions by a trade under special licenses, and is accompanied by a circular instruction to the colonial governors which confines licensed importations from ports of the United States to the ports of the Eastern States exclusively.

The Government of Great Britain had already introduced into her commerce during war a system which, at once violating the rights of other nations and resting on a mass of forgery and perjury unknown to other times, was making an unfortunate progress in undermining those principles of morality and religion which are the best foundation of national happiness.

The policy now proclaimed to the world introduces into her modes of warfare a system equally distinguished by the deformity of its features and the depravity of its character, having for its object to dissolve the ties of allegiance and the sentiments of loyalty in the adversary nation, and to seduce and separate its component parts the one from the other.

The general tendency of these demoralizing and disorgan-

¹ The circular of the British Government dated November 9, 1812, transmitting the Order in Council of October 26, to the Lieutenant-Governor of the Bermudas, contained this paragraph:

"Whatever importations are proposed to be made under the order, from the United States of America, should be by your licenses confined to the ports in the Eastern States exclusively, unless you have reason to suppose that the object of the order would not be fulfilled if licenses are not also granted for importations from other ports in the United States"—*Annals of Cong.*, 12th Cong., 2^d Sess., p. 1119.

izing contrivances will be reprobated by the civilized and Christian world, and the insulting attempt on the virtue, the honor, the patriotism, and the fidelity of our brethren of the Eastern States will not fail to call forth all their indignation and resentment, and to attach more and more all the States to that happy Union and Constitution against which such insidious and malignant artifices are directed.

The better to guard, nevertheless, against the effect of individual cupidity and treachery and to turn the corrupt projects of the enemy against himself, I recommend to the consideration of Congress the expediency of an effectual prohibition of any trade whatever by citizens or inhabitants of the United States under special licenses, whether relating to persons or ports, and in aid thereof a prohibition of all exportations from the United States, in foreign bottoms, few of which are actually employed, whilst multiplying counterfeits of their flags and papers are covering and encouraging the navigation of the enemy.

SECOND INAUGURAL ADDRESS.¹

About to add the solemnity of an oath to the obligations imposed by a second call to the station in which my country heretofore placed me, I find in the presence of this respectable assembly an opportunity of publicly repeating my profound sense of so distinguished a confidence and of the responsibility united with it. The impressions on me are strengthened by such an evidence that my faithful endeavors to discharge my arduous duties have been favorably estimated, and by a consideration of the momentous period at which the trust has

¹ Madison had been re-elected by a vote of 128 to 89 for DeWitt Clinton, of New York. Georgia, Kentucky, Louisiana, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Vermont, and Virginia voted for him; Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York and Rhode Island against.

been renewed. From the weight and magnitude now belonging to it I should be compelled to shrink if I had less reliance on the support of an enlightened and generous people, and felt less deeply a conviction that the war with a powerful nation, which forms so prominent a feature in our situation, is stamped with that justice which invites the smiles of Heaven on the means of conducting it to a successful termination.

May we not cherish this sentiment without presumption when we reflect on the characters by which this war is distinguished?

It was not declared on the part of the United States until it had been long made on them, in reality though not in name; until arguments and expostulations had been exhausted; until a positive declaration had been received that the wrongs provoking it would not be discontinued; nor until this last appeal could no longer be delayed without breaking down the spirit of the nation, destroying all confidence in itself and in its political institutions, and either perpetuating a state of disgraceful suffering or regaining by more costly sacrifices and more severe struggles our lost rank and respect among independent powers.

On the issue of the war are staked our national sovereignty on the high seas and the security of an important class of citizens, whose occupations give the proper value to those of every other class. Not to contend for such a stake is to surrender our equality with other powers on the element common to all and to violate the sacred title which every member of the society has to its protection. I need not call into view the unlawfulness of the practice by which our mariners are forced at the will of every cruising officer from their own vessels into foreign ones, nor paint the outrages inseparable from it. The proofs are in the records of each successive Administration of our Government, and the cruel sufferings of that portion of the American people have found their way to every bosom not dead to the sympathies of human nature.

As the war was just in its origin and necessary and noble in

its objects, we can reflect with a proud satisfaction that in carrying it on no principle of justice or honor, no usage of civilized nations, no precept of courtesy or humanity, have been infringed. The war has been waged on our part with scrupulous regard to all these obligations, and in a spirit of liberality which was never surpassed.

How little has been the effect of this example on the conduct of the enemy!

They have retained as prisoners of war citizens of the United States not liable to be so considered under the usages of war.

They have refused to consider as prisoners of war, and threatened to punish as traitors and deserters, persons emigrating without restraint to the United States, incorporated by naturalization into our political family, and fighting under the authority of their adopted country in open and honorable war for the maintenance of its rights and safety. Such is the avowed purpose of a Government which is in the practice of naturalizing by thousands citizens of other countries, and not only of permitting but compelling them to fight its battles against their native country.

They have not, it is true, taken into their own hands the hatchet and the knife, devoted to indiscriminate massacre, but they have let loose the savages armed with these cruel instruments; have allured them into their service, and carried them to battle by their sides, eager to glut their savage thirst with the blood of the vanquished and to finish the work of torture and death on maimed and defenseless captives. And, what was never before seen, British commanders have extorted victory over the unconquerable valor of our troops by presenting to the sympathy of their chief captives awaiting massacre from their savage associates.

And now we find them, in further contempt of the modes of honorable warfare, supplying the place of a conquering force, by attempts to disorganize our political society, to dismember our confederated Republic. Happily, like others, these will recoil on the authors; but they mark the degenerate

counsels from which they emanate: and if they did not belong to a series of unexampled inconsistencies, might excite the greater wonder, as proceeding from a Government which founded the very war in which it has been so long engaged, on a charge against the disorganizing and insurrectional policy of its adversary.

To render the justice of the war on our part the more conspicuous, the reluctance to commence it was followed by the earliest and strongest manifestations of a disposition to arrest its progress. The sword was scarcely out of the scabbard, before the enemy was apprized of the reasonable terms on which it would be resheathed. Still more precise advances were repeated, and have been received in a spirit forbidding every reliance not placed on the military resources of the nation.

These resources are amply sufficient to bring the war to an honorable issue. Our nation is, in number, more than half that of the British isles. It is composed of a brave, a free, a virtuous, and an intelligent people. Our country abounds in the necessaries, the arts, and the comforts of life. A general prosperity is visible in the public countenance. The means employed by the British Cabinet to undermine it, have recoiled on themselves; have given to our national faculties a more rapid development; and draining or diverting the precious metals from British circulation and British vaults, have poured them into those of the United States. It is a propitious consideration, that an unavoidable war should have found this seasonable facility for the contributions required to support it. When the public voice called for war, all knew and still know, that without them it could not be carried on through the period which it might last; and the patriotism, the good sense, and the manly spirit of our fellow-citizens, are pledges for the cheerfulness with which they will bear each his share of the common burden. To render the war short, and its success sure, animated, and systematic exertions alone are necessary; and the success of our arms now may long preserve

our country from the necessity of another resort to them. Already have the gallant exploits of our naval heroes proved to the world our inherent capacity to maintain our rights on one element. If the reputation of our arms has been thrown under clouds on the other, presaging flashes of heroic enterprise assure us that nothing is wanting to correspondent triumphs there also, but the discipline and habits which are in daily progress.

March 4, 1813.

TO DAVID HUMPHREYS

MAD MSS.

WASHINGTON, Mar 23, 1813

DEAR SIR I have rec^d your letter of the 19th Ulti: Mr. Perkins who was to have been the bearer, has not yet arrived, unless, as is possible, he may have done so, and had his communications with the Patent Office, without my knowing it.

Altho' it is neither usual nor often eligible, to enter into political explanations on such an occasion as the present, I am induced by the frank & friendly tenor of your remarks, to express (under the reserves which you will infer) my regret that you should be able to cite a prevailing opinion that "an alliance with France and a systematic exclusion of Commerce" were within the views of the Administration.

To say nothing of the extreme improbability of such a policy on the first point, it is not easy to conceive a more formal disavowal of it, than has been repeatedly made & published both by my predecessor & myself, particularly in the Messages relating to the war, which emphatically impugn political alliances or conventions with any foreign power.

In full conformity with these disavowals, is the letter from Mr. Barlow to Mr. Monroe lately published, from which it must be necessarily inferred that he was forbidden to enter into any arrangement with France beyond the subjects of indemnity & commerce. With such strong presumptions & decisive proofs before the public, it is impossible that a purpose in this Government of allying itself with that of France, can be seriously believed by any intelligent individual not in a temper to reject a witness even from the dead.

As to a systematic exclusion of commerce, a belief of it, is still more incomprehensible. Temporary abridgements or suspensions of it, must have for their object its permanent freedom, as interruptions of peace, have for their object, a re-establishment of peace on improved foundations. In such a light only can the restrictive measures applied to our commerce be rationally viewed. The avowed object of them, in fact, was to liberate our commerce from foreign restrictions equally obnoxious to all parties. Whether the means were well applied or not, may be made a question. The object itself never can. How is it possible that any man in his senses should attempt or wish to annihilate the foreign commerce of such a Country as this; or that such a policy should be supported by that portion of the Country, which thinks itself, as much more interested in commerce than the other portion, as the cargoes of ships are more valuable than their freight?

Viewing the topics which have so much agitated

the public mind, in the light here presented, I have never allowed myself to believe that the Union was in danger, or that a dissolution of it could be desired, unless by a few individuals, if such there be, in desperate situations or of unbridled passions. In addition to the thousand affinities belonging to every part of the Nation, every part has an interest as deep as it is obvious, in maintaining the bond which keeps the whole together; and the Eastern part certainly not less than any other. Looking to the immediate & *commercial* effect of a dissolution, it is clear that the Eastern part would be the greatest loser, by such an event; and not likely therefore deliberately to rush into it; especially when it takes into view, the groundlessness of the suspicions which alone could suggest so dreadful an alternative; and the turn which would probably grow out of it, to the relations with Europe. The great road of profitable intercourse for New England, even with old England, lies through the Wheat, the Cotton & the Tobacco fields, of her Southern & Western confederates. On what basis could N. E. & O. E. form commercial stipulations. On all the great articles they would be in direct rivalship. The real source of our Revolution was the commercial jealousy of G. B. towards that part of her then Colonies. If there be links of common interest between the two Countries, they w^d connect the S. & not the N. States, with that part of Europe. Accept my friendly respects.

I this moment receive your favor of the 20th, with the paper headed "Navy."

TO JOHN NICHOLAS.

MAD. MSS.

WASHINGTON, April 2d, 1813.

DEAR SIR Your favor of the 11th March came duly to hand and I feel myself obliged by the friendly spirit of the observations it contains. The circumstances under which the war commenced on our part require that it should be reviewed with a liberality above the ordinary rules and dispositions indulged in such cases. It had become impossible to avoid or even delay war, at a moment when we were not prepared for it, and when it was certain that effective preparations would not take place, whilst the question of war was undecided. Another feature was, the discord and variety of opinions and views in the public councils, of which sufficient evidence has been seen, in the public debates and proceedings; and of which much more is known than ever has been published. The Calculations of the Ex. were that it would be best to open the war with a force of a kind and amount that would be soon procured, & that might strike an important blow, before the Enemy, who was known to disbelieve the approach of such an event, could be reinforced. These calculations were defeated, as you observe by mixing, and substituting preparations necessarily producing fatal delays; and in some respects thwarting each other. At this moment, notwithstanding the additional stimuli, it is not certain that the regular force exceeds that which was in the first instance recommended, which would have been more an overmatch for the then strength of the enemy, than the force voted, if realized, would be

for his present strength; and which could have been easily augmented as fast as might be necessary to maintain conquered ground, or meet reinforcements from Europe or elsewhere. The failure of our calculations, with respect to the expedition under Hull, needs no comment. The worst of it was that we were misled by a reliance authorized by himself, on its securing to us the command of the Lakes. The decisive importance of this advantage has always been well understood; but until the first prospect ceased, other means of attaining it were repressed by certain difficulties in carrying them into effect. These means have since been pushed with alacrity; and we hope will enable us to open the campaign in relation to Canada, with a retort of the success which the last turned against us. With the command of L. Ontario, the treasonable commerce at which you point, will probably be found too hazardous to be prosecuted. I have furnished you hints however, for the consideration of the proper Departments.

We are at present occupied with the Mediation of Russia.¹ That is the only power in Europe which can command respect from both France and England; and at this moment it is in its zenith. We shall endeavour to turn this mediation to the best account, in promoting a just peace. We are encouraged in this policy by the known friendship of the Emperor Alexander to this country; and by the probability that the greater affinity between the Baltic and

¹ Offered by Dashkoff, the Russian Chargé at Washington, March 8.

American ideas of maritime law, than between those of the former and of G. B. will render his interposition as favorable as will be consistent with the character assumed by him.

Accept &c.

MESSAGE TO THE SPECIAL SESSION OF CONGRESS.

WASHINGTON, May 25, 1813.

Fellow-Citizens of the Senate and of the House of Representatives:

At an early day after the close of the last session of Congress an offer was formally communicated from His Imperial Majesty the Emperor of Russia of his mediation, as the common friend of the United States and Great Britain, for the purpose of facilitating a peace between them. The high character of the Emperor Alexander being a satisfactory pledge for the sincerity and impartiality of his offer, it was immediately accepted, and as a further proof of the disposition on the part of the United States to meet their adversary in honorable experiments for terminating the war it was determined to avoid intermediate delays incident to the distance of the parties by a definitive provision for the contemplated negotiation. Three of our eminent citizens were accordingly commissioned with the requisite powers to conclude a treaty of peace with persons clothed with like powers on the part of Great Britain. They are authorized also to enter into such conventional regulations of the commerce between the two countries as may be mutually advantageous. The two envoys who were in the United States at the time of their appointment have proceeded to join their colleague already at St. Petersburg.

The envoys have received another commission authorizing them to conclude with Russia a treaty of commerce with a view to strengthen the amicable relations and improve the beneficial intercourse between the two countries.

The issue of this friendly interposition of the Russian Emperor and this pacific manifestation on the part of the United States time only can decide. That the sentiments of Great Britain toward that Sovereign will have procured an acceptance of his offered mediation must be presumed. That no adequate motives exist to prefer a continuance of war with the United States to the terms on which they are willing to close it is certain. The British cabinet also must be sensible that, with respect to the important question of impressment, on which the war so essentially turns, a search for or seizure of British persons or property on board neutral vessels on the high seas is not a belligerent right derived from the law of nations, and it is obvious that no visit or search or use of force for any purpose on board the vessels of one independent power on the high seas can in war or peace be sanctioned by the laws or authority of another power. It is equally obvious that, for the purpose of preserving to each State its seafaring members, by excluding them from the vessels of the other, the mode heretofore proposed by the United States and now enacted by them as an article of municipal policy, can not for a moment be compared with the mode practiced by Great Britain without a conviction of its title to preference, inasmuch as the latter leaves the discrimination between the mariners of the two nations to officers exposed by unavoidable bias as well as by a defect of evidence to a wrong decision, under circumstances precluding for the most part the enforcement of controlling penalties, and where a wrong decision, besides the irreparable violation of the sacred rights of persons, might frustrate the plans and profits of entire voyages; whereas the mode assumed by the United States guards with studied fairness and efficacy against errors in such cases and avoids the effect of casual errors on the safety of navigation and the success of mercantile expeditions.

If the reasonableness of expectations drawn from these considerations could guarantee their fulfillment a just peace would not be distant. But it becomes the wisdom of the

National Legislature to keep in mind the true policy, or rather the indispensable obligation, of adapting its measures to the supposition that the only course to that happy event is in the vigorous employment of the resources of war. And painful as the reflection is, this duty is particularly enforced by the spirit and manner in which the war continues to be waged by the enemy, who, uninfluenced by the unvaried examples of humanity set them, are adding to the savage fury of it on one frontier a system of plunder and conflagration on the other, equally forbidden by respect for national character and by the established rules of civilized warfare.

As an encouragement to persevering and invigorated exertions to bring the contest to a happy result, I have the satisfaction of being able to appeal to the auspicious progress of our arms, both by land and on the water.

In continuation of the brilliant achievements of our infant Navy, a signal triumph has been gained by Captain Lawrence and his companions in the *Hornet* sloop of war, which destroyed a British sloop of war, with a celerity so unexampled, and with a slaughter of the enemy so disproportionate to the loss in the *Hornet*, as to claim for the conquerors the highest praise, and the full recompense provided by Congress in preceding cases. Our public ships of war in general, as well as the private armed vessels, have continued also their activity and success against the commerce of the enemy, and, by their vigilance and address, have greatly frustrated the efforts of the hostile squadrons distributed along our coasts, to intercept them in returning into port, and resuming their cruises.

The augmentation of our Naval force, as authorized at the last session of Congress, is in progress. On the Lakes our superiority is near at hand, where it is not already established.

The events of the campaign, so far as they are known to us, furnish matter of congratulation, and show that, under a wise organization and efficient direction, the Army is destined to a glory not less brilliant than that which already encircles the Navy. The attack and capture of York is, in that quarter,

a presage of future and greater victories; while, on the western frontier, the issue of the late siege of Fort Meigs leaves us nothing to regret but a single act of inconsiderate valor.

The provisions last made for filling the ranks, and enlarging the staff of the Army, have had the best effects. It will be for the consideration of Congress, whether other provisions, depending on their authority, may not still further improve the Military Establishment and the means of defence.

The sudden death of the distinguished citizen who represented the United States in France, without any special arrangements by him for such a contingency, has left us without the expected sequel to his last communications: nor has the French Government taken any measures for bringing the depending negotiations to a conclusion, through its representative in the United States. This failure adds to delays before so unreasonably spun out. A successor to our deceased Minister has been appointed, and is ready to proceed on his mission: the course which he will pursue in fulfilling it, is that prescribed by a steady regard to the true interests of the United States, which equally avoids an abandonment of their just demands, and a connexion of their fortunes with the systems of other Powers.

The receipts in the Treasury, from the 1st of October to the 31st day of March last, including the sums received on account of Treasury notes, and of the loans authorized by the acts of the last and preceding sessions of Congress, have amounted to fifteen millions four hundred and twelve thousand dollars. The expenditures during the same period amounted to fifteen millions nine hundred and twenty thousand dollars, and left in the Treasury, on the 1st of April, the sum of one million eight hundred and fifty-seven thousand dollars. The loan of sixteen millions of dollars, authorized by the act of the 8th of February last, has been contracted for. Of that sum more than a million of dollars has been paid into the Treasury, prior to the 1st of April, and formed a part of the receipts as above stated. The remainder of that loan, amounting to near

fifteen millions of dollars, with the sum of five millions of dollars authorized to be issued in Treasury notes, and the estimated receipts from the customs and the sales of public lands, amounting to nine millions three hundred thousand dollars, and making in the whole twenty-nine millions three hundred thousand dollars to be received during the last nine months of the present year, will be necessary to meet the expenditures already authorized, and the engagements contracted in relation to the public debt. These engagements amount during that period to ten millions five hundred thousand dollars, which, with near one million for the civil, miscellaneous, and diplomatic expenses, both foreign and domestic, and seventeen millions eight hundred thousand dollars for the military and naval expenditures, including the ships of war building and to be built, will leave a sum in the Treasury at the end of the present year equal to that on the first of April last. A part of this sum may be considered as a resource for defraying any extraordinary expenses already authorized by law, beyond the sums above estimated; and a further resource for any emergency may be found in the sum of one million of dollars, the loan of which to the United States has been authorized by the State of Pennsylvania, but which has not yet been brought into effect.

This view of our finances, whilst it shows that due provision has been made for the expenses of the current year, shows, at the same time, by the limited amount of the actual revenue, and the dependence on loans, the necessity of providing more adequately for the future supplies of the Treasury. This can be best done by a well digested system of internal revenue, in aid of existing sources; which will have the effect, both of abridging the amount of necessary loans, and on that account, as well as by placing the public credit on a more satisfactory basis, of improving the terms on which loans may be obtained. The loan of sixteen millions was not contracted for at a less interest than about seven and a half per cent., and, although other causes may have had an agency,

it cannot be doubted, that, with the advantage of a more extended and less precarious revenue, a lower rate of interest might have sufficed. A longer postponement of this advantage could not fail to have a still greater influence on future loans.

In recommending to the National Legislature this resort to additional taxes, I feel great satisfaction in the assurance, that our constituents, who have already displayed so much zeal and firmness in the cause of their country, will cheerfully give any other proof of their patriotism which it calls for. Happily, no people, with local and transitory exceptions, never to be wholly avoided, are more able than the people of the United States to spare for the public wants a portion of their private means, whether regard be had to the ordinary profits of industry, or the ordinary price of subsistence in our country, compared with those in any other. And in no case could stronger reasons be felt for yielding the requisite contributions. By rendering the public resources certain, and commensurate to the public exigencies, the constituted authorities will be able to prosecute the war the more rapidly to its proper issue; every hostile hope, founded on a calculated failure of our resources, will be cut off; and by adding to the evidence of bravery and skill, in combats on the ocean and the land, an alacrity in supplying the treasure necessary to give them their fullest effect, and demonstrating to the world the public energy which our political institutions combine, with the personal liberty distinguishing them, the best security will be provided against future enterprises on the rights or the peace of the nation.

The contest in which the United States are engaged, appeals for its support to every motive that can animate an uncorrupted and enlightened people; to the love of country; to the pride of liberty; to an emulation of the glorious founders of their independence, by a successful vindication of its violated attributes; to the gratitude and sympathy which demand security from the most degrading wrongs of a class of citizens, who have proved themselves so worthy of the protection of

their country, by their heroic zeal in its defence; and, finally, to the sacred obligation of transmitting entire, to future generations, that precious patrimony of national rights and independence which is held in trust by the present, from the goodness of Divine Providence.

Being aware of the inconveniences to which a protracted session, at this season, would be liable, I limit the present communication to objects of primary importance. In special messages which may ensue, regard will be had to the same consideration.

TO THE SENATE OF THE UNITED STATES.¹ MAD. MSS.

I have rec^d from the Committee appointed by the resolution of the Senate of the [14] day of [June] a copy of that resolution, which authorizes the Committee to confer with the P. on the subject of the nomination made by him of a Min: Plenipo. to Sweden.

Conceiving it to be my duty to decline the proposed conference with the Committee, & it being uncertain when it may be convenient to explain to the Committee & thro' them, to the Senate, the grounds of my so doing, I think it proper to address the explanation directly to the Senate.

Without entering into a general review of the relations, in which the constitution has placed the several departments of the Gov^t to each other, it will suffice to remark

That the Executive & Senate in the cases of appointments to Office & of Treaties, are to be considered as independent of and co-ordinate with each other. If they agree the appoint-

¹ Jonathan Russell was nominated May 29 to be Minister Plenipotentiary to Sweden. On June 14 the Senate "Resolved, that the nomination of Jonathan Russell, and the motion of Mr. Goldsborough, on the subject, together with the message of the President of the United States, of the 7th instant, with the communications therein mentioned, be referred to a committee, with instructions respectfully to confer with the President of the United States, upon the subject of the said nomination, and report thereon."—*Executive Journal of the Senate*, ii., 354.

ments or treaties are made. If the Senate disagree they fail. If the Senate wish information previous to their final decision, the practice, keeping in view the constitutional relations of the Senate & the Executive has been either to request the Executive to furnish it, or to refer the subject to a committee of their body to communicate either formally or informally with the head of the proper Department.

The appointment of a Committee of the Senate to confer immediately with the Executive himself appears to lose sight of the co-ordinate relation between the Executive & the Senate which the Constitution has established, & which ought therefore to be maintained.

The relation between the Senate & House of Representatives in whom legislative power is concurrently vested, is sufficiently analogous to illustrate that between the Executive & senate in making appointments & treaties. The two houses are in like manner independent of & co-ordinate with each other; and the invariable practice of each in appointing Committees of conference & consultation is to commission them to confer not with the co-ordinate Body itself, but with a Committee of that Body. And although both branches of the Legislature may be too numerous to hold conveniently a conference with committees were they to be appointed by either to confer with the entire Body of the other, it may be fairly presumed that if the whole number of either branch were not too large for the purpose, the objection to such a conference, being agst the principle, as derogating from the co-ordinate relations of the two Houses, would retain all its force.

I add only that I am entirely persuaded of the purity of the intentions of the Senate, in the course they have pursued on this occasion, & with which my view of the subject makes it my duty not to accord; & that they will be cheerfully furnished with all the suitable information in possession of the Executive, in any mode deemed consistent with the principles of the Constitution, and the settled practice under it.

WASHINGTON July 6 1813

TO ALBERT GALLATIN.

MAD. MSS.

WASHINGTON, Aug 2, 1813

DEAR SIR—You will learn from the Sec^y of State the painful manner in which the Senate have mutilated the Mission to St^t, Petersburg.¹ But the course & circumstances of the proceeding require more of explanation than may fall within his scope, and more indeed, than can well be conveyed on paper.

Previously to sending in the nomination of the Envoys, there was no indication, that, if the popularity of the object did not prevent opposition, it would extend beyond a portion of the Senate essentially short of a majority. And there is reason to believe that if a preliminary ²*attempt to embarrass the subject* had been decided on at the proper time, and before out-door means could be interposed, the desired & expected result would have been secured. Liberality however yielded to an adjournment of the question, and the opportunity afforded by it was

¹ On April 17 Gallatin was appointed Envoy Extraordinary and Minister Plenipotentiary with John Quincy Adams and James A. Bayard, but it was intended that his post as Secretary of the Treasury should be kept open for him. He left Washington April 21 and the Senate rejected the nomination July 19. On February 9, 1814, it declared his seat as Secretary of the Treasury vacant, because he was absent from it, and on the same day he was nominated to be Envoy Extraordinary and Minister Plenipotentiary to England. Jones, Secretary of the Navy, served as Secretary of the Treasury *ad interim* from April 21, but on July 24 he wrote to Madison that a continuance of the double service was absolutely impracticable. Nevertheless, he continued to serve till George W. Campbell was appointed February 9, 1814.

² Italics for cypher.

industriously improved. The first step was, after formally ascertaining the arrangement under which you were included in the Mission, *to obtain a vote* declaring an incompatibility (without specifying whether Constitutional or otherwise) between the domestic & diplomatic app^{ts}. The tendency of this proposition *to comprehend as many and to commit as much as possible, is obvious.* It would seem notwithstanding that the vote of incompatibility was *concurring in by some who regarded it* not as an obstacle to an ultimate concurrence in the nomination, but rather as a protest throwing the whole responsibility upon the Executive. The next step was to *communicate this opinion of the Senate to me, with a view either to extort a compliance, or to unite against the nomination all, or as many as possible, who had concurred* in the vote of incompatibility. In this stage of the business it was the confident opinion of the supporters of the nomination that *inflexibility on the part of the Ex* would ensure a majority for it and their *unanimous & urgent advice as well on general grounds, as on that particular calculation, not to yield to the irregular views of the adverse party.* The event proved that the final *purposes of certain individuals on whom the turning of the scale depended, had been miscounted.* It is not easy to express the mixed feelings produced by the disappointment, *or the painfulness of my own in particular.* It was at first suggested from some friendly sources, as most advisable in such a posture of things to *send in a renomination founded on a vacancy in the Secretaryship of the Treasury;* and

under certain points of view *this expedient had its recommendations*. They were met however by difficulties & considerations not to be got over. 1. *The ground taken by the Executive did not admit a compliance with the condition imposed by the Senate, without a palpable inconsistency*. 2. *Those who had approved & urged this ground could not brook the idea of putting their opponents ostensibly in the right & themselves in the wrong*. 3. *It was calculated, that the mediation, if accepted by G. B. would be over, & the envoys on their way home, before the decision of the Senate could reach S^t Petersburg and that this last w^d certainly be the case sh^d the mediation be rejected as was becoming more & more probable especially considering the prospects on the Continent, & as seems now to be put beyond doubt, by a late communication from Beasely at London*. Nor were these the only views of the subject. It was apprehended by some of the *best disposed & best informed of the Senate* that a *renomination would not secure the object*. As it had become certain that the *open & secret adversaries* together amounted to a *formidable number* who would be doubly gratified by a *double triumph*, it was suspected that after succeeding in getting the *Treasury vacated*, it would be a *prerequisite to a confirmation of the other app* that the *vacancy should be actually filled in order to prevent its being kept open for your return*, which might be looked for *within the term of six months*; and that with this view a *resolution might be obtained* declaring the inconsistency of a *protracted vacancy with the public service &*

the incompatibility of the *two offices held by the Secretary of the Navy to be used in like manner with the first resolution, as a motive, or pretext for embarrassing & if possible getting rid of the renomination.* It is certain that some who had *intimated an intended change of their votes, in case the Treasury Dep^t should be vacated, had in view that the vacancy should be forthwith filled & even that a nomination to it should go in with the renomination.* Whether a majority would have gone such lengths is uncertain; but strong symptoms existed of a temper in the Body capable of going very great lengths. And apart from all other considerations it would have been impossible even if it had been *intended to make & fill a vacancy in the Treas^y Dep^t that the consent of the Senate in the other case could be purchased by a pledge to that effect.* Besides the *degradation of the Ex., it would have introduced a species of barter of 'the most fatal tendency.*

I have given you this summary that you may understand the true character of a *proceeding which has given us so much concern.* I will add to it two observations only, 1. that the *Senate by resting their negative on the opinion of official incompatibility tacitly acknowledge a personal fitness & so far defeat their own hostility:* 2. that the *whole proceeding according to every friendly opinion, will have the effect of giving you a stronger hold on the confidence & support of the Nation.* Judging from the effect as already known this cannot fail to be the case.

I have just recovered strength eno', after a severe

& tedious attack of bilious fever, to bear a journey to the Mountains whither I am about setting out. The Physicians prescribe it as essential to my thorough recovery, & security agst a relapse at the present season. For recent occurrences & the general state of affairs, I refer to the official communications going by this conveyance. If it were less inconvenient to me, to lengthen my letter, I should recollect that I send it, without expecting that it will find you at Petersburg, should it happen not to be intercepted on its passage.

Accept my affectionate esteem & best wishes.

TO HENRY DEARBORN

MAD. MSS

WASHINGTON, Aug^t 8th, 1813

DEAR SIR I have rec^d yours of the 24th July.¹ As my esteem and regard have undergone no change, I wish you to be apprized that such was the state of things, and such the turn they were taking, that the retirement which is the subject of your letter, was pressed by your best personal friends.

It was my purpose to have written to you on the occasion, but it was made impossible by a severe illness, from which I am now barely eno' recovered for a journey to the Mountains, prescribed by my Physicians as indispensable. It would have been

¹ In the letter of July 24 from Utica Dearborn said he intended to retire to his family near Boston and asked that an inquiry be made into his conduct.—*Mad. MSS.* The request was denied; but, ostensibly because of his ill-health, he was relieved of his active command and transferred to New York, considered an important post. Madison to Armstrong, Sept. 8, 1813.—*Madison's Works* (Cong Ed.).

entirely agreeable to me, if as I took for granted was to be the case, you had executed your original intention of providing for your health, by exchanging the sickliness of Niagara for some eligible spot, And I sincerely lament every pain to which you have been subsequently exposed from whatever circumstance it has proceeded. How far the investigation you refer to would be regular, I am not prepared to say. You have seen the Motion in the House of Representatives comprehending such an object; and the prospect held out of resuming the subject at another session. I am persuaded that you will not lose in any respect by the effect of time and truth.

Accept my respects & best wishes.

TO ISAAC SHELBY.¹

MAD. MSS.

MONTPELIER, Aug. 12, 1813.

DEAR SIR I rec^d your favor of the 18th July a few days only before I left Washington, which was on the 9th instant. If any doubt had ever existed of the patriotism or bravery of the Citizens of Kentucky, it would have been turned into an admiration of both by the tests to which the war has put them. Nor could any who are acquainted with your history and character, wish the military services of your fellow Citizens to be under better direction than yours. How far a call on you and them, according to the provision made by your Legislature, will take place,

¹ Governor of Kentucky.

must depend on the wants of Gen^l Harrison who will be regulated in his applications for succour by his own prospects on L. Erie, & by the operations on & below L. Ontario, which must have a considerable bearing on his. We do not despond tho' we ought not to be too sanguine, that the effect of our naval preparations on the several Lakes, and the proper use of the forces assembled on & convenient to them, will soon relieve the distant militia & volunteers from much of the demands which the course of the war on our inland frontier has made on them. Should it happen otherwise it is consoling to know that such resorts exist as those to which your letter contains so favorable an example.

TO JOHN GRAHAM.

MAD. MSS

MONTPELIER, Aug^t 28th, 1813.

DEAR SIR I have rec^d your favor of the 26th. I cannot recollect off-hand, very much about the letter from Turreau to R. Smith, of which a translation is printed at Georgetown.¹ My general im-

¹The letter appeared in the *Federal Republican* of Georgetown. It was dated June 14, 1809, and started out: "The federal government is going to settle all its differences with Great Britain, and to make a treaty of amity, of commerce and of navigation with that power." Turreau then proceeded to point out the undesirability from France's point of view of a treaty with the United States and recited the wrongs committed by the United States upon France. The manner as well as the matter of the letter made it one which the United States could not have received without dismissing Turreau. On August 31, Graham wrote the *Federal Republican*, saying the letter was one which he had translated for Secretary Smith when it was received, but that it had been withdrawn by Turreau. Both letters may be found in *Niles's Weekly Register*, v., 37.

pression is that it was considered at the time as highly exceptionable in several passages; that it was noticed that T. by a ruse diplomatique, which distinguished between the existing & preceding administrations, and assumed the air of a private instead of an Official paper, had attempted to cover & pass off here a rudeness which might be rec^d as a proof of his energetic zeal, by his own Gov^t and that unless T. preferred taking back the paper, a proper notice of its offensiveness ought to be taken; it being of course left to R. S. to manage the business with T. A further appeal to my memory, may give more precision to these circumstances, and may recover others from the oblivion into which they have fallen. The case will probably be the same with you. If you can pronounce with certainty from your own knowledge, or the information of Mr. Smith that the letter was taken back by T. (a thing not very unusual in such cases, and of which there have been examples with other foreign Ministers, British,¹ if I mistake not, as well as French²) it may be well perhaps that the fact sh^d be noticed in the Newspaper. An antidote in some form, to the mischievous intent of the publication seems due to the crisis chosen for it. If no answer were given to the letter, which the records will test, that alone would be animadversion, in one of its modes, of no inconsiderable force. It is unfortunate that the individual possessing the fullest knowledge of all

¹ Mr. Erskine.² Mr. Pichon.

circumstances, cannot be resorted to. If he has himself conveyed the paper to the printer, as you conjecture, it is another evidence of the folly which has marked his career; since the position which he occupied and the address of the paper to him as "une lettre simple," w^d assign to him more particularly any reproach of want of sensibility to its offensive contents; For he will hardly pretend that he was controuled in the expression of it. The time for doing that was the time when he mustered the whole of that & every other species of denunciation agst the object of his tormenting passions. If the original of the French letter was returned to T. without a copy having been taken, as may be inferred from the sending of a translation to the Printer, and your translation is not found in the Office, the translation sent must have been yours; and the public will decide between the Clerks in the Depar^t and the then head of it. It is sufficiently known that he carry^d with him out of it, copies of other papers which he wished to possess, with a view to eventual publicity.

If the date of the translated letter be correctly published, the letter must have been rec^d before the rejection of Erskine's arrangement was known, and at a period when a reconciliation with England was considered as certain. This consideration might properly have had weight, in disposing the Cabinet to bear with less impatience an exceptionable tone from a French Minister, whose feelings on such an event, w^d naturally mingle themselves with his complaints on other subjects, some of which, par-

ticularly the apathy of the Amⁿ Gov^t with respect to the French ship burnt near the shore of N. C., it was not very easy to meet in a satisfactory manner.

I am very sorry to hear of the indisposition of Col. Monroe. I hope it will be found to justify the term *slight* which you apply to it. My own health has greatly improved since my arrival here; but I have not been without several slight returns of fever which are chargeable rather on the remnant of the influenza than the cause from which I suffered in Washington. I am now pretty well recovered from the last return which took place a few days ago. Accept with my respects my best wishes for your health & welfare.

TO WILLIAM WIRT.¹

MONTPELIER, Sept^r 30th, 1813.

DEAR SIR,—I have been several weeks in possession of your favor of the 29th of August. As it appeared that you were on an excursion from Richmond, perhaps behind the mountains, I have not been in a hurry to acknowledge it. From the present advance of the season, I infer your probable return to that place.

From whatever motives information such as that in your letter might proceed, it ought not to be unwelcome. The friendly ones by which I well know you were governed entitle it to my sincere thanks, which I pray you to accept.

¹ From the *Works of Madison* (Cong. Ed.).

I have not been unaware of the disappointment and discontent gaining ground with respect to the war on Canada, or of the use to which they were turned against the Administration. I have not been less aware that success alone would put an end to them. This is the test by which public opinion decides more or less in all cases, and most of all, perhaps, in that of military events, where there is the least opportunity of judging by any other. No stimulus, therefore, has been wanting to the exertions necessary to render our arms successful in the quarter where they have failed.

How far these exertions will prevail remains to be seen; and how far past failure is to be ascribed to the difficulties incident to the first stages of a war commenced as the present necessarily was; to the personal faults of those entrusted with command; to the course pursued by the National Legislature; or to mismanagements by the Executive Department, must be left to those who will decide impartially, and on fuller information than may now exist.

Without meaning to throw undue blame elsewhere, or to shun whatever blame may be justly chargeable on the Executive, I will, in the confidence with which we both write, intimate the plan for giving effect to the war, originally entertained by that branch of the Government. As it was obvious that advantage ought to be taken of our chusing the time for commencing, or rather retorting, hostilities, and of the pains taken to make the British Government believe that they were not to be resorted to by the United

States; and as it was foreseen that there would be great delay, if not impossibility, in raising a large army for a long term of service, it was thought best to limit our first attempts to such a force as might be obtained in a short time, and be sufficient to reduce Canada, from Montreal upwards, before the enemy would be prepared to resist its progress; trusting to the impression to be made by success, and to the time that would be afforded, for such an augmentation of the durable force as would be able to extend as well as secure our conquests. With these views, it was recommended to Congress to provide immediately and effectually for completing the existing establishment of 10,000 men; to provide for a like number to be enlisted for a shorter term of 2 or 3 years; and for volunteers, of whom an adequate number, as was represented, would be readily furnished by the enthusiasm of the frontiers of New York and Vermont. With this arrangement was combined the expedition conducted by Hull against the upper and weaker part of the Province.

Of the issue of this part of the plan, and its distressing consequences, it is needless to speak. The other part, not coinciding with the ideas adopted by Congress, was not brought to an experiment. It was there thought best to commence with the addition of 25,000 regulars to the existing establishment of 10,000. And to the delays in passing the laws for this purpose; to the deficiency in the bounty and pay allowed recruits; to the necessity of selecting 1,000 officers, to be drawn from every part of the Union;

and to the difficulty, not to say impossibility, of procuring, at a crisis of such scarcity, supplies for such an army, and of distributing them over such a surface in the worst season of the year; may reasonably be ascribed the loss of the first year of the land war. It unfortunately happened, also, that the first provision of the two vital Departments, the Commissary's and Quarter Master's, was so inadequate, that the War office, otherwise overcharged, was obliged for some time to perform the functions of both. It was only after repeated failures and a lapse of months that a Commissary General could be obtained on the terms offered by the law. Nor ought it to be omitted that the recommendation of a greater number of General Officers, though complied with at the last session of Congress, was rejected in the first instance. The same may be remarked as to two auxiliary appointments in the War office, now substantially provided for under other names in the organization of the military establishment. The utter inexperience of nearly all the new officers was an inconvenience of the most serious kind, but inseparable, as it always must be, from a Country among whose blessings it is to have long intervals of peace, and to be without those large standing armies which even in peace are fitted for war.

These observations will be allowed less weight in the present than in the first year of the war. But they will justly mitigate the lateness, to say nothing of the thinness of the ranks notwithstanding the

augmented inducements to enlist, attending the operations by which the character of the campaign is to be decided. My anxiety for the result is great, but not unmingled with hopes that it will furnish topics better than the past on which the Censorious adversaries and criticising friends of the Administration are to be met.

Accept, dear Sir, the assurances of my regard.

FIFTH ANNUAL MESSAGE.

WASHINGTON, December 7, 1813.

Fellow-Citizens of the Senate and of the House of Representatives:

In meeting you at the present interesting conjuncture it would have been highly satisfactory if I could have communicated a favorable result to the mission charged with negotiations for restoring peace. It was a just expectation, from the respect due to the distinguished Sovereign who had invited them by his offer of mediation, from the readiness with which the invitation was accepted on the part of the United States, and from the pledge to be found in an act of their Legislature for the liberality which their plenipotentiaries would carry into the negotiations, that no time would be lost by the British Government in embracing the experiment for hastening a stop to the effusion of blood. A prompt and cordial acceptance of the mediation on that side was the less to be doubted, as it was of a nature not to submit rights or pretensions on either side to the decisions of an umpire, but to afford merely an opportunity, honorable and desirable to both, for discussing and, if possible, adjusting them for the interest of both.

The British cabinet, either mistaking our desire of peace for a dread of British power or misled by other fallacious calculations, has disappointed this reasonable anticipation. No communications from our envoys having reached us, no

information on the subject has been received from that source; but it is known that the mediation was declined in the first instance, and there is no evidence, notwithstanding the lapse of time, that a change of disposition in the British councils has taken place or is to be expected.

Under such circumstances a nation proud of its rights and conscious of its strength has no choice but an exertion of the one in support of the other.

To this determination the best encouragement is derived from the success with which it has pleased the Almighty to bless our arms both on the land and on the water.

Whilst proofs have been continued of the enterprise and skill of our cruisers, public and private, on the ocean, and a new trophy gained in the capture of a British by an American vessel of war, after an action giving celebrity to the name of the victorious commander, the great inland waters on which the enemy were also to be encountered have presented achievements of our naval arms as brilliant in their character as they have been important in their consequences.

On Lake Erie, the squadron under command of Captain Perry having met the British squadron of superior force, a sanguinary conflict ended in the capture of the whole. The conduct of that officer, adroit as it was daring, and which was so well seconded by his comrades, justly entitles them to the admiration and gratitude of their country, and will fill an early page in its naval annals with a victory never surpassed in luster, however much it may have been in magnitude.

On Lake Ontario the caution of the British commander, favored by contingencies, frustrated the efforts of the American commander to bring on a decisive action. Captain Chauncey was able, however, to establish an ascendancy on that important theater, and to prove by the manner in which he effected everything possible that opportunities only were wanted for a more shining display of his own talents and the gallantry of those under his command.

The success on Lake Erie having opened a passage to the

territory of the enemy, the officer commanding the North-western army transferred the war thither, and rapidly pursuing the hostile troops, fleeing with their savage associates, forced a general action, which quickly terminated in the capture of the British and dispersion of the savage force.

This result is signally honorable to Major-General Harrison, by whose military talents it was prepared; to Colonel Johnson and his mounted volunteers, whose impetuous onset gave a decisive blow to the ranks of the enemy, and to the spirit of the volunteer militia, equally brave and patriotic, who bore an interesting part in the scene; more especially to the chief magistrate of Kentucky, at the head of them, whose heroism signalized in the war which established the independence of his country, sought at an advanced age a share in hardships and battles for maintaining its rights and its safety.

The effect of these successes has been to rescue the inhabitants of Michigan from their oppressions, aggravated by gross infractions of the capitulation which subjected them to a foreign power; to alienate the savages of numerous tribes from the enemy, by whom they were disappointed and abandoned, and to relieve an extensive region of country from a merciless warfare which desolated its frontiers and imposed on its citizens the most harassing services.

In consequence of our naval superiority on Lake Ontario and the opportunity afforded by it for concentrating our forces by water, operations which had been provisionally planned were set on foot against the possessions of the enemy on the St. Lawrence. Such, however, was the delay produced in the first instance by adverse weather of unusual violence and continuance and such the circumstances attending the final movements of the army, that the prospect, at one time so favorable, was not realized.

The cruelty of the enemy in enlisting the savages into a war with a nation desirous of mutual emulation in mitigating its calamities, has not been confined to any one quarter. Wherever they could be turned against us, no exertions to

effect it have been spared. On our Southwestern border, the Creek tribes, who, yielding to our persevering endeavors, were gradually acquiring more civilized habits, became the unfortunate victims of seduction. A war in that quarter has been the consequence, infuriated by a bloody fanaticism recently propagated among them. It was necessary to crush such a war before it could spread among the contiguous tribes, and before it could favor enterprises of the enemy into that vicinity. With this view, a force was called into the service of the United States from the State of Georgia and Tennessee, which, with the nearest regular troops, and other corps from the Mississippi Territory, might not only chastise the savages into present peace, but make a lasting impression on their fears.

The progress of the expedition, as far as is yet known, corresponds with the martial zeal with which it was espoused; and the best hopes of a satisfactory issue are authorized by the complete success with which a well planned enterprise was executed against a body of hostile savages, by a detachment of the volunteer militia of Tennessee, under the gallant command of General Coffee; and by a still more important victory over a larger body of them, gained under the immediate command of Major General Jackson, an officer equally distinguished for his patriotism and his military talents.

The systematic perseverance of the enemy in courting the aid of the savages in all quarters, had the natural effect of kindling their ordinary propensity to war into a passion, which, even among those best disposed towards the United States, was ready, if not employed on our side, to be turned against us. A departure from our protracted forbearance to accept the services tendered by them, has thus been forced upon us. But, in yielding to it, the retaliation has been mitigated as much as possible, both in its extent and in its character, stopping far short of the example of the enemy, who owe the advantages they have occasionally gained in battle, chiefly to the number of their savage associates; and

who have not controlled them either from their usual practice of indiscriminate massacre on defenceless inhabitants, or from scenes of carnage without a parallel, on prisoners to the British arms, guarded by all the laws of humanity and honorable war. For these enormities the enemy are equally responsible, whether with the power to prevent them, they want the will, or, with the knowledge of the want of power, they still avail themselves of such instruments. In other respects, the enemy are pursuing a course which threatens consequences most afflicting to humanity.

A standing law of Great Britain naturalizes, as is well known, all aliens complying with conditions limited to a shorter period than those required by the United States; and naturalized subjects are, in war, employed by her Government in common with native subjects. In a contiguous British province, regulations promulgated since the commencement of the war, compel citizens of the United States being there under certain circumstances to bear arms; whilst, of the native emigrants from the United States, who compose much of the population of the province, a number have actually borne arms against the United States within their limits; some of whom, after having done so, have become prisoners of war, and are now in our possession. The British commander in that province, nevertheless, with the sanction, it appears, of his Government, thought proper to select from American prisoners of war, and send to Great Britain for trial as criminals, a number of individuals, who had emigrated from the British dominions long prior to the state of war between the two nations, who had incorporated themselves into our political society, in the modes recognised by the law and the practice of Great Britain, and who were made prisoners of war, under the banners of their adopted country, fighting for its rights and its safety.

The protection due to these citizens requiring an effectual interposition in their behalf, a like number of British prisoners of war were put into confinement, with a notification that they

would experience whatever violence might be committed on the American prisoners of war sent to Great Britain.

It was hoped that this necessary consequence of the step unadvisedly taken on the part of Great Britain would have led her Government to reflect on the inconsistencies of its conduct, and that a sympathy with the British, if not with the American sufferers, would have arrested the cruel career opened by its example.

This was unhappily not the case. In violation both of consistency and humanity, American officers and non-commissioned officers, in double the number of the British soldiers confined here, were ordered into close confinement, with formal notice that, in the event of a retaliation for the death which might be inflicted on the prisoners of war sent to Great Britain for trial, the officers so confined would be put to death also. It was notified, at the same time, that the commanders of the British fleets and armies on our coasts are instructed, in the same event, to proceed with a destructive severity against our towns and their inhabitants.

That no doubt might be left with the enemy of our adherence to the retaliatory resort imposed on us, a correspondent number of British officers, prisoners of war in our hands, were immediately put into close confinement, to abide the fate of those confined by the enemy; and the British Government has been apprized of the determination of this Government, to retaliate any other proceedings against us, contrary to the legitimate modes of warfare.

It is as fortunate for the United States that they have it in their power to meet the enemy in this deplorable contest, as it is honorable to them that they do not join in it but under the most imperious obligations, and with the humane purpose of effectuating a return to the established usages of war.

The views of the French Government on the subjects which have been so long committed to negotiation have received no elucidation since the close of your late session. The Minister Plenipotentiary of the United States at Paris had

not been enabled, by proper opportunities, to press the objects of his mission, as prescribed by his instructions.

The militia being always to be regarded as the great bulwark of defence and security for free States, and the Constitution having wisely committed to the national authority a use of that force, as the best provision against an unsafe Military Establishment, as well as a resource peculiarly adapted to a country having the extent and the exposure of the United States, I recommend to Congress a revision of the militia laws, for the purpose of securing more effectually the services of all detachments called into the employment, and placed under the Government of the United States.

It will deserve the consideration of Congress, also, whether, among other improvements in the militia laws, justice does not require a regulation, under due precautions, for defraying the expense incident to the first assembling, as well as the subsequent movements, of detachments called into the national service.

To give to our vessels of war, public and private, the requisite advantage in their cruises, it is of much importance that they should have, both for themselves and their prizes, the use of the ports and markets of friendly Powers. With this view, I recommend to Congress the expediency of such legal provisions as may supply the defects or remove the doubts of the Executive authority to allow to the cruisers of other Powers at war with enemies of the United States, such use of the American ports as may correspond with the privileges allowed by such Powers to American cruisers.

During the year ending on the 30th of September last, the receipts into the Treasury have exceeded thirty-seven millions and a half of dollars, of which near twenty-four millions were the produce of loans. After meeting all the demands for the public service, there remained in the Treasury, on that day, near seven millions of dollars. Under the authority contained in the act of the 2d of August last, for borrowing seven millions and a half of dollars, that sum has

been obtained on terms more favorable to the United States than those of the preceding loan made during the present year. Further sums to a considerable amount will be necessary to be obtained in the same way during the ensuing year; and, from the increased capital of the country, from the fidelity with which the public engagements have been kept, and the public credit maintained, it may be expected, on good grounds, that the necessary pecuniary supplies will not be wanting.

The expenses of the current year, from the multiplied operations falling within it, have necessarily been extensive. But, on a just estimate of the campaign, in which the mass of them has been incurred, the cost will not be found disproportionate to the advantages which have been gained. The campaign has, indeed, in its latter stages, in one quarter, been less favorable than was expected; but, in addition to the importance of our naval success, the progress of the campaign has been filled with incidents highly honorable to the American arms.

The attacks of the enemy on Craney Island, on Fort Meigs, on Sacketts Harbor, and on Sandusky have been vigorously and successfully repulsed; nor have they in any case succeeded on either frontier excepting when directed against the peaceable dwellings of individuals or villages unprepared or undefended.

On the other hand, the movements of the American Army have been followed by the reduction of York, and of Forts George, Erie, and Malden; by the recovery of Detroit and the extinction of the Indian war in the West, and by the occupancy or command of a large portion of Upper Canada. Battles have also been fought on the borders of the St. Lawrence, which, though not accomplishing their entire objects, reflect honor on the discipline and prowess of our soldiery, the best auguries of eventual victory. In the same scale are to be placed the late successes in the South over one of the most powerful, which had become one of the most hostile also, of the Indian tribes.

It would be improper to close this communication without expressing a thankfulness in which all ought to unite for the numerous blessings with which our beloved country continues to be favored; for the abundance which overspreads our land, and the prevailing health of its inhabitants; for the preservation of our internal tranquillity, and the stability of our free institutions, and, above all, for the light of divine truth and the protection of every man's conscience in the enjoyment of it. And although among our blessings we can not number an exemption from the evils of war, yet these will never be regarded as the greatest of evils by the friends of liberty and of the rights of nations. Our country has before preferred them to the degraded condition which was the alternative when the sword was drawn in the cause which gave birth to our national independence, and none who contemplate the magnitude and feel the value of that glorious event will shrink from a struggle to maintain the high and happy ground on which it placed the American people.

With all good citizens the justice and necessity of resisting wrongs and usurpations no longer to be borne will sufficiently outweigh the privations and sacrifices inseparable from a state of war. But it is a reflection, moreover, peculiarly consoling, that, whilst wars are generally aggravated by their baneful effects on the internal improvements and permanent prosperity of the nations engaged in them, such is the favored situation of the United States that the calamities of the contest into which they have been compelled to enter are mitigated by improvements and advantages of which the contest itself is the source.

If the war has increased the interruptions of our commerce, it has at the same time cherished and multiplied our manufactures so as to make us independent of all other countries for the more essential branches for which we ought to be dependent on none, and is even rapidly giving them an extent which will create additional staples in our future intercourse with foreign markets.

If much treasure has been expended, no inconsiderable portion of it has been applied to objects durable in their value and necessary to our permanent safety.

If the war has exposed us to increased spoliations on the ocean and to predatory incursions on the land, it has developed the national means of retaliating the former and of providing protection against the latter, demonstrating to all that every blow aimed at our maritime independence is an impulse accelerating the growth of our maritime power.

By diffusing through the mass of the nation the elements of military discipline and instruction; by augmenting and distributing warlike preparations applicable to future use; by evincing the zeal and valor with which they will be employed and the cheerfulness with which every necessary burden will be borne, a greater respect for our rights and a longer duration of our future peace are promised than could be expected without these proofs of the national character and resources.

The war has proved moreover that our free Government, like other free governments, though slow in its early movements, acquires in its progress a force proportioned to its freedom, and that the union of these States, the guardian of the freedom and safety of all and of each, is strengthened by every occasion that puts it to the test.

In fine, the war, with all its vicissitudes, is illustrating the capacity and the destiny of the United States to be a great, a flourishing, and a powerful nation, worthy of the friendship which it is disposed to cultivate with all others, and authorized by its own example to require from all an observance of the laws of justice and reciprocity. Beyond these their claims have never extended, and in contending for these we behold a subject for our congratulations in the daily testimonies of increasing harmony throughout the nation, and may humbly repose our trust in the smiles of Heaven on so righteous a cause.

SPECIAL MESSAGE TO CONGRESS.

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

The tendency of our commercial and navigation laws, in their present state, to favor the enemy, and thereby prolong the war, is more and more developed by experience. Supplies of the most essential kinds find their way, not only to British ports and British armies at a distance, but the armies in our neighborhood, with which our own are contending, derive from our ports and outlets a subsistence attainable with difficulty, if at all, from other sources. Even the fleets and troops infesting our coasts and waters are, by like supplies, accommodated and encouraged in their predatory and incursive warfare.

Abuses, having a like tendency, take place in our import trade. British fabrics and products find their way into our ports, under the name and from the ports of other countries; and often in British vessels, disguised as neutrals, by false colors and papers.

To these abuses it may be added, that illegal importations are openly made, with advantage to the violators of the law, produced by undervaluations, or other circumstances involved in the course of the judicial proceedings against them.

It is found, also, that the practice of ransoming is a cover for collusive captures, and a channel for intelligence advantageous to the enemy.

To remedy, as much as possible, these evils, I recommend:

That an effectual embargo on exports be immediately enacted.

That all articles, known to be derived, either not at all, or in any immaterial degree only, from the productions of any other country than Great Britain, and particularly the extensive articles made of wool and cotton materials, and ardent spirits made from the cane, be expressly and absolutely prohibited, from whatever port or place, or in whatever vessels, the same may be brought into the United States; and that all violations of the non-importation act be subjected to adequate penalties.

That, among the proofs of the neutral and national character of foreign vessels, it be required that the masters and supercargoes, and three-fourths at least of the crews, be citizens or subjects of the country under whose flag the vessels sail.

That all persons concerned in collusive captures by the enemy, or in ransoming vessels or their cargoes from the enemy, be subjected to adequate penalties.

To shorten, as much as possible, the duration of the war, it is indispensable that the enemy should feel all the pressure that can be given to it; and the restraints having that tendency, will be borne with the greater cheerfulness by all good citizens; as the restraints will affect those most, who are most ready to sacrifice the interest of their country in pursuit of their own.

December 9, 1813.

TO GEORGE W. CAMPBELL.¹

(*Private.*)

MONTPELIER, May 7, 1814.

DEAR SIR,

I have had the pleasure of receiving yours of the 4th inst.² Altho' a just estimate by the lenders ought to have afforded us better terms, yet under all circumstances of the moment, the loan has been obtained on terms equal to the public expectation, and

¹From a copy kindly furnished by Mrs. Susan P. Brown, of Spring Hill, Tenn.

²By the act of March 24, Congress authorized a loan of \$25,000,000. Campbell wrote to Madison, May 4, saying he had disposed of \$10,000,000 of the loan "at \$88 in money for \$100 in 6 per cent. stocks: the government agreeing that if any part of the 25 millions authorized to be borrowed for the present year should be given on terms more favorable to the lenders, the benefit of such terms should be extended to the persons then holding the stock issued for the present year. . . . A considerable portion of it has been offered by public institutions and individuals of whose ability there is no reason to doubt.

will have a favorable influence on our affairs. I hope no difficulty will grow out of the individual case you mention. The fulfilment of his former contract, & the effect of his present offer in improving the general terms of the loan were both in favor of receiving his subscription. I do not see however why he might not have disclosed spontaneously his connections in the business. If there were grounds, which I know of no facts to presume, for suspecting a defect of responsibility, the danger would be that an individual under such circumstances might take the chance of a rise of Stock, without incurring more than a failure otherwise hanging over him, in the event of a fall of Stock. Having secured a livelihood for the war for a few months, we shall have time to deliberate on a further experiment, and with a prospect of receiving from abroad information that may enlighten our calculations.

Mrs. Madison returns her best wishes to Mrs. Campbell who will please to accept mine also. We accomplished our journey within the time allotted, but thro' roads which made the utmost exertions necessary. A very seasonable spring has given a fine countenance to the country. I fear an exception is about to take place in our Wheat fields which abound with the Hessian fly.

Accept assurances of my esteem and friendly regards.

There is, however, a large sum (5 millions) taken by or in the name of one man, Mr. Barker; who at an early day put in his proposal for that amount on the foregoing terms. It is presumed he acts in conjunction with others, or is supported by some public institutions which will enable him to comply with his proposal."—*Mad. MSS.*

TO GEORGE W. CAMPBELL.¹*(Private)*

MONTPELIER, May 25, 1814

DEAR SIR,

I have just rec'd your favor of the 23^d inclosing two letters from Mr. Astor. As the resource of loans to a considerable amount in addition to taxes is necessary to our Treasury, and as money is cheaper in Europe than here, especially whilst disaffection withholds the greater part of the capital from Market, it is obviously desirable that we should avail ourselves of the foreign market, now become the more practicable in consequence of the repeal of the Non. Imp. law and of the Independence of Holland. The question is as to the mode, and the choice lies between the app^t of an agency to bargain abroad for the public, and a bargain here with individuals who will act for themselves abroad. Each mode has its pros. & its cons. which I need not suggest. I lean at present to the latter mode as least difficult under all circumstances, but I leave myself open to the lights I may receive at Washington, where I expect to be by the first of next month. I propose to set out thither the day after tomorrow (friday). The weather however which is unsettled may prevent it. I shall then be able to speak with you also on the subject of Gen. Jackson & the Treaty with the Creeks. It will be matter of regret, if either the State of Tennessee or that distinguished officer should be

¹ From a copy kindly furnished by Mrs. Susan P. Brown, of Spring Hill, Tenn.

finally dissatisfied. The enumerations to you on the subject, have not taken into view the relation of Georgia as well as Tennessee to the case, or the advantage in a general view from the circumstances, but of neither State having too much share in the demarkation of the Territory to be ceded, a part of the Union having a jealous eye on the particular interest they, Western States, take in Indian Affairs.

It is difficult to say what may be the effect of this feature of things in Europe, on our affairs, should it be truly represented by the late arrivals, and undergo no new changes. Much will ultimately depend on the disposition of Russia & the other great powers of the Continent towards us. Their interests evidently coincide with ours, in bringing England to peace with us, unless Eng. should let them carry on her trade with us as well as their own which is too contrary to her favorite maxims to be presumed. The danger is that her temporary ascendancy and her success in propagating false impressions of the principles & views of the U. S. may induce them to acquiesce in her measures agst us.

Accept assurances of my esteem & regard.

CABINET MEMORANDUM.

CHIC. HIST. SOC. MSS

In cabinet June 7, 1814—present J. Monroe, G. W. Campbell, Gen^l Armstrong, W. Jones, R. Rush. The subject, the opening of the campaign.

1. determined, nem-con: on an expedition into L. Huron,

of 4 or 5 vessels, and 800 or 1000 troops—the first objects to occupy Machadash & S^t Josephs—leaving ab^t 500 to hold at least the former.

2. d^o. nem-con. (except Mr. Monroe who did not positively oppose but thought the measure hazardous) on an expedition, with the forces under Genl. Brown, from L. Erie, near long Point, to Burlington Heights, preparatory to further operations for reducing the Peninsula, & proceeding towards York, &c; the expedition to depend on Comodore Chauncey's getting the command of the L. without w^{ch} supplies could not be secured, and with which they might be conveyed safely by water from Depots on the S. side of L. Ontario.

3. d^o. nem-con. 14 or 15 armed Boats to be built at Sacket's Harbour to command the St. Lawrence and on protection of posts to be supplied by detachments from Izard's command, so as to intercept the water communication between Montreal & Kingston.

4. d^o. nem: con: the main force under Izard, to make demonstrations towards Montreal, as a diversion of the En^y. from operations westward & affording a chance of compelling Prescott to fight disadvantageously, or break up his connection with L. Champlain

CABINET MEMORANDUM. ¹

MAD. MSS.

(*Submitted to the Cabinet, June 23 and 24, 1814.*)

1. Shall the surrender by Great Britain of the practice of impressment, in a treaty limited to a certain period, be an ultimatum? Monroe, Campbell, Armstrong, Jones—No—Rush inclining but not insisting otherwise.

2. Shall a treaty of peace, silent on the subject of im-

¹ From the copy made by Madison's direction for the statement he prepared in 1824 in reply to General Armstrong's communication printed in 1821 in the *Literary and Scientific Repository*. (See *Post*, January, 1824.)

pressment be authorized? All no; but Armstrong and Jones, who were aye.

3. Shall a treaty be authorized comprising an article, referring the subject of impressment along with that of commerce to a separate negotiation? Monroe, Campbell, Armstrong & Jones Aye—Rush for awaiting further information from Europe.

June 27, 1814.

In consequence of the letters from Mess^{rs} Bayard & Gallatin of May 6—7 and of other accounts from Europe, as to the ascendancy & views of Great Britain and the dispositions of the great Continental powers, the preceding question No. 2, was put to the Cabinet, and agreed to by Monroe, Campbell, Armstrong & Jones; Rush being absent: our ministers to be instructed, besides trying the other conditions to make a previous trial to insert or annex some declaration or protest against any inference from the silence of the Treaty on the subject of impressment, that the British claim was admitted or that of the United States abandoned.

TO JOHN ARMSTRONG.

MAD. MSS.

July 2, 1814.

In analogy to the arrangement yesterday decided on in¹ reference to this City and Baltimore, and with a view to a systematic provision against invading armaments, the Secretary of War will digest and report to the President corresponding precautionary means of defence in reference to the other more

¹The plan of defense of Washington and Baltimore was decided upon in Cabinet July 1st and the following estimate of force was made. It is found among the copies made by Madison's direction for the statement he prepared in 1824 in reply to General Armstrong's com-

important & exposed places along the Atlantic frontier; particularly Boston, New York, Wilmington, Norfolk, Charleston, Savannah and New Orleans. In addition to the distribution at suitable Depots, of arms and other necessaries, the Secretary will report, a circular communication to the Governors of the several States, calculated to obtain from them convenient designations of adequate portions of their Militia, with every other arrangement depending on the State Executives for having them in the best readiness for actual service in cases of emergency.

TO C. J. INGERSOLL.

MAD. MSS.

WASHINGTON July 28th 1814

DEAR SIR I have received your favor of the 18th instant, and delivered into the hands of Mr. Rush

communication printed in 1821 in the *Literary and Scientific Repository*. The letter is from the same source.

Estimate of force and preparation for defence of the City, made up in Cabinet meeting July 1, 1814.

Cavalry City of Washington	. . . . .	120
Ditto, from Carlisle say	. . . . .	200
Regular infantry	. . . . .	1,000
District ditto	. . . . .	1,000
Marines	. . . . .	120
District artillery	. . . . .	200
		<hr/>
		2,640
Of Barney's corps	. . . . .	500
		<hr/>
		3,140

10,000 militia to be designated & held in readiness 10,000 Arms and Camp equipage to be brought forward for use. Survey of the grounds &c.

the interesting extract inclosed in it. The armed neutrality in 1780 forms an Epoch in the history of maritime law, which makes it more than a point of mere curiosity, to trace it to its real source. You know perhaps that there is an American pretension to a share at least in bringing about that measure. The fact may not improperly enter into a general research.

On the question of "free ships, free goods," it has always appeared to me very clear, that the principle was right in itself, and friendly to the general interest of Nations. It is perhaps less clear, that the United States have a special interest in it; unless combined with another principle, of which an example is found in our Treaty with Prussia, and probably in no other; namely, that unarmed merchant vessels, like wagons or ploughs, the property of one belligerent, should be unmolested by the other. This principle has, I believe, an undisputed American Father in Doctor Franklin.

On the question, whether under the law of Nations, as it stands *de facto*, "free ships make free Cargoes," the United States at an early day, took the negative side¹; and although the acknowledgment of it has been shunned as much as possible since, it seems to have been generally understood, that the British doctrine was practically admitted.

Were the question to be regarded as unsettled, and open to fair discussion, I am persuaded, that

¹ See Jefferson's correspondence with Genet. *Madison's Note*.

the weight of authority furnished by reason, public good, treaties, and the luminaries of public law, preponderates in favor of the principle "free ships free goods."

The ablest defence of the opposite principle which I have seen, is in a treatise by Croker the present Vice Admiralty Judge, at Halifax, in answer to Schlegel. I am sorry I neither possess a Copy, nor can refer you to any convenient depository of one.

On the side of "free ships, free goods" may be urged not only the intrinsic merit of the rule, and the number and character of distinguished Jurists, but the predominant authority of Treaties, even of Treaties to which Great Britain is a party. Prior to the Treaty of Utrecht, her treaties, particularly with the Dutch, carefully inserted the stipulation. Sir W. Temple, her Ambassador, claimed great merit, on one occasion for his success in obtaining from them, an article to that effect. In the Treaty of Utrecht in 1713, to which the several great maritime powers were parties, the principle is stipulated in the most explicit form. In the successive Treaties, to which the great maritime powers were also parties in 1748, 1763 & 1783, the Treaty of Utrecht is renewed and made a part thereof. Perhaps no article in maritime law, can be found which at one time rested on such broad and solid evidence of that general consent of Nations, which constitutes the positive law among them. To those Treaties, embracing so many parties, may be added the Treaty

of 1786, between the two most important of them, Great Britain & France. In the negotiations at Amiens, at a still later date, the British Government was desirous of again re-enacting the Treaty, tho' probably with a view rather to the political balance, than to the maritime principles contained in it.

It has been unfortunate, that all the efforts of the Baltic Powers to secure the interests of neutrals have been frustrated by the want of a united and determined perseverance. Their leagues have been broken to pieces; and to finish the catastrophe, each of the parties has separately deserted itself. The latter Treaties of Russia, of Sweden, and of Denmark, with Great Britain, have all, in some form or other, let in the British doctrines, and become authorities against the claims of neutrals.

If a purification of the Maritime Code ever take place, the task seems to be reserved for the United States. They cannot fail to acquire rapidly more and more of respect from other Nations, and of influence on those having a common interest with themselves. They will soon become, in the Canvas they spread, and in all the means of power, on the Ocean, rivals of the Nation which has in fact legislated on that element. Under such auspices, truth, justice, humanity, and universal good, will be inculcated with an advantage which must gradually and peaceably enlist the civilized world, against a Code which violates all those obligations; a code as noxious by the wars and calamities it produces to its overbearing patron, as to the Nations protesting against it.

As a preparation for such a result, it is of great moment that the subject of maritime law should appear in our public debates, in the judicial proceedings, and in individual disquisitions, to have been profoundly studied and understood; so as to attract favorable attention elsewhere; and by inspiring respect for the lights and the character of the Nation, increase that for its power and importance. The Law of Nations has been made by the powerful nations; and these having been warlike in their dispositions and institutions, the law has been moulded to suit belligerent rather than peaceable nations. With the faculties for war, it is to be hoped, our country will continue friendly to peace, and exert the influence belonging to it, in promoting a system favorable to Nations cherishing peace and justice, rather than to those devoted to ambition and conquest.

The questions claiming more particular research and elucidation seem to be, those relating to Contraband of war, blockades, the Colonial and Coasting trades, and the great question of "free ships, free goods."

Accept &c

TO JOHN ARMSTRONG. CHIC. HIST. SOC. MSS.

August 13, 1814

FOR THE DEPARTMENT OF WAR.

On viewing the course which the proceedings of the War Department have not unfrequently taken,

I find that I owe it to my own responsibility as well as to other considerations, to make some remarks on the relations in which the Head of the Department stands to the President, and to lay down some rules for conducting the business of the Department, which are dictated by the nature of those relations.

In general the Secretary of War, like the Heads of the other Dep^{ts} as well by express statute as by the structure of the constitution, acts under the authority & subject to the decisions & instructions of the President; with the exception of cases where the law may vest special & independent powers in the head of the Department.

From the great number & variety of subjects, however, embraced by that Department and the subordinate & routine character of a great portion of them, it cannot be either necessary or convenient that proceedings relative to every subject should receive a previous & positive sanction of the Executive. In cases of that minor sort it is requisite only that they be subsequently communicated as far and as soon as a knowledge of them can be useful or satisfactory.

In cases of a higher character & importance, involving necessarily, and in the public understanding, a just responsibility of the President, the acts of the Department ought to be either prescribed by him, or preceded by his sanction.

It is not easy to define in theory the cases falling within these different classes, or in practice to discriminate them with uniform exactness. But sub-

stantial observance of the distinction is not difficult, and will be facilitated by the confidence between the Executive & the Head of the Department.

This distinction has not been sufficiently kept in view.

I need not repeat the notice heretofore taken of the measure consolidating certain regiments; a measure highly important under more than one aspect; and which was adopted & executed without the knowledge or sanction of the President; nor was it subsequently made known to him otherwise than through the publication of the act in the newspapers.

The like may be said of certain rules & regulations, particularly a Body of them for the Hospital & Medical Dep^{ts} of which the law expressly required the approbation of the President, and which comprise a rule to be observed by the P. himself in future appointments. The first knowledge of these latter regulations was derived from the newspapers.

A very remarkable instance is a late general order prohibiting Duels and challenges, on pain of dismissal from the army. However proper such an order may be in itself, it would never be supposed to have been issued without the deliberate sanction of the President, the more particularly as it pledged an exercise of one of the most responsible of the Executive functions, that of summarily dismissing from military offices without the intervention of the military Tribunal provided by law. This order was adopted & promulgated without the previous knowledge of the P. nor was it ever made known to him

otherwise than by its promulgation. Instructions to military Comanders relating to important plans & operations have been issued without any previous or even any subsequent communication thereof to the Executive; and letters expressly intended & proper for the knowledge & decision of the Ex. have been rec^d & acted on without being previously communicated or the measures taken being made known to him.

Other illustrations might be drawn from instances of other sorts, leading to the result of these remarks. The above may suffice, with the addition of one which with the circumstances attending it will be explained by a reference to the letter of resignation from Gen^l Harrison, to the letter of the P. to the Secretary of War of May 24, to the issuing of the commission of Major General to General Jackson, and the letter of the Secretary of War accompanying it.

The following course will be observed in future:

To be previously communicated to the President:

1. Orders from the Dept. of War establishing general or permanent regulations.
2. Orders for Courts of Enquiry or Courts Martial, on general officers; or designating the numbers or members of the Courts.
3. Commissions or notifications of appointment to officers other than regular promotions, in uncontested cases.
4. Dismissions of officers from the service.
5. Consolidations of Corps or parts of Corps &

translations of F^d officers from one Regiment to another.

6. Acceptances & refusals of resignations from officers above the rank of Captains.

7. Requisitions & receptions of militia into the service & pay of the U. S.

8. Instructions relating to Treaties with Indians.

9. Instructions to officers commanding military Districts, or Corps or Stations, relative to military movements or operations.

10. Changes in the boundaries of military Districts, or the establishm^t of separate commands therein; or the transfer of General officers from one District or command to another District or command.

In the absence of the P. from the seat of Gov^t previous communications to him may be waived in urgent cases, but to be subsequently made without delay.

All letters giving military intelligence or containing other matters intended or proper for the knowledge of the P. will of course be immediately communicated to him.

These rules may omit cases falling within, and embrace cases not entirely within, the reason of them. Experience therefore may improve the rules. In the meantime, they will give a more suitable order & course to the business of the Dep^t will conduce to a more certain harmony & cooperation in the proceedings of the several Departments, and will furnish the proper opportunity for the advantage of

cabinet consultations on cases of a nature to render them expedient.

TO JAMES MONROE ¹

MONROE MSS.

[August 21, 1814]

DEAR SIR

I rec^d yours of 11 P. M. about 20 minutes ago. You will hear from Genl. A. or myself by other express who will leave this about 9 or 10 o'C. If the force of the Enemy be not greater than yet appears, & he be without Cavalry, it seems extraordinary that he sh^d venture on an enterprize to this distance from his shipping. He may however count on the effect of boldness & celerity on his side, and the want of precaution on ours. He may be bound also to do something, & therefore to risk everything. We know little of what is passing in the Potowmac. A company of regular recruits from V^a arrived here last evening. Nothing new from the North or from abroad.

Y^{rs}

TO JAMES MONROE.

MONROE MSS.

[August 22, 1814.]

10 O'C A.M.

DEAR SIR

Since mine of this morning Tatham has come and

¹ Monroe went on a reconnoissance August 20, but August 21 reported that he had been unable to discover anything of consequence.
—*Writings of Monroe* v, 290

speaks of reinforcements to the first Column of the Enemy at Notingham. Taylor, I understand is also here just from Parker, with a report that the Enemy have 3000 in the Potowmac. This must be a great exaggeration, if there be not more shipping than we know of. It w^d seem not improbable that if they have land force of any sensible importance, that it would be equal to some distinct object, otherwise it w^d not be taken from the real operative force. It is s^d Parker is moving up parallel with the frigates; but at what point they were I do not learn. I take for granted that there are arrangements where you are for quick intelligence from every important point. The papers of all the Officers are under way to retired places.¹ I fear not much can be done more than has been done to strengthen the hands of Genl. W[inder]. As fast as succorers arrive here they will be hastened on, but the crisis I presume will be of such short duration, that but few Even from the neighboring Country will be on the ground before it is over. Gen^l Douglas's Brigade will receive another spur, so will the Militia who are to rendezvouz at a Church in Fairfax near this. Wadsworth is taking

¹ The papers of the State Department had been moved the day before, Monroe having notified the clerks in his office to make the best disposition possible of them. They were taken first to a grist mill belonging to Edgar Patterson on the Virginia side of the Potomac a short distance from the Chain Bridge; but this place being deemed unsafe were moved to Leesburg and placed in an empty house, where they remained for some weeks, until the British fleet had left the Chesapeake. See letter of S. Pleasanton, August 7, 1848, to W. H. Winder in *A Sketch of the Events which Preceded the Capture of Washington*, by E. D. Ingraham.

measures for defensive works on the road about Blandensb^g

It appears that the reinforcements in Canada, amount to 8 or 10,000.

Y^{rs}

TO MRS. MADISON.¹

Mr Williams about 6 or 7 miles from Washington
Tuesday Aug 13.

MY DEAREST

We reached our quarters last evening at the Camp between 8 & 9 oC. and made out very well. I have passed the forenoon among the troops who are in high spirits & make a good appearance. The reports as to the enemy have varied every hour. The last & probably truest information is that they are not very strong, and are without cavalry or artillery; and of course that they are not in a condition to strike at Washington. It is believed also that they are not about to move from Marlbro', unless it be from an apprehension of our gathering force, and on

¹ From the original kindly loaned by Fred'k D. McGuire, Esq, of Washington.

On the night of August 22d the President received the following note from Monroe: "The enemy are advancing six miles on the road to the Wood-Yard and our troops retiring. Our troops were on the march to meet them, but too small a body to engage. General Winder proposes to retire until he can collect them in a body. The enemy are in full march for Washington. Have the materials prepared to destroy the bridges.

"Tuesday, 9 o'clock."

He then went out with his Cabinet to the camp, where he spent the night, and returned to the White House the evening of the 23d.

a retreat to their ships. It is possible however they may have a greater force or expect one, than has been represented or that their temerity may be greater than their strength. I sent you a message last night by Col. M. and one to-day by a messenger of Genl Winder who set out at a moment when it was impossible to write. I have detained Shorter, that I might give you by him some final & certain information. We expect any how to learn something further from the camp concerning the enemy. If it should be [of] a nature to make it advisable to return to the camp, you will not see me this evening; otherwise I hope I shall be with you in the course tho' perhaps later in the evening

Your devoted husband

M

I met M^r Cutts between this & the camp, & he returned with us to dinner here when we were offered it by the hospitality of M^r Williams.

MEMORANDUM—AUG. 24, 1814.¹

MAD MSS.

In the morning, a note, by an express from General Winder was handed me. It was addressed to the Secretary of War. Not doubting the urgency of the occasion, I opened and read it, and it went on immediately by the Express to Genl Armstrong who lodged in the Seven Buildings. Finding by the note that the General requested the speediest counsel, I proceeded to his Head Quarters on the Eastern Branch,

¹ The memorandum was evidently written contemporaneously with the events it describes. It was copied by Madison's direction in 1824 for the Armstrong statement (see *ante* p. 280 *n*), the portions in brackets being then inserted.

trusting for notice to the Secretary of War to follow, to the note from Winder. On my reaching his quarters, we were successively joined by the Secretary of State [who soon with our approbation repaired to Bladensburg] the Secretary of the Navy, and Mr. Rush, the Attorney General. After an hour or so, the Secretary of the Treasury arrived, and quickly after the Secretary of War. The latter had been impatiently expected, and surprize at his delay manifested. Gen. Winder was, at the moment setting off to hurry on the troops to Bladensburg in consequence of certain intelligence that the Enemy had taken that direction. Barney's corps was also ordered thither, leaving the Bridge to be blown up if necessary. On Gen. Armstrong's coming into the room, he was informed of the certain march of the enemy for Bladensburg, and of what had passed before his arrival; and he was asked whether he had any arrangement or advice to offer in the emergency. He said he had not; adding, that as the battle would be between Militia and regular troops, the former would be beaten.

On coming out of the house and mounting our horses, the Secretary of the Treasury, who though in a very languid state of health had turned out to join us, observed to me privately that he was grieved to see the great reserve of the Secretary of War, [he lodged in the same house with him] who was taking no part on so critical an occasion; that he found him under the impression, that as the means of defending the District had been committed to Gen^l Winder, it might not be delicate to intrude his opinions without the approbation of the President; tho' with that approbation he was ready to give any aid he could. Mr. Campbell said that notwithstanding his just confidence in Gen^l Winder, he thought, in the present state of things which called for all the military skill possible, the Military knowledge and experience of the Secretary of War ought to be availed of, and that no considerations of delicacy ought to jeopard the public safety. With these impressions he said, he had thought it his duty to make this communica-

tion, and was very anxious, that I should take some proper steps in the case. I told him I could scarcely conceive it possible that Gen^l Armstrong could have so misconstrued his functions and duty as Secretary of war; that he could not but know that any proper directions from him would receive any sanction that might be necessary from the Executive; nor doubt that any suggestions or advice from him to Gen^l Winder would be duly attended to [in this case it had been requested in writing] I told M^r C. that I would speak to the Secretary of War explicitly on the subject; and accordingly turning my horse to him, expressed to him my concern and surprise at the reserve he shewed at the present crisis, and at the scruples I understood he had at offering his advice or opinions; that I hoped he had not construed the paper of instructions given him some time before, [see the paper of Aug^t 13, 1814] so as to restrain him in any respect from the exercise of functions belonging to his office; that at such a juncture it was to be expected that he should omit nothing within the proper agency of Secretary of War, towards the public defence; and that I thought it proper particularly that he should proceed to Bladensburg and give any aid to Gen^l Winder that he could; observing that if any difficulty on the score of authority should arise, which was not likely, I should be near at hand to remove it [it was my purpose in case there should be time, to have the members of the Cabinet together in Bladensburg, where it was expected Gen^l Winder would be, and in consultation with him to decide on the arrangements suited to the posture of things.] He said in reply that he had put no such construction on the paper of instructions as was alluded to; and that as I thought it proper, he would proceed to Bladensburg, and be of any service to Gen^l Winder he could. The purport of this conversation I communicated to Mr. Campbell who remained near us. The Secretary of War set off without delay to Bladensburg.

After a short turn to the Marine barracks whither the Secretary of the Navy had gone, I mentioned to Mr. Rush

who was with me my purpose of going to Bladensburg and my object in so doing. He readily accompanied me. On approaching the Town, we learned from William Simmons, that Winder was not there, and that the enemy were entering it. We rode up to him [Winder] instantly. The Secretaries of State and War were with him. I asked the latter whether he had spoken with Gen^l Winder on the subject of his arrangements and views. He said he had not. I remarked that tho' there was so little time for it, it was possible he might offer some advice or suggestion that might not be too late, to be turned to account; on which he rode up to the General as I did myself. The unruliness of my horse prevented me from joining in the short conversation that took place. When it was over, I asked Gen^l Armstrong whether he had seen occasion to suggest any improvement in any part of the arrangements. He said that he had not; that from his view of them they appeared to be as good as circumstances admitted.

When the Battle had decidedly commenced, I observed to the Secretary of War and Secretary of State that it would be proper to withdraw to a position in the rear, where we could act according to circumstances; leaving military movements now to the military functionaries who were responsible for them. This we did, Mr. Rush soon joining us. When it became manifest that the battle was lost; Mr. Rush accompanying me, I fell down into the road leading to the city and returned to it.

It had been previously settled that in the event of the enemy's taking possession of the city, and the necessity of Executive consultations elsewhere, Fredericktown would be the proper place for the assembling of the Cabinet.¹

¹ It was about two o'clock in the afternoon, when the President and Rush started for Washington. As they rode along slowly, the stream of flying militiamen and civilians poured past them, and they realized what had happened. The President reached the White House about three o'clock, and at six crossed the river in a boat, taking

TO JAMES MONROE ¹

BROOKVILLE, Aug. 26, 1814, 10 o'clock, P.M.

DEAR SIR—I expected this morning to have reached General W. and yourself before your departure from Montgomery C. H., but was delayed so that I did not arrive there till six o'clock, partly to obtain quarters, partly to be within communication with you. I have proceeded thus far, in company

a carriage on the Virginia shore, accompanied by Secretary Jones and Attorney General Rush, and drove to a house a few miles above the Little Falls of the Potomac, where he passed the night. The next morning, August 25th, he went on further for six miles to an inn, where he found Mrs. Madison awaiting him. There he remained all day and part of the night, and was insulted by some of the refugees, who held him responsible for their misfortunes. In the dead of night a report came that the enemy was approaching, and the President left the inn, going to a hovel deeper in the woods, where he spent the rest of the night. The next day he crossed the river and went to Montgomery Court House, Maryland, and then on to Brookville, a Quaker settlement, whence he sent notes to his Cabinet to rejoin him at Washington, the enemy having left the city. He himself reached the city at five o'clock, having been absent three days. The White House having been burned and partially destroyed by the enemy, he went to his sister-in-law, Mrs. Anna Cutts's, house on F street about a block from the Treasury Department, where he remained for a month, when he moved into the Octagon House belonging to Col. John Tayloe, at the corner of New York Avenue and Nineteenth Street—*Hunt's Life of Madison*, 331 *et seq*

¹ From *A Sketch of the Events which preceded the Capture of Washington*, by Edward D. Ingraham, Philadelphia, 1849. Ingraham probably obtained the letter from William H. Winder, of Philadelphia, General Winder's son.

Madison and his party had just arrived at Brookville and he was staying at Mrs. Bently's. "Just at bedtime the Presd. had arrived and all hands went to work to prepare supper and lodgings for him, his companions and guards—beds were spread in the parlour, the house was filled and guards placed round the house during the night. All the villagers, gentlemen and ladies, young and old, throng'd to see the President. He was tranquil as usual, and tho' much distressed by the dreadful event, which had taken place not dispirited"—

with Mr. Rush, General Mason,¹ &c., and avail myself of the bearer to inform you, that I will either wait here till you join me, or follow and join you, as you may think best. Let me know your idea on the subject by the bearer. If you decide on coming hither, the sooner the better. Mr. Rush will remain here also. Mr. Jones is with my family and his own on the other side of the Potomac, but will come to the city the moment he hears of its evacuation. General Armstrong and Mr. Campbell are, I understand, at Fredericktown. I shall give them immediate notice of the change in the state of things, and desire them to conform to it. A letter from General Smith (of Winchester) to General A. was put in my hands, by an express at Montgomery C. H., stating that a brigade of militia could come on or not, as might be desired. I have sent it open to Gen. W., who can judge best of the answer proper to be given, and will act on the letter accordingly.

Accept my best wishes and great esteem.

JAMES MONROE, Esq.,

Secretary of State.

To be opened by Gen. Winder.

Mrs Samuel Harrison Smith to her sister *The First Forty Years of Washington Society*, p 108

The Mayor of Washington, James H Blake, wrote to Madison the evening of Aug 26th, but could find neither horse nor rider to carry the message and sent him a message Saturday morning at 7 o'clock that everything was perfectly quiet and a few of the citizens returning.

—D of S MSS *Misc. Lets.*

¹ John Mason of Annapolis Island. He and Rush were continuously with the President from the time of the flight — *The First Forty Years of Washington Society*, p 105.

TO MRS. MADISON.¹

BROOKVILLE Aug 27th 10 o'clock

MY DEAREST,

Finding that our army has left Montgomery C. H. we pushed on to this place, with a view to join it, or proceed to the City, as further information might prescribe. I have just recd. a line from Col Monroe saying that the enemy were out of Washington & on the retreat to their ships, & advising our immediate return to Washington. We shall accordingly set out thither immediately, you will all of course take the same resolution. I know not where we are in the first instance, to hide our heads; but shall look for a place on my arrival Mr Rush offers his house in the six buildings & the offer claims attention. Perhaps I may fall in with Mr Cutts & have the aid of his advice. I saw Mr Bradley at Montgomery C. H. who told me that Mr Cutts was well. Jamey will give you some particulars truly yours.

P. S I have not time to write, since the above it is found necessary to detain Jamey & send a trooper.

MEMORANDUM.²

MAD MSS

[August 29, 1814]

In the evening of the 29th of August, 1814, Being on horseback, I stopped at General Armstrong's lodgings for the purpose of communicating with him on the state of things in the District, then under apprehensions of an immediate visit from the force of the enemy at Alexandria.

¹ From the family papers of the late J. Henley Smith, Esq, of Washington.

² See *ante*, p. 280 n.

I observed to him that he could not be unaware of the great excitement in the District produced by the unfortunate event which had taken place in the city; that violent prejudices were known to exist against the administration, as having failed in its duty to protect it, particularly against me and himself as head of the War Department; that threats of personal violence had, it was said, been thrown out against us both, but more especially against him; that it had been sufficiently known for several days, and before his return¹ to the city (which was about one o'clock P.M. of the 29th) that the temper of the troops was such as made it expedient, if possible, that he should have nothing to do with them; that I had within a few hours received a message from the commanding General of the Militia informing me that every officer would tear off his epauletts if Gen^l Armstrong was to have anything to do with them; that before his arrival there was less difficulty, as Mr. Monroe who was very acceptable to them, had, as on preceding occasions of his absence, though very reluctantly on this, been the medium for the functions of Secretary of War, but that since his return and presence, the expedient could not be continued, and the question was, what was best to be done. Any convulsion at so critical a moment could not but have the worst consequences.

He said he had been aware of the excitement against him; that it was altogether artificial, and that he knew the sources of it, and the intrigues by which it had been effected, which this was not the proper time for examining; that the excitement was founded on the most palpable falsehoods, and was limited to this spot; that it was evident he could not remain here, and the functions belonging to him divided or exercised by any one else, without forgetting what he owed to his station, and to himself; that he had come into his office with

¹ He had repaired to Fredericktown, the place appointed for the rendezvous of the Executive in the event of their being driven from the city. The turn which things took after his departure prevented the other members from joining him. (*Madison's note.*)

the sole view of serving the public, and was willing to resign it when he could no longer do so with honor and effect; that if it was thought best therefore that he should adopt this course, he was ready to give up his appointment; or he could, with my permission, retire from the scene, by setting out immediately on a visit to his family in the State of New York.

I observed that a resignation was an extent which had not been contemplated; that if made under such circumstances, it might receive constructions which could not be desirable, either in a public or a personal view; that a temporary retirement, as he suggested, tho' also subject to be viewed in some lights not agreeable, was on the whole less objectionable, and would avoid the existing embarrassment, without precluding any future course which might be deemed most fit

He dwelt on the groundless nature of the charges which had produced the excitement, and on the limits within which they had and would operate; affirming that his conduct in relation to the defence of the city &c. had proved that there had been no deficiency on his part.

I told him that I well knew that some of the particular charges brought against him were destitute of foundation, and that as far as they produced the discontents, these would be limited both as to time and space; but that I suspected the discontents to be in a great measure rooted in the belief that he had not taken a sufficient interest in the defence of the city, nor promoted the measures for it; and considering the heavy calamity which had fallen on the place and on its inhabitants, it was natural that strong feelings would be excited on the spot; and as the place was the Capital of the nation every where else also. I added that it would not be easy to satisfy the nation that the event was without blame somewhere, and I could not in candour say that all that ought to have been done had been done & in proper time.

He returned to an exculpation of himself, and remarked that he had omitted no preparations or steps whatever for the safety of the place which had been enjoined on him.

I replied that as the conversation was a frank one, I could not admit this justification; that it was the duty of the Secretary of War not only to execute plans, or orders committed to him, but to devise and propose such as would in his opinion be necessary and proper; that it was an obvious and essential part of his charge, and that in what related to military plans and proceedings elsewhere, he had never been scrupulous or backward in taking this course; that on the contrary he well knew from what on another occasion¹ had passed between us, he had taken a latitude in this respect which I was not satisfied with, that it was due to truth and to myself to say, that he had never appeared to enter into a just view either of the danger to the city which was to be apprehended, or of the consequences of its falling into the hands of the Enemy; that he had never himself proposed or suggested a single precaution or arrangement for its safety, everything done on that subject having been brought forward by myself, and that the apparent difference of his views on that subject from mine had naturally induced a reduction of my arrangements to the minimum, in order to obtrude the less on a reluctant execution. I reminded him also that he had fallen short of the preparations even decided on in the Cabinet, in some respects; particularly in not having arms and equipments brought to convenient depôts from distant ones, some of the militia, when called on for the defence of the City, being obliged to get arms first at Harper's ferry.

I remarked that it was not agreeable thus to speak, nor on an occasion less urgent would it be done; that I had selected him for the office he filled from a respect to his talents, and a confidence that he would exert them for the public good; that I had always treated him with friendliness and confidence and that as there was but a short distance before me to the end of my public career, my great wish, next to leaving my country in a state of peace and prosperity, was to have

¹ See the instructions to him on the 13th day of August 1814.
(*Madison's note*)

preserved harmony and avoid changes, and that I had accordingly as he well knew acquiesced in many things, to which no other consideration would have reconciled me.

He said he was very sensible of my friendly conduct towards him, and always had, and always should respect me for it.

The conversation was closed by my referring to the idea of his setting out in the Morning on a visit to his family; and observing that he would of course revolve it further, and if he continued to think of it as he then did, he would consider me as opposing no restraint. We parted as usual in a friendly manner. On the next morning he sent me word by Mr. Parker that he should proceed immediately to visit his family; and on his arrival at Baltimore, transmitted his resignation.

PROCLAMATION.

Whereas the enemy by a sudden incursion have succeeded in invading the capital of the nation, defended at the moment by troops less numerous than their own and almost entirely of the militia, during their possession of which, though for a single day only, they wantonly destroyed the public edifices, having no relation in their structure to operations of war nor used at the time for military annoyance, some of these edifices being also costly monuments of taste and of the arts, and others depositories of the public archives, not only precious to the nation as the memorials of its origin and its early transactions, but interesting to all nations as contributions to the general stock of historical instruction and political science; and

Whereas advantage has been taken of the loss of a fort more immediately guarding the neighboring town of Alexandria to place the town within the range of a naval force too long and too much in the habit of abusing its superiority wherever it can be applied to require as the alternative of a general conflagration an undisturbed plunder of private property, which has been executed in a manner peculiarly

distressing to the inhabitants, who had inconsiderately cast themselves upon the justice and generosity of the victor; and

Whereas it now appears by a direct communication from the British commander on the American station to be his avowed purpose to employ the force under his direction "in destroying and laying waste such towns and districts upon the coast as may be found assailable," adding to this declaration the insulting pretext that it is in retaliation for a wanton destruction committed by the army of the United States in Upper Canada, when it is notorious that no destruction has been committed, which, notwithstanding the multiplied outrages previously committed by the enemy was not unauthorized, and promptly shown to be so, and that the United States have been as constant in their endeavors to reclaim the enemy from such outrages by the contrast of their own example as they have been ready to terminate on reasonable conditions the war itself; and

Whereas these proceedings and declared purposes, which exhibit a deliberate disregard of the principles of humanity and the rules of civilized warfare, and which must give to the existing war a character of extended devastation and barbarism at the very moment of negotiations for peace, invited by the enemy himself, leave no prospect of safety to anything within the reach of his predatory and incendiary operations but in manful and universal determination to chastise and expel the invader:

Now, therefore, I, James Madison, President of the United States, do issue this my proclamation, exhorting all the good people thereof to unite their hearts and hands in giving effect to the ample means possessed for that purpose. I enjoin it on all officers, civil and military, to exert themselves in executing the duties with which they are respectively charged; and more especially I require the officers commanding the respective military districts to be vigilant and alert in providing for the defense thereof, for the more effectual accomplishment of which they are authorized to call to the defense

of exposed and threatened places portions of the militia most convenient thereto, whether they be or be not parts of the quotas detached for the service of the United States under requisitions of the General Government.

On an occasion which appeals so forcibly to the proud feelings and patriotic devotion of the American people none will forget what they owe to themselves, what they owe to their country and the high destinies which await it, what to the glory acquired by their fathers in establishing the independence which is now to be maintained by their sons with the augmented strength and resources with which time and Heaven had blessed them.

In testimony whereof &c. (September 1, 1814.)

SIXTH ANNUAL MESSAGE.

WASHINGTON, September 20, 1814

Fellow-Citizens of the Senate and of the House of Representatives:

Notwithstanding the early day which had been fixed for your session of the present year, I was induced to call you together still sooner, as well that any inadequacy in the existing provisions for the wants of the Treasury might be supplied as that no delay might happen in providing for the result of the negotiations on foot with Great Britain, whether it should require arrangements adapted to a return of peace or further and more effective provisions for prosecuting the war.

That result is not yet known. If, on the one hand, the repeal of the orders in council and the general pacification in Europe, which withdrew the occasion on which impressments from American vessels were practiced, suggest expectations that peace and amity may be reestablished, we are compelled, on the other hand, by the refusal of the British Government to accept the offered mediation of the Emperor of Russia, by the delays in giving effect to its own proposal of a direct

negotiation, and, above all, by the principles and manner in which the war is now avowedly carried on to infer that a spirit of hostility is indulged more violent than ever against the rights and prosperity of this country.

This increased violence is best explained by the two important circumstances that the great contest in Europe for an equilibrium guaranteeing all its States against the ambition of any has been closed without any check on the overbearing power of Great Britain on the ocean, and it has left in her hands disposable armaments, with which, forgetting the difficulties of a remote war with a free people, and yielding to the intoxication of success, with the example of a great victim of it before her eyes, she cherishes hopes of still further aggrandizing a power already formidable in its abuses to the tranquillity of the civilized and commercial world.

But whatever may have inspired the enemy with these more violent purposes, the public councils of a nation more able to maintain than it was to acquire its independence, and with a devotion to it rendered more ardent by the experience of its blessings, can never deliberate but on the means most effectual for defeating the extravagant views or unwarrantable passions with which alone the war can now be pursued against us.

In the events of the present campaign the enemy, with all his augmented means and wanton use of them, has little ground for exultation, unless he can feel it in the success of his recent enterprises against this metropolis and the neighboring town of Alexandria, from both of which his retreats were as precipitate as his attempts were bold and fortunate. In his other incursions on our Atlantic frontier his progress, often checked and chastised by the martial spirit of the neighboring citizens, has had more effect in distressing individuals and in dishonoring his arms than in promoting any object of legitimate warfare; and in the two instances mentioned, however deeply to be regretted on our part, he will find in his transient success, which interrupted for a moment

only the ordinary public business at the seat of Government, no compensation for the loss of character with the world by his violations of private property and by his destruction of public edifices protected as monuments of the arts by the laws of civilized warfare.

On our side we can appeal to a series of achievements which have given new luster to the American arms. Besides the brilliant incidents in the minor operations of the campaign, the splendid victories gained on the Canadian side of the Niagara by the American forces under Major-General Brown and Brigadiers Scott and Gaines have gained for these heroes and their emulating companions the most unfading laurels, and, having triumphantly tested the progressive discipline of the American soldiery, have taught the enemy that the longer he protracts his hostile efforts the more certain and decisive will be his final discomfiture.

On our southern border victory has continued also to follow the American standard. The bold and skillful operations of Major-General Jackson, conducting troops drawn from the militia of the States least distant, particularly of Tennessee, have subdued the principal tribes of hostile savages, and, by establishing a peace with them, preceded by recent and exemplary chastisement, has best guarded against the mischief of their co-operation with the British enterprises which may be planned against that quarter of our country. Important tribes of Indians on our north-western frontier have also acceded to stipulations which bind them to the interests of the United States and to consider our enemy as theirs also.

In the recent attempt of the enemy on the city of Baltimore, defended by militia and volunteers, aided by a small body of regulars and seamen, he was received with a spirit which produced a rapid retreat to his ships, whilst a concurrent attack by a large fleet was successfully resisted by the steady and well-directed fire of the fort and batteries opposed to it.

In another recent attack by a powerful force on our troops

at Plattsburg, of which regulars made a part only, the enemy, after a perseverance for many hours, was finally compelled to seek safety in a hasty retreat, with our gallant bands pressing upon him.

On the Lakes, so much contested throughout the war, the great exertions for the command made on our part have been well repaid. On Lake Ontario our squadron is now and has been for some time in a condition to confine that of the enemy to his own port, and to favor the operations of our land forces on that frontier.

A part of the squadron on Lake Erie has been extended into Lake Huron, and has produced the advantage of displaying our command on that lake also. One object of the expedition was the reduction of Mackinaw, which failed with the loss of a few brave men, among whom was an officer justly distinguished for his gallant exploits. The expedition, ably conducted by both the land and the naval commanders, was otherwise highly valuable in its effects.

On Lake Champlain, where our superiority had for some time been undisputed, the British squadron lately came into action with the American, commanded by Captain Macdonough. It issued in the capture of the whole of the enemy's ships. The best praise for this officer and his intrepid comrades is in the likeness of his triumph to the illustrious victory which immortalized another officer and established at a critical moment our command of another lake.

On the ocean the pride of our naval arms has been amply supported. A second frigate has indeed fallen into the hands of the enemy, but the loss is hidden in the blaze of heroism with which she was defended. Captain Porter, who commanded her, and whose previous career had been distinguished by daring enterprise and by fertility of genius, maintained a sanguinary contest against two ships, one of them superior to his own, and under other severe disadvantages, till humanity tore down the colors which valor had nailed to the mast. This officer and his brave comrades

have added much to the rising glory of the American flag, and have merited all the effusions of gratitude which their country is ever ready to bestow on the champions of its rights and of its safety.

Two smaller vessels of war have also become prizes to the enemy, but by a superiority of force which sufficiently vindicates the reputation of their commanders, whilst two others, one commanded by Captain Warrington, the other by Captain Blakely, have captured British ships of the same class with a gallantry and good conduct which entitle them and their companions to a just share in the praise of their country.

In spite of the naval force of the enemy accumulated on our coasts, our private cruisers also have not ceased to annoy his commerce and to bring their rich prizes into our ports, contributing thus, with other proofs, to demonstrate the incompetency and illegality of a blockade the proclamation of which is made the pretext for vexing and discouraging the commerce of neutral powers with the United States.

To meet the extended and diversified warfare adopted by the enemy, great bodies of militia have been taken into service for the public defense, and great expenses incurred. That the defense everywhere may be both more convenient and more economical, Congress will see the necessity of immediate measures for filling the ranks of the Regular Army and of enlarging the provision for special corps, mounted and unmounted, to be engaged for longer periods of service than are due from the militia. I earnestly renew, at the same time, a recommendation of such changes in the system of the militia as, by classing and disciplining for the most prompt and active service the portions most capable of it, will give to that great resource for the public safety all the requisite energy and efficiency.

The moneys received into the Treasury during the nine months ending on the 30th day of June last amounted to \$32,000,000, of which near eleven millions were the proceeds

of the public revenue and the remainder derived from loans. The disbursements for public expenditures during the same period exceeded \$34,000,000, and left in the Treasury on the 1st day of July near \$5,000,000. The demands during the remainder of the present year already authorized by Congress and the expenses incident to an extension of the operations of the war will render it necessary that large sums should be provided to meet them.

From this view of the national affairs Congress will be urged to take up without delay as well the subject of pecuniary supplies as that of military force, and on a scale commensurate with the extent and the character which the war has assumed. It is not to be disguised that the situation of our country calls for its greatest efforts. Our enemy is powerful in men and in money, on the land and on the water. Availing himself of fortuitous advantages, he is aiming with his undivided force a deadly blow at our growing prosperity, perhaps at our national existence. He has avowed his purpose of trampling on the usages of civilized warfare, and given earnest of it in the plunder and wanton destruction of private property. In his pride of maritime dominion and in his thirst of commercial monopoly he strikes with peculiar animosity at the progress of our navigation and of our manufactures. His barbarous policy has not even spared those monuments of the arts and models of taste with which our country had enriched and embellished its infant metropolis. From such an adversary hostility in its greatest force and in its worst forms may be looked for. The American people will face it with the undaunted spirit which in their revolutionary struggle defeated his unrighteous projects. His threats and his barbarities, instead of dismay, will kindle in every bosom an indignation not to be extinguished but in the disaster and expulsion of such cruel invaders. In providing the means necessary the National Legislature will not distrust the heroic and enlightened patriotism of its constituents. They will cheerfully and proudly bear every

burden of every kind which the safety and honor of the nation demand. We have seen them everywhere paying their taxes, direct and indirect, with the greatest promptness and alacrity. We see them rushing with enthusiasm to the scenes where danger and duty call. In offering their blood they give the surest pledge that no other tribute will be withheld.

Having forborne to declare war until to other aggressions had been added the capture of nearly a thousand American vessels and the impressment of thousands of American seafaring citizens, and until a final declaration had been made by the Government of Great Britain that her hostile orders against our commerce would not be revoked but on conditions as impossible as unjust, whilst it was known that these orders would not otherwise cease but with a war which had lasted nearly twenty years, and which, according to appearances at that time, might last as many more; having manifested on every occasion and in every proper mode a sincere desire to arrest the effusion of blood and meet our enemy on the ground of justice and reconciliation, our beloved country, in still opposing to his persevering hostility all its energies, with an undiminished disposition toward peace and friendship on honorable terms, must carry with it the good wishes of the impartial world and the best hopes of support from an omnipotent and kind Providence.

TO DANIEL D. TOMPKINS.¹

MAD. MSS.

Sep^r 28, 1814.

D^r SIR,—Mr. Monroe having just been appointed Sec^y of War it is necessary to provide for the vacancy resulting in the Dep^t of State. Wishing to avail the U. S. of y^r talents & services, I take the liberty of

¹Tompkins was at that time Governor of New York. Upon Armstrong's dismissal Monroe became Secretary of War *ad interim* from August 30th to September 30th. He was nominated for the office

requesting permission to name you to the Senate as his successor. I am aware of the very important station, from which their concurrence will withdraw you; but I justify my personal wish to see you a member of the Ex. family, by my persuasion, that the one contemplated will afford still greater scope for the benefits w^{ch} you have given so many proofs of your disposition to render to our Country. I need not suggest that as early an answer as you can make convenient will be acceptable

TO THOMAS JEFFERSON.

MAD MSS.

WASHINGTON, Oc^r 10, 1814

DEAR SIR Your favor of the 24th Ult: came duly to hand. I learn that the Library Com^e will report favorably on your proposition to supply the loss of books by Cong^s. It will prove a gain to them, if they have the wisdom to replace it by such a Collection as yours. Mr. Smith will doubtless write you on the subject.¹

I have not yet read your last communication to Mr. Monroe on the subject of finance.² It seems

of Secretary of War September 26th, confirmed September 27th, qualified October 1st, 1814, and served to February 28th, 1815, when he was again commissioned Secretary of State. Mosher's *Executive Register of the United States*, 83, 84. Tompkins declined on the ground that he was more useful in his present situation. Madison to Tompkins, October 18, 1814.—*Mad. MSS.*

¹ The library was bought for \$23,950 by act of January 30, 1815.—*History of the Library of Congress*, i., 68, *et seq.*

² September 24th. See also his letter of October 15th (*Writings*, 14, 488, 489), to which Madison replied October 23d: "I find that the variance in our ideas relates 1. to the probable quantity of circu-

clear, according to your reasoning in the preceding one, that a circulating medium, to take the place of a bank or metallic medium, may be created by law and made to answer the purpose of a loan, or rather anticipation of a tax; but as the resource cannot be extended beyond the amount of a *sufficient* medium, and of course cannot be *continued* but by successive re-emissions & redemptions by taxes, resort must eventually be had to loans of the usual sort, or an augmentation of taxes, according to the public exi-

lating medium. 2 to the effect of an annual augmentation of it I cannot persuade myself that in the present stagnation of private dealings, & the proposed limitation of taxes, the two great absorbents of money, the circulating sum would amount even to 20 mill^s. But be this amount what it may, every emission beyond it, must either enter into circulation and depreciate the whole mass; or it must be locked up. If it bear an interest it may be locked up for the sake of the interest, in which case it is a loan, both in substance & in form, and implies a capacity to lend, in other words a disposable capital, in the Country. If it does not bear an interest, it could not be locked up, but on the supposition that the terms on which it is rec^d are such as to promise indemnity at least for the intermediate loss of interest, by its value at a future day; but this both involves the substance of a loan, to the amount of the value locked up, and implies a depreciation differing only from the career of the old continental currency, by a gradual return from a certain point of depression to its original level. If this view of the subject be in any measure correct, I am aware of the gloomy inferences from it. I trust however that our case is not altogether without remedy. To a certain extent paper in some form or other, will as a circulating medium, answer the purpose your plan contemplates. The increase of taxes will have the double operation of widening the channel of circulation, and of pumping the medium out of it. And I cannot but think that a domestic capital existing under various shapes, and disposable to the public, may still be obtained on terms tho' hard, not intolerable; and that it will not be very long before the money market abroad, will not be entirely shut agst us; a market however ineligible in some respects, not to be declined under our circumstances."—*Mad. MSS.*

gencies: I say augmentations of taxes, because these absorbing a larger sum into circulation, will admit an enlargement of the medium employed for the purpose. In England where the paper medium, is a legal tender in paying a hundred millions of taxes, thirty millions of interest to the public creditors &c &c, and in private debts, so as to stay a final recovery, we have seen what a mass of paper has been kept afloat, with little if any depreciation. That the difference in value between the circulating notes and the metals proceeded rather from the rise in the latter than from the depreciation of the former, is now proved by the fact, that the notes are, notwithstanding a late increase of their quantity, rising towards a par with the metals, in consequence of a favorable balance of trade which diminishes the demand of them for foreign markets.

We have just received despatches from Ghent, which I shall lay before Cong^s to-day.¹ The British sine qua non, excluded us from fishing within the sovereignty attached to her shores, and from using these in curing fish; required a Cession of as much of Maine as w^d remove the obstruction to a *direct* communication between Quebec & Halifax, confirmed to her the Passamaquoddy Islands as always hers of right; included in the pacification the Indian Allies, with a boundary for them (such as that of the Treaty of Greenville) agst the U. S. mutually guaranteed, and the Indians restrained from selling their

¹ See *State Papers*, vol. iii, *Foreign Relations*, p. 695.

lands to either party, but free to sell them to a *third* party; prohibited the U. S. from having an armed force on the Lakes or forts on their shores, the British prohibited as to neither; and substituted for the present N. W. limit of the U. S. a line running direct from the W. end of L. Superior to the Mississippi, with a right of G. B. to the navigation of this river. Our ministers were all present, & in perfect harmony of opinion on the arrogance of such demands. They w^d probably leave Ghent shortly after the sailing of the vessel just arrived. Nothing can prevent it, but a sudden change in the B. Cabinet not likely to happen, tho' it might be somewhat favored by an indignant rupture of the negotiation, as well as by the intelligence from this Country, and the fermentations taking place in Europe.

I intended to have said something on the changes in the Cabinet, involving in one instance, circumstances of which the public can as yet very little judge, but cannot do it now.

The situation of Sacketts Harbour is very critical. I hope for the best, but have serious apprehensions.

With truest affection always y^{rs}

TO GEORGE W. CAMPBELL.¹

(Private)

WASHINGTON, Nov^r 2, 1814.

DEAR SIR,

The Committee appointed by the H. of Rep^s.² to enquire into the causes of the late military events in this District have called for information on the members of the Cabinet, and the call will embrace you. That you may be under no restraint whatever from official or personal confidence, I think it proper to intimate to you, that in relation to myself, I hope no information you may be able to give will be withheld, from either of those considerations.

I am so far from wishing to circumscribe the range of enquiry, on the subject, that I am anxious that every circumstance may be reached that can throw light on it. I am the more anxious, because I understand that a statement furnished by the late Secretary of War, implicates me in two particulars, 1. that I committed to him, the direction of the military operations on the field of battle, which I could not even legally do, 2. that at a critical moment I interposed & prevented it.

On the latter point, I am aware that as you were not on the ground, you can have no direct knowledge & may be without a knowledge of any circumstances

¹ From a copy kindly furnished by Mrs. Susan P. Brown, of Spring Hill, Tenn. Campbell wrote to Madison September 26th that his health was so bad it was imperative for him to retire from public life for a time.—*Mad. MSS.*

² The committee was appointed September 23d and reported November 29th. The full report may be found in *Annals of Cong.*, 13th Cong., vol. 3, p. 1518.

indirectly bearing on it. It is a point however which I believe can be disproved by evidence as decisive as can be required to establish the negative.

On the first point your memory may furnish circumstances not unimportant, as the statement in question has doubtless reference to the conversation with Genl. Armstrong on the morning of Aug. 24, to which I was led by the regret you expressed at his apparent reserve on so momentous a crisis, & your suggestion that he might be kept back by some feeling of delicacy in relation to Genl. Winder.

The conversation was held very near to you, but no part of it might be within your hearing. Your recollection of my reply to your remarks, & of my communication of what passed between me & Genl. Armstrong may, in connection with recollections of others, aid in elucidating truth.

I have heard with pleasure that you were far advanced on your journey to Nashville, and that your health was improving. With my sincere wishes for its perfect restoration, accept assurances of my great esteem & my friendly respects.

TO WILSON CARY NICHOLAS.¹

WASHINGTON, NOV 26, 1814.

DEAR SIR,—I did not receive your favor of the 11th instant till a few days ago, and I have till now been too much indisposed to acknowledge it.

¹ From *Mass. Hist. Collections*, 7th Series, vol. i., p. 212. *The Jefferson Papers*, Coolidge Collection. Nicholas was then serving as Governor of Virginia.

You are not mistaken in viewing the conduct of the Eastern States as the source of our greatest difficulties in carrying on the war, as it certainly is the greatest, if not the sole, inducement with the enemy to persevere in it. The greater part of the people in that quarter have been brought by their leaders, aided by their priests, under a delusion scarcely exceeded by that recorded in the period of witchcraft; and the leaders are becoming daily more desperate in the use they make of it. Their object is power. If they could obtain it by menaces, their efforts would stop there. These failing, they are ready to go every length for which they can train their followers. Without foreign co-operation, revolts & separation will be hardly risked; and what the effect of so profligate an experiment may be, first on deluded partizans, and next on those remaining faithful to the nation who are respectable for their consistency, and even for their numbers, is for conjecture only. The best may be hoped, but the worst ought to be kept in view. In the mean time the course to be taken by the Govt is full of delicacy & perplexity; and the more so under the pinch which exists in our fiscal affairs, & the lamentable tardiness of the Legislature in applying some relief.

The feeling in New England is illustrated by a letter Madison received from Jedediah Morse, a pupil of Jonathan Edwards, pastor of the church at Charlestown, Mass., written from Woodstock, Conn., November 23d. He said he was an old man, 89 years of age, and that it was a "cruel, unnecessary, unjust war; esteemed so by thousands of good people of the United States and the expenses of it, too heavy and grievous to be born."—*Mad. MSS.*

At such a moment the vigorous support of the well disposed States is peculiarly important to the General Govt; and it would be impossible for me to doubt that Virga, under your administration of its Executive Govt, will continue to be among the foremost in zealous exertions for the national rights and success.

Be pleased to accept assurances of my esteem & respect

TO BENJAMIN W. CROWNINSHIELD.¹ MAD. MSS.

WASH. Dec^r 15, 1814

SIR M^t Jones having retired from the Secretaryship of the Navy, my thoughts have been turned to you as a desirable Successor; and I have this day sent in your name to the Senate for the appointment. I hope you will excuse my doing it without your consent which would have been asked, if the business of that Dep^t had less urged an avoidance of delay. The same consideration will apologize for my hoping

¹ On April 25th, 1814, Jones wrote to Madison that he must resign, as peace had come and he had only expected to serve during the war. On September 11th, alluding to this letter, he asked to be relieved on December 1st. He must go to work to make money, he said, as he had debts to meet.—*Mad. MSS.* On November 24th Madison wrote to Commodore John Rodgers asking him to be Secretary of the Navy; but, having been advised by the Attorney-General that a naval officer could not lawfully serve, he withdrew the offer December 4th.—*Chicago Hist. Soc. MSS.* On December 26th Crowninshield replied declining Madison's offer, but December 28th wrote accepting "at the special request of my political friends & the permission of my family."—*Mad. MSS.* He entered upon his duties January 16th, 1815.—*Ex. Reg. U. S.*, 85.

that it will not be inconsistent with your views to aid your Country in that Station, nor with your conveniency to be prepared to repair to it as soon as you may receive notice that the Senate have given effect to the nomination.

Accept Sir assurances of my esteem and of my friendly respects.

TO JOHN ADAMS.

MAD. MSS.

WASHINGTON, Dec^r 17th 1814

DEAR SIR,—Your favor of the 28th Ult^o was duly received, though with more delay, than usually attends the mail. I return the interesting letter from your son, with my thanks for the opportunity of perusing it.

I have caused the archives of the Department of State to be searched with an eye to what passed during the negotiation for peace on the subject of the fisheries. The search has not furnished a precise answer to the enquiry of Mr. Adams. It appears from one of your letters referring to the instructions accompanying the commission to make a Treaty of commerce with Great Britain, that the original views of Congress did not carry their Ultimatum, beyond the common right to fish in waters distant three leagues from the British shores. The negotiations therefore, and not the instructions, if no subsequent change of them took place, have the merit of the terms actually obtained. That other instructions,

founded on the Resolutions of Congress, issued at subsequent periods cannot be doubted, though as yet they do not appear. But how far they distinguished between the common use of the sea, and the use, then common also, of the shores, in carrying on the fisheries, I have no recollection.

The view of the discussions at Ghent presented by the private letters of all our Ministers there, as well as by their official despatches, leaves no doubt of the policy of the British Cabinet, so forcibly illustrated by the letter of Mr. Adams to you.¹ Our Enemy knowing that he has peace in his own hands, speculates on the fortune of events. Should these be unfavorable, he can at any moment, as he supposes, come to our terms. Should they correspond with

¹ Extract of a letter from J. Q. Adams to his father, dated Ghent, October 27th, 1814:

"The whole compass of the diplomatic skill employed by the British Government in this negotiation has consisted in consuming time, without coming to any conclusion. Mr. Clay and Mr. Russell arrived at Gottenburg the 11th of April. The negotiations had been proposed by Lord Castlereagh in November; had been acceded to by the President in the beginning of January. The British Government were informed in February of the appointment of American Plenipotentiaries. Their first dilatory proceeding was to defer the appointment of their Commissioners until official notification should be given them, by the American Ministers themselves, that they were at the place of meeting which had been agreed upon. One full month was gained by this. The next device was, to propose the transfer of the negotiation to Ghent, which absorbed six weeks more; and then they left us from the 24th of June to the 6th of August waiting here for the appearance of their Plenipotentiaries."

On June 27th, 1814, the American Commissioners at Ghent were instructed to abandon the question of impressment as a *sine qua non* in making a treaty of peace. The treaty was signed December 24th, and sent to the Senate February 15th.

his hopes, his demands may be insisted on, or even extended. The point to be decided by our Ministers is, whether during the uncertainty of events, a categorical alternative of immediate peace, or a rupture of the negotiation, would not be preferable to a longer acquiescence in the gambling procrastinations of the other party. It may be presumed that they will before this, have pushed the negotiations to this point.

It is very agreeable to find that the superior ability which distinguishes the notes of our Envoys, extorts commendation from the most obdurate of their political Enemies. And we have the further satisfaction to learn that the cause they are pleading, is beginning to overcome the prejudice which misrepresentations had spread over the continent of Europe against it. The British Government is neither inattentive to this approaching revolution in the public opinion there, nor blind to its tendency. If it does not find in it a motive to immediate peace, it will infer the necessity of shortening the war by bringing upon us, the ensuing Campaign, what it will consider as a force not to be resisted by us.

It were to be wished that this consideration had more effect in quickening the preparatory measures of Congress. I am unwilling to say how much distress in every branch of our affairs is the fruit of their tardiness; nor would it be necessary to you, who will discern the extent of the evil, in the symptoms from which it is to be inferred.

I pray you Sir to accept assurances of my distinguished esteem and best regards.

SPECIAL MESSAGE TO CONGRESS.

WASHINGTON, February 18, 1815

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

I lay before Congress copies of the treaty of peace and amity between the United States and His Britannic Majesty, which was signed by the commissioners of both parties at Ghent on the 24th of December, 1814, and the ratifications of which have been duly exchanged.

While performing this act I congratulate you and our constituents upon an event which is highly honorable to the nation, and terminates with peculiar felicity a campaign signalized by the most brilliant successes.

The late war, although reluctantly declared by Congress, had become a necessary resort to assert the rights and independence of the nation. It has been waged with a success which is the natural result of the wisdom of the legislative councils, of the patriotism of the people, of the public spirit of the militia, and of the valor of the military and naval forces of the country. Peace, at all times a blessing, is peculiarly welcome, therefore, at a period when the causes for the war have ceased to operate, when the Government has demonstrated the efficiency of its powers of defense, and when the nation can review its conduct without regret and without reproach.

I recommend to your care and beneficence the gallant men whose achievements in every department of the military service, on the land and on the water, have so essentially contributed to the honor of the American name and to the restoration of peace. The feelings of conscious patriotism and worth will animate such men under every change of fortune and pursuit, but their country performs a duty to itself when it bestows those testimonials of approbation and applause which are at once the reward and the incentive to great actions.

The reduction of the public expenditures to the demands

of a peace establishment will doubtless engage the immediate attention of Congress. There are, however, important considerations which forbid a sudden and general revocation of the measures that have been produced by the war. Experience has taught us that neither the pacific dispositions of the American people nor the pacific character of their political institutions can altogether exempt them from that strife which appears beyond the ordinary lot of nations to be incident to the actual period of the world, and the same faithful monitor demonstrates that a certain degree of preparation for war is not only indispensable to avert disasters in the onset, but affords also the best security for the continuance of peace. The wisdom of Congress will therefore, I am confident, provide for the maintenance of an adequate regular force; for the gradual advancement of the naval establishment; for improving all the means of harbor defense; for adding discipline to the distinguished bravery of the militia, and for cultivating the military art in its essential branches, under the liberal patronage of Government.

The resources of our country were at all times competent to the attainment of every national object, but they will now be enriched and invigorated by the activity which peace will introduce into all the scenes of domestic enterprise and labor. The provision that has been made for the public creditors during the present session of Congress must have a decisive effect in the establishment of the public credit both at home and abroad. The reviving interests of commerce will claim the legislative attention at the earliest opportunity, and such regulations will, I trust, be seasonably devised as shall secure to the United States their just proportion of the navigation of the world. The most liberal policy toward other nations, if met by corresponding dispositions, will in this respect be found the most beneficial policy toward ourselves. But there is no subject that can enter with greater force and merit into the deliberations of Congress than a consideration of the means to preserve and promote the manufactures which

have sprung into existence and attained an unparalleled maturity throughout the United States during the period of the European wars. This source of national independence and wealth I anxiously recommend, therefore, to the prompt and constant guardianship of Congress.

The termination of the legislative sessions will soon separate you, fellow-citizens, from each other, and restore you to your constituents. I pray you to bear with you the expressions of my sanguine hope that the peace which has been just declared, will not only be the foundation of the most friendly intercourse between the United States and Great Britain, but that it will also be productive of happiness and harmony in every section of our beloved country. The influence of your precepts and example must be every where powerful; and while we accord in grateful acknowledgments for the protection which Providence has bestowed upon us, let us never cease to inculcate obedience to the laws, and fidelity to the union, as constituting the palladium of the national independence and prosperity.

SPECIAL MESSAGE TO CONGRESS.

WASHINGTON, February 25, 1815

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

Peace having happily taken place between the United States and Great Britain, it is desirable to guard against incidents, which, during periods of war in Europe, might tend to interrupt it: and, it is believed, in particular, that the navigation of American vessels exclusively by American seamen, either natives, or such as are already naturalized, would not only conduce to the attainment of that object, but also to increase the number of our seamen, and consequently to render our commerce and navigation independent of the service of foreigners, who might be recalled by their governments under circumstances the most inconvenient

to the United States. I recommend the subject, therefore, to the consideration of congress; and, in deciding upon it, I am persuaded, that they will sufficiently estimate the policy of manifesting to the world a desire, on all occasions, to cultivate harmony with other nations by any reasonable accommodations, which do not impair the enjoyment of any of the essential rights of a free and independent people. The example on the part of the American government will merit, and may be expected to receive, a reciprocal attention from all the friendly powers of Europe.

VETO MESSAGE.

WASHINGTON, January 30, 1815.

To the Senate of the United States:

Having bestowed on the bill entitled "An act to incorporate the subscribers to the Bank of the United States of America" that full consideration which is due to the great importance of the subject, and dictated by the respect which I feel for the two Houses of Congress, I am constrained by a deep and solemn conviction that the bill ought not to become a law to return it to the Senate, in which it originated, with my objections to the same.

Waiving the question of the constitutional authority of the Legislature to establish an incorporated bank as being precluded in my judgment by repeated recognitions under varied circumstances of the validity of such an institution in acts of the legislative, executive, and judicial branches of the Government, accompanied by indications, in different modes, of a concurrence of the general will of the nation, the proposed bank does not appear to be calculated to answer the purposes of reviving the public credit, of providing a national medium of circulation, and of aiding the Treasury by facilitating the indispensable anticipations of the revenue and by affording to the public more durable loans.

1. The capital of the bank is to be compounded of specie,

of public stock, and of Treasury notes convertible into stock, with a certain proportion of each of which every subscriber is to furnish himself.

The amount of the stock to be subscribed will not, it is believed, be sufficient to produce in favor of the public credit any considerable or lasting elevation of the market price, whilst this may be occasionally depressed by the bank itself if it should carry into the market the allowed proportion of its capital consisting of public stock in order to procure specie, which it may find its account in procuring with some sacrifice on that part of its capital.

Nor will any adequate advantage arise to the public credit from the subscription of Treasury notes. The actual issue of these notes nearly equals at present, and will soon exceed, the amount to be subscribed to the bank. The direct effect of this operation is simply to convert fifteen millions of Treasury notes into fifteen millions of 6 per cent stock, with the collateral effect of promoting an additional demand for Treasury notes beyond what might otherwise be negotiable.

Public credit might, indeed, be expected to derive advantage from the establishment of a national bank, without regard to the formation of its capital, if the full aid and co-operation of the institution were secured to the Government during the war and during the period of its fiscal embarrassments. But the bank proposed will be free from all legal obligation to co-operate with the public measures, and whatever might be the patriotic disposition of its directors to contribute to the removal of those embarrassments, and to invigorate the prosecution of the war, fidelity to the pecuniary and general interest of the institution according to their estimate of it might oblige them to decline a connection of their operations with those of the National Treasury during the continuance of the war and the difficulties incident to it. Temporary sacrifices of interest, though overbalanced by the future and permanent profits of the charter, not being requirable of right in behalf of the public, might not be gratuitously made,

and the bank would reap the full benefit of the grant, whilst the public would lose the equivalent expected from it; for it must be kept in view that the sole inducement to such a grant on the part of the public would be the prospect of substantial aids to its pecuniary means at the present crisis and during the sequel of the war. It is evident that the stock of the bank will on the return of peace, if not sooner, rise in the market to a value which, if the bank were established in a period of peace, would authorize and obtain for the public a bonus to a very large amount. In lieu of such a bonus the Government is fairly entitled to and ought not to relinquish or risk the needful services of the bank under the pressing circumstances of war.

2 The bank as proposed to be constituted cannot be relied on during the war to provide a circulating medium nor to furnish loans or anticipations of the public revenue.

Without a medium the taxes can not be collected, and in the absence of specie the medium understood to be the best substitute is that of notes issued by a national bank. The proposed bank will commence and conduct its operations under an obligation to pay its notes in specie, or be subject to the loss of its charter. Without such an obligation the notes of the bank, though not exchangeable for specie, yet resting on good pledges and performing the uses of specie in the payment of taxes and in other public transactions, would, as experience has ascertained, qualify the bank to supply at once a circulating medium and pecuniary aids to the Government. Under the fetters imposed by the bill it is manifest that during the actual state of things, and probably during the war, the period particularly requiring such a medium and such a resource for loans and advances to the Government, notes for which the bank would be compellable to give specie in exchange could not be kept in circulation. The most the bank could effect, and the most it could be expected to aim at, would be to keep the institution alive by limited and local transactions which, with the interest

on the public stock in the bank, might yield a dividend sufficient for the purpose until a change from war to peace should enable it, by a flow of specie into its vaults and a removal of the external demand for it, to derive its contemplated emoluments from a safe and full extension of its operations.

On the whole, when it is considered that the proposed establishment will enjoy a monopoly of the profits of a national bank for a period of twenty years; that the monopolized profits will be continually growing with the progress of the national population and wealth; that the nation will during the same period be dependent on the notes of the bank for that species of circulating medium whenever the precious metals may be wanted, and at all times for so much thereof as may be an eligible substitute for a specie medium, and that the extensive employment of the notes in the collection of the augmented taxes will, moreover, enable the bank greatly to extend its profitable issues of them without the expense of specie capital to support their circulation, it is as reasonable as it is requisite that the Government, in return for these extraordinary concessions to the bank, should have a greater security for attaining the public objects of the institution than is presented in the bill, and particularly for every practicable accommodation, both in the temporary advances necessary to anticipate the taxes and in those more durable loans which are equally necessary to diminish the resort to taxes.

In discharging this painful duty of stating objections to a measure which has undergone the deliberations and received the sanction of the two Houses of the National Legislature I console myself with the reflection that if they have not the weight which I attach to them they can be constitutionally overruled, and with a confidence that in a contrary event the wisdom of Congress will hasten to substitute a more commensurate and certain provision for the public exigencies.

TO HENRY DEARBORN.

MAD MSS.

WASHINGTON March 4th 1815

DEAR SIR Being desirous of obtaining for the Department of War,¹ services which I thought you could render with peculiar advantage, and hoping that for a time at least you might consent to step into that Department, I took the liberty, without a previous communication, for which there was not time, to nominate you as successor to Mr. Monroe, who was called back to the Department of State. I had not a doubt from all the calculations I could make, that the Senate would readily concur in my views; and if a doubt had arisen, it would have been banished by the confidence of the best informed and best disposed with whom I conferred, that the nomination would be welcomed where it was to be decided on. Contrary to these confident expectations, an opposition was disclosed in an extent, which determined me to withdraw the nomination. But before the Message arrived, the Senate very unexpectedly had taken up the subject and proceeded to a decision. They promptly however relaxed so far as to erase the proceeding from their Journal, and in that mode to give effect to the withdrawal.

I have thought this explanation due both to me and to yourself. I sincerely regret the occasion for it. But to whatever blame I may have subjected myself, I trust you will see in the course taken by me, a

¹Dearborn was nominated March 1st and the nomination withdrawn March 2d. On the same day William H. Crawford, of Georgia, was nominated and confirmed the next day.—*Ex. Reg. U. S.*, 84.

proof of the high value I place on your public, and of the esteem I feel for your personal character. Permit me to add that I have been not a little consoled for the occurrence to which I have been accessory, by the diffusive expression to which it has led, of sentiments such as your best friends have heard with most pleasure.

Accept assurances of my great respect and sincere regard

TO THOMAS JEFFERSON.

MAD. MSS.

WASHINGTON Mar 12, 1815

DEAR SIR It was long desirable that an Expose of the causes and character of the War between the U. S. & G. B.¹ should remedy the mischief produced by the Declaration of the Prince Regent & other misstatements which had poisoned the opinion of the world on the subject. Since the pacification in Europe & the effect of that and other occurrences in turning the attention of that quarter of the World towards the U. S. the antidote became at once more necessary & more hopeful. It was accordingly determined soon after the meeting of Cong^s that a correct & full view of the War, should be prepared & made public in the usual Demiofficial form. The commencement of it was however somewhat delayed by the probability of an early termination of the Negotiations at Ghent, either, in a peace, or in a new epoch particularly inviting a new appeal to the neutral public.

¹ "An Exposition of the causes and character of the War." It may be found in *Annals of Cong.*, 13th Cong., vol. iii., p. 1416.

The long suspension of intelligence from our Envoys, & the critical state of our affairs at home, as well as abroad, finally overruled this delay, and the execution of the task was committed to Mr. Dallas. Altho' he hastened it as much as the nature of it, and his other laborious attentions admitted, it was not finished in time for publication before the news of peace arrived. The latter pages had not even been struck off at the press. Under these circumstances, it became a question whether it should be published with a prefatory notice that it was written before the cessation of hostilities, and thence derived its spirit & language; or should be suppressed, or written over with a view to preserve the substantial vindication of our Country agst prevailing calumnies, and avoid asperities of every sort unbecoming the change in the relations of the two Countries. This last course, tho' not a little difficult might have been best in itself, but it required a time & labour not to be spared for it, and the suppression was preferred to the first course, which w^d have been liable to misconstructions of an injurious tendency. The printed copies however amounting to several hundred are not destroyed, and will hereafter contribute materials for a historical review of the period which the document embraces. I have thought a perusal of it might amuse an hour of your leisure; requesting only that as it is to be guarded agst publication, you will be so good as either to return the Copy, or to place it where it will be in no danger of escaping. You will observe, from the plan & cast of the Work, that it was meant for

the eye of the British people, and of our own, as well as for that of the Neutral world. This threefold object increased the labor not a little, and gives the composition some features not otherwise to be explained.

The despatch vessel with the peace via France, has just arrived. It brings little more than duplicates of what was rec^d via England. The affairs at Vienna remain in a fog, which rather thickens than disperses. The situation of France also has yet it would seem to pass some clearing up shower. The peace between this Country & G. B. gives sincere pleasure there as relieving the Gov^t and the Nation, from the dilemma, of humiliating submissions to the antineutral measures of G. Britain, or a premature contest with her. In Spain, every thing suffers under the phrenzy of the Throne, and the fanaticism of the People. But for our peace with England, it is not impossible, that a new War from that quarter would have been opened upon us. The affair at New Orleans will perhaps be a better Guarantee agst such an event.

Mr. Smith will have communicated to you the result of our consultation on the transportation of the Library.

We are indulging hopes of paying a trip soon to our farm; and shall not fail, if it be practicable, to add to it the pleasure of a visit to Monticello.

Always & with sincere affection y^{rs},

SEVENTH ANNUAL MESSAGE.

WASHINGTON, December 5, 1815.

Fellow-Citizens of the Senate and of the House of Representatives:

I have the satisfaction on our present meeting of being able to communicate to you the successful termination of the war which had been commenced against the United States by the Regency of Algiers. The squadron in advance on that service, under Commodore Decatur, lost not a moment after its arrival in the Mediterranean in seeking the naval force of the enemy then cruising in that sea, and succeeded in capturing two of his ships, one of them the principal ship, commanded by the Algerine admiral. The high character of the American commander was brilliantly sustained on that occasion which brought his own ship into close action with that of his adversary, as was the accustomed gallantry of all the officers and men actually engaged. Having prepared the way by this demonstration of American skill and prowess, he hastened to the port of Algiers, where peace was promptly yielded to his victorious force. In the terms stipulated the rights and honor of the United States were particularly consulted by a perpetual relinquishment on the part of the Dey of all pretensions to tribute from them. The impressions which have thus been made, strengthened as they will have been by subsequent transactions with the Regencies of Tunis and of Tripoli by the appearance of the larger force which followed under Commodore Bainbridge, the chief in command of the expedition, and by the judicious precautionary arrangements left by him in that quarter, afford a reasonable prospect of future security for the valuable portion of our commerce which passes within reach of the Barbary cruisers.

It is another source of satisfaction that the treaty of peace with Great Britain has been succeeded by a convention on the subject of commerce concluded by the plenipotentiaries of the two countries. In this result a disposition is manifested on the part of that nation corresponding with the

disposition of the United States, which it may be hoped will be improved into liberal arrangements on other subjects on which the parties have mutual interests, or which might endanger their future harmony. Congress will decide on the expediency of promoting such a sequel by giving effect to the measure of confining the American navigation to American seamen—a measure which, at the same time that it might have that conciliatory tendency, would have the further advantage of increasing the independence of our navigation and the resources for our maritime defence.

In conformity with the articles in the treaty of Ghent relating to the Indians, as well as with a view to the tranquillity of our western and northwestern frontiers, measures were taken to establish an immediate peace with the several tribes who had been engaged in hostilities against the United States. Such of them as were invited to Detroit acceded readily to a renewal of the former treaties of friendship. Of the other tribes who were invited to a station on the Mississippi the greater number have also accepted the peace offered to them. The residue, consisting of the more distant tribes or parts of tribes, remain to be brought over by further explanations, or by such other means as may be adapted to the dispositions they may finally disclose.

The Indian tribes within and bordering on the southern frontier, whom a cruel war on their part had compelled us to chastise into peace, have latterly shown a restlessness which has called for preparatory measures for repressing it, and for protecting the commissioners engaged in carrying the terms of the peace into execution.

The execution of the act fixing the military peace establishment has been attended with difficulties which even now can only be overcome by legislative aid. The selection of officers, the payment and discharge of the troops enlisted for the war, the payment of the retained troops and their reunion from detached and distant stations, the collection and security of the public property in the Quartermaster,

Commissary, and Ordnance departments, and the constant medical assistance required in hospitals and garrisons rendered a complete execution of the act impracticable on the 1st of May, the period more immediately contemplated. As soon, however, as circumstances would permit, and as far as it has been practicable consistently with the public interests, the reduction of the Army has been accomplished; but the appropriations for its pay and for other branches of the military service having proved inadequate, the earliest attention to that subject will be necessary; and the expediency of continuing upon the peace establishment the staff officers who have hitherto been provisionally retained is also recommended to the consideration of Congress.

In the performance of the Executive duty upon this occasion there has not been wanting a just sensibility to the merits of the American Army during the late war; but the obvious policy and design in fixing an efficient military peace establishment did not afford an opportunity to distinguish the aged and infirm on account of their past services nor the wounded and disabled on account of their present sufferings. The extent of the reduction, indeed, unavoidably involved the exclusion of many meritorious officers of every rank from the service of their country; and so equal as well as so numerous were the claims to attention that a decision by the standard of comparative merit could seldom be attained. Judged, however, in candor by a general standard of positive merit, the Army register will, it is believed, do honor to the establishment, while the case of those officers whose names are not included in it devolves with the strongest interest upon the legislative authority for such provision as shall be deemed the best calculated to give support and solace to the veteran and the invalid, to display the beneficence as well as the justice of the Government, and to inspire a martial zeal for the public service upon every future emergency.

Although the embarrassments arising from the want of an uniform national currency have not been diminished since

the adjournment of Congress, great satisfaction has been derived in contemplating the revival of the public credit and the efficiency of the public resources. The receipts into the Treasury from the various branches of revenue during the nine months ending on the 30th of September last have been estimated at \$12,500,000; the issues of Treasury notes of every denomination during the same period amounted to the sum of \$14,000,000, and there was also obtained upon loan during the same period a sum of \$9,000,000, of which the sum of \$6,000,000 was subscribed in cash and the sum of \$3,000,000 in Treasury notes. With these means, added to the sum of \$1,500,000, being the balance of money in the Treasury on the 1st day of January, there has been paid between the 1st of January and the 1st of October on account of the appropriations of the preceding and of the present year (exclusively of the amount of the Treasury notes subscribed to the loan and of the amount redeemed in the payment of duties and taxes) the aggregate sum of \$33,500,000, leaving a balance then in the Treasury estimated at the sum of \$3,000,000. Independent, however, of the arrearages due for military services and supplies, it is presumed that a further sum of \$5,000,000, including the interest on the public debt payable on the 1st of January next, will be demanded at the Treasury to compete the expenditures of the present year, and for which the existing ways and means will sufficiently provide.

The national debt, as it was ascertained on the 1st of October last, amounted in the whole to the sum of \$120,000,000, consisting of the unredeemed balance of the debt contracted before the late war (\$39,000,000), the amount of the funded debt contracted in consequence of the war (\$64,000,000), and the amount of the unfunded and floating debt, including the various issues of Treasury notes, \$17,000,000, which is in a gradual course of payment. There will probably be some addition to the public debt upon the liquidation of various claims which are depending, and a conciliatory

disposition on the part of Congress may lead honorably and advantageously to an equitable arrangement of the militia expenses incurred by the several States without the previous sanction or authority of the Government of the United States; but when it is considered that the new as well as the old portion of the debt has been contracted in the assertion of the national rights and independence, and when it is recollected that the public expenditures, not being exclusively bestowed upon subjects of a transient nature, will long be visible in the number and equipments of the American Navy, in the military works for the defense of our harbors and our frontiers, and in the supplies of our arsenals and magazines the amount will bear a gratifying comparison with the objects which have been attained, as well as with the resources of the country.

The arrangements of the finances with a view to the receipts and expenditures of a permanent peace establishment will necessarily enter into the deliberations of Congress during the present session. It is true that the improved condition of the public revenue will not only afford the means of maintaining the faith of the Government with its creditors inviolate, and of prosecuting successfully the measures of the most liberal policy, but will also justify an immediate alleviation of the burdens imposed by the necessities of the war. It is, however, essential to every modification of the finances that the benefits of an uniform national currency should be restored to the community. The absence of the precious metals will, it is believed, be a temporary evil, but until they can again be rendered the general medium of exchange it devolves on the wisdom of Congress to provide a substitute which shall equally engage the confidence and accommodate the wants of the citizens throughout the Union. If the operation of the State banks can not produce this result, the probable operation of a national bank will merit consideration; and if neither of these expedients be deemed effectual it may become necessary to ascertain the

terms upon which the notes of the Government (no longer required as an instrument of credit) shall be issued upon motives of general policy as a common medium of circulation.

Notwithstanding the security for future repose which the United States ought to find in their love of peace and their constant respect for the rights of other nations, the character of the times particularly inculcates the lesson that, whether to prevent or repel danger, we ought not to be unprepared for it. This consideration will sufficiently recommend to Congress a liberal provision for the immediate extension and gradual completion of the works of defense, both fixed and floating, on our maritime frontier, and an adequate provision for guarding our inland frontier against dangers to which certain portions of it may continue to be exposed.

As an improvement in our military establishment, it will deserve the consideration of Congress whether a corps of invalids might not be so organized and employed as at once to aid in the support of meritorious individuals excluded by age or infirmities from the existing establishment, and to procure to the public the benefit of their stationary services and of their exemplary discipline. I recommend also an enlargement of the Military Academy already established, and the establishment of others in other sections of the Union; and I can not press too much on the attention of Congress such a classification and organization of the militia as will most effectually render it the safeguard of a free state. If experience has shewn in the recent splendid achievements of militia the value of this resource for the public defense, it has shewn also the importance of that skill in the use of arms and that familiarity with the essential rules of discipline which can not be expected from the regulations now in force. With this subject is intimately connected the necessity of accommodating the laws in every respect to the great object of enabling the political authority of the Union to employ promptly and effectually the physical power of the Union in the cases designated by the Constitution.

The signal services which have been rendered by our Navy and the capacities it has developed for successful co-operation in the national defense will give to that portion of the public force its full value in the eyes of Congress, at an epoch which calls for the constant vigilance of all governments. To preserve the ships now in a sound state, to complete those already contemplated, to provide amply the imperishable materials for prompt augmentations, and to improve the existing arrangements into more advantageous establishments for the construction, the repairs, and the security of vessels of war is dictated by the soundest policy.

In adjusting the duties on imports to the object of revenue the influence of the tariff on manufactures will necessarily present itself for consideration. However wise the theory may be which leaves to the sagacity and interest of individuals the application of their industry and resources, there are in this as in other cases exceptions to the general rule. Besides the condition which the theory itself implies of a reciprocal adoption by other nations, experience teaches that so many circumstances must concur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, although sufficiently advanced and in some respects even peculiarly fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry it has made among us a progress and exhibited an efficiency which justify the belief that with a protection not more than is due to the enterprising citizens whose interests are now at stake it will become at an early day not only safe against occasional competitions from abroad, but a source of domestic wealth and even of external commerce. In selecting the branches more especially entitled to the public patronage a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies ever subject to casual failures, for articles necessary for the public defense or connected with the primary wants of

individuals. It will be an additional recommendation of particular manufactures where the materials for them are extensively drawn from our agriculture, and consequently impart and insure to that great fund of national prosperity and independence an encouragement which can not fail to be rewarded.

Among the means of advancing the public interest the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed on them; there are none the utility of which is more universally ascertained and acknowledged; none that do more honor to the governments whose wise and enlarged patriotism duly appreciates them. Nor is there any country which presents a field where nature invites more the art of man to complete her own work for his accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication in bringing and binding more closely together the various parts of our extended confederacy. Whilst the States individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads, by navigable canals, and by improving the streams susceptible of navigation, the General Government is the more urged to similar undertakings, requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work; and it is a happy reflection that any defect of constitutional authority which may be encountered can be supplied in a mode which the Constitution itself has providently pointed out.

The present is a favorable season also for bringing again into view the establishment of a national seminary of learning within the District of Columbia, and with means drawn from the property therein, subject to the authority of the General

Government. Such an institution claims the patronage of Congress as a monument of their solicitude for the advancement of knowledge, without which the blessings of liberty can not be fully enjoyed or long preserved; as a model instructive in the formation of other seminaries; as a nursery of enlightened preceptors, and as a central resort of youth and genius from every part of their country, diffusing on their return examples of those national feelings, those liberal sentiments, and those congenial manners which contribute cement to our Union and strength to the great political fabric of which that is the foundation.

In closing this communication I ought not to repress a sensibility, in which you will unite, to the happy lot of our country and to the goodness of a superintending Providence, to which we are indebted for it. Whilst other portions of mankind are laboring under the distresses of war or struggling with adversity in other forms, the United States are in the tranquil enjoyment of prosperous and honorable peace. In reviewing the scenes through which it has been attained we can rejoice in the proofs given that our political institutions, founded in human rights and framed for their preservation, are equal to the severest trials of war as well as adapted to the ordinary periods of repose. As fruits of this experience and of the reputation acquired by the American arms on the land and on the water, the nation finds itself possessed of a growing respect abroad and of a just confidence in itself, which are among the best pledges for its peaceful career. Under other aspects of our country the strongest features of its flourishing condition are seen in a population rapidly increasing on a territory as productive as it is extensive; in a general industry and fertile ingenuity which find their ample rewards, and in an affluent revenue which admits a reduction of the public burdens without withdrawing the means of sustaining the public credit, of gradually discharging the public debt, of providing for the necessary defensive and precautionary establishments, and of patronizing in every

authorized mode undertakings conducive to the aggregate wealth and individual comfort of our citizens.

It remains for the guardians of the public welfare to persevere in that justice and good will toward other nations which invite a return of these sentiments toward the United States, to cherish institutions which guarantee their safety and their liberties, civil and religious; and to combine with a liberal system of foreign commerce an improvement of the national advantages and a protection and extension of the independent resources of our highly favored and happy country.

In all measures having such objects my faithful co-operation will be afforded.

TO JOHN GRAHAM.

D. OF S. MSS MISCL. LETS.

[Filed about June 1, 1816]

DEAR SIR,—I return the papers sent with yours of the 29th except the letter from E. Lewis, which goes to the Treas^y Dep^t. If M^r: B[agot]¹ has no more power than to receive proposals,² I s^d have supposed his object in an interview w^d have been simply to ask for them, with an assurance of the general disposition of his Gov^t: to receive them favorably, and that the uncertainty or misconception

¹ Charles Bagot presented his credentials as British Minister March 21, 1816.

² Bagot asked for an interview on May 22.

Following instructions Adams informed the British government that the United States wished to reach an agreement in regard to the naval armaments on the Lakes, and on July 26, 1816, Bagot wrote to Monroe that he had received Lord Castlereagh's instructions to say Great Britain would cheerfully adopt any reasonable system.—Bagot to Monroe, July 26, 1816, *Dept. of State MSS. Notes*.

occasioned by his remarks would have been prevented. I have stated to M^r M[onroe] the grounds occurring to me, for a tacit or express arrangement as to the Lake armaments; an essential one being an immediate discontinuance of equipments & preparations. As this already exists on our part, it w^d be sufficient to give an order to that effect on the other. If even this cannot be done by M^r B[agot] and must be reported across the Atlantic, the B[ritish] augmentations going on in the mean time, I see nothing in the transfer of the business to M^r B[agot] worth the taking it from M^r A[dams] the delay is certainly not diminished, and the "general disposition" of the P[rince] R[egent] could have been as promptly expressed, or rather *repeated* to M^r A. as conveyed through M^r B. The views of the B. gov^t I am willing to believe are candid, but the course it has taken, if it proceeds with its equipments, would tempt a different construction. I hope M^r B. will yet be brought to have them suspended.

I am reading some Spanish official documents sent by M^r Dallas. The date of the last is in Dec^r 1814. They sanction all the accounts from other sources, of the extreme jealousy & hatred of us prevailing in the Spanish Court, and prove that after the fall of Napoleon, there was a project entertained, for taking advantage of our war with England, and the expected succour of the latter to Spain, to settle all territorial matters with the U. S according to Spanish wishes.

We have had here as with you, fine rains with somewhat of the other desideratum warm weather. There is however a return of cold, after hurricanes, & destructive showers of hail in spots. In some instances the corn and tobacco have been *totally* demolished by the latter.

cordial respects

TO JAMES MONROE.

D. OF S. MSS. MISCL. LETS.

MONTPELIER, June 14, 1816.

DEAR SIR,—Altho' the inclosed letter is anonymous, the idea it suggests, of requiring an admission of our Cotton in a half manufactured state at least by nations whose luxuries fully manufactured, are admitted in the U. S. is not unworthy of attention. The general idea I believe has not escaped in the instructions to M^r Gallatin and M^r Pinkney. But it may be well to enforce it and particularly in relation to Cotton Twist, which Russia receives from G. B. whilst her manufactures are excluded by the latter, and which France has lately prohibited even from the U. S. on the principle of reciprocity. The U. S. may reasonably demand such a regulation in their favor; and the nations granting it may with equal reason refuse it to G. B without a charge of partiality. As the Netherlands have adopted a like policy agst the U. S. a change may very properly be urged, on the same grounds, by M^r Eustis, whether a treaty be or be not contemplated. An

admission of cotton twist from this country into Europe, is of vast importance to manufacturing estab^{ts} & indeed to its general interests.

TO ALEXANDER J. DALLAS.¹ MAD. MSS.
MONTPELIER, July 4, 1816.

DEAR SIR,—I have rec^d yours of the 29 June, with the several papers sent with it.

Under the difficult circumstances of the currency, and the obligation to attempt a remedy or at least an alleviation of them, the plan you have in view is entitled to a fair experiment. You do right however in reserving a discretion to judge of the sufficiency of accessions by the State Banks. Should there be a single State, in which a failure of the

¹ Dallas was nominated to be Secretary of the Treasury October 5, 1814; confirmed at once and entered upon his duties October 14. He resigned April 8, 1816, and served to October 21, when William H. Crawford succeeded him. On April 9, Madison wrote to Dallas:

“I have rec^d your letter of yesterday communicating your purpose of resigning the Dep^t of the Treasury. I need not express to you the regret at such an event which will be inspired by my recollection of the distinguished ability and unwearied zeal, with which you have filled a station at all times deeply responsible in its duties, through a period rendering them particularly arduous & laborious.

“Should the intention you have formed be nowise open to reconsideration, I can only avail myself of your consent to prolong your functions to the date and for the object which your letter intimates. It cannot but be advantageous that the important measure in which you have had so material an agency, should be put into its active state by the same hands.

“Be assured Sir, that whatever may be the time of your leaving the Department, you will carry from it, my testimony of the invaluable services you have rendered to your Country, my thankfulness for the aid they have afforded in my discharge of the Executive trust, and my best wishes for your prosperity & happiness.”—*Mad. MSS.*

Banks to accede should reduce the people to the necessity of pay^s their taxes in coin, or treasury notes, or a bank paper out of their reach, the pressure and the complaint would be intense, and the more so from the inequality with which the measure w^d operate.¹

Can the suspension of payments in coin by the principal Banks, be regarded as the precise cause of the undue depreciation of treasury notes, as intimated in the 3^d paragraph of your Circular? A slight modification, if you think it requisite, would obviate the remark.

As your statement to the President will remain an official document, I suggest for your consideration, the expression that the Treas^r "cannot discriminate in the mode of payment between the revenue of the customs and the internal revenue" as liable to be turned agst the Distinction proposed in the payment of them.

With respect to the validity of this distinction, I should yield my doubts if they were stronger than they are, to the unanimous opinion which has sanctioned it.

I anxiously wish that the State Banks may enter promptly & heartily into the means of re-establishing the proper Currency. Nothing but their general co-operation, is wanting for the purpose;

¹ On January 8 Calhoun reported the bill to incorporate the subscribers to the Bank of the United States, which was passed and approved by Madison April 10. Madison's argument against the constitutionality of a federal bank may be found *ante*, Vol VI., p. 27, *et seq.*

and they owe it to their own character, and ultimately to their own interest, as much as they do to the immediate & vital interest of the Nation. Sh^d they sacrifice all these powerful obligations to the unfair gain of the moment, it must remain with the State Legislatures to apply the remedy, and it is to be hoped that they will not be diverted from it either by their share in the gains of the Banks, or the influence of the Banks on their deliberations. If they will not enforce the obligation of the Banks to redeem their notes in specie, they cannot surely forbear to enforce the alternatives of redeeming them with public stock, or with national Bank notes, or, finally of paying interest on all their notes presented for payment. The expedient also of restricting their circulating paper in a reasonable proportion to their metallic fund, may merit attention as at once aiding the credit of their paper, and accelerating a resumption of specie payments.

I enclose the papers marked A, B, & C, to guard agst the possibility, that you may not have copies of them with you.

TO JAMES MONROE

D. OF S. MSS. MISCL. LETS.

MONTPELIER July 13 1816.

DEAR SIR Herewith are the papers rec^d from M^r Hughs. He seems to have been no wise sparing of diplomatic politeness to the Spanish Gov^t. You will of course express the satisfaction afforded by

the successful execution of his commission in reference to our Captive Citizens with an approbation of the interest taken in behalf of the English & French captives, and forward the documents to M^r Erving,¹ with instructions to press at Madrid the restitution of the Am^a property refused to M^r Hughs. If the Spanish authorities had had [sic] taken the ground that the property was forfeited by the aid and comfort it afforded to rebels, it would have involved the discussion commenced with M^r Onis, and have avoided the inconsistency now added to their injustice. In resting the seizure on the alleged Blockade, which was a spurious one, and substituting a decoy, for the warning, required by the L. of N. to neutrals, they have disarmed themselves of every plea, or rather have armed us with every plea agst them.

You will find herewith also the 2 letters from M^r Onis.² His complaint of expeditions from our ports agst Spanish commerce, are entitled to the ordinary answer. His conciliatory remarks introducing them, are too guarded to mean much that is favorable, if they do not cover a disposition to thwart some of our demands on Spain. It appears from his final paragraph that his participation in the transactions relating to Louisiana, is to be produced

¹ George W. Erving, of Massachusetts was commissioned as Minister to Spain August 10, 1814, but the Spanish government refused to receive him until the spring of 1816.

² On July 3 Onis wrote to the State Department remonstrating against the arming of certain vessels against Spanish commerce in the United States.—*D. of S. MSS. Notes.*

as testimony agst us. Will it not be well, in forwarding the correspondence to M^r Erving to furnish him with the facts of an opposite tendency which fall within your personal knowledge.¹ Great stress will doubtless be laid by the Spanish Gov^t on the principle asserted by Onis, that France & Spain alone who were parties to the Treaties, can interpret the respective intentions recorded in them. To this must be opposed the meaning deducible by the legal rules of interpretation, and the fact that the U. S. were bona fide purchasers without notice of any other interpretation, altho' Spain was not ignorant of our views, of purchasing, and even referred us to France as alone having the right to sell.—The second letter of Onis shows adroitness; but it does not clear his Gov^t from the charge of not proceeding at Algiers in the spirit we were authorized to expect. If However Algiers obtained the Brig, without redeeming it from Spain no pretext remains for a demand on the U. S.

Cordial regards

¹ The argument of the United States was put forward by Monroe June 10, 1816, in a long note to Onis—See *Am State Papers, For. Rel.*, Vol. IV., 429.

TO JAMES MONROE.¹MONTPE^r July 26, 1816.

DEAR SIR

Herewith are the communications from M^r Adams. He pinches Castlereagh not a little. I always suspected that the enlistments & apprenticeship of captured Negroes, in the W. Ind^s would be the refuge agst the allegations on our part.²

But, if the former be for life, & the latter for 14 years even for those of mature age, both be *forced*, as the law & order in council shew, how can either be a situation in which the unfortunate blacks are protected in the *privileges* of *freedom*? Nor is it conceivable that the act of Parl^t, which contemplates evidently the *African* trade, and *seizures on the high seas*, can be fairly applied to negroes in the U. States in a slavery originating with G. B. herself, seduced or forced therefrom with her sanction, and rec^d on board vessels within the waters of the U. S. As the B. Gov^t [illegible] a full [illegible] into the charges agst its officers, whether wth a view to discredit this Gov^t or for

¹ From the original in the New York Public Library (Lenox).

² In his note of April 27, 1816, to Adams, Lord Castlereagh said: "By the Act for the abolition of the Slave trade and the consequent order in Council (of which copies are inclosed for the information of the American Minister) all negroes captured at Sea are condemned as prize to His Majesty and the disposal of them after condemnation is specially limited to their enlistment into the army or navy by which they at once by Law acquire the Rights of freemen, or to their being bound for a limited time as free apprentices to persons capable of teaching them some Trade or Handicraft."—*D. of S. MSS. Despatches.*

whatever other purpose, it will be proper to promote the establishment of the truth. It will be particularly proper to keep in the front of the transaction, the inviting proclamation of the B. Commander, and the bondage de facto into which, it is admitted, that the negroes are placed, under the name of freedom & protection. I hope M^r Adams will not fail in the most suitable stage of the business to do justice to this view of the subject. It will put our charges on defensible ground, even if we fail to establish what is fairly to be believed, that the captives or fugitives in question were sold into the ordinary slavery of the W. Indies. The object of L^d Castlereagh evidently is to draw the question to a point most difficult of proof, and in the failure of it to avail himself of an ostentatious zeal for an impracticable investigation.

Yours

TO JAMES MONROE.

D. OF S. MSS. MISCL. LETS.

MONTPELLIER Aug. 4. 1816

DEAR SIR

I rec^d yesterday the 2 letters from Onis herewith returned, and today copies of the papers transmitted by M^r Crowninshield, which as the originals are in the Dep^t I return. The law of nations, and our position in relation to the contest between Spain & Spanish America will of course govern the reply to these representations.

The remarks of Judge Story as to the fisheries are valuable, and furnish some precise objects for discussion with the B. Gov^t. If Mr. B[agot] will accede to the most favorable arrangements marked out, it may be well to close with him. Whether the one next best ought to be accepted, is a more delicate question; notwithstanding the opinion of Mr. Crowninshield on the subject. I do not think in the present temper & situation of G.B. that delay with a prudent conduct on our part will injure our prospects. And it appears after all, that the right to cure fish on the B. shores, the fish cured on them being the proportion only of $\frac{1}{4}$ or $\frac{1}{6}$ of those caught by our vessels in those waters, is of less importance than was supposed. How far the waters within the marginal league have been used, and w^d be prohibited if not stipulated is to be ascertained. On the whole, I still think unless an arrangement likely to be satisfactory can be obtained, it will be better to prolong the negotiation, than to cut it short from a despondence as to better terms. I observe that J. Story represents the shores of Labrador as a good deal settled. If this be the fact and could appear in an arrangement of our use of them, we might accept the use of the shores without any unselfish surrender of our pretensions, which are limited to unsettled districts. Perhaps M^r B. may be willing to make a partial arrangement, leaving open the negotiation for its extension. If this can be done in a form avoiding implications adverse to our claims, it w^d be a safe & might be an

eligible course. It might be predicated on the want of full information, and the purpose of obtaining it. The sources of further information pointed at by the Judge may deserve attention.

best respects & regards

TO JOHN GRAHAM.

D. OF S. MSS. MISCL. LETS.

MONTPELLIER Aug. 5, 1816.

DEAR SIR

I return the letter from M^r Bagot.¹ It manifests a good disposition on his part, and on that of the Commander in chief in Canada. But it appears by communications to the War Dep^t from one of our own sources, that the hostile purposes of the Indians in question are the effect, of instigations from British Traders. I have desired M^r G. Graham to lay these communications before the Dep^t of State. In connection with those from M^r B. they will bring the whole subject into the conversation desired by M^r B. The British authorities ought to repress a resort to their posts, of Indians from our side of the boundary, at least for political purposes; and to prohibit effectually the misconduct of their traders. If this

¹ July 29 Bagot wrote a private letter to Monroe saying he had just received information from the Commander-in-Chief in Canada that a very hostile spirit had been manifested towards the United States by the Indian tribes, "in consequence, as it seems, of the American Government having signified their intention of erecting Forts within their land during the course of the summer."—*D. of S. MSS. Notes.*

be not done we must strengthen our military establishments, on that quarter, and hasten the exclusion of British traders from intercourse with Indians within our limits. It will certainly be better for the British to cooperate with us in keeping the Indians within rule, than to force us into the alternatives. I am glad you are likely to obtain at length a translation of the Algerine letter. I wrote to M^r Monroe on the receipt of it, to send with the translation an answer ready to be signed. This can best be drawn at Washington, where all the circumstances are most distinctly in view, including those connected with the Navy Dep^t, and the lapse of time increases also the reason for diminishing delay.

Friendly respects

TO JAMES MONROE.

D. OF S. MSS. MISCL. LETS.

MONTPELLIER Aug. 6 1816

DEAR SIR

I have just rec^d yours of the 3^d and return without delay the several letters inclosed in it. The apprehensions of M^r Shaler, are instigated at least by the recent occurrence, if true, at Oran, and its probable effect on the relations of G. B. & Algiers.¹ M^r Adams's idea of making his country

¹ Under date of May 18, 1816, Adams reported that Shaler, the Consul at Algiers, had informed him that Lord Exmouth had arrived in the Bay of Algiers and that immediately peace between Algiers and the Kingdoms of Naples and Sardinia had ensued; and that difficulties

the sole champion of Xndum against the Barbarians, is very heroic, but is not in perfect harmony with the sober spirit which tempers its zeal & interprize. If we can maintain an elevated position in the Mediterranean for ourselves, and afford that example for others, it will, for the present at least, best reconcile all our duties.

Friendly respects

between the Dey and the United States had begun as soon as Lord Exmouth departed. Adams went on to say that Lord Castlereagh had sent for him and assured him Lord Exmouth had not been engaged in any operations against the United States. Adams urged Lord Castlereagh to compel Algiers to cease the practice of making slaves of Christian prisoners of war, and promised that the United States would help him. "Lord Castlereagh declared that it was the earnest wish of the British Government, that all the Barbary Powers should abandon altogether this mode of warfare; but he thought that mild and moderate measures, and persuasion would be better calculated to produce this effect, than force . . . that Great Britain, with all her exertions had not been able to obtain the abolition of the African Slave trade by Spain and Portugal, and as she would not have felt justified in resorting to War, to compel them to it, so she could not make War upon the Barbary States to force them to renounce the practice of making slaves of Christians, so long as they never applied it to her Subjects, or had given her any cause of offence. . . . She had for herself no complaint against the Barbary States to make. She had often found them useful friends; and especially during the late War in the Peninsula, which it would have been impossible for her to have carried through, successfully, without the supplies, which her troops had received from the Coast of Barbary, from which they had almost all their fresh provisions." Adams rejoined: "If, however Great Britain should not incline to assume the task of putting an end to Barbary Piracy, if she should leave them in our hands, I believed we should be able to give a good account of them. The experience of last year had proved that they were not very formidable antagonists upon the Ocean, and if we had to deal with them alone, I had no doubt that our navy would be competent to the protection of our Commerce against them."—*D. of S. MSS. Despatches.*

TO JAMES MONROE.¹

MONTPELIER Aug. 13, 1816

DEAR SIR

I have yours of the 12th intended for the 11th inst: I have no map by which I can judge of the comparative values of the 2 offers of M^r Bagot as to the fisheries.² There will be some delicacy in referring the arrangement to M^r A. who prefers a decision here, and will say that we having better means of procuring the necessary information we ought not to put the task & responsibility on him. If M^r Bagot will not favor an arrangement which we can acquiesce in I still think it will be best to decide nothing but to instruct M^r A. to press the subject in such an extent as we think admissible, and to engage as far as we can the co-operation of M^r B. As to armaments on the Lakes, M^r A. may be furnished with our propositions and if they be concurred in the effect will be accelerated, in case the B. Gov^t be liberal eno' to send over the necessary orders, without waiting for the consummating forms. If it be understood that Shaler intends or wishes to leave Algiers,³ Poin-

¹ From the original in the New York Public Library (Lenox).

² "Mr. Bagot offered to secure us the rights in question on the Labrador shore, between Mount Joli and the bay of Esquimaux, near the entrance of the strait of Belleisle." This being objected to he then offered "an alternative on the shore of the island of Newfoundland, to commence at Cape Ray, and extend, east, to the Ramea islands." Monroe to Adams, August 13, 1816.—*D. of S. MSS. Instructions*. See the correspondence in *American State Papers*, vol. iv., *Foreign Relations*, p. 348 *et seq.*

³ William Shaler continued at his post. Joel R. Poinsett, of South

sett may take his place; and in the event of an ulterior mission, he will be so far on his way. I think, however, he ought not to be permitted to form any ulterior expectations as well because the ulterior mission in question is of too important & too delicate a nature to be hastily contemplated, as because unforeseen selections may become preferable.

As you will so soon be here I leave for consultation the choice of an agent for the pacific. The gentleman you name comes fairly into a comparative view of characters.

Affec^t respects

TO ALEXANDER J. DALLAS.

MAD. MSS.

MONTPELLIER Aug^t 25, 1816

DEAR SIR Since the rece^t of your several letters relating to the Treasury proposition,¹ & the decision of Bank Deputies at Phil^a my thoughts have been

Carolina, was not appointed in the diplomatic service till the following administration, when he went as minister to Mexico.

¹ Dallas wrote August 8 that he had conferred with Baltimore, Philadelphia, and New York bankers on the resumption of specie payment. On August 11 he wrote that he was solicitous concerning the conduct of the State banks, the National bank, and the state of the currency.

August 31 he wrote: "The National bank grows in the public confidence. I believe its immediate uses will be as great as was anticipated by its most strenuous advocates. Under a prudent and skilfull director acting in concert with the government, it will restore the national currency, and destroy the artificial differences of exchange. But I look with peculiar pleasure to the establishment, as furnishing a machinery to frustrate the usurpation of the state banks, and to retrieve the constitutional powers of the Government over the coin and currency of the nation."—*Mad. MSS.*

duly turned to the important & perplexing subject. Altho' there may be no propriety in recalling the proposition, it seems now certain that it will fail of its effect. Should the Banks not represented at Phil^a come into the measure, the refusal of those represented would be fatal. The want of a medium for taxes in a single state would be a serious difficulty; so extensive a want would forbid at once an enforcement of the proposition. The Banks feel their present importance & seem more disposed to turn it to their own profit than to the public good, & the views of the Gov^t. Without their co-operation it does not appear that any immediate relief can be applied to the embarrassments of the Treasury or of the currency. This co-operation they refuse. Can they be coerced?

Should the State Legislatures unite in the means within their power, the object may be attained. But this is scarcely to be expected; & in point of time is too remote. The National Bank must for a time at least, be on the defensive.

The interposition of Congress remains; & we may hope the best as to a vigorous use of it. But there is danger that the influence of the local Banks may reach even that resource. Should this not be the case, the remedy is future not immediate. The question then before us is, whether any & what further expedients lie with the Executive. Altho we have satisfied by what has been already attempted our legal responsibility, it would be still incumbent on us to make further experiments if any promising

ones can be devised. If there be such I have full confidence, that they will enter into your views on the subject. One only occurs to me; & I mention it because no other does, not because I regard it as free from objections which may be deemed conclusive. The notes in the Treasury might be presented to the Banks respectively with a demand of the specie due on the face of them. On refusal suits might be immediately instituted not with a view to proceed to execution, but to establish a claim to interest from the date of the demand. The notes thus bearing interest being kept in hand, Treasury notes bearing interest might be issued in payments from the Treasury; & so far injustice to the several classes of creditors might be lessened, whilst a check would be given to the unjust career of the Banks.

Such a proceeding ought to be supported by the Stockholders, the Army, the Navy, & all the disinterested & well-informed part of the community. The clamor agst it would be from the Banks & those having interested connections with them, supported by the honest part of the community misled by their fallacies; and the probability is but too great that the clamor would be overwhelming. I do not take into view the expedient of requiring a payment of the Impost, in specie, in part at least, because it could not be extended to the other taxes, & would in that respect as well as otherwise, be a measure too delicate for the Ex:Auth^y; nor would its effect be in time for any very early purpose.

I have been led by the tenor of your letters to put on paper these observations. The report you are preparing will doubtless enlighten my view of the whole subject.

TO JAMES MONROE.¹

MONTPELLIER Aug. 28, 1816

DEAR SIR

Among the inclosures is a very ex^{ty} letter from M^r De Neuville.² It was brought by his pri-

¹ From the original in the New York Public Library (Lenox).

² De Neuville's letter was dated "Near Brunswick, N. Jersey," July 21. He said he was familiar with the liberty of the press in America and that the government often had not the power to check its license; but when officers attached to the federal government permitted themselves to forget that his Majesty Louis XVIII. was King of France and Navarre; when a public functionary outraged impudently the brother of Louis XVI at a public fête, his duty required him to call attention to it. Mr. J. S. Skinner at the 4th of July celebration in Baltimore had given this volunteer toast: "The generals of France in exile; the glory of their native land—not to be dishonored by the proscriptions of an imbecile tyrant." Skinner was postmaster at Baltimore. Therefore he demanded reparation officially, and said a dismissal would be meted out to a French official if he perpetrated such an outrage in France.—*D. of S. MSS. Notes.*

On August 15 Monroe answered that the government had no responsibility "for any effusion of sentiment which may be displayed at a public feast, in regard to foreign powers, in which the character of the officer, especially of inferior grade, is lost in that of the citizen." The high consideration for His Most Christian Majesty which this government entertained was well known. This note proving unsatisfactory de Neuville wrote again, and on September 10 Monroe said: "The President has seen with regret the demand which you have thought proper to make. The manner of it, too, has excited not less surprise, for in dictating the reparation claimed, which you say must be immediate, all deliberation on the subject, all freedom of action in this Government, are evidently intended to be precluded." He concluded by saying the correspondence had been sent to the American

vate Secretary from whom I thought it better for several reasons to receive it, than to let him proceed with it to your House. As its contents were neither known nor guessed, it was possible that they might call for an attention which my knowledge of them might hasten and it was desirable for you that you should not be [obliterated] with the Bearer if not necessary. It was a further calculation that an *immediate* answer if not convenient might thus be avoided. The young Secretary left me with a mere intimation to him, that his dispatch would be answered by the Sec^y of State. M^t De Neuville could not have given a greater proof of want of judgment than in putting the amity of the two countries on such an issue, or of a personal wish to flatter the ultra royal Bourbons who may ere long accede to the throne. The proper answer to him will be facilitated by his undertaking to *dictate* the *precise* reparation in the case. Common delicacy would have demanded an adequate one in general terms, leaving the particular mode to the Gov^t and the arrogance of the manner in which he has disregarded it, forfeits the respect that might be otherwise due to his complaint. It will be well if possible by a conciliatory language towards his sovereign to counteract the efforts of his minister to work up a trivial incident into a provoking enormity, and to awaken his attention to our just sensibility to the indecorous

plenipotentiary at Paris to make proper representations to the French government.—*D. of S. MSS. Instructions.*

& unauthorized step of the latter. It would seem as if De N. hoped to hide the degradation of the Bourbons in Europe, under a blustering deportment in a distant country. Whatever may be the answer to his letter, it will be proper to hasten communications & instructions to M^r Gallatin on the whole subject.

Dashkoff's letter also among the inclosures, revives the question how far anything beyond the despatches by M^r Coles is called for by the posture of Kozloff's affair. Perhaps it may not be amiss for you to write a letter to the Russian Secy. of For. Aff^s ¹ referring to that of Dasch^f and relying, with expressions of respect & friendship here for the Emperor, on the communications by M^r Coles, as of a satisfactory import. It is however to be recollected that the instructions to Dash^f were given prior to the last discussions transmitted by Mr. Harris. . . .

¹ Kosloff, Russian consul at Philadelphia, was arrested and thrown into prison on the charge of having committed rape upon a girl twelve years of age, a servant in his family. The Chief-Justice of Pennsylvania, in hearing the application for a writ of habeas corpus, expressed the opinion that the evidence produced was not sufficient to convict; but he was, nevertheless, indicted. The jurisdiction of the local court was denied, and the case sent to the federal court. There, however, he could not be tried because rape was an offence at common law, "of which description of offences the courts of the United States do not take cognizance," and no statute covering the crime had ever been passed. Monroe to Levett Harris, Chargé d'Affaires at St. Petersburg, July 31, 1816.—*D. of S. MSS. Instructions*. Monroe wrote to Count de Nesselrode, Secretary of State for Foreign Affairs of Russia, under date of September 12, 1816, making a full explanation of the matter. It had been misrepresented in St. Petersburg and the American Chargé had been forbidden to attend the court.

TO JAMES MONROE.¹[MONTPELLIER] Sep^r 6, 1816.

DEAR SIR On perusing your letters to Mr. De Neuville, and M^r Gallatin,² some ideas occurred which induced me to put them on paper for your consideration. Those relating to the first letter are interlined with a pencil. Those relating to the 2^d are partly so & partly penned on a separate sheet. In the communication to M^r G. I thought it might be not amiss to suggest the several topics which he may find it expedient to develop orally or in writing. Reject or use any or the whole as you judge best.

As De Neuville's communication to his gov^t may first arrive and forestall impressions at Paris, the interlineation in pa. 2^d of the letter to him, is intended to suggest an important and very pertinent fact which may not be known there, & which he will not disclose, and to controul the effect of his magnifying comments on the subject. Whether this last part of the interlineation merits adoption is the more questionable of the two.

The little delay occasioned by this retrograde of the

¹ From the original in the New York Public Library (Lenox).

² The instruction is dated September 10. It followed the same ground as the note to de Neuville and said: "The case admitted of no compromise; a discussion on it, therefore, seemed to be useless even from the commencement, and after the last letter from the French Minister it would have been evidently highly improper, since it must have turned, on points which no government, entertaining a proper respect for itself, can ever bring into discussion with a Foreign Minister." —*D. of S. MSS. Instructions.* De Neuville was not recalled, but served till 1822.

papers is not material as De Neuville himself will think on recñg your answer. But to avoid a protraction of it, it will be best to sign blank sheets (if there be not more signed at the office) for copies of the letters whatever the final shapes you give them, and to send these with your drafts directly to M^r Graham, with instructions to forward triplicates immediately to M^r Gallatin; perhaps one ought to be forwarded thro' G. B. I have no objection if you think it proper to your intimating to M^r Gallatin that the *recall* of De Neuville is not our object, nor wish if his continuance be agreeable to his gov^t

TO W. H. CRAWFORD.

MAD. MSS.

MONTPELLIER, Sep^r 23, 1816

DEAR SIR I have just rec^d from Mr. Monroe a very extraordinary communication, *confidentially* made to him by Col. Jessup. A copy of it is inclosed. An invasion by a Spanish force at the present period might be pronounced a mere chimoera, if a less degree of folly reigned at Madrid; unless, indeed the Councils of Spain sh^d be supported by a power, whose councils may reasonably be more confided in. It is probable however that Onis is intriguing at N. Orleans, and the extent to which he may mislead, an ignorant proud & vindictive Gov^t cannot be calculated. It is incumbent on us therefore to have an eye to our S. W. Frontier, proportioning our precautions to our means, and to a fair estimate of the danger. As Gen: Jackson is apprized of the

apprehensions of Col. Jessup, tho' without some of the grounds of them mentioned to Mr. Monroe, we may expect soon to hear from him on the subject. Are there any reinforcements or defences, which can be added to those now within his employment? Should Jessup execute his purpose, it will be the boldest project, ever assumed by no higher authority. I communicate the intelligence he gives, to the Sec^y of the Navy. Be so good as to do the same to your Colleagues at Washington.¹

TO WILLIAM H. CRAWFORD.²

MONTPELLIER, Sep^r 23, 1816.

DEAR SIR I have rec^d yours of the 20th inst. The claim of M^r Knagg involves an important question:—what is the effect produced on the salaries of persons made prisoners by an Enemy by & during their captivity?

Civil officers are of two classes. 1. Those holding during good behaviour.

2. Those holding during pleasure.

Whilst the officers of the 1st class continue and the officers are not removed in the mode authorized, the salaries are legally due, and cannot be withheld

¹ On September 27 Crawford informed Jackson of the reported intended Spanish invasion and on the same day asked the Secretary of the Navy to send a ship to the Gulf of Mexico to co-operate with the land forces.—*Mad. MSS.*

² From the original in the New York Public Library (Lenox). September 20 Crawford wrote to Madison asking his decision on the claim of Whitman Knaggs to pay and emoluments when he was a deputy Indian agent in 1812 and was captured.—*Mad. MSS.*

by the Ex: auth^y: and it is understood that neither the capture of the officer, nor even the capture of the office by that of the place including it (unless peace sh^d transfer the right to the possessor) annuls the office. The former suspends the functions of the officer, and the latter the office itself. In the former case temporary provision when necessary can only be made by the Legislative authority. In the latter case the temporary provision will depend on the conqueror.

With respect to officers holding during pleasure, their claim to their salaries appears to be legal, whilst their offices continue, and no removal, or other appointment involving a removal takes place.

The claim of W. K. then depends on the question whether his two app^{ts} or either of them was of a nature to cease with the capture of Detroit and of himself, and if not whether, as no direct removal appears to have taken place, any other appointment was made, actually superceding his.

The latter is a simple question of fact to be decided by the evidence in the Dept.

The former question must be decided by the character of the appointments in the eye of the law. Is that of a *deputy* Indian agent, an *office* which would be vacated only not extinguished by the death removal or resignation of the person exercising it; or a personal agency ceasing with the non-exercise of it? Is the app^t of Indian Interpreter, in like manner, an office & an agency, as so distinguished?

Not finding it convenient in my present situation

to examine our laws fully in relation to these app^{ts} and aware that there is merit often in discriminating between an office & an agency I cannot do better than request you to communicate these observations with the interesting ones contained in your letter to the other members of the Cabinet at Washington; and transmit me the results of a consultation on the whole subject. Should there be no difference of opinion & delay be inconvenient it may be acted on, without hearing further from me.

Genl. Hull presented some time ago a claim for two salaries during his captivity, and pressed strongly the reasoning which gave most color to it. His military claim I believe was viewed in a different light from his salary as gov^r at the time when he was charged with the Expedition which had so unfortunate an issue.

TO WILLIAM H. CRAWFORD.¹

MONTPELLIER, Sep^r 30, 1816.

DEAR SIR,—I have received your two letters of the 27th and 28th. The views taken by yourself and your colleagues at Washington of the subject presented by Col. Jesup's communication, and your letters to the Secretary of the Navy and General Jackson in consequence of them, were very proper. The part of the precautionary arrangements involving most delicacy is that of sending the naval force into the Gulf of Mexico. Besides the unavoid-

¹ From *The Works of Madison* (Cong. Ed.).

able delay, I fear the expense of equipment will be considerable, under an appropriation known to be deficient. It will be well to give him the earliest notice of any change in the prospect releasing the Navy Department from the call. The letter from Mr. Erving goes far towards it, and further intelligence from him may be daily expected. As a communication of the contents of Col. Jesup's letter to the Governors of Georgia, Kentucky, Tennessee, and Louisiana, will lead to no immediate expense, nor to any unnecessary public excitement, it is recommended by the general policy of anticipating danger and guarding against it. I am glad to find General Jackson's views coinciding with those transmitted to him.

I sent to the Attorney General the papers received by the Navy Department from Commodore Patterson, relating to the destruction of the Negro fort, and the property taken in it, with a request from the Commodore that a decision might be had on the distribution of the property among the captors. I referred Mr. Rush, also, to the report, when received from Col. Clinch. Be so good as to let him see the communications from that officer, now returned. The case is novel, and involves several legal questions.

I perceive that a part of the Negroes captured were deserters from the Spaniards, who will therefore be gainers by breaking up the establishment on the Apalachicola. This is another consideration which may prevent complaints from that quarter.

It may be recollected, also, that the Governor of Pensacola declared that territory not to be within Spanish jurisdiction.

Jameson's remarks in favor of making the seat of the factory the seat of his agency have weight. His pacific mediations among the Indians may also be recommended by a humane policy. But I think it will be best to discountenance the proposed visit of some of them to Washington. We complain at present of the reception of our Indians even at British outposts, and we may find occasion for making a point of putting an end to that sort of intercourse.

Mr. Monroe has not yet arrived on his way to Washington, and I cannot fix on the day of my setting out until he does. Some other circumstances, also, have been in the way. I fear I shall not be able to put an end to the detention before the last of the week; possibly not before Monday next.

I have already mentioned to you the answer of Mr. Clay, declining the offer made to him.¹ Altho' Mr. Lowndes has not had occasion to manifest particular qualifications for the War Department, his general talents and public standing present him in very favorable comparison with any other occurring for consideration.

Cordial regards.

¹ To be Secretary of War. William Lowndes of South Carolina also declined, and no one was appointed, George Graham, the Chief Clerk, serving *ad interim* to the close of the administration.—*Ex. Register of U. S.*, 84.

TO WILSON CARY NICHOLAS.¹

MONTPELLIER Oct. 5. 1816.

DEAR SIR I have recd. yours of the 30th ult.² It will afford me pleasure to promote your wishes in behalf of Mr. Armistead; and the pleasure will be increased by my recollection of the period & persons to whom you allude. It is incumbent on me at the same time to remark that it is the usage, to leave to the heads of Dep^{ts} the selection of their own clk. which the law vests in their discretion & responsibility; that they generally have their preferences often founded on relations of friendship and personal confidence; and there is always depending a list of applicants for the few vacancies which occur, some of which pretensions may have peculiar force. My connection with such appointments is much less therefore than might be supposed, and I mention it that in the event of disappointment it may not be inferred that I have been insensible or inattentive to the object you so justly have at heart.

Mr. Dallas has & will have explained so fully his measures with the grounds of them, that I need say very little on the subject. If any have supposed him not conciliatory toward the Banks, they have done him great injustice. As to the epoch of enforcing specie payments the law had fixed on the 20th of Feb^y next; with an evident obligation on him to anticipate it if practicable. Many

¹ From the original in the New York Public Library (Lenox).

² Applying for a clerkship for Mr. Armistead.—*Mad. MSS.*

of the Banks, instead of co-operating with him for the latter purpose, have announced purposes at variance with the positive injunctions of the law. It can scarcely be doubted that if the Banks had concerted a general concurrence with the views of the Treasury, the former confidence & currency would have been easily re-established by the time fixed by Congress, and probably sooner. Nor can it well be doubted that such a concert would have taken place, if the Bank dividends had been as much favored by the effort, as they might, at least for a time, be reduced by it. I am far from applying these remarks to all the Banks. There are exceptions which we could jointly name with equal pleasure. But it is certain that as far as the Banks have not done their duty, they have to answer for the injustice done by a depreciated currency to particular states, to the public creditors, to the Army, to the Navy, and even to private creditors who were in a manner forced to receive their debts in that currency. Had the Banks sold their public stock for their own notes with which they procured it when they could have done so with a liberal profit, or had they agreed to pay interest on their protested notes, whilst they received interest on the paper pledged to them, they would have stood on different ground. But they preferred, too many of them, to these sacrifices, or rather to these acts of justice, an increased issue of notes on a capital as productive nearly as the notes issued on that basis. Taking the whole subject as we find it, it is not easy

to say what Congress, with whom it lies, may decide on. There is sufficient reason to believe that if the crisis requires a relaxation they will not withhold it. But there are indications that a resumption of specie payments, is rapidly becoming practicable and popular. If the demand of Spain to discharge a foreign balance agst the nation, should not raise the Exchange above the Expence and difficulty of exporting it; the Banks in general will run no risk in uniting at once with the National Banks in restoring health to the currency, and justice to all transactions public & private. . . .

TO JOHN ADAMS.

MAD. MSS.

WASHINGTON, Oct: 12th, -16.

DEAR SIR Your favor of the 4th of Sep^r was handed to me by Doctor Freeman at my abode in Virg^a just before I left it for this place. His transient stay afforded but a slight opportunity for the civilities I wished to shew to one who enjoys so much of your esteem, and who appeared so well to deserve them. He was so good as to call at the door since my arrival here; but being at the moment engaged, he was so informed without my being apprised of the name, till he had retired; and his ensuing departure from the City closed our intercourse, unless he should repeat his southern excursion when I shall pay with pleasure the arrears due on the first.

Mrs. Madison, wishing to seize the occasion for

a letter to Mrs. Adams, has herself answered the enquiry in yours to me having reference to her. You will perceive that she has not the slightest recollection of any letter to Mr. Steel, such as could have led to the intimations in yours. We conclude therefore that some error has taken place in the statement made to you. It will rest with your goodness & conveniency to throw any light upon it, which you may have the means of doing, and which you may think the subject worthy of. I beg you to be assured that I join fully in her acknowledgments for the delicate manner in which you have alluded to it, and for the kind dispositions which it has led you to express.

The favorable judgment you are so good as to express on the course of my administration, cannot but be very gratifying to me; not merely for the immediate value I set on it, but as an encouraging presage of the light in which my endeavours in the service of my country will be hereafter viewed by those most capable of deciding on them.

Be pleased to accept, Dear Sir assurances of my high esteem and best wishes.

EIGHTH ANNUAL MESSAGE.

December 3, 1816.

Fellow-Citizens of the Senate and of the House of Representatives:

In reviewing the present state of our country, our attention can not be withheld from the effect produced by peculiar seasons which have very generally impaired the annual gifts of the earth and threatened scarcity in particular districts.

Such, however, is the variety of soils, of climates, and of products within our extensive limits that the aggregate resources for subsistence are more than sufficient for the aggregate wants. And as far as an economy of consumption, more than usual, may be necessary, our thankfulness is due to Providence for what is far more than a compensation, in the remarkable health which has distinguished the present year.

Amidst the advantages which have succeeded the peace of Europe, and that of the United States with Great Britain, in a general invigoration of industry among us and in the extension of our commerce, the value of which is more and more disclosing itself to commercial nations, it is to be regretted that a depression is experienced by particular branches of our manufactures and by a portion of our navigation. As the first proceeds in an essential degree from an excess of imported merchandise, which carries a check in its own tendency, the cause in its present extent can not be of very long duration. The evil will not, however, be viewed by Congress without a recollection that manufacturing establishments, if suffered to sink too low or languish too long, may not revive after the causes shall have ceased, and that in the vicissitudes of human affairs situations may recur in which a dependence on foreign sources for indispensable supplies may be among the most serious embarrassments.

The depressed state of our navigation is to be ascribed in a material degree to its exclusion from the colonial ports of the nation most extensively connected with us in commerce, and from the indirect operation of that exclusion.

Previous to the late convention at London between the United States and Great Britain the relative state of the navigation laws of the two countries, growing out of the treaty of 1794, had given to the British navigation a material advantage over the American in the intercourse between the American ports and British ports in Europe. The convention of London equalized the laws of the two countries relating to those ports, leaving the intercourse between our ports and

the ports of the British colonies subject, as before, to the respective regulations of the parties. The British Government enforcing now regulations which prohibit a trade between its colonies and the United States in American vessels, whilst they permit a trade in British vessels, the American navigation loses accordingly, and the loss is augmented by the advantage which is given to the British competition over the American in the navigation between our ports and British ports in Europe by the circuitous voyages enjoyed by the one and not enjoyed by the other.

The reasonableness of the rule of reciprocity applied to one branch of the commercial intercourse has been pressed on our part as equally applicable to both branches; but it is ascertained that the British cabinet declines all negotiation on the subject, with a disavowal, however, of any disposition to view in an unfriendly light whatever countervailing regulations the United States may oppose to the regulations of which they complain. The wisdom of the Legislature will decide on the course which, under these circumstances, is prescribed by a joint regard to the amicable relations between the two nations and to the just interests of the United States.

I have the satisfaction to state, generally, that we remain in amity with foreign powers.

An occurrence has indeed taken place in the Gulf of Mexico which, if sanctioned by the Spanish Government, may make an exception as to that power. According to the report of our naval commander on that station, one of our public armed vessels was attacked by an overpowering force under a Spanish commander, and the American flag, with the officers and crew, insulted in a manner calling for prompt reparation. This has been demanded. In the meantime a frigate and a smaller vessel of war have been ordered into that Gulf for the protection of our commerce. It would be improper to omit that the representative of His Catholic Majesty in the United States lost no time in giving the strongest assurances that no hostile order could have emanated from his Government, and that it will be as ready to do as to

expect whatever the nature of the case and the friendly relations of the two countries shall be found to require.

The posture of our affairs with Algiers at the present moment is not known. The Dey, drawing pretexts from circumstances for which the United States were not answerable, addressed a letter to this Government declaring the treaty last concluded with him to have been annulled by our violation of it, and presenting as the alternative war or a renewal of the former treaty, which stipulated, among other things, an annual tribute. The answer, with an explicit declaration that the United States preferred war to tribute, required his recognition and observance of the treaty last made, which abolishes tribute and the slavery of our captured citizens. The result of the answer has not been received. Should he renew his warfare on our commerce, we rely on the protection it will find in our naval force actually in the Mediterranean.

With the other Barbary States our affairs have undergone no change.

The Indian tribes within our limits appear also disposed to remain at peace. From several of them purchases of land, have been made particularly favorable to the wishes and security of our frontier settlements, as well as to the general interests of the nation. In some instances the titles, though not supported by due proof, and clashing those of one tribe with the claims of another, have been extinguished by double purchases, the benevolent policy of the United States preferring the augmented expense to the hazard of doing injustice or to the enforcement of justice against a feeble and untutored people by means involving or threatening an effusion of blood. I am happy to add that the tranquillity which has been restored among the tribes themselves, as well as between them and our own population, will favor the resumption of the work of civilization which had made an encouraging progress among some tribes, and that the facility is increasing for extending that divided and individual ownership, which exists now in movable property only, to the soil itself, and of thus establishing in the culture and improvement

of it the true foundation for a transit from the habits of the savage to the arts and comforts of social life.

As a subject of the highest importance to the national welfare, I must again earnestly recommend to the consideration of Congress a reorganization of the militia on a plan which will form it into classes according to the periods of life more or less adapted to military services. An efficient militia is authorized and contemplated by the Constitution and required by the spirit and safety of free government. The present organization of our militia is universally regarded as less efficient than it ought to be made, and no organization can be better calculated to give to it its due force than a classification which will assign the foremost place in the defense of the country to that portion of its citizens whose activity and animation best enable them to rally to its standard. Besides the consideration that a time of peace is the time when the change can be made with most convenience and equity, it will now be aided by the experience of a recent war in which the militia bore so interesting a part.

Congress will call to mind that no adequate provision has yet been made for the uniformity of weights and measures also contemplated by the Constitution. The great utility of a standard fixed in its nature and founded on the easy rule of decimal proportions is sufficiently obvious. It led the Government at an early stage to preparatory steps for introducing it, and a completion of the work will be a just title to the public gratitude.

The importance which I have attached to the establishment of a university within this District on a scale and for objects worthy of the American nation induces me to renew my recommendation of it to the favorable consideration of Congress. And I particularly invite again their attention to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting

intercourse and improvements and by increasing the share of every part in the common stock of national prosperity.

Occurrences having taken place which shew that the statutory provisions for the dispensation of criminal justice are deficient in relation both to places and to persons under the exclusive cognizance of the national authority, an amendment of the law embracing such cases will merit the earliest attention of the Legislature. It will be a seasonable occasion also for inquiring how far legislative interposition may be further requisite in providing penalties for offenses designated in the Constitution or in the statutes, and to which either no penalties are annexed or none with sufficient certainty. And I submit to the wisdom of Congress whether a more enlarged revisal of the criminal code be not expedient for the purpose of mitigating in certain cases penalties which were adopted into it antecedent to experiment and examples which justify and recommend a more lenient policy.

The United States, having been the first to abolish within the extent of their authority the transportation of the natives of Africa into slavery, by prohibiting the introduction of slaves and by punishing their citizens participating in the traffic, can not but be gratified at the progress made by concurrent efforts of other nations toward a general suppression of so great an evil. They must feel at the same time the greater solicitude to give the fullest efficacy to their own regulations. With that view, the interposition of Congress appears to be required by the violations and evasions which it is suggested are chargeable on unworthy citizens who mingle in the slave trade under foreign flags and with foreign ports, and by collusive importations of slaves into the United States through adjoining ports and territories. I present the subject to Congress with a full assurance of their disposition to apply all the remedy which can be afforded by an amendment of the law. The regulations which were intended to guard against abuses of a kindred character in the trade between several States ought also to be rendered more effectual for their humane object.

To these recommendations I add, for the consideration of Congress, the expediency of a remodification of the judiciary establishment, and of an additional department in the executive branch of the Government.

The first is called for by the accruing business which necessarily swells the duties of the Federal courts, and by the great and widening space within which justice is to be dispensed by them. The time seems to have arrived which claims for members of the Supreme Court a relief from itinerary fatigues, incompatible as well with the age which a portion of them will always have attained as with the researches and preparations which are due to their stations and to the juridical reputation of their country. And considerations equally cogent require a more convenient organization of the subordinate tribunals, which may be accomplished without an objectionable increase of the number or expense of the judges.

The extent and variety of executive business also accumulating with the progress of our country and its growing population call for an additional department, to be charged with duties now overburdening other departments and with such as have not been annexed to any department.

The course of experience recommends, as another improvement in the executive establishment, that the provision for the station of Attorney-General, whose residence at the seat of Government, official connections with it, and the management of the public business before the judiciary preclude an extensive participation in professional emoluments, be made more adequate to his services and his relinquishments, and that, with a view to his reasonable accommodation and to a proper depository of his official opinions and proceedings, there be included in the provision the usual appurtenances to a public office.

In directing the legislative attention to the state of the finances it is a subject of great gratification to find that even within the short period which has elapsed since the return of peace the revenue has far exceeded all the current demands upon the Treasury, and that under any probable diminution

of its future annual products which the vicissitudes of commerce may occasion it will afford an ample fund for the effectual and early extinguishment of the public debt. It has been estimated that during the year 1816 the actual receipts of revenue at the Treasury, including the balance at the commencement of the year, and excluding the proceeds of loans and Treasury notes, will amount to about the sum of \$47,000,000; that during the same year the actual payments at the Treasury, including the payment of the arrearages of the War Department as well as the payment of a considerable excess beyond the annual appropriations, will amount to about the sum of \$38,000,000, and that consequently at the close of the year there will be a surplus in the Treasury of about the sum of \$9,000,000.

The operations of the Treasury continued to be obstructed by difficulties arising from the condition of the national currency, but they have nevertheless been effectual to a beneficial extent in the reduction of the public debt and the establishment of the public credit. The floating debt of Treasury notes and temporary loans will soon be entirely discharged. The aggregate of the funded debt, composed of debts incurred during the wars of 1776 and 1812, has been estimated with reference to the 1st of January next at a sum not exceeding \$110,000,000. The ordinary annual expenses of the Government for the maintenance of all its institutions, civil, military, and naval, have been estimated at a sum less than \$20,000,000, and the permanent revenue to be derived from all the existing sources has been estimated at a sum of about \$25,000,000.

Upon this general view of the subject it is obvious that there is only wanting to the fiscal prosperity of the Government the restoration of an uniform medium of exchange. The resources and the faith of the nation, displayed in the system which Congress has established, insure respect and confidence both at home and abroad. The local accumulations of the revenue have already enabled the Treasury to meet the public engagements in the local currency of most

of the States, and it is expected that the same cause will produce the same effect throughout the Union; but for the interests of the community at large, as well as for the purposes of the Treasury, it is essential that the nation should possess a currency of equal value, credit, and use wherever it may circulate. The Constitution has intrusted Congress exclusively with the power of creating and regulating a currency of that description, and the measures which were taken during the last session in execution of the power give every promise of success. The Bank of the United States has been organized under auspices the most favorable, and can not fail to be an important auxiliary to those measures.

For a more enlarged view of the public finances, with a view of the measures pursued by the Treasury Department previous to the resignation of the late Secretary, I transmit an extract from the last report of that officer. Congress will perceive in it ample proofs of the solid foundation on which the financial prosperity of the nation rests, and will do justice to the distinguished ability and successful exertions with which the duties of the Department were executed during a period remarkable for its difficulties and its peculiar perplexities.

The period of my retiring from the public service being at little distance, I shall find no occasion more proper than the present for expressing to my fellow-citizens my deep sense of the continued confidence and kind support which I have received from them. My grateful recollection of these distinguished marks of their favorable regard can never cease, and with the consciousness that, if I have not served my country with greater ability, I have served it with a sincere devotion will accompany me as a source of unfailling gratification.

Happily, I shall carry with me from the public theater other sources, which those who love their country most will best appreciate. I shall behold it blessed with tranquillity and prosperity at home and with peace and respect abroad. I can indulge the proud reflection that the American people

have reached in safety and success their fortieth year as an independent nation; that for nearly an entire generation they have had experience of their present Constitution, the offspring of their undisturbed deliberations and of their free choice; that they have found it to bear the trials of adverse as well as prosperous circumstances; to contain in its combination of the federate and elective principles a reconciliation of public strength with individual liberty, of national power for the defense of national rights with a security against wars of injustice, of ambition, and of vainglory in the fundamental provision which subjects all questions of war to the will of the nation itself, which is to pay its costs and feel its calamities. Nor is it less a peculiar felicity of this Constitution, so dear to us all, that it is found to be capable, without losing its vital energies, of expanding itself over a spacious territory with the increase and expansion of the community for whose benefit it was established.

And may I not be allowed to add to this gratifying spectacle that I shall read in the character of the American people, in their devotion to true liberty and to the Constitution which is its palladium, sure presages that the destined career of my country will exhibit a Government pursuing the public good as its sole object, and regulating its means by the great principles consecrated in its charter, and by those moral principles to which they are so well allied; a Government which watches over the purity of elections, the freedom of speech and of the press, the trial by jury, and the equal interdict against encroachments and compacts between religion and the state; which maintains inviolably the maxims of public faith, the security of persons and property, and encourages in every authorized mode that general diffusion of knowledge which guarantees to public liberty its permanency and to those who possess the blessing the true enjoyment of it; a Government which avoids intrusions on the internal repose of other nations, and repels them from its own; which does justice to all nations with a readiness equal to the firmness with which it requires justice from

them; and which, whilst it refines its domestic code from every ingredient not congenial with the precepts of an enlightened age and the sentiments of a virtuous people, seeks by appeals to reason and by its liberal examples to infuse into the law which governs the civilized world a spirit which may diminish the frequency or circumscribe the calamities of war, and meliorate the social and beneficent relations of peace; a Government, in a word, whose conduct within and without may bespeak the most noble of all ambitions—that of promoting peace on earth and good will to man.

These contemplations, sweetening the remnant of my days, will animate my prayers for the happiness of my beloved country, and a perpetuity of the institutions under which it is enjoyed.

TO WILLIAM H. CRAWFORD.

MAD. MSS.

Letter of P. of the U. S. Bank of Feb^y 1, 1817, covering negotiations and arrangement with Deligates of Banks from N. Y., Phil^a Baltimore & Virg^a for resuming specie payments.

The letter & papers returned Feb^y 4 with the following note:

[February 4, 1817.]

The arrangement communicated by the Presid^t. of the U. S. Bank is so important an advance towards a universal return of specie circulation, that the Treasury sanction to it, under existing circumstances is evidently proper. Serious difficulties will notwithstanding remain to be encountered, if the principal Banks in *every* State do not immediately follow the example set them. Even in the States comprising the Banks parties to the arrangement, the payment of the internal taxes after the 20th

inst. will be distressing to many not possessing the notes of their own Banks. In the other States the payment in the legalized notes, will be generally impossible for a considerable time.

VETO MESSAGE

March 3, 1817.

To the House of Representatives of the United States:

Having considered the bill this day presented to me entitled "An act to set apart and pledge certain funds for internal improvements,"¹ and which sets apart and pledges funds "for constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote, and give security to internal commerce among the several States, and to render more easy and less expensive the means and provisions for the common defense," I am constrained by the insuperable difficulty I feel in reconciling the bill with the Constitution of the United States to return it with that objection to the House of Representatives, in which it originated.

The legislative powers vested in Congress are specified and enumerated in the eighth section of the first article of the Constitution, and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers, or that it falls by any just interpretation within the power to make laws necessary and proper for carrying into execution those or other powers vested by the Constitution in the Government of the United States.

"The power to regulate commerce among the several States" can not include a power to construct roads and canals, and to improve the navigation of water courses in

¹ The bill was drawn up by John C. Calhoun, who was much surprised when Madison vetoed it. It provided that the bonus and dividends of the United States from the United States Bank should constitute a fund for internal improvements.

order to facilitate, promote, and secure such a commerce without a latitude of construction departing from the ordinary import of the terms strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress.

To refer the power in question to the clause "to provide for the common defense and general welfare" would be contrary to the established and consistent rules of interpretation, as rendering the special and careful enumeration of powers which follow the clause nugatory and improper. Such a view of the Constitution would have the effect of giving to Congress a general power of legislation instead of the defined and limited one hitherto understood to belong to them, the terms "common defense and general welfare" embracing every object and act within the purview of a legislative trust. It would have the effect of subjecting both the Constitution and laws of the several States in all cases not specifically exempted to be superseded by laws of Congress, it being expressly declared "that the Constitution of the United States and laws made in pursuance thereof shall be the supreme law of the land, and the judges of every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." Such a view of the Constitution, finally, would have the effect of excluding the judicial authority of the United States from its participation in guarding the boundary between the legislative powers of the General and the State Governments, inasmuch as questions relating to the general welfare, being questions of policy and expediency, are unsusceptible of judicial cognizance and decision.

A restriction of the power "to provide for the common defense and general welfare" to cases which are to be provided for by the expenditure of money would still leave within the legislative power of Congress all the great and most important measures of Government, money being the ordinary and necessary means of carrying them into execution.

If a general power to construct roads and canals, and to improve the navigation of water courses, with the train of powers incident thereto, be not possessed by Congress, the assent of the States in the mode provided in the bill cannot confer the power. The only cases in which the consent and cession of particular States can extend the power of Congress are those specified and provided for in the Constitution.

I am not unaware of the great importance of roads and canals and the improved navigation of water courses, and that a power in the National Legislature to provide for them might be exercised with signal advantage to the general prosperity. But seeing that such a power is not expressly given by the Constitution, and believing that it can not be deduced from any part of it without an inadmissible latitude of construction and a reliance on insufficient precedents; believing also that the permanent success of the Constitution depends on a definite partition of powers between the General and the State Governments, and that no adequate landmarks would be left by the constructive extension of the powers of Congress as proposed in the bill, I have no option but to withhold my signature from it, and to cherishing the hope that its beneficial objects may be attained by a resort for the necessary powers to the same wisdom and virtue in the nation which established the Constitution in its actual form and providently marked out in the instrument itself a safe and practicable mode of improving it as experience might suggest.

TO JAMES MONROE. D. OF S. MSS. INSTR

WASHINGTON, Mar. [Filed March 5] 1817.

DEAR SIR,—Altho' your personal and official acquaintance with M^r J. Graham,¹ be well known

¹ This letter, probably handed to Graham just before Madison left the Presidency, was one of the few letters of recommendation for

to me, I can not, on the occasion of my final departure from the public service, satisfy myself, without expressing my sense of his great merit.

M^r. Graham, recommended by my knowledge of his public agency abroad, and of his private virtues, was invited into the Department of State, as the chief under the Head of it, whilst the Department was in my hands. It was my wish, more than his own that was gratified by the appointment. And I have always considered it as the effect of an honorable desire to serve his country, combined with his personal & political feelings, that he remained for so long a period, in a station, without the attractions, which could otherwise have detained him in it.

office written by Madison. Soon after his return to Montpelier he had the following circular letter printed:

The friendship which has long subsisted between the President of the United States and myself gave me reason to expect, on my retirement from office, that I might often receive applications to interpose with him on behalf of persons desiring appointments. Such an abuse of his dispositions towards me would necessarily lead to the loss of them, and to the transforming me from the character of a friend to that of an unreasonable and troublesome solicitant. It therefore became necessary for me to lay down as a law for my future conduct never to interpose in any case, either with him or the Heads of Departments (from whom it must go to him) in any case whatever for office. To this rule I must scrupulously adhere; for were I to depart from it in a single instance, I could no longer plead it with truth to my friends in excuse for my not complying with their requests. I hope therefore that the declining it in the present, as in every other case, will be ascribed to its true cause, the obligation of this general law, and not to any disinclination existing in this particular case; and still less to an unwillingness to be useful to my friends on all occasions not forbidden by a special impropriety.—*D. of S. MSS. Applications for Office.*

On these grounds, & from continued & varied opportunities of being intimately acquainted with M^r. Graham, I not only take a pleasure, but feel an obligation, in saying that I regard him as among the most worthy of men, and most estimable of citizens; as adding to a sound & discriminating judgment, a valuable stock of acquirements adapted to public affairs; and to both, a purity of character, a delicacy of sentiment, and an amenity of temper & manners, exceeded in no instance to which I could refer.

With this view of his capacity to be useful to his country and the principles guarantying a proper exertion of it, I can not but hope that suitable occasions may present themselves for preventing a loss to the public of the services of a citizen, so highly entitled to its confidence.

With the highest consideration & regard, I remain

Yours.

TO JOHN ADAMS.¹

May 22d, 1817

DEAR SIR,—I have received your favor of April 22d, with the two volumes bearing the name of Condorcet. If the length of time they remained in your hands had been in the least inconvenient to me, which was not the case, the debt would have been overpaid by the interesting observations into which you were led by your return of them.

The idea of a Government “in one centre,” as

¹ From the *Works of Madison* (Cong. Ed.).

expressed and espoused by this Philosopher and his theoretic associates, seems now to be every where exploded. And the views which you have given of its fallacy will be a powerful obstacle to its revival anywhere. It is remarkable that in each of our States which approached nearest to the theory changes were soon made, assimilating their constitutions to the examples of the other States, which had placed the powers of Government in different depositories, as means of controlling the impulse and sympathy of the passions, and affording to reason better opportunities of asserting its prerogatives.

The great question now to be decided, and it is one in which humanity is more deeply interested than in any political experiment yet made, is, whether checks and balances sufficient for the purposes of order, justice, and the general good, may not be created by a proper division and distribution of power among different bodies, differently constituted, but all deriving their existence from the elective principle, and bound by a responsible tenure of their trusts. The experiment is favored by the extent of our Country, which prevents the contagion of evil passions; and by the combination of the federal with the local systems of Government, which multiplies the divisions of power, and the mutual checks by which it is to be kept within its proper limits and direction. In aid of these considerations much is to be hoped from the force of opinion and habit, as these ally themselves

with our political institutions. I am running, however, into reflections, without recollecting that all such must have fallen within the comprehensive reviews which your mind has taken of the principles of our Government, and the prospects of our Country.

I have always been much gratified by the favorable opinion you have been pleased occasionally to express of the public course pursued while the Executive trust was in my hands, and I am very thankful for the kind wishes you have added to a repetition of it. I pray you to be assured of the sincerity with which I offer mine, that a life may be prolonged which continues to afford proofs of your capacity to enjoy and make it valuable.

TO D LYNCH, JUN^r

MAD. MSS

MONTPELLIER, June 27, 1817

SIR I have rec^d your letter of the 18th inst. informing me that "the Amⁿ Society for the encouragement of domestic Manufactures" have been pleased to elect me one of its members.

Altho' I approve the policy of leaving to the sagacity of individuals, and to the impulse of private interest, the application of industry & capital, I am equally persuaded, that in this as in other cases, there are exceptions to the general rule, which do not impair the principle of it. Among these exceptions, is the policy of encouraging domestic manufactures, within certain limits, and in reference to certain articles.

Without entering into a detailed view of the subject, it may be remarked, that every prudent Nation will wish to be independent of other Nations for the necessary articles of food, of raiment, and of defence; and particular considerations applicable to the U. S. seem to strengthen the motives to this independence.

Besides the articles falling under the above description, there may be others for manufacturing which, natural advantages exist, which require temporary interpositions for bringing them into regular & successful activity.

When the fund of industry is acquired by emigrations from abroad, and not withdrawn or withheld, from other domestic employments, the case speaks for itself.

I will only add, that among the articles of consumption and use the preference in many cases, is decided merely, by fashion or by habits. As far as an equality, and still more where a real superiority is found in the articles manufactured at home, all must be sensible that it is politic and patriotic to encourage a preference of them, as affording a more certain source of supply for every class, and a more certain market for the surplus products of the agricultural class.

With these sentiments, I beg you to make my acknowledgments for the mark of distinction conferred on me; and which I accept from a respect for the Society and for its objects rather than from any hope of being useful as a Member.

To yourself Sir, I tender my friendly respects.

TO RICHARD RUSH.

MAD. MSS.

MONTPELLIER, June 27, 1817

DEAR SIR,—I have rec^d your two favors of the 18 & 20th inst.¹ I am promised a visit from Mr. Jefferson the ensuing month, and shall not fail to communicate to him the one you note for that purpose.

I readily conceive that Mr. Correa,² may feel some conflict in his present position, between his two characters of Philanthropist and Plenipotentiary; and that he may infer some indulgence towards the latter from a respect to the former. He ought not however to impose on you a conflict between this kind feeling in the Gov^t and its self-respect. It is both illiberal & impolitic, and necessarily extorts the admonitions you so gently convey to him.

In assuming a guardianship of our character in Europe, he committed to say the least, a marked indelicacy; and his avowed resort to the Press as the medium of giving information to the public

¹ Rush was serving as Secretary of State *ad interim* until John Quincy Adams entered upon his duties September 22, 1817

² José Correa da Serra, Minister Plenipotentiary of Portugal from July 22, 1816, to November 9, 1820, was a noted figure in Washington society. He was the author of the saying that Washington was a "city of magnificent distances." The difficulty alluded to in this letter arose from a publication in the *National Intelligencer* of May 22, by the Legation, of the blockade of the port of Pernambuco and adjacent coasts. On May 24 Rush wrote the Minister to ask if the publication was authoritative, and, being informed that it was, on May 28 addressed him a stiff note, saying he should have addressed his information to the government and not to the public.—*D. of S. MSS. Notes.*

here, was a still greater aberration. His regard for our National reputation if sincere, might have been manifested in a less exceptionable mode, than in an *official* conversation. And his consciousness of the wrongfulness of a direct communication to the people, is betrayed by the flimsiness of his apology. A silly reason from a wise man is never the true one.

The British doctrine of Blockades has given rise to error & irregularity in the practice of other nations. In strictness, the blockade notifies itself, and no other notification can be admitted by Neutrals who understand their rights as having any other effect, than as a friendly caution agst a probable danger. But even in this sense, the notification ought to be to the Gov^t which may make the use of it deemed proper. This Gov^t has never formally promulgated the blockades, more than any other regulations of foreign Gov^{ts}. The most that seems admissible in such cases, is to let the public be informally apprized of them that individuals may not ignorantly incur just penalties. In one instance an answer was given by the Dep^t of State to a notification of a B. Blockade by Mr. Merry, which according to my recollection explained the sense in which it was rec^d and precluded the idea, that anything short of an *actual* attempt to violate a *legal* blockade, could subject neutral vessels to interruption on the high seas. Notwithstanding these views of the subject, I am not sure, that foreign Consuls in our ports may not have

addressed notifications to our Merchants through the Newspapers. And it may be worth enquiry whether something of the sort was not done by Mr. Onis, perhaps prior to his reception as public Minister.

It is to be regretted that any difficulties should have arisen with Portugal, the only recognized Nation, beside ourselves on this Hemisphere, and particularly that the most enlightened and esteemed foreigner among us should be the pivot on which they turn. It is not the less necessary however, to make these considerations, as you are making them, subordinate to the rights of our Country and the honor of its Gov^t. As far as these will permit, conciliation can in no case be more properly intermingled.

May not the event at Pernambuco, if not caused by actual oppression, tend to give at the present moment an unfavorable turn to the sentiment of European Sovereigns in relation to the revolutionary Scene in S. America? The struggle of the Spanish part of it having the appearance of shaking off a *foreign yoke*, appeals merely to the interest & sympathy of those Sovereigns. That in the Brazils, may be viewed by them as an attack on a *domestic* throne; and as adding an example in the New World, to those which have inspired so much alarm in the Old.

TO JAMES MONROE.

MAD. MSS.

MONTPELLIER, NOV^r 29, 1817

DEAR SIR,—Your favor of the 24th has just been rec^d. I am fully aware of the load of business on your hands preparatory to the meeting of Congress. The course you mean to take in relation to Roads & Canals, appears to be best adapted to the posture in which you find the case. A reluctance has generally been felt to include amendments to the Constitution among Executive recommendations to Cong^s but it seems to be called for on the present occasion as preferable to arresting their deliberations, by a notice though the result will be negatived, or to meeting the result with an unexpected negative. For myself, I had not supposed that my view¹ of the Constitution could have been unknown, and I felt with great force the delicacy of giving intimations of it, to be used as a bar or a clog to a depending measure.

The *expediency of vesting in Cong^s* a power as to roads & Canals I have never doubted, and there has never been a moment when such a proposition to the States was so likely to be approved. A *general* power to establish Seminaries, being less obvious and affecting more the equilibrium of influence between the National & State Gov^{ts} is a more critical experiment. The feelings awakened by the proposed University within the Congres-

¹ See Hamilton's corresponding opinion in his Arg. for the Bank power, published in his works in 3 vols.—(*Madison's Note.*)

sional District, are a proof of the opposition which may be looked for. I should consider it as at least essential that the two propositions whatever may be the modification of the latter sh^d be so distinct, that the rejection of the one by the States should not be inconsistent with the adoption of the other.

It is very grateful to have such an overflowing Treasury, especially when every other nation is on the brink, if not in the abyss of bankruptcy. A natural effect is, the prevailing desire that the taxes may be reduced, particularly the internal taxes which are most seen & felt. May it not however deserve consideration whether the Still tax which is a moralizing as well as a very easy, productive tax w^d not be advantageously retained, even at the expence of revenue from foreign trade. Why not press on the Whisky drinkers rather than the Tea & Coffee drinkers, or the drinkers of the lighter kinds of Wine. The question will depend much I am aware on the public opinion and on the expence of collecting a solitary internal tax, both of which points will be better understood in the Cabinet than they can be by the fireside, and in the result there I shall rest with perfect confidence. I make the same remark with respect to the influence which the disbanding at this moment of a conspicuous portion of our fiscal strength may have on the calculations of any other power, particularly Spain.

Health & prosperity.

TO JAMES MONROE.

MAD. MSS.

Dec: 9, 1817.

DEAR SIR,—The mail of Saturday brought me the Copy of your message. It is a fine landscape of our situation; and cannot fail to give pleasure at home, and command respect abroad. The recommendation of a repeal of taxes, is happily shaped: so also the introduction of the subject of Amending the Constitution. The only questions which occur relate to the proposed suppression of the establishment at Amelia Island, not within our territorial claim; and to the latitude of the principle on which the right of a Civilized people is asserted over the lands of a savage one. I take for granted that the first point was well considered. And the latter may be susceptible of qualifying explanations. I observe you say nothing of a remodelling of the Judiciary. Perhaps you may have in reserve a special message, or you may think it best to let the subject originate in Congress; or it may not appear to you in the light it does to me. I have long thought a systematic change in that Dep^t proper; and should have pressed it more when in office, but for the circumstance, that it involved a personal accommodation where I might be supposed to feel an interest biasing my judgment, and diminishing the attention paid to my opinion.

TO J. Q. ADAMS ¹

MAD MSS.

MONTPELLIER, Dec: 23, 1817.

DEAR SIR,—I rec^d two days ago your favor of

¹ Now the Secretary of State.

the 15 with the written & printed accompaniments.

I am glad to find that your personal interviews with Mr. Bentham afforded an entertainment which may have been some recompence for the trouble which I contributed to give you in relation to him.¹ The celebrity which this Philosophic politician has acquired abroad as well as in his own Country, does not permit one to doubt the extent of his capacity or of his researches; and there is still less room to question the philanthropy which adorns his character. It is unfortunate that he has not added to his merits a style and manner of conveying his ideas which would do more justice to their

¹Jeremy Bentham sent a long letter of forty-one pages to Madison, October 30, 1811, offering to draw up "a complete body of law; in one word, a pannomian, or as much of it as the life and health of a man, whose age wanted little of four and sixty, might allow of" for the United States or for any of the states. This letter was not answered till Adams went to London as minister, when Madison gave him a reply to deliver to Bentham dated May 8, 1816, in which he politely expressed doubt of the feasibility of the scheme. In the course of the letter he said: "With respect to the unwritten law, it may not be improper to observe, that the extent of it has been not a little abridged, in this Country, by successive events. A certain portion of it was dropped by our emigrant forefathers as contrary to their principles, or inapplicable to their new situation. The Colonial Statutes had a further effect in amending and diminishing the mass. The revolution from Colonies to Independent States, capped off other portions. And the changes which have been constantly going on since this last event, have everywhere made, and are daily making further reductions." Under date of June, 1817, Bentham wrote a circular letter to the Governor of each of the states enclosing a copy of his letter of Oct. 30, 1811, to Madison. All the correspondence was published in London in 1817, under the title, *Papers Relative to Codification and Public Instruction: Including Correspondence with the Russian Emperor, and Divers Constituted Authorities in the American United States.*

profoundness and importance. With all his qualifications however I greatly overrate or he greatly underrates the task in which he has been so anxious to employ his intellectual labors and treasures, for the reformation of our Code of laws, especially in the advanced age at which the work was to be commenced. And I own that I find some difficulty in reconciling the confidence he feels in the adequacy of his powers not only for a digest of our Statutes into a concise and clear system, but a reduction of our unwritten to a text law, with that penetrating and accurate judgment for which he has the reputation. The disinterestedness and friendly zeal, nevertheless, which dictated the offer of his services to our Country are entitled to its acknowledgments, and no one can join in them with more cordiality than myself.

I have looked over & return the letters from Gov^r Plumer and his son. The work conceived by the latter, and the manner in which he has presented an outline of it, indicate talents which merit cultivation & encouragement. The best answer I can give to your communication on the subject of his wish for a copy of the Journal of the Convention, is to state the circumstance, that at the close of the Convention, the question having arisen what was to be done with the Journal & the other papers, and it being suggested that they ought to be either destroyed or deposited in the Custody of the Presid^t it was determined that

they should remain in his hands subject only to the orders of the National Legislature. Whether a publication of them ought to be promoted, as having a useful tendency, you will probably be better able to decide, on a perusal of the document than one who cannot take the same abstract view of the subject.¹

I cannot be insensible to the terms in which you refer to the official relations which have subsisted between us, but must disclaim the obligations which you consider as lying on your side. The results of what took place on mine prove that I only avoided the demerit of a different course. Be pleased Sir to accept assurances of my continued esteem and of my friendly respects.

TO HENRY ST. GEORGE TUCKER. MAD. MSS.

MONTP Decr 23, 1817.

DR SIR I have rec^d your favor of the 18th, inclosing the Report on Roads & Canals.²

I respect too much the right and the duty of the Rep^s of the people to examine for themselves, the merits of all questions before them, and am too conscious of my own fallibility, to view the most rigid & critical examination of the particular question referred to your Committee, with any other feeling than a solicitude for a result favorable to truth and the public good.

¹ Published in 1819. See *ante*, Vol. III, p. 14.

² Tucker's report was submitted to the House December 15th.—*Annals of Cong.*, 15th Cong., 1st Sess., vol. i., p. 415.

I am not unaware that my belief, not to say knowledge of the views of those who proposed the Constitution, and, what is of more importance my deep impression as to the views of those who bestowed on it the stamp of Authority, may influence my interpretation of the Instrument. On the other hand it is not impossible, that those who consult the Instrument without a danger of that bias, may be exposed to an equal one in their anxiety to find in its text an authority for a particular measure of great apparent Utility.

I must pray you, my dear Sir, to be assured that, altho' I cannot concur in the latitude of Construction taken in the Report, or in the principle that the Consent of States, even of a single one, can enlarge the jurisdiction of the Gen^l Gov^t or in the force & extent allowed to precedents & analogies introduced into the Report, I do not permit this difference of opinion to diminish my esteem for the talents, or my confidence in the motives of its Author. I am far more disposed to acknowledge my thankfulness, for the polite attention shewn in forwarding the document, and for the friendly expressions which accompanied it. Be pleased to accept a sincere return of them.

TO JAMES MONROE.

MAD. MSS.

MONTPELLIER, Dec. 27, 1817

DEAR SIR Your favor of the 22d has been duly rec^d I am so much aware that you have not a

moment to spare from your public duties, that I insist on your never answering my letters out of mere civility. This rule I hope will be applied to the present as well as future letters.

My quere as to the expedition ag^{ts} Amelia Island turned solely on the applicability of the *Executive* power to such a case. That relating to the right to Indian lands was suggested by the principle which has limited the claim of the U. S. to a right of pre-emption. It seemed also that an *unqualified* right of a Civilized people to land used by people in the hunter-state, on the principle that the earth was intended for those who would make it most conducive to the sustenance & increase of the human race, might imply a right in a people cultivating it with the Spade, to say to one using the plow, either adopt our mode, or let us substitute it ourselves. It might also be not easy to repel the claims of those without land in other Countries, if not in our own, to vacant lands within the U. S. likely to remain for a *long* period unproductive of human food. The quere was not meant to contest the doctrine of the Message, under qualifications which were probably entertained without being specified.

The Cumberland road having been a measure taken during the administration of Mr. Jefferson, and, as far as I recollect, not then brought to my particular attention, I cannot assign the grounds assumed for it by Congress, or which produced his sanction. I suspect that the question of Consti-

tutionality was but slightly if at all examined by the former. And that the Executive assent was doubtingly or hastily given. Having once become a law, and being a measure of singular utility, additional appropriations took place, of course under the same Administration, and, with the accumulated impulse thence derived, were continued under the succeeding one, with less of critical investigation perhaps than was due to the case. Be all this as it may, the case is distinguished from that now before Congress, by the circumstances 1. that the road was undertaken essentially for the accommodation of a portion of the Country with respect to which Cong^s have a general power not applicable to other portions. 2. that the funds appropriated, & which alone have been applied, were also under a general power of Cong^s not applicable to other funds. As a precedent, the case is evidently without the weight allowed to that of the National Bank which had been often a subject of solemn discussion in Cong^s had long engaged the critical attention of the public, and had received reiterated & deliberate sanctions of *every* branch of the Gov^t, to all which had been superadded many positive concurrences of the States, and implied ones by the people at large. The Bank case is analogous to that of the Carriage tax, which was generally regarded by those who opposed the Bank as a direct tax & therefore unconstitutional, and did not receive their acquiescence untill these objections were superseded by the highest Judicial as well as other

sanctions. As to the case of post roads & military roads; instead of implying a general power to make roads, the constitutionality of them must be tested by the bona fide object of the particular roads. The Post cannot travel, nor troops march without a road. If the necessary roads cannot be found, they must of course be provided.

Serious danger seems to be threaten'd to the genuine sense of the Constitution, not only by an unwarrantable latitude of construction, but by the use made of precedents which cannot be supposed to have had in the view of their Authors, the bearing contended for, and even where they may have crept, thro' inadvertence, into acts of Cong^s & been signed by the Executive at a midnight hour, in the midst of a group scarcely admitting perusal, & under a weariness of mind as little admitting a vigilant attention.

Another & perhaps a greater danger is to be apprehended from the influence which the usefulness & popularity of measures may have on questions of their Constitutionality. It is difficult to conceive that any thing short of that influence c^d have overcome the constitutional and other objections to the Bill on roads & Canals which passed the 2 Houses at the last Session.

These considerations remind me of the attempts in the Convention to vest in the Judiciary Dep^t a qualified negative on Legislative *bills*. Such a Controul, restricted to Constitutional points, besides giving greater stability & system to the rules of

expounding the Instrument, would have precluded the question of a Judiciary annulment of Legislative Acts. But I am running far beyond the subject presented in your letter, and will detain you no longer than to assure you of my highest respect & sincerest regard.

TO CHARLES J. INGERSOLL.

MAD. MSS.

MONTPELLIER, Jan^y 4, 1818

D^R SIR,—I have rec^d your letter of the 25th Ult.¹

Believing that the late war merits a historical review penetrating below the surface of events, and beyond the horizon of unexpanded minds, I am glad to learn that the task is contemplated by one whose talents, and, what is not less essential, whose fairness of dispositions, are entitled to so much confidence. Whatever be the light in which any individual actor on the public Theatre may appear, the contest exhibited in its true features cannot fail to do honor to our Country; and, in one respect particularly, to be auspicious to its solid & lasting interest. If our first struggle was a war of our infancy, this last was that of our youth; and the issue of both, wisely improved, may long postpone, if not forever prevent, a necessity for exerting the strength of our manhood.

With this view of the subject, and of the hands

¹ Ingersoll had been a warm supporter of the war from the beginning. The work he was undertaking appeared in four volumes (Philadelphia, 1845-'52) under the title *Historical Sketch of the Second War between the United States and Great Britain*.

into which it is falling, I cannot be unwilling to contribute to the Stock of Materials. But you much overrate I fear, "my private papers," as distinct from those otherwise attainable. They consist for the most part of my correspondence with the heads of Departments, particularly when separated from them, and of a few vestiges remaining of Cabinet Consultations. It has been my purpose to employ a portion of my leisure, in gathering up and arranging these, with others relating to other periods of our public affairs; and after looking over carefully the first, I shall be better able to judge how far, they throw any valuable rays on your object, and are of a nature not improper for public use.

Be pleased, Sir, to accept assurances of my esteem and cordial respects.

TO JACOB GIDEON.

MONTPELLIER, 28. January, 1818

SIR,—I have rec^d your letter of the 19th, and in consequence of the request it makes, I send you a Copy of the 1st Edition of the "Federalist," with the names of the writers prefixed to their respective numbers.¹ Not being on the spot, when it was in

¹ See *ante*, Vol. V., pp. 54, 55, *n.* Gideon inclosed a list of the numbers of the Federalist and requested Madison to give the names of the author of each. Madison wrote to him on February 20th:

I have rec^d your letter of the 12th. You are welcome to the Copy of the Federalist sent you. If you refer to it in your proposed Edition it will be more proper to note the fact that the numbers with my name prefixed were published from a Copy containing corrections in my

the Press, the errors now noted in mine were not then corrected. You will be so good as to return the 2 vol^s when convenient to you.

hand, than to use the phrase "revised & corrected by J M" which would imply a more careful & professed revisal, than is warranted by strict truth.

You seem not rightly to have understood my remark on the circumstance of including in an Edition of the Federalist a pamphlet written by one of its authors, which had been answered in one written by another. My object was to suggest for your consideration how far it w^d be proper to insert in your Edition the former; not to suggest the insertion of both. The occasion, the plan, and the object of the Federalist, essentially distinguish it from the two pamphlets; and there may be a double incongruity in putting into the same Publication a work in which the two writers co-operated, and productions at once unconnected with it, and in which they are so pointedly opposed to each other.

That the motive to these observations may not be misconceived, it will not be amiss to say, that altho' I cannot at this day but be sensible that in the pamphlet under the name of Helvidius a tone is indulged which must seek an apology in impressions of the moment, and altho' in other respects it may be liable to criticisms for which the occasions are increased by the particular haste in which the several papers were written, to say nothing of inaccuracies in transcribing them for the press, yet I see no ground to be dissatisfied with the constitutional doctrine espoused, or the general scope of the reasoning used in support of it.—*Mad. MSS.*

On the same subject Madison wrote to Richard Cutts March 14 :

As it appears from your letter of the 5th that Mr. Gideon adheres to his plan of publishing the 2 pamphlets in the same volumes with the Federalist, and desires a corrected Copy of the one written by me, I have thought it best to send one. Be so good as to let it be put into his hands. I have limited the corrections to errors of the press, and of the transcriber; and a few cases in which the addition of a word or two seemed to render the meaning more explicit. There are passages to which a turn a little different might have been conveniently given; particularly that speaking of treaties as laws, which might have been better guarded agst a charge of inconsistency with the doctrine maintained on another occasion; and which probably w^d have been so guarded, after the accurate investigation of the Constitutional doctrine occasioned by Mr. Jay's Treaty. The reasoning

The 2^d Edition of the Work comprised a pamphlet ascribed to one of its Authors. The pamphlet had no connection with the Plan to which the others were parties, and contains a comment on an im-

however in the pamphlet is not affected by the question of consistency, and as the Author of Pacificus is charged with the want of it, I have chosen rather, to let the passage stand as it was first published, than to give it what might be considered a retrospective meaning. Intelligent readers will be sensible that the scope of the argument did not lead to a critical attention to Constitutional doctrines properly called forth on other occasions. If you think it worth while you may give Mr. Gideon a hint of these observations—*Mad. MSS.*

The two pamphlets are those of Pacificus (Hamilton) and Helvidius (Madison) (See *ante*, Vol VI, p. 138, *n*) Gideon's edition was. "The Federalist, or the New Constitution, Written in the Year 1788, by Mr Hamilton, Mr. Madison, and Mr. Jay with an Appendix, containing the Letters of Pacificus and Helvidius, on the Proclamation of Neutrality of 1793; also, the Original Articles of Confederation, and the Constitution of the United States, with the Amendments made thereto. A New Edition The Numbers Written by Mr. Madison Corrected by Himself City of Washington Printed and Published by Jacob Gideon, Jun 1818."

TO JAMES K PAULDING.

MAD. MSS

MONTPE July 23. [1818.]

D^R SIR I return your Copy of Gideon's Edition of the Federalist, with the memorandums requested in your note of the 16th I shall take a pleasure in adding any other circumstances which you may wish to know, and I may be able to communicate

The following memorandum complies with Mr. Paulding's request of the 16th instant:

The papers under the title of "Federalist," and signature of "Publius" were written by A. H., J. M. & J. J in the latter part of the year 1787. & the former part of the year 1788 The immediate object of them was to vindicate & recommend the new Constitution to the State of N. Y. whose ratification of the instrument, was doubtful, as well as important. The undertaking was proposed by A. H. (who had probably consulted Mr. Jay & others) to J M, who agreed to take a part in it The papers were originally addressed to the people of N. Y. under the signature of a "Citizen of N. Y." This was changed for that of "Publius" the first name of Valerius Publicola. A reason

portant point in the Constitution, which was disapproved by one of them who published an answer to it.

I take the liberty of suggesting that as comparative views frequently occur in the work of the original "Articles of Confederation" and The Constitution by which it was superseded it might be convenient to the Reader to have the former as well as the latter prefixed to the Commentary on both.

for the change was that one of the writers was not a Citizen of that State, another that the publication had diffused itself among most of the other States. The papers were first publish^d at N. Y. in a Newspaper printed by Francis Childs, at the rate during great part of the time at least of four numbers a week; and notwithstanding this exertion, they were not compleated till a large proportion of the States had decided on the Constitution. They were edited as soon as possible in two small vol^s the preface to the 1st vol. drawn up by Mr. H., bearing date N. York Mar. 1788. In a publication at N. Y. in 1810, entitled "the Works of A. H." is comprized an Edition of the Fed^{ist} in which the names of the writers are erroneously prefixed to a number of the papers. These errors are corrected in this Edition by Jacob Gideon, Jr., w^{ch} assigns to the several Authors of the papers their respective shares in them.

TO JACOB GIDEON

MAD MSS.

MONTPELLIER, Aug. 20, 1818

SIR I have duly rec^d your letter of the 15th inst with the handsome copy of your edition of the "Federalist." As this replaces the Copy sent you, there is the less occasion for a return of the latter. It may be proper perhaps to observe that it is not the [only] one containing the names of the writers Correctly prefixed to their respective papers. I had a considerable time ago, at the request of particular friends, given the same advantage to their copies.

I have not yet been able to look over the passages corrected by me; but from the care you bestowed on the Edition I cannot doubt that in that instance as well as others, it is free from errors.

TO MORDECAI M. NOAH.

MAD. MSS.

MONTPELLIER, May 15; 1818

SIR,—I have rec^d your letter of the 6th,¹ with the eloquent discourse delivered at the Consecration of the Jewish Synagogue. Having ever regarded the freedom of religious opinions & worship as equally belonging to every sect, & the secure enjoyment of it as the best human provision for bringing all either into the same way of thinking, or into that mutual charity which is the only substitute, I observe with pleasure the view you give of the spirit in which your Sect partake of the blessings offered by our Gov^t and Laws.

As your foreign Mission took place whilst I was in the Administration, it cannot but be agreeable to me to learn that your acc^{ts} have been closed in a manner so favorable to you. And I know too well the justice & candor of the present Executive to doubt, that an official [illegible] will be readily allowed to explanations necessary to protect your character against the effect of any impressions whatever ascertained to be erroneous. It is certain that your religious profession was well known at the time you rec^d your Commission; and that in itself could not be a motive for your recall.

¹ Noah's letter said that the Jews of America owed many of the blessings they enjoyed to Madison and his colleagues. He hoped that the impression that his recall from the foreign service was due to irregularity in his accounts might be removed and that it might be attributed to his religion.—*Mad. MSS.* Madison had appointed him consul at Riga, Russia, June 4, 1811, but he declined. He accepted the appointment of Consul at Tunis made March 20, 1813.

I thank you Sir for your friendly wishes and tender you mine.

TO JOHN ADAMS

MAD. MSS.

MONTPELLIER, Aug. 7, 1818

DEAR SIR,—On my return two days ago from a meeting appointed to report to the Legislature of the State a proper Site for a University, I found your obliging favor of the 25, Ult: with its inclosed copies of D^r Mayhews sermon. I have read with pleasure this symbol of the political tone of thinking at the period of its original publication. The Author felt the strength of his argument, and has given a proof of his own.

Your remark is very just on the subject of Independence. It was not the offspring of a particular man or a particular moment. If Mr. Wirt be otherwise understood in his life of Mr. Henry, I cannot but suppose that his intention has been not clearly expressed, or not sufficiently scrutinized. Our forefathers brought with them the germ of Independence, in the principle of self-taxation. Circumstances unfolded & perfected it.

The first occasion which aroused this principle, was, if I can trust my recollection, the projected Union at Albany in 1754, when the proposal of the British Gov^t to reimburse its advances for the Colonies by a Parliamentary tax on them was met by the letter from D^r Franklin to Governor Shirley, pointing out the unconstitutionality, the injustice, and the impolicy of such a tax.

The opposition & discussions produced by the Stamp & subsequent Acts of Parliament, make another stage in the growth of Independence. The attempts to distinguish between legislation on the subject of taxes, and on other subjects, terminated in the disclosure that no such distinction existed.

And these combats against the arrogated Authority of the British Legislature paved the way for burying in the same grave with it, the forfeited Authority of the British King.

If the merit of Independence as declared in 1776 is to be traced to Individuals, it belongs to those who first meditated the glorious measure, who were the ablest in contending for it, & who were the most decided in supporting it. Future times will be disposed to apportion this merit justly, and the present times ought to bequeath the means for doing it, unstained with the unworthy feelings which you so properly deprecate.

Be pleased Sir to accept renewed assurances of my great esteem & best wishes.

TO JAMES MONROE.

MAD. MSS.

Oct^r [2^d], 1818.

D^r SIR,—I have duly rec^d yours of the 27th Ult: I am very sorry that I shall not be able to have the pleasure of joining you at the Meeting of the Visitors. We must await, therefore that of seeing you & Mrs. M. on your way to Washington; and hope you will set out in time to spare us some days.

The communications from Mr. Rush are very interesting. G. B. seems so anxious to secure the general trade with the U. S. and at the same time to separate that from the question of the colonial trade, that I fear she will use means to struggle agst a change in the latter. I had not understood that the renewal of the existing Treaty¹ was desired by our merch^{ts} & ship owners, unless coupled with a reciprocity in the colonial trade, and had supposed that by making the latter a condition of the former, it w^d be the more attainable, especially as it w^d be more easy for the B. Ministry to find a cover for the concession in a mixed than a simple transaction. I readily presume however that the official views of the subject are the result of much better estimates than my information can furnish. Were it practicable it w^d be an agreeable precedent to effectuate a treaty making no distinction between Colonial & other ports of the same nation, as no distinction is made between our ports. I have no doubt that this will Ultimately be the case in all our Treaties; but we must move in concert with one great & good Ally, Time.

It proves as all of us suspected that the sauciness of Spain proceeded from her expectation of being powerfully backed in Europe. The situation of G. B. is a little envious and not a little perplexing. She sees the jealousy of the Continental powers, and

¹ The convention concluded between the United States and England October 20, 1818, provided in Article IV. for the continuance of the Commercial Convention of 1815.

endeavors to manage it by acquiescing in the proposed mediation between Spain & S. America, & by protesting agst peculiar advantages in the trade of the latter. On the other hand she wishes to stand as well as possible with the revolutionary countries, & does not wish the U. S. to be ahead of her in countenancing them. It would be a fortunate thing, if she could be prevailed on to unite with our views, instead of inviting a union of ours with hers. If she restricts the mediation to an *advisory* one, a great point will be gained for all parties. In every view it is very gratifying to find her become so much disposed to meet the U. S. in that conciliatory policy for w^{ch} they have so long kept the way open, & which is so evidently the true interest of both parties.

Y^{rs} respectfully & aff^{ly}.

TO JOHN QUINCY ADAMS.

D. OF S. MSS. MISCL. LETS.
MONTPELLIER, Nov^r 2, 1818.¹

SIR I have received your letter of the 22 ult: and enclose such extracts from my notes relating to the two last days of the Convention, as may fill

¹ See *ante* Vol. III., pp. xv and 209, n. On June 27, 1819, Madison wrote to Adams again:

I return the list of yeas & nays in the Convention, with the blanks filled according to your request, as far as I could do it, by tracing the order of the yeas & nays & their coincidences with those belonging to successive questions in my papers. In some instances, the yeas & nays in the list, corresponding with those on more questions than one, did not designate the particular question on which they were taken, and of course did not enable me to fill the blanks. In other

the chasm in the Journals, according to the mode in which the proceedings are recorded.

Col. Hamilton did not propose in the Convention any plan of a Constitution. He had sketched an outline which he read as part of a speech; observing that he did not mean it as a proposition, but only to give a more correct view of his ideas.

M^r. Patterson regularly proposed a plan which was discussed & voted on.

I do not find the plan of M^r. Charles Pinkney among my papers.

I tender you, Sir, assurances of my great respect and esteem.

TO JAMES MONROE.

MAD. MSS.

MONTPELLIER, NOV^r 28, 1818.

DEAR SIR Your favor of the 23^d having passed on to Milton whence it came back to Orange Court House I did not receive it until yesterday.

I am glad to find that our proportion of Shipping in the direct trade with G. B. is increasing. It must continue to do so under an established reciprocity, with regard to the trade with the B. Colonies, whether that be founded on the admission or exclusion of the ships of both Countries.

I thank you for the printed Copy of the documents

instances, as you will find by the paper formerly sent you, there are questions noted by me, for which the list does not contain yeas & nays. I have taken the liberty as you will see, of correcting one or two slips in the original list or in the copy; and I have distinguished the days on which the several votes passed.—*Mad. MSS.*

relating to our long controversy with Spain.¹ It forms a valuable continuation of the State papers already published.

It is pleasing to see proofs of the growing respect for us among the great powers of Europe; which must be cherished and enhanced by the current developments of a just and elevated policy on the part of the United States. Is it not worth while to found on this respect an experiment to draw Russia and France who particularly profess it, into our liberal and provident views in favor of S. America. The great work of its emancipation would then be compleated per saltum; for Great Britain could not hold back if so disposed, and Spain would have no choice but acquiescence.

The inference of Mr. Rush from the circumstances of his last interview with Lord Castle[reagh]: in the moment of his departure for Aix la Chapelle, is as judicious as it is favorable to our hopes of terminating the Thorny question of impressment. The British Cabinet gave up its sine qua non in order to get rid of a war with us at a crisis rendering it embarrassing to its affairs internal and external. It may be equally ready to obviate by another sacrifice the danger of one which might be not less embarrassing in both respects. Impressment and peace, it must now be evident, are irreconcilable. It will be happy if the apparent disposition to yeild

¹ Communicated to Congress, March 26, 1818, relating to illegal armaments and the occupation of Amelia Island. See *Am. State Papers, For. Affs.*, iv., 183.

in this case be carried into effect; and it may be hoped the same flexibility may be extended to the case of blockades, which in the event of a maritime war in Europe would have a like tendency with impressments. The remaining danger to a permanent harmony would then lie in the possession of Canada; which as Great B. ought to know, whenever rich enough to be profitable, will be strong enough to be independent. Were it otherwise, Canada can be of no value to her, when at war with us; and when at peace, will be of equal value, whether a British Colony or an American State. Whether the one or the other the consumption of British Manufactures & export of useful materials will be much the same. The latter would be guarded even agst a tax on them by an Article in our Constituⁿ

But notwithstanding the persuasive nature of these considerations there is little probability of their overcoming the national pride which is flattered by extended dominion; and still less perhaps ministerial policy always averse to narrow the field of patronage. As far as such a transfer would affect the relative power of the two Nations, the most unfriendly jealousy could find no objection to the measure; for it would evidently take more weakness from G. B. than it would add strength to the U. S. In truth the only reason we can have to desire Canada, ought to weigh as much with G. B. as with us. In her hands it must ever be a source of collision which she ought to be equally anxious to remove; and a Snare to the poor Indians towards

whom her humanity ought to be equally excited. Interested individuals have dwelt much on its importance to G. B. as a channel for evading & crippling our commercial laws. But it may well be expected that other views of her true interest will prevail in her councils, if she permits experience to enlighten them. I return the private letter you enclosed from Mr. Rush

Health & Success.

TO JAMES MONROE.

MAD. MSS.

MONTP., Feb^y 13, 1819

D^r SIR I rec^d by the last mail your favor of the 7th. The death of Gen^l Mason with the manner of it is an event truly lamentable. The only alleviation it admits is in the hope that its admonitions will not be fruitless.

The Newspapers from Washington not having come to hand regularly of late, and other matters having engaged my attention, I am but partially acquainted with what has passed in Congress on the subject of the proceedings in Florida.¹ The views of the Ex. could not certainly have been better directed than to the objects of shielding the Constitution, silencing Spain & her allies, & turning every thing to the best account for the nation. It will be a most happy termination of the business if Onis sh^d make good the prospect of the desired accommodation of our affairs with Spain.

¹ Florida affairs and the Seminole Campaign were taken up by the House December 14, 1818.

It would be a happiness also, if the subject as it relates to Gen^l Jackson could have an issue satisfactory to his feelings & to the scruples of his friends & admirers. Mr. Adams has given all its lustre to the proof that the conduct of the General is invulnerable to complaints from abroad; and the question between him & his Country ought to be judged under the persuasion that if he has erred it was in the zeal of his patriotism, and under a recollection of the great services he has rendered.

You have seen the agreeable result at Richmond to the Report of the University Commissioners. I do not know what steps have been taken for carrying the law into execution.

I have heard nothing from or of Mr. Jefferson since the visit of D^r Eustis & myself to Monticello. I mentioned to you the state of his health at that time & our hopes that it would be soon entirely restored. It is to be wished that he may witness & guide the launching of the Institution which he put on the stocks, and the materials for which were supplied from his Stores.

TO JAMES MONROE.¹

MONTPELLIER, February 18, 1819.

DEAR SIR,—I have received your favor of the 13th. I beg that you will not think of the pecuniary subject until it be in every respect perfectly convenient to you.

The real sense of the nation with respect to the

¹ From Madison's *Works* (Cong. Ed.)

Revolutionary struggle in South America cannot, I should suppose, be mistaken. Good wishes for its success, and every lawful manifestation of them, will be approved by all, whatever may be the consequences. The nation will equally disapprove any measures unnecessarily involving it in the danger of a war, which might even do less good to the Spanish patriots than harm to the United States, or any underhand measures bringing a just stain on the national character. Those who are most disposed to censure the tardiness of the Executive in acknowledging the Independence of Buenos Ayres, which alone has the appearance of having reached maturity, should recollect that it was never *declared* until July, 1806, and that it has been rendered uncertain whether the declaration would preclude a modified re-establishment of a dependent State.

The account of Mr. Rush's conversation must be founded at least in some egregious mistake. No one who is acquainted with his good sense, his self-command, his official habits, and his personal dispositions, can easily believe that he would commit either the Executive or himself in the manner stated, and still less that he would have withheld what he had done from you. Besides, what considerate citizen could desire that the Government should purchase Florida from such an adventurer as M^c-Gregor,¹ whose conquest, if a real one, could give no title that would be *alienable*, before it should

¹ He had a plan to take Amelia Island and then the Floridas. See *Am. State Papers, For. Offs.*, iv., p. 603.

be consummated by a termination of the contest between the parties? The purchase of such a title from such a quarter would have exposed the United States to the utmost odium as to the mode of gaining the possession, without any greater security for keeping it than would attend a direct seizure on the plea of an obstinate refusal to pay an acknowledged debt.

TO RICHARD PETERS.

MAD. MSS.

Feb^y 22 1819

D^r SIR I perceive that I am indebted to you for the copy of an Agricultural Almanack and Memorial brought me by a late mail; for which I offer my thanks. Accept them also for the copy of Mr. Rawle's Address which you have been so kind as to send me.¹

I am particularly pleased with your scheme of a "Pattern farm." There is no form in which Agricultural instruction can be so successfully conveyed. Nor is there any situation so favorable for the establishment of them as the neighbourhood of a large commercial City. The vessels going thence to every part of the Globe can obtain from our Consuls or from mercantile correspondents, specimens of every article vegetable & animal, which deserve experiment; and from such a position, the fruits of successful experiments can be conveniently diffused by water as well as by land. The only

¹ An Address before the Philadelphia Society for Promoting Agriculture, Philadelphia, 1819.

objection likely to be started is the expence. But I do not see that even this extends much if at all beyond the outfit. A small proportion only of the experiments would be a dead loss; Whilst many would yield lucrative samples for distributive sale.

The subject of Mr. Rawle's Address is an important one, and he has handled it with the Ability of which he enjoys the reputation. My own ideas run much in the same channel with his. Our kind reception of emigrants is very proper, but it is dictated more by benevolent than by interested considerations, tho' some of them seem to be very far from regarding the obligations as lying on their side. I think he has justly graduated also the several classes of emigrants. The Cultivators of the soil are of a character and in so minute a proportion to our Agricultural population, that they give no foreign tint whatever to its complexion. When they come among us too, it is with such a deep feeling of its being for good & all, that their adopted Country soon takes the place Of a native home. These remarks belong in a considerable degree to the Mechanical class. The mercantile class, has different features. Their proportional number, their capital or their credit, and their intelligence often, give them pretensions, and even an influence among the native class which you can better appreciate perhaps than I can. They are also less permanently tied to their new Country by the nature of their property & pursuits than either of the other classes a translation of them to another being more easy. And even

after naturalization, the rights involved in their native allegiance, facilitate violations of the duties of their assumed one. According to the general laws of Europe, no emigrant ceases to be a subject. With this double aspect, I believe it cannot be doubted that naturalized Citizens among us have found it more easy than native ones to practise certain frauds. I have been led to think it worthy of consideration whether our law of naturalization might not be so varied as to communicate the rights of Citizens by degrees, and in that way, preclude or abridge the abuses committed by naturalized merchants particularly Ship owners. The restrictions w^d be felt it is true by meritorious individuals, of whom I could name some & you doubtless more, but this always happens in precautionary regulations for the general good. But I forget that I am only saying what Mr. Rawle has much better told you, or what, if just, will not have escaped your own reflections.

I wish you health & every other happiness.

TO ROBERT WALSH.

MAD. MSS.

MONTPELLIER, Mar. 2, 1819

D^r SIR I rec^d some days ago your letter of Feb^y 15, in which you intimate your intention to vindicate our Country against misrepresentations propagated abroad, and your desire of information on the subject of Negro slavery, of moral character, of religion, and of education in Virginia, as affected by the Revolution, and our public Institutions.

The general condition of slaves must be influenced by various causes. Among these are 1. the ordinary price of food, on which the quality and quantity allowed them will more or less depend. This cause has operated much more unfavorably against them in some quarters than in Virg^a. 2. the kinds of labour to be performed, of w^{ch} the Sugar & Rice plantations afford elsewhere & not here unfavorable examples. 3. the national spirit of their Masters, which has been graduated by Philosophical writers among the slaveholding Colonies of Europe. 4. the circumstance of conformity or difference in the physical characters of the two classes; such a difference cannot but have a material influence, and is common to all the slave-holding Countries within the American Hemisphere. Even in those where there are other than black slaves, as Indians & mixed breeds, there is a difference of Colour not without its influence. 5. the proportion which the slaves bear to the free part of the community, and especially the greater or smaller numbers in which they belong to individuals.

This last is, perhaps, the most powerful of all the causes deteriorating the condition of the slave, and furnishes the best scale for determining the degree of its hardship.

In reference to the actual condition of slaves in Virg^a it may be confidently stated, as better beyond comparison, than it was before the Revolution. The improvement strikes every one who

witnessed their former condition, and attends to their present. They are better fed, better clad, better lodged, and better treated in every respect; insomuch that what was formerly deemed a moderate treatment, w^d now be a rigid one, and what formerly a rigid one, would now be denounced by the Public feeling. With respect to the great article of food particularly it is a common remark among those who have visited Europe, that it includes a much greater proportion of the animal ingredient, than is attainable by the free labourers even in that quarter of the Globe. As the two great causes of the general melioration in the lot of the slaves since the establishment of our Independence, I should set down 1. the sensibility to human rights, and sympathy with human sufferings excited and cherished by the discussions preceding, & the spirit of the Institutions growing out of, that event. 2. the decreasing proportion which the slaves bear to the individual holders of them; a consequence of the abolition of entails, & the rule of primogeniture, and of the equalizing tendency of parental affection unfettered from all prejudices, as well as from the restrictions of law.

With respect to the moral features of Virg^a it may be observed, that pictures which have been given of them are, to say the least, outrageous caricatures even when taken from the state of Society previous to the Revolution; and that so far as there was any ground or colour for them, then, the same cannot be found for them now.

Omitting more minute or less obvious causes tainting the habits and manners of the people under the Colonial Gov^t, the following offer themselves.

1. the negro slavery chargeable in so great a degree on the very quarter which has furnished most of the libellers. It is well known that during the Colonial dependence of Virg^a repeated attempts were made to stop the importation of slaves each of which attempts was successively defeated by the foreign negative on the laws, and that one of the first offsprings of independent & Republican legislation was an Act of perpetual prohibition.
2. the too unequal distribution of property favored by laws derived from the British code, which generated examples in the opulent class inauspicious to the habits of the other classes.
3. the indolence of most & the irregular lives of many of the established Clergy, consisting, in a very large proportion, of foreigners, and these in no inconsiderable proportion, of men willing to leave their homes in the parent Country where their demerit was an obstacle to a provision for them, and whose degeneracy here was promoted by their distance from the controuling eyes of their kindred & friends, by the want of Ecclesiastical superiors in the Colony, or efficient ones in G. B. who might maintain a salutary discipline among them, and finally by their independence both of their congregations and of the Civil authority for their stipends.
4. A source of contagious dissipation might be traced in the British Factors chiefly from Scotland, who carried on the

general trade external & internal of the Colony. These being interdicted by their principals from marrying in the Country, being little prone to apply their leisure to intellectual pursuits, and living in knots scattered in small towns or detached spots affording few substitutes of social amusement easily fell into irregularities of different sorts, and of evil example. I ought not however to make this remark, without adding not only that there were exceptions to it, but that those to whom the remark is applicable, often combined with those traits of character others of a laudable & amiable kind. Such of them as eventually married & settled in the Country were in most cases remarked for being good husbands, parents & masters, as well as good neighbours as far as was consistent with habits of intemperance, to which not a few became victims. The weight of this mercantile class, in the community may be inferred from the fact that they had their periodical meetings at the seat of Gov^t at which they fixed the rate of foreign exchange, the advance on their imported merchandise universally sold on credit, and the price of Tob^o the great & indeed the only staple commodity for exportation; regulations affecting more deeply the interests of the people at large, than the ordinary proceedings of the Legislative Body. As a further mark of their importance, their influence as creditors was felt in elections of the popular branch of that Body. It had the common name of the Ledger interest.

5. Without laying undue stress on it, I may refer

to the rule of septennial elections for the Legislature, which led of course to the vitiating means to which candidates are more tempted to resort by so durable, than by a shorter, period of power.

With the exception of slavery these demoralizing causes have ceased or are wearing out; and even that as already noticed, has lost no small share of its former character. On the whole the moral aspect of the State may at present be fairly said to bear no unfavorable comparison with the average standard of the other States. It certainly gives the lie to the foreign Calumniators whom you propose to arraign.

That there has been an increase of religious instruction since the revolution can admit of no question. The English church was originally the established religion; the character of the clergy that above described. Of other sects there were but few adherents, except the Presbyterians who predominated on the W. side of the Blue Mountains. A little time previous to the Revolutionary struggle the Baptists sprang up, and made a very rapid progress. Among the early acts of the Republican Legislature, were those abolishing the Religious establishment, and putting all Sects at full liberty and on a perfect level. At present the population is divided, with small exceptions, among the Protestant Episcopalians, the Presbyterians, the Baptists & the Methodists. Of their comparative numbers I can command no sources of information. I conjecture the Presbyterians & Baptists to form

each abt a third, & the two other sects together of which the Methodists are much the smallest, to make up the remaining third. The Old churches, built under the establish^t at the public expence, have in many instances gone to ruin, or are in a very dilapidated state, owing chiefly to a transition desertion of the flocks to other worships. A few new ones have latterly been built particularly in the towns. Among the other sects, Meeting Houses, have multiplied & continue to multiply; tho' in general they are of the plainest and cheapest sort. But neither the number nor the style of the Religious edifices is a true measure of the state of religion. Religious instruction is now diffused throughout the Community by preachers of every sect with almost equal zeal, tho' with very unequal acquirements; and at private houses & open stations and occasionally in such as are appropriated to Civil use, as well as buildings appropriated to that use. The qualifications of the Preachers, too among the new sects where there was the greatest deficiency, are understood to be improving. On a general comparison of the present & former times, the balance is certainly & vastly on the side of the present, as to the number of religious teachers the zeal which actuates them, the purity of their lives, and the attendance of the people on their instructions. It was the Universal opinion of the Century preceding the last, that Civil Gov^t could not stand without the prop of a Religious establishment, & that the Xⁿ religion itself, would perish if not supported

by a legal provision for its Clergy. The experience of Virginia conspicuously corroborates the disproof of both opinions. The Civil Gov^t: tho' bereft of everything like an associated hierarchy possesses the requisite stability and performs its functions with complete success; Whilst the number, the industry, and the morality of the Priesthood, & the devotion of the people have been manifestly increased by the total separation of the Church from the State.

On the subject of education I am not eno' informed to give a view of its increase. The system contemplated by the literary fund cannot yet be taken into the estimate, farther than as it may be an index of the progress of knowledge prerequisite to its adoption. Those who are best able to compare the present intelligence of the Mass of the people, with that antecedent to the revolution, will all agree I believe, in the great superiority of the present.

I know not how far these notices may fall within the precise scope of your meditated Exposition. Should any of them do so, I communicate them with pleasure; well assured that they will be in good hands for a good purpose. The only restriction I wish in the use of them is that my name may not be referred to.

In compliance with your request I send a copy of the observations addressed to the Agricult: Soc^y of Albemarle. I regret that they are not more worthy of the place to which you destine them.

I am not unaware that some of the topics introduced may be interesting ones; but they required a development very different from that which I gave them.

As you intend to notice the variance between my statement and that of Mr. Hamilton relating to certain n^{os} in the Federalist, I take the liberty of remarking, that independent of any internal evidences that may be discernible, the inaccuracy of Mr. H's memory is illustrated by the circumstance, that his memorandum ascribes, not only to Mr. Jay, a paper N^o 54, not written by him, but to himself a paper N^o 64 written by Mr. Jay. This appears by the statement (presumed to be authentic) in the life of Mr. Jay by Delaplaine. If I have any interest in proving the fallibility of Mr. H's memory, or the error of his statement however occasioned, it is not that the authorship in question is of itself a point deserving the solicitude of either of the parties; but because I had, at the request of a confidential friend or two, communicated a list of the n^{os} in that publication with the names of the writers annexed, at a time & under circumstances depriving me of a plea for so great a mistake in a slip of the memory or attention. Be pleased to accept my esteem & friendly respects.

TO RICHARD RUSH.

MAD. MSS.

MONTPE^R, May 10, 1819.

DEAR SIR Your favor of De^r 13 came safely to hand, but was months on its way. I have looked

over with amusement the two posthumous works of Watson & Walpole. The former has an importance to which the latter cannot pretend: But both; in drawing aside the Curtain from the secrets of Monarchy, offer at once lessons & eulogies to Republican Gov^t. As you have in hand a remnant of the fund from the Bill on Mr. Baring, I avail myself of your kindness so far as to request that you will procure for me & forward the last & fullest Edition of the posthumous Works of Gibbon. If the cost should exceed the fund let me know; if it sh^d leave any little balance, this may be laid out in some literary article of your choice for which it will suffice. As you sent a copy of what was addressed to the Agricult Socy of Alb: to Sir Jn^o Sinclair,¹ I owe perhaps an apology for not doing it myself, having been fav^d with several marks of that sort of attention from him. The truth is I did not wish to attach to so inadequate a discussion of the subject; the importance implied by regarding it as worth his acceptance; and if any unsought opportunity sh^d make it proper you will oblige me by intimating to him such a view of the omission.

It is much to be regretted that the B. Gov^t had not the magnanimity nor the forecast to include in the late treaty a final adjustment of all the questions on which the two Countries have been at variance.² A

¹ On May 12, 1818, Madison delivered an address on Agriculture before the Agricultural Society of Albemarle, which was printed by order of the Society. It may be found in Madison's *Works* (Cong. Ed.) iii., p 97.

² The reference is to the treaty of 1818, negotiated by Gallatin and

more apt occasion cannot be expected, and it must be evident, that if not adjusted by treaty, the first War in Europe will leave G. B. no alternative but an ungracious & humiliating surrender of her pretensions, or an addition of this Country to the number of her enemies. With regard to the W. Ind trade she is not less inconsiderate. Nothing but a retrograde course by Cong^s not to be presumed, can save her from ultimate defeat in the Legislative contest.

The P. is executing the Southern half of his projected tour, and is every where greeted with Public testimonies of affection & confidence. Whatever may be the motives of some who join in the acclamations the unanimity, will have the good effect of strengthening the administration at home and inspiring respect abroad.

Our printed journals of every denomination, will present to you, the perplexed situation of our monied & mercantile affairs, & the resulting influence on the general condition of the Country. The pressure is severe, but the evil must gradually cure itself. The root of it lies more particularly in the multitude & mismanagement of the Banks. It has always been a question with some how far Banks when best constituted, and when limited to mercantile credits, furnished settoffs in the abuse of them by the imprudent, agst the advantage of them to the Prudent. But there are few now who are not sensible, that

when distributed thro'out the land, and carrying or rather hawking their loans at every man's door they become a real nuisance. They not only furnish the greedy & unskilful with means for their ruinous enterprises; but seduce the mass of the people, into gratifications, beyond their resources; and these gratifications consisting chiefly of imported articles, it follows that the entire country consumes more of them than it can pay for. Hence the balance of trade agst it, hence the demand on the banks for specie to pay it; hence their demands on their debtors and hence the bankruptcies of both. This is the little circle of causes & effects, which shew that the Banks are themselves, the principal authors of the state of things of which they are the victims. A better state of things it is to be hoped will grow out of their ashes.

In the mean time the policy of the great nations with which we have most intercourse, co-operates in augmenting the temporary difficulties experienced. Whether it may not in the end have a more salutary operation for us than for themselves remains to be seen. G. B. is endeavoring to make herself independ^t of us & of the world for supplies of food. In this she is justified by cogent views of the subject; altho' with her extensive capital & maritime power she w^d seem in little danger of being unable at any time to supply her deficiency; whilst the tendency of this policy is to contract the range of her commerce, on which she depends for her wealth & power. If agricultural nations cannot sell her the products

of their soil, they cannot buy the products of her looms. They must plough less, and manufacture more. The fall in the price of our Wheat & flour is already reanimating, the manufacturing spirit, and enforcing that of economy. She is endeavoring also to make herself independent of the U. S. for the great article of Cotton wool, by encouraging E. Ind^a substitutes. If she pays that part of her dominions for its raw material by the return of it in a manufactured State, the loss of our Custom may be balanced, perhaps for a time, overbalanced. But a proportional loss of our Custom great & growing as it is, must be certain. One-half of our ability to purchase British manufactures is derived from the Cotton sold to her. The effect of her Ind^a importations in reducing the demand & the price of that article is already felt, both in the necessity & the advantage of working it up at home.

France too is making herself independent of the U. S. for one of their great Staples. Before our Revolution she consumed, if I rightly remember, ab^t thirty thousand Hhds of Tob^o. Her market now receives but a very few thousand & it is said that land eno' is appropriated in France for the culture of the balance. If France means to be a commercial & maritime power this policy does not bespeak wisdom in her Councils. She ought rather to promote an exchange of her superfluous wines & silks, for a foreign article, which not being a necessary of life need not be forced into cultivation at home, which she will rarely if ever be unable to procure

when she pleases from abroad, and which is well adapted by its bulk to employ shipping & marines. The price of this article like that of Cotton has rapidly fallen, & will contribute of course to turn the attention here to the obligation of substituting internal manufactures for imports which the exports will not balance. Neither G. B. nor F. seems sufficiently aware that a self-subsisting system in some nations must produce it in others, and that the result of it in all must be most injurious to those whose prosperity & power depend most on the freedom & extent of the commerce among them.

I find myself very pertinently called off from speculations w^{ch} whether just or otherwise cannot be new to you, by a charge from Mrs. M. to present her very affectionate regards to Mrs. Rush, with many thanks for the repetitions of her kind offers. I pray that my respectful ones may be added, and that you will accept for yourself assurances of my great esteem and unvaried friendship.

TO J. Q. ADAMS.

MAD. MSS.

MONTPELLIER June 7, 1819

DEAR SIR I have duly received your letter of the 1st instant. On recurring to my papers for the information it requests, I find that the speech of Col: Hamilton in the Convention of 1787,¹ in the course of which he read a sketch of a plan of Government for the U. States, was delivered on the 18th of June; the subject of debate being a resolution

¹ See *ante*, Vol. III., p. 182.

proposed by Mr. Dickinson "that the Articles of Confederation ought to be revised and amended so as to render the Government of the U. States adequate to the exigencies, the preservation, and the prosperity of the Union." I pray you accept, Sir, assurances of my great consideration and esteem.

TO ROBERT J EVANS.

MAD MSS.

MONTPELLIER, June 15, 1819

SIR,—I have rec^d your letter of the 3d instant,¹ requesting such hints as may have occurred to me on the subject of an eventual extinguishment of slavery in the U. S.

Not doubting the purity of your views, and relying on the discretion by which they will be regulated, I cannot refuse such a compliance as will at least manifest my respect for the object of your undertaking.

A general emancipation of slaves ought to be
1. gradual. 2. equitable & satisfactory to the individuals immediately concerned. 3. consistent with the existing & durable prejudices of the nation.

That it ought, like remedies for other deeprooted and wide-spread evils, to be gradual, is so obvious that there seems to be no difference of opinion on that point.

To be equitable & satisfactory, the consent of both the Master & the slave should be obtained.

¹ Evans wrote that he was convinced the time had arrived for adopting a plan of eventual emancipation.—*Mad. MSS* He was the author of certain newspaper articles printed over the name of Benjamin Rush.

That of the Master will require a provision in the plan for compensating a loss of what he held as property guarantied by the laws, and recognised by the Constitution. That of the slave, requires that his condition in a state of freedom, be preferable in his own estimation, to his actual one in a state of bondage.

To be consistent with existing and probably unalterable prejudices in the U. S. the freed blacks ought to be permanently removed beyond the region occupied by or allotted to a White population. The objections to a thorough incorporation of the two people are, with most of the Whites insuperable; and are admitted by all of them to be very powerful. If the blacks, strongly marked as they are by Physical & lasting peculiarities, be retained amid the Whites, under the degrading privation of equal rights political or social, they must be always dissatisfied with their condition as a change only from one to another species of oppression; always secretly confederated agst the ruling & privileged class; and always uncontrouled by some of the most cogent motives to moral and respectable conduct. The character of the free blacks, even where their legal condition is least affected by their colour, seems to put these truths beyond question. It is material also that the removal of the blacks be to a distance precluding the jealousies & hostilities to be apprehended from a neighboring people stimulated by the contempt known to be entertained for their peculiar features; to say nothing of their vindictive recollections,

or the predatory propensities which their State of Society might foster. Nor is it fair, in estimating the danger of Collisions with the Whites, to charge it wholly on the side of the Blacks. There would be reciprocal antipathies doubling the danger.

The colonizing plan on foot, has as far as it extends, a due regard to these requisites; with the additional object of bestowing new blessings civil & religious on the quarter of the Globe most in need of them. The Society proposes to transport to the African Coast all free & freed blacks who may be willing to remove thither; to provide by fair means, & it is understood with a prospect of success, a suitable territory for their reception; and to initiate them into such an establishment as may gradually and indefinitely expand itself.

The experiment, under this view of it, merits encouragement from all who regard slavery as an evil, who wish to see it diminished and abolished by peaceable & just means; and who have themselves no better mode to propose. Those who have most doubted the success of the experiment must at least have wished to find themselves in an error.

But the views of the Society are limited to the case of blacks already free, or who may be *gratuitously* emancipated. To provide a commensurate remedy for the evil, the plan must be extended to the great Mass of blacks, and must embrace a fund sufficient to induce the Master as well as the slave to concur in it. Without the concurrence of the Master, the benefit will be very limited as it relates to the Ne-

groes; and essentially defective, as it relates to the U. States; and the concurrence of Masters, must, for the most part, be obtained by purchase.

Can it be hoped that voluntary contributions, however adequate to an auspicious commencement, will supply the sums necessary to such an enlargement of the remedy? May not another question be asked? Would it be reasonable to throw so great a burden on the individuals distinguished by their philanthropy and patriotism?

The object to be obtained, as an object of humanity, appeals alike to all; as a National object, it claims the interposition of the nation. It is the nation which is to reap the benefit. The nation therefore ought to bear the burden.

Must then the enormous sums required to pay for, to transport, and to establish in a foreign land all the slaves in the U. S. as their Masters may be will^g to part with them, be taxed on the good people of the U. S. or be obtained by loans swelling the public debt to a size pregnant with evils next in degree to those of slavery itself?

Happily it is not necessary to answer this question by remarking that if slavery as a national evil is to be abolished, and it be just that it be done at the national expence, the amount of the expence is not a paramount consideration. It is the peculiar fortune, or, rather a providential blessing of the U. S. to possess a resource commensurate to this great object, without taxes on the people, or even an increase of the public debt.

I allude to the vacant territory the extent of which is so vast, and the vendible value of which is so well ascertained.

Supposing the number of slaves to be 1,500,000, and their price to average 400 drs, the cost of the whole would be 600 millions of doll^{rs}. These estimates are probably beyond the fact; and from the n^o of slaves should be deducted 1. those whom their Masters would not part with. 2. those who may be gratuitously set free by their Masters. 3. those acquiring freedom under emancipating regulations of the States. 4. those preferring slavery where they are, to freedom in an African settlement. On the other hand, it is to be noted that the expence of removal & settlement is not included in the estimated sum; and that an increase of the slaves will be going on during the period required for the execution of the plan.

On the whole the aggregate sum needed may be stated at about 600 Mil^s of dollars.

This will require 200 mil^s of Acres at 3 dol^{rs} per Acre; or 300 mil^s at 2 doll^{rs} per Acre a quantity which tho' great in itself, is perhaps not a third part of the disposable territory belonging to the U. S. And to what object so good so great & so glorious, could that peculiar fund of wealth be appropriated? Whilst the sale of territory would, on one hand be planting one desert with a free & civilized people, it would on the other, be giving freedom to another people, and filling with them another desert. And if in any instances, wrong has been done by our

forefathers to people of one colour, by dispossessing them of their soil, what better atonement is now in our power than that of making what is rightfully acquired a source of justice & of blessings to a people of another colour?

As the revolution to be produced in the condition of the negroes must be gradual, it will suffice if the sale of territory keep pace with its progress. For a time at least the proceeds w^d be in advance. In this case it might be best, after deducting the expence incident to the surveys & sales, to place the surplus in a situation where its increase might correspond with the natural increase of the unpurchased slaves. Should the proceeds at any time fall short of the calls for their application, anticipations might be made by temporary loans to be discharged as the land should find a Market.

But it is probable that for a considerable period, the sales would exceed the calls. Masters would not be willing to strip their plantations & farms of their laborers too rapidly. The slaves themselves, connected as they generally are by tender ties with others under other Masters, would be kept from the list of emigrants by the want of the multiplied consents to be obtained. It is probable indeed that for a long time a certain portion of the proceeds might safely continue applicable to the discharge of the debts or to other purposes of the Nation. Or it might be most convenient, in the outset, to appropriate a certain proportion only of the income

from sales, to the object in view, leaving the residue otherwise applicable.

Should any plan similar to that I have sketched, be deemed eligible in itself no particular difficulty is foreseen from that portion of the nation which with a common interest in the vacant territory has no interest in slave property. They are too just to wish that a partial sacrifice sh^d be made for the general' good; and too well aware that whatever may be the intrinsic character of that description of property, it is one known to the constitution, and, as such could not be constitutionally taken away without just compensation. That part of the Nation has indeed shewn a meritorious alacrity in promoting, by pecuniary contributions, the limited scheme for colonizing the Blacks, & freeing the nation from the unfortunate stain on it, which justifies the belief that any enlargement of the scheme, if founded on just principles would find among them its earliest & warmest patrons. It ought to have great weight that the vacant lands in question have for the most part been derived from grants of the States holding the slaves to be redeemed & removed by the sale of them.

It is evident however that in effectuating a general emancipation of slaves, in the mode which has been hinted, difficulties of other sorts would be encountered. The provision for ascertaining the joint consent of the masters & slaves; for guarding agst unreasonable valuations of the latter; and for the discrimination of those not proper to be conveyed

to a foreign residence, or who ought to remain a charge on Masters in whose service they had been disabled or worn out and for the annual transportation of such numbers, would Require the mature deliberations of the National Councils. The measure implies also the practicability of procuring in Africa, an enlargement of the district or districts, for receiving the exiles, sufficient for so great an augmentation of their numbers.

Perhaps the Legislative provision best adapted to the case would be an incorporation of the Colonizing Society or the establishment of a similar one, with proper powers, under the appointment & superintendence of the National Executive.

In estimating the difficulties however incident to any plan of general emancipation, they ought to be brought into comparison with those inseparable from other plans, and be yielded to or not according to the result of the comparison.

One difficulty presents itself which will probably attend every plan which is to go into effect under the Legislative provisions of the National Gov^t. But whatever may be the defect of existing powers of Congress, the Constitution has pointed out the way in which it can be supplied. And it can hardly be doubted that the requisite powers might readily be procured for attaining the great object in question, in any mode whatever approved by the Nation.

If these thoughts can be of any aid in your search of a remedy for the great evil under which the nation labors, you are very welcome to them. You

will allow me however to add that it will be most agreeable to me, not to be publickly referred to in any use you may make of them.

TO SPENCER ROANE

MAD MSS.
Sept. 2; 1819

DEAR SIR I have rec^d your favor of the 22^d Ult¹ inclosing a copy of your observations on the Judgment of the Supreme Court of the U. S. in the case of M'Culloch agst the State of Maryland; and I have found their latitudinary mode of expounding the Constitution, combated in them with the ability and the force which were to be expected.

It appears to me as it does to you that the occasion did not call for the general and abstract doctrine interwoven with the decision of the particular case. I have always supposed that the meaning of a law, and for a like reason, of a Constitution, so far as it depends on Judicial interpretation, was to result from a course of particular decisions, and not these from a previous and abstract comment on the subject. The example in this instance tends to reverse the rule and to forego the illustration to be derived from a series of cases actually occurring for adjudication.

I could have wished also that the Judges had delivered their opinions seriatim. The case was of such magnitude, in the scope given to it, as to call,

¹ Roane sent Madison on August 22^d his articles in *The Richmond Inquirer* under the name Algernon Sidney in which he asserted the doctrine of state supremacy. For the full text of the momentous opinion of Chief Justice Marshall see 4 Wheaton, 600

if any case could do so, for the views of the subject separately taken by them. This might either by the harmony of their reasoning have produced a greater conviction in the Public mind; or by its discordance have impaired the force of the precedent now ostensibly supported by a unanimous & perfect concurrence in every argument & dictum in the judgment pronounced.

But what is of most importance is the high sanction given to a latitude in expounding the Constitution which seems to break down the landmarks intended by a specification of the Powers of Congress, and to substitute for a definite connection between means and ends, a Legislative discretion as to the former to which no practical limit can be assigned. In the great system of Political Economy having for its general object the national welfare, everything is related immediately or remotely to every other thing; and consequently a Power over any one thing, if not limited by some obvious and precise affinity, may amount to a Power over every other. Ends & means may shift their character at the will & according to the ingenuity of the Legislative Body. What is an end in one case may be a means in another; nay in the same case, may be either an end or a means at the Legislative option. The British Parliament in collecting a revenue from the commerce of America found no difficulty in calling it either a tax for the regulation of trade, or a regulation of trade with a view to the tax, as it suited the argument or the policy of the moment.

Is there a Legislative power in fact, not expressly prohibited by the Constitution, which might not, according to the doctrine of the Court, be exercised as a means of carrying into effect some specified Power?

Does not the Court also relinquish by their doctrine, all controul on the Legislative exercise of unconstitutional powers? According to that doctrine, the expediency & constitutionality of means for carrying into effect a specified Power are convertible terms; and Congress are admitted to be Judges of the expediency. The Court certainly cannot be so; a question, the moment it assumes the character of mere expediency or policy, being evidently beyond the reach of Judicial cognizance.

It is true, the Court are disposed to retain a guardianship of the Constitution against legislative encroachments. "Should Congress," say they, "under the pretext of executing its Powers, pass laws for the accomplishment of objects not entrusted to the Government, it would become the painful duty of this Tribunal to say that such an act was not the law of the land." But suppose Congress should, as would doubtless happen, pass unconstitutional laws not to accomplish objects not specified in the Constitution, but the same laws as means expedient, convenient or conducive to the accomplishment of objects entrusted to the Government; by what handle could the Court take hold of the case? We are told that it was the policy of the old Government of France to grant monopolies, such as that

of Tobacco, in order to create funds in particular hands from which loans could be made to the Public, adequate capitalists not being formed in that Country in the ordinary course of commerce. Were Congress to grant a like monopoly merely to aggrandize those enjoying it, the Court might consistently say, that this not being an object entrusted to the Govern^t: the grant was unconstitutional and void. Should Congress however grant the monopoly according to the French policy as a means judged by them to be necessary, expedient or conducive to the borrowing of money, which is an object entrusted to them by the Constitution, it seems clear that the Court, adhering to its doctrine, could not interfere without stepping on Legislative ground, to do which they justly disclaim all pretension.

It could not but happen, and was foreseen at the birth of the Constitution, that difficulties and differences of opinion might occasionally arise in expounding terms & phrases necessarily used in such a charter; more especially those which divide legislation between the General & local Governments; and that it might require a regular course of practice to liquidate & settle the meaning of some of them. But it was anticipated I believe by few if any of the friends of the Constitution, that a rule of construction would be introduced as broad & as pliant as what has occurred. And those who recollect, and still more those who shared in what passed in the State Conventions, thro' which the people ratified the Constitution, with respect to the

extent of the powers vested in Congress, cannot easily be persuaded that the avowal of such a rule would not have prevented its ratification. It has been the misfortune, if not the reproach, of other nations, that their Gov^{ts} have not been freely and deliberately established by themselves. It is the boast of ours that such has been its source and that it can be altered by the same authority only which established it. It is a further boast that a regular mode of making proper alterations has been providently inserted in the Constitution itself. It is anxiously to be wished therefore, that no innovations may take place in other modes, one of which would be a constructive assumption of powers never meant to be granted. If the powers be deficient, the legitimate source of additional ones is always open, and ought to be resorted to.

Much of the error in expounding the Constitution has its origin in the use made of the species of sovereignty implied in the nature of Gov^t. The specified powers vested in Congress, it is said, are sovereign powers, and that as such they carry with them an unlimited discretion as to the means of executing them. It may surely be remarked that a limited Gov^t may be limited in its sovereignty as well with respect to the means as to the objects of his powers; and that to give an extent to the former, superseding the limits to the latter, is in effect to convert a limited into an unlimited Gov^t. There is certainly a reasonable medium between expounding the Constitution with the strictness of a

penal law, or other ordinary statute, and expounding it with a laxity which may vary its essential character, and encroach on the local sovereignties with w^{ch} it was meant to be reconcilable.

The very existence of these local sovereignties is a controul on the pleas for a constructive amplification of the powers of the General Gov^t. Within a single State possessing the entire sovereignty, the powers given to the Gov^t by the People are understood to extend to all the Acts whether as means or ends required for the welfare of the Community, and falling within the range of just Gov^t. To withhold from such a Gov^t any particular power necessary or useful in itself, would be to deprive the people of the good dependent on its exercise; since the power must be there or not exist at all. In the Gov^t of the U. S. the case is obviously different. In establishing that Gov^t the people retained other Gov^{ts} capable of exercising such necessary and useful powers as were not to be exercised by the General Gov^t. No necessary presumption therefore arises from the importance of any particular power in itself, that it has been vested in that Gov^t because tho' not vested there, it may exist elsewhere, and the exercise of it elsewhere might be preferred by those who alone had a right to make the distribution. The presumption which ought to be indulged is that any improvement of this distribution sufficiently pointed out by experience would not be withheld.

Altho' I have confined myself to the single question

concerning the rule of interpreting the Constitution, I find that my pen has carried me to a length which would not have been permitted by a recollection that my remarks are merely for an eye to which no aspect of the subject is likely to be new. I hasten therefore to conclude with assurances &c &c.

TO EDWARD COLES¹

CHIC. HIST SOC MSS

MONTPELLIER, Sept 3, 1819.

I have received, my dear Sir, your agreeable letter of July 20 wch. was very long on the way.

We congratulate you much on the various successes of your western career. The first thing that strikes is the rapidity of your promotions. Bounding over the preliminary sailorship, the first step on the deck of your Bark, pardon me, of the nobler structure, your Ark, makes you a Pilot. The name of Pilot is scarcely pronounced, before you are a Captain. And in less than a twinkling of an eye, the Captain starts up a Commodore. On the land, a scene opens upon us in which you equally figure. We see you at once a ploughman, a rail splitter, a fence builder, a cornplanter, a Haymaker, and soon to be a wheat sower. To all these rural felicities, which leave but a single defect on your title of

¹ Coles was Madison's secretary from 1810 to 1816 and in 1819 went to Edwardsville, Ill., where he freed all his slaves, giving to each man 160 acres of land. He was governor of Illinois from 1823 to 1826. See *Sketch of Edward Coles, Second Governor of Illinois*, by Elihu B. Washburne, Chicago, 1882.

Husband-man, you add the polished pleasures of a Town, you mean a City, life. And to cap the whole, you enjoy the official dignity of Register of the land office in the important Territory of Illinois. We repeat our congratulations on all these honors & employments, and wish that the emoluments may fully equal them.

You are well off, for this year at least, in being where you can expect bread from corn planted in July. Here famine threatens us, in the midst of fields planted in April. So severe a drought is not remembered. We have had no rain, scarcely, throughout the months of June, July & Aug'st, and the earth previously but little charged with moisture. On some farms, among them my two small ones near me, there has been no rain at all, or none to produce a sensible effect. In some instances there will not be the tythe of a crop, and the drought has been very general not only in this, but in other States. It has been, I understand particularly severe throughout the Tobacco Districts in Virg'a and must make this crop very scanty. It is at this critical moment feeling in all its force, the want of rain. I fear that Albemarle has no better than neighbour's fare. Fortunately for us the wheat crop was everywhere very fine, and well harvested.

The season has been as remarkable too for the degree & constancy of its heat, as for its dryness. The Thermometer in the coolest part of my largest room was on two days, at 92°, for several at 90 & 91, and generally from 84 to 5-6-7-8. Our springs &

wells have not yet entirely failed; but without copious rains this must quickly be the case.

You are pursuing, I observe, the true course with your negroes, in order to make their freedom a fair experiment for their happiness. With the habits of the slave, and without the instruction, the property, or the employments of a freeman, the manumitted blacks, instead of deriving advantage from the partial benevolence of their Masters, furnish arguments against the general efforts in their behalf. I wish your philanthropy could compleat its object, by changing their colour as well as their legal condition. Without this, they seem destined to a privation of that moral rank & those social participations which give to freedom more than half its value.

Mrs. Madison as well as myself, is much gratified by your promise to devote the next winter to your native haunts. We hope your arrangements will give us an ample share of your time. We will then take the case of your Bachelorship, into serious & full consideration. Mrs. M. is well disposed to give all her aid, in getting that old thorn out of your side, and putting a young rib in its place. She very justly remarks, however, that with your own exertions, hers will not be wanted & without them not deserved.

Accept our joint & affectionate wishes for your health & every other happiness.